



EXECUTIVE SUMMARY

ARTICLE 19 Report:

ART, RELIGION AND HATRED

Religious Intolerance in Russia and its Effects on Art

Russia is experiencing an insurgence of extreme nationalism mixed with strong religious traits, characterised by the increasing influence of the Russian Orthodox Church. The assertiveness of the Orthodox Church and a widespread climate of intolerance have led to two problematic developments. First, the Russian authorities have at times abused, and selectively implemented, legal provisions on incitement to religious hatred; second, extremist groups have reacted with violence to ideas expressed by those espousing non-Orthodox views, whilst the authorities have failed to effectively protect victims of such violence.

ARTICLE 19's report *Art, Religion and Hatred* looks at the specific problems that have recently arisen in the area of artistic expression in Russia, and how expression has been curtailed through the abuse of legal provisions and the State's failure to protect victims of attacks and intimidation.

The Russian government has disregarded many of its responsibilities under international law, including compliance with Article 10 of the European Convention on Human Rights, which imposes an obligation to uphold the right of freedom of expression in the ratifying States.

ARTICLE 19

GLOBAL CAMPAIGN FOR FREE EXPRESSION

Moreover, international law calls for a careful balance to be struck between the protection of the right to freedom of expression, on the one hand, and the requirement to prohibit advocacy for hatred on grounds of religion, on the other. Whilst Article 282 of the Russian Criminal Code criminalises the incitement of hatred on grounds of religion, in the cases examined by ARTICLE 19 there has been little or no connection between the expression and the occurrence of any religious hostility. Although some artistic expression has been offensive, it has never incited religious strife — whether intended or unintended. In addition, Article 282 is rarely applied in attacks against religious minorities by ultra-nationalist, neo-Nazi and anti-Semitic groups.

The most prominent of the relevant cases are those of Oleg Yanushevski and the Sakharov Museum. In his ‘cosmopolitan icons’, **Oleg Yanushevski** uses the traditional art form of the icon to frame images of consumer goods, film stars and politicians, in order to represent the absence of spiritual, non-material or meaningful values in contemporary society. While his work has received critical acclaim both in his home country and abroad, it has been labelled as “blasphemous” by Orthodox religious groups within Russia. Yanushevski and his wife suffered fierce harassment, their son was attacked, and the artist’s work was vandalised. This has led him to claim asylum in the United Kingdom in November 2004. Asylum status was granted in October of the following year on human rights grounds.

Another case saw the prosecution of the organisers of the *Caution, Religion!* exhibition at the **Sakharov Museum** in Moscow in March 2005. One of the most controversial pieces of art at the exhibition showed Jesus’ face on a red Coca Cola logo and next to the words: “This is my blood”. Criminal charges for incitement to religious and ethnic hatred were brought against the director of the museum (Yuri Samodurov), the curator of the exhibition (Ludmila Vasilovskaya) and an artist/organiser (Anna Mikhailchuk). While Mikhailchuk was acquitted of criminal charges, on 28 March 2005 Samodurov and Vasilovskaya were both convicted of incitement to religious and ethnic hatred. They were fined 100,000 roubles each, a considerable sum in Russia. Samodurov and Vasilovskaya appealed, yet on 5 July 2005 the Moscow city appeal court upheld the decision of the lower court. Samodurov’s lawyer stated that the case would be taken to the European Court of Human Rights.

The cases described in the report have to be considered in the context of a widespread climate of intolerance, particularly towards forms of expression — including religious ones — that deviate from the norm. This situation is compounded by the virtual absence of a free media: the media scene is dominated by two nationwide State-controlled television channels (the main source of information for the majority of the public), which primarily represent views reflecting the position of the establishment.

Furthermore, the relationship between State and religion (particularly the Russian Orthodox Church) is becoming stronger. For example, the Orthodox Church’s representatives routinely participate in political events, including election campaigns. Several MPs elected in the December 2003 parliamentary elections strongly support the Orthodox Church. A parliamentary group “In Support of Traditional Spiritual and Ethical Values of Russia” was set up in 2004. An intense campaign spearheaded by the Public Committee “For the Moral Revival of the Fatherland”, which enjoys the support of the Orthodox Church and many members of the Russian Duma, is pressing for even more severe measures to eradicate forms of dissent.

ARTICLE 19

GLOBAL CAMPAIGN FOR FREE EXPRESSION

The situation is aggravated by dire financial conditions and difficulties in day-to-day life in Russia, which appear to be contributing to political apathy in the country. Serious human rights abuses (from the gross violations in Chechnya to racial and religious discrimination) do not lead to protests. Hence extreme nationalistic and religious sentiments can continue to spread largely unhindered.