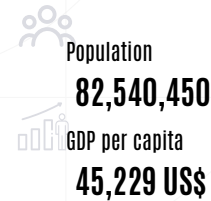
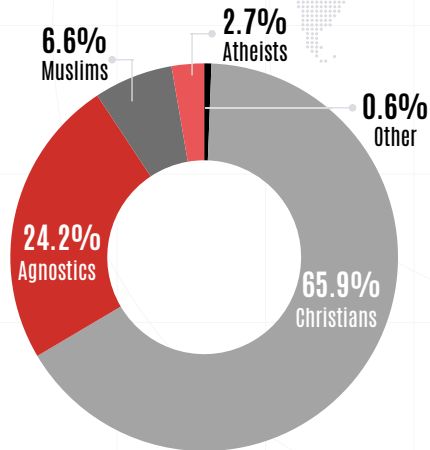




GERMANY

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

Germany's constitution (Basic Law) provides for equality before the law and guarantees that no one may be disadvantaged or favoured on the grounds of faith or religious opinion (Article 3).¹ Article 4 protects freedom of faith and conscience, as well as the freedom to profess a creed and practise religion and the right to conscientious objection to military service.

The Basic Law prohibits a state church. It allows religious groups to organise themselves freely and does not require them to register with the government. However, to qualify for tax-exempt status, religious groups must register as non-profit associations.² Religious societies may organise themselves as public law corporations (PLC);³ if granted this status, they may levy Church taxes and appoint prison, military, and hospital chaplains.⁴ According to the Basic Law, the decision to grant PLC status, and provide state subsidies, is made by Germany's federal states (Länder) and is based on certain factors, including the group's size, activities, and respect for the constitutional order and fundamental rights.⁵

According to the US Department of State,⁶ an estimat-

ed 180 religious groups enjoy PLC status, including the Roman Catholic Church, the Evangelical Church in Germany, Baha'is, Baptists, Christian Scientists, Jehovah's Witnesses, Jews, Mennonites, Methodists, the Church of Jesus Christ, the Salvation Army, and Seventh-day Adventists. Ahmadi Muslim groups have PLC status in two federal states. In December 2020, North Rhine-Westphalia (NRW) designated Alevism as a PLC for the first time.⁷

Section 130 of the Criminal Code prohibits incitement to hatred against a religious group and dissemination of material which incites hatred.⁸ It is against the law to disturb the exercise of religion or worship (Section 167).

The Federal Labour Court ruled in August 2020 that a headscarf ban for teachers in Berlin public schools was unconstitutional, despite the 2005 Neutrality Act preventing civil servants from wearing religious symbols or clothing.⁹ The Constitutional Court upheld a ban on headscarves for trainee lawyers in courts in February 2020, finding the rule was justified to maintain "religious neutrality".¹⁰ In July 2020, Baden-Württemberg banned full-face coverings for all school children; such a ban was previously instituted for teachers.¹¹ As of June 2018, all public buildings in Bavaria were required to display a Christian cross, a law that some critics saw as political and divisive.¹²

Religious instruction (or ethics courses for those who opt-out of religious education) in public schools is available in all states. Religious groups are permitted to establish private schools, provided they meet state curriculum requirements.¹³

A report published in 2019 revealed great disparities in the way officials decide asylum claims for converts from Islam to Christianity, noting a significant reduction in the number of favourable decisions since 2017. According to the study, the two major factors are the credibility of certain applicants, whose conversion is not seen as genuine, this despite support from Church leaders, and the belief that deportation would not put converts in danger, notwithstanding apostasy laws in many of the countries of origin.¹⁴

In September 2019, Saarland's minister-president (premier) rejected the request of the Assyrian Cultural Association to allow approximately 400 Christians from the crisis areas of northern Syria to enter the state, despite offers of assistance from the Assyrian community.¹⁵

INCIDENTS AND DEVELOPMENTS

Germany's federal and state governments continued to monitor some Muslim groups as well as mosques for extremist activities.¹⁶ According to the NRW Interior Ministry, 109 mosques in the state were monitored in 2019, most "on suspicion of Salafism."¹⁷ Two years earlier, the NRW LfV was monitoring 30 mosques.¹⁸

