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OSCE Supplementary Human Dimension Meeting

PROMOTION OF FREEDOM OF EXPRESSION: RIGHTS, RESPONSIBILITIES AND OSCE COMMITMENTS

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Freedom of speech is seen as the backbone that empowers people to attend the decision-making process within democratic societies. It is seen worldwide as the prime example for free and open political systems and constraints upon it should be kept to an absolute minimum to protect the truly, and not perceived, vulnerable.

Of great concern, the emerging reality of hate speech legislation is that it is being used to enforce norms of prior restraint on free speech that impoverishes the marketplace of ideas. The decision has already been made of what is and is not hate speech, without there being a universally accepted definition. Dissenting opinion disfavored by those in power can be considered hate speech and is often reported to the authorities, which in turn refers to the courts to decide on these matters. Hate speech favors one sort of speech over another. As such, a regime of speech that includes a proscription on “hate speech” is not free, but a severe restriction on freedom of expression.

In the book “Freedom of Expression and Hate Speech”, published by the OSCE, it is argued that

“Debates about the hate speech today are ever more a reaction to the constant discussions about the growing migration, dedication to pluralism and respect for the diversity in the modern constitutional democracies.” (p. 24)

While there are indeed some debates, they are being systematically stifled by the aforementioned hate speech laws as well as prior restraint. While discussions and rigorous debates about migration and “respect for diversity” are welcome, this cannot be done by silencing real voices in that debate. Disfavored voices are being shut down by governments through self-regulating mechanisms, as can be seen from the growing number of restrictions across the OSCE region, primarily west of Vienna. All this does not bode well for those “modern constitutional democracies”: with a self-regulating media acting under thinly veiled color of authority to silence a population through prior restraint, the future looks bleak for freedom of expression and freedom of opinion.

There are currently calls for governments to play a more active role in holding their citizens accountable for speech that can be heard internationally.¹ Even international prior constraint is on the table in order to preclude future conflict. Pax Europa rejects these calls, as any prior constraint directly and negatively affects freedom of expression. Any form of censorship frightens people and makes them wary of the (negative) consequences of their speech. One case in point is the recent sacking of an employee after an accusation of being “anti-Islam”.² Unfortunately, there are countless other cases across the OSCE region west of Vienna. Prior restraint should not be used to impede transparency in a democratic society.

There is also cause for concern about the redefining and repurposing of laws through the veiled redefinition of terms within those laws without proper awareness that such an activity occurred, often accomplished through the disarming use of facially neutral language in the service of narratives that intend biased outcomes. As a result, it should be noted that there is an effort by religious organizations to subordinate non-Muslim speech to standards constrained by these organizations’ notions of incitement through international forums such as the OSCE using facially neutral language.

Recommendations:

BPE calls for freedom of expression to remain the rule and constraint to remain the exception in the OSCE region.

BPE calls on OSCE participating States to ensure that government limitations to prevent ideas from reaching the marketplace remain the absolute exception. This includes any form of self-censorship or self-regulation.

1 <http://www.internationalpolicydigest.org/2012/10/29/speech-that-spreads-conflict-requires-new-international-regulation/#>

2 <http://www.dailymail.co.uk/news/article-2670259/Christian-Heathrow-worker-sacked-fundamentalist-colleagues-accused-anti-Islam.html>