

## Belarus Human Rights Index

<http://index.belhelcom.org>

2022

### Right to freedom of thought, conscience and religion

Expert Commentary

**The score: 2.5**

#### Including scores by component:

- Freedom of thought, conscience and religion 2.7
- Rights of religious organizations 2.3

The state guarantees the right to freedom of thought, conscience and religion in Article 31 of the Constitution of the Republic of Belarus. Also, according to Article 16 of the Constitution, religions and beliefs are equal before the law, 'the relations between the state and religious organizations are regulated by law taking into account their influence on the formation of spiritual, cultural and state traditions of the Belarusian people'. However, the criteria for such influence are not defined in the legislation, which gives rise to unequal treatment of different confessions by the authorities with the dominance of Orthodoxy<sup>1</sup>. The basic law in this area is the Law of the Republic of Belarus "On Freedom of Conscience and Religious Organizations".<sup>2</sup> The preamble of the law lists 5 "main" confessions: Orthodoxy, Catholicism, Lutheranism, Islam and Judaism. Article 16 of the Constitution also prohibits the activities of religious organizations, their bodies and representatives, which "are directed against the sovereignty of the Republic of Belarus, its constitutional order and civil harmony or are associated with the violation of the citizens' rights and freedoms, as well as prevent citizens from performing their state, public, family duties or harm their health and morality. Administrative<sup>3</sup> and criminal responsibility for the activities of religious organizations that infringe on the rights of citizens is established.<sup>4</sup> The Republic of Belarus has been a party to the International Covenant on Civil and Political Rights since

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<sup>1</sup> Submissions by Belarusian NGOs for the Universal Periodic Review of Belarus to the UN Human Rights Council, October 2009, [https://www.fidh.org/IMG/pdf/UPR\\_ru.pdf](https://www.fidh.org/IMG/pdf/UPR_ru.pdf).

<sup>2</sup> Law "On Freedom of Conscience and Religious Organizations," as amended by Law No. 137-3 of October 31, 2002, <https://mogilev-region.gov.by/category/religiya-i-nacionalnosti/zakon-respubliki-belarus-o-svobode-sovesti-i-religioznyh>.

<sup>3</sup> Code of Administrative Offences, Art. 24.57. Illegal organization of the activities of a public association, religious organization or foundation or participation in their activities, [https://kodeksy-by.com/koap\\_rb/24.57.htm](https://kodeksy-by.com/koap_rb/24.57.htm)

<sup>4</sup> Criminal Code, art. 193. The organization or management of public association, religious organization, encroaching on the personality, the rights and obligations of citizens, [https://kodeksy-by.com/ugolovnyj\\_kodeks\\_rb/193.htm](https://kodeksy-by.com/ugolovnyj_kodeks_rb/193.htm)



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1973<sup>5</sup>. Article 18 of the Covenant proclaims that ‘everyone has the right to freedom of thought, conscience and religion’<sup>6</sup>.

When evaluating the state of the right to freedom of thought, conscience, and religion in 2022, the Index experts assigned lower scores compared to 2021. Their position is elaborated below.

- **Freedom of thought, conscience and religion**

Experts estimate that in 2022, the practice of coercing individuals to disclose their thoughts, including the use or threat of physical force, property deprivation, or legal sanctions, has become a regular occurrence. Coercive measures (in particular, arbitrary checks of correspondence and photos on one’s phone) continue to be employed to identify political positions and suppress the formation and expression of dissent. These measures affect, inter alia, clergy and believers<sup>7</sup>.

The persecution of clergy, activists and believers for exercising their rights, including the right to freedom of expression and freedom of association, continued in 2022. Information has been gathered by several initiatives: the Forum 18 publication cites examples of Catholic, Greek Catholic and Protestant religious leaders being persecuted for their stance<sup>8</sup>. The "Christian Vision" (Working Group of the Coordination Council) lists include dozens of clergymen of various denominations who have been prosecuted for "unauthorized picketing" (displaying white-red-white and Ukrainian flags on their avatars<sup>9</sup>, or a sticker "Sorry, Ukraine"<sup>10</sup>), and "distribution of extremist materials"<sup>11</sup>.

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<sup>5</sup> Ratification status 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](https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=_en&mtdsg_no=IV-4&src=IND)

<sup>6</sup> International Covenant on Civil and Political Rights, 1966, [https://www.un.org/ru/documents/decl\\_conv/conventions/pactpol.shtml](https://www.un.org/ru/documents/decl_conv/conventions/pactpol.shtml).