In November 2020, the Federal Interior Ministry defended itself from criticism over plans to expand imam training in Germany because of the involvement of some controversial Muslim associations, saying it was an alternative to sending state imams from Turkey to Germany.¹⁹

In its 2019 report, the BfV documented 362 "politically motivated crimes with a religious ideology," down from 453 the previous year. The "vast majority" of which had an "Islamist-fundamentalist" background. Twenty-one of those crimes were described as anti-Semitic, including three acts of violence. The report did not indicate whether the other crimes in this category were directed at other religious groups.²⁰

The report documented a 5.5 per cent increase in "potential Islamists" from 2018 to 2019 and the risk situation was described as "still high."²¹ There was a large number of anti-Semitic incidents involving Muslims in 2019, ranging from hate speech and sermons to verbal and physical at-

tacks against individuals.²² At the end of November 2019, the government in coordination with the European police authority Europol deleted a large number of jihadist websites as well as channels and groups on various messenger services.²³

The BfV report also noted that anti-Semitism was "deeply rooted" in Germany's right-wing extremist political scene and that it is often coupled with Holocaust denial and anti-Israel rhetoric.²⁴ Other groups identified as right-wing in Germany included "identitarian" movements and others described as xenophobic and anti-Muslim.²⁵

An October 2019 attack against the synagogue in Halle was described in the report as perpetrated by a "right-wing extremist."²⁶ In that incident, a man tried to break into the building on the Jewish high holy day of Yom Kippur. Thwarted by a locked door, the gunman shot and killed two passers-by. In court, he said "attacking the synagogue was not a mistake, they are my enemies" and that his attack was inspired by the mosque shootings in Christchurch, New Zealand earlier in the year. He was sentenced to life in prison in December 2020.²⁷

The German government reported 307 anti-Semitic crimes recorded by police to the Organization for Security and Co-operation in Europe (OSCE) for inclusion in its 2018 hate crime report; civil society groups reported 499 such incidents (298 property crimes, 96 threats, and 105 physical assaults).²⁸ The official figures for 2019 recorded by police were lower than the previous year – 273 – but civil society groups reported a significant increase: 588 incidents, including 333 attacks on property, 120 threats, and 135 physical assaults, including the aforementioned attack against the Halle synagogue.²⁹

For its part, the Federal Criminal Police Office (Bundeskriminalamt, BKA) recorded 1,799 anti-Semitic crimes in 2018 and more than 2,000 in 2019 – the highest figure in 20 years.³⁰ As in previous years, the vast majority of them were attributed to right-wing extremists. However, Felix Klein, the Federal Anti-Semitism Commissioner, criticised the government's practice of automatically classifying all anti-Semitic incidents as perpetrated by right-wing extremists when the identity of the perpetrator was unknown. He said that in general German Jews experience more hostility from Muslims than from right-wing militants.³¹

Various federal states undertook initiatives to fight anti-Semitism in 2019, including appointing educational officers, commissioners, and increasing penalties for anti-Se-

mitic crimes.³² In May 2019, Commissioner Klein said he could “no longer recommend Jews wear a kippah at every time and place in Germany” because of the danger.³³

In July 2020, the BfV published a report dedicated to the problem of anti-Semitism in Germany in which it acknowledged that, in addition to right-wing extremism, Islamism posed a danger to Jews in Germany.³⁴

Muslims too have been victims of prejudice and hostility. Official police figures in the 2018 OSCE hate crime report included 241 crimes with an anti-Muslim bias, while civil society groups reported 70 attacks on property and 71 attacks or threats against people, many of which targeted women wearing headscarves.³⁵ For the year 2019, police reported 207 crimes with a bias against Muslims as opposed to 85 reported by civil society groups (32 threats, 28 physical attacks, and 25 property crimes). As in the previous year, many of the physical attacks were directed at Muslim women wearing headscarves.³⁶

