

Belarus Human Rights Index

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2021

Right to freedom of thought, conscience and religion

Expert Commentary

The score: 2.9

Including scores by component:

- Freedom of thought, conscience and religion 3.2
- Rights of religious organizations 2.6

The state guarantees the right to freedom of thought, conscience, and religion in Article 31 of the Constitution of the Republic of Belarus¹. Also, according to Article 16 of the Constitution, religions and religious denominations are equal before the law, "relations of the state and religious organizations are regulated by law taking into account their influence on formation of spiritual, cultural and state traditions of the Belarusian people". However, the criteria of such influence are not defined in the legislation, hence unequal treatment of different denominations by the authorities with the dominance of Orthodoxy². The basic law in this sphere is the Law of the Republic of Belarus "On Freedom of Conscience and Religious Organizations" (in the edition of October 31, 2002, No. 137-3).³ The preamble of the law lists five "basic" confessions: Orthodoxy, Catholicism, Lutheranism, Islam, and Judaism. Other denominations are practically considered by the Belarusian authorities as insignificant and alien to the Belarusian people. Consequently, the equality of religions and faiths before the law, as well as in practice, is out of the question.⁴

Article 16 of the Constitution also prohibits the activities of religious organizations, their bodies and representatives that are "directed against the sovereignty of the Republic of Belarus, its constitutional order and civil harmony, or involve violations of citizens' rights and freedoms, and prevent citizens from performing their state, public and family duties or harm their health and morality".⁵. There is

¹ Constitution of the Republic of Belarus, Article 47, <https://pravo.by/pravovaya-informatsiya/normativnye-dokumenty/konstitutsiya-respubliki-belarus/>

² Contribution of Belarusian NGOs to the Universal Periodic Review of Belarus at the UN Human Rights Council, October 2009, https://www.fidh.org/IMG/pdf/UPR_ru.pdf

³ Law of the Republic of Belarus "On Freedom of Conscience and Religious Organizations," as amended by Law No. 137-Z of October 31, 2002, <https://mogilev-region.gov.by/category/religiya-i-nacionalnosti/zakon-respubliki-belarus-o-svobode-sovesti-i-religioznyh>

⁴ Ibid, Preamble to the Act.

⁵ Constitution of the Republic of Belarus, Art. .16.



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administrative responsibility⁶ and criminal responsibility for the activities of religious organizations that infringe on the rights of citizens.⁷ In 2021, changes to the Criminal Code of the Republic of Belarus were discussed, and it is planned to return Article 193¹ (illegal organization of the activities of a public association, religious organization or foundation or participation in their activities) in early 2022⁸.

The Republic of Belarus has been a party to the International Covenant on Civil and Political Rights since 1973⁹ Article 18 of which declares that "everyone has the right to freedom of thought, conscience and religion"¹⁰. In General Comment 22, the Human Rights Committee explains: "The right to freedom of thought, conscience and religion (which includes the freedom to hold beliefs) in article 18.1 is far-reaching and profound; it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others"¹¹.

Freedom of thought, conscience and religion

According to experts, the situation has worsened in 2021. Any dissent is not welcome. People with views that contradict state propaganda are made into a separate vulnerable group since 2020. In 2021, the practice of "repentance" videos was widespread, with law enforcement authorities forcing detainees to confess on camera to "what they had done" and distributing these videos in pro-government media. Usually they use or threaten to use physical violence or criminal sanctions. In October 2021, a pro-government Telegram channel published a video of interrogation of Ales Sokolukha, mocking his religious views and religious motivation for his participation in the 2020 protests.¹²

Whereas in 2020 the state authorities persecuted those who openly expressed their political views and participated in peaceful actions, in 2021 they started tracking down anyone who might be a dissident. Secret surveillance of employees within state institutions and companies is carried out, as well as checks of loyalty to the authorities. Those who fail are dismissed by the agreement of the parties or due to the expiration of the contract. This practice of loyalty checks leads to self-censorship, if not at the level of thought, then at the level of expression. Experts report that organizations and companies invite employees to preventive conversations and force them to sign papers on appropriate behavior

⁶ CAO of the Republic of Belarus, art. 24.57. Illegal organization of the activity of a public association, religious organization or foundation or participation in their activity, https://kodeksy-by.com/koap_rb/24.57.htm

⁷ Criminal Code of the Republic of Belarus, Art. 193. Organization or leadership of a public association or religious organization that infringes on the personality, rights and obligations of citizens, https://kodeksy-by.com/ugolovnyj_kodeks_rb/193.htm

⁸ The Criminal Code of the Republic of Belarus as amended in 2022. <https://pravo.by/document/?guid=3871&p0=hk9900275>

⁹ Ratification of the International Covenant on Civil and Political Rights by Country, https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtdsg_no=IV-4&src=IND

¹⁰ International Covenant on Civil and Political Rights, 1966. https://www.un.org/ru/documents/decl_conv/conventions/pactpol.shtml

¹¹ CRA No. 22, UN Human Rights Committee, 1993, <http://hrlibrary.umn.edu/russian/gencomm/Rhrcom22.html>

¹² https://t.me/begunini_blog/9452



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and non-disclosure of state secrets. Also in the reference letters of civil servants changing job an indication that the person "shares the values of the constitutional system and the current government" appears.