<sup>7</sup> See the case of Pastor Sergei Pavlovsky, whose detention was accompanied by the publication of a "repentant" video (in which Sergei confesses to participating in the protests) and humiliating comments by law enforcement officials (<https://belarus2020.churchby.info/monitoring-presledovaniy-po-cerkovnoj-linii-vo-vremya-protestov-v-belarusi/>).

<sup>8</sup> <https://belarus2020.churchby.info/forum-18-belarus-presledovanie-hristianskih-liderov-vystupayushhih-protiv-nasiliya-rezhima-i-vojny-s-ukrainoj/>

<sup>9</sup> See the story of the rector of the Catholic parish in Lyntupy, Fr. Alexander Baran, who was subjected to several consecutive administrative penalties: <https://katolik.life/rus/news/tserkov/item/4783-ne-kastsjol-leze-palityku-a-naadvarot-yak-svyatar-pravjo-6-dzjon-za-kratami-i-za-shto-yago-buduts-sudzits.html>.

<sup>10</sup> <https://katolik.life/rus/news/tserkov/item/4779-ukraina-prosti-v-belarusi-zaderzhali-dvoikh-svyashchennikov-odnogo-osudili.html>

<sup>11</sup> <https://katolik.life/rus/news/tserkov/item/4783-ne-kastsjol-leze-palityku-a-naadvarot-yak-svyatar-pravjo-6-dzjon-za-kratami-i-za-shto-yago-buduts-sudzits.html>; read the story of priest Andrzej Bulczak, who posted a video in which a letter from a believing girl to her friends in Poland, written in Polish, conveys that Belarusians are, in fact, against the war in Ukraine. The video displayed the logo of an "extremist formation" and white-red-white flags: <https://katolik.life/rus/news/tserkov/item/4782-iz-za-suda-za-ekstremizm-svyashchenniku-iz-postav-prishlos-vyekhat-iz-belarusi.html>



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At the same time, experts note the ineffectiveness of the existing measures of human rights protection. Turning to independent media to draw public attention to repressive measures is increasingly dangerous, given the classification of such media as 'extremist' and the systematic practice of criminalizing communication with them<sup>12</sup>. In 2022, the state also denied citizens the opportunity to defend their rights at the international level by denouncing the Optional Protocol to the International Covenant on Civil and Political Rights<sup>13</sup>.

Experts continue to highlight the propagation of a hostile narrative in the public sphere, which currently broadcasts exclusively pro-state views<sup>14</sup>. This narrative targets certain denominations and clergymen who maintain an alternative stance on the 2020 events and, since February 2022, on the war in Ukraine. Examples include the incitement of confessional and religious discord<sup>15</sup>, desecration of the national and religious symbols<sup>16</sup>.

Obstructions to clergy activities persist due to denunciations by propagandists and pro-government activists, which serve as grounds for persecution. Human rights defenders link the dismissal of Hrodna Orthodox priest Andrei Nozdrin to his assistance to those detained during the peaceful protests in 2020, as well as to his anti-war stance, which was reported<sup>17</sup> by pro-government activist Olga Bondareva. She also reported the 'undesirable' activities of Archpriest Pavel Serdyuk and his family<sup>18</sup>. In May, a journalist from the state media expressed outrage over the sermon by Archimandrite Aliaksei Shynkevich, delivered at the Minsk Holy Spirit Cathedral. The churchman called for prayers for the soul of the first leader of independent Belarus, Stanislav Shushkevich. The journalist referred to the archimandrite as "Gapon", "Judah", "the traitor", who should be "purged from the body of the Church". He also urged the "state security bodies of the Republic of Belarus" to with out the situation<sup>19</sup>. In July 2022, Telegram channels associated with law enforcement agencies disseminated offensive

<sup>12</sup> <https://humanconstantia.org/obzor-borby-s-ekstremizmom-v-belarusi-za-iyul-sentyabr-2022/>

<sup>13</sup> <https://belhumanrights.house/news/belarusy-bolshe-ne-smogut-podavat-zhaloby-na-vlasti-v-oon-komentarii-ekspertov>

<sup>14</sup> See, e.g. "The right to freedom of expression" (2022, Expert commentary).

