

OBSERVATORY ON
INTOLERANCE AND DISCRIMINATION
AGAINST CHRISTIANS IN EUROPE

SHADOW REPORT

GERMANY

To the kind attention of the Human Rights Committee

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EXECUTIVE SUMMARY

SPECIFIC HUMAN RIGHTS PROBLEMS IN GERMANY

brought to the attention of the Observatory by individuals, media and NGOs

1) HOMESCHOOLING PROHIBITED

Parents rights are commonly understood to include the right to chose the form of education of one's children, including the possibility of non-institutional education, such as the so-called homeschooling.

Germany, however, allows homeschooling only in the most exceptional circumstances. In general, parents do not have the option to homeschool their children. Offenders have to pay fines, and occasionally, prison sentences are pronounced. The law dates back to the Nazi-Reichsschulgesetz in 1938 and is specified in different state laws, with varying fines.

The UN special rapporteur on the right to education, Mr. Vernor Munez spoke in his 2006 report on Education in Germany of a „criminalization“ of homeschooling. No improvements have since been made.

2) COMPULSORY SEX EDUCATION

Germany's strict federal law on compulsory school attendance (§ 1 Reichsschulgesetz) does not allow even for a limited opt out with regard to sexual education. The states hold the competency for specification of education laws. Therefore, the laws vary and in most states it impossible for parents to opt their children out of sexual education, be it even for a few hours with regard to a certain project. Needless to say, this legal situation poses a special difficulty to Christian parents and has resulted in countless convictions.

3) CHALLENGES TO FREEDOM OF CONSCIENCE

The German law requires pharmacists to provide prescribed medications within due time (§ 31 Abs. 1 Satz 1 and § 17 Abs. 4 SGB V). There is no exception for ethically ambiguous drugs, such as the early abortifacient morning-after-pill. If a pharmacy fails to deliver, its concession may be withdrawn (§§ 1 Abs. 2, 2 and 4 ApoG). Surgical abortion is subject to a conscientious objection clause, but early destruction of the embryo or prevention of nidation are not qualified as abortion in German law (§ 218 Abs. 1 Satz 2 StGB). A pharmacists' initiative asked the German ministry for health to clarify the issue in 1986. The reply of the ministry stated that freedom of conscience (Artikel 4 Abs. 1 GG) was to be granted also to pharmacists and no fines would apply for the decline of the sale of early abortifacients, as long as they are not prescribed for therapeutical reasons. The answer of the ministry, however, is not legally binding. The uncertainty of whether the letter of the ministry dated 1986 would be followed by today's courts constitutes a difficulty in the ethical considerations and the freedom of acting according to one's conscience of pharmacists in Germany. It is therefore advisable to add a conscience clause to for example the German Apothekengesetz or the Sozialgesetzbuch V.

4) HATE INCIDENTS

As portrayed in the cases selection in the Annex (2), anti-religion groups have created a climate hostile to frank discourse. Besides defamation campaigns and negative stereotyping, hate incidents such as the blocking of university facilities for professors or speakers with deviating views, as well as manifestations against peaceful events are recorded by the Observatory. Anti-religion slogans and images are often used in hurtful manners, such as the public destruction of crosses, the image of Jesus as a crucified pig, or slogans such as “We are here to hurt your feelings” or “If Mary had had an abortion, we would have been spared people like you”. Such physically or verbally violent attacks are only employed by anti-religious groups and violate freedom of religion as well as social cohesion.

5) VANDALISM AGAINST CHRISTIAN PLACES OF WORSHIP

As portrayed in the cases selection in the Annex (3), in Germany there is a particularly strong prevalence of vandalism against Churches, Church affiliated buildings and Christian cemeteries.

CASES

Please find in the Annex three categories of Human Rights-relevant incidents which have taken place in Germany between 2006 and 2012. The list is not complete but offers an understanding of the issues at stake as well as their personal dimensions.

