

FAITH BREAKERS

SCHUTZERKLÄRUNGEN / SECT FILTERS IN GERMAN PUBLIC PROCUREMENT

A Systematic Violation of German Constitution, OSCE Guidelines,
EU Law, Fundamental Rights, and Data Protection

Submitted for consideration to the European Commission, European Parliament, Council of Europe, United Nations Human Rights Bodies, OSCE, US Commission on International Religious Freedom (USCIRF) and US State Department

3,959

Documented Tenders
Jan 2014 – June 2, 2026

+668%

Increase 2014 → 2024
(81 to 621 annually)

30+

Years of Systematic
Non-Compliance &
violations

100+

Court Rulings —
Ignored

“Despite these judicial decisions, discrimination of job seekers or subsidy seekers with links to Scientology remains a common practice ... Is Germany [...] really the democratic state we believe? Are freedom of conscience and expression respected by the authorities? ... Discrimination of persons is not an abstract notion. It is a silent process that leads to exclusion, marginalisation and stigmatisation.”

— Prof. Georges Elia Sarfati, Doctor in Hebrew and Jewish Studies, University of Strasbourg; Founder, Popular University of Jerusalem for New Europe — 22 May 2019

June 2026

Presented by

**European Office of the Church of Scientology
for Public Affairs and Human Rights**

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Member of the U.N. Geneva NGO Committee on FoRB
Member of the EU Faith and Freedom NGO Coalition

Executive Summary

This report documents the systematic and escalating use of so-called “sect filters” (Sektenfilter) or “protective declarations” (Schutzerklärungen) against Scientology in German public procurement tenders published on the EU’s Tenders Electronic Daily (TED) database and across broader state and municipal contracting, grants, employment, security clearance, and citizenship processes. These clauses require bidders, employees, and grant recipients to affirm that they neither use nor disseminate the teachings of L. Ron Hubbard, creating an explicit religious test for access to public contracts and other core elements of public life.

Research conducted on the TED database reveals 3,959 tenders containing explicit references to “Scientology” published between January 2014 and June 2, 2026 — a 668% increase from 81 tenders in 2014 to 621 tenders in 2024. Critically, this surge occurred after definitive German judicial rulings in 2021–2022 establishing that these practices are unconstitutional. These figures represent only a minimum: contracts below EU publication thresholds (€140,000–€215,000 for services) are not captured, and key Schutzerklärungen / Sect filter / Faith breaker language often appears only in annexed documents or on external platforms. The actual extent of the practice is therefore significantly greater.

KEY FINDING

The German Federal Administrative Court (BVerwG 8 C 9.21, 6 April 2022) explicitly declared Schutzerklärungen / Sect filter / Faith breakers unconstitutional as “impermissible differentiation” violating Articles 3 and 4 of the Basic Law and clarified that such clauses may not be used as suitability criteria in public procurement. As a supreme administrative court judgment, this ruling is binding on all German administrative authorities and lower courts, which are required to align their practice with its interpretation of fundamental rights. In the two years following this ruling, however, annual Schutzerklärungen / Sect filter / Faith breaker tenders increased by 44% — reaching the highest level ever recorded. This demonstrates not a legal grey zone, but a pattern of practical non-compliance with binding constitutional jurisprudence by multiple levels of German authorities.

Violations Established

This report demonstrates systematic violations of:

- EU Procurement Law: Directive 2014/24/EU, Articles 18 and 57 — religious criteria are not among lawful exclusion grounds.
- EU Charter of Fundamental Rights: Articles 10 (freedom of religion), 21 (non-discrimination), 7 (respect for private and family life).
- ECHR: Articles 9 (freedom of religion) and 14 (prohibition of discrimination).
- German Constitutional Law: Articles 3 (equal treatment), 4 (freedom of faith) and 33 (equal access to public office and public functions) of the Basic Law — with the unconstitutionality of Schutzerklärungen / Sect filter / Faith breakers explicitly confirmed by the Federal Administrative Court in 2022.
- GDPR: Articles 5 and 9 — unlawful processing of special-category religious data; coerced disclosure without a valid legal basis or freely given consent.

- ICCPR: Articles 17 (privacy) and 18 (freedom of religion) — arbitrary interference and coercion lacking individualized justification and an evidence-based necessity test.
- Employment Equality Directive: 2000/78/EC — supply-chain and workforce clauses that force employee belief-screening and pressure individuals to conceal or renounce their religion as a condition of employment.
- OSCE / ODIHR Commitments: Freedom of religion or belief, non-discrimination, and human-rights-based security as articulated in the Copenhagen Document and in ODIHR's guidelines, which prohibit the use of administrative and economic measures to privilege or disadvantage specific religious communities and warn against security justifications that target particular beliefs rather than demonstrable conduct.

Recommendations Summary

1. **European Commission:** Initiate infringement proceedings under Article 258 TFEU regarding Germany's systematic non-compliance with Directive 2014/24/EU and the EU Charter in public procurement.
2. **European Parliament:** Adopt a resolution condemning the practice; request that the Commission open and pursue infringement action until Schutzerklärungen / Sect filter / Faith breakers are abolished.
3. **Council of Europe / ECHR:** Address Germany's non-compliance with its obligations under Articles 9 and 14 ECHR; consider use of the inter-state referral mechanism and encourage individual applications once domestic remedies are exhausted.
4. **UN Human Rights Bodies:** Follow up on communication AL DEU 2/2019; request Germany to report on measures taken to end Schutzerklärungen / Sect filter / Faith breaker practices and align with ICCPR obligations.
5. **OSCE:** Raise Schutzerklärungen / Sect filter / Faith breakers under the Freedom of Religion or Belief mandate and the Human Dimension, including through ODIHR, as a systematic pattern of religious discrimination and non-compliance with OSCE commitments; seek formal engagement and written responses from German authorities.
6. **German Authorities:** Adopt a legislative prohibition of religious criteria in public procurement, grants, employment, security clearances, and citizenship procedures; terminate BfV Scientology surveillance that has produced "nothing evident" of anti-constitutional activity; and ensure the erasure of unlawfully collected religious data, accompanied by effective remedies and compensation for affected individuals.
7. **U.S. Commission on International Religious Freedom (USCIRF):** Include Germany in USCIRF's annual report as systematic religious discrimination in a Western democracy; conduct a fact-finding delegation visit; issue a public statement or organise a Congressional briefing; and consider Special Watch List placement due to the systematic, government-sponsored nature of the practice and the 44% increase after the constitutional ban.
8. **U.S. Department of State:** Include a dedicated paragraph on sect filters in the annual International Religious Freedom Report; raise the issue at Assistant Secretary-level bilateral engagement; issue a formal diplomatic demarche through the U.S. Embassy in Berlin; direct systematic Embassy and Consulate monitoring and quarterly reporting; assess sect filters as potential transatlantic trade barriers; and request the IRF Ambassador designate Germany as a priority concern.

1. Introduction

Public procurement in the European Union is governed by a framework designed to ensure transparency, equal treatment, and non-discrimination among economic operators. These are not administrative formalities but fundamental requirements deriving from the Treaty on the Functioning of the European Union (TFEU) and the EU Charter of Fundamental Rights.

Since the 1990s, certain German federal states — particularly Bavaria and Hamburg — and municipalities have implemented a practice of requiring bidders for public contracts to sign declarations commonly known as *Sektenfilter* or *Schutzerklärungen* (“faith-breakers / sect filters” or “protective declarations”) — affirming that they do not use the “technology” or teachings of L. Ron Hubbard and are not associated with the Church of Scientology.

The constitutional illegality of this practice has been definitively established by three concentrated judicial rulings between 2021 and 2022. Most significantly, the German Federal Administrative Court’s April 2022 ruling explicitly declared *Schutzerklärungen / Sect filter / Faith breakers* unconstitutional. Yet TED database research shows that in the two years following this ruling, the annual number of tenders containing *Schutzerklärungen / Sect filter / Faith breaker* clauses increased by 44%, reaching 621 in 2024 — the highest level ever recorded.

This report is submitted to international and supranational bodies — the European Commission, European Parliament, Council of Europe, UN Human Rights Bodies, OSCE, USCIRF and US State Department — to document this pattern of systematic state agency resistance to judicial authority and to request appropriate supervisory and enforcement action.

1.1 Scope of This Report

This report covers:

- The historical origin and systematic spread of *Schutzerklärungen / Sect filter / Faith breaker* clauses (Section 2)
- Quantitative analysis of TED database evidence and methodology (Section 3)
- Detailed legal analysis under EU law, ECHR, German constitutional law, GDPR, and ICCPR (Section 4)
- The broader uses beyond EU tenders: grants, employment, security clearances, citizenship applications (Section 5)
- The intelligence surveillance nexus: OPC/BfV justification and its factual collapse (Section 6)
- Relevant case law from German, European, and international courts (Section 7)
- Structural analysis of the most discriminatory clause variants (Section 8)
- Conclusions and targeted recommendations for each international body (Section 9)
- Annex: Representative *Schutzerklärungen / Sect filter / Faith breaker* texts, primary source documents, and references (Section 10)

DEFINITIONAL NOTE

A *Schutzerklärungen / Sect filter / Faith breaker* clause is a contractual or grant requirement demanding that a tenderer, grantee, or their employees affirm non-association with Scientology and non-use of ‘L. Ron Hubbard technology.’ The most severe variants extend this obligation to all deployed employees and subcontractors, effectively requiring employers to conduct religious belief-screening of their workforce as a condition of public contract performance.

2. Origins and Historical Development

2.1 The Caberta Initiative (1995): Engineered Discrimination

The Schutzerklärungen / Sect filter / Faith breaker was not a bureaucratic accident. It was deliberately engineered in **1995** by **Ursula Caberta**, Hamburg’s government-appointed “Commissioner for the Scientology Organization,” as part of a state-sponsored campaign targeting members of WISE (World Institute of Scientology Enterprises). Caberta’s stated purpose was to “prevent the infiltration of the German economy” by Scientology. She conducted briefings to Chambers of Industry and Commerce across Germany, distributing Schutzerklärungen / Sect filter / Faith breaker templates to attending businessmen and promoting downloadable copies on Hamburg’s official city website for broad commercial use.

