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Statement at the OSCE Human Dimension Implementation Meeting

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Compare with Delivered

Mr. Moderator,

ODIHR's format of discussion on tolerance issues is exactly how sometimes conflicting positions should be explored, with civility. The Becket Fund for Religious Liberty is, however, alarmed at a speech-stifling element that has cropped up in reaction to sensitive conflicts including the Danish cartoons, morality debates, and inter-religious criticism.

Under the guise of tolerance, anti-blasphemy, anti-defamation, and anti-vilification laws have proliferated in response to the outcry of religious communities that find offence at the free expression of others. Elsewhere in the world, we have seen that such laws enable religious majorities to persecute religious minorities, and are an unacceptable—and ineffective—response to inter-religious conflict, however harsh the verbal or printed instigation of the conflict.¹

The over breadth of these laws, usually targeting religious speech, allows criminal prosecution for so-called “unreasonable” and “offensive” speech.² There is no religious

¹ Further, they are in violation of principles outlined in the United Nation's founding and legal documents. International Covenant on Civil and Political Rights Article 19(1) states, “Everyone shall have the right to hold opinions without interference.” ICCPR Article 19(2) states, “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” ICCPR, Article 18(1) states:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching. ICCPR, Article 18(2), No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

² In Australia, Pastors Danny Nalliah and Daniel Scot are appealing criminal convictions for violating the a racial and religious “tolerance” act in Victoria for criticizing Islam from a Christian theological perspective, and telling their audience to love all Muslims. In Sweden, Pastor Ake Green had to

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the religious expression of people of all faiths.

believer who does not value the ability to assert that his or her beliefs about religious claims are not only better, but true. Nobody likes to hear their beliefs criticised, but the state should not be the one to decide which viewpoints may be expressed. Notably, the victims of these laws are always members of disfavoured group of the time.³

As a diverse body, the ODIHR can appreciate the importance of critical dialogue. We will have no freedom to search for the truth of who we are or what we believe, politically, religiously, or culturally, where anti-defamation and anti-vilification laws criminalize based on whether a person of one persuasion takes offence at the expression of another.

Already-existing legal remedies—that do not stifle freedom of expression—address violence, coercion, fraud, or defamation against living persons. There are laws against assault, false imprisonment, blackmail, defamation, and fraud. The only thing that anti-defamation and anti-vilification laws actually do is target open dialogue, not hatred in the hearts of men.

While we must condemn the promotion of violence, and while we may continually advocate an approach of civility and graciousness, promoting *tolerance* will be counterproductive unless we also encourage open dialogue by protecting unpopular opinions, dissent, and yes, even the right to tell someone that what they think, do, or believe, is wrong. Thus the Ljubljana 2005 Ministerial Council Decision⁴ declares that “the OSCE should continue to raise awareness and develop measures to counter prejudice, intolerance and discrimination, while respecting human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for *all*.”

Otherwise, promotion of tolerance, noble in theory, will merely be a pretext for suppressing dissent.

The Becket Fund for Religious Liberty, the world’s only religious liberty law firm committed to defending people of all faiths, is particularly concerned about the difference between protecting people from violence, and protecting people from being told they are wrong. This is often the difference between civil society initiatives such as ODIHR work, and legislation that is too often exploited by majority viewpoints to repress disfavoured ideas.

The Becket Fund thus encourages the ODIHR to consider the necessity of preserving the dialogue about truth—and the right to be wrong—in work on tolerance.

Thank you Mr. Moderator.

appeal all the way to the Supreme Court before his criminal conviction for hate speech was overturned after he gave a fire and brimstone sermon on sexual immorality and telling his congregation to love and show grace to those he considered to be sinners. In these cases, the issue is not whether or not the viewpoints put forth were correct or true—the issue is the freedom to express the viewpoints at all.

³ Further, enforcement of such laws is typically left to the unbridled discretion of local officials who are free to act on their own prejudices.

⁴ Decision No. 0/05, MC.DEC/10/05 (6 December 2005) (emphasis added).

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