The three categories are:

- 1) **Incidents of Violations of Rights and Freedoms** (Freedom of Religion, Freedom of Speech, Freedom of Conscience, Rights of Parents, Discriminatory Equality Policies)
- 2) **Incidents of violation of personal integrity** (Exclusion, Inequality, Intolerance towards Religious Symbols, Insult or Incitement, Defamation, Desecration, Negative Stereotyping)
- 3) **Incidents of Hate Crimes, Hate Incidents and Vandalism**

All cases are researched and document in good faith and with much care.

All cases are listed descending in time.

Further information about each case can we found on our website www.IntoleranceAgainstChristians.eu - or by clicking on the title in the electronic version.

1) Incidents of Violations of Rights and Freedoms

(Freedom of Religion, Freedom of Speech, Freedom of Conscience, Rights of Parents, Discriminatory Equality Policies)

Court Upholds Homeschooling-Ban Rendering Religious Convictions Irrelevant

April 2012: Reformed-baptist parents, who wanted to homeschool their three children, lost in the regional administrative court of Baden-Württemberg in Mannheim. The parents wanted to homeschool to protect their children from a form of „emancipation“ they did not favor, as well as in order to teach them Christian sexual ethics.

Christian Club Reproached by Anti-Discrimination Authority

April 2012: The Catholic Schützenverein voted in March 450 to 28 to not to allow homosexual or lesbian „kings“ or „queens“ to preside activities together with their partners. The German federal anti-discrimination commission screened this decision and declared it to be in disrespect of the law.

Left Wing NGO Attacks Christian Information Event on Gender Mainstreaming

March 2012: Left wing radicals in an NGO called "Antifa Action Heilbronn" protested against the event "Gender Mainstreaming- Overthrow of the Value System - the Secret Revolution", organized by the Christian Democratic Union and called it a "provocation". On their webpage the radical group smears the speaker of the event, Gabriele Kuby, who is committed to Christian values, calling her a "reactionary, antifeminist and homophobic agitator" and denoting the "Forum for German Catholics" as "collecting pool right wing activists".

Politician Plans to Sue Physicians for Offering Therapy for People Struggling With Unwanted Same-Sex Attraction

August 2011: Volker Beck, member of the German Bundestag (parliament) and speaker on human rights issues of the Green party, has launched an initiative to engage the German Medical Association against the German Union of Catholic Physicians (BKÄ). On their website, the BKÄ provides information about therapeutic options in case of unwanted same-sex attraction.

Ban on Faith-Based Pregnancy Conflict Counselling in Freiburg and Mannheim

June 2011: In Freiburg, the Agency for Public Order restricted access around the entrance area of Pro Familia (an organisation which offers pregnancy conflict counseling including the option of abortion) for counsellors of the faith-based nonprofit association „Centre of Life - Helpers of God's Precious Infants“ (Lebenszentrum - Helfer für Gottes kostbare Kinder e.V.) The aim of the association is to encourage and support expecting mothers in conflict to give birth to their child by offering different kinds of support.

Sidewalk Counselling Prohibited in Munich

May 2011: The local authorities in Munich (Kreisverwaltungsreferat, KVR) have prohibited all pro life activity in front of Germany's biggest abortion clinic (Dr. Friedrich Stapf, 4000 abortions per year) and called the so-called side-walk counselling a serious impropriety („grobe Ungehörigkeit“) to be punished by a fine of 500 €.

Flash Mob Disturbs Good Friday Procession

April 2011: A flash mob intended to protest against a law prohibiting dancing events on certain holidays interfered with the Good Friday procession of the Croatian Catholic community in Frankfurt/Main.

German Mother Jailed for Refusing Government Sex-Ed

March 2011: Irene Wiens, mother of twelve, served a 43-day jail sentence in Germany for refusing to enroll her children in sex-ed classes, deemed by her husband and herself to teach a permissive view of human sexuality. An appeal to the European Court of Human Rights has been filed.

Pharmacy Does Not Sell “Morning-After-Pill” - Windows Shattered

March 2011: The windows of a pharmacy in Berlin's Neukölln district were shattered because the owner does not sell the so called “morning-after-pill” due to his catholic convictions.