Examples of anti-Muslim property crimes include a pig’s head and bags of pig’s blood left at a mosque in Mönchengladbach in May 2019. A right-wing group that planned a protest at the mosque had stickers printed that read: “We don’t want Salafist pigs.”³⁷ In June 2019, the Central Council of Muslims, as well as local politicians, condemned the desecration of 50 copies of the Quran taken from a mosque in Bremen. The books were torn up, put in toilets, and soiled.³⁸

There are no federal-level statistics on hate crimes, but the sources who reported incidents to the OSCE Hate Crime reporting database included 45 crimes with a bias against Christians in the OSCE 2018 report, while civil society groups reported another 58, the majority of which were attacks on property. Many were arson incidents involving churches.³⁹ In 2019, police reported 57 anti-Christian hate crimes, while civil society groups reported 87 such incidents, 65 of which were property-related.⁴⁰

Violent crimes included the religiously motivated January

2019 murder of a Christian man because the perpetrator objected to his sister’s involvement with that man for being a Christian. The perpetrator was sentenced to life in prison in November 2020.⁴¹ Property crimes included the 2019 arson of a Catholic church in Wildehausen which resulted in more than 100,000 euros (around US\$ 120,000) in damages.⁴²

According to the BfV, left-wing extremist violence in 2019 included an attack on a well-known pro-life journalist’s car in December. The so-called Autonomous Feminist Cell (Feministische Autonome Zelle) claimed responsibility for the attack in a letter in which they criticised the journalist for upholding “Christian values” and for his sympathies for the March of Life.⁴³ Activists from the same group took responsibility for a paint attack on an Evangelical church in Tübingen and for setting fire to the church’s minibus a few days earlier.⁴⁴

Restrictions on religious worship during the coronavirus pandemic in 2020 were limited, compared to other European countries, and were implemented in agreement with the religious leaders mostly without incidents.⁴⁵

PROSPECTS FOR RELIGIOUS FREEDOM

Overall, there were no violations of religious freedom during the period under review. Although the right itself does not seem to be in danger, the authorities’ intervention is likely to be required often, due to growing tensions. Unlike previous years, there were fewer violent incidents targeting Christian asylum seekers, but government migration boards have been inconsistent in their treatment of claims. Rising anti-Semitism and hostility towards Muslims and Christians are cause for concern. More generally, tensions in society, including activism by the left and right, as well as radical secularist trends in Europe, could certainly lead to greater violence against religious groups.

SOURCES / ENDNOTES

1 Basic Law for the Federal Republic of Germany 1949 (rev. 2019), Article 3, Bundesministerium der Justiz und für Verbraucherschutz, https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html#p0023 (accessed 26th November 2020).

2 Ibid, Article 140 (incorporating Article 137 of the Weimar Constitution). See Germany’s Constitution of 1919, Constitute Project, https://www.constituteproject.org/constitution/Germany_1919.pdf?lang=en (accessed 9th January 2021).

3 Ibid.

4 Ibid (incorporating Article 141 Weimar Constitution).

5 Ibid (incorporating Article 137 Weimar Constitution).

6 Office of International Religious Freedom, “Germany,” 2019 Report on Religious Freedom, U.S. Department of State, <https://www.state.gov/reports/2019-report-on-international-religious-freedom/germany/> (accessed 26th November 2020).

