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SESSION II: Security of Communities and Support to Victims: Good Practices of Addressing Discrimination, Hate and Violence against Christians, Jews, Muslims and other Religious or Belief Communities

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Religious groups in the OSCE region have experienced a rise in discrimination, intolerance and violence, including attacks on religious property, vandalism, as well as physical assaults on believers. To name just a few examples, a Canadian Catholic priest was stabbed recently during mass, incidents of vandalism and desecration of Catholic churches have been reported across France,² and violent attacks on Christians and Muslims associated with Christians continue in Kyrgyzstan.³ These horrific acts can target both majority and minority religious denominations, however minorities tend to be more vulnerable.

Since 2002, OSCE PS have committed themselves to combatting such acts. Principle 16(b) of the OSCE's Vienna Concluding Document provides that PS will "foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers". OSCE Guidelines recommend assessing state legislation with regard to its compliance with this commitment. ADF

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² <https://sputniknews.com/europe/201903241073502605-france-catholic-church-desecration-attacks/>

³ http://www.forum18.org/archive.php?article_id=2460

International urges states to ask themselves, if so-called “hate speech” legislation complies with the commitment of fostering mutual tolerance and respect.

First of all, there is no clear definition of “hate speech”. “Hate speech” laws have thus a high risk of being applied arbitrarily and being used by authorities as a means to silence dissenting expression. Besides, limiting the freedom of expression guaranteed by Article 19 ICCPR, can lead to censorship and draconian criminal penalties for expressing one’s opinion about religion.

On the other hand, while posing these dangers, “hate speech” laws do not target the root causes of discrimination. Instead they provide an easy remedy by targeting and persecuting minorities and the ones who disagree, which is especially dangerous for a functioning democracy. Nobody should be persecuted because of their faith or belief.

To tackle the root causes of religiously motivated violence, PS should promote mutual tolerance and respect through positive and affirmative actions, instead of limiting free speech. PS should give religious minorities an opportunity to voice their concerns. The Vienna Concluding Document urges PS to allow religious communities to participate in public dialogue, including through mass media.

PS are urged to make protection of religious groups, especially minorities, their priority, thus fostering respect between believers of different communities. By ensuring their rights relating to FoRB, states make religious minorities less vulnerable to attacks and assaults by private individuals.

For example, according to the OSCE guidelines, PS have to remain neutral and impartial while dealing with various religious denominations, without taking sides. As stated by the ECtHR, when faced with intra- or inter-religious conflicts, “the role of the authorities in such circumstances is not to remove the cause of tension by eliminating pluralism, but to ensure that the competing groups tolerate each other”.⁴ State

⁴ Guidelines Chapter B § 4. Metropolitan Church of Bessarabia v. Moldova, § 116 (ECtHR 2001), citing Serif v. Greece, § 53 (ECtHR 1999).

measures favoring a particular religion, for example by imposing restrictions “not necessary in a democratic society”⁵ for registration of religious foundations and their legal recognition, as in *Altinkaynak and Others v. Turkey*, thus constitute an infringement on freedom of religion.

In conclusion, ADF International calls on PS to repeal laws grounded in subjective ideas of hatred and offence and ensure that their legislation complies with fundamental rights to freedom of expression and FoRB. They will thereby contribute to reduction of discrimination and intolerance in the region.

⁵ *Altinkaynak and Others v. Turkey*, no 12541/06, 15 January 2019, § 40.