Caberta was later exposed as having received payments from anti-Scientology organisations — a conflict of interest that was never investigated by Hamburg authorities. Despite this, her templates became the model adopted by other German states.

2.2 The Bavarian Adoption (1996)

In October 1996, the Bavarian State Government issued **Notice Az. 476-2-151** formally adopting the Hamburg model for use across public contracting and grant-making. The notice framed Scientology as “*an association that under the guise of a religious community pursues commercial goals*” and claimed it “*subjects the individual ... to total internal and external control.*” This language — which courts would later find factually unsupported — became the template justification deployed by state and municipal authorities for three decades.^[1]

The Federal Ministry of Commerce separately agreed in 1996/97 that Scientology would be placed under OPC (Verfassungsschutz) surveillance, creating a self-reinforcing system: surveillance provided the “justification” for Schutzerklärungen / Sect filter / Faith breakers, and sect filters reinforced the premise of surveillance.

2.3 The 30-Year Litigation Timeline

The table below documents the full history of litigation, regulatory response, and ongoing non-compliance:

Date	Jurisdiction / Event	Description
1995	Hamburg	Ursula Caberta, Hamburg's 'sect commissioner,' engineers Schutzerklärungen / Sect filter / Faith breaker targeting WISE members; briefings to Chambers of Commerce across Germany; filter promoted on city website for broad commercial use.
1996	Bavaria	Bavarian State Government issues Notice Az. 476-2-151 (29 Oct 1996) formally adopting and formalizing the Hamburg model for public contracting and grant recipients.
1996–2005	Hamburg Litigation I	Federal Supreme Administrative Court BVerwG 7 C 20.04, 15 Dec 2005, held that the distribution and promotion of the Schutzerklärungen / Sect filter / Faith breaker by the Hamburg authorities to private actors was an unconstitutional interference with freedom of religion or belief and ordered the city to refrain from such promotion, but did not at that time directly address all later forms of contractual use by other public authorities.
2006–2017	Hamburg Litigation II	New litigation when second Scientologist affected; 11-year battle; EUR 5,000 penalty for ignoring court orders (city paid fine to itself); 2017 settlement. Still did not cover use in government’s own contracts.
2014–	Baden-	After Stuttgart contract cancellation case, State of Baden-Württemberg issues

Date	Jurisdiction / Event	Description
2015	Württemberg	administrative order (March 2015) with modified Schutzerklärungen / Sect filter / Faith breaker: restricted to specific contract but still targets WISE/Applied Scholastics members.
2018–2019	Munich — House of Art	Scientologist with 25 years impeccable service dismissed using false sexual abuse allegations; the real reason was he had been asked to implement the faith breakers in all personnel and he refused. In April 2019 settlement: EUR 110,000 severance + EUR 250,000+ retroactive social insurance borne by Bavarian Government.
June 2020	Stuttgart Admin Court	3 K 6690/19: 'No factual indicators' of anti-constitutional activity over 10 years.
March 4, 2021	BW Court of Appeal	VGH 8 S 1886/20: 'Nothing evident' of anti-constitutional activity individually or organizationally; blanket presumption 'not evident'; plaintiff's spiritual membership explicitly credited.
August 2021	Bavarian Admin Court	Grant exclusion violates Articles 3 and 4 of the Basic Law — 'unjustified interference in religious freedom guarantee.'
April 6, 2022	Federal Admin Court	BVerwG 8 C 9.21: Schutzerklärungen / Sect filter / Faith breakers declared 'impermissible differentiation'; protective declarations constitute 'targeted interference with negative freedom of belief.' Unconstitutional. As a supreme administrative court judgment, BVerwG 8 C 9.21 is binding on all German administrative authorities and lower courts, which are required to align their practice with its interpretation of Articles 3 and 4 of the Basic Law.
2023	Munich Kindergarten	Scientologist dismissed for refusing Schutzerklärungen / Sect filter / Faith breaker required for city funding; court rules in their favour citing 2022 BVerwG ruling; city removes Schutzerklärungen / Sect filter / Faith breaker from funding conditions — but other municipalities do not follow.
2024	Record High	621 tenders published with Schutzerklärungen / Sect filter / Faith breaker clauses — the highest annual figure, 44% above the year of the constitutional ban. Federal Administrative Court itself publishes tenders with Schutzerklärungen / Sect filter / Faith breakers after its own prohibition ruling.
June 2, 2026	Ongoing	192 tenders in first 5 months of 2026 alone. Hamburg Finance Authority advises discontinued use — but practice continues across Germany. 3,959 documented tenders (2014–2026) is acknowledged minimum.

Note: The pattern reveals systematic governmental non-compliance. Each judicial victory has been limited, circumvented, or ignored. The 2005 ruling applied only to promotion, not use. The 2017 Hamburg settlement did not cover employment contracts. The 2015 Baden-Württemberg order still targeted WISE members. The 2022 Federal Administrative Court ruling has been met with a 44% increase in Schutzerklärungen / Sect filter / Faith breaker usage.

2.4 Structural non-compliance with Federal Court jurisprudence

The pattern that emerges from the quantitative and qualitative evidence is not one of initial legal uncertainty gradually resolved by the courts, but of recurrent administrative resistance to clear judicial instructions. After the 2005 BVerwG ruling, Hamburg discontinued open promotion of Schutzerklärungen / Sect filter / Faith breakers yet maintained their use in other contexts; the 2017 settlement in the second Hamburg litigation did not stop the city from requiring Schutzerklärungen / Sect filter / Faith breakers in its own procurement documents; and following the Bavarian and Baden-Württemberg decisions in 2020–2021, other Länder continued to deploy the clauses almost unchanged.

The Federal Administrative Court's judgment BVerwG 8 C 9.21 in April 2022 removed any residual doubt by declaring Schutzerklärungen / Sect filter / Faith breakers unconstitutional as impermissible differentiation contrary to Articles 3 and 4 GG and by doing so in the context of

public procurement law – the very field in which their use had become standardised. Yet the TED data show a 44% increase in Schutzerklärungen / Sect filter / Faith breaker tenders in the two years after that ruling, with 621 tenders in 2024, and documented examples reveal continued use of Schutzerklärungen / Sect filter / Faith breakers by federal agencies, including the Federal Administrative Court itself. This indicates that, in practice, many contracting authorities have chosen to preserve existing discriminatory templates and workflows rather than align their behaviour with the Federal Court’s binding interpretation of constitutional rights.

3. Quantitative Evidence: TED Database Analysis

3.1 Methodology

Research was conducted on the EU’s Tenders Electronic Daily (TED) database using the advanced search function with the keyword “Scientology” (search scope: All notices, Latest versions only) [these do not include declarations of same consequence but that refer to L Ron Hubbard technology and not Scientology]. The TED database is the official EU public procurement journal, maintained by the Publications Office of the European Union.^[2]

CRITICAL LIMITATION: TED DATA IS A MINIMUM ESTIMATE

Under EU Directive 2014/24/EU, only contracts exceeding specific financial thresholds must be published on TED: €140,000 (central government) or €215,000 (sub-central authorities) for supplies/services; €5,382,000 for works contracts. Contracts below these thresholds — which include the majority of municipal cleaning, IT, consulting, and training services — are not captured. Furthermore, in eForms-based workflows, the operative Schutzerklärungen / Sect filter / Faith breaker text frequently appears only in annexed PDF forms or behind external platform links, not visible in TED abstracts. The 3,804 tenders documented here is therefore a structural floor, not a ceiling.

3.2 Year-by-Year Findings (2014–2026)

Year	Count	Relative Volume	Note
2014	81		
2015	156		
2016	157		
2017	163		
2018	215		
2019	284		
2020	294		
2021	370		Mar 2021: Baden-Württemberg ruling
2022	432		Apr 2022: Federal Admin Court bans Schutzerklärungen / Sect filter / Faith breakers
2023	464		
2024	621		RECORD HIGH — +44% since ban
2025	514		
2026*	192		* Partial year (Jan–June 2nd)
TOTAL	3,959		Jan 2014 – March 13, 2026

3.3 Statistical Analysis

COMPOUND ANNUAL GROWTH RATE (2014–2024) +22.6% CAGR	LARGEST SINGLE-YEAR INCREASE 2023→2024: +157 tenders (+33.8%)
% OF TOTAL SERIES AFTER 2020 RULINGS 63.1% of all tenders since 2021	2024 VS 2022 (POST-BAN COMPARISON) +44.2% above the year of the ban

3.4 Period Analysis

2014–2016: Baseline Period

81 tenders in 2014 escalating to 157 by 2016. This represents the earliest available TED data; the practice began in the 1990s, so these figures capture only the monitored period, not the full history.

2017–2019: Entrenchment

163 to 284 tenders — a 74% increase over three years. The practice was becoming systematically embedded in procurement template libraries across German contracting authorities.

2020–2021: Judicial Vindication — No Effect

Despite COVID-19, tenders rose from 294 (2020) to 370 (2021) — a 26% single-year increase. This increase occurred **after** the March 4, 2021 Baden-Württemberg Court of Appeal ruling (VGH 8 S 1886/20) that found “nothing evident” of anti-constitutional activity over ten years and rejected all blanket presumptions against Scientologists.

2022–2024: Post-Prohibition Surge (Most Significant Period)

The April 6, 2022 Federal Administrative Court ruling explicitly declared Schutzerklärungen / Sect filter / Faith breakers unconstitutional. The response was a **44% increase**: 432 tenders (2022), 464 (2023), 621 (2024). The 2024 figure is the highest ever recorded — two years after the constitutional ban. This is the clearest evidence of systematic state agency resistance to judicial authority.

2025–2026: No Abatement

514 tenders in 2025; 192 in the first 5 months of 2026 alone (projecting ~460 for the full year). The practice shows no signs of voluntary compliance. Hamburg Finance Authority has advised discontinued use, but this has not translated into system-wide termination.

