



General Assembly

Distr.: General
28 February 2020

English only

Human Rights Council

Forty-third session

24 February–20 March 2020

Agenda item 4

Human rights situations that require the Council's attention

Joint written statement* submitted by Fundacion para la Mejora de la Vida, la Cultura y la Sociedad, Coordination des Associations et des Particuliers pour la Liberté de Conscience, Fundacion Vida - Grupo Ecologico Verde, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[03 February 2020]

* Issued as received, in the language(s) of submission only.



Prolonged discrimination of religious minority in Germany

In view of the prolonged discrimination and attacks to the human dignity of individuals believers of the religious minority of Scientology in Germany, we recommend:

To the German government: Put an end to the discriminatory practice of the “sect filters” which violates human rights standards on Freedom of Religion or Belief (FoRB). Sit with Church of Scientology officials to solve any misunderstanding.

To the United Nations: to investigate the practice of sect filters in Germany to put an end to these discriminatory practices.

Background

The Church of Scientology has existed in Germany since 1970. In these last five decades, it has demonstrated its adherence to the law.

During the 70ies and 80ies, some factions in the established two mainstream Christian Churches worked hard to prevent the acceptance of the Church of Scientology and other religious minorities and established “sect Commissioners” in all their dioceses who spread all kinds of rumours about the Church of Scientology as part of their “apologetic task”.

It resulted in an organized campaign that started in the early 90ies in Hamburg and subsequently developed throughout Germany, where the “sect commissioners”, closed arms with state officials and politicians to involve the Church of Scientology in numerous legal battles and conflicts so that it would have to fight for its very existence and survival.

This campaign resulted in a three-fold legal and social attack:

Rumours and legal cases along the theme that the Church was using the Scientology religion as a mere pretext to pursue commercial purposes, which – if found true – would have resulted in the loss of the existing legal capacity of all German Churches of Scientology and its resulting guarantee of protection by law.

In about 30 administrative proceedings and 20 court cases the Church of Scientology finally won before the High Courts first in 1997 (Supreme Admin Court 06.11.1997, file no. _1 C 18.95) and again in 2003 (Baden-Württemberg State Admin Court of Appeal 12.12.2003, file no. 1 S 1972/00), 2005 (Bavarian State Admin Crt of Appeal 02.11.2005, file no. 4 B 99.2582) and last in 2008 (Admin Court Ansbach 13.11.2008, file no. AN 16 K 06/03463). These decisions confirm that it pursues non-commercial ends and factually idealistic-religious purposes.

Charges that it constitutes a criminal and anti-constitutional organization that needed to be banned throughout Germany.

First, in 1991 in Hamburg, these charges were filed against the local Church of Scientology by a local politician. They were dismissed as unfounded by the Hamburg prosecutor in 1994. Regardless, German politicians established a special task force within the Federal Criminal Office (BKA) in 1995 to try to find avenues to ban the Church of Scientology throughout Germany. It came to an end only in about 2007/08 as the BKA was never able to establish any facts that would support such legal proceedings.

Meanwhile, another special task force was established within the Federal OPC (Germany's national security service) to find evidence that the Church of Scientology was pursuing anti-constitutional endeavours. As a result, the Churches of Scientology were subjected to scrutiny by the OPC since 1997. No wrong conduct or activities were ever found. In 2008, a secret OPC expertise (leaked by the DER SPIEGEL magazine on 22 Sept 2008) concluded that there was no factual basis for banning the Church of Scientology. That was confirmed by the State Secretary of the Federal Ministry of Interior in November 2008 with a public media statement published by the FOCUS magazine on 21 Nov 2008:

“... we need factual indicators of there being anti-constitutional activities”, ... August Hanning said before the conference's final meeting on Friday. "The outweighing majority of OPC agencies completely agree that these sufficient indicators do not exist”.

The use of sect filters to ostracise Scientologists and mark the Church as a public menace.

Sect Filters

The City of Hamburg established a political office in September 1992 solely to fight the Church of Scientology. While the head of it first ran her campaign against Scientology limited to the City of Hamburg, this was extended by herself to the whole of Germany in subsequent years.

