

2006 ANNUAL REPORT OF THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Countries on the Commission's Watch List

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 been widely accused of serious human rights abuses, including involvement in the “disappearances” of several key opposition figures, the imprisonment of political opponents and journalists, and strict media controls. Human rights conditions deteriorated further after the March 2006 presidential elections, which observers deemed to be fraudulent. 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. Religious freedom conditions, which had already declined as a result of the strict law on religion passed in October 2002, deteriorated further in the past year. The Commission continues to place Belarus on its Watch List, and will maintain scrutiny throughout the year to determine whether the government's record rises to a level warranting designation as a “country of particular concern,” or CPC.

According to the State Department's 2005 *Country Reports on Human Rights Practices*, the human rights record of the government of Belarus “remained very poor and worsened in some areas, with the government continuing to commit numerous serious abuses.” The Belarusian authorities stepped up their campaign against all independent actors, including independent media outlets, trade unions, advocates of ethnic minority rights, and non-governmental organizations (NGOs). In December 2005, the Belarusian government amended its laws further to restrict freedom of speech, press, and assembly by passing a series of amendments that make it a crime, with punishments of up to three years in prison, to provide “false” information about the political, economic, social, military, or international situation of the country to a foreigner; to give out information on government agencies or the rights of citizens; to participate in the activities of unregistered NGOs; to participate in public demonstrations; to instruct people on demonstrating publicly; to finance public demonstrations; or to solicit foreign countries or international organizations in order to “act to the detriment” of Belarus.

The legislation on religion passed in October 2002 led to serious restrictions on religious freedom in Belarus. The law codifies the activities of the official Committee of Religious and Nationality Affairs of the Council of Ministers (CRNA) and sets up severe regulatory obstacles and major bureaucratic and legal restrictions on the activities of many religious communities. Essentially, the 2002 religion law prohibits all religious activity by unregistered groups; religious communities with fewer than 20 members; foreign citizens from leading religious activities; and 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 CRNA by November 2004. Most previously registered groups were re-registered,

but the law was viewed as a strengthening of the government's opportunities to deny registration to disfavored groups.

Some religious groups have been consistently denied registration. One frequent basis for re-registration denials has been failure to provide a valid legal address; another is a failure to limit activities to a required location. In the past year, two evangelical Protestant churches in and near Minsk were denied registration due to the absence of a "legal address." In the past year, a Jewish group and a Calvinist congregation in Minsk had difficulty obtaining valid legal addresses, thereby preventing them even from applying for registration. Five autonomous Baptist congregations in the Brest region still await a response to their re-registration request because they refuse to restrict their activity to a particular location. In many cases, officials do not provide any reason for the denial of re-registration requests.

Official government attempts to control and restrict religious groups are frequently blatant. A January 2005 report by the top religious affairs official in the Brest region which was leaked to persons outside the government reportedly called for more prosecutions of local unregistered Baptist congregations by the end of the year. A November 2005 report called on Brest regional officials to break up more worship services and harass, fine, and control religious activity. That same report points to specific failures of local officials, including their failure to return the property of an alternative Orthodox community to the Moscow Patriarchate and to halt Greek Catholic, Jehovah's Witness, Adventist, and Pentecostal activities in the region.

While re-registered religious organizations, including Muslims, Lutherans, and Baha'is, have held worship services at residential addresses without prosecution, the Administrative Violations Code (Article 167) and the 2002 religion law forbid religious meetings in private homes and religious activity outside designated houses of worship without advance approval from state authorities. A first offense is punishable by a warning, a fine of between 20 and 150 times the minimum monthly wage, or three to 15 days' imprisonment. A second violation within one year is punishable by a fine of between 150 and 300 times the minimum monthly wage or ten to 15 days' imprisonment. In 2005, several religious communities were fined or warned by courts for holding private worship services, including the Minsk Krishna Consciousness Society, which faces prosecution; the Christ's Covenant Reformed Baptist Church, which received a warning from a Minsk court; and the Full Gospel Light to the World, which was warned that it would be shut down.

The Belarusian authorities appear to be adopting tougher sanctions against church leaders and parishioners who take part in unregistered religious activity. In March 2006, the pastor of the Minsk-based Christ's Covenant Reformed Baptist Church received a ten-day prison term for conducting religious worship in his home, the first time in 20 years that a religious leader was sentenced to imprisonment. The church's re-registration request had previously been denied. In January 2006, police visited a residence during a worship service of a registered Minsk-based Pentecostal congregation and drew up a protocol against the bishop for alleged violations of the public demonstrations law, which requires advance official permission for all public events. This is despite the fact that the congregation is registered to hold worship

services in that building. In November 2005, a member of the Brest congregation of the unregistered Council of Churches Baptists was fined for unregistered religious activity.

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. The pastor of an Evangelical Protestant church in the Grodno region reportedly received a call from a local official warning him not to allow pastors from other regions to speak at his church. If a registered religious community does not qualify as a "central association," as in the case of the Greek Catholic Church, it cannot own media outlets or invite people from outside Belarus to work with the community. 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. Belarusian law requires monasteries to have a minimum of ten participants; yet, only seven Roman Catholic convents and none of the Catholic Church's five or six monasteries meet that arbitrary criterion.

