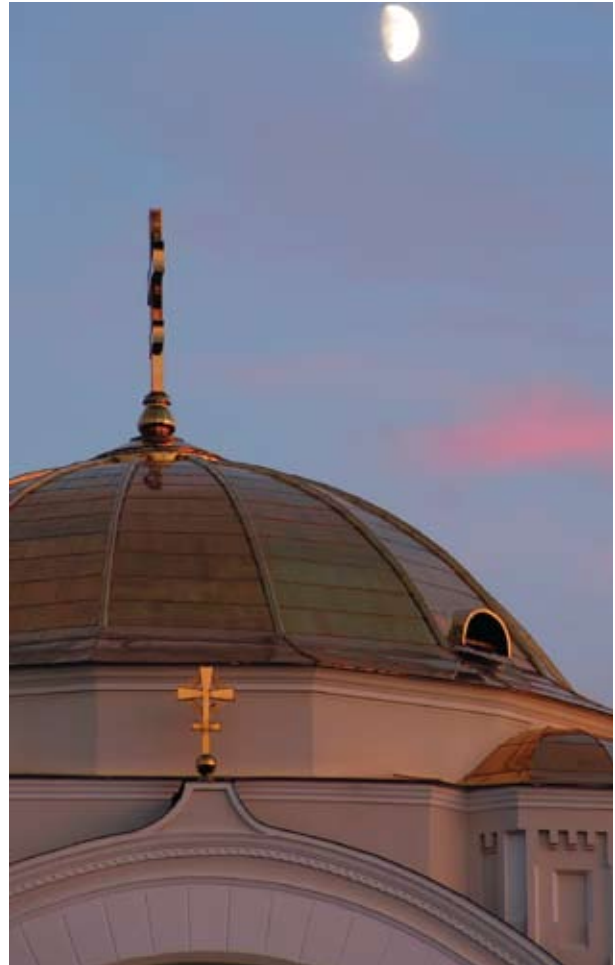


BELARUS

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 a widespread pattern 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 from the Organization for Security and Cooperation in Europe (OSCE) and other organizations deemed 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 has deteriorated to a level warranting designation as a “country of particular concern,” or CPC.

According to the U.S. Department of State’s 2006 *Country Reports on Human Rights Practices*, the human rights record of the Belarus government “remained very poor and worsened in some areas, as the government continued to commit frequent serious abuses.” The State Department reports that the Belarus government continued to engage in arbitrary arrests, detentions, and imprisonment of citizens for political reasons, criticizing officials, or participating in demonstrations. Court trials, whose outcomes were usually predetermined, were often conducted behind closed doors without an independent judiciary or independent observers.

Government structures to control and restrict religious groups are extensive and intrusive, leading some human rights groups to compare today’s situation for religious freedom in Belarus to that under the former Soviet regime. For example, authorities reportedly issued a warning to three Christians in Brest for holding in a 24-hour silent vigil in June 2006 to express solidarity with victims of political repression in the country; the three protesters were told they needed prior permission to organize and conduct religious events outside designated worship areas. Belarus also maintains its Soviet-era religious affairs bureaucracy, which includes a Plenipotentiary for Religious and Nation-



Church in Brest fortress, Brest, Belarus

ality Affairs and its staff in Minsk (known, until July 2006, as the State Committee for Religious and Nationality Affairs), as well as several of its officials in each of the country’s six regions. According to the Forum 18 News Service, the six regions have 20 districts, with each district having a Department for Relations with Religious and Social Organizations, as well as a Commission for Monitoring Compliance with Legislation on Religion.

Legislation on religion passed in October 2002 led to greater restrictions on religious freedom in Belarus. The law codified the activities of the official Committee of Religious and Nationality Affairs (since renamed) of the Council of Ministers (CRNA) and set 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

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groups; any activity of 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 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.

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. This relationship was 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 (described below). In March 2004, the Belarusian government granted the BOC the exclusive right to use the word "Orthodox" in its title. Several "independent" Orthodox churches that do not accept the authority of the Orthodox Patriarch in Moscow have been denied registration, including the Belarusian Autocephalous Orthodox Church (BAOC) 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 2005, the State Department reported that authorities confiscated a

building in Semkov Gorodok, which the local BAOB community had renovated. In June 2005, authorities warned the priest of the unregistered Russian Orthodox Church Abroad (ROCA) that he could be jailed and fined for conducting "illegal religious activities," including small gatherings in private homes. In November 2005, authorities denied registration to another ROCA parish in Ruzhany; a religious affairs official in Brest reportedly told ROCA members to worship at the BOC. In recent years, ROCA members have been fined four times, totaling over \$2,000, for worshipping in private homes. The community again applied for registration, but in October 2006, there were credible reports that BOC officials were pressuring parishioners to withdraw their signatures from registration applications.