<sup>15</sup> <https://www.sb.by/articles/samorazrushenie.html>, <https://www.sb.by/articles/banderovskaya-strana.html>, <https://ctv.by/hudozhnica-svetlana-zhigimont-esli-eti-besy-prishli-k-vlasti-i-priveli-etu-tupuyu-zhenshchinu-my>, <https://ctv.by/azaryonok-zapad-osatanel-oni-hotyat-vyvesti-novoe-sushchestvo-hotyat-otmenit-boga-otca-mat-i-samogo>

<sup>16</sup> <https://www.sb.by/articles/mozgi-kipyat.html>, <https://ctv.by/politolog-nam-ne-nado-voyny-ne-nado-krovi-my-hotim-chtoby-polskiy-narod-byt-nezavisimym>

<sup>17</sup> <https://belarus2020.churchby.info/svyashhennika-andreya-nozdrina-iz-grodnenskoj-eparhii-uvolili-so-vseh-dolzhnostej-ranee-na-nego-zhalovalas-provlastnaya-aktivistka/>; <https://belarus2020.churchby.info/monitoring-presledovaniy-po-cerkovnoj-linii-vo-vremya-protestov-v-belarusi/>

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

<sup>19</sup> <https://belarus2020.churchby.info/propaganda-travit-pravoslavnyh-svyashhennikov-grigorij-azaryonok-opublikoval-klevetu-na-arhimandrita-aleksiya-shinkevicha/>



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information, violating the presumption of innocence, about Catholic priest Andrei Vashchuk, who was detained in connection with the 2020 events<sup>20</sup>. Accompanying administrative and criminal prosecutions with degrading and discrediting comments about clergy contribute to the reinforcement of self-censorship, which, among other things, hinders the free practice of religion.

Experts note an increased focus by the authorities on religious events. In 2022, attempts were made to control congregations' social media and the content of sermons and prayers in relation to the war in Ukraine. Christian Vision notes numerous instances of bans on praying for Ukraine. In March 2022, women who gathered at the Minsk Cathedral to pray for an end to the war were detained<sup>21</sup>. It is reported that the prayer followed the text recommended by the Patriarchate, attributing the blame for the war to "foreign nations" and affirming the unity of the Russian and Ukrainian peoples<sup>22</sup>. Interference with worship also took place in individual services: parishioners of the Minsk Pentecostal "New Life" church, which has not had its own building since 2021<sup>23</sup>, gathered for services in the church parking lot in 2022. In September, authorities banned the church from holding such meetings, but the services continued, leading to administrative penalties for pastors Vyacheslav Honcharenko and Antoni Bokun. Dzmitry Podlobko, pastor of the Living Faith Church in Homel, was repeatedly fined for conducting "uncoordinated" river baptisms. It is important to note that the church cannot afford to cover the costs (police and other services) associated with coordinating an approval of a mass event<sup>24</sup>.

In 2022, the Roman Catholic parish of St. Simeon and St. Helena in Minsk were unable to access the Red Church. Law enforcement agencies prevented Fr. Vladislav Zavalniuk and parishioners from praying at the closed church<sup>25</sup>. According to authorities, a fire occurred in the church building in September, and the building was flooded during the firefighting efforts. In October, it became known that the owner of the building terminated the contract for the church's gratuitous use by the parish and demanded the removal of all movable property from the premises, ostensibly due to the need for repairs. The fire incident itself has been repeatedly analyzed and raises questions among experts and activists regarding the reliability of the information provided by the authorities<sup>26</sup>. Christian Vision notes that the decision

<sup>20</sup> <https://vitebskspring.org/news/administracyiny-perasled/item/4764-prauladnyya-vitsebskiya-pabliki-palivayuts-brudam-znyavolenaga-ksyandza-andreya-vashchuka>

<sup>21</sup> <https://belarus2020.churchby.info/belarus-soldatskih-materej-zaderzhali-za-molitvy-o-prekrashhenii-vojnys-ukrainoj/>

<sup>22</sup> <https://belarus2020.churchby.info/monitoring-presledovaniy-po-cerkovnoj-linii-vo-vremya-protestov-v-belarusi/>

<sup>23</sup> See Right to freedom of thought, conscience and religion: Expert commentary (2021): [https://belhelcom.org/sites/default/files/7\\_pravo\\_na\\_svobodu\\_mysli\\_sovesti\\_i\\_religii\\_2021.pdf](https://belhelcom.org/sites/default/files/7_pravo_na_svobodu_mysli_sovesti_i_religii_2021.pdf)

