



## **Intervention by Bürgerbewegung Pax Europa**

# **OSCE Human Dimension Implementation Meeting**

## **Working Session 13**

**Specifically Selected Topic:  
Combating Hate Crimes and Ensuring Effective  
Protection and against Discrimination**

Warsaw, September 29, 2015

**Tyranny of Bad Definitions**

When working with topics as basic as fundamental freedoms such freedom of which is under attack by the concept of “hate crime”, it should be self-evident that one needs to apply very high standards of precision, caution and democratic principles. Failing that, the powerful tools of international law and human rights instruments can potentially fall prey to hostile intent and misuse.

Overly broad or purposefully vague definitions lend themselves to misuse by enemies of free, secular societies, as has historically been the case previously in non-democratic societies. Possibly the best known example of this is the term ”Enemy of the working class”, used by the Soviet Union to discredit, stigmatize and persecute the critics of a fundamentally broken system. As long as the Soviet system had moral authority, this strategy worked. When the system got exposed, it failed.

This strategy was successful until the system lost moral authority and was exposed.

In order to promote genuine rule of law, democracy and freedom, the tools of international law require clear definitions and clear limits to the power that authorities hold over non-criminal citizens.

In case of doubt, it is best to err to the side of caution – that is, to the side of less control, restriction and punishment, and in particular to upholding the principle of innocent until proven guilty.

Unclear definitions can be misused by governments and other institution of power to repress, marginalize and stigmatize inconvenient persons, their opinions, or even the topics they intend to discuss. Good laws and guidelines protect against such attacks on freedom of expression and media, bad (usually overly broad) law will be used by enemies of freedom to further their goals.

We need to be able to recognize and counter such problems and strategies today, as we were able to previously.

Ladies and gentlemen, seeking to control the details of how citizens may or may not act or express themselves cannot constitute Rule of Law, cannot constitute freedom. It is our old enemy: Tyranny.

Bürgerbewegung Pax Europa therefore recommends:

- That definitions of terms used in OSCE documents always be provided, possibly by reference.

- That terms with overly broad or unclear definitions should not be used in OSCE documents, also in order to secure that well-meaning decisions cannot be exploited by enemies of free societies.
- That care be taken to not incite a mob mentality through the use of poorly defined term.
- That the Rule of Law principle of "Innocent until proven guilty" be kept in mind and applied.