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James D. Standish

Executive Director

U.S. Commission on International Religious Freedom
800 North Capitol Street, NW
Suite 790
Washington, DC 20002
202-523-3240
202-523-5020 (fax)
www.uscirf.gov

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ON THE COVER: Members of Pakistan's Women Action Forum in Lahore, Pakistan rally against the presence of Taliban and militants in the northwest of Pakistan on Thursday, February 12, 2009. The banners condemn religious extremism, domestic violence, and the burning down of girls' schools in Swat. (AP Photo/K.M. Chaudary)

Belarus

Belarus has a highly authoritarian government, with almost all political power concentrated in the hands of President Aleksandr Lukashenko and his small circle of advisors. The Lukashenko regime has engaged in numerous serious human rights abuses, including involvement in the "disappearances" of several key opposition figures, the imprisonment of political opponents and journalists, and strict controls on the media and civil society. The government of Belarus also continues to commit serious violations of the right of its citizens to freedom of thought, conscience, and religion or belief. In 2008, the Belarusian government kept in place its pervasive and highly restrictive apparatus to control freedom of religion or belief; therefore, the Commission continues to place Belarus on its Watch List.

Government structures to control and restrict religious communities are extensive and intrusive, leading some human rights groups to compare the situation for religious freedom in Belarus to that under the former Soviet regime. For example, Belarus has maintained its Soviet-era religious affairs bureaucracy, which maintains offices in the capitol of Minsk, in each of the country's six regions, and in 20 districts. The country's religion law, passed in October 2002, set up severe regulatory obstacles and major bureaucratic and legal restrictions on the activities of many religious communities. Essentially, the 2002 law prohibits all religious activity by unregistered groups, any activity by religious communities except in areas in which they are registered, foreign citizens from leading religious activities, and unapproved religious activity in private homes, with the exception of small, occasional prayer meetings. The law set up a three-tiered system of registration and particularly restricts the activities of groups on the lowest tier. The law also mandated that all existing religious communities in Belarus re-register with the government by November 2004. While most previously registered groups were re-registered, the law increased official mechanisms to deny registration to disfavored religious groups.

Since coming to power in 1994, President Lukashenko has openly favored the Belarusian Orthodox Church (BOC), an Exarchate of the Moscow Patriarchate Russian Orthodox Church, resulting in a privileged position for the BOC. Indeed, the 2002 religion law pointedly notes the key role of the BOC in the development of Belarusian traditions. This relationship was further codified in June 2003, when the Belarus government and the BOC signed a concordat setting out the Church's influence in public life, which has contributed to the difficulties for many religious minorities (see below). In March 2004, the Belarusian government granted the BOC the exclusive right to use the word "Orthodox" in its title. As a consequence, several "independent" Orthodox churches that do not accept the authority of the Orthodox Patriarch in Moscow continue to be denied registration, including the Belarusian Autocephalous Orthodox Church and the True Orthodox Church, a branch of the Orthodox Church that rejected the compromise with the Soviet government made by the Russian Orthodox Church in the 1920s. Another independent Orthodox group frequently denied registration is the Russian Orthodox Church Abroad, whose members in recent years have been ordered to pay multiple fines for worshiping in private homes.

Despite its privileged status, the BOC is itself not immune from government harassment. Forum 18 reported that in March 2007 the Committee for State Security (KGB) raided a prayer meeting of the BOC Transfiguration Fellowship in the city of Gomel, in the first known instance since the Soviet period of BOC adherents being targeted in Belarus for their religious activity. Moreover, Belarusian officials have discouraged the BOC from commemorating those Orthodox Christians in Belarus who were killed during the Soviet period on account of their religion. The Belarusian KGB has tried to convince BOC clergy to remove icons of the Orthodox "New Martyrs" from the city of Grodno cathedral, although the local bishop refused to take them down. In addition, KGB officers often monitor visitors to the town of Kuropaty, where New Martyrs are among the mass graves; a BOC chapel planned for the site has never been built.

