

X. GERMANY

Population: 82,234,128

Religious make-up: 33.8% Evangelical Church - 33.6 % Catholic - 3.4% Muslim - 1.3 Orthodox

Membership OSCE: Original - Helsinki Final Act: Original - Charter of Paris: Original

Membership Council of Europe: 13/07/50 - Membership U.N.: 18/09/73 - Member of the European Union

A. CONSTITUTION

Basic Law of 1949:

Article 2 (1) Everyone shall have the right to the free development of his personality in so far as he does not violate the rights of others or offend against the constitutional order or against morality.

Article 3 (3): No one may be disadvantaged or favoured because of his . . . faith, or his religious or political opinions.

Article 4 (1): Freedom of faith, of conscience, and freedom of creed, religious or ideological , shall be inviolable . (2) The undisturbed practice of religion is guaranteed. (3) No one may be compelled against his conscience to render war service involving the use of arms. Details shall be regulated by a federal law.

Article 5 (1): Everyone shall have the right freely to express and disseminate his opinion by speech, writing and pictures and freely to inform himself from generally accessible sources.

Article 7 (2): The persons entitled to bring up a child shall have the right to decide whether it shall receive religious instruction. (3) Religious instruction shall form part of the ordinary curriculum in state and municipal schools, except in secular schools. Without prejudice to the state's right of supervision, religious instruction shall be given in accordance with the tenants of the religious communities. No teacher may be obligated against his will to give religious instruction.

Article 12a [Liability to military and other service]

- (1) Men who have attained the age of eighteen years can be required to serve in the Armed Forces, in the Federal Border Guard, or in a civil defence organization.
- (2) A person who refuses, on grounds of conscience, to render war service involving the use of arms can be required to render a substitute service. The duration of such substitute service may not exceed the duration of military service. Details are regulated by a statute which may not interfere with freedom to take a decision based on conscience and which must also provide for the possibility of a substitute service not connected with units of the Armed Forces or of the Federal Border Guard.

Article 33 [Equal political status of all Germans]

Enjoyment of civil and political rights, eligibility for public office, and rights acquired in the public service are independent of religious denomination. No one may suffer any disadvantage by reason of his adherence or non-adherence to a denomination or to a philosophical persuasion.

Article 116 [Definition of "a German," re-granting of citizenship]

- (2) Former German citizens who, between 30 January 1933 and 8 May 1945, were deprived of their citizenship on political, racial or religious grounds, and their descendants, are regranted German citizenship on application. They are considered as not having been deprived of their German citizenship where they have established their residence in Germany after 8 May 1945 and have not expressed a contrary intention.

Article 140 [Law of religious bodies]

The provisions of Articles 136, 137, 138, 139 and 141 of the German Constitution of 11 August 1919 are integral parts of this Constitution.

Article 141 ["Bremen Clause"]

Article 7 (3) 1 does not be applied in any State in which different provisions of State law were in force on 1 Jan., 1949.

B. LEGISLATION

The Act on Associations 37

Civil Code

C. CONSCIENTIOUS OBJECTION

Act on Civilian Service of 1986 as amended and published in consolidated form in 1994 (*Zivildienstgesetz, ZDG*).

Military Service Act (*Wehrpflichtgesetz, WPfLG*).

Act on the Reform of the Law of Conscientious Objectors and Civilian Service of 1983 (*Kriegsdienstverweigerungs-Neuordnungsgesetz, KDVNG*).