In 2021 the situation with measures to protect religions and beliefs and their adherents worsened. The legislation is in place, but in practice, there are no effective measures to protect all religions and beliefs from the infringement of freedoms, and their adherents - from discrimination. On the contrary, the state pursues a systematic repressive policy against unwanted religions and beliefs. In 2021, in a wave of liquidation of public associations, some religious communities were also liquidated. The opportunity to restore violated rights is minimal because the courts are not fair, there is a legal default in the state, and there is no public trust in the courts. The law protects only those loyal to the current government.

For instance, in January 2021 V. Kryshtopenka was fined 40 basic units under Article 23.34 of the Code of Administrative Offences for solitary picketing in the form of photos, in which he poses with a poster with the Bible quote "when the wicked beareth rule, the people mourn" (Prov. 29:2) in front of the church.¹³ In February 2021 A. Levonyuk was fined under Article 23.34 of the Administrative Code and then sentenced to one month of arrest under Article 341 of the Criminal Code for putting graffiti with a quote from the Lord's Prayer "But deliver us from the evil one" on the facade of an apartment building.

The authorities exert pressure on the church administration. Catholic, Orthodox, and Evangelical churches of Belarus report that their leaders are required to control the clergy, in particular, on the issue of the content of sermons. Special services and law enforcement bodies conducted full-scale checks of the activity of religious organizations.¹⁴ Clerics also report a complete ban on preaching for some of them.¹⁵ General political and social processes taking place in the country also affect religious communities in which self-censorship is developing.

On September 7, 2021 the state newspaper "Minskaya Pravda" published a cartoon mocking the Catholic Church. Later on A. Butkevich, head of the Confederation of Catholic Bishops of Belarus, received a letter from the Commissioner for Religious and Ethnic Affairs A. Rumak, which stated that the publication did not reflect the official position of the state concerning the Catholic Church in Belarus.¹⁶ Other state media also wrote about "Magutny Bozha" hymn and Catholic Church in the

¹³ <https://belarus2020.churchby.info/monitoring-presledovaniy-po-cerkovnoj-linii-vo-vremya-protestov-v-belarusi/>

¹⁴ <https://t.me/christianvision/977> - according to Christian Vision there is no exact number of cases, but from what they receive it is clear that the pressure is centralized.

¹⁵ <https://belarus2020.churchby.info/monitoring-presledovaniy-po-cerkovnoj-linii-vo-vremya-protestov-v-belarusi/>

¹⁶ <https://reform.by/256701-vlasti-otreaqirovali-na-karikaturu-v-minskoj-pravde>



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negative sense.¹⁷ The hymn “Magutny Bozha” was also banned for the first time in more than 20 years during the pilgrimage to Budslau.¹⁸

On November 6, 2021, the pastor of “A” Church¹⁹ was prosecuted under Article 24.23. of the Administrative Code of the Republic of Belarus (violation of the procedure for organizing or holding mass events) for holding a water baptism without proper permission to hold a mass event. An official warning was issued to the congregation.

On November 12, 2021, priest V. Barok was summoned as a witness within an investigation into his Youtube channel, where he, among other things, commented on the social and political crisis in Belarus in terms of the teachings of the Catholic Church. Later he was sentenced to 10 days of arrest under Article 17.10 of the Administrative Code “Propaganda and (or) public demonstration, production and (or) distribution of Nazi symbols or attributes.”²⁰ In September 2021, a police officer came to priest A. Shramko in connection with allegedly “destructive” publications on his Telegram channel. A. Shramko himself was not at home - he is in forced exile due to the risk of persecution.²¹

In 2021 an article 193¹ of the Criminal Code on the illegal organization of the activities of a public association, religious organization or foundation, or participation in their activities is discussed and adopted in the Parliament²² (finally adopted on January 4, entered into force on January 22, 2022).

In 2021, public education still does not include instruction in any particular religion or belief. Education, in general, is not aimed at a pluralistic description of religion.