Other religious groups have consistently been denied registration and in many cases officials do not provide any reason for repeated denials of requests to re-register. One frequent basis for registration or re-registration denials has been failure to provide a valid legal address, although in some cases, registration is required before such an address can be obtained, leaving these communities in a no-win situation. Another ground for denial can be the religious group's alleged failure to limit activities to a specified location. In 2006, the Belarus government rejected a decision of the UN Human Rights Committee that the government had violated religious freedom by refusing to register a nationwide Hare Krishna association. The Committee found that the government's requirement that a group must secure state-approved physical premises before legal registration can be granted is "a disproportionate limitation of the Krishna devotees' right to manifest their religion" under the International Covenant on Civil and Political Rights. In 2008, after six years of registration applications, law suits, and fines, Belarusian officials registered six of the country's seven Hare Krishna communities, according to the State Department; the one community that remains unregistered also has been able to function.

Without state registration, religious communities can be liable for fines. Since 2004, the Belarus courts have increased the amount of the fines, as well as expanded the range of religious groups that are subject to them. Until three years ago, such fines were usually in the range of $15, and most often imposed on Council of Churches Baptist congregations, which refuse on theological grounds to register with any state authorities. Since 2006, however, fines have been increased, in some cases dramatically. For example, in January 2009 a court in Bobruisk fined Aleksandr Yermalitsky $65 (a considerable sum in Belarus) for holding a worship service in his home. Forum 18 reported that in January 2008 the Baranovichi Emergencies Department fined the pastor and administrator of the New Life Pentecostal Church a total of $228 for fire safety violations, which is the equivalent of almost three weeks' average wages. The head of the church suggested that the fire safety demands were an indirect way of putting pressure on his church. In July 2008, a Russian Orthodox priest of an unregistered Russian Orthodox Abroad parish, who previously had been fined for holding religious services, was shown a reported KGB order banning him from conducting a funeral in the village of Ruzhany, Forum 18 reported. Local villagers reportedly protested the ban; the priest was allowed to conduct the funeral.

In March 2009, the Belarusian Supreme Court rejected an appeal brought by a Pentecostal pastor against a fine for leading an unregistered religious organization, Forum 18 reported. The pastor argued that the legal requirement to register violated the Belarusian Constitution and the International Covenant on Civil and Political Rights, but the court ruled that the pastor's rights had not been violated.

In addition to fines, the Belarusian authorities, over several years in the recent past, have ordered short-term detentions and imprisonment of church leaders and parishioners for participation in unregistered religious activity. In March 2006, the pastor of the Minsk-based Christ's Covenant Reformed Baptist Church received a 10-day prison term for conducting religious worship in his home. It was the first time in 20 years that a religious leader had been sentenced to imprisonment in Belarus. Pentecostal Bishop Sergey Tsvor faced similar charges, but they were dropped because of technical errors made by the police. Also in March 2006, human rights lawyer Sergey Shavtsov was sentenced to 10 days in detention for holding an unsanctioned seminar on religion in a private cafe. In June 2007, Baptist Pastor Antoni Bokun was given a three-day prison term for leading a service, making him the third known person to be sentenced to short-term detention in post-Soviet Belarus for religious activity. There also have been more recent reports that political prisoners in Belarus have been denied access to clergy.

While re-registered religious organizations, including Muslims, Lutherans, and Baha'is, have held worship services at residential addresses without prosecution, the 2002 religion law forbids most

religious activity outside designated houses of worship without advance approval from state authorities. A first offense is punishable by a warning, a fine of 20 to 150 times the minimum monthly wage, or three to 15 days' imprisonment. A second violation within one year is punishable by a fine of 150 to 300 times the minimum monthly wage or 10 to 15 days' imprisonment. Although the law, at least in theory, permits persons to gather in private homes to pray, it requires that individuals obtain permission from local authorities to hold rituals, rites, or ceremonies in homes, which, in practice, is usually denied. Moreover, a religious organization cannot be located at a residential address unless that location has been re-designated as nonresidential. For five years, Protestant leaders have unsuccessfully attempted to resolve this situation. Despite confirmation from the Presidential Administration's Department for Communication with Citizens that religious organizations may legally meet in private homes if local state authorities agree, in 2008 police interfered with private religious meetings on several occasions, sometimes fining participants.

