

priesterly moral conduct, the competent bishop shall be entitled to inform the Minister of Science, Art and National Education of this. In such a case, the minister shall take remedial measures irrespective of the rights of the person concerned emerging from the employment in the civil service, and in particular shall find a replacement in line with the teaching requirement.

*Final Protocol in re Article 12 Para 2 Fourth Sentence*

Suitability shall be mainly proven by an academic thesis corresponding to the thesis for the habilitation: where this is of particular academic significance, the need to obtain a doctorate in theology may be waived.

### **3. Lower Saxony:**

**a) *Treaty between the Land of Lower Saxony and the Protestant Land Churches in Lower Saxony - Loccum Treaty (Vertrag des Landes Niedersachsen mit den Evangelischen Landkirchen in Niedersachsen [Loccumer Vertrag])***

*of 19 March 1955 (Law and Ordinance Gazette of Lower Saxony [Nds. GVBl.] Sb. I p. 369)*

The Land Government of Lower Saxony and the constitutional representatives of the Protestant Land Churches in Lower Saxony,

Conscious of the joint responsibility for the Protestant part of the Lower Saxon population and led by the desire to consolidate and promote the amicable relationship between the Land and the Land Churches, based on the fact that the Treaty between the Free State of Prussia and the Protestant Land Churches of 11 May 1931, as well as the appurtenant final protocol between the Land on the one hand and the Protestant-Lutheran Land Church of Hanover and the Protestant Reformed Church in North Western Germany on the other hand remains unchallenged valid, and in appreciation of that treaty as a step towards gaining the free order of the relationship between the state and the church required by the German Constitution of 11 August 1919,

have in compliance as to the public assignment of the churches and their independence decided to develop the treaty further with adherence to the rights of the churches within the meaning of true free order and to formulate the uniform formation of the relationship of the Land towards all Land Churches as follows<sup>86</sup>:

*Article 1*

(1) The Land of Lower Saxony shall grant statutory protection to the freedom of confession and the exercise of the Protestant faith.

(2) The Protestant churches shall regulate and administer their affairs independently within the limits of the law that applies to all. They shall remain corporations under public law; their service shall remain civil service.

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<sup>86</sup> Note: The printed articles are only an excerpt from the treaty.

## *Article 2*

(1) The Land Government and the church managements shall strive to have regular meetings to deepen their relations. They will at all times make themselves available to discuss questions concerning their mutual relationship.

(2) The churches will enter into close cooperation among themselves in order to uniformly represent their interests towards the state. They will appoint joint agents and establish an agency at the seat of the Land Government.

### ***b) Treaty between the Land of Lower Saxony and the Non-denominational Religious Land Community of Lower Saxony (Vertrag zwischen dem Lande Niedersachsen und der Freireligiösen Landesgemeinschaft Niedersachsen)<sup>87</sup>***

*of 8 June 1970 (Law and Ordinance Gazette [GVBl.] of Lower Saxony. p. 505)*

The following treaty shall be concluded between the Land of Lower Saxony, represented by the Lower Saxon Prime Minister, and the Non-denominational Religious Land Community of Lower Saxony, corporation under public law, represented by its Presidium:

#### *Section 1*

(1) The Land shall ensure the Non-denominational Religious Land Community its free activity in the framework of the Basic Law of the Federal Republic of Germany for the free religious humanist care of its members and of other persons not belonging to a religious and ideological community.

(2) The Non-denominational Religious Land Community avows itself to the Basic Law of the Federal Republic of Germany and to the Temporary Lower Saxon Constitution. It shall exercise its activities in view of the common public welfare.

#### *Section 2*

The Land will continue to be deliberate that the instruction in the different religions<sup>88</sup> provided for in section 5 subsection 6 of the Lower Saxon Schools Act (Niedersächsisches Schulgesetz) at the public schools shall be given with equal rights in addition to religious

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<sup>87</sup> Note: The legal successor of the Non-denominational Religious Land Community of Lower Saxony is the Organisation of Free Humanists of Lower Saxony.

<sup>88</sup> Note: Knowledge about the different religions is provided in the subject "Values and Standards" (ethics) in accordance with the Lower Saxon School Act (Niedersächsisches Schulgesetz) of 30.5.1974 (Nds. GVBl. p. 289), in the version of 3.3.1998 (Nds. GVBl. p. 137), last amended on 17.12.1999 (Nds. GVBl. p. 430), which is regulated in section 128 of the Lower Saxon School Act as follows:

##### Section 128 Instruction in Values and Standards

(1) Anyone not attending religious instruction shall be obliged instead to attend classes in values and standards if the school offers this instruction. This shall not apply to those for whom religious instruction of their religious community cannot be offered. The school shall offer instruction in values and standards as a part of the regular curriculum from the fifth year of school onwards if at least twelve pupils are obliged to attend.

(2) In the subject values and standards, knowledge about the different religions, an understanding of the moral concepts and standards applicable in society and access to philosophical, ideological and religious questions are to be imparted.

instruction within the meaning of the Christian confessions. It shall in particular take care that those entitled to bring up the children, if they are concerned, shall be regularly referred to the instruction events coming into question.

### *Section 3*

The Land shall in the sphere of university facilitate academic preparatory training for instruction in different religions. The teaching assignment issued at the Pedagogical University of Lower Saxony, Hanover department, for religious science and didactics of instruction in different religions shall remain.

### *Section 4*

The Land shall with regard to broadcasting corporations in which it holds a share continue to be deliberate that the statutes contain provisions in accordance with which the Non-denominational Religious Land Community is given suitable on air times and that it is facilitated a suitable representation of its interests in questions of programming.

### *Section 5*

The freedom of the Non-denominational Religious Land Community to act in adult education shall be ensured.

### *Section 6*

The Non-denominational Religious Land Community and its communities shall be entitled to collect from its members for non-denominational and charitable purposes.

### *Section 7*

(1) The Land shall pay to the Non-denominational Religious Land Community from the year 1970 onwards as an annual subsidy towards personnel costs the sum of one hundred thousand Deutsche Mark. The amount of the sum shall be adjusted to the changes in the remuneration of the Land civil servants, as in the case of comparable public subsidies.

(2) The public subsidy shall be paid on a quarterly basis with one quarter each of the annual amount being paid in advance.

(3) The Land Court of Audit shall be entitled to check the use of the financial support in situ, to inspect the required documentation and to require information.

## **4. Saxony-Anhalt:**

***Treaty between the Land of Saxony-Anhalt with the Jewish Community in Saxony-Anhalt (Vertrag des Landes Sachsen-Anhalt mit der Jüdischen Gemeinschaft in Sachsen-Anhalt) of 23 March 1994 (Law and Ordinance Gazette [GVBl.] of the Land of Saxony-Anhalt p. 795)***

The Land of Saxony-Anhalt (hereinafter referred to as the Land), represented by the Prime Minister, Mr. Dr. Christoph Bergner, and the Jewish communities in Saxony-Anhalt, represented by the Land Association of Jewish Communities in Saxony-Anhalt, Mecklenburg-