Prior to the events of August 2020, experts noted a bias toward Orthodoxy in education; for example, Orthodox priests could speak to schoolchildren and students under an agreement between the school/higher education institution and the church. In 2021, with the introduction of the elective course “Fundamentals of Spiritual and Moral Culture and Patriotism” in schools, the state began to use Orthodoxy for ideological purposes. No representatives of any denomination other than Orthodoxy participated in the discussion and development of this course. The textbook “Spirituality and Patriotism” was prepared jointly by the Ministry of Education and the Belarusian Orthodox Church.²³

¹⁷ <https://mediaiq.by/article/otnyud-ne-patrioticheskie-katoliki-i-kato>

¹⁸ <https://belarus2020.churchby.info/monitoring-presledovaniy-po-cerkovnoj-linii-vo-vremya-protestov-v-belarusi/>

¹⁹ The name is withheld at the request of the community.

²⁰ <https://belarus2020.churchby.info/monitoring-presledovaniy-po-cerkovnoj-linii-vo-vremya-protestov-v-belarusi/>

²¹ <https://belarus2020.churchby.info/monitoring-presledovaniy-po-cerkovnoj-linii-vo-vremya-protestov-v-belarusi/>

²² <https://pravo.by/document/?guid=3871&p0=hk9900275>

²³ <https://sputnik.by/20210824/ne-urok-a-fakultativ-v-shkolakh-vse-taki-poyavyatsya-svyaschenniki-1055894913.html>



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Moreover, following the mass protests, A.Lukashenka said that the state would conduct a "reset of the education system". "The school cannot be outside of politics. But there should be only one policy there, at school - state policy"²⁴. In the rhetoric of the current government, private kindergartens and schools, and religious schools are "breeding grounds" for protesters. Education Minister I. Karpenko stated that private kindergartens and schools have become "strongholds of the color revolution"²⁵. According to experts, at least in one district of Minsk Orthodox Sunday schools are being inspected in December 2021.

The year 2021 was declared the "Year of people's unity". The decree of the Council of Ministers of February 2, 2021 in this connection obliged religious organizations and the Commissioner for Religious Affairs to organize and take part in various events, including those directed against "extremism" and Nazism, as well as to spread information about "the role of Orthodoxy in the formation of the Belarusian statehood".²⁶

In 2021 the situation with the free practice of religion worsened. Pressure was exerted on the governing bodies of the church and almost the entire administrative apparatus of the Orthodox and Catholics was replaced. For instance, the head of the Hrodna diocese of the BOC was dismissed in June 2021, the official reason being the priest's age, but he claims that the dismissal was due to instructions from the state.²⁷ Experts noted the inability to freely create religious texts.

The leadership of the "A" church publicly expressed its position on the eviction of the "New Life" church from the premises. Some time later the congregation received an official warning because the pastor of the church was brought to administrative responsibility under Article 24.23 of the Code of Administrative Offences (violation of the order of organization or holding of mass events) for baptizing six people in an open pond in November 2021. Before that, an administrative case was brought for a banner, but the term of administrative responsibility had expired.

Rosary beads were seized from political prisoner N. Yemelianov. He had received them during a visit from Bishop A. Yashevsky so that he could pray during his imprisonment. At the same time, the internal regulations of correctional institutions stipulate that inmates may have religious objects made of non-precious metals. Also, a priest was not allowed to visit him.²⁸ The Investigative Committee repeatedly denied political prisoners O. Zolotar and I. Bernatskaia to meet with a Catholic priest, and P. Severinets and E. Movshuk with an Orthodox priest. In addition to access to priests, religious political prisoners are denied access to religious literature (in particular, Bibles and prayer books) and religious items (such as crosses), and are prevented from attending services. Correctional administrations force people

²⁴ <https://www.svoboda.org/a/beloruskiy-ministr-nazval-detskie-sady-i-shkoly-opornymi-tochkami-tsvetnoy-revoljutsii/31425901.html>

²⁵ <https://www.svoboda.org/a/beloruskiy-ministr-nazval-detskie-sady-i-shkoly-opornymi-tochkami-tsvetnoy-revoljutsii/31425901.html>

²⁶ <https://belarus2020.churchby.info/forum-18-belarus-postavit-czerkov-na-mesto/>

²⁷ <https://p.dw.com/p/40PUq?maca=rus-Red-Telegram-dwbelarus>

²⁸ <https://t.me/christianvision/1836>



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to remove their crosses, including by force. In the case of arbitrary denial of access to clergy, the prison authorities refer to restrictions due to the epidemiological situation, but not all political prisoners are denied such access.²⁹

