

Religious Freedom in Belarus

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human rights violations in the Republic of Belarus (Belarus) for the 2020 Universal Periodic Review (UPR).

Background

2. Article 31 of the Belarusian Constitution provides the right for all to gather with others, profess their faith, and to express and spread their beliefs.

Everyone shall have the right independently to determine one's attitude towards religion, to profess any religion individually or jointly with others, or to profess none at all, to express and spread beliefs connected with one's attitude towards religion, and to participate in the performance of acts of worship and religious rituals and rites, which are not prohibited by the law¹.

3. However, in practice, only registered religious organisations are granted these rights and protections. Under Article 23 of the Law of the Republic of Belarus on Religious Freedom and Organisations, all religious literature is required to be pre-approved by a state religious expert². Additionally, all non-registered religious groups are prohibited from distributing any religious materials³.

4. These provisions clearly go against Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which states:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.⁴

No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of choice. 5. During the previous UPR Cycle for Belarus, the Holy See pointed out the

¹ Constitution of Belarus, art. 31, *available at* https://www.constituteproject.org/constitution/Belarus_2004.pdf?lang=en.

² Law of the Republic of Belarus on Religious Freedom and Organizations, art. 23.

³ BUREAU OF DEMOCRACY, H.R. AND LAB., U.S. DEP'T OF STATE, BELARUS 2018 INTERNATIONAL RELIGIOUS FREEDOM (2018) [hereinafter BELARUS REPORT].

⁴ International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-20, I.L.M. 368 (1967), 999 U.N.T.S. 171 art. 18.

importance of removing these restrictions on religious expression, and requested that Belarus “[e]nsure that no restrictions are imposed on the right to freedom of religion and belief, and guarantee greater respect for the right to freedom of expression and freedom of association”⁵. Belarus has noted that they support this recommendation, but to this date no tangible measures have been taken to provide for greater religious freedom. Instead, the government has stringent requirements for legal registration, without which groups are prohibited from carrying out any religious activity⁶.

6. While the process for legally registering as a religious organisation is not overly burdensome, the process for approval, as well as the restrictions placed on those that fail to register, are. Religious organisations that are not legally registered are prohibited from carrying out *any* religious activity⁷.

Government Control Over Religion

7. In order for religious groups to register, they are required to submit a list of the founders’ names, places of residence, and citizenship. For first time registration, this process can take up to six months to complete⁸. The reason for this lengthy process is so that a team of State-appointed religious experts can evaluate the fundamental teachings of the religion, rituals, missionary work, and even the religious group’s approach to marriage and education⁹. Religious organizations that are legally registered are then afforded many rights that non-registered groups are not.

8. As previously stated, even registered religious organisations must receive approval before they are able to distribute religious literature. Non-registered religious organisations are outright prohibited from distributing religious material and proselytising. Registered religious organisations are permitted to proselytise only so long as they have received *prior* authorization from the government.

9. Placing restrictions on distributing religious literature and proselytisation, and even outright forbidding these activities for non-registered religious organisations, infringes on the ability of Belarusians to freely and publicly express their faith. Additionally, it gives government control over which religions are allowed to spread their message and which ones are not.

10. For example, in October of 2017, members of the Council of Churches Baptists, a non-registered religious organisation, were detained by police for offering Christian books and other literature to bystanders near the entrance to the town market¹⁰. The arresting officer reportedly

⁵ UPR of Belarus Second Cycle Thematic List of Recommendations, A/HRC/30/3 Add.1.

⁶ BELARUS REPORT, *supra* note 3.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Belarus: Maltreated, Fined, for Offering Religious Literature*, FORUM 18 (6 Dec. 2017), http://www.forum18.org/archive.php?article_id=2338.

injured one of the members' face and put handcuffs on so tightly that his hands went numb. The members were then subsequently fined and offered a warning.

Conclusion

11. We respectfully remind Belarus of the principles it has promised to uphold in its Constitution and in the ICCPR and to allow all its citizens to be able to “adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching”¹¹.

12. To that end, we ask that Belarus correct its laws and regulations so that they no longer restrict the free exercise of religion. Laws prohibiting proselytisation and restricting distribution of religious literature clearly place illegal constraints on people, including placing barriers to their freedom to adopt a religion of their choosing and manifest that belief in public with others. Additionally, the registration requirements allow the government to deny legal status to minority religions, or any religion they so choose. The government should correct these issues and establish legal protections that assure the people that these requirements are not being used to restrict religious liberties.

¹¹ International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171, art. 18.