

When good intentions go bad:

ENGLISH only

**Misuse of educational initiatives and perceived
'racism' to curb fundamental freedoms**



Executive summary:

The UN Convention on the Elimination of All Forms of Racial Discrimination, originally intended to protect the fundamental freedoms and citizens' rights of individuals belonging to various minorities, is being misunderstood and misapplied in ways that cause material harm to freedom of expression and other fundamental freedoms in many of the OSCE participating states. This paper presents some examples, and proposes remedies to rectify the situation.

Presented in context of the OSCE conference:

**Supplementary Human Dimension Meeting on Prevention of Racism,
Xenophobia and Hate Crimes through Educational and Awareness-Raising
Initiatives**

First working session, November 10th 2011:

Challenges and Perspectives for Prevention of Racism and Xenophobia

Background:

The **International Convention on the Elimination of All Forms of Racial Discrimination** (ICERD) ⁱ is a United Nations convention, and thus legally binding to all states who ratified it. This is a contrast to 'declarations', such as the Universal Declaration of Human Rights, which are statements of intent, but not explicitly binding under international law.

ICERD came about following of some severe anti-Semitic events in the 1950's, and in the light of the Holocaust it was quite logical to pursue a strategy that would prevent such disasters to befall humanity again. The purpose of the Convention is to protect the fundamental rights and freedoms of all individuals, regardless of their religion or ethnic origin. Upholding these freedoms, as also outlined in the Universal Declaration of Human Rights, is a prime purpose of international law.

This is outlined in Article 1, defining 'racism' as: ⁱⁱ

any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

It is vital to note that the aim of the convention is to protect fundamental freedoms for all. This is in line with the ideals of the Universal Declaration of Human Rights ⁱⁱⁱ, as well as the civil rights movements in the United States in the 1950's and 1960's^{iv}, the opposition movement against the South African Apartheid regime and other movements to protect the inalienable rights of the citizen.

The Convention itself was not without controversy. Arab countries were unwilling to consider anti-Semitism a problem, and the United States of America pointed out that Article 4, the obligation to criminalize expressions and organisations considered 'racist', is incompatible with the freedoms granted in the US Constitution, specifically the First Amendment^v. This is understandable, for that article grants government extensive power to regulate the opinions and conduct of its citizens.

This regulation of opinion is also the objective of educational initiatives regarding racism and discrimination, for which Article 4 provides extensive justification. These initiatives have had extensive effect in many participating states, as successive revisions of legislations have extended the regulation of free speech to ever more groups. In the Danish penal code, this is implemented as article 266b, which reads:^{vi}

Whoever publicly or with the intent of public dissemination issues a pronouncement or other communication by which a group of persons are threatened, insulted or denigrated due to their race, skin colour, national or ethnic origin, religion or sexual orientation is liable to a fine or incarceration for up to two years.

Notably, the intent to deprive members of said groups of their fundamental freedoms is absent in Danish law, thus extending its scope far beyond the original aim of the Convention, to uphold fundamental freedoms. Rather, Danish law has become a "Protection against insult", exploited to prevent relevant debate of real-life problems, such as the high level of crime among immigrants and descendents, the extensive criminal networks among immigrants, the more direct costs of immigration, or the extensive social control exercised by immigrant families on their children.

For example, Lars Hedegaard, chairman of the Danish Free Press Society, was convicted^{vii} under this law for having made a reference to a Norwegian book about the problems for women in Muslim families, even though he spoke of documentable problems and was out to protect the fundamental freedoms of citizens, not impair them. Fortunately, Danish media has not been intimidated from examining and documenting the problems, which are extensive. ^{viii}

Aside from the misuse of the Convention to stifle freedom of expression, it is worth noting that educational initiatives are firmly in place in public education, where the idea of mandatory tolerance is being embraced by teachers and authors alike. This is done by emphasizing the similarities of world religions and downplaying the difference, abstaining from teaching about subjects and historical events deemed offensive to some parties, stressing the obligation of openness and tolerance, and encouraging students to actively engage in the battle against 'racism'.

This has, unfortunately, created a situation where anyone discussing problems within ethnic or religious minorities are at risk of being stigmatized as a potential 'racist', or the widely used slur 'right-wing extremist'. The latter is particularly interesting, for it is used to imply a hidden sympathy for the National Socialist regime in Germany 70 years ago, even though that regime explicitly defined itself as a radical left-wing system, as do its few and marginalized adherents today.

This stigmatization is causing material harm to the fundamental freedoms of public debaters and politicians, chilling public debate on important issues, and marginalizing those with the courage to bring up important issues considered 'controversial'. For instance, German central bank board member Thilo Sarrazin was immediately condemned as a possible 'racist' after the publication of his book "Deutschland schafft sich ab"^{xix} ("Germany does away with itself"), even by leading politicians who had not done the due diligence of actually reading his book.

Further, court cases have been brought against people, seeking to intimidate them from discussing the problems in our societies, and many have led to convictions of people seeking to uphold exactly the fundamental freedoms we are here to protect, including freedom of expression. Examples include cases against Lars Hedegaard, chairman of the Free Press Society in Denmark, Danish MEP Morten Messerschmidt and Danish MP Jesper Langballe, Dutch MP Geert Wilders, Finnish MP Jussi Halla-aho, as well as non-parliamentarian Elisabeth Sabaditsch-Wolff in Austria.

More radical than court cases, however, is when the obligation to combat 'racism' leads to political violence in the streets. Self-established "anti-racism" groups, frequently linked to extreme political groups such as the Antifa, has repeatedly demonstrated their willingness to resort to violence in order to achieve their political goals, an unfortunate and deplorable development.