In 1995 she invented the first sect filter – called “Scientology protection declaration”.

These sect filters demand an individual to reveal any connection to or affiliation with the Church of Scientology by asking whether the person ever attended or currently attends a course or seminar that contains the “Technology of L. Ron Hubbard”. Additionally, one has to declare that he will not practice such "technology" nor attend any such seminars/courses in the future. This same declaration is required from the General Manager of any company concerning his employees or subcontractors. It, in turn, requires the Manager to demand the same declarations from the company employees though this utterly belongs to the private sphere of their life.

The reference to the “technology” term is an intended euphemistic circumscription of membership in the Scientology religion as that membership involves every member in one way or another with "L. Ron Hubbard Technology" as part of the religious doctrine. That is also evident from public statements by the former Hamburg political sect commissioner:

“An effective formal obligation with a wording that no Scientologist will sign.”

The sect filter, therefore, requires both the revelation of any Scientology membership or affiliation and the discontinuation of membership or resignation from Scientology as otherwise no employment contract, service contract or invitation to a government bid would be granted. A refusal to fill out such filter results in being automatically disbarred from them.

All the above constitute severe and grave threats resulting in personal, professional, social, economic or other disadvantages being imposed on any Scientologist solely because of his religious membership and affiliation.

Then, other German government agencies promoted the sect filter to the commercial world and enticed private companies to adopt the sect filter as their tool in their contracts with employees and subcontractors of any kind.

The campaign of the City of Hamburg resulted in several Scientologists losing contracts because of the City having promoted their anti-Scientology “protective declaration” to their prospective customers or business contractors. The above resulted in several court cases against the City of Hamburg and the Hamburg State Admin Court of Appeal held that the promotion of the sect filter was illegal and interference in the right to freedom of religion or belief of an individual Scientologist.

As the City appealed, the case went up to the Federal Supreme Admin Court which finally issued a decision on 15 Dec 2005 (file no. 7C20.04) that the distribution of the sect filter was unconstitutional as it violated the freedom of religion or belief guaranteed to a Scientologist:

"The defendant has by sovereign action interfered with the plaintiff's freedom of her religious or philosophical denomination....

The termination of the business relationship interferes with religious and philosophical freedom...

The sovereign action of the defendant was illegal...”

Even so, the City of Hamburg and other German States refuse to apply the principles of the above decision in that they still require a sect filter to be signed in the above contexts.

Likewise, the sect filter has become a sweeping practice in private membership relationships such as with the access of one's children to a private kindergarten or a private school as these private non-profit organizations are often dependent from state funds which they fear will not be granted if they were to become associated with a Scientologist. That means that private kindergartens or private schools refuse children if one of the parents is Scientologist. The same sect filter practice is applied for access to certain professions such as mediators, real estate property brokers or private tutors, etc. The Chambers of Industry and Commerce in Hamburg and in several other German cities require the sect filter to be signed even to be able to attend a professional training seminar.

In the year 2018, the City of Munich adopted a city-funded program to support individuals to purchase an e-bike for use in professional contexts as an incentive to reduce pollution. Anyone who applied for participation in this program can obtain the support of up to EUR 500, providing they sign an anti-Scientology declaration and declare his distance to Scientology.

Conclusion

The above sect filter practice violates the principles established by the ICCPR in Art 18, 2 and 3 as expressed in the General comment No. 22. This conclusion is compelling because:

The sect filter practice abolishes the "unconditional protection" of freedom of belief by requiring individuals to reveal their religious affiliation to Scientology.

The disadvantages connected to having or adopting the Scientology belief constitute a form of coercion or threat, be that the restriction of free access to education at least concerning private schools and kindergartens, and very clearly concerning the free access to employment or government contracts or private business contracts.

Similarly, the rights guaranteed per Art. 25 CCPR such as the participation in the conduct of public affairs or having access to public service is impaired as the revelation of a Scientology membership will result in being excluded from either of the two.

European Office of the Church of Scientology for Public Affairs and Human Rights
Asociacion por los Derechos Humanos y la Tolerancia Plataforma Accion Social Unida
NGO(s) without consultative status, also share the views expressed in this statement.