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USCIRF Annual Report 2012 - The Commission's Watch List: Belarus

The government of Belarus, through intrusive laws and policies, continues to violate the freedom of thought, conscience, and religion or belief throughout the country. Religious communities and individuals found to have violated these restrictive laws have been harassed, raided, fined, and detained. Vandalism of religious properties has occurred with impunity. In light of these concerns, Belarus remains on the USCIRF Watch List in 2012, as it has been since 2003.

Background

Political power in Belarus is concentrated in the hands of President Aleksandr Lukashenko, whose regime continues to perpetrate human rights abuses. The government views any independent groups, including religious communities, as a potential challenge to its rule. After the December 2010 presidential elections, widely viewed as rigged, security forces dispersed 30,000 peaceful protesters, arrested 600, and beat hundreds. Seven of nine presidential candidates were imprisoned. There are numerous reports that political prisoners are denied access to clergy, particularly in pre-trial detention.

The 2002 religion law bans unregistered religious activity. 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, in recent years individuals engaged in unregistered activity have been fined under the administrative code, not the criminal code. The government often denies registration, typically without stating reasons, to some religious groups, particularly Protestants and Jehovah's Witnesses. Reportedly, a secret 2008 government ruling denied registration to 12 groups officially deemed "destructive sects," including Ahmadis.

The 2002 religion law gave privileged status to the Belarusian Orthodox Church (BOC) by recognizing its "definitive role" in Belarusian traditions. It also identifies Catholicism, Judaism, Islam, and Evangelical Lutheranism as "traditional faiths," without mentioning the Old Believer and Calvinist churches, both of which have been in Belarus for hundreds of years. In June 2003, the government and the BOC signed a concordat setting out cooperation on education, development, cultural preservation, security, and a joint struggle against the public danger of "pseudo-religious structures." The government often denies registration to other Orthodox churches.

Even the activities of registered religious groups are restricted, with violations subject to penalties under administrative laws. Religious groups are not allowed to function outside of their geographic area of registration, and official permission is required for private worship services, which is usually denied. The government severely restricts and censors

religious literature. Registered groups are limited in their rights to own or use property for religious purposes, and requests from Protestant churches and other "new" religious communities for property registration are often rejected. Religious organizations do not have legal priority in reclaiming property confiscated during Soviet rule if their buildings are now used for cultural or sports activities. Only nine of 92 synagogues have been returned to Jewish communities since 1991, and few historic Lutheran and Calvinist churches have been returned. Foreign religious workers must state in their visa application that they plan to participate in religious activities in Belarus or face reprimands or expulsion, and Belarusian authorities often unduly question foreign religious workers, humanitarian workers, and citizens on their funding sources.

Religious Freedom Conditions

Abuses against Unregistered Religious Groups: Authorities raid, harass, and interfere with unregistered religious communities, including through court-ordered fines. In late 2011, police raided the worship meetings of three Jehovah's Witness communities that have been denied state registration due to disputes over their legal addresses. Council of Churches Baptist congregations, which refuse to register for doctrinal reasons, have long been targeted; in September 2011, Pastor Aleksei Abramovich, of a Minsk region congregation, was fined several weeks' average local wages.

Abuses against Registered Religious Groups: Police raided a Protestant discussion group in Minsk on February 8, 2012 and for several hours detained 34 members of registered Protestant churches who were at the meeting. In January 2012, the pastor of a registered Pentecostal church in a Brest region village was threatened with court action and loss of registration for holding a service outside its legal address without prior official permission. Three Pentecostal pastors faced problems in January 2012 for leading religious worship regarded by officials as illegal; at least two of them received verbal official warnings. The Minsk-based New Life Pentecostal Church continues to refuse to pay a fine of the equivalent of US \$ 81,745 for alleged "environmental damage" imposed in July 2010.

Restrictions on Religious Literature: Religious materials may be published only by religious organizations with 10 registered communities, including at least one community dating back to the Soviet period in 1982, when policies on religion were even more restrictive. The government has sweeping powers to regulate on-line content and usage, requires registration of internationally-hosted Web sites, and maintains an official list of local and international sites it deems offensive.

Anti-Semitism: Government officials, including President Lukashenko and the state media have made anti-Semitic remarks. Further, the government has not investigated, identified, or punished those responsible for vandalism against Jewish memorials, cemeteries, or other property.

Challenges to 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. The petition garnered 50,000 signatures and was sent to Parliament, the Presidential Administration and the Constitutional Court, but was rejected. In early 2012, activists seeking religion law reform and an end to the ban on unregistered religious, political and social activity stepped up their campaign, writing to 10 state agencies, including both chambers of Parliament, the Presidential Administration and the Justice Ministry, and launching an Internet petition.

Recommendations for U.S. Policy

In October 2004, President Bush signed into law the Belarus Democracy Act (BDA) which was reauthorized in 2007 and 2011. The United States imposed sanctions on Belarus in 2006, and expanded them in 2007 and 2008, targeting government entities and officials responsible for human rights abuses. In response, Belarus asked that the U.S. ambassador be withdrawn in March 2008; currently, neither country maintains an ambassador in the other country. U.S.-Belarusian relations were further strained by repressions after the December 2010 presidential elections. In light of the religious freedom concerns in the country, the U.S. government should:

- urge Belarus to repeal the 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 in Belarus, including enhanced monitoring and public reporting by the U.S. Department of State, the Special Envoy on Anti-Semitism, and 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 human rights abuses, and 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, and Belarus civil society programs of the National Endowment for Democracy, include the right to freedom of religion or belief and promotion of religious tolerance.
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