Christian Pro Life Activist Sentenced for Expressing His Opinion

January 2011: Mr. Günther Annen demonstrated in front of the abortion clinic of Dr. Karl-Heinz Jordan twice in August 2010, displaying a sign which said: „Why does Dr. Karl-Heinz Jordan kill unborn children?“ He was sentenced for insult to a penalty of 1500 € by the Darnstadt public prosecutor's office on Jan. 25, 2011.

Atheist Father Obtains Withdrawal of Crucifix in Bavarian Highschool Despite Other Parent's Protests

November 2010: An atheist father obtains the withdrawal of a crucifix in his son's classroom in Regensburg (Bavaria, Germany) despite the opposition of the majority of parents. Morning prayer was changed to a neutral “Good Morning Circle”.

Parents Arrested After Refusing Their Children's Participation in a Sex Ed Play

April 2010: Christian parents arrested and imprisoned up to 40 days when they refused to allow their children to participate in a mandatory sexual education program.

Mother Jailed Upon Taking Son Out of Sex Ed

February 2010: A mother of eight was detained on February 17th to spend eight days in a prison. She had refused to send her nine-year-old-son to school on grounds of her objection to sex education.

Eight Christian Fathers Jailed for Removing Children from Sex-Ed Class

December 2009: Eight families in Salzkotten, Germany, have suffered heavy fines and now their fathers have been sentenced to prison, because they have refused to send their elementary school-age children to mandatory sexual education classes. State wants “to prevent parallel societies.

Freedom of Speech Impeded / Anti-Christian Slogans on Posters

May 2009: German Gay and Lesbian Association in opposition to two speeches on Psychotherapy congress on whether sexual orientation could be changed if wished for. Speeches had to be delivered with police protection. Anti-Christian counter-demonstration portrayed Jesus as a pig nailed to the cross and used slogans such as: “We are here to hurt your feelings.”

University Bans Ethics Seminar Due to Christian Contents

March 2008. The Ludwig-Maximilians-University (LMU) in Munich withdraws recognition from "Management Ethics on a Christian Foundation" seminar because of its Christian content. It is said to violate “political correctness” and to have too little reference to the curriculum of business and administration ethics.

2) Incidents of violation of personal integrity

(Exclusion, Inequality, Intolerance towards Religious Symbols, Insult or Incitement, Defamation, Desecration, Negative Stereotyping)

German Magazine Shows Pope with large Urine Stains

July 2012: The German Magazine "Titanic" presents the pope as a senile for incontinent person by depicting him in a fotomontage with a large urine stain on his white clothes while giving a blessing.

Radical Left Calls for Burning of Churches

March 2012: An online call to “see churches burning” was published as a “Christmas wish” in 2011 by a group of leftwing extremists called 'Antifa Freiburg'. “We will not give up hope that there will be a miracle and we can warm ourselves next year at the glow of burning churches.” Prosecution investigated but dropped the case.

Blasphemious Theater Play at Thalia Theater in Hamburg

January 2012: The play "Golgotha Picnic" by Rodrigo Garcia contains "sedition, blasphemy and pornography", say Christian viewers.

Pro-Condom Campaign Takes Image of the Mother of Jesus Hostage and Symbolically Drowns Her

December 2011: "Jugend gegen AIDS" (Youth against AIDS), a Hamburg based youth organization, launched a campaign in support of the use of condoms and against Catholic policy targeting Mary, the mother of Jesus. In a video, a statue of Mary is taken hostage and placed in glass tank. A pipe is connected to the Virgin's eye, and every time a Facebook user "likes" the campaign web site on the social media, a drop of water falls from Her eye, and increases the level of the water in the tank where the Virgin has been placed.

Theater Play Advertizement Portrays Jesus as King of Lies and Meaninglessness

November 2011: "Die Präsidentinnen" - "The female presidents" is a theater play by Werner Schwab, first shown in Vienna. In November 2011 it was restaged in Cologne. It is a play about the "lies of life", disappointed hopes and meaninglessness. The advertizement poster of the restaged performance shows a crucifix hanging on a toilet. For Christians, this implies that Jesus Christ was the king of lies and ought to be flushed down the toilet in the cleansing process. This is offensive and hurtful to Christians.