In addition, the government continues to limit the ability of a number of groups to own or use other property for religious purposes, including via the requirement that residential property may be used for religious services only after it has been formally re-designated from residential use. Authorities continue to reject requests for property registration from many Protestant churches and other groups viewed as new to Belarus. Such communities also have faced difficulty in renting property from state proprietors. Moreover, Protestants in particular have reported that securing permission to build new churches is almost impossible. In Minsk, city planners, according to official documents, will not grant any such permits until 2030. Protestant churches seeking property permits also report that they are treated as commercial organizations and charged fees set by Minsk authorities that may range into hundreds of thousands of dollars. Forum 18 also reports that some of the smaller religious communities continue to face great difficulties in rebuilding premises for worship.

In February 2008, in response to the indefinite adjournment of a court case on the fate of their church building, the New Life Church in Minsk opted for civil disobedience, refusing to allow state inspectors, who can impose fines, onto church property. In January 2009, after two years of delays, the Belarus Higher Economic Court denied the New Life Church's appeal to prevent government authorities from seizing its building.

Various other laws, regulations, and directives also restrict the activities of registered religious communities. For example, groups are not allowed to function outside their geographic area of registration. In the summer of 2008, officials in the Grodno region prevented three Protestant communities from conducting religious activities because they were officially registered in a different region. If a registered religious community does not qualify as a "central association"—meaning it has not been legally recognized for over 20 years or it does not have enough members—it cannot own media outlets or invite people from outside Belarus to work with the community, as in the case of the Greek Catholic Church (also known as the Byzantine Rite or Uniate Catholic Church). The Society for Krishna Consciousness also does not qualify as a central association and therefore cannot rent a hall or produce a publication with a print run of over 300.

In 2007, thousands of individuals from various religious communities, as well as nonbelievers, signed a petition to the Belarusian government to protest the country's 2002 religion law and other restrictions on freedom of religion or belief. In July 2007, Belarusian police in Minsk and at a Catholic pilgrimage site in Budslav detained individuals involved in obtaining signatures for the petition and confiscated literature related to it. In March 2008, the petition gained the necessary 50,000 signatures and was submitted to the Constitutional Court, parliament, and Presidential Administration. The Constitutional Court rejected it that same month, on the grounds that only the head of state or other government officials can question the constitutionality of laws. Parliamentary and presidential authorities also rejected the petition, claiming that there were no religious freedom

violations in the country. In April 2008, three human rights defenders were fined an amount equal to two months of the average monthly wage for their involvement with the petition protesting the Belarus religion law and other religious freedom restrictions.

Belarusian officials took measures in 2008 against other public activities linked to religious expression. In September 2008, Forum 18 reported that a local ideology official halted a six-day music festival, organized by local Catholic, Orthodox, and Protestant groups in Borisov, despite the fact that event organizers had obtained written state permission one week in advance, as required by law.

All religious literature is subject to compulsory government censorship. Religious publishing is restricted to religious groups that have 10 registered communities, including at least one that was in existence in 1982. This requirement is onerous, since 1982 was during the Soviet period of religious repression when few religious groups could operate. Some members of religious communities are harassed, fined, and detained for "illegally" distributing religious literature. In January 2009, two Council of Churches Baptist members who operated a Christian street library in Osipovichi in the Mogilev region were detained and their literature was confiscated, Forum 18 reported. In December 2008, 15 members of an unregistered Baptist community who ran a street library in the city of Kobrin were detained by police for illegally distributing religious literature and referred to court; the group was reportedly issued an official warning—but was not subjected to fines—in January 2009.

The Belarus government continues to demonstrate a lax attitude towards the problem of anti-Semitism and has not adopted effective measures in regard to those responsible for vandalism against Jewish memorials, cemeteries, or other property. During 2008, anti-Semitic incidents were investigated only sporadically, according to the State Department. Although official periodicals did not attack Jewish groups in the past year, the sale and distribution of anti-Semitic literature continued through state press distributors, government agencies, and stores affiliated with the BOC. Anti-Semitic and ultranationalist Russian newspapers and literature, digital video disks, and videocassettes also continued to be sold at Pravoslavnaya Kniga (Orthodox Bookstore), which also sells the literature of the BOC, the officially-favored church.