Some religious groups have been consistently denied registration, particularly Protestant groups. 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. Another is an alleged failure to limit activities to a required location. In many cases, officials do not provide any reason for the denial of re-registration requests. In 2006, the Belarus government rejected the UN Human Rights Committee's decision that it had violated religious freedom by refusing to register a nation-wide Hare Krishna association. The authorities maintained that their refusal was "justified" because it was in accordance with Belarusian law, but they failed to address the UN Committee's finding that a requirement for state-approved physical premises to gain legal registration is "a disproportionate limitation of the Krishna devotees' right to manifest their religion" under the International Covenant on Civil and Political Rights. In June 2006, a Minsk court deregistered the Christ's Covenant Reformed Baptist Church for lack of legal addresses.

Without state registration, religious communities can be liable to fines levied under a Soviet-era provision of the Administrative Violations Code. Evidence indicates that since 2004, the Belarus authorities have increased the amount of the fines and expanded the range of religious groups that are subject to them. Until two years ago, such fines were usually approximately \$15, and most often imposed on Council of Churches Baptist congregations, which refuse on theological grounds to register with any state authorities. Since 2006, such fines have increased, in some cases dramatically. According to Forum 18, the pastor and administrator of New Life Church were fined a total of

\$5,455 for “unsanctioned” religious activity, a Pentecostal church was assessed fines that totaled \$2,767, and members of the Russian Orthodox Church Abroad were given fines totaling \$1,857. In July and August 2006, a Union of Evangelical Christians Salvation Church pastor was fined \$2,170 and \$300, respectively, for holding an unauthorized religious service and performing a baptism in a lake. In October 2006, independent media reported that authorities levied a fine of \$29 against a 78-year-old Roman Catholic priest for conducting an “unauthorized” religious service in Minsk; the priest, a Belarus-born Polish citizen, had worked in the city of Slutsk for 15 years. The average monthly wage in Belarus is estimated to be \$139.

In addition to fines, the Belarusian authorities appear to be adopting tougher sanctions, such as short-term detentions and imprisonment, 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 10 day prison term for conducting religious worship in his home, the first time in 20 years that a religious leader was sentenced to imprisonment in Belarus. The church’s re-registration request had previously been denied. Pentecostal bishop Sergey Tsvor faced similar charges, but they were dropped because of technical errors made by the police. Also in March 2006, authorities sentenced human rights lawyer Sergey Shavtsov to 10 days in detention for conducting an unsanctioned interdenominational seminar in a private cafe.

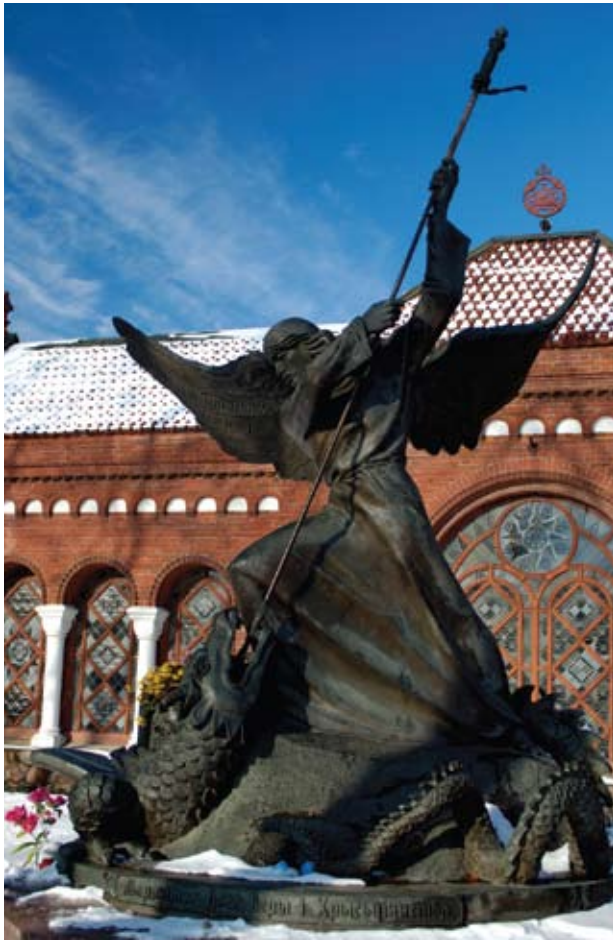
While re-registered religious organizations, including Muslims, Lutherans, and Baha’is, have held worship services at residential addresses without prosecution, the Administrative Violations Code (Article 167) and the 2002 religion law forbids most religious meetings in private homes and religious activity 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 10 to 15 days’ imprisonment. While the law 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. Police interfered with religious meetings in residences several times in 2006, sometimes fining participants. Baptists, Pentecostals, and other Protestants



A woman in Mogilev, Belarus (OSCE)

were warned or fined for illegally conducting and hosting religious services.

