

OBSERVATORY ON INTOLERANCE AND DISCRIMINATION AGAINST CHRISTIANS IN EUROPE

OSCE Human Dimension Implementation Meeting

Working Session 1: Freedom of expression, free media and access to information Monday,
26 September 2011, 3–6 p.m

The Observatory on Intolerance and Discrimination against Christians monitors and documents such cases in Europe. We presently observe an increase in cases of Intolerance and Discrimination as regards Freedom of Expression. www.IntoleranceAgainstChristians.eu

Importance of freedom of expression

We fully support OSCE/ODIHR's firm commitment to "ensuring the individual's freedom of expression, freedom of information, and the freedom of the media."

Heated debate and respect for the other

Free speech, including heated debate, the right to diverging opinions and the expression of them is bedrock of a democratic society.

Freedom of Expression includes Christians equally

To be consistent with the consensual commitment of OSCE Participating States to Freedom of Expression, it must include that Christians are able to speak equally and freely in the public square, including the Christian understanding of the dignity and nature of the human being, as well as matters of faith, ethics and morals. Yet in our documentation we see that cases where the right to freedom of expression of Christians is being repressed are increasing in the OSCE area, especially in the area of human sexuality.

In the field of freedom of expression, we notice a four-fold threat:

1. Censorship on web-based communication platforms

- 1 The development of new media technologies has brought with it a fostering of creative pluralism in the public sphere, but this pluralism is endangered.

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A new study conducted by National Religious Broadcasters (NRB) and the American Center for Law and Justice (ACLJ) has found that (Google and other) major social media sites (such as Facebook) have "actively" censored Christian and conservative viewpoints. The report examined the policies and practices of several major Internet-interactive "new media" communications platforms and service providers, (including Apple and its iTunes App Store, Facebook, Google, and others). The study shows that new media companies have been shown to be responsive to demands by pressure groups calling for censorship of those non-violent viewpoints which are deemed to be "politically incorrect". The conclusion of the study is that Christian ideas and other religious content face a clear and present danger of censorship on web-based communication platforms.

2. Negative Stereotyping of Christians in the Media

Prejudices against Christians are often being reinforced by mass media. Research done by various major broadcasting networks and media outlets show that these are widely regarded as displaying an anti-Christian attitude in programming.

3. Freedom of Expression of Christians obstructed by Harassment and Violence and other disturbances, making it impossible to speak

We have recorded several incidents of peaceful assemblies of Christians, which were protested against in a way that conveying a message was made impossible by shouting, blocking of doors, intimidation, violence.

- In the Netherlands, homosexual activists disrupted Catholic religious services in February 2010.
- In October 2009 in Berlin, a peaceful pro-life-assembly was disrupted by about 400 activists, violently destroying the crosses that were being carried.
- September 2011: A group of German protesters plan to yell and make other noise outside the Pope's bedroom this weekend when he visits Berlin.
- December 2009: Homosexual students disrupted a lecture of Protestant philosopher Prof. Edith Düsing at Cologne University. The students made loud 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 regarding changes in sexual attraction.
- 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." "Masturbation instead of Evangelization" or "Never again Jesus".

Whereas debate and expressing disagreement belongs to free speech, impairing the free speech of others and resorting to harassment and violence does not.

4. Overbroad and biased application of hate-speech and anti-discrimination legislation

It seems that hate speech legislation is often being applied in a biased fashion as a "*right 'not to feel offended'*" especially when it criminalizes expression of Christian principles with regards to ethics and human sexuality. Allow me to recall to you that in the UK, and this is just an example, several street preachers were arrested for saying that the bible says that homosexuality is a sin. Please mind that this is not about instigating violence but targets the mere statement of disapproval. Protection from "feeling offended" would be impossible to legislate justly, for *all persons equally* who may feel offended in the OSCE area, and, in addition, it would be at the costly price of the freedom of speech.

Recommendations:

Freedom of Expression is a key civil right. We recommend that the OSCE/ODIHR and Participating States protect this right from an alleged right not to be “offended” or a “freedom from hearing criticism”. As is stated in paragraphs 96 and 97 of the 2008 Venice Commission Report of the European Commission for Democracy Through Law:

"Democratic societies should not be held hostage to excessive sensitivities of certain individuals.." and "the level of tolerance of these individuals and of anyone who would feel offended by legitimate exercise of the right to freedom of expression should be raised."

Freedom of expression includes the mention of one’s religious beliefs *on an equal level as other topics* in the public debate as well as in the work place.

We therefore recommend to OSCE Participating States:

- To recognize and condemn intolerance and discrimination against Christians and ensure Freedom of Expression and the right of Christians to participate fully in public life, as stated in the recent OSCE Parliamentary Assembly’s “*Resolution on Combating Intolerance and Discrimination Against Christians in the OSCE Area*”
- To take measures against the rising intolerance against and negative stereotyping of Christians in the media.
- To avoid legislation which would hinder freedom of speech or cause partialities.
- As stated in the annotated agenda: „attempts at silencing critical voices with the help of violence should be seen and handled by law,“ also when victims are Christians.

We recommend to OSCE/ODIHR, and OSCE Missions:

- To continue to make freedom of expression a key focus and to be aware of current threats to Christians by attempts to curb the rights of those who use new or traditional media to present differing or critical views.
- To monitor legislation, with special attention to so called hate-speech legislation, its content, interpretation and application; that such legislation neither impair free speech, debate or disagreement, nor exercise partiality to special interest groups at the expense of others.
- To use all available OSCE means to work against intolerance against Christians, inter alia by encouraging the media not to spread prejudices against Christians, and by working more closely with representatives of Christian churches.

Thank you for your attention,

Barbara Vittucci

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