Although Judaism is viewed under the 2002 religion law as "traditional" to Belarus, Jews have been the targets of offensive remarks by government officials and the state media. In past years, President Lukashenko himself is reported to have made public anti-Semitic comments. For example, in October 2007, on live national radio, he referred to the Belarusian town of Babruysk as a "pigsty," and "mainly a Jewish town—and you know how Jews treat the place where they are living." In contrast with 2007, according to the State Department, the president and other government officials have not made anti-Semitic remarks in public during the past year. In October 2008, President Lukashenko took part in a commemoration of the 65th anniversary of the Nazi destruction of the Minsk Jewish ghetto. Reportedly, he publicly remembered the victims and their families, stating that Belarus "took the grief of the Jewish people as its own grief."

In 2008 the Belarusian authorities continued to use textbooks that promoted intolerance towards religions officially considered "non-traditional" to Belarus. Leaders of Protestant groups criticized the chapter entitled "Beware of Sects," which includes a paragraph on Seventh-Day Adventists and Jehovah's Witnesses. The Ministry of Education continued to use another textbook which labels Protestants and Hare Krishnas as "sects," although according to the State Department, the authorities promised to change the language in the next edition. In the recent past, state-controlled print and broadcast media have also promoted intolerant views of "new" religious groups. Religious communities are also sometimes denigrated by official bodies. Forum 18 reported in January 2008 that a secret ruling by the State Committee for Religious and Ethnic Affairs allegedly denied official registration to 12 groups it termed "destructive sects," including Ahmadiyya Muslims.

The 2002 religion law states that religious organizations do not have priority in reclaiming property confiscated in Soviet times if a former worship building is now used for culture or sports activities. As a result, only nine of 92 historic synagogues in Belarus have been returned to the Jewish community since the country gained independence in 1991. Lutheran and Calvinist communities have also had little success in the return of their historical churches from the Belarusian government.

In January 2008, Belarus issued a decree that further tightened strict government regulations on foreign religious workers. A government official, the Plenipotentiary for Religious and Nationality Affairs, has the sole discretion to decide whether religious activity by foreign citizens is necessary. In addition, that official is not required to provide reasons for denials of a foreign religious worker's request to visit. Moreover, there is no avenue for appeal of denials. A foreign religious worker must be invited by a registered religious association. The visa application must include relevant work experience, the timetable and syllabus of the relevant religious educational institution and proof of knowledge of the Belarusian and Russian languages, as well as the proposed dates and reason for the visit. The application procedure for visits by foreign religious workers is usually lengthy and highly bureaucratic.

In the past year, Belarusian authorities have often questioned foreign religious workers, humanitarian workers, and local citizens on the sources and uses of their funding. There were also credible reports that foreign religious workers were under surveillance by security personnel. Since 2004, a total of 31 foreigners have been expelled or have been denied extension of their residence permits due to their religious activities, according to Forum 18. In December 2008, a foreign Catholic priest and three foreign nuns working in the Minsk-Mohilov Archdiocese, as well as three foreign Catholic priests working in the Grodno diocese, were expelled. In October 2008, a bishop in the Pentecostal Full Gospel Church, who is a Ukrainian citizen, was deported from the country. Furthermore, if foreign citizens have not explicitly stated that they plan to participate in religious activities in Belarus, they can be reprimanded or expelled. In February 2009, two Danish visitors to Belarus were detained by police and banned from the country for one year due to their expressions of "ideas of a religious nature," in the words of the deportation order. Both were attending—but were not leading—a church service in the city of Gomel.

Nevertheless, the situation for the Roman Catholic Church in Belarus improved somewhat in the past year, as have Catholic relations with the BOC. According to the State Department, the Belarusian government in April 2008 reportedly scaled back plans to convert the Bernadine Monastery in Minsk—which Belarusian authorities have long promised to return to the Catholic community—into a luxury hotel and entertainment complex. However, the Belarus authorities did not, as promised, find a new location for the state archives stored in that monastery. Vatican Secretary of State Cardinal Bertone visited Minsk in June 2008, where he held services and consecrated the cornerstone of the first Catholic Church to be built in Minsk since 1910. The Cardinal also held meetings with President Lukashenko, the BOC Metropolitan Filaret, and other officials.

