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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.

[22 August 2022]

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



Germany, Propaganda, Fake News, and Discrimination of a Peaceful Religious Minority

As of 2022, in Germany, different State, Regional and Local Administrations continue to harass, discriminate and justify the unequal treatment of members of a Minority religion despite the rulings of German courts, and despite the concerns shown by the UN Special Rapporteurs on FoRB, UN Special Rapporteur on Minority Issues.

While Scientologists have had to fight (and win in court) against discrimination from German officials since 50 years [1], it is since nearly 30 years, and still today in 2022, German citizens are in general life contexts required to sign declarations that they did not and will not participate in any Scientology-related activity before obtaining some public and private jobs, or before getting a municipal grant for the purchase of an eBike and so contribute to the city's efforts on protecting the environment, as it has been happening with the City of Munich. This type of hidden coercive measure is backed up by government funded and promoted propaganda, that dehumanizes individual Scientologists, their beliefs and twists their real aims.

On 6 April 2022, the City of Munich has been condemned by the Germany's Federal Administrative Court (BVerwG)[2] confirming a previous decision of the Bavarian Administrative Court of Appeal, for discriminating against a self-employed artist who is a member of the Scientology religion, by refusing to give her a grant for the purchase of a "pedelec" (e-bike) that every Munich resident was entitled to. The Court now obliged the city to pay her a grant for the purchase of an eBike.

According to a statement by Germany's Federal Administrative Court, a "municipality may not make the granting of a financial subsidy, with which environmental policy objectives are pursued, subject to the condition that the applicants submit a declaration distancing themselves from the Scientology organization." [3]

The 2021 Bavarian State Admin Court of Appeal condemned the city practice with unmistakable words as an unjustified interference in the religious freedom guarantee of Art. 4 of the German Constitution and as a violation of Art. 3 of the Constitution which prohibits unequal treatment before the law.

The court had stated: "The exclusion of applicants, who feel bound by the Scientology teachings, from the circle of recipients of grants [for an E-Bike] also constitutes a violation of fundamental rights in a multiple way. It is incompatible with the freedom of religion or philosophy and does not satisfy the equal rights requirements of the Constitution".

The Federal Administrative Court now confirmed the above decision and dismissed the City of Munich's appeal to the judgement and concluded that "The defendant must not make the funding dependent on the submission of the Protective Declaration. Demanding declarations about one's belief is not a matter for the local municipality within the meaning of the first sentence of Article 28 (2) of the Basic Law, so that the defendant already lacks competence".

According to the magazine BitterWinter [bitterwinter.org], "In 2019, the Munich Labour Court sided with the director of personnel of the well-known artistic museum and institution Haus der Kunst, who had been fired after 22 years of service following a campaign by anti-cultists and some politicians "exposing" him as a Scientologist. The case was then settled, with Haus der Kunst paying the Scientologist Euro 110,000 as severance and allocating to him full pension. On March 4, 2021, the State Administrative Court of Appeal of Baden-Württemberg uphold a 2020 judgement by the Administrative Court of Stuttgart and found against the State Air Traffic Security Agency. The latter had banned a skilled airport electrical technician with ten years of unrepachable service from entering the security area of any German airport only because the domestic intelligence service had alerted the Agency that he was a Scientologist. Notwithstanding a string of victories in German courts (some of them having declared it a bona fide religion), which allows it to regularly operate as it does in other countries, Scientology in Germany remains, since 1997, under surveillance by the domestic intelligence service BfV (Bundesamt für Verfassungsschutz, Federal Office for the Protection of the Constitution) and its local branches, although in 25 years they have never reported any instance of violence, terrorism, or threat to Germany's institutions. Local

branches of the BfV also issue press releases criticizing specific initiatives of Scientology (such as one by the BfV of Baden-Württemberg of March 26, 2021). Again, in most other democratic countries it would look strange that an intelligence service would produce propaganda against a specific religious minority.”

Last September 2020, we requested the Human Rights Council to take measures with Germany to have these human rights violations stop. So far, no action by the HRC is visible, and German officials and taxpayers money continue to flagrantly and freely discriminate against Scientologists in Germany merely because of distorted and biased interpretations by State authorities, of their beliefs and activities.

The above shows that human rights violations do occur in Germany against Scientologists by general administrative practice. In the absence of such practice, Scientologists would not be required to defend their human rights each time in lengthy court proceedings.

In a 417 pages evidenced report[4] submitted to the HRCttee 133rd session on 3rd October 2021, the Church of Scientology recommended Germany to:

1. Abolish at the Federal, State, and Local level any “protective declaration” that interferes with the Rights to privacy, the freedom of religion or belief, or that implies direct or indirect discrimination of citizens based on religious or belief affiliation.
2. Correct, amend, or abolish any Federal, State, or Local law or regulations that allow public spending to carry actions or publicity that could stigmatize and discriminate against citizens or organizations based on belief or religious affiliation.

To this date, Germany continues to violate the HRC and international standards on equal treatment, minorities and Freedom of Religion or Belief of members of this religious community, and we ask for the HRC to take due action on this issue. Dehumanization must not come back to Germany, not even in a refined and less violent way.

European Office Church of Scientology for Public Affairs and Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.

[1] - Scientology v. Germany: 50 years of legal battles - International Institute for Religious Freedom: <https://www.iirf.eu/news/other-news/scientology-v-germany-50-years-of-legal-battles/>

[2] - Press release from Bundesverwaltungsgericht - <https://www.bverwg.de/de/pm/2022/22>

[3] - “Discriminating against a Scientologist in Germany is illegal, Federal Court said”, The European Times, April 6th 2022 - <https://www.europeantimes.news/2022/04/discriminating-against-scientology-in-germany-is-illegal-federal-court-said/>

[4] - Report to HRCttee on ICCPR Violations of Germany against Church of Scientology and its members - ACADEMIA.EDU -

https://www.academia.edu/85276644/Report_to_HRCttee_on_ICCPR_Violations_of_Germany_against_Church_of_Scientology_and_its_members