

**OSCE Supplementary Human Dimension Meeting
Promotion of Freedom of Expression:
Rights, Responsibilities and OSCE Commitments**
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ENGLISH only

Session I: The Right to Freedom of Expression

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I would draw your attention on a specific challenge regarding freedom of expression: the relationship between this freedom and the promotion of tolerance and non-discrimination, with specific regard to religious tolerance and non-discrimination.

One of the main lessons learned from Tirana Conference is that in promoting tolerance and non-discrimination, indivisibility, interdependence and interrelation of human dimension commitments should be kept in mind. Therefore, commitments on preventing and combating intolerance and discrimination cannot be considered apart from the longstanding commitments on freedom of expression.

In this respect, tolerance and non-discrimination commitments cannot be used or interpreted in a way that could restrict freedom of expression or other fundamental freedoms: freedom cannot be sacrificed to achieve tolerance. For example, hate speech legislations should not unduly affect freedom of expression. On the other hand, freedom of expression should be exercised responsibly, with due consideration for the inherent dignity of every human person, from which derive all human rights and fundamental freedoms (as affirmed by the VII Principle of the Helsinki Decalogue).

Some years ago, the Report of the Group of Eminent Persons of the Council of Europe mentioned the possible clash between religious freedom and freedom of expression as a risk to the values of our democracies. The solution to such clash is still unresolved.

Freedom of religion or belief as such does not include the right for one's religion or belief to be immune from any criticism or all adverse comment. But there is a big difference if a religion or belief is the target of critical analysis from a merely theological point of view or if there is an incitement to immediate discrimination, hostility or violence against a religion or its members. Between these two extremes, one can find all sorts of expressions and there is no consensus about

how, and exactly where, the frontiers of freedom of expression should be drawn.

Anyway participating States have an interest to find an appropriate balance between the right to hold and express an opinion on one side and the aim to facilitate a respectful dialogue between religious communities and to prevent and eliminate discrimination on the basis of religion or belief on the other side. Therefore they should be encouraged to create an atmosphere of mutual respect through a suitably narrow notion of incitement that will allow some regulation and even criminalization, but that will continue to allow robust discussion that sometimes may shock and offend.

Historically, refraining from offending the religious doctrines of others helped move from religious wars to religious tolerance and to foster a national identity as a means of promoting peace and stability. Today, we are called to explore and assess the relationship between freedom of expression and the promotion of tolerance and non-discrimination, taking into account the protection of human dignity, fundamental freedoms and human rights as well as the security and stability of the Euro-Atlantic and Eurasian Region.

I am confident that this Supplementary Human Dimension Meeting will contribute to better understanding of new challenges and lead to appropriate responses.

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