In addition to problems for home worship, the government continued to limit the ability of a number of groups to own or use property for religious purposes. The government permits the use of residential property for religious services only after it has been formally converted from residential use. This interpretation of the law effectively requires all religious organizations to re-register their properties as religious properties. However, authorities continued to reject requests for property registration from many Protestant churches, as well as from other religious groups seen as new to Belarus. 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



Statue of St. Michael at St. Simon and St. Helena Catholic Church, Minsk, Belarus

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 July 2006, a Minsk court ordered the New Life Church to sell to the city a building the church had purchased as a place of worship at a price far below market value and to vacate the premises by the following October. The authorities refused to re-register the New Life Church because it tried to use a former cow barn as its legal residence; the pastor and other leaders were then assessed large fines for conducting services in the barn. After church members began a hunger strike, the authorities reviewed their decision. The Higher Economic Court, however, has postponed its ruling five times since December 2006. Members of a Catholic parish in the city of Grodno halted a hunger-strike after receiving endorsement

for church construction from the Grodno city administration. According to the church's parish priest, the church has not yet received permission to build, but intends to "ask for final permission from the president."

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. 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. 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.

Generally speaking, the Belarus government continues to interfere with religious education or deny parents the right to provide religious education for their children. In August 2006, border guards transported to Minsk 47 Baptist children and adults who had been on a religious retreat on private property in the Grodno region. Local authorities had ordered the gathering to disperse and threatened to take the children to a police juvenile facility. According to the State Department, after their release, a senior religious affairs official in Minsk conceded that the retreat was legal since private individuals had organized the event.

The government does not deal sufficiently with anti-Semitism and has not responded adequately to find and hold accountable those responsible for vandalism against Jewish memorials, cemeteries, or other property. Reported anti-Semitic incidents continued in 2006, though there were fewer reported incidents than in previous years. In October 2006, vandals damaged property and gravestones at Jewish and Christian cemeteries in Orsha. At the Jewish cemetery, where 7,000 Holocaust victims are buried, 10 tombstones and the fence around the property were damaged. Police stated they would not file criminal proceedings for vandalism if the perpetrators were found. In November, Minsk's Yama Holocaust Memorial was again vandalized on the same weekend that the Israeli Cultural and Information Center was also vandalized with swastikas and anti-Semitic graffiti. Although authorities initially refused to investigate these incidents, claiming they were cases of teenage hooliganism, later in November, Deputy Foreign Minister Viktor Gaysenok pledged that police would do

everything possible to find and punish those who damaged the memorial. The investigation was pending at year's end. In late November, the Brest Jewish memorial, dedicated in 1992 to the memory of the Brest ghetto, was the subject of the sixth attack of vandals since the memorial was built. Police were investigating the incident. On another issue, due to a requirement in the 2002 religion law 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, only nine of 92 historic synagogues in Belarus have been returned to the Jewish community since the country gained independence in 1991.

The government did not permit foreign religious workers to engage in religious activities outside the institutions that invited them. Observers have expressed concern that the lack of standardized government guidance on how to implement recent changes to visa laws may affect the ability of foreign religious workers to live and function in the country. For 10 years, authorities have refused to renew the work permit of the founder of the Minsk-based New Testament Church and the pastor of its congregation. Forum 18 reported that in July 2006, authorities denied permission for the Full Gospel Union to invite a Nigerian pastor to preach at three member churches. In October, authorities refused to renew visas for seven Polish Catholic priests and five nuns from the Grodno region who had been working in the country for 10 years and ordered them to leave by the end of the year. Of the approximately 350 Catholic priests who serve in the three Roman Catholic dioceses in Belarus, over half are foreigners, mostly from Poland. In September 2006, a Catholic priest from Poland was summoned to Minsk for celebrating mass without state permission in that city a week earlier. Religious workers of other denominations with a long history in the country, particularly some Protestant groups, continued to have difficulties obtaining visas.

In contrast to the harsh measures described above, Lukashenko signed a law in late 2005 that exempted from tax the land and property of many religious organizations. The list of eligible religious organizations includes some 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 reportedly are not included.

The Commission has traveled to Belarus and met with officials of the State Committee on Religious and Nationalities Affairs as well as with representatives of various religious and human rights groups. The Commission released a report on Belarus in May 2003 with recommendations for U.S. policy, reflecting the findings from its visit to that country. The Commission welcomed passage of the Belarus Democracy Act, approved by Congress in October 2004. President Bush' signature on the Belarus Democracy Reauthorization Act in January 2007 renewed the original legislation. This legislation has implemented certain Commission recommendations regarding freedom of religion in Belarus. Throughout the past year, 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. In 2004, 2005, and 2006, 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.

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With regard to Belarus, the Commission recommends that the U.S. government should undertake the following policies in multilateral relations and in regard to international organizations:

- 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;
- 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; and
- 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.

The U.S. government should undertake the following policies in bilateral relations:

- 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 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 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.

In addition, the U.S. government should implement or modify the following U.S.-funded programs and policies:

- institute fully the measures set forth in the 2007 Belarus Democracy Reauthorization Act, which expresses the Sense of Congress that sanctions be applied against the government of Belarus until the U.S. 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;

- ensure that the activities to promote democracy authorized by the Belarus Democracy Act include the right to freedom of religion or belief and the promotion of religious tolerance;
- urge that Congress and the State Department ensure that U.S. government-funded radio broadcasts to Belarus, including those of Radio Free Europe/Radio Liberty, continue at least at their present levels and that efforts are made to secure sufficient transmission capacity to ensure reliable reception throughout that country; 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.



An Orthodox Christian church in Belarus. (OSCE)