

Osservatorio per la Tolleranza e la Libertà Religiosa
“Giuseppe Dossetti”
Observatory for Religious Tolerance and Freedom

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In the OSCE area many persons and groups are subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic or religious identity. There are other forms of intolerance – for example on grounds of property or social origin –, which are exacerbated by the on-going global economic crisis. Moreover, there are people who suffer violations of their rights because their disability.

All these phenomena undoubtedly threaten the social cohesion inside each participating State, seriously affecting the group that is the victim. Some of them may also erode the confidence between States and trigger violence and conflict on a wider-scale. In accordance with its feature as a security organization and with its comprehensive and indivisible approach to security, the OSCE should develop a specific response to those phenomena that can undermine peace and stability of the Euro-Atlantic and Eurasian region.

In combating hate crimes, primary responsibility rests with the participating States. It is not satisfactory that they do not commit violence themselves, but they have a positive duty to protect the individuals within their jurisdiction and punish the perpetrators. To this end training on hate crimes for law enforcement agencies (like the TAHCLE program), prosecutors and civil society plays an essential role. Moreover participating States are required to do their best efforts in order to prevent the hate crimes from being committed through educative programmes, awareness campaign and so on.

Attention should be paid to the social environment where hate crimes take place. Violence do not suddenly arise, it is a tragic final act of a slippery slope. Allowing certain expressions reinforces patterns of intolerance and discrimination, which in turn cause violence against certain groups, in the sense that there is a causal link between the use of such expressions and the resulting harm.

According to indivisibility, interdependence and interrelation of human dimension commitments, promotion of tolerance and non discrimination cannot be used or interpreted in a way that could restrict freedom of expression. If it is difficult to draw a legal limitation, anyway every

person should be encouraged to exercise responsibly her or his freedom of expression, 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). The promotion of mutual respect is not at odd with, but a part of freedom of expression.

For this purpose the Representative on the Freedom of the Media and the ODIHR are urged to develop specific guidelines for voluntary professional standards and self-regulation on countering intolerance and discrimination in the media. In the same way, political institutions of the participating States are required to adopt code of conduct or ethics for elected representatives preventing intolerant discourse. A special attention should be paid also to cyber-hate. Internet service providers and social networking services should be encouraged to adopt standard form contracts providing termination clauses and penalties in case of intolerant conducts of people using their services.

Finally, let me mention the importance of data-collection in order to understand and address hate crimes. The new website launched by the ODIHR is an important tool, but under-reporting and under-recording undermine its effectiveness. Therefore participating States have to improve their efforts on data collection through measures such as increased involvement of civil society, enhanced disaggregated data and development of national action plan.

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