



ADF INTERNATIONAL

SESSION 15: Hate Crimes

*As delivered by Alice Neffe¹
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My name is Alice Neffe. I represent ADF International, a legal organization dedicated to protecting fundamental rights including the right to freedom of religion.

ADF International was founded to protect and promote the inherent dignity of all people. We consider that act of violence is deplorable and should be condemned.

We join our colleagues from organizations monitoring crimes against Christians in deploring and condemning the steep increase of such acts throughout Europe. Despite underreporting, it is estimated that anti-Christian acts increased in France by 250% between 2008 and 2018.

Acts against people of all faiths must be addressed. However, we caution against the unchecked promulgation of laws seeking to criminalize “hate”, particularly so-called “hate speech.”

It is necessary in a democratic society to prohibit acts of physical violence and the destruction of private property. However, it is very difficult to legislate against hate without interfering with the fundamental rights of individuals. “Hate” cannot be defined objectively and legal tests often rely on the subjective conclusion of an individual.

In particular, introducing the subjective notion of “hate” undermines fundamental freedoms, most often freedom of expression. Moreover, a circular definition of “hate speech” as incitement to hatred delegitimizes the rightly criminalized incitement to violence into a blank right to not be offended.

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Only a response tackling the shrinking space afforded to the exercise of fundamental freedoms, which is the underlying issue allowing so-called “hate crimes”, can be effective.

Throughout our work we see that Christians are challenged and prevented from exercising their most fundamental rights. Christian parents cannot ensure that their children are educated in accordance with their convictions. Christian professionals are not reasonably accommodated in their workplace. Christians, more generally, express their religious beliefs under a rising threat of loss of reputation, disciplinary sanctions, dismissal, and even criminal sanctions.

We see legislation and its interpretation, which limits the fundamental freedoms of Christians sending a message that Christians are not equal and have to at least partly renounce their rights.

Therefore, ADF International urges the OSCE and Participating States to reaffirm the Principle 16(b) of the OSCE’s Vienna Concluding Document stressing the need to “foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers”.

We urge the OSCE and the Participating States to make fostering respect between believers of different communities and non-believers their priority. By properly protecting and respecting the rights to freedom of religion or belief, expression and assembly, states make Christians and other religious groups less vulnerable to attacks and assaults by private individuals and help foster a climate of tolerance without recourse to subjective ideas.

In conclusion, ADF International calls on Participating States to repeal laws grounded in subjective ideas of hatred and offense and ensure that legislation complies with the fundamental rights to freedom of expression and freedom of religion or belief.