- 7 “Aleviten erhalten Körperschaftsstatus in NRW,” ANF News, 13th December 2020, <https://anfdeutsch.com/kultur/aleviten-erhalten-korperschafts-status-in-nrw-23323> (accessed 4th January 2021).
- 8 German Criminal Code (Strafgesetzbuch), Sections 130 and 166, Bundesministerium der Justiz und für Verbraucherschutz, https://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html (accessed 22nd December 2020).
- 9 Cuneyet Karadag, “Germany: Labor court upholds right to wear headscarf,” AA, 28th August 2020, <https://www.aa.com.tr/en/europe/germany-labor-court-upholds-right-to-wear-headscarf/1956075> (accessed 5th January 2021).
- 10 “German court upholds headscarf ban for legal clerks,” Al Jazeera, 27th February 2020, <https://www.aljazeera.com/news/2020/2/27/german-court-upholds-headscarf-ban-for-legal-clerks> (accessed 4th January 2021).
- 11 “German state bans burqas, niqabs in schools,” Deutsche Welle, 21st July 2020, <https://www.dw.com/en/german-state-bans-burqas-niqabs-in-schools/a-54256541> (accessed 5th January 2021).
- 12 Atika Shubert and Judith Vonberg, “Crosses go up in public buildings across Bavaria as new law takes effect,” CNN, 1st June 2018, <https://edition.cnn.com/2018/05/31/europe/bavaria-germany-crosses-public-buildings-intl/index.html> (accessed 5th January 2021).
- 13 Basic Law, Article 7, op. cit.
- 14 “Protecting converts against deportation to countries where Christians are persecuted: Survey on the situation of 6,516 converts in Germany,” Open Doors Deutschland e.V., Kelkheim, Germany, p. 9, https://www.opendoors.de/sites/default/files/Open_Doors_2019_Protecting_Converts_against_Deportation_where_Christians_are_persecuted_certified.pdf (accessed 1st December 2020).
- 15 Dietmar Klostermann, “Land will nur fünf Christen aufnehmen,” Saarbrücker Zeitung, 25th September 2019, https://www.saarbruecker-zeitung.de/saarland/saar-ministerpraesident-erteilt-hilfsbitte-des-assyrischen-kulturvereins-absage_aid-46092729 (accessed 15th August 2020).
- 16 Office of International Religious Freedom (2019), op. cit.
- 17 “Verfassungsschutz in NRW beobachtet 109 Moscheen,” Dom Radio, 18th February 2019, <https://www.domradio.de/themen/kirche-und-politik/2019-02-18/die-meisten-unter-salafismusverdacht-verfassungsschutz-nrw-beobachtet-109-moscheen> (accessed 4th January 2021).
- 18 “Verfassungsschutz in NRW beobachtet 109 Moscheen,” Dom Radio, 18th February 2019, <https://www.domradio.de/themen/kirche-und-politik/2019-02-18/die-meisten-unter-salafismusverdacht-verfassungsschutz-nrw-beobachtet-109-moscheen> (accessed 4th January 2021).
- 19 “Bundesinnenministerium verteidigt Imam-Ausbildung: Es braucht eine Alternative,” Dom Radio, 14th November 2020, <https://www.domradio.de/themen/islam-und-kirche/2020-11-14/es-braucht-eine-alternative-bundesinnenministerium-verteidigt-imam-ausbildung> (accessed 15th November 2020).
- 20 “Verfassungsschutzbericht 2019,” Bundesministerium des Innern, für Bau und Heimat, p. 38, <https://www.verfassungsschutz.de/embed/vsbericht-2019.pdf> (accessed 5th January 2021).
- 21 “Verfassungsschutzbericht 2019,” op. cit., p. 173, 180.
- 22 Ibid, pp. 198-199.
- 23 Ibid, p. 179.
- 24 Ibid, pp. 50, 67-68, 75-80.
- 25 Ibid, pp. 90-92.
- 26 Ibid, pp. 46, 56-57.
- 27 “Halle synagogue attack: Germany far-right gunman jailed for life,” BBC, 21st December 2020, <https://www.bbc.com/news/world-europe-55395682> (accessed 5th January 2021).
- 28 Office for Democratic Institutions and Human Rights, “2018 Hate Crime Reporting – Germany,” Organization for Security and Co-operation in Europe, <https://hatecrime.osce.org/germany?year=2018> (accessed 25th December 2020).
