

# Scientology religion protected by German Constitution against City of Munich

*City of Munich condemned by Bavarian Admin Court for discriminating a member of the religion, to grant a "pedelec" e-bike to a member of Scientology in Germany*

MUNICH, BAVARIA, GERMANY, August 6, 2021 /EINPresswire.com/ -- Munich condemned by Bavarian Admin Court for discriminating a member of Scientology. The City is now obliged to grant an eBike to a member of this Church.

The Bavarian State Administrative Court of Appeal has now issued its ruling (file no. 4 B 20.3008) in the case of a Munich Scientologist against the City of Munich. The case is related to the city E-Mobile Funding Directive, issued to help improve environmental protection, and the city's denial to approve a grant for the acquisition of an E-Bike to the Scientologist, solely because of being a parishioner of the Scientology religion.

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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 ways”

*Bavarian State Administrative Court, 2021*

The Bavarian State Admin Court 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 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.” [Bavarian State Administrative Court,



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As the Federal Supreme Admin Court had judged already in 2005, also the Bavarian State Admin Court confirmed that the plaintiff and generally all members of the Church of Scientology can „in any case claim the fundamental right of Art. 4 sect. (1) of the Constitution.“ Art. 4 sect. (1) of the German Constitution guarantees the inviolability of the freedom of belief or the religious and philosophic denomination. By denial of the requested grant, the City of Munich had violated this in a multiple way.

The city was not allowed to generally require the revelation of the religious or philosophical conviction and blanketly exclude Scientologists from its funding program for E-Bikes. The court found „Measures from public authorities that are aimfully directed against the practice of a freedom right protected by Art. 4 sect. (1) of the Constitution, at any rate constitute indirect interferences with a fundamental right. These prerequisites are fulfilled in the case of the exclusion of Scientology adherents from the funding program of the defendant when connected to their personal belief.“

On the prohibition of unequal treatment practices, the court found that the city's exclusion practice violates the fundamental equal rights principles of the Constitution. The court stated: „Also for reasons of equal treatment, the exclusion of Scientology-members and -adherents from the funding program of the defendant must be considered as illegal. It violates Art. 3 sect. (1) and (3) of the Constitution“, that is to say, it violates the fundamental principle that all people are equal before the law and that they must not be subjected to disadvantages by reason of their belief or religious or philosophical conviction.

The spokesperson of the Church of Scientology of Germany was happy to comment on the judgment:

"With the above a German Court for the first time called a spade a spade. We are happy that this discriminatory city practice towards Scientologists was finally „red-carded“ which it had deserved since long. This is a victory for religious freedom for all people who are subject to disadvantages in Germany by reason of their religious belief.“

Last september 2020, [Scientology had requested the UN to launch an investigation on Germany](#) for violating religious freedom, and in fact the Special Rapporteur on FORB Ahmed Shaheed, had previously written a letter to the German government inquiring them for such discriminatory practices. While the Scientologists still have some work to do to get their rights respected by German officials, it seems that international exposure and above all, proper abidance to the law and justice system, is paying off.

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