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NGO in Special Consultative Status with the Economic and Social Council of the United Nations  
Member of the Fundamental Rights Platform (FRP) of the European Union Agency for Fundamental Rights  
Member of the Federal Union of European Nationalities (FUEN)

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## Kazakh OSCE Chairmanship High Level Conference on Tolerance and Non-Discrimination 29-30 June 2010 Astana, Kazakhstan

Dear President,  
Distinguished Representatives  
Esteemed Experts  
And NGO Representatives,

Safe use of the Internet remains an important problem in the information society which plays a crucial role in promoting in enhancing citizens' ability to participate fully in democratic processes. However, safe use of the Internet needs combating the use of the Internet for incitement to racial hatred or racial discrimination, because the widespread circulation of material motivated by racism, xenophobia, anti-Muslim propaganda on the Internet is worrying in today's information society.

Aware that freedom of opinion and expression is an essential right in democracies, the circulation of hate material on the Internet still remains a serious concern and needs to be balanced. Therefore, the OSCE and its Participating States should provide adequate legal responses to the hatred propaganda, and they should combat all forms of discrimination, xenophobia and related intolerance. However, national legislation in most of the OSCE Participating States does not apply to racist, xenophobic, anti-Semitic and anti-Muslim offences committed via the Internet and it does not prosecute those responsible for this kind of offences.

The challenge in combating incitement to hatred on the Internet is to find a proper balance between freedom of expression and an effective fight against acts of racist and xenophobic nature. Although national legislation prohibits any acts or activities aiming at racial discrimination with regard to the incitement to hatred and dissemination of racist ideas through any means, it has a limited application in practice in Greece, like most of the OSCE Participating States. And, it

should be noted here that Greece has signed but not ratified yet the Additional Protocol to the Convention on cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

In addressing the phenomenon in the OSCE Participating States, raising awareness of hate on the Internet must be at the root of any coherent strategy to combat hate crimes which are based on racist, xenophobic and anti-Muslim propaganda on the Internet. This should be a part of action plan which sets out a coherent framework for combating hate crimes in all OSCE Participating States. Emphasis should be placed on the need to develop new models and multiply their use across the OSCE region, and to promote the value of diversity and pluralism. In particular, Office for Democratic Institutions and Human Rights (ODIHR) should consider paying more attention to hate crimes on the Internet in the annual OSCE hate crime reports in which it should stress the importance of promoting tolerance, mutual respect, dialogue and understanding, including through the Media and the Internet within strategies based on a variety of measures.

Reaffirming the importance to collect and maintain reliable information and statistics about hate crimes motivated by racism and related discrimination and intolerance to the OSCE Office for Democratic Institutions and Human Rights, the OSCE Participating States should take investigate and full prosecute any act and/or threat of violence motivated by hate on the Internet, while ensuring that the Internet remains an open and public forum for freedom of opinion and expression for all individuals and groups, including minority and/or youth organizations.

The OSCE participating States should train law enforcement agents and prosecutors on how to address crimes motivated by racist, xenophobic, anti-Semitic or other related bias on the Internet and should share information on successful training programmes. The participating States and Internet service providers should take steps to establish joint training programmes to encounter racism, xenophobic, anti-Semitic or other related bias.

In this combat against hate on the Internet, the OSCE Representative on Freedom of Media should be granted a more active role in promoting both freedom of opinion and expression on the Internet and monitoring the national legislation in the Participating States. The Representative should go further in observing relevant developments in all the Participating States, including early warning when laws or other measures prohibiting speech or crime motivated by hate are enforced in a discriminatory or selective manner for political purposes which can lead to impeding the expression of alternative opinions and views. The Representative should also be in close cooperation with NGOs in monitoring the Internet for hate crimes motivated by racism, xenophobia and anti-Muslim content.

In light of the above information, ABTTF calls the OSCE participating States to:

- Ensure that relevant national legislation applies also to racist, xenophobic and anti-Semitic and anti-Muslim offences committed via the Internet and prosecute those responsible for this kind of offences;
- Set up of a national consultation body which acts as a permanent monitoring centre and increase public awareness of the problem of the dissemination of incitement to hatred via the Internet.