

Research of the FADA at a glance

Belief as grounds of discrimination – Conceptual dimensions and risks of discrimination

The article at a glance

The article is meant to help clarify what shall reasonably be understood by the concept of 'belief' today and how it can be legally ascertained whether someone legitimately invokes his or her 'belief'.

Furthermore, it identifies the basic risks of discrimination in society for non-confessional people and those being non-religious. The article provides a comprehensive overview of the past juridical decisions concerning cases of discrimination based on belief and analyses the documentation of cases where people or organisations felt disadvantaged on grounds of their belief or their being non-religious.

Author, Title, Year of Publication

Dr Thomas Heinrichs - in collaboration with Professor Dr Heike Weinbach Weltanschauung als Diskriminierungsgrund – Begriffsdimensionen und Diskriminierungsrisiken (2016).

The results

From the perspectives of both, the constitution as well as European law, the legal concept of belief in an affirmative sense denotes an identity-forming perception of human life and the world which is binding for one's personal life conduct and also shared by a notable number of other people.

As a consequence of the freedom of any religion and belief in a negating sense, also the individual denial of any context of meaning, be it based on a religion or a secular belief, has to be construed as a belief to ensure comprehensive protection against discrimination based on religion or belief. Along these lines, being non-religious is protected by the freedom of belief, too.

The highest structural risk of discrimination for non-confessional people and those being non-religious consists in their not being religious, since they consequently run the risk of being classed as morally inferior due to the social dominance of religious concepts.

The analysis of the jurisdiction and the case documentation reveals that the risks of direct discrimination particularly exist in the fields of ecclesiastical employers and public education (nursery schools, schools, institutions of higher education).

The risks of indirect discrimination result from the German legislation on religion and belief being oriented towards the organisational form of the churches, thus making it difficult for beliefs which are differently organised to receive the same privileges as a religion that is organised like a church.

More information

The article 'Weltanschauung als Diskriminierungsgrund – Begriffsdimensionen und Diskriminierungsrisiken' can be retrieved => [here](#), only in German language.

Contact details: Federal Anti-Discrimination Agency

Glinkastrasse 24

D-10117 Berlin

Telephone: 030 18555-1855

E-Mail for counselling: beratung@ads.bund.de

E-Mail for general questions: poststelle@ads.bund.de