3.5 Contracting Authorities

Schutzerklärungen / Sect filter / Faith breaker clauses appear across all levels of German public authority:

- **Federal Level:** Federal ministries, the Federal Ministry of Justice, Federal Foreign Office — and notably the Federal Administrative Court itself, which published tenders containing Schutzerklärungen / Sect filter / Faith breakers after its April 2022 prohibition ruling.^[3]
- **State (Länder) Level:** Bavaria (most persistent despite Aug 2021 ruling), Hamburg (origin state), Baden-Württemberg, North Rhine-Westphalia. Includes tax offices, state data centers, state hospitals, state ministries.
- **Municipal Level:** Munich (subject of the 2022 BVerwG case), Hamburg city, Berlin, and hundreds of municipalities. Municipal contracts are most likely to fall below TED thresholds, making this the most undercounted category.

- **Central Purchasing Bodies:** Dataport AöR (IT procurement for multiple states), Kasse.Hamburg, and other multi-authority procurement coordinators, meaning a single Schutzerklärungen / Sect filter / Faith breaker decision propagates across many contracting authorities simultaneously.

3.6 Contract Types Affected

Based on TED CPV classifications, Schutzerklärungen / Sect filter / Faith breakers appear across all service categories including: IT infrastructure and software development; construction and facility management; consulting and management services; training and education; cleaning and environmental services; defence and security; transport and logistics; printing and publishing; healthcare and social services. The universality of this coverage confirms that Schutzerklärungen / Sect filter / Faith breakers are applied as a blanket exclusion mechanism, not targeted at any specific risk sector.

3.7 Recent Examples (November 2025 – June 2026)

The following examples demonstrate active use after the 2022 constitutional prohibition and illustrate the annex-visibility problem:

- **Notice 751993-2025 (ABI. S 219/2025):** eForms suitability criterion explicitly labelled 'Scientology-Schutzerklärung' requiring bidder (and deployed persons) not to apply/teach/disseminate L. Ron Hubbard 'technology' or attend related courses.^[4]
- **Notice 836416-2025 (ABI. S 242/2025):** Notice packages include dedicated template form (Vordruck) for the Scientology declaration, confirming continued standardisation across procurement workflows.^[5]
- **Notice 69598-2026 (January 2026):** Scientology declaration appears as referenced suitability-criteria item cross-linked to an external platform endpoint — illustrating 'indirect visibility' where operative text sits behind annex links inaccessible to casual review.^[6]
- **Notice 98618-2026 (February 2026):** Tender documentation instructs bidders to confirm a 'Schutzerklärung Scientology' explicitly anchored to the 1996 Bavarian announcement — a 30-year-old unlawful policy still in active deployment.^[7]
- **Annex-only visibility:** Multiple award notices reference 'Scientology-Schutzerklärung (EK-02-A)' specifically in 'Anlage 5' — visible only by downloading annex documents, invisible in TED abstracts, and inaccessible to standard monitoring.^[8]

4. Legal Framework and Analysis of Violations

The following table provides an overview of the violations established:

Legal Framework	Provision	Violation	Remedy
EU Procurement Law	Directive 2014/24/EU, Arts. 18, 57	Religious criteria not among lawful exclusion grounds; equal treatment violated	Infringement proceedings under Art. 258 TFEU
EU Charter	Arts. 10, 21, 7	Discrimination on religion; breach of freedom of belief and private life	CJEU referral; Charter enforcement
ECHR	Arts. 9, 14	State assessment of religious affiliation; discriminatory access to economic life	ECtHR application; inter-state referral
German Basic Law	Arts. 3, 4 GG	Confirmed unconstitutional by BVerwG April 2022; agencies still non-compliant	Legislative prohibition; compliance orders
GDPR	Arts. 5, 9	Religious data as special-category; no lawful basis; coerced disclosure	DPA investigation; erasure orders
ICCPR	Arts. 17, 18	Arbitrary interference with privacy; unjustified limitation on religious freedom	UN Human Rights Committee; OHCHR follow-up
Employment Equality	Dir. 2000/78/EC	Employee belief-screening through supply-chain clauses	Labour inspections; EU Commission oversight
Remedies Directive	Dir. 2007/66/EC	Annex-only clause visibility undermines effective challenge rights	Platform transparency requirements

4.1 EU Public Procurement Law (Directive 2014/24/EU)

Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 establishes the primary legal framework governing public contracts in the EU.^[9]

Article 18 (Principles of procurement) requires contracting authorities to “treat economic operators equally and without discrimination and shall act in a transparent and proportionate manner.” Recital 2 explicitly references the obligation to comply with the principles of the TFEU, including non-discrimination.

Article 57 (Exclusion grounds) provides an exhaustive list of mandatory and discretionary grounds for excluding tenderers. Religious affiliation is not among them — a point definitively confirmed by the German Federal Administrative Court’s April 2022 ruling, which found *Schutzerklärungen / Sect filter / Faith breakers* constituted “impermissible differentiation” lacking any “legitimate factual reason.”

The 668% increase in *Schutzerklärungen / Sect filter / Faith breaker* tenders from 2014 to 2024, occurring despite definitive domestic judicial prohibition, raises urgent questions of Member State compliance with Article 18. Under Article 258 TFEU, the Commission has both the authority and obligation to initiate infringement proceedings where Member State practice systematically departs from Directive requirements. The evidence presented in this report satisfies the standard for such proceedings.

INFRINGEMENT RISK

Germany's systematic failure to enforce the 2022 BVerwG ruling — evidenced by 621 tenders in 2024 and continued use by federal agencies — constitutes a pattern of Member State non-compliance with Directive 2014/24/EU that warrants formal infringement proceedings under Article 258 TFEU. The Utilities Directive (2014/25/EU) applies where clause users operate in water, energy, transport, or postal sectors.

4.2 EU Charter of Fundamental Rights

Article 10 — Freedom of Thought, Conscience and Religion

Article 10 guarantees freedom to “manifest religion or belief, in worship, teaching, practice and observance.” The Explanations to the Charter confirm this mirrors Article 9 ECHR and must be interpreted consistently with the Strasbourg Court’s jurisprudence. Requiring individuals to declare non-affiliation with a religion as a condition for economic participation directly violates this guarantee. The Federal Administrative Court’s April 2022 ruling explicitly characterized Schutzerklärungen / Sect filter / Faith breakers as “targeted interference with the negative freedom of belief” — the right not to disclose one’s religious convictions.

Article 21 — Non-Discrimination

Article 21 prohibits “any discrimination based on any ground such as ... religion or belief.” The systematic expansion of Schutzerklärungen / Sect filter / Faith breakers by 668% from 2014 to 2024 despite judicial prohibition constitutes a structural violation of this guarantee. Schutzerklärungen / Sect filter / Faith breakers explicitly create two categories of bidders: those who can sign (permitted to participate) and those who cannot due to their religious beliefs (excluded from economic life). This is direct, not indirect, discrimination.

Article 7 — Respect for Private and Family Life

The requirement to disclose religious affiliation in the commercial context of a public tender constitutes an interference with private life. The March 2021 Baden-Württemberg ruling explicitly documented concrete harm: surveillance-derived “unreliability” determinations that “prohibited [the plaintiff] from accessing security areas at German airports, effectively destroying his professional career despite decades of impeccable service.”

4.3 European Convention on Human Rights

Article 9 — Freedom of Religion

Article 9 protects the right to “manifest ... religion or belief, in worship, teaching, practice and observance.” In *Kokkinakis v. Greece* (1993), the European Court established that religious freedom is “one of the foundations of a democratic society” and that the State’s duty of neutrality and impartiality in religious matters is “incompatible with any power to assess the legitimacy of religious beliefs.” The German practice of conditioning economic participation on a religious declaration directly contradicts this principle.^[10]

Article 14 — Prohibition of Discrimination

The enjoyment of Convention rights must be “secured without discrimination on any ground such as ... religion.” The sustained 668% expansion of Schutzerklärungen / Sect filter / Faith breakers from 2014 to 2024 — occurring after German courts found these practices violate fundamental rights — suggests systematic deviation from ECHR standards. In *Eweida and Others v. United Kingdom* (2013), the Court held that restrictions on religious manifestation must be proportionate and necessary. The March 2021 court finding of “nothing evident” after a decade of surveillance conclusively establishes that proportionality and necessity cannot be satisfied.^[11]

Under Protocol 11 and Rule 33 of the Rules of Court, individuals who have exhausted domestic remedies may bring applications to the ECtHR. The pattern of domestic non-compliance — including the Federal Administrative Court’s own tenders containing Schutzerklärungen / Sect filter / Faith breakers after its prohibition ruling — may also support consideration of an inter-state application under Article 33 ECHR.

4.4 German Constitutional Law

Article 4 — Freedom of Faith and Conscience

Article 4(1) of the Basic Law provides that “freedom of faith and of conscience, and freedom to profess a religious or philosophical creed, shall be inviolable.” Article 4(2) guarantees the “undisturbed practice of religion.” The Federal Administrative Court’s April 2022 ruling confirmed that Schutzerklärungen / Sect filter / Faith breakers violate this guarantee by making economic participation conditional on religious non-affiliation.

Article 3 — Equal Treatment

Article 3(3) GG provides that “no person shall be favoured or disfavoured because of ... faith, or religious or political opinions.” The August 2021 Bavarian Administrative Court of Appeal ruling condemned Munich’s practices “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 Federal Administrative Court’s April 2022 judgment confirmed this constitutional assessment at national level, holding that Schutzerklärungen / Sect filter / Faith breakers constitute “impermissible differentiation” that cannot be justified by any legitimate aim and therefore violate Articles 3 and 4 GG.

STATE OF NON-COMPLIANCE

Despite three definitive constitutional rulings (March 2021, August 2021, April 2022), Germany lacks any legislative prohibition, any federal administrative directive requiring cessation, or any enforcement mechanism. The April 2022 BVerwG ruling bound the parties to the case but has not been implemented system-wide. Without structural enforcement, the 2024 peak of 621 tenders and the 2025 figure of 514 demonstrate that voluntary compliance has failed entirely.

The persistence and even expansion of Schutzerklärungen / Sect filter / Faith breaker clauses after these decisions therefore does not reflect a legal grey zone, but a pattern of administrative practice that openly contradicts binding constitutional jurisprudence.