<sup>24</sup> <https://belarus2020.churchby.info/forum-18-belarus-shtraf-za-rechnoe-kreshhenie-shtraf-za-kreshhenie-v-chastnom-sadu/>

<sup>25</sup> <https://belarus2020.churchby.info/lya-hrama-svv-symona-j-aleny-verniam-perashkadzhali-maliczcza-svyatara-sprabavali-zatrymacz/>

<sup>26</sup> <https://katolik.life/rus/news/tserkov/item/4863-okna-vybili-ne-pozharnye-cto-proiskhodit-s-zakrytym-krasnym-kostelom.html>



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to dispossess the church building was made without taking into account the interests of the religious community, public opinion, and the significance of the church itself, and without proposing alternatives<sup>27</sup>.

Believers held in places of detention still do not have access to necessary religious literature and religious items. For example, Oleg Nagorny, an Orthodox believer detained for anti-war texts, remained in detention without a baptismal cross, which holds sacred meaning for him<sup>28</sup>. The mother of Orthodox believer Artem Boyarsky, detained in March 2021, reported unsuccessful attempts to provide her son with a prayer book, the pretrial detention center staff refused to accept it<sup>29</sup>. Additionally, believers are denied the opportunity to meet with a priest<sup>30</sup>. It is difficult to assess how widespread these practices are, as examples to the contrary are also known<sup>31</sup>.

Experts note the absence of high-profile cases of pressure in the appointment of religious leaders, clergy and preachers, which were characteristic of 2021.

In 2022, the authorities and pro-state mass media emphasized the special, "leading" role of the Orthodox Church in Belarusian public life. The Belarusian Orthodox Church (*hereinafter BOC*) still "contributes... where its experience and authority are most needed: in the spheres of upbringing and education, science, culture, healthcare, social protection, and environmental protection"<sup>32</sup>. The BOC sees its mission as combating "the ideology of individualism, the false understanding of freedom..., asserting selfishness as a life credo, and the legalization of same-sex marriage," and "what is called Western values and standards."<sup>33</sup> The BOC Synodal Center for Sect Studies, named after rev. J. Volotsky, provides consulting and expertise services to government agencies, citizens, and the media. Its conclusions categorize various registered religious organizations and movements (Jehovah's Witnesses,

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<sup>27</sup> <https://belarus2020.churchby.info/zayavlenie-gruppy-hristianskoe-videnie-po-povodu-proizvolnogo-lisheniya-rimsko-katolicheskoy-obshhiny-sv-simona-i-sv-eleny-prava-polzovaniya-krasnym-kostelom/>

<sup>28</sup> <https://sektyby.livejournal.com/3102.html>

<sup>29</sup> <https://www.dw.com/ru/pomogaet-li-cerkov-v-belarusi-verujushhim-politzakljuchennym/a-60358053?maca=rus-Red-Telegram-dwbelarus>

<sup>30</sup> Ibid; <https://belarus2020.churchby.info/monitoring-presledovaniy-po-cerkovnoj-linii-vo-vremya-protestov-v-belarusi/>

<sup>31</sup> Thus, the aforementioned Fr. A. Baran was still "allowed to receive his glasses and breviary" for prayer. At the same time, the clergyman still notes the unbearable conditions of detention:

<https://katolik.life/rus/news/tserkov/item/4783-ne-kostel-lezet-v-politiku-a-naoborot-kak-svyashchennik-provel-6-dnej-za-reshetkoj-i-za-chto-ego-budut-sudit.html>

<sup>32</sup> <https://belarus21.by/Articles/1439296790>

<sup>33</sup> The Minsk Diocesan Office of the BOC held a dialog platform to discuss the draft amendments and additions to the Constitution of the Republic of Belarus <http://church.by/news/v-minskom-eparhialnom-upravlennii-bpc-sostoialas-dialogovaja-ploshadka-po-obsuzhdeniju-proekta-izm>



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Pentecostals, Baptists, Christians of the Evangelical Faith, Society for Krishna Consciousness, Mormons, Bahai, and others) as sects with negative connotations<sup>34</sup>.

