

The government of Belarus continues to violate its citizens' freedom of thought, conscience, and religion or belief. Due to its extensive, intrusive structures to control and restrict religious communities, some human rights groups compare the current religious freedom situation in Belarus to the conditions under communist Soviet rule. In light of these concerns, Belarus remains on the USCIRF Watch List for 2011. Belarus has been on USCIRF's Watch List since 2003.

### **BACKGROUND**

Political power in Belarus is concentrated largely in the hands of President Aleksandr Lukashenko and his small circle of advisors. The 2002 religion law prohibits all religious activity by unregistered groups, bans foreign citizens from leading religious activities, forbids most unapproved religious activity in private homes, and requires official permission for the printing, importation, or distribution of religious materials, among others. The law also set up three categories for religious groups: religious communities, religious associations, and national religious associations, each with different legal rights and registration requirements. The complex registration process requires extensive personal information about the members of religious congregations. Article 193-1 of the Criminal Code punishes unregistered religious activity, with penalties ranging from a fine to imprisonment of up to two years. However, NGO reports indicate that Article 193-1 has not been used to punish unregistered activity. In recent years, most cases against unregistered religious leaders and practitioners have been brought under the Administrative Code.

### **RELIGIOUS FREEDOM CONDITIONS**

Belarus' 2002 religion law set up rigorous regulatory obstacles, imposing major bureaucratic and legal restrictions on the activities of religious communities. Foreign workers continue to face many official obstacles as well. Furthermore, the government and state media publicly espouse anti-Semitism.

**Restrictions on Unregistered Religious Activity:** The 2002 religion law bans unregistered religious activity. The government often denied registration, often times without stated reasons, to some religious groups, particularly Protestants. Reportedly, in January 2008, a secret government ruling denied official registration to 12 groups, including Ahmadis, that the government deemed "destructive sects". Without state registration, religious communities are subject to harassment and interference with religious activities that sometimes results in fines by governmental officials. Council of Churches Baptist congregations, which refuse to register for doctrinal reasons have long been targeted. The religion law requires that individuals obtain official permission before holding ceremonies in the home, which is usually denied.

Administrative laws also restrict certain activities of registered religious communities. Religious groups are not allowed to function outside of their geographic area of registration.

**Restrictions on Registered Religious Activity:** Belarus continues to limit the ability of registered groups to own or use property for religious purposes. Authorities reject requests for property registration from many Protestant churches and other religious communities officially viewed as "new" to Belarus. The religion law states that religious organizations do not have priority in reclaiming property confiscated during Soviet rule, if a former worship building is now used for cultural or sports activities. As a result, only nine of 92 historic synagogues have been returned to Jewish communities since the country gained independence in 1991. Lutheran and Calvinist communities also have had few of their historical churches returned by the government.

**Restrictions on Religious Literature:** The government severely restricts religious literature, which is subject to compulsory government censorship. Only religious groups with 10 registered communities, including at least one community dating from 1982, may publish religious materials. This legal requirement is problematic because during the then-Soviet rule only a few religious groups were allowed to operate. At a September 2010 Catholic film festival, the government prevented the screening of a Belarusian film on the Soviet-era persecution of Protestant churches. In July 2010, the government enacted a new law that gave regulators broad new powers over online content and individual usage, including requiring internationally-hosted Web sites to register with the government. In October 2010, the government announced that it was compiling a list of local and international sites that it deemed offensive.

**The Privileged Status of the Belarusian Orthodox Church:** The 2002 religion law gave privileged status to the Belarusian Orthodox Church (BOC) by recognizing its “definitive role” in the development of Belarusian traditions. It also identifies Catholicism, Judaism, Islam, and Evangelical Lutheranism as “traditional faiths,” without mentioning the Old Believers and Calvinist churches, both of which have roots in Belarus dating to the 17<sup>th</sup>

century. In June 2003, the government and the BOC signed a concordat on the Church’s role in public life, which includes cooperation on education, development, cultural preservation, and security, and a joint struggle against “pseudo-religious structures” that present a danger to the public. Furthermore, The government often denies registration to other Orthodox churches.

**Challenges to the Religion Law:** The Belarusian government is hostile to civil society campaigns against the religion law. In 2008, human rights defenders were harassed after organizing the largest non-party political petition in Belarusian history calling for reform of the religion law, which garnered 50,000 signatures and was 3,442 pages long. The petition was sent to the Constitutional Court, Parliament, and Presidential Administration. The Constitutional Court rejected it on the basis that only the head of state or other government officials can question the constitutionality of laws; parliamentary and presidential authorities also rejected it, claiming there were no religious freedom violations in Belarus.

**Anti-Semitism:** Government officials, including President Lukashenko and the state media engage in public anti-Semitism. Further, the government has not taken action to identify or sanction individuals responsible for vandalism against Jewish memorials, cemeteries, or other property.

**Restrictions on Foreign Religious Workers:** In 2008, Belarus tightened already strict government regulations on foreign religious workers. If foreign citizens have not explicitly stated in their visa application that they plan to participate in religious activities in Belarus, they can be reprimanded or expelled from the country. Also, Belarusian authorities continually question foreign religious workers, humanitarian workers, and local citizens on the sources and uses of their funding.

## **RECOMMENDATIONS FOR U.S. POLICY**

Since 2008, Belarus does not maintain an ambassador in the United States, nor does the U.S. maintain an ambassador in Belarus. In October 2004, President Bush signed into law the Belarus Democracy Act (BDA) to promote democratic development, human rights, and the rule of law in Belarus. The Act was reauthorized in 2007, and in January 2011, Representative Chris Smith (R-N.J.), introduced H.R. 515, the Belarus Democracy Reauthorization Act to reauthorize the 2004 Act again. The U.S. imposed sanctions on Belarus in 2006, and expanded them in 2007 and 2008, targeting government entities and officials responsible for human rights abuses. U.S.-Belarusian relations were further strained by the widespread repressions that

followed the December 2010 presidential elections in Belarus, which were widely condemned as illegitimate. In light of the aforementioned concerns, the U.S. government should:

- Urge Belarus to repeal the highly restrictive 2002 religious law; end the practice of denying registration to non-violent religious groups; grant the right to conduct religious education and distribute religious materials; and ensure that no religious community is given a privileged status that results in discrimination against others;
- Use public and private diplomacy to advance the protection of religious freedom and human rights 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 for International Religious Freedom;
- Coordinate with the EU on the imposition of financial sanctions and visa bans on high-ranking Belarusian officials, particularly those responsible for the government's abuses of religious freedom;
- Work with international partners to reinstate the position of UN Special Rapporteur on the Situation of Human Rights in Belarus; and
- Ensure that activities to promote democracy authorized by the Belarus Democracy Reauthorization Act, as well as those of the Belarus civil society programs of the National Endowment for Democracy, include the right to freedom of religion or belief and promotion of religious tolerance.

**Please see USCIRF's 2011 Annual Report for a more extensive review and recommendations on Belarus.**