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## **GERMANY: A Bavarian court of appeal rules that the “sect filter” is illegal**

**The Bavarian State Administrative Court of Appeal rules that applying the “sect filter” is illegal**

*A musician refused to submit the requested “protective declaration” that she does not “use the technology” or attend courses of Scientology. She was right, the court said.*

By Massimo Introvigne

Bitter Winter (07.08.2021) – <https://bit.ly/370qZYG> – A historical decision was rendered by the 4<sup>th</sup> Senate of the State Administrative Court of Appeal of Bavaria, with reasons communicated on August 3, 2021, overturning a first instance judgment by the Administrative Court of Munich dated August 28, 2019, on the controversial issue of a “sect filter” used by the City of Munich. “Sect filters” are documents required by local governments, businesses and political parties in some areas of Germany. Anybody looking for a job, or for doing business with these institutions and companies, should sign a statement that s/he is not a Scientologist nor does s/he “use the technology of L. Ron Hubbard” (the founder of Scientology).

The City of Munich subsidizes electromobility, and the use of electrical vehicles, including electrical bikes called “pedelecs” for the purpose of environmental protection. A musician 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, 2019, 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 citizens supporting Scientology, based on the fact that “in the 2018 Bavarian Report on the Protection of the Constitution, the program and activities of the Scientology organization were declared incompatible with the fundamental principles of the free democratic basic order.” The first instance court noted that, notwithstanding this evaluation, the musician still had a right to attend courses of Scientology, as she did for forty

years, based on general principles of freedom of opinion and religion, but she had no right to get the electromobility subsidy. The city also suspected that the woman might use the pedelec for missionary activities on behalf of the Church of Scientology, which the city does not want to support.

The musician appealed, noting that she had clearly stated that she "is a freelance musician and plays mainly in classical orchestras; she wants to use the pedelec to get to rehearsals and performances." She never performed missionary activities on behalf of Scientology, and considered the claim that she would need a bike for such purposes as absurd. She also questioned the accuracy of the assessment of the Bavarian Office for the Protection of the Constitution, based on her long experience as a Scientologist. And she claimed that the wording of the "sect filter" is "vague and excessive," as it refers to any and all "contents" and "methods" L. Ron Hubbard may have taught in thousands of pages of works, and to any and all courses and seminars based on Hubbard's ideas, which deal with a wide variety of fields. Also, the "sect filter" requires those who sign it to disclose their religious adherence and belief, which is prohibited by both the German Constitution and international human rights law.

The city objected that a freelance musician is not a private individual but, since she bills for her services, she is a "business" or a "company," and since 1996 the Bavarian State Government had announced that they regard any business run by a Scientologist as "run according to the technology of L. Ron Hubbard" and thus "a component of the overall Scientology organization." That this applied to the activity of the musician was denied by the Bavarian State Administrative Court.

The Administrative Court of Appeal concluded 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.

**Read the full article here**

Photo: *"No support for buying a pedelec (above) if you don't renounce Scientology," the City of Munich said.*

**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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