4.5 EU Data Protection Law (GDPR)

Special Category Data — Article 9

Article 9 GDPR prohibits “processing of personal data revealing ... religious or philosophical beliefs ...” Religious affiliation is explicitly listed as special-category data requiring explicit consent or a specific legal basis. None of the Article 9(2) exceptions apply to public procurement: there is no law authorizing religious data collection as a procurement criterion, no public interest justification, and manifestly no consent (a coerced declaration cannot constitute freely given consent under Article 7(4) GDPR).^[12]

Article 5 Principles

Schutzerklärungen / Sect filter / Faith breaker clauses violate multiple Article 5 processing principles simultaneously: (1) Lawfulness — no legal basis exists; (2) Purpose limitation — data collected for discriminatory purpose unrelated to contract performance; (3) Data minimisation — religious affiliation is irrelevant to service delivery; (4) Storage limitation — no justification for retaining religious declarations. The March 2021 BW ruling established that a decade of BfV

surveillance produced 'nothing evident' — demonstrating not merely disproportionality but the complete absence of any valid processing purpose.

Coerced Disclosure and Power Imbalance

GDPR Article 4(11) requires consent to be “freely given.” The EDPB has confirmed that consent cannot be freely given where there is a clear imbalance of power, particularly in employment contexts. The structural exclusion from public economic life — with 3,804 documented tenders and likely thousands more below thresholds — represents precisely such a power imbalance. National Data Protection Authorities (particularly the German Datenschutzbeauftragte) have supervisory authority and investigatory powers under Articles 57 and 58 GDPR to address this.

4.6 International Covenant on Civil and Political Rights (ICCPR)

Germany is a State Party to the ICCPR. **Article 17** prohibits arbitrary or unlawful interference with privacy. The surveillance-derived “unreliability” determinations underlying Schutzerklärungen / Sect filter / Faith breaker enforcement involve systematic collection of religious affiliation data without individualized justification. The March 2021 court finding of “nothing evident” after ten years of surveillance establishes the absence of the “necessary” standard required to justify limitations under ICCPR General Comment No. 22.

Article 18 protects freedom of religion and prohibits coercion that would impair the freedom to have or adopt a religion of one’s choice. UN Special Procedures Communication AL DEU 2/2019 specifically raised Germany’s use of Schutzerklärungen / Sect filter / Faith breaker measures, emphasizing that “individuals should not be compelled to disclose beliefs absent a legitimate and substantiated reason, with the burden of proof resting on the State.” Germany’s responses — which cited OPC surveillance as justification — did not satisfy this burden.^[13]

Additionally, BKA (Federal Criminal Police) internal reports from 1997–2007 recommended terminating the special Scientology reporting service because sustained monitoring produced no actionable intelligence.^[14] A surveillance program that BKA authors recommended winding down in 2007 cannot constitute a lawful basis for expanding economic exclusion by 668% in the following decade.

4.7 Employment Equality (Directive 2000/78/EC)

Several Schutzerklärungen / Sect filter / Faith breaker variants — notably the Bavarian and Hamburg templates — extend beyond the contracting entity to all employees and subcontractors, requiring bidders to certify that none of their employees use LRH technology or attend Scientology courses. Under Directive 2000/78/EC, which establishes a general framework for equal treatment in employment, no employee may be required to disclose or dissociate from religious belief as a condition of employment or contract performance.^[15]

This transforms procurement paperwork into a de facto employee belief-screening mechanism. It creates obligations that: (a) violate the “negative freedom of religion” (the right not to disclose beliefs); (b) constitute religious discrimination in employment; (c) expose employers to unlawful data processing liability; and (d) generate a cascading effect throughout private supply chains as companies — to preserve access to government contracts — extend the same requirement to their own employees and suppliers.

4.8 Remedies Directive (2007/66/EC) and Transparency Deficit

Directive 2007/66/EC strengthens EU rules on review procedures and aims to make remedies effective, including through standstill periods and ineffectiveness regimes.^[16] When the operative Schutzerklärungen / Sect filter / Faith breaker wording is not visible in the TED abstract — but appears only in annexed PDF forms or behind external platform links — affected bidders cannot identify and challenge the clause within procedural deadlines. This annex-only visibility pattern systematically undermines the effective remedy rights guaranteed by the Remedies Directive.

4.9 OSCE / ODIHR standards on freedom of religion or belief and security

Within the OSCE framework, participating States have committed themselves to robust guarantees of freedom of religion or belief and non-discrimination, including in the Copenhagen Document (1990, para. 9) and subsequent Human Dimension commitments. ODIHR's 2014 "Joint Guidelines on the Legal Personality of Religious or Belief Communities", adopted together with the Venice Commission, emphasise that States must remain neutral and impartial in religious matters and must not privilege or disadvantage particular communities in their access to legal and economic opportunities.

ODIHR's 2019 "Freedom of Religion or Belief and Security: Policy Guidance" expressly warns against security-driven restrictions that single out specific religious or belief communities and stresses that measures taken in the name of security must be non-discriminatory, evidence-based and strictly proportionate. Schutzerklärungen / Sect filter / Faith breakers do precisely what ODIHR cautions against: they institutionalise suspicion towards one religious community, require individuals to deny or conceal their beliefs as a condition for participating in public tenders or related processes, and are justified by vague, unsubstantiated references to security.

By imposing a religious test for economic participation and coercing negative declarations about a specific belief system, Germany's Schutzerklärungen / Sect filter / Faith breaker practice conflicts with ODIHR's guidance that no one should be coerced to reveal or renounce their religion or belief and that States must not use administrative or economic measures to pressure individuals to distance themselves from disfavoured communities.

5. Scope Beyond EU Procurement Tenders

While TED provides the most quantitatively measurable evidence, the discrimination reflected in Schutzerklärungen / Sect filter / Faith breakers is significantly broader in scope. The following hidden and extended uses are documented:

5.1 Grants and Subsidies

Schutzerklärungen / Sect filter / Faith breakers are used in municipal and state grant schemes and subsidy programs. The August 2021 Bavarian Administrative Court of Appeal ruling arose from an e-bike grant exclusion, confirming that the clause operates as a gatekeeping requirement for civil-society organisations and publicly funded services, not merely procurement contracts. A Munich Schutzerklärung for associations states that non-submission means 'a funding prerequisite is absent' and that knowingly false submission may lead to exclusion and recovery of funds.

5.2 Employment Contracts

Hamburg and Bavaria systematically include Schutzerklärungen / Sect filter / Faith breaker requirements in employment contracts with government agencies. The Munich House of Art case (2018–2019) documented a Scientologist dismissed after 25 years of impeccable service through false allegations, with the state-backed works council demanding a Schutzerklärungen / Sect filter / Faith breaker for existing employees. The Munich labour court found this demand illegal for existing staff, but the institutional pressure that generated it continues.

5.3 Security Clearances

OPC (Verfassungsschutz) surveillance of Scientology provides a legal basis for asking about Scientology membership in security clearance applications. This effectively bars Scientologists from employment in security-sensitive public sector roles without any individualized assessment of risk.

5.4 German Citizenship Applications

Foreign Scientologists are effectively barred from obtaining German citizenship due to OPC clearance requirements built into the naturalisation process. This extends the religious test from economic participation to civic membership itself.

5.5 The Cascading Effect in the Private Sector

Because government contracts require Schutzerklärungen / Sect filter / Faith breaker signatures to qualify, private companies have adopted identical clauses in their own employment contracts, business relationships, and supply chains to preserve their eligibility for public tenders. This creates a cascading effect of discrimination that radiates outward through the entire economy far beyond direct state action. The state effectively weaponises market access to achieve private-sector religious discrimination it could not lawfully impose directly.

“The Schutzerklärungen / Sect filter / Faith breaker abuse is not confined to public procurement notices. Documented examples show its use in employment contracts, work contracts, security clearance applications and citizenship procedures, where domestic intelligence (OPC/BfV) surveillance of Scientology is invoked as a legal basis for asking about membership. In response to public tenders that require Schutzerklärungen / Sect filter / Faith breaker signatures as a condition of eligibility, private companies have adopted identical clauses in their own employment contracts and supply-chain relationships to preserve access to government contracts, creating a cascading effect of religious discrimination that radiates through significant segments of the German economy”

6. The Intelligence Surveillance Nexus: Justification Without Factual Basis

6.1 The Self-Reinforcing System

German authorities, in their responses to the European Commission and the UN Special Rapporteur on Freedom of Religion or Belief (2019), justified Schutzerklärungen / Sect filter / Faith breakers by citing domestic intelligence (OPC/BfV) surveillance of Scientology. The stated logic: because Scientology is under OPC surveillance, Schutzerklärungen / Sect filter / Faith breakers are a proportionate protective measure. The core justification repeatedly invoked by German authorities – that OPC/BfV surveillance of Scientology allegedly proves “infiltration of the economy”, “anti-constitutional aims” or “totalitarian world domination” – has collapsed under judicial and internal scrutiny. This justification rests on three interconnected accusations, each of which has been factually disproven:

- **“Infiltration of the German economy”** — No evidence found despite decades of surveillance. Courts found no factual basis.
- **“Anti-constitutional aims”** — Courts in 2020, 2021, and 2022 found “no factual indicators” of anti-constitutional activity. The 2021 BW Court reviewed 10 years of OPC data and found “nothing evident.”
- **“Totalitarian world domination”** — No criminal convictions, violent acts, or subversion ever proven or documented in Germany in the name of Scientology.

Maintaining or expanding Schutzerklärungen / Sect filter / Faith breaker practices in the absence of any substantiated risk conflicts not only with the proportionality requirements of the Basic Law and the ECHR, but also with ODIHR's insistence that security measures must be based on demonstrable threats, not stereotypes about religious communities.

6.2 BKA Recommended Termination

BKA (Federal Criminal Police) internal reports from 1997 to 2007 recommended terminating the special Scientology reporting service because sustained monitoring produced no actionable intelligence. The BKA Meckenheim reports of 11 August 2003 and 28 June 2007 explicitly stated that no indicators were found for anti-constitutional actions organised by the Scientology organisation.^[14]

THE FUNDAMENTAL CONTRADICTION

A surveillance program that the BKA recommended winding down in 2007 — after finding no actionable intelligence across a decade of monitoring — cannot constitute a lawful basis for expanding economic exclusion by 668% in the following decade. The March 2021 BW Court of Appeal confirmed this: reviewing 10 years of OPC surveillance data, it found 'nothing evident' of anti-constitutional activity — individually or organizationally.

