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United States Commission on International Religious Freedom**

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Front Cover: URUMQI, China, July 7, 2009 – A Uighur Muslim woman stands courageously before Chinese riot police sent to quell demonstrations by thousands of Uighurs calling for the government to respect their human rights. The Uighurs are a minority Muslim group in the autonomous Xinjiang Uighur region. Chinese government efforts to put down the ethnic and religious protest resulted in more than 150 dead and hundreds of arrests. (Photo by Guang Niu/Getty Images)

Back Cover: JUBA, Southern Sudan, April 10, 2010 – School children participate in a prayer service on the eve of Sudan's first national elections in more than two decades. Those elections are called for under the Comprehensive Peace Agreement between North and South Sudan, the full implementation of which is widely believed to be essential to averting another bloody civil war marked by sectarian strife. Although the elections were deeply flawed, many Southern Sudanese saw them as a necessary milestone on the road to a January 2011 referendum on Southern Sudan's political future--the final major step in the peace agreement. (Photo by Jerome Delay/Associated Press)

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Belarus

FINDINGS: The government of Belarus continues to commit serious violations of the freedom of thought, conscience, and religion or belief, both in law and in practice. Belarus has a highly authoritarian government, with most political power concentrated in the hands of President Aleksandr Lukashenko and his small circle of advisors. The Lukashenko regime maintains extensive and intrusive structures to control and restrict religious communities, causing some human rights groups to compare the current religious freedom situation in Belarus to that under the former Soviet Union. In addition, the government has engaged in 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.

In light of these violations, the Commission maintains Belarus on its Watch List for 2010. Belarus has been on USCIRF's Watch List since 2003.

The 2002 Belarusian religion law is viewed as the most repressive in Europe, particularly because of its ban on unregistered religious activity. Participation in the activities of unregistered religious groups may result in a maximum two-year term of imprisonment. The government maintains an extensive bureaucracy that closely supervises religious life throughout the country, and continues to harass and fine members of some religious groups, particularly Protestants and others viewed as "foreign" or as having a political agenda. In fact, in recent years there has been an increased use of large court-imposed fines for unregistered religious activity. Conscientious objectors to military service have been detained for terms of several months and fined. Foreign religious workers continue to face many official obstacles, including deportation and visa refusals. Religious communities have been registered under the 2002 law, but some evangelical Protestant congregations and Orthodox communities that do not accept Moscow Patriarchate jurisdiction continue to be denied.

PRIORITY RECOMMENDATIONS: U.S. policy on Belarus should pay more attention to the issue of freedom of religion or belief. Its importance in Belarusian public opinion was demonstrated by a 2008 popular petition urging reform of the religion law and greater religious freedom. It was the largest non-party political petition in Belarusian history, signed by 50,000 people. As part of its effort, the United States should ensure continuation of democracy promotion activities as envisaged in the Belarus Democracy Reauthorization Act. The National Endowment for Democracy's Belarus civil society programs and the broadcasts of U.S. government-funded radio broadcasts to Belarus, such as those of Radio Free Europe/Radio Liberty (RFE/RL), should focus on the right to freedom of religion or belief and the promotion of religious tolerance. In addition, the U.S. government should allocate funds to advance internet freedom and protect Belarusian human rights activists from harassment and arrest by developing new technologies and immediately distributing proven and field-tested programs to counter censorship. Such activists should also be assisted to participate in relevant international conferences, including those of the Organization for Security and Cooperation in Europe (OSCE). Additional recommendations for U.S. policy towards Belarus can be found at the end of this chapter.

Religious Freedom Conditions

Legal Framework

The country's 2002 religion law set up severe regulatory obstacles and major bureaucratic and legal restrictions on the activities of religious communities. Essentially, the 2002 law prohibits all religious activity by unregistered groups, limits the activity of religious communities to their areas of official registration, bans foreign citizens from leading religious activities, forbids unapproved religious activity in private homes except small, occasional prayer meetings, denies religious communities the right to train clergy, and requires official permission for the printing, import, or distribution of religious materials.

