

Statement 10.10.2006 OSCE (Human Dimension Implementation Meeting), Session 13

Bund gegen Anpassung / Alliance against Conformity

Hitler-Concordat still valid in Germany -

The Dr. Nittmann case before the European Court of Human Rights

The case of Dr. Peter Nittmann made the international public aware of the following for the first time: on the basis of the concordat concluded between the Third Reich and the Vatican in 1933, the only international agreement made by Hitler that is still being continued as valid law by the Federal Republic of Germany to this day (!), millions of unemployed non-church members have been forced to pay church tax in Germany since 1975. In breach of the constitution, the German state has been systematically deducting the church tax, i.e. the membership fees for the two major churches (Roman Catholic and Protestant) from their unemployment benefit, which they are legally entitled to and which is financed solely by their payments into the state unemployment insurance system. The sums of money being stolen from unemployed atheists, Moslems and members of minority religions in Germany in the form of this enforced church tax amount to billions of euros.

Thousands of victims took legal action against this violation of the constitution, which was always kept quiet by the German press, but they were always dismissed by the German courts with the incredible »justification«, repeated over decades, that the great majority of those in employment in Germany were church members and therefore the non-levying of the church tax from unemployed non-church members was »too much administrative effort«. This »justification« is a mockery of the German constitution, which guarantees freedom of religion and forbids anyone from benefiting from or being disadvantaged by their religion (Articles 4 Section 1, 3 Section 3 and 33 Section 3). In addition, the fact is that only a small majority of those in employment in Germany, so small that it has now more or less reached the 50% mark, are members of the Christian major churches – and this has been the case for many years.

The German atheist Dr. Peter Nittmann had lost his job as a proof-reader for a publishing house over 20 years after leaving the church. In four years of draining trials, his suit for the repayment of the enforced church tax taken from him – in his case alone about €900 – had been rejected by four German courts, including the Federal Constitutional Court, with the usual routine phrases.

In October 2005, Dr. Nittmann then turned to the European Court of Human Rights in Strasbourg, France, for the first time, filing a suit against Germany regarding the enforced church tax. The aim of the suit is to establish that Germany is in violation of Articles 9 (freedom of religion) and 14 (right to equal treatment) of the European Human Rights Convention and Article 1 (right to property) of the protocol No 1 to the convention and is therefore obliged to repay Dr. Nittmann the money stolen from him in the form of enforced church tax.

Under the pressure of the international protests in the Nittmann case – numerous organisations and thousands of individuals protested to the German government and judiciary against this scandalous tax theft, which is based on the Hitler concordat – Germany had to abolish the enforced church tax to the detriment of unemployed non-church members as of the beginning of 2005. Publicity, the only protection against state injustice, has had an effect! However: none of the victims has received a single cent of the money stolen from them and the German government maintains to this day that the enforced church tax, which

amounts to billions, was entirely legal.

In order to achieve compensation for the victims and preserve the basic human right of freedom of religion in Europe, we are asking you to support Dr Nittmann's suit by writing to the European Court of Human Rights. This is a major decision for Europe: for some time now the churches, whose membership is continuously dwindling, have been aiming to introduce disguised enforced church taxes for non-church members in the whole of Europe – for instance, in the form of a special tax that would have to be paid by all citizens that would go either directly to the church or be diverted to church cover organisations (which are allegedly »non-profit making« or something similar), as is already the case in Spain. It is not only a requirement of basic justice for the German victims of the enforced church tax to be recognized as such and compensated accordingly, it is also of fundamental importance for our continent for this very reason.

PETITION

To the Registrar
Of the European Court of Human Rights
Council of Europe
F-67075 Strasbourg
FRANCE

Application no 36798/05, Nittmann ./ Germany

We, the participants of the Human Dimension Implementation Meeting in Warsaw/Poland, arranged by the OSCE, protest firmly against the compulsory deduction of church tax from non-christian unemployed persons in Germany. This practice, based on the Hitler-Concordat with the Vatican, is an obvious breach of the German Constitution, which guarantees the freedom of religion and forbids anyone from being disadvantaged by his religion. Furthermore, it violates clearly the European Convention on Human Rights on the counts of Article 9 (religious freedom) and Article 14 (right to equal treatment).

On grounds of worldwide protests, the German government had to abolish the enforced church tax as of the beginning of 2005. But we know, that the German government regards this scandalous practice still as legal and refuses to pay any recompensation to the victims.

We confirm our support of Dr. Peter Nittmann's suit. Freedom of religion is one of the most fundamental Human Rights.

We therefore call upon the European Court to determine that Germany has to respect the European Convention on Human Rights and has to repay the full amount of the enforced church tax to the complainant.

The latest information on the Nittmann case, the address of the European Court and the file number (which must be stated) can be found here:

<http://www.bund-gegen-anpassung.com/english/news.htm>