

**OSCE Conference: Human Dimension Implementation Meeting
Warsaw, 26 September - 7 October 2011**

Working session 1: Fundamental freedoms I, including:
– **Freedom of expression, free media and information**

26 September 2011

Intervention on behalf of the
European Federation of Centres for Research and Information on Sectarianism
(FECRIS) by Friedrich Griess, previous president

I represent FECRIS, a federation of more than 50 organisations in about 30 countries in Europe and beyond, having the objective to help people and families who have been damaged psychologically, socially and financially by totalitarian organisations, commonly called cults or sects, and to do preventive work to avoid further damage.

This preventive work is justified by article 10 of the European Convention on Human Rights¹ and article 11 of the Charter of Fundamental Rights of the Union², about the Freedom of Expression and Information.

Such preventive work is often attacked by the claim of totalitarian organisations that they are religions and any negative expression about them should be forbidden because it violates the freedom of religion.

However there are decisions and recommendations by international bodies that state that also religions must tolerate criticism if it is justified and not hate speech.

Examples:

Recommendation 1805 (2007)³ on Blasphemy, religious insults and hate speech against persons on grounds of their religion

Saying, among others, that

1. [...] Freedom of expression is not only applicable to expressions that are favourably received or regarded as inoffensive, but also to those that may shock, offend or disturb the state or any sector of population within the limits of Article 10 of the Convention. Any democratic society must permit open debate on matters relating to religion and religious beliefs.[...]
4. [...] In this connection, the Assembly considers that blasphemy, as an insult to a religion, should not be deemed a criminal offence.

¹ <http://www.hri.org/docs/ECHR50.html>

² <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A6-2007-0445+0+DOC+XML+V0//EN#title2>

³ <http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta07/EREC1805.htm>

5. The Assembly [...] agrees [...] that in a democratic society, religious groups must tolerate, as must other groups, critical public statements and debate about their activities, teachings and beliefs, provided that such criticism does not amount to intentional and gratuitous insults or hate speech and does not constitute incitement to disturb the peace or to violence and discrimination against adherents of a particular religion. [...]

A special remark has to be made about the abuse of copyright. The best way to unveil the intentions and methods of totalitarian organisations is to quote their own publications. If this is done partly in order to comply with the copyright law, they may claim that this was taken out of context. The copyright law, originally designed for another purpose, usually prevents full quotations and thus conflicts with the freedom of expression and information. Obviously we need some further development of laws in this area.