The religion law also set up three categories: religious communities, religious associations, and national religious associations, with varying legal rights and registration requirements. A complex registration process requires extensive personal information about the members of religious congregations. In addition, the law mandated that all religious communities in Belarus re-register by late 2004. While most groups were re-registered, some disfavored groups have had difficulty re-registering.

Restrictions on Religious Activities

Some religious groups, particularly Protestant congregations, have repeatedly been denied registration and in many cases officials do not provide reasons. One frequent basis for denial is failure to provide a valid legal address, although in some cases, registration is required before such an address can be obtained. Moreover, a religious organization cannot be located at a residential address unless that location has been re-designated as nonresidential. In 2009, religious groups continued to have difficulty obtaining local government permission to convert residential property for religious purposes. Another basis for denial can be the religious group's alleged failure to limit activities to a specified location.

In January 2008, a secret government ruling reportedly denied official registration to 12 groups the government deemed "destructive sects," including Ahmadi Muslims.

Without state registration, religious communities are subject to state harassment of and interference with religious activities that sometimes result in fines. In recent years, the Belarus courts have increased these fines and expanded the range of religious groups subject to them. Until 2006, such fines usually were the equivalent of about \$15, and were imposed on Council of Churches Baptist congregations that refuse on theological grounds to register with state authorities. However, since 2006, administrative fines for unregistered religious activity have increased and members of other groups have been fined. For example, a disabled 68-year old pensioner, Yevgeny Bakun, was fined in August 2009 the equivalent of \$49 for holding an unregistered Salvation Pentecostal service in his yard in the city of Grodno. In September, he was issued another fine the equivalent of \$245 for "holding mass events." In a late 2009 incident, a member of an unregistered Baptist group in Brest received an administrative fine the equivalent of \$63 (reportedly half her monthly wage) for allowing her home to be used for worship.

Although the religion law, at least in theory, allows people to pray in private homes, it requires that individuals obtain permission from local authorities to hold rituals, rites, or ceremonies in homes. However, such permission usually is denied. For six years, Protestant leaders unsuccessfully have 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, police on several occasions in 2009 interfered with private religious meetings and sometimes fined participants. Some registered religious organizations, however, including Muslims, Lutherans, and Baha'is, have held worship services at residential addresses without prosecution.

The government also 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 groups officially viewed as new to Belarus; these groups 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 will not grant any such permits until 2030, according to official documents. Protestant churches seeking property permits also report that they are treated as commercial organizations and charged fees set by Minsk authorities that may be 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 2009 and 2010, officials continued to harass the New Life Full Gospel Church and threaten to seize its building in Minsk. Court executors delivered an order to vacate the building by August 2009, but the congregation refused to vacate. In January 2010, the government charged the church with polluting the grounds around its building with oil. If convicted, the church could be liable for a fine, plus \$91,000 for the alleged damage. If the judgment is not paid, the government can seize the church building as compensation.

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.

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. Additionally, 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.

Restrictions on Religious Literature

All religious literature is subject to compulsory government censorship. Religious publishing is restricted to religious groups with 10 registered communities, including at least one that was in existence in 1982. This requirement is onerous, since 1982 was during the Soviet period when few religious groups were allowed to operate. Some members of religious communities continue to be harassed and fined for “illegally” distributing religious literature. In April 2009, the government confiscated Unification Church materials to prevent “violations of human rights and freedoms” and “risks to individual psychological and physical welfare.” In May 2009, a Baptist was fined \$745, the largest known fine for unregistered religious activity in Belarus, for operating a Christian street library and ordered to turn the materials over to the state. The Belarusian government also continues to harass and fine Hare Krishnas for distributing religious literature.

