

OBSERVATORY ON INTOLERANCE AND DISCRIMINATION AGAINST CHRISTIANS IN EUROPE

Written submission to the Universal Periodic Review regarding Austria

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By the **Observatory on Intolerance and Discrimination against Christians**

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The Observatory on Intolerance and Discrimination against Christians would like to express concerns regarding the human rights situation in Austria with a view to the situation of Christians in the following areas:

In the annex we list incidents researched and documented by the Observatory in Austria in the years 2010 to 2015. The cases illustrate the findings mentioned in the following.

1) With regard to Religions Freedom and Vandalism of and Burglary at Christian Sites:

The amount of vandalism of and buglary at Christian sites is very high. Austria must do more to find a solution. As illustration, please find here a non-exhaustive list of recorded incidents in 2012:

Vandalism:

- Amstetten, arson in three churches on December 23, 2012
- Bad Mitterndorf vandalised in 2012
- Deutschlandsberg vandalised twice in November 2012
- Gleisdorf vandalised on July 12, 2012
- Graz-Graben vandalised in 2012
- Graz-Kalvarienberg vandalised several times in 2012
- Graz-Mariatrost vandalised in May 2012
- Graz-Mariatrost vandalised on May 29, 2012
- Graz-Münzgraben vandalised several times in 2012
- Graz-Salvator vandalised in 2012

- Graz-Schutzengel vandalised three times in July and December 2012
- Graz-St. Peter vandalised on December 10, 2012
- Graz-St. Vinzenz vandalised in 2012
- Graz-Süd vandalised on December 26, 2012
- Graz-Thondorf vandalised in 2012
- Graz-Waltendorf vandalised in the spring and twice in December 2012
- Johann ob Hohenburg vandalised in November 2012
- Kleinzell vandalised in the beginning of 2012
- Köflach-Pichling vandalised in July 2012
- Leoben-Lerchenfeld vandalised in 2012
- Mureck vandalised in April and June of 2012
- Nesteibach Bichelkreuzkapelle vandalised in 2012
- Passail vandalised twice in 2012
- Pöllauerg, vandalised on April 7, 2012
- Schladming, vandalised on December 7, 2012
- St. Margarethen/Raab, vandalised in 2012
- St. Michael i.d. Obersteiermark, vandalised on September 14/15, 2012
- St. Oswald b. Plankenwarth, vandalised in March 2012
- Turnau, vandalised in August 2012
- Wies, vandalised in the end of 2012

Burglary:

- Catholic Kindergarten in Graz in September 2012
- Ebersdorf in October 2012
- Ehrenhausen in December 2012
- Frohnleiten Adriach on November 15, 2012
- Gerolding in the summer of 2012
- Gratkorn in March 2012
- Graz-Münzgraben several times in 2012
- Graz-Schmerzhaftes Mutter in 2012
- Graz-Waltendorf in December 2012
- Kaindorf in September 2012
- Kammern on July 14/15, 2012
- Kirnberg an der Mank in 2012
- Kulm in der Ramsau in May 2012
- Lilienfeld in the summer of 2012
- Mank in the summer of 2012
- Maria Steinparz in the summer of 2012
- Obergrafendorf on August 31, 2012
- Parish building of Graz Herz Jesu in January 2012
- Parish building of Graz-Liebenau in April 2012
- Parish building of Graz-St. Vinzenz in March 2012

- Parish building of Ilz in September 2012
- Parish building of Krieglach in October and November 2012
- Parish building of Leoben in November 2012
- Parish building of Neudau in June 2012
- Parish building of Pischelsdorf in October 2012
- Parish building of Turnau in November 2012
- Parish of St. Ruprecht a.d. Raab in October 2012
- Parish office of Hönigsberg in October 2012
- Parish office of Zeltweg in November 2012
- St. Marein bei Neumarkt in September 2012
- St. Oswald bei Plankenwarth on October 22, 2012
- Texting in the summer of 2012
- Türrnitz in August 2012
- Wieselburg in August 2012
- Bad Mitterndorf in the summer of 2012
- Deutschlandsberg on August 17,18 and 20, 2012
- Friedberg in November 2012
- Gamlitz on December 20, 2012
- Gleisdorf on December 30, 2012
- Graz-Graben in 2012
- Graz-St. Josef on July 31, 2012
- Graz-Mariatrost in November-December 2012
- Graz-St. Vinzenz in November 2012
- Großlobming on March 30, 2012
- Hitzendorf in December 2012
- Kirchberg an der Raab on October 7, 2012
- Laßnitzhöhe two times in December 2012
- Murau in November-December 2012
- Mureck in Summer 2012
- Passail in November 2012
- Pölfing-Brunn in December 2012
- Scheifling in January, April und June 2012
- Selzthal in November 2012
- St. Margarethen bei Lebring in January 2012
- St. Stefan ob Leoben in 2012
- Straden in Spring 2012
- Thörl in September 2012
- Wies in 2012

Source: Submission of the Holy See to the OSCE / Office for Democratic Institutions and Human Rights for the Hate Crimes Report 2012 on May 27, 2013.

2) With regard to Freedom of Expression and Freedom of Assembly:

In Austria, stalking laws were used to prevent prayer in front of an abortion facility. On October 25th, 2011, the state court of Graz, Styria, upheld a judgement of the first instance condemning pro-life side-walk counsellors to pay fines on the grounds of “stalking.” This is legally ambiguous and a limitation to freedom of assembly and of expression.

3) Attacks against Christians by Left Wing Extremists:

Pro-life and pro-family activists suffer increasingly from threats from left wing radicals. Verbal threats in graffiti or violent language („Occupy all churches. We will rise”, „Priests go home, otherwise we will burn down your church.“) as well as violent attacks at Christians manifestations are frequent. These attacks include the blocking of registered marching routes and culminated in July 2013 in the arrest of 34 left wing radicals who violently attacked peaceful demonstrators for the protection of life in Salzburg.

4) With regard to Conscientious Objection:

In Austria, pharmacists do not enjoy an explicit right to conscientious objection. The so called “morning after pill” may be obtained either by prescription or in case of emergency without a prescription. Besides other functions, the taking of the morning after pill may result in an early abortion. The Austrian criminal code contains a conscience clause for medical staff with regard to abortion. But for pharmacists there is no such clause. It is therefore unclear, whether pharmacists have a right to conscientious objection or not. The professional representation of pharmacists says there isn't. This body argues that there is a legal obligation to contract; and that not delivering would be an act of non-assistance to a person in danger. Therefore, pharmacists or employees of pharmacies do not dare to withhold the abortifacient drug for conscientious reasons. It is necessary to introduce a law in Austria which explicitly recognises the freedom of conscience of pharmacists

5) Side Effect Discrimination of Equality Legislation and the so-called Levelling Up:

Anti-discrimination or equality legislation tends to violate freedom of religion in its individual and collective dimension. It creates a form of side effect discrimination, often directed against Christians. It violates the foundations of human freedom, as Jean-Jacques Rousseau writes: "I have never thought, for my part, that man's freedom consists in his being able to do whatever he wills, but that he should not, by any human power, be forced to do what is against his will." In transposition of EU – law, Austria has adopted strict non-discrimination legislation in the employment sector. When a Christian religious official was looking for a secretary, his legal advisor asked the equal treatment commission before publishing a job advertisement: would it be permissible to reject a headscarf-wearing Muslim woman? The answer was no. In 2015, Austria is debated to tighten this laws, extending the scope to the provision of goods and services on the grounds of sexual orientation. This will create a painful limitation of freedom of religion, freedom of conscience, private autonomy and right to property for Christians in Austria.