Crucifixion Group Defaced in Wassenberg-Myhl

August 2011: On August 21st a crucifixion group was defaced with black paint in Wassenberg-Myhl by strangers.

Attempt of Arson at Immaculate Heart of Mary Church in Elmar

May 2011. An attempt of arson was noticed by a neighbour at Immaculate Heart of Mary church in Elmar on May 13th. Stranger(s) tried to set fire to several items in the church, including curtains, carpets and cushions. Locals extinguished the fire with water. The damaged amounts to about 2000 €.

Several Attacks on Churches Recorded

May 2010: The renowned daily reports on a noticeable rise in quality and quantity of attacks against Church buildings.

Magazine Cover Page Blasphemes Image of Christ

April 2010: German Magazine sparks outrage by portraying profane image mocking Catholic Church and blaspheming image of Christ on the crucifix.

Crosses Removed From Hospital Walls and Thrown Into Trash Bags

February 2010: Twelve crosses were removed from the walls of the surgery unit of the public hospital of Bad Soden, Germany, in February, while patients were watching.

Due Diligence Omitted in Anti-Christian Newspiece

December 2009: Due diligence omitted in questionable article in German daily Die Zeit wrongly accusing Christians of being in favour of radical law in Uganda. Complaint to Press Council lodged by professor of journalism.

Evangelicals Defamed by Government Agency

December 2008. The governmental agency 'Bundeszentrale für politische Bildung' (Federal Central Unit of Political Education) defames evangelicals as hostile to constitution.

Creationism Debate comes with Defamation of Christians

October 2006: Wolfgang Baake, general secretary of Christian Media Association (Christlichen Medienverbundes KEP) Germany, calls the reporting and public discussion of evolution vs. intelligent design vs. creationism "defamation" of Christians.

3) Incidents of Hate Crimes, Hate Incidents and Vandalism

Statue of Jesus Beaten and Beheaded

May 2012: A 2-meter-tall statue of Jesus was attacked at a cemetery in Pausa/Saxony. The vandals beheaded the statue and hit the head until it broke into pieces. They left with the face. Pastor Frank Pierel is shocked and saddened and reports that such attacks take place rather frequently in his area. The material damage amounts to 3000 Euro

Constant Vandalism against Christian Churches

February 2012: In Duisburg a group of migrant youths, aged between 10 and 14, keeps destroying the windows of Catholic and Protestant churches, disturbing services (eg. with firecrackers), write hate slogans on the church wall and insult the clergy. So far the police had only investigated one of the numerous cases of vandalism directed against churches in the area.

Attacks against Gender-Mainstreaming Information Event at Student Fraternity

December 2011: German writer Gabriele Kuby spoke at the student organisation KDSTV Saarland in Jena on December 6th on the issue of Gender Mainstreaming. Due to her critical take on current developments in this regard, the association "Diversity Life" ("Vielfalt Leben") convened about 30-40 demonstrators who gathered in the stairway of the building, yelling, knocking at the doors, throwing eggs. The police had to clear the building. "Diversity life" had been supported by the working group "Queer Paradies" as well as by the "coordinating body of the city programme of Jena and contact office of the round table for democracy" ("KoKont").

Vandalism at St. Georg Church in Munich

November 2011: For several years local youth have been vandalizing St. Georg Church in Munich. They took tiles off the roof, sprayed graffiti on the outside walls, urinated into the holy water vessels and set fire at the local graveyard. The attacks were ongoing in November 2011. Some of the youth are known to the parish priest, who does not reported them to the police. One of the youth stated in a TV interview with blurred

image that he was Moslem and felt uncomfortable with the majority denomination. The priest says that many youth are aggressive towards the Church due to emotional neglect they suffer at home.

Vandalism at Cemetery in Niedereschach

October 2011: On the night of October 30th, vandals raged on the graveyard of Niedereschach, damaging graves, memorial candles, statues of Mary and of angels, flowers, and jardinières. They also pulled out wooden crosses of fresh graves and lined them up upside down which could indicate a satanic background.

Vandalism at Cemetery in Westerkappeln

October 2011: Several cases of vandalism were recorded on the graveyard in Westerkappeln between October 26th and October 28th, including the use of graveyard lanterns as foot balls.

