

PC.DEL/626/04
8 July 2004

ENGLISH
Original: GERMAN

Permanent Mission of the Federal Republic of Germany to the OSCE

**OSCE MEETING ON THE RELATIONSHIP BETWEEN RACIST,
XENOPHOBIC AND ANTI-SEMITIC PROPAGANDA ON THE
INTERNET AND HATE CRIMES**

Paris, 16–17 June 2004

**Statement by the German Delegation at Session 1, delivered by
Ambassador Dieter Boden, Permanent Representative to the OSCE**

Mr. Chairman,
Ladies and Gentlemen,

I should like to thank our hosts for holding this very essential conference and for this dignified setting, which is fully in keeping with the importance of the occasion. I wish to associate myself with Ireland's statement on behalf of the European Union and should like to add a few points of my own.

Together with the conference already held in Berlin and the one to be held later in Brussels, this conference fits logically into a triad of meetings organized pursuant to a decision adopted at the Ministerial Council meeting in Maastricht. The OSCE has thereby assumed an unprecedented commitment to tackle a subject whose political and social significance can hardly be exaggerated.

My Government was quick to support this concept. Our deep and special involvement in this issue was given expression in Berlin, as indeed it will be here in Paris and later in Brussels, where we shall be dealing with measures to combat racism, xenophobia and discrimination. This special involvement of ours is based on a particular sensitivity — which is not least of all historically determined — to all forms of intolerance. Early on, the framers of our Basic Law set this out in clear language. Article 1 of the Basic Law declares human dignity to be inviolable. We view this as a political priority and as an obligation to actively combat anti-Semitism, racism and xenophobia.

Incitement to hatred towards particular groups of the population or to violent or arbitrary measures against them is subject to punishment, as are direct attacks on the human dignity of others. Not only are the authors of materials offensive to human dignity subject to punishment, but also anyone who disseminates, provides or makes accessible in any other way material of this kind. Before the criminal law comes into play, the statutes providing for the protection of the young can be invoked. Under these statutes, the dissemination of anti-Semitic, racist or xenophobic material to children or young persons is generally

prohibited and certainly so in cases when a risk to a young person can be established. Service providers in Germany can be required by the law enforcement agencies to block illegal materials if their dissemination cannot be prevented in any other way. And this remedy is in fact used.

Laws must be actively implemented. State agencies in Germany are acting on a proactive basis. Not only do the German authorities inquire carefully into any suspicious cases; the Federal Criminal Police Office and the Federal Office for the Protection of the Constitution conduct on a permanent basis inquiries into material on the Internet thought to be offensive to human dignity. Civil society is actively involved, for example by means of hotlines. At the provincial level, the self-monitoring agencies of German industry, the ECO Internet society and the “Jugendschutz.net” association receive State subsidies for their hotlines, in addition to being members of INHOPE, the Internet Hotline Providers in Europe.

We are not under any illusions that we have solved all the problems. There is no miracle solution. But we have created the tools we need to combat the stirring up of and incitement to hatred on the Internet, and have done so in a way that fully respects the constitutional principle of freedom of speech, which applies in our country as well. As a result, we have available excellent information regarding all forms of intolerance. There is routine co-operation between government agencies, the Federal Office for the Protection of the Constitution and law enforcement authorities as well as — and this is very important — with non-governmental organizations.

Success in combating intolerance would be impossible without a deeply rooted public awareness in Germany of this problem. The international conference on “The Internet and the Changing Face of Hate” (*Die Verbreitung von Hass im Internet*) held on 26 and 27 June 2000 in Berlin was a reflection of how the German public early on came to grips with the special problem of intolerance on the Internet. The Declaration with which that conference ended calls for a global alliance of politics, the economy and civil society to combat the spread of hatred on the Internet.

We welcome this opportunity for a far-ranging exchange of opinions with all our OSCE partners. We are looking forward to as specific approaches as possible for our further efforts in this direction and to even closer co-operation within an international framework — especially with our OSCE partners, who have a key role to play. In this spirit, we are prepared to co-operate actively with a view to achieving substantial results.