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GERMANY: A Federal Court confirms “sect filters” are illegal

Germany and “cults”: the Federal Administrative Court confirms “sect filters” are illegal

The federal judges ruled that the City of Munich cannot ask citizens to declare that they are not Scientologists to be eligible for certain benefits.

By Massimo Introvigne

Bitter Winter (09/04/2022) – <https://bit.ly/3KQzJiT> – Some readers of Bitter Winter may remember our coverage last year of a decision by the 4th Senate of the State Administrative Court of Appeal of Bavaria, overturning a first instance judgment by the Administrative Court of Munich on the issue of a “sect filter” used by the City of Munich.

“Sect filters” are bizarre documents required by local governments, businesses, and political parties in some areas of Germany. Those looking for a job, or for doing business with these institutions and companies, should sign a statement that they are not Scientologists nor do they “use the teachings/technology of L. Ron Hubbard” (the founder of Scientology).

The City of Munich subsidizes the use of electrical bikes called “pedelecs” for the purpose of environmental protection. A musician who happens to be a Scientologist applied to receive a grant for purchasing a pedelec on August 6, 2018. As part of her application, she was required to sign a “sect filter” declaring that “she will not apply, teach, or otherwise disseminate any of the contents or methods or technology of L. Ron Hubbard and that she will not attend any courses or seminars based on this technology.” She refused, and on December 12, 2018, the City of Munich rejected her application.

She sued the city, but on August 28, 2019, the Administrative Court of Munich found against her, stating that the city was “free to decide which group of persons is to be supported by voluntary financial contributions,” and exclude Scientologists and supporters of L. Ron Hubbard.

The musician appealed, and the State Administrative Court of Appeal decided on June 16, 2021, with reasons communicated on August 3, 2021, that the city’s decision “is unlawful and

violates the plaintiff's rights." Imposing a "sect filter" before granting electromobility funding violates the constitutional guarantee of religious freedom and the constitutional principle of equality before the law, which requires that citizens should not be subject to disadvantages by reason of one's race, origin, language, belief or religious or philosophical conviction, the court concluded. The judges noted that the city had admitted that, apart from the "sect filter" issue, the musician's application met the legal requirements and would have been granted. Accordingly, the application of a "sect filter" amounted to unconstitutional religious discrimination.

On April 6, the Federal Administrative Court concurred and ordered the city of Munich to issue the required subsidy approval. It noted that there are three reasons to declare the use of the "sect filter" in this case as unlawful.

First, the subsidy of a municipality must not be made dependent on a sect filter. Art. 28 of the German Constitution related to the self-government rights of a municipality does not entitle it to demand a declaration on the belief of a person.

Second, requesting such a declaration and denying a subsidy if it is refused violates freedom of religion or belief and the freedom of religious practice, both of which are protected by Art. 4 of the German Constitution. Such practices are unconstitutional.

Third, the sect filter practice violates the principle of equal treatment before the law of all citizens, as the involved criteria for persons qualified to receive a subsidy are improper and inappropriate.

Although the case was not about "sect filters" in general, the court's view seems to indicate that in the absence of a proper law, demanding a declaration of a person's belief is

unconstitutional per se. This outcome certainly encourages Scientologists and all citizens jealous of their human rights to refuse to sign these obnoxious documents. As such, the decision is a victory for religious liberty, and should persuade Germany that there is no room for "sect filters" in a democratic country that is based on human rights.

Photo: The Federal Administrative Court, Leipzig. Credits.

Massimo Introvigne (born June 14, 1955 in Rome) is an Italian sociologist of religions. He is the founder and managing director of the Center for Studies on New Religions (CESNUR), an international network of scholars who study new religious movements. Introvigne is the author of some 70 books and more than 100 articles in the field of sociology of religion. He was the main author of the *Enciclopedia delle religioni in Italia* (Encyclopedia of Religions in Italy). He is a member of the editorial board for the *Interdisciplinary Journal of Research on Religion* and of the executive board of University of California Press' *Nova Religio*. From January 5 to December 31, 2011, he has served as the "Representative on combating racism, xenophobia and discrimination, with a special focus on discrimination against Christians and members of other religions" of the Organization for Security and Co-operation in Europe (OSCE). From 2012 to 2015 he served as chairperson of the Observatory of Religious Liberty, instituted by the Italian Ministry of Foreign Affairs in order to monitor problems of religious liberty on a worldwide scale.

Further reading about FORB in Germany on HRWF website

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