An example of this unfolded in Stuttgart, Germany on June 3rd 2011^x, where Christian groups had organized a rally to highlight the plight of Christians in Egypt, Sudan and elsewhere. Speeches and Christian music was to highlight the severe problems suffered by Christians outside Europe, as a precursor to two days of conferences to be held on these and related subjects.

However, extremist political groups labelled the event 'racist', and with a force of several hundred took over the Schlossplatz in Stuttgart with force, preventing the event from taking place, while seeking to intimidate the press from documenting their activities. Law enforcement, though strongly present, did not intervene to prevent this from happening, and participants in the events would hide any Christian symbols they were carrying, for fear of being seen as participants of the event.

Judging by the banners carried by the invaders, the violent takeover was organized by the Antifa^{xi}, with support from the political parties Die Linke, ("The Left")^{xii} the Social Democrats^{xiii} and the Piratenpartei ("Pirate Party")^{xiv}, as well as labour unions, Communists and Turkish groups. Notably absent was the banner of Die Grüne ("The Greens").

Anecdotal evidence suggests that teachers in Germany actively encourage their students to take part in the battle against perceived 'racism', in any form it might seem to appear, yet neglect to inform properly about the fundamental freedoms the fight is supposed to protect. This is a failure of the educational efforts that urgently needs to be corrected.

Some educational initiatives, such as the OSCE booklet on “Addressing Islamophobia through Education”^{xv}, operate under the tacit assumption that any problems reported that are specific to Muslims and Islam must be caused by some kind of 'phobia', and thus be the results of a pathological problem. This is a dangerous approach, for not only does that assume that the real-world problems are benign, it also works against those working to report on the problems.

One largely unaddressed problem is that of racist sentiment in immigrant circles against the host country. Three examples from Denmark:

Ra Ranunkel^{xvi}, long-term chairman of the “Integration Council” of Vollsmose, Odense, pointed out that when cars were being torched in the area, the target cars were invariably owned by ethnic Danes, and that the torching constituted a low-key ethnic cleansing against Danes in the area. An interview given to Danish television station TV2 was interrupted by immigrants stoning him and the camera crew, insisting that the “fucking Danes” leave their territory. Confronting racism on the side of immigrants is a necessity that does not constitute 'Islamophobia'.

Dan Ritto^{xvii}, former vice chairman of the “Multicultural Society” in Gellerupparken, Denmark, now warns against the area moving ever further from Danish law, effectively turning the area into a Sharia controlled zone. He reports candidly what he learned from Muslims in the area about their intentions, about the supremacy of Islam and the unique qualities of Sharia law. Confronting attempts to evade Constitutional law is a necessity that does not constitute 'Islamophobia'.

Nicolai Sennels^{xviii}, a Danish psychologist, has extensive experience with the particular problems of criminal Muslims and authored a book on the subject. He had been working for two years in an secure institution for heavy criminals, where he noticed that a disproportionate number of inmates were Muslims, and set out to investigate the reason for this. When he mentioned that there could be cultural reasons for this, he was pressed to leave his job at the municipality.

It is the opinion of ICLA that the primary causes for anti-immigrant or anti-Muslim sentiment remains the failure of relevant authorities to tackle real world problems. No educational initiatives aimed at countering 'Islamophobia' rather than real world problems will have the desired effect. They might even lead to loss of confidence in our authorities and increase anti-immigrant sentiment.

ICLA therefore recommends:

- That governments of participating states take effort to ensure that education about racism takes place in the context of ensuring fundamental freedoms for all citizens.
- That overly broad legislation be amended to ensure that speaking the documentable truth can never be punishable under the law, even if deemed insulting to some groups.
- That educational initiatives be complemented by concerted efforts against any kind of political violence, against the deplorable phenomenon of racist attitudes among immigrants, and against crime in general, in order to prevent anti-immigrant sentiment from arising.
- In particular that governments criminalize the introduction and practice of unconstitutional law, not least because such laws are often incompatible with fundamental freedoms.
- Finally, a working group could well be established to review the educational initiatives for unintended side effects causing material harm to our fundamental freedoms.

- i <http://www2.ohchr.org/english/law/cerd.htm>
- ii http://en.wikipedia.org/wiki/Convention_on_the_Elimination_of_All_Forms_of_Racial_Discrimination
- iii <http://www.un.org/en/documents/udhr/>
- iv http://en.wikipedia.org/wiki/African-American_Civil_Rights_Movement_%281955%E2%80%931968%29
- v <http://www.usconstitution.net/const.html>
- vi http://themis.dk/searchinclude/Lovsamling/Straffeloven_kap_27.html
- vii <http://www.cphpost.dk/culture/culture/51549-free-speech-advocate-guilty-of-racism.html>
- viii <http://jp.dk/indland/article2600539.ece>
- ix <http://www.amazon.de/Deutschland-schafft-sich-unser-setzen/dp/3421044309>
- x <http://www.humanevents.com/article.php?id=43957>
- xi <http://www.antifa.net/>
- xii <http://die-linke.de/>
- xiii <http://www.spd.de>, <http://www.jusos.de>
- xiv <http://www.piratenpartei.de/>
- xv <http://www.osce.org/odihr/84495>
- xvi <http://www.youtube.com/watch?v=zw2ueyTSxQw>
- xvii <http://europenews.dk/en/node/47282>
- xviii <http://frontpagemag.com/2010/05/05/among-criminal-muslims>