- 29 Office for Democratic Institutions and Human Rights, “2019 Hate Crime Reporting – Germany,” Organization for Security and Co-operation in Europe, <https://hatecrime.osce.org/germany?year=2019> (accessed 25th December 2020).
- 30 René Bocksch, “Antisemitische Gewalttaten nehmen zu,” Statista, 28th May 2020, <https://de.statista.com/infografik/18013/antisemitische-gewalttaten-in-deutschland/> (accessed 6th January 2021).
- 31 “Kritik an Polizeistatistik,” Jüdische Allgemeine, 8th May 2019, <https://www.juedische-allgemeine.de/politik/kritik-an-polizeistatistik/> (accessed 15th November 2020).
- 32 Office of International Religious Freedom, op. cit.
- 33 “German official warns Jews against wearing kippahs in public,” Deutsche Welle, 25th May 2019, <https://www.dw.com/en/german-official-warns-jews-against-wearing-kippahs-in-public/a-48874433> (accessed 7th January 2021).
- 34 “Lagebild Antisemitismus,” Bundesamt für Verfassungsschutz, July 2020, <https://www.verfassungsschutz.de/embed/broschuere-2020-07-lagebild-antisemitismus.pdf> (accessed 7th January 2021).
- 35 Office for Democratic Institutions and Human Rights (2018), op. cit.
- 36 Office for Democratic Institutions and Human Rights (2019), op. cit.
- 37 Gabi Peters, “Abgeschnittener Schweinekopf vor Moschee in Mönchengladbach gefunden,” RP Online, 29th May 2019, https://rp-online.de/nrw/staedte/moenchengladbach/blaulicht/moenchengladbach-abgeschnittener-schweinekopf-an-moschee-gefunden-staatsschutz-ermittelt_aid-39100121 (accessed 7th January 2021).
- 38 Lisa Boekhoff, “Entsetzen über zerrissene Koran-Ausgaben in Bremen,” Weser Kurier, 11th June 2019, https://www.weser-kurier.de/bremen/bremen-stadt_artikel,-entsetzen-ueber-zerrissene-koranausgaben-in-bremen-_aid,1836659.html#nfy-reload (accessed 4th January 2021).
- 39 Office for Democratic Institutions and Human Rights (2018), op. cit.
- 40 Ibid.
- Office for Democratic Institutions and Human Rights (2019), op. cit.
- 41 “BGH bestätigt lebenslange Haftstrafe für Mord in Salzgitter,” NDR, 27th November 2020, https://www.ndr.de/nachrichten/niedersachsen/braunschweig_harz_goettingen/BGH-bestaetigt-lebenslange-Haftstrafe-fuer-Mord-in-Salzgitter,salzgitter1024.html (accessed 4th January 2021).
- 42 Christoph Koopermeiners, “‘Der Ruß vom Brand sitzt überall’ – 100.000 Euro Schaden,” NWZ Online, 3rd September 2019, https://www.nwzonline.de/oldenburg-kreis/kultur/wildeshausen-sankt-peter-kirche-in-wildeshausen-der-russ-vom-brand-sitzt-ueberall-100-000-euro-schaden_a_50,5,3158865452.html (accessed 6th January 2021).
- 43 “Verfassungsschutzbericht 2019,” op. cit., p. 137; Nina Breher and Madlen Haarback, “Linksextremisten zünden Auto von Gunnar Schupelius an,” Tages Spiegel, 2nd January 2020, <https://www.tagesspiegel.de/berlin/brandanschlag-auf-journalist-linksextremisten-zuenden-auto-von-gunnar-schupelius-an/25384072.html> (accessed 5th January 2021).
- 44 Norbert Schäfer, “Tübingen: ‘Anschlag’ auf christliche Gemeinde politisch motiviert,” Pro Christliches Medienmagazin, 2nd January 2020, <https://www.pro-medienmagazin.de/gesellschaft/gesellschaft/2020/01/02/tuebingen-anschlag-auf-christliche-gemeinde-politisch-motiviert/> (accessed 5th January 2021).
- 45 “Restrictions on Religious Freedom in Europe in the Name of the Fight Against Covid-19,” European Centre for Law and Justice (ECLJ), <https://ecj.org/religious-freedom/coe/limitations-portees-a-la-liberte-de-culte-en-europe-au-nom-de-la-lutte-contre-la-covid-19?lng=en> (accessed 5th January 2021).