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PRESS RELEASE

Russia: European Court Must Ensure that Religious “Hate Speech” Laws Conform with International Standards on Freedom of Expression

International human rights standards concerning hate speech indicate that only forms of expression which actually constitute “incitement to discrimination, hostility or violence” should be banned, according to the amicus curiae brief submitted by ARTICLE 19 to the European Court of Human Rights in the case of *Yuriy Samodurov and Lyudmila Vasilovskaya v Russia*.

The case concerns the criminal prosecution for religious incitement of the organisers of an exhibition titled *Caution Religion!* which opened at the Andrei Sakharov “Peace, Progress and Human Rights” Museum in Moscow in January 2003. The exhibition featured exhibits by contemporary Russian artists around the theme of the dangers of rising clericalism. Shortly after the opening of the exhibition, an organised group of Orthodox believers broke into the exhibition hall and destroyed a significant number of exhibits. Although there was a criminal investigation into the incident, there was no subsequent criminal prosecution of the alleged perpetrators. The applicants in the case, the director and the curator of the museum, however were charged and successfully prosecuted under Article 282(2) of the Criminal Code for ‘inciting hatred and enmity’ and ‘degrading the dignity of individuals who belonged to the Christian religion in general and Orthodox Christianity and the Russian Orthodox Church in particular.’ The Russian district and appeal courts found that the applicants had committed an offence under this provision and fined them 100,000 roubles (RUR) (approximately €3,000) each.

ARTICLE 19’s brief to the European Court of Human Rights draws on relevant international human rights law, as well as regional human rights law and jurisprudence, non-binding international standards (notably the *Camden Principles on Freedom of Expression and Equality*) and comparative approaches to laws concerning incitement to religious hatred. In the opinion of ARTICLE 19, these authorities indicate that laws on incitement to religious hatred should be carefully defined and construed to only limit particular forms of expression which have the potential to cause harm to individuals and which are incompatible with the underlying values of human rights, such as respect for pluralism. They should not limit freedom of expression in order to protect or support a particular religious group or point of view as such.

ARTICLE 19 has submitted the brief in the hope that the European Court of Human Rights will hold that there has been a violation of Article 10 of the European Convention on Human Rights in connection with the applicants in this case.

NOTES TO EDITORS:

- For the brief of 15 May 2010 see: <http://www.article19.org/pdfs/analysis/russia-yuriy-samodurov-and-lyudmila-vasilovskaya-v-russia.pdf>
- For the admissibility decision of the European Court of Human Rights of 15 December 2009 in the case *Yuriy Samodurov and Lyudmila Vasilovskaya* Application No 3007/06 see: <http://www.article19.org/pdfs/analysis/russia-first-decision-yuriy-samodurov.pdf>
- For the *Camden Principles on Freedom of Expression and Equality* see: <http://www.article19.org/advocacy/campaigns/camden-principles/index.html>
- For more information, please contact Sejal Parmar, Senior Legal Officer, ARTICLE 19, sejal@article19.org
- ARTICLE 19 is an independent human rights organisation that works globally to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech. For more information on ARTICLE 19 please visit www.article19.org