6.3 The 1996/97 Deal: Surveillance as Political Cover

As uncovered in Freedom of Information Acts litigation, the Federal Ministry of Commerce agreed to the Schutzerklärungen / Sect filter / Faith breaker practice in 1996/97, provided Scientology would become subject to OPC surveillance and mentioned in OPC reports. This created a circular and politically motivated arrangement: surveillance provided the appearance of legal cover for Schutzerklärungen / Sect filter / Faith breakers, while the existence of Schutzerklärungen / Sect filter / Faith breakers justified continued surveillance. German government admissions to the UN

Human Rights Special Rapporteur and EU Commission confirm this arrangement is “merely political, not legal.”

6.4 Court Findings on Surveillance Justification

- **June 2020, Stuttgart Admin Court (3 K 6690/19):** “No factual indicators” of anti-constitutional activity over 10 years.
- **March 2021, BW Court of Appeal (VGH 8 S 1886/20):** “Nothing evident” individually or organizationally; blanket presumption “not evident”; plaintiff’s spiritual membership credited.
- **April 2022, Federal Admin Court (BVerwG 8 C 9.21):** “Impermissible differentiation” lacking legitimate factual reason; “targeted interference with negative freedom of belief.”

7. Relevant Case Law

7.1 German Courts

BVerwG 7 C 20.04 — Federal Supreme Administrative Court (15 December 2005)

Well before the most recent procurement cases, Germany's Federal Supreme Administrative Court held that the Free and Hanseatic City of Hamburg was **not authorised to pass on pre-drafted "protective declarations"** designed to make third-party business partners disclose or deny ties to Scientology. The Court rejected reliance on a general "state guidance" function and accepted that the practice interfered with the religious freedom of the affected Scientologist.^[17]

"Hamburg is not authorised to pass on pre-drafted declarations ... designed to make the business partner ... provide information on his relations to Scientology."

— BVerwG 7 C 20.04, 15 December 2005

VGH 8 S 1886/20 — Baden-Württemberg Administrative Court of Appeal (4 March 2021)

The court systematically dismantled the factual predicates underlying surveillance justifications. It reviewed ten years of OPC data and found **"nothing evident"** of anti-constitutional activity, neither for the plaintiff individually nor for the Scientology Organisation as a whole. Most strategically significant: the court explicitly rejected the blanket presumption that Scientologists are unwilling to respect the legal order: "That this can generally be presumed for members of Scientology, is not evident." The court also credited the plaintiff's testimony that his Scientology membership "is solely about his spiritual development as a human being."

Bavarian Administrative Court of Appeal (August 2021)

Condemned Munich's practices 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." Found that the exclusion of applicants feeling bound by Scientology teachings "is incompatible with the freedom of religion or philosophy and does not satisfy the equal rights requirements of the Constitution."

BVerwG 8 C 9.21 — Federal Administrative Court (6 April 2022)

The landmark ruling in a case arising from Munich's refusal of an e-bike purchase subsidy to a Scientologist. The Federal Administrative Court held:^[18]

- **First:** Municipal subsidies must not be made dependent on a Schutzerklärungen / Sect filter / Faith breaker. Article 28 GG does not entitle municipalities to demand declarations about religious beliefs.
- **Second:** Requesting such a declaration violates freedom of religion or belief protected by Article 4 GG.
- **Third:** The Schutzerklärungen / Sect filter / Faith breaker practice violates the principle of equal treatment. Schutzerklärungen / Sect filter / Faith breakers constitute "impermissible differentiation" and "targeted interference with negative freedom of belief."

The Court found **no legitimate factual reason** for singling out Scientologists. This ruling was binding on the parties and constitutes binding precedent on the constitutional questions. Yet in the two years following this ruling, annual Schutzerklärungen / Sect filter / Faith breaker tenders increased by 44%.

Munich Administrative Court (2023)

In a case concerning a Scientologist dismissed from a private kindergarten for refusing to sign a Schutzerklärungen / Sect filter / Faith breaker required for city funding, the Munich Administrative Court ruled in the Scientologist's favour, citing the 2022 BVerwG ruling extensively. The city did not

appeal and removed the Schutzerklärungen / Sect filter / Faith breaker from its funding conditions for this institution — but the change was not applied system-wide.

BayVGH 20 CS 26.104 — Bavarian Higher Administrative Court (23 March 2026)

A ruling concerning the revocation of the public appointment and sworn status of a court-certified translator who was a Scientologist. Although the Court ultimately upheld the revocation in the interim proceedings, the decision contains an important legal clarification regarding the treatment of Scientologists under German law.

The Court held:

- First: Scientology is not a prohibited organization under Article 9(2) of the Basic Law. Membership in Scientology, by itself, does not automatically establish legal unreliability or unfitness for a public function.
- Second: Public authorities must conduct an individualized assessment based on concrete facts. Adverse decisions cannot lawfully rest solely on a person's religious or ideological affiliation.
- Third: Reliability and suitability determinations require evidence relating to the specific conduct, responsibilities, and circumstances of the individual concerned, rather than assumptions derived from group membership alone.

While the Court rejected the proposition that Scientology membership alone is sufficient grounds for exclusion from a public appointment. The ruling therefore reinforces the principle that state authorities must rely on individualized evidence rather than blanket presumptions when dealing with Scientologists.

The decision is significant because it confirms, at a higher-court level, that mere Scientology affiliation cannot automatically be equated with unreliability under German administrative law. In this respect, it continues the line of jurisprudence requiring equal treatment and fact-based decision-making rather than categorical exclusion based on religious or ideological association.

7.2 European Court of Justice

In *Commission v. Italy* (Case C-412/04), the Court held that national law must ensure the principles of transparency and equal treatment are respected in public procurement. In *Egenberger v. Evangelisches Werk* (Case C-414/16), the Court established that discrimination on grounds of religion must be “genuine, legitimate and justified” and subject to judicial review. The systematic expansion of Schutzerklärungen / Sect filter / Faith breakers despite domestic judicial prohibition is irreconcilable with these principles.

7.3 European Court of Human Rights

In *Kokkinakis v. Greece* (1993), the ECtHR established that freedom of religion is one of the foundations of a democratic society and that the State's duty of neutrality and impartiality in religious matters is “incompatible with any power to assess the legitimacy of religious beliefs.” In *Eweida and Others v. United Kingdom* (2013), the Court held that restrictions on religious manifestation must be proportionate and necessary. The German domestic findings of “nothing evident” after a decade of surveillance provide the factual predicate for an ECtHR application on proportionality grounds.

8. Clause Variants: From Discriminatory to Catastrophically Invasive

Schutzerklärungen / Sect filter / Faith breaker clauses exist on a spectrum of severity. All variants are unconstitutional under the 2022 BVerwG ruling; the most severe also violate EU employment equality law and GDPR simultaneously.

8.1 Standard Variant (Baden-Württemberg Model, post-2015)

Following the 2015 administrative order, Baden-Württemberg adopted a modified form: the entrepreneur declares only that, limited to the specific service contract, they will not apply LRH tech or disseminate Scientology. This eliminated the requirement to reveal membership or dissociate from Scientology generally. Although marginally less invasive, this form still targets WISE members and Applied Scholastics tutors, still lacks constitutional justification, and is still declared unconstitutional by BVerwG 2022.

This version is used by all German states except Bavaria and Hamburg, which maintain the most discriminatory versions.

8.2 Severe Variant (Bavaria and Hamburg Templates)

““I hereby declare that: I am not a member of the Scientology Organization, I do not use the technology of L. Ron Hubbard, I do not attend courses or seminars based on this technology, None of my employees use LRH technology or attend related courses.””

— Bavaria Schutzerklärung Template (VHF Bayern VI.12.2) —
Primary source: www.stmas.bayern.de

The Bavaria and Hamburg templates require not only the company but also an attestation that **none of its employees** use LRH tech or attend Scientology courses. This violates the “**negative religious freedom guarantee**” of all employees: they must reveal they are NOT members and actively dissociate themselves from the Church of Scientology. This automatically violates the EU Employment Equality Directive and the German General Equal Treatment Act (AGG), as no employee may be compelled to provide information on or reveal religious adherence or non-adherence to obtain or retain employment.

8.3 Most Severe Variant: Duty to Remove Staff During Performance

““The Contractor undertakes to exclude without delay ... any member of his staff ... who ... attends courses/seminars...””

— Mannheim Declaration (employee variant) — confirmed in multiple eForms tenders 2025–2026

Several clause variants — still in active use in 2025–2026 tenders — require the contractor to remove employees from contract performance if they are found to use or attend Scientology-related courses during the contract period. This creates an ongoing monitoring obligation and belief-policing mechanism across the entire supply chain, with breach consequences including contract termination. This is not merely a declaration but an operational surveillance requirement imposed on private employers by state contract.

8.4 Federal Template (Vordruck Nr. 760, November 2020)

Federal-level procurement template Vordruck Nr. 760 (issued November 2020 — two years before the constitutional ban) requires suppliers to ensure persons “nicht die ‘Technologien von L. Ron Hubbard’ anwenden, lehren oder ... verbreiten”; breach allows termination “aus wichtigem Grund” (for cause). The existence of a federally standardised template confirms this is not a local aberration but a systemic practice reaching to the highest levels of German federal administration.

9. Conclusions and Recommendations

9.1 Conclusions

The evidence assembled in this report establishes beyond reasonable doubt that the continued and expanding use of Schutzerklärungen / Sect filter / Faith breaker clauses in German public procurement, grants, employment, and citizenship processes constitutes a **systematic violation demonstrating three decades of state agency resistance to judicial authority**. The 3,804 documented TED tenders — a minimum estimate — increasing by 668% from 2014 to 2024 despite three definitive constitutional rulings, constitute a pattern of non-compliance that has now outgrown any characterization as administrative inertia.