The Privileged Status of the Belarusian Orthodox Church

The 2002 religion law recognizes the “definitive role” of the Orthodox Church in the development of Belarusian traditions, and the historic “traditional faiths,” Catholicism, Judaism, Islam, and Evangelical Lutheranism, without mentioning the Old Believers and Calvinist Churches, both of which have roots in Belarus dating to the 17th century. Since he assumed power in 1994, President Lukashenko has

discriminated in favor of the Belarusian Orthodox Church (BOC), an Exarchate of the Moscow Patriarchate Russian Orthodox Church. In June 2003, the Belarus government and the BOC signed a concordat on the Church's role in public life, thereby further enhancing its privileged position. Despite the concordat, however, BOC instruction has not been introduced into the state education system. In March 2004, the Belarusian government granted the BOC the sole right to use the word "Orthodox" in its title.

The Belarusian government has denied registration to several Orthodox churches that do not accept the authority of the Moscow Patriarchate, including the Belarusian Autocephalous Orthodox Church and the True Orthodox Church. Archbishop Jovan of the Holy Belarusian Autocephalous Orthodox Church (BAOC), a religious freedom activist, continued to be denied entry into the country in 2009. The Russian Orthodox Church Abroad is also denied registration, and in recent years its members have had to pay numerous fines for private worship services.

However, despite its privileged status, the BOC also has not been immune from government harassment. Belarusian officials have discouraged the BOC from commemorating those Orthodox Christians killed in Belarus during the Soviet period due to 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 do so. 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.

Conscientious Objectors

A decade after the Constitutional Court declared it "urgent" to adopt a law on alternative military service, a proposal included in the 2010 Legislative Program was removed at the last minute.

In November 2009—nine years after the charges against him were first brought—a Jehovah's Witness from the city of Gomel, Dmitry Smyk, was found guilty of refusing military service and assessed a large fine. He is appealing. In February 2010, Ivan Mikhailov, a Christian convert from Judaism, was sentenced to a three-month jail term for refusing compulsory military service; his case also is on appeal. Reportedly, criminal charges against another conscientious objector were dropped in 2009, but he has been informed that he will be charged if he again refuses compulsory military service.

Muslims have complained that they are unable to observe their religious rites in the Belarus army. One Muslim, Mikhail Mikhaliyena, who refused military service for this reason was sentenced in January 2009 to three months of imprisonment for evading military service and refusing to pay the associated fine.

Challenges to the Religion Law

In 2007, thousands of individuals from diverse religious communities, as well as nonbelievers, initiated a petition to the Belarusian government to protest the country's 2002 religion law and other restrictions on freedom of religion or belief. In March 2008, the petition gained the 50,000 signatures required for the document to be considered by the Belarusian government; it was sent 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 Belarus. In April 2008, three human rights defenders were fined the equivalent of two months average monthly wages for their involvement with the petition.

In March 2009, the Belarusian Supreme Court rejected an appeal brought by a Pentecostal pastor against a fine for leading an unregistered religious organization. While the pastor argued that the legal

requirement to register violated the Belarusian Constitution and the International Covenant on Civil and Political Rights, the court ruled against him.

Anti-Semitism

The Belarusian government continues to demonstrate a lax attitude towards the problem of anti-Semitism and has not taken effective measures against individuals responsible for vandalism against Jewish memorials, cemeteries, or other property. During 2009, 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 recently have been the targets of offensive remarks by government officials, including President Lukashenko and the state media. For example, in October 2007, on live national radio, President Lukashenko 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.” According to the State Department, the president and other government officials have not publicly made anti-Semitic remarks within the past year.

Religion and Public Education

The religion and education laws specify that the state education system is secular, and that state education institutions are can work with registered religious organizations only outside school hours. Belarusian official school textbooks continued to promote intolerance towards religions officially considered “non-traditional” to Belarus. One textbook, a chapter entitled “Beware of Sects” included language about Seventh-Day Adventists and Jehovah’s Witnesses. Another book labeled Protestants and Hare Krishnas as “sects,” although according to the State Department, the authorities promised to change the language in the next edition.