Vandalism at Graveyard of Ostbevern

October 2011: In Ostbevern, strangers knocked off the nose, feet, and part of the knee of a figure of Christ located on the graveyard. This is not the first time that the statue suffered from vandalism.

Vandalism of Church in Kallenhardt

October 2011: An attempt of arson occurred on October 22nd at the church of Kallenhardt. As a consequence, the church, which was freely accessible for prayer and recollection, had to remain closed for a longer period of time.

Vandalism of Cemetery in Mülheim

October 2011: Strangers ravaged on the graveyard of Styrum in Mülheim and damaged 30 graves in the night from Oct 22 to 23.

Vandalism at Immaculate Conception Church in Vohwinkel

October 2011: On October 12th unknown perpetrators vandalized the parish church of the Immaculate Conception in Vohwinkel. They damaged valuable pieces of art: a sword was pulled off a statue and attached to a crucifix, and a branch of a seven-branched candelabrum was torn off.

Vandalism in Presbytery in Rütten-Menzel

October 2011: Strangers set fire to the entrance door of the presbytery by means of petrol in Rütten on Oct 12th. The fire had already made its way under the door and set the tapestry on fire when it was discovered and extinguished. Police asked the public for help.

Recurring Vandalism at Cemetery in Essen

October 2011: Recurring instances of vandalism at Essen cemetery amount to 30 000 Euros in damage. The acts of vandalism include the stealing of vases, the removal of letters on graveyards, the ignition of over 50 compost containers in the time period of a

few weeks. Several relatives of those whose graves had been attacked were under significant emotional distress.

Left Wing Extremists Violently End Pro-Life Rally in Düsseldorf

September 2011: Left-wing extremists prevented a pro-life group from showing a short movie about the development of the human embryo on the square in front of Düsseldorf's main railway station.

Paint Bomb on Welcome Poster for Pope's Visit

September 2011: In the night from the 18th to the 19th of September, unknown perpetrators cast a paint bomb on a welcome poster at a Church in Berlin.

Vandalism at Cemetery in Schönau

September 2011: A 16 year-old admitted being responsible for the desecration of numerous graves in Schönau on the 17th of September. He had knocked over memorial candles and gravestones, and had pulled out a wooden cross and destroyed it.

Anonymous Caller Threatens School for Displaying Welcome Poster for Pope

September 2011: A welcome poster for pope Benedict XVI upon his visit to Germany in September 2011 was removed in Fürstenwalde (Oder-Spree) after an anonymous caller said that „something would happen, if the posters were not immediately removed.“

Destruction of Crosses as Protest Against the Visit of the Pope

September 2011: A radical atheist group called „What the f...“ released a video on youtube in which crosses are being destroyed with much violence and hatred.

Vandalism at St. Ann's in Ascheberg

July 2011: Unknown perpetrators urinated into a Holy Water vessel of St. Ann Catholic church, in Ascheberg. They also damaged organ pipes, several apostle statues and a censer. The damage amounts to several thousand Euros. The police has not yet convicted the vandals and does not rule out that they are a gang of teenagers.

Vandalism at St. John's in Heidelberg

June 2011: Unknown perpetrators ravaged in the church of St. John's in Heidelberg on June 1st. Police confirmed that they sloshed around drinks on the altar and in the area of the organ, put meatballs in the organ pipes and dog dirt on the clavier.

Vandalism at Cemetery in Velen

May 2011: Unknown perpetrators knocked over gravestones and pulled out plants in a cemetery located in Velen.

Vandalism at Church in Anschar

May 2011: Vandals broke into the church of Anschar on May 7th, damaged several objects in the main church, threw down a crucifix and paintings in the sacristy, and tore

everything out of the closets. Nothing was stolen, but fixing will be expensive. A new alarm system will be installed shortly to prevent any further attack. The incident was reported to the police.

Vandalism at Nathan-Söderblom Church in Reinbeck

April 2011: A gang of about 20 youth has been rampaging repeatedly around the Nathan-Söderblom church in Reinbeck in the spring of 2011, including the urination into a work of art that represents the grave of Christ. Police and social service have not been able to calm down those involved, and are considering hiring a social worker to find a remedy.