THE CORE FINDING

The German Federal Administrative Court declared Schutzerklärungen / Sect filter / Faith breakers unconstitutional on 6 April 2022. In the two years following that ruling, the annual number of tenders containing Schutzerklärungen / Sect filter / Faith breaker clauses increased by 44%, reaching a record 621 in 2024. The Federal Administrative Court itself published tenders containing Schutzerklärungen / Sect filter / Faith breaker clauses after its own prohibition ruling. This is not administrative delay. This is systematic institutional resistance to constitutional authority.

The violations established are:

- 1. Violation of Directive 2014/24/EU (Articles 18, 57) — religious criteria are not lawful exclusion grounds
- 2. Violation of EU Charter Articles 10, 21, 7 — discrimination on religion; breach of private life
- 3. Violation of ECHR Articles 9 and 14 — state assessment of religious affiliation as economic condition
- 4. Violation of Articles 3 and 4 GG — confirmed unconstitutional; agencies operating in defiance of BVerwG
- 5. Violation of GDPR Articles 5 and 9 — unlawful special-category data processing; coerced disclosure
- 6. Violation of ICCPR Articles 17 and 18 — arbitrary interference; failure to meet burden of proof
- 7. Violation of Employment Equality Directive 2000/78/EC — employee belief-screening
- 8. Violation of Remedies Directive 2007/66/EC — annex-only visibility undermining effective challenge rights

Germany's continued reliance on Schutzerklärungen / Sect filter / Faith breakers places it in open tension with its OSCE/ODIHR commitments to ensure freedom of religion or belief, non-discrimination and a human-rights-based approach to security. By conditioning access to public contracts and related benefits on negative declarations regarding one religious community, and doing so despite clear domestic court rulings that this violates Articles 3 and 4 of the Basic Law, German authorities are in practice disregarding both their own Federal Administrative Court and the OSCE's core standards of neutrality, equality and non-coercion in matters of religion or belief.

9.2 Recommendations by Body

European Commission

- **Infringement proceedings under Article 258 TFEU** for systematic failure to comply with Directive 2014/24/EU. The 668% post-2014 increase, the 44% post-2022-ban increase, and federal agency non-compliance satisfy the standard for infringement action.
- **GDPR enforcement:** Direct German Data Protection Authorities to open investigations under GDPR Articles 57–58 into unlawful processing of religious data through Schutzerklärungen / Sect filter / Faith breaker clauses.
- **Employment Equality:** Investigate whether supply-chain employee belief-screening violates Directive 2000/78/EC; issue interpretive guidance to Member States.
- **Transparency requirement:** Require operative procurement conditions to be visible in TED abstracts, not only in annexes; close the annex-only visibility loophole exploited to evade scrutiny.

European Parliament

- **Resolution** condemning Schutzerklärungen / Sect filter / Faith breaker practices as incompatible with EU fundamental rights and procurement law.
- **Parliamentary question** to the Commission on steps taken to address infringement; request written reply from Germany.
- **Intergroup on Freedom of Religion or Belief:** Organise hearings with affected Scientologist business operators, labour lawyers, and procurement experts.
- **LIBE Committee:** A study to be requested on religious discrimination in Member State procurement practices; use Germany as case study.

Council of Europe

- **ECHR Article 9 compliance:** Recommend that the Secretary General formally address Germany's pattern of non-compliance with the principle of state neutrality in religious matters established in Kokkinakis.
- **Venice Commission:** An opinion to be requested on the compatibility of Schutzerklärungen / Sect filter / Faith breaker legislation and administrative practice with ECHR standards.
- **ECRI:** Include Schutzerklärungen / Sect filter / Faith breaker practices in European Commission against Racism and Intolerance monitoring of Germany; classify as religious discrimination.
- **Parliamentary Assembly (PACE):** Adopt a written declaration or recommendation calling on Germany to implement the BVerwG 2022 ruling through legislative prohibition.

United Nations

The following recommendations are directed to UN human rights mechanisms, including OHCHR, Special Procedure mandate holders, UN Human Rights Treaty Bodies, and the Universal Periodic Review.

OHCHR: Office of the High Commissioner for Human Rights

- **Follow-up on AL DEU 2/2019:** OHCHR's Special Procedures Branch formally follow up on Germany's response to the joint communication AL DEU 2/2019. Germany's response cited ongoing BfV/OPC surveillance as justification; the March 2021 court ruling (VGH 8 S 1886/20) found 'nothing evident' after 10 years of that surveillance; the April 2022 Federal Administrative Court (BVerwG 8 C 9.21) declared sect filters unconstitutional; and sect filter usage increased 44% in the two years following the constitutional ban. This sequence

demonstrates that Germany's response was factually inadequate and should be formally challenged.

- **Reprisals report:** OHCHR to include the sect filter practice in the Secretary-General's annual report on allegations of reprisals and intimidation against those who cooperate with the UN in the field of human rights (A/HRC/51/35). Document: (a) the economic retaliation against individuals who have litigated against sect filters; (b) the professional destruction documented in the Munich House of Art case (EUR 110,000 severance + EUR 250,000+ social insurance); and (c) the chilling effect discouraging victims from approaching UN mechanisms.
- **Human rights defenders:** OHCHR to apply its Guidance Tool on the protection of human rights defenders to individuals and organisations challenging sect filter practices in Germany. The lawyers, civil society organisations, and affected individuals who have litigated against sect filters, documented violations, and engaged with UN mechanisms are performing a human rights defence function and should receive the protection and recognition afforded to human rights defenders under UN guidelines.
- **Human Rights Council Agenda Item 3:** OHCHR to support inclusion of the Germany sect filter issue under Human Rights Council Agenda Item 3 (promotion and protection of all human rights), through an oral statement during the Item 3 general debate, inclusion in the High Commissioner's oral updates, or a written statement as an official Council document.
- **Regional Office engagement:** OHCHR's Europe and Central Asia Regional Office engage directly with German authorities through: (a) a formal meeting with the Permanent Mission of Germany to the UN in Geneva; (b) a technical briefing on the scope and legal framework of sect filters; and (c) inclusion in OHCHR's ongoing dialogue with German human rights institutions.

Special Rapporteur on Freedom of Religion or Belief

- **Joint follow-up to AL DEU 2/2019:** A follow-up communication to be issued (AL DEU follow-up) referencing: (a) Germany's inadequate response to AL DEU 2/2019 which cited BfV surveillance as justification; (b) the three definitive court rulings (Stuttgart 2020, BW Court of Appeal 2021, Federal Administrative Court 2022) that have vindicated the concerns raised; (c) the 44% increase in sect filter usage after the constitutional ban; and (d) the Federal Administrative Court's own use of sect filters after its prohibition ruling. Request Germany provide a revised response addressing the post-2022 surge.
- **Thematic report inclusion:** The FoRB Rapporteur to include Germany sect filters in his/her next thematic report and country visit requests, using the well-documented 3,959 tenders, 668% increase, and post-ban 44% surge as a case study of systematic State-sponsored religious discrimination in a Western democracy.

Special Rapporteur on Minority Issues

Critical note: AL DEU 2/2019 was a joint communication co-signed by the Special Rapporteur on Freedom of Religion or Belief and the Special Rapporteur on Minority Issues. As a co-signatory to the original communication, the Minorities Rapporteur has a specific responsibility to monitor Germany's response and follow up on deficiencies. The following asks should be directed to this mandate holder:

- **Joint follow-up with FoRB Rapporteur:** The Special Rapporteur on Minority Issues to join the Special Rapporteur on Freedom of Religion or Belief in a joint follow-up communication to Germany on the implementation (or non-implementation) of the concerns raised in AL DEU 2/2019. A joint follow-up from both original mandate holders would carry significantly more weight than a single-mandate appeal and would signal that the issue concerns not only religious freedom but also the treatment of a minority group in access to economic opportunities.
- **Thematic report on minorities and economic exclusion:** The Minorities Rapporteur to include the Germany sect filter case study in his/her next thematic report on minority rights and economic participation. The sect filter practice exemplifies how ostensibly neutral

procurement criteria can systematically exclude a religious minority from economic life, with 3,959 documented tenders providing quantifiable evidence of structural exclusion.

- **Country visit request:** The Minorities Rapporteur to seek an invitation for a country visit to Germany specifically to investigate the intersection of minority status and economic exclusion, using the sect filter practice as the primary case study.

Special Rapporteur on the Right to Privacy

The entire sect filter system is built upon BfV/OPC surveillance. The systematic collection of religious affiliation data, the creation of surveillance-derived 'unreliability' determinations, and the use of this data to justify exclusion from contracts, employment, and citizenship fall squarely within the Privacy Rapporteur's mandate. The March 2021 court finding of 'nothing evident' after 10 years of surveillance is precisely the kind of unjustified surveillance this mandate addresses.

- **Communication on BfV/OPC surveillance:** A communication to be issued concerning: (a) the systematic collection of religious affiliation data by the BfV/OPC without individualized suspicion; (b) the use of surveillance-derived 'unreliability' determinations to justify exclusion from employment, contracts, and citizenship; (c) the March 2021 court finding of 'nothing evident' after 10 years; and (d) the circular arrangement between surveillance and sect filters (Section 6.3).
- **Thematic report inclusion:** The Privacy Rapporteur to include the Germany Scientology surveillance case in his/her next thematic report on the intersection of surveillance and minority rights, using the self-reinforcing system (surveillance justifies sect filters; sect filters justify surveillance) as a case study of surveillance weaponized against a religious minority in a democratic State.

Special Rapporteur on Freedom of Opinion and Expression

The sect filter practice creates a severe chilling effect on expression. Individuals must sign declarations stating they do not 'teach or disseminate' L. Ron Hubbard's ideas. This directly penalizes the expression of Scientology beliefs. The cascading private sector effect means individuals fear expressing their beliefs even outside work contexts.

- **Communication on chilling effect:** A communication to be issued regarding: (a) the requirement that bidders declare they do not 'teach or disseminate' Scientology ideas as a condition for public contracts; (b) the cascading private sector self-censorship; and (c) the broader chilling effect on religious expression created by conditioning economic participation on disavowal of specific beliefs.
- **Joint action with FoRB Rapporteur:** Coordinated action to be taken with the Special Rapporteur on Freedom of Religion or Belief on a joint communication addressing the intersection of expression and religious freedom restrictions. The sect filter practice simultaneously restricts both: the right to express religious beliefs and the right to hold those beliefs without penalty.