In 2022, the BOC signed updated cooperation agreements with the Ministry of Labor and Social Protection, the Ministry of Education, and the Belarusian Red Cross Society, continuing their collaborative programs with government agencies<sup>35</sup>. Notably, the BOC is the only religious organization permitted by the authorities to enter educational institutions. Throughout 2022, it provided methodological support for the optional course "Basics of Orthodox Culture" for grades 1-4 and 5-9 of secondary schools. An optional course entitled "Fundamentals of Spiritual and Moral Culture and Patriotism" was also introduced, targeting grades 5-7 of secondary school, and developed with a strong emphasis on the interpretation of ethics in the tradition of Russian Orthodoxy. According to the experts, this course contradicts the pluralistic description of religion and virtually ignores the content and cultural contribution of all other religious denominations except Orthodoxy, still employed for ideological purposes.

Despite the preservation of the legislative and practical possibility<sup>36</sup> of alternative service in 2022, the experts note that the situation for conscripts and those liable for military service has become more precarious due to the outbreak of a full-scale war in Ukraine and increased general tension within the country<sup>37</sup>. This suggests a general deterioration in the overall situation.

In addition to the above-mentioned obstacles to worship, the possibility of practicing religion freely is threatened by the reintroduction of the criminalization of activities within an unregistered organization. In 2022, the Law of January 4, 2022 N 144-3 "On Amendments to Codes" came into force, supplementing, inter alia, the Criminal Code with Article 193-1, titled "Illegal organization of activities of a public association, religious organization, or foundation or participation in their activities"<sup>38</sup>. At the same time, there were no recorded simplifications in the registration process for religious organizations in 2022.

- **Rights of religious organizations**

In the context of the full-scale invasion of Ukraine and the promotion of a hostile narrative towards Ukrainians by the authorities and propagandists, experts note an even greater infringement on the

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<sup>34</sup> Bulletin of the Synodal Center for Sect Studies - Vol.8b N1 - 2023 -

[http://elib.myqnapcloud.com:8080/share.cgi/Vestnik\\_2023\\_t8\\_no1\\_40.pdf?ssid=0ef19b785f2a4e4499ae6b8e04227ad1&openfolder=normal&ep=&\\_dc=1675526387489&fid=0ef19b785f2a4e4499ae6b8e04227ad1](http://elib.myqnapcloud.com:8080/share.cgi/Vestnik_2023_t8_no1_40.pdf?ssid=0ef19b785f2a4e4499ae6b8e04227ad1&openfolder=normal&ep=&_dc=1675526387489&fid=0ef19b785f2a4e4499ae6b8e04227ad1)

<sup>35</sup> <https://www.sb.by/articles/beloruskaya-pravoslavnaya-tserkov-podpisala-soglasheniya-o-sotrudnichestve-s-mintruda-minzdravom-i-.html>

<sup>36</sup> Description of alternative service by a young person starting the service in 2022:  
<https://news.zerkalo.io/life/31360.html>

<sup>37</sup> <https://news.zerkalo.io/life/23252.html>

<sup>38</sup> <https://pravo.by/document/?guid=3871&p0=hk9900275>



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rights of religious organizations, particularly the persecution of priests with Ukrainian origin and/or education.

In 2022, there are still no specific and effective opportunities for religious organizations to establish their own media outlets.

In practice, not all religious organizations have specific and effective opportunities to meet the needs of their believers. In addition to the above-mentioned examples, in March 2022, it was reported that the Minsk Old Ritualists faced another refusal to grant permission for the construction of a church, a project they have been pursuing since 1998. Members of the community are confident that the obstacles created by the authorities are due to discriminatory attitudes towards this religious organization<sup>39</sup>.

Christian Vision also reports the continued practice of refusing to accept and register humanitarian and sponsorship aid to those in need. In the case of the Evangelical Church in Novolukoml, which had to return humanitarian aid after three refusals to register it by the state, this treatment of the community may be linked to their pastor Alexander Zaretsky's signing of the letter of Christians against post-electoral violence<sup>40</sup>. At the same time, experts draw attention to the growing use of non-legal mechanisms for addressing problems related to the oppression of religious organizations, as other means of protection prove to be ineffective.

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<sup>39</sup> <https://belarus2020.churchby.info/forum-18-belarus-shtraf-za-rechnoe-kreshhenie-shtraf-za-kreshhenie-v-chastnom-sadu/>

<sup>40</sup> <https://belarus2020.churchby.info/monitoring-presledovaniy-po-cerkovnoj-linii-vo-vremya-protestov-v-belarusi/>



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