In that same month, the Greek Catholic Church (also known as the Byzantine Rite or the Uniate Catholic Church) opened the St. Joseph Greek Catholic Center with a chapel and library in Minsk; the center reportedly offers Sunday school classes as well as charity assistance.

In May 2008, the European Parliament passed a resolution criticizing the 2002 Belarusian religion law and the government's "harassment, prosecution, fines, and imprisonment" of religious communities and leaders. The resolution urged the government of Belarus to comply with international principles of religious freedom and human rights.

Recommendations for U.S. Policy

Regarding multilateral approaches and international organizations, the Commission recommends that the U.S. government should:

- use every measure of public and private diplomacy to advance the protection of human rights, including religious freedom, in Belarus, such as enhanced monitoring and public reporting by the U.S. Department of State, including the Special Envoy on Anti-Semitism and the Ambassador-at-Large on International Religious Freedom, and by the appropriate international organizations, including the OSCE and the UN;

- coordinate with the European Union on the application of financial sanctions and visa bans on high-ranking Belarusian officials, particularly those who are directly responsible for or who have carried out the government's abuses of religious freedom; and

- urge the Belarus government to issue invitations to relevant UN Human Rights Council Special Procedures, including: the Special Rapporteur on the Situation of Human Rights in Belarus; the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Expression; the Special Representative of the Secretary-General on the Situation of Human Rights Defenders; the Special Rapporteur on Freedom of Religion or Belief, as well as the Working Group on Enforced and Involuntary Disappearances.

Regarding its bilateral relations with Belarus, the U.S. government should:

- urge the Belarus government to take immediate steps to end repression, including:

  --repeal of the highly restrictive 2002 religion law, as several of its provision violate international norms on freedom of religion or belief;

  --end the practice of denying registration to religious groups and then erecting obstacles to religious practice because of that unregistered status;

  --provide the right to conduct religious education and distribute religious material;

  --adopt effective measures to halt attacks on the persons and property of minority religious groups and prosecute individuals who perpetrate such attacks;

  --ensure a greater effort on the part of government officials to find and hold to account perpetrators of attacks on the persons and property of members of religious minorities; and

  -- provide free access by domestic and international human rights groups and others to sites of religious violence or the destruction of places of worship;

- urge the Belarus government to ensure that no religious community is given a status that may result in or be used to justify discrimination against or impairment of the rights of members of other religious groups;

- urge the Belarus government to publicly condemn, investigate, and prosecute criminal acts targeting Jews and the Jewish community, as well as members of other ethnic and religious communities;

- continue to support, publicly and privately, persons and groups engaged in the struggle against repression in Belarus, including the group of religious and opposition activists who make up the Freedom of Religion Initiative that published the "White Book"; and

- organize roundtables inside Belarus between members of registered and unregistered religious communities and international experts on

freedom of religion, particularly the OSCE Panel of Experts on Freedom of Religion or Belief.

Regarding U.S. programs and policies, the U.S. government should:

- institute fully the measures in the 2007 Belarus Democracy Reauthorization Act, which expresses the sense of Congress that sanctions be applied against the government of Belarus until it makes significant human rights progress; specific sanctions would include: the denial of entry into the United States to high-ranking Belarusian officials, and the prohibition of strategic exports and U.S. government financing to the Belarusian government, except for humanitarian goods and agricultural or medical products;

- ensure that the activities to promote democracy authorized by the Belarus Democracy Reauthorization Act, as well as in the Belarus civil society programs of the National Endowment for Democracy, include the right to freedom of religion or belief and the promotion of religious tolerance;

- urge Congress and the State Department to ensure that U.S. government-funded radio broadcasts to Belarus, including those of Radio Free Europe/Radio Liberty (RFE/RL), continue at least at their present levels, that efforts are made to secure sufficient transmission capacity to ensure reliable reception throughout that country, and that RFE/RL programs discuss issues relating to freedom of thought, conscience, and religion or belief; and

- provide increased international travel opportunities, particularly to attend international conferences, for Belarusian civil society leaders, including representatives of human rights groups and religious leaders, and others who defend freedom of religion in that country.