Special Rapporteur on Freedom of Peaceful Assembly and Association

The Bavarian and Hamburg sect filter variants require bidders to certify that none of their employees are members of the Church of Scientology. This directly chills the right to associate with a religious organization. The cascading effect where private companies disassociate from Scientology-linked suppliers to preserve government contract eligibility creates a climate of coerced disassociation.

- **Communication on coerced disassociation:** A communication to be issued regarding: (a) the Bavarian and Hamburg variants requiring certification that no employees are Scientologists; (b) the cascading private sector effect where companies sever ties with Scientology-linked suppliers; and (c) the broader climate of coerced disassociation created by conditioning economic participation on severance of ties with a religious organization.

Committee on Economic, Social and Cultural Rights (CESCR)

The systematic exclusion from public procurement, grants, subsidies (e.g., the e-bike grant case documented in Section 5.1), and employment directly implicates rights under the International

Covenant on Economic, Social and Cultural Rights (ICESCR): the right to work (Article 6), the right to just and favourable conditions of work (Article 7), and the right to an adequate standard of living (Article 11). Germany is a State Party to the ICESCR.

- **List of Issues question:** CESCR to include the following in its List of Issues Prior to Reporting for Germany's next periodic review: 'Please provide information on measures taken to ensure that religious minorities, including Scientologists, are not systematically excluded from public procurement, grants, and employment through Schutzerklaerung or sect filter clauses, and on implementation of the Federal Administrative Court's 2022 ruling declaring such clauses unconstitutional.'
- **Day of General Discussion:** CESCR to include the Germany sect filter case in its next Day of General Discussion on the right to work or non-discrimination in economic life, with a shadow report documenting the economic impact using TED database data.

UN Human Rights Committee (ICCPR) — Enhanced

- **Enhanced engagement:** In addition to requesting Germany submit a report under Article 40 ICCPR, request that the Human Rights Committee: (a) include a specific question on sect filters in its List of Issues for Germany's next periodic review; (b) invite the authors of AL DEU 2/2019 (the FoRB and Minorities Rapporteurs) to provide input during the Committee's review; and (c) consider issuing formal Views under the Optional Protocol if individual communications are submitted. The post-2022 surge (44% increase, record 621 tenders in 2024) should be cited as evidence that Germany has failed to implement the Committee's previous concerns.

Universal Periodic Review — Enhanced Strategy

- **Civil society parallel report:** Submit this report as a civil society parallel report for Germany's next UPR cycle, with an executive summary formatted for UPR consumption (max 5,635 words), through an ECOSOC-accredited NGO to ensure posting on the OHCHR UPR website as an official stakeholder submission.
- **Suggested recommendations for reviewing States:** Provide an annex with suggested UPR recommendations for reviewing States, including: (a) 'Immediately cease the use of Schutzerklaerungen and sect filter clauses in public procurement, grants, employment, and citizenship procedures, and ensure implementation of BVerwG 8 C 9.21 across all government levels'; (b) 'Adopt federal legislation explicitly prohibiting religious criteria in public procurement'; (c) 'Terminate the BfV/OPC surveillance of Scientology in light of the March 2021 court finding'; and (d) 'Establish effective remedies and compensation for individuals whose economic and professional rights have been violated.'
- **Pre-session advocacy:** Conduct pre-session advocacy with Geneva-based diplomatic missions, providing a 2-page briefing note with key data (3,959 tenders, 668% increase, 44% post-ban surge) and suggested questions/recommendations. Engage UPR Info pre-session events to introduce the issue to diplomats from reviewing States.

OSCE

- **ODIHR Freedom of Religion or Belief focal point:** Formally raise Schutzerklärungen / Sect filter / Faith breaker practices under the OSCE commitments on freedom of religion (Vienna Document, Copenhagen Document 1990, para. 9).
- **Moscow Mechanism / Human Dimension meetings:** Raise as a systematic pattern of religious discrimination under OSCE Human Dimension commitments; request Germany provide written response.
- **OSCE Economic Dimension:** Address under commitments to non-discriminatory business environment; note that Schutzerklärungen / Sect filter / Faith breakers distort market access on grounds of religious affiliation.
- Germany's continued reliance on Schutzerklärungen / Sect filter / Faith breakers places it in open tension with its OSCE/ODIHR commitments to ensure freedom of religion or belief, non-discrimination and a human-rights based approach to security. By conditioning access to public contracts and related benefits on negative declarations regarding one religious

community, and doing so despite clear domestic court rulings that this violates Articles 3 and 4 of the Basic Law, German authorities are in practice disregarding both their own Federal Administrative Court and the OSCE's core standards of neutrality, equality and non-coercion in matters of religion or belief.

German Federal and State Authorities

- **Immediate cessation:** Suspend all pending and future Schutzerklärungen / Sect filter / Faith breaker clauses pending legislative resolution; issue emergency federal administrative directive to all contracting authorities.
- **Legislative prohibition:** Enact statutory prohibition on religious criteria in public procurement, grant-making, employment, security clearances, and citizenship applications.
- **Termination of BfV Scientology surveillance:** The March 2021 court finding of “nothing evident” after ten years removes any lawful basis for continued classification-level monitoring.
- **Data destruction:** Under GDPR Article 17, all religiously processed data collected pursuant to unlawful Schutzerklärungen / Sect filter / Faith breaker mechanisms must be erased.
- **Parliamentary inquiry:** Bundestag inquiry into the decades-long surveillance that produced “nothing evident” despite intensive resources; accountability for institutional resistance to judicial rulings.
- **Individual remedies:** Establish administrative claims mechanism for persons whose professional or civil lives were materially damaged by surveillance-derived discrimination.

U.S. Commission on International Religious Freedom (USCIRF)

USCIRF is an independent, bipartisan federal body mandated by Congress to monitor religious freedom abroad and make policy recommendations to the President, Secretary of State, and Congress. It issues annual reports designating Countries of Particular Concern (CPC), Special Watch List (SWL) countries, and Entities of Particular Concern (EPC). The following asks are tailored to USCIRF's mandate and ordered by priority.

Tier 1: Highest Priority (Immediate Impact)

- **Include Germany in USCIRF's Annual Report:** USCIRF to include a dedicated section on Germany in its annual report, documenting the sect filter practice as systematic religious discrimination in a Western democracy. The inclusion should note the 668% increase from 2014 to 2024, the 44% increase after the 2022 constitutional ban, and the record 621 tenders in 2024. Even without a CPC or SWL recommendation, inclusion would place Germany on the radar of policymakers, Congressional staff, and advocacy networks.
- **USCIRF Delegation Visit to Germany:** USCIRF Commissioners to conduct a fact-finding visit to Germany to meet with affected Scientologist business owners, employees denied security clearances, lawyers who have litigated these cases, and relevant government officials. A formal delegation visit would generate media attention and demonstrate U.S. government concern at the highest level.

Tier 2: Medium Priority (Strategic Impact)

- **USCIRF Public Statement or Hearing:** USCIRF to issue a public statement expressing concern about sect filter practices in Germany, or organise a public hearing featuring testimony from affected individuals, legal experts, and civil society organisations. This would bring visibility to the issue without waiting for the annual report cycle.
- **Congressional Briefing:** USCIRF staff to brief relevant Congressional committees (House Foreign Affairs, Senate Foreign Relations, Tom Lantos Human Rights Commission) on the sect filter issue. A Congressional briefing would create a formal record, generate questions to the State Department, and potentially lead to Congressional letters or resolutions.

Tier 3: Sustained Engagement (Long-term Impact)

- **Western Europe Religious Freedom Monitoring:** USCIRF to expand its monitoring of Western European democracies to include systematic tracking of anti-cult movement influence on state policy, including sect filters, deprogramming practices, and restrictions on minority religious groups. This would contextualise Germany's practices within a broader regional pattern and institutionalise attention to Western European religious freedom issues.
- **Special Watch List Consideration:** While Germany does not meet the threshold for CPC designation, USCIRF to consider whether Germany warrants placement on the Special Watch List (SWL) due to the systematic, ongoing, and government-sponsored nature of the sect filter practice, particularly the 44% increase after the constitutional ban. For a NATO ally and G7 member, SWL placement would be unprecedented and would generate significant diplomatic pressure.

U.S. Department of State

The U.S. Department of State should include Germany's continued use of Schutzerklaerungen / Sect filters / Faith breakers in its religious-freedom and human-rights monitoring, and raise the issue in bilateral consultations with German authorities at the highest appropriate levels. The following recommendations are organised by bureau and mechanism.

International Religious Freedom Report (IRFR)

- **Elevate in the IRFR:** Include a dedicated paragraph on sect filters in the annual International Religious Freedom Report chapter on Germany, specifically documenting: (a) the 3,959 documented tenders (2014-2026); (b) the 44% increase after the 2022 constitutional ban; (c) the Federal Administrative Court's own publication of sect-filter tenders after its prohibition ruling; and (d) the cascading effect on private-sector employment. The Report should provide suggested draft language for the IRFR chapter.

Bilateral Engagement

- **Assistant Secretary-level engagement:** The Assistant Secretary of State for Democracy, Human Rights, and Labor (DRL) raise the sect filter issue directly with German counterparts at the Federal Ministry of Justice and the Federal Ministry of the Interior during the next bilateral human rights dialogue, specifying Assistant Secretary-level rather than working-level engagement.
- **Diplomatic demarche:** A formal diplomatic demarche to be issued from the U.S. Embassy in Berlin to the German Federal Government expressing concern about the sect filter practice, citing the BVerwG 2022 ruling and requesting a formal government response with concrete steps to address the issue.

U.S. Embassy and Consulate Monitoring

- **Systematic monitoring:** The U.S. Embassy to be directed to in Berlin and Consulates in Munich, Frankfurt, and Hamburg to include sect filter practices in ongoing human rights monitoring and reporting. Embassy officers should meet with affected individuals, track new TED notices, and report quarterly on implementation (or non-implementation) of the BVerwG 2022 ruling.

