

OBSERVATORY ON INTOLERANCE AND DISCRIMINATION AGAINST CHRISTIANS IN EUROPE

Intervention on behalf of the Observatory on Intolerance and Discrimination against Christians by Barbara Vittucci

HDIM 2013, September 25, 10am

Working Session 4: Fundamental freedoms I: Freedom of Expression, free media and information

Voltaire is quoted for this sentence: “I disapprove of what you say, but I will defend to the death your right to say it.” Freedom of expression or speech is one of the fundamental rights of a democratic society. This includes the right to publicly make declarations however unpopular and unpleasant they may be. This right also applies to public acknowledgement of one’s faith and enables people to declare the truth according to their faith, as long as they are not direct instigations to violence. Also unpopular, impolite, disrespectful or stupid statements are protected under freedom of expression. The European Court of Human Rights even speaks of a “right to shock”. So-called hate-speech legislation penalizes what people say. This is in contradiction to the fundamental freedom of expression, if there is no clear and present danger of incited violence.

For European Christians, two main areas of prosecution for critical speech are noticeable: Islam and homosexuality. In a number of countries, Christians have found themselves in court for quoting the bible or arguing in their own words in favour of Christian positions, even though they were far away from inciting violence in intention or effect.

Such laws have a chilling effect on speech – even if critical speech is not against the law, the people might become afraid of saying it as they are not sure what is permitted and what is not.

We recommend therefore:

- The Observatory on Intolerance and Discrimination encourages **participating States** to assess their legislation with regard to freedom of expression with a particular view to the Christian communities in their countries. This assessment of legislation was recommended by the parliamentary assembly of OSCE in Belgrade in 2011.

- We recommend to **OSCE/ ODIHR** to extend their educational materials and guidelines to increase the awareness of the readers with regard to the difficulties Christians in Europe face when hate speech legislations bans or at least seems to ban elements of the Christian faith.

This intervention is available on the OSCE website.

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