In prison No4 of Mogilev it is impossible to subscribe to the Catholic newspaper of the Vitebsk diocese "Katalitski Vesnik", despite the fact that it is included in the catalog of Belposhta.³⁰

The possibility of conscientious objection to military service or of alternative service is enshrined in the Law "On Alternative Service" No 276-3 of 4.06.2015³¹. There is a practice of realization of the right to alternative service. However, the law does not cover all cases when a person wants and can refuse military service. Thus, according to Article 3 of the Law, persons may be sent to an alternative service if they "...personally declare that taking the military oath, carrying, using weapons or directly participating in the production and maintenance of weapons, ammunition and military equipment **contradict their religious convictions to the extent that it makes it impossible to perform military service.** That is, the law focuses only on religious considerations; if these are other considerations of conscience, the person is offered other types of service in non-military units and is induced to serve.

There is no opportunity to freely practice religion. There is still a need for mandatory registration of religious communities in accordance with Article 15 of the Law "On Freedom of Conscience and Religious Organizations."³²

In 2021, the situation worsened considerably. After August 2020, the current government decided to return to criminal liability for the activities of an unregistered organization as a form of repression of dissenters. The process of registering a religious community is generally very complicated and time-consuming. According to experts, there is a tacit ban on registration of religious communities in Minsk. According to information from experts, at least four groups of believers were denied registration of a religious organization in the first half of 2021.

In 2021, V. Novakovsky filed an individual complaint with the UN Human Rights Committee No. 3940/2021 against the refusal to register his religious community. The state's position is that the denial of registration was justified and consistent with the current law. The reason for the refusal was the state religious expertise, according to which the religious community "Thy will be done" profess a doctrine that was previously unknown in the Republic of Belarus. Hence V. Novakowski was obliged to provide information about the basics of the doctrine and religious practice. According to the state, the refusal to register this community does not prevent its members from exercising their right to worship in other communities.

²⁹ <https://belarus2020.churchby.info/belarus-svoboda-religii-ili-ubezhdenij-politzaklyuchennyh-ogranichena/>;
<https://belarus2020.churchby.info/monitoring-presledovani-j-po-cerkovnoj-linii-vo-vremya-protestov-v-belarusi/>

³⁰ <https://t.me/christianvision/937>

³¹ Law of the Republic of Belarus On Alternative Service 276-3 of June 4, 2015,
https://pravo.by/upload/docs/op/H11500276_1433970000.pdf

³² <https://pravo.by/document/?guid=3961&p0=V19202054>



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Rights of religious organizations

Religious organizations do not have effective and concrete opportunities to establish their own media and spiritual educational institutions, or to freely invite foreign clergy to meet the religious needs of believers.

For example, on February 17, 2021 law enforcement officers and bailiffs evicted the “New Life” Protestant Church from the building. The state believes that the building is not being used as intended, so in 2005 the church was deprived of the right to use the land with the subsequent purchase of the building. More than 30 court hearings were held in connection with this decision, but it remained the same and the construction of a new church building was denied. The congregation has continued to use the building for the past 15 years, but they were also denied the option to repurpose it. Now the congregation does not have access to the building and continues to gather outside near it.³³

A personnel purge was carried out in the Theological Academy. On June 10, 2021 the Telegram channel “Nick and Mike”³⁴ published information that the leadership of the Belarusian Orthodox Church had submitted a list of about 100 “unreliable” clergymen to the 4th Main Directorate of the KGB.³⁵ The political situation is such that clerics emigrate. Local religious communities are wary of inviting foreign clergymen to meet the religious needs of believers. This is due to the difficult general conditions for entry into Belarus because of the closure of the borders and the landing of Ryanair in May 2021, as well as the general mood in society and in the government.

The state encourages the use of hate speech, for example after the publication of A. Mukovozchik on the website of the state media “Sovetskaya Belorussia”³⁶, the process of forced liquidation of the Charity and Educational Institution “Good Prospects”³⁷, whose founder is the Religious Community of Full Gospel Christians “Church of God Family”, was initiated.

³³ <https://www.dw.com/ru/zahvachennaja-cerkov-vlasti-belarusi-otobrali-zdanie-u-obshhiny-protestantov/a-56818765>

³⁴ https://t.me/nic_and_mike/648

³⁵ <https://belarus2020.churchby.info/monitoring-presledovaniy-po-cerkovnoj-linii-vo-vremya-protestov-v-belarusi/>

³⁶ <https://www.sb.by/articles/kulturnyy-dosug65465.html>

³⁷ <http://egr.gov.by/egrmobile/information?pan=192005042>



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