Vandalism at Nathan-Söderblom Church in Reinbek

April 2011: A gang of about 20 youth has been rampaging repeatedly around the Nathan-Söderblom church in Reinbek in the spring of 2011, including the urination into a work of art that represents the grave of Christ. Police and social service have not been able to calm down those involved, and are considering to hire a social worker to find a remedy.

Vandalism at St. Barbara's in Peißenberg

January 2011: A group of teenagers was causing great damage in the parish church of St. Barbara in Peißenberg over a longer period of time. They tossed down lamps, lit numerous candles and burnt death cards, ruffled altar cloths and stuffed them into the holy water vessel; they threw altar candles around in the church, and wrote with chalk on the church's door. The sacristan had to dump 40 liters of holy water twice, and clean the distribution vessel, in which the youth had urinated.

List of Attacks Against Christian Sexual Orientation Group

December 2010: At a meeting on Freedom of Religion of OSCE/ODIHR in Vienna on Dec 9 and 10, the spokesperson of Wüstenstrom, a Christian NGO representing people with unwanted same-sex attractions, summarized a series of intolerance and attacks against them and their work. Find here the full text of his intervention.

Birth Place of Josef Ratzinger Vandalized

April 2010: In the night of April 13th the birthplace of Josef Ratzinger, now Benedict XVI, was vandalized. The house in Markt am Inn was sprayed on with "insulting contents".

Gay Students Disrupt Lecture At Cologne University

December 2009: Homosexual students disrupted a lecture of Protestant philosopher Prof. Edith Düsing at Cologne University. The students made noise and used kissing and banners due to her support of a manifesto in May 2009 protesting the cancellation of an academic lecture at a psychology congress on grounds of the speakers' research on healing homosexuality.

Protestant Chapel Set on Fire

November 2009: Chapel set on fire in the night from November 15th to 16th in Over (Hamburg). Damage caused is estimated over 100,000 Euros.

Orthodox Priest Beaten

October 2009: Aleksejs Ribakovs, Orthodox Priest, was beaten and forced to move to another city to protect his family. One of the suspects was caught and identified as a young Muslim who proclaimed to hate Christians.

Left Wing Radicals Throw Pro-Life Symbols Into River

October 2009: Large white crosses carried by pro life manifestations through the city of Berlin. Several of the crosses were stolen by members of left wing associations and were thrown into a nearby river.

Counterdemonstrations Disturbed Silent pro Life Vigil in Berlin

September 2008: People with pro life convictions from all over Germany met on September 20th for a manifestation in Berlin. Their silent manifestation was interrupted by about 50 demonstrators throwing confetti unto them and chanting slogans such as: "If Mary had had an abortion, we would have been spared you guys!", and "Communism instead of Jesus Christ". During a religious service, two women denuded themselves and showed on the upper parts of their bodies a reversed cross.

Christian Youth Festival violently disturbed by Anti-Christian Forces

May 2008: The Christian Youth Festival "Christival" experienced tremendous opposition on site. 15.000 peaceful youth disturb by socalled "anti-sexistic alliance" under the name of "No Christival" shouting slogans such as "Masturbation instead of Evangelization" or "Never again Jesus"

Christian Youth Festival in Germany Under Attack

January/March 2008: "Christival" – a large Christian youth festival is protested by "anti-sexistic forces" due to its "conservative" contents such as its opositon to pre-marital sex and abortion. Organisers currently discuss with police how to protect participants and the festival.

Paint Bomb Attack on Pope's Birthplace

September 2006: One day before the visit of Pope Benedict XVI. in his hometown Marktl (Bavaria), unknown perpetrators threw two paint bombs unto the front of his birthplace at about 5 o'clock in the morning. The building had just been completely renovated. After the attack, the lower part of the facade had to be completely redone. The perpetrators were not found.

Birth Place of Pope Benedict XVI Vandalized

September 2006: On Sept 10th, unknown perperators vandalized the birth place of Josef Ratzinger, now Pope Benedict XVI, in Marktl in Germany, by throwing colour on the newly restaured front walls.