Trade and Commercial Dimension

- **Trade barrier assessment:** The State Department, in coordination with the Department of Commerce, assess whether sect filter practices create discriminatory barriers for U.S. companies and individuals with Scientology affiliations seeking German public contracts. This assessment should be shared with the U.S. Trade Representative's office, framing the issue as a potential transatlantic trade barrier.

Additional State Department Mechanisms

- **IRF Ambassador priority designation:** The Ambassador-at-Large to for International Religious Freedom designate the Germany sect filter issue as a priority concern and include

it in public speeches, testimony, and advocacy. The IRF Ambassador's public statements carry the highest visibility of any U.S. official on religious freedom.

- Continued existing actions:** The State Department should also: (a) ask German authorities to explain concrete steps taken to implement the Federal Administrative Court's 2022 ruling; (b) encourage Germany to ensure access to public procurement, grants, employment, and citizenship is based on individualized conduct, not religious affiliation; and (c) consult with affected individuals and civil-society actors through Embassy and Consulate channels to monitor implementation.

10. Informations and References

Information A: Representative Schutzerklärungen / Sect filter / Faith breaker Texts

A.1 Bavaria State Notice (1996) — Az. 476-2-151

The notice describes Scientology as operating “under the guise of a religious community” and recommends requiring a protective declaration in specific contract and grant contexts. It mandates exclusion for non-submission or knowingly false submission and recommends the approach to municipalities and grant recipients. Primary source (PDF):

www.stmas.bayern.de/imperia/md/content/stmas/stmas_inet/vergabe/1.7_erkl_scientology.pdf

A.2 Bavaria Schutzerklärung Template (VHF Bayern VI.12.2)

Bidders must attest they do not apply, teach, or disseminate LRH technology; the template extends beyond the tenderer to employees and other persons used for performance, adds an ongoing duty to exclude persons during performance, and links breaches to termination/withdrawal consequences. Munich official form (PDF): stadt.muenchen.de (Scientology Schutzerklärung)

A.3 Hamburg Declaration (origin template, 1995/2016 version)

The declaration requires non-application, non-teaching, and non-dissemination of LRH methods; applies to all employees and subcontractors involved in the contract. Hamburg Tender Document 2016 (transparency portal PDF): daten.transparenz.hamburg.de (Akte 122.10-21-4-1)

A.4 Berlin Circular (Rundschreiben WiEnBe II D Nr. 01/2018)

Berlin’s 2018 circular for public procurement formalised the use of Scientology declarations. Primary source (PDF): www.berlin.de (rs-web-2018-01_scientology.pdf)

A.5 Federal Template (Vordruck Nr. 760, November 2020)

Supplier must ensure persons do not apply, teach, or disseminate LRH 'technologies'; breach allows termination for cause. Confirms that the practice extends to the federal level and to consulting/training procurements specifically.

Information B: Statistical Data Summary

Metric	Value
Total documented tenders (Jan 2014 – June 2, 2026)	3,959
2014 baseline (lowest year in monitoring period)	81 tenders
2024 peak (highest year recorded)	621 tenders
Percentage increase 2014 to 2024	668%
Compound annual growth rate (2014–2024)	22.6% CAGR

Metric	Value
Increase after April 2022 constitutional ban (2022–2024)	44.2%
Proportion of total series since 2021 judicial rulings	63.1%
2026 partial year (6 weeks) annualised projection	~460 tenders
EU publication thresholds (services, sub-central)	€215,000
Estimated actual tenders (including below-threshold)	Significantly higher than 3,959

Information C: Full Litigation Timeline Reference

See Section 2.3 (Timeline Table) above for the full 30-year litigation record. Key citations:

- **BVerwG 7 C 20.04 (15 Dec 2005)**: First prohibition on promotion. www.bverwg.de/151205U7C20.04.0
- **VGH 8 S 1886/20 (4 Mar 2021)**: 'Nothing evident' — BW Court of Appeal.
- **BVerwG 8 C 9.21 (6 Apr 2022)**: Schutzerklärungen / Sect filter / Faith breakers unconstitutional. www.bverwg.de/060422U8C9.21.0

Information D: International Instruments and Decisions

- **UN Special Procedures AL DEU 2/2019**: OHCHR communication on German Schutzerklärungen / Sect filter / Faith breaker practices. spcommreports.ohchr.org
- **ECHR Convention**: www.echr.coe.int
- **Directive 2014/24/EU**: eur-lex.europa.eu (Procurement Directive)
- **Directive 2000/78/EC (Employment Equality)**: eur-lex.europa.eu (Equal Treatment Dir.)
- **Directive 2007/66/EC (Remedies)**: eur-lex.europa.eu (Remedies Dir.)
- **Directive 2014/25/EU (Utilities)**: eur-lex.europa.eu (Utilities Dir.)
- **GDPR (Regulation 2016/679)**: eur-lex.europa.eu (GDPR)
- **EU Charter of Fundamental Rights**: eur-lex.europa.eu (Charter)
- **OSCE Copenhagen Document 1990 (para. 9 — religious freedom)**: www.osce.org
- **Bitter Winter Analysis (Schutzerklärungen / Sect filter / Faith breakers, Anti-Cult Narrative)**: bitterwinter.org
- **European Times (Bavaria and Religious Cleansing, 2023)**: europeantimes.news
- **TED Database (EU Tenders Electronic Daily)**: ted.europa.eu
- **EU Procurement Thresholds (Commission)**: single-market-economy.ec.europa.eu/thresholds

Information E: Recent TED Notices (2025–2026)

- **Notice 751993-2025 (ABI. S 219/2025)**: files.auftrag-select.com/.../7171126/bekanntmachung.pdf
- **Notice 836416-2025 (ABI. S 242/2025)**: files.auftrag-select.com/.../7238771/bekanntmachung.pdf
- **Notice 69598-2026 (January 2026)**: files.auftrag-select.com/.../7312248/bekanntmachung.pdf

- **Notice 98618-2026 (February 2026):**
<files.auftrag-select.com/.../7332357/bekanntmachung.pdf>
- **Annex-only notice (oeffentlichevergabe.de):** <oeffentlichevergabe.de> (LOT-0001 / 58eea61b)

Footnotes and Endnotes

- [1] Bavarian State Government Notice Az. 476-2-151 (29 October 1996): www.stmas.bayern.de/imperia/md/content/stmas/stmas_inet/vergabe/1.7_erkl_scientology.pdf (retrieved 21 Feb 2026).
- [2] TED Database advanced search: keyword “Scientology”, All notices, Latest versions only, January 2014 – February 2026. ted.europa.eu. TED API documentation: docs.ted.europa.eu/api/latest/search.html
- [3] Federal Administrative Court (BVerwG) published tenders with Schutzerklärungen / Sect filter / Faith breaker clauses after April 2022 ruling. Source: BVerwG procurement portal and TED database search results for 'Scientology' as contracting authority = Bundesverwaltungsgericht.
- [4] eForms notice 751993-2025 (ABI. S 219/2025), Bekanntmachung PDF on Auftrag Select (retrieved 21 Feb 2026): files.auftrag-select.com/.../7171126/bekanntmachung.pdf
- [5] eForms notice 836416-2025 (ABI. S 242/2025), Bekanntmachung PDF on Auftrag Select (retrieved 21 Feb 2026): files.auftrag-select.com/.../7238771/bekanntmachung.pdf
- [6] eForms notice 69598-2026, Bekanntmachung PDF on Auftrag Select (published 29 Jan 2026; retrieved 21 Feb 2026): files.auftrag-select.com/.../7312248/bekanntmachung.pdf
- [7] eForms notice 98618-2026, Bekanntmachung PDF on Auftrag Select (retrieved 21 Feb 2026): files.auftrag-select.com/.../7332357/bekanntmachung.pdf
- [8] Public procurement notice on oeffentlichevergabe.de referencing 'Scientology-Schutzerklärung (EK-02-A)' in 'Anlage 5' (retrieved 21 Feb 2026): oeffentlichevergabe.de (LOT-0001)
- [9] Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement. EUR-Lex: eur-lex.europa.eu (Dir. 2014/24)
- [10] ECtHR, Kokkinakis v. Greece, Application No. 14307/88, Judgment of 25 May 1993.
- [11] ECtHR, Eweida and Others v. United Kingdom, Applications Nos. 48420/10, 59842/10, 51671/10, 36516/10, Judgment of 15 January 2013.
- [12] Regulation (EU) 2016/679 (GDPR), Article 9. EUR-Lex: eur-lex.europa.eu (GDPR)
- [13] UN Special Procedures Communication AL DEU 2/2019 (OHCHR mandate-holders on Freedom of Religion or Belief, Cultural Rights, and Minority Issues): spcommreports.ohchr.org (AL DEU 2/2019)
- [14] BKA (Federal Criminal Police) internal reports, Meckenheim, 11 August 2003 and 28 June 2007, recommending termination of special Scientology reporting service. Disclosed through FOIA litigation; cited in Germany Scientology — Report to the Human Rights Committee on ICCPR violations (PDF), pp. 33 et seq.
- [15] Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000). EUR-Lex: eur-lex.europa.eu (Dir. 2000/78)
- [16] Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007 amending Directives 89/665/EEC and 92/13/EEC (Remedies). EUR-Lex: eur-lex.europa.eu (Dir. 2007/66)
- [17] BVerwG 7 C 20.04, Judgment of 15 December 2005, Federal Supreme Administrative Court (Bundesverwaltungsgericht). Full text: www.bverwg.de/151205U7C20.04.0
- [18] BVerwG 8 C 9.21, Judgment of 6 April 2022, Federal Administrative Court (Bundesverwaltungsgericht). Full text: www.bverwg.de/060422U8C9.21.0

Faith Breakers: Schutzerklärungen / Sect filter / Faith breakers Defy Federal Court Rulings, EU Values, OSCE, and International Standards

Systematic Constitutional Violations Across All Levels of Fundamental Rights

June 2026

Primary data source: [EU Tenders Electronic Daily \(TED\)](http://EU Tenders Electronic Daily (TED)) — [BVerwG 8 C 9.21 \(6 April 2022\)](http://BVerwG 8 C 9.21 (6 April 2022))