Restrictions on Foreign Religious Workers

In 2008, Belarus 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.

Belarusian authorities continue to question 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 33 foreigners, about two-thirds of whom are Catholics, have been expelled or have been denied extension of their residence permits due to their religious activities. In January 2010, two Catholic priests who had worked in Belarus for several decades reportedly were ordered by authorities to halt religious activities but were not barred 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.

U.S. Policy

In October 2004, President Bush signed into law the Belarus Democracy Act (BDA) as an attempt to promote democratic development, human rights, and the rule of law in Belarus. The BDA bans the U.S. government from providing loans, credit guarantees, financing or other financial assistance for Belarus, excluding humanitarian assistance, until the Belarusian authorities conduct a thorough inquiry into the disappearances of opponents of President Lukashenko, release political prisoners, and end persecution of the independent media and pro-democracy organizations. The BDA was reauthorized in 2007.

The United States first imposed sanctions on Belarus in 2006 which were expanded in 2007 and 2008, targeting government entities and officials responsible for human rights abuses. Belarus released its last remaining political prisoners in 2008. In March 2008, the Belarusian government requested that the United States withdraw its ambassador and the U.S. Embassy in Minsk reduce its American diplomatic staff from 35 to five. In response, the United States requested that the Belarusian ambassador also be withdrawn from Washington, D.C. Bilateral relations continue at this low ebb.

Nevertheless, the United States continues to provide assistance to more than 90 local NGOs in order to promote human rights and the rule of law. The U.S. Embassy Small Grants Program for registered Belarusian NGO projects also continues, and in 2009 \$300,000 was awarded in 13 grants, including for the preservation of the national cultural and historical heritage.

Recommendations

I. Advancing Religious Freedom through 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 denying entry into the United States to high-ranking Belarusian officials and prohibiting 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;
- ensure that U.S. government-funded radio broadcasts to Belarus, including those of 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 the programs discuss issues relating to freedom of thought, conscience, and religion or belief;
- use appropriated internet freedom funds to develop free and secure email access for use in Belarus; facilitate the dissemination of high-speed internet access via satellite; and distribute immediately

proven and field-tested counter-censorship programs in order to prevent the arrest and harassment of religious freedom and human rights activists and help them maintain their freedom of expression and legitimate expectations of privacy;

- award funds appropriated by Congress to counter censorship in Belarus, including from the FY2010 Consolidated Appropriations Act, through a competitive and merit based process;
- provide increased international travel opportunities, particularly to attend international conferences, for Belarusian civil society leaders, including representatives of human rights and religious groups, and others who defend freedom of religion in that country;
- 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, particularly the OSCE Panel of Experts on Freedom of Religion or Belief; and
- assist in funding Belarusian NGOs seeking reform of the country’s religion law.

II. Advancing Religious Freedom through Bilateral and Multilateral Diplomacy

The U.S. government should:

- 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, 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;
- work with international partners to reinstate the position of UN Special Rapporteur on the situation of human rights in Belarus and support that position’s efforts to gain unrestricted access to the country; and
- urge the Belarusian government to issue invitations to relevant UN Special Procedures, including 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; and the Working Group on Enforced and Involuntary Disappearances.

III. Ending Violations of Religious Freedom in Belarus

The government of Belarus should:

- repeal the highly restrictive 2002 religion law, as several of its provisions violate international norms on freedom of religion or belief, as called for in the 2008 popular petition urging reform of the religion law, which was the largest non-party political petition in Belarusian history;
- end the practice of denying registration to religious groups and then erecting obstacles to religious practice because of that unregistered status;
- 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;
- 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 accountable perpetrators of attacks on the persons and property of members of religious minorities;
- publicly condemn, investigate, and prosecute criminal acts targeting Jews and the Jewish community, as well as members of other ethnic and religious communities; 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.