



# General Assembly

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## Human Rights Council

### Fifty-fourth session

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **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.

[23 August 2023]

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



## **Discrimination against Young Cleaners, Caretakers, Educators, Marketers, Engineers, Architects, Printers and Others Who Are Believers of Scientology, in Bavaria, Germany**

According to a website from the European Union, in Germany, specifically in the state of Bavaria, at least 300 public tenders, only since January 2023, have been issued excluding young and adult men and women from being able to access based only on their beliefs. The number of public tenders since January 2014, reaches a total of 2,395.

In some areas of Germany, if you are a perfectly qualified cleaner, caretaker, educator, marketer, engineer, architect, printer, IT expert, events manager, constructor, trainer, accounts auditor, driving school teacher, programmer, supplier of waste sacks and waste bags, web designer, interpreter, supplier of multimedia equipment, or a number of other professions, but in addition to this you participate in lectures, courses or meetings related or based on the teachings of the Scientology religion, and you are not willing to resign from it in writing, you immediately become ineligible for the tender or the job.

Therefore, as it was already requested in a 417 pages evidenced report submitted to the UN, the undersigners request 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.

The discrimination in itself prevents believers of Scientology or simple citizens interested in and actively learning about the religion, from accessing these jobs or contracts, negatively affecting their rights to equal opportunities to employment, employment rights, ability to seek the economy needed for the family and household, and their human dignity.

Additionally, condoning and justifying the existence of such discriminations generated by the German government and then executed by federal, state and local public administrations, it generates hate against members of Scientology by all those who, in seeking to access the public tender, as exposed to having to sign a declaration that they are not Scientologists or that they will not employ believers of Scientology as otherwise their companies will become ineligible themselves.

Human rights are inalienable, belonging to every human being. However, German authorities, violating the ICCPR, have and are promoting and condoning the practice of the misleadingly called “protective declarations” as they call them, being directed against Scientologists as individual human beings, and indirectly or directly also against the legal entities of the Church of Scientology in Germany.

In a Special Procedures Communication “AL DEU 2/2019”<sup>1</sup> the German Government was questioned about the violations of human rights of which individual members or followers of the Scientology religion, a peaceful religious minority, and its individual members are being subjected to by the continuous application of the discriminatory practice in Germany and by the Germany Government.

The communication from Special Procedures stated among others:

“we would like to express our concern about the continued use of measures that explicitly prevent individuals from obtaining grants and employment opportunities otherwise extended to the general population, on the basis of religion or belief. Regardless of the official state position on the status of Scientology as a religious organisation, group, sect, or otherwise, religion or belief is a matter of personal conscience rather than government designation. Individuals identifying as Scientologists should not have to endure undue scrutiny nor disclose their beliefs unless a legitimate, substantiated reason can be provided, for which the burden of proof falls upon the State.

By continuing to uphold measures that reinforce negative stereotypes about Scientologists, the State may cultivate an environment not fully conducive to the enjoyment of the Right to freedom of religion or belief particularly for religious minorities. By allegedly operating from a negative presumption as to the aims of the Church, these measures may also constitute a conflict with the State mandate of neutrality, which requires a fundamental attitude of tolerance and equitable treatment of all religious groups within the context and limits of public interest, and in conformity with the provisions of international human rights law. The State does not have the responsibility of judging the intrinsic value or truth of religion or belief.(E/ CN.4/ 1998/ 6/ Add.2)”

The discriminatory practice is also curtailing the freedom of membership/association because individuals who are subject to civil, political, professional, economic, social and other disadvantages in multiple ways are discouraged from free adherence to the religion of their choice and disadvantaged for doing so – in fact, in Bavaria, this is the stated objective.

The discriminatory practice forces individuals to reveal their religious affiliation [ Right to privacy (art . 17)] and, because of imposed disadvantages, seeks to coerce them into considering leaving their religious organization. Such practice against the individual members of the Churches of Scientology does violate ICCPR Art . 18, as is clearly stated in the UN General Comment No. 22 on Art. 18. It forces them to reveal their religious affiliation – which is unconditionally protected and submits them to disadvantages due to that revelation [ Non- discrimination and prohibition of advocacy of national, racial or religious hatred ( arts. 2, 3, 20 and 26)]. – [ Freedom of religion ( art. 2, 18, 26)] .

German Courts have repeatedly ruled that individual Scientologists, as well as the Scientology religion and the Churches, are protected by the Religious Freedom Guarantee of the Constitution according to Art. 4 Basic Law (= German Constitution) and that they do not pursue commercial ends but exist rightfully as idealistic religious membership organizations.

However 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.

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European Office of the 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-againstscientology-in-germany-is-illegal-federal-court-said/>

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

[https://www.academia.edu/85276644/Report\\_to\\_HRCtte\\_on\\_ICCPR\\_Violations\\_of\\_Germany\\_agains\\_t\\_Church\\_of\\_Scientology\\_and\\_its\\_members](https://www.academia.edu/85276644/Report_to_HRCtte_on_ICCPR_Violations_of_Germany_agains_t_Church_of_Scientology_and_its_members)