

OSCE HDIM

Monday 6 October 2008 a.m. Tolerance and Non-discrimination

Intervention by David Pollock, European Humanist Federation

It was announced in April that the OSCE is preparing “legislative guidelines on hate crime”. It is welcome that guidelines will be available because protection of minorities - racial, religious or however defined - from incitement of hatred is sadly necessary in many states.

And it is welcome that OSCE is preparing them because that means they will probably be suitably protective of free speech.

I have no wish to protect the free speech of those who try to stir up hatred. But there is a risk with laws against incitement of hatred based on religion or belief. Why? Because religions and beliefs are different from race, age, gender, sexuality and so on. How? Unlike all of them, religions have an intellectual content and programme of action. Consider, for example, the differences between religion or belief and race:

- Religions, unlike race, can be chosen or put aside.
- Religions make extensive and often mutually incompatible claims about the nature of life and the world - claims that can legitimately be appraised and argued over. There is no parallel for race.
- Religions, unlike race, set out to and usually do influence their followers' attitudes and behaviour, often in ways which can be controversial.
- Religions are in principle and often in practice in competition with each other: evangelists come to our front doors, set up television and radio stations and run crusades to make converts. This is plainly untrue of race.
- Religions are expressed through organisations that are often wealthy and powerful. They - and sometimes governments on their behalf - exercise that power in the name of their faith far outside the realm of religion - in influencing social attitudes and national and international policies (e.g. on contraception). This controversial influence has no parallel in race.
- Religious believers often feel under a duty to react strongly to any criticism offered to their deities, prophets or beliefs, however mild or reasonable. This has little parallel in the case of race.

So legislation needs to be especially carefully framed when we - legitimately and often needfully - seek to outlaw incitement of hatred based on religion or belief. The risk is that well intentioned laws can, through loose drafting, result in severe restrictions on freedom of speech. Drafting needs to be examined thoroughly to check there are no possible unintended and damaging interpretations.

OSCE is well placed to do this - but even in the OSCE we sometimes see careless use of words. I am sure it was unintended, but I have twice in the last year been slightly worried

by words used by Ambassador Ömür Orhun, the OSCE Chairman's Personal Representative on Combating Intolerance and Discrimination against Muslims, in the course of speeches that were otherwise admirable, far-sighted and profound.

At the International Conference on Islamophobia held in Istanbul last December he criticised the imprecision of the word Islamophobia, saying he preferred the term "intolerance and discrimination against Muslims *and Islam*". In this he seemed to be proposing protection not just for Muslims - which is absolutely necessary - but for their religion also - which lies outside the scope of human rights.

Again at an inter-cultural dialogue on human rights in Geneva in March, talking about tolerance, he said: "acceptance of differing views does not necessarily entail identifying one's self with such views, but entails merely respecting them". But I do not wish to be obliged to "respect" religious beliefs willy nilly when I consider some of them false and pernicious. On the other hand, I entirely accept that I must respect the right of *people* to hold such views or any views - that is freedom of religion or belief.

This might seem to be quibbling, but at a time when many governments are pressing in other international forums, one suspects for political reasons, for so-called "defamation of religion" to be regarded as an abuse of human rights, we need to be very careful in our choice of words.

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