Since coming to power in 1994, President Lukashenko has openly favored the Belarusian Orthodox Church (BOC), an Exarchate of the Moscow-based Russian Orthodox Church, resulting in a privileged position for the BOC in relation to other religious communities. This relationship was codified in June 2003, when the Belarus government and the BOC signed a concordat setting out the Church's influence in government affairs and other facets of public life. Relations between the BOC and the Belarus government have created difficulties for many religious minorities, which have sometimes been denied registration or permission to rent or build a place of worship by regional authorities who have been influenced by local Orthodox leaders. Several "independent" Orthodox churches that do not accept the authority of the Orthodox Patriarch in Moscow have been denied registration, including the 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. In March 2004, the Belarusian government granted the BOC the exclusive right to use the word "Orthodox" in its title. The state-media sometimes attacks minority religious groups; in some cases, the property of these groups has been vandalized, though it cannot be established for certain if there is a direct correlation between these events.

The government refuses to acknowledge anti-Semitism and does not prosecute those responsible for vandalism against Jewish memorials, cemeteries, or other property. A Jewish cemetery, reportedly located a few meters from a police station in the Brest region, was vandalized in May 2005. No arrests have been reported. In January 2006, President Lukashenko reportedly awarded a medal for "spiritual development" to the editor of his presidential administration's newsletter, a person who has argued that the notorious anti-Semitic forgery "The Protocols of the Elders of Zion" is a genuine document. Anti-Semitic literature continues to be sold in government buildings, in stores, and at events directly and indirectly connected with the BOC. In addition, because the 2002 religion law states that religious organizations do not have priority in reclaiming property if a former worship building is now used for culture or sport, only nine of 92 historic synagogues in Belarus have been returned to the Jewish

community since the country's independence in 1991. Reportedly, in January 2006, some 30 neo-Nazis held a march in the city of Grodno and several bystanders were beaten; city police deny any knowledge of the incident.

In contrast to the harsh measures described above, President Lukashenko signed a new law in late 2005 that exempted from tax the land and property of many religious organizations. The list of eligible religious organizations includes those denied re-registration but not yet liquidated by court order, such as the Minsk-based New Life Church and the Minsk Society for Krishna Consciousness. However, the recently liquidated Minsk-based Belarusian Evangelical Church and Belarusian Evangelical Reformed Union are reportedly not included.

The Commission has traveled to Belarus and met with officials for the State Committee on Religious and Nationalities Affairs as well as with representatives of various religious and human rights groups. The Commission pressed for passage of the Belarus Democracy Act, which was passed by Congress in October 2004. Commission staff has met with independent human rights activists from Belarus, including the author of the "White Book," an extensive report on religious persecution in that country. The Commission released a report on Belarus in May 2003 with findings and recommendations for U.S. policy. In 2004 and 2005, the Commission took part in meetings of the Organization for Security and Cooperation in Europe, presenting information on freedom of religion in Belarus and meeting with Belarusian officials. In March 2005, the Commission met with delegation heads from the United States and European Union countries at the 61st session of the UN Commission on Human Rights and presented information about violations of religious freedom in Belarus.

With regard to Belarus, the Commission has recommended that the U.S. government should:

- raise the deteriorating human rights situation in Belarus at the next meeting of the G8 countries in St. Petersburg, Russia in July 2006 and urge all of the members of the G8, including Russia, to press the government of Belarus to institute democratic reforms with respect to human rights, including religious freedom, in that country;
- institute fully the measures set forth in the October 2004 Belarus Democracy Act, which expresses the Sense of Congress that sanctions be applied against the government of Belarus until the President "determines and certifies to the appropriate congressional committees that the government of Belarus has made significant progress" in meeting human rights conditions designated in the bill, including: the release of individuals who have been jailed on account of their political beliefs; the withdrawal of politically motivated charges against opposition figures; a full accounting of the "disappearances" of noted opposition leaders and journalists; and the cessation of all forms of harassment of independent media, non-governmental organizations, opposition groups, and religious organizations; 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;

- 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;
- undertake efforts to prevent Belarus from gaining membership in the new UN Human Rights Council;
- use every measure of public and private diplomacy to advance the protection of human rights, including religious freedom, in Belarus, including enhanced monitoring and public reporting by the U.S. Department of State and the appropriate international organizations;
- urge the Belarus government to take immediate steps to end repression, including:
 - repealing the highly repressive religion law;
 - ending the practice of denying registration to religious groups and then erecting obstacles to religious practice because of that unregistered status;
 - providing the right to conduct religious education and distribute religious material;
 - halting government attacks on the persons and property of minority religious groups;
 - ensuring 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
 - providing free access by domestic and international human rights groups and others to sites of religious violence or destruction of places of worship;
- ensure that the activities to promote democracy authorized by the Belarus Democracy Act include the right to freedom of religion or belief and religious tolerance;
- urge the Belarus government to issue invitations to the UN 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;

- urge the Belarus government to ensure that no religious community is given a status that may result in or be used to justify impairment of the rights of members of other religious groups;
- urge the Belarus government to publicly condemn, investigate, and prosecute criminal acts against 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”;
- organize roundtables inside Belarus between members of registered and unregistered religious communities and international experts on freedom of religion; and
- increase international travel opportunities, particularly for 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.