

## Belarus Human Rights Index

<http://index.belhelcom.org>

2023

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

Expert Commentary

<b>The score:</b>	<b>2.2</b>	<b>-0.3</b>
<i>Including scores by component:</i>		
● Freedom of thought, conscience and religion	2.4	-0.3
● Rights of religious organizations	2.0	-0.3

In assessing the state of the right to freedom of thought, conscience, and religion in 2023, the Index experts gave lower scores than in 2022. **Among the main reasons:**

- in December 2023, a new version of the law "On Freedom of Conscience and Religious Organizations" was adopted, which contains a number of discriminatory provisions that create conditions for subsequent criminal prosecution of believers and arbitrary liquidation of religious organizations. The law has only been adopted, and there is no practice on it yet;
- persecution of clergymen and members of their families, believers and activists continued in the form of detentions, prosecutions, searches, and summonses for questioning by the police;
- law enforcement is using profiling based on religion, especially when crossing the border (checking correspondence and photos in phones).

#### ● Freedom of thought, conscience, and religion

According to experts' assessments, in 2023, the practice of coercion to disclose one's thoughts, including with the use or threat of physical force, property deprivation or legal sanctions, has acquired new forms. Thus, in 2023, the authorities massively checked correspondence and pictures in the phones of individual citizens when crossing the border<sup>1</sup>. At the same time, belonging to a certain religious community was considered by the authorities as a basis for more in-depth scrutiny and interrogation, in other words, there were cases of religious profiling.

<sup>1</sup> <https://news.zerkalo.io/life/40238.html>



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In 2023, discrimination on the basis of religion continued in practice<sup>2</sup>. Persecution of clergymen and members of their families<sup>3</sup>, believers and activists<sup>4</sup> continued in the form of detentions, prosecutions, searches, summonses for questioning by with the police<sup>5</sup>, recognition of resources as "extremist"<sup>6</sup>, etc.<sup>7</sup> The practice of "clean sweep" continues<sup>8</sup>. The practice of "purges" of clergy was still observed. Pro-government telegram channels published denunciations<sup>9</sup>, which were followed by detentions of priests, "repentance" videos<sup>10</sup>, and suspension from worship services<sup>11</sup>. Hate speech was used, and there were cases of insults and harassment of priests and activists for their Christian and civil position<sup>12</sup>.

Moreover, in 2023, discriminatory approaches were also enshrined in the legislation on freedom of conscience, thought and religion. Thus, on December 30, 2023, a law was adopted on "Amendment of Laws on the Activities of Religious Organizations"<sup>13</sup> which introduces a new version of the law "On

<sup>2</sup> Unprecedented was the liquidation of the New Life Church by court decision, as well as the [destruction](#) of the building of this church by the authorities. The church building was [built](#) with the funds of the believers. The grounds for the liquidation of the church were alleged extremist activities. The pastor of the church was [sentenced](#) to 10 days of arrest, before that the officers of the General Directorate for Combating Organized Crime and corruption broke into his house, the house was searched, the pastor and his son-in-law were detained. Information products of the religious community of Full Gospel Christians "New Life Church" were [recognized](#) as "extremist materials".

<sup>3</sup> Pastor Alexander Plotnikov of the Church of Christians of Evangelical Faith was [prosecuted](#) for distributing "extremist materials", Pastor Alexander Zaretsky was [prosecuted](#) for liking and commenting on "extremist" materials, Greek Catholic priest from Polotsk Alexander Shevtsov [received](#) 45 days of arrest, elder of the "New Earth" Baptist Church Andrei Mamoyko and his wife Vera were [sentenced](#) to restriction of liberty without referral to a correctional institution, Orthodox priest Andrei Nozdrin was [prosecuted](#) for subscribing to the "extremist" materials.

<sup>4</sup> <https://belarus2020.churchby.info/monitoring-presledovanij-po-cerkovnoj-linii-vo-vremya-protestov-v-belarusi/>

<sup>5</sup> <https://belarus2020.churchby.info/persecuted-priests-belarus-ru/#Klimantovich>

<sup>6</sup> Social media of [Priest](#) Viacheslav Bark, [Christian Vision](#), full list: <https://belarus2020.churchby.info/presledovanie-religioznogo-soobshhestva-v-belarusi-cherez-obvineniya-v-ekstremizme/>

<sup>7</sup> <https://spring96.org/ru/news/113092>

<sup>8</sup> For [example](#), in the Hrodna diocese, by the decree of May 7, 2023, Archbishop Anthony [appointed](#) himself the rector of the church of the Cathedral of All Belarusian Saints, and Archpriest Anatoliy Nenartovich was transferred to the parish of the icon of the Mother of God "Quench My Sorrows" of Hrodna in the Pahorany-Koshevniki microdistrict, where he was obliged to build a church. At the same time, he was deprived of his posts as a member of the diocesan council and head of the diocesan construction department. He and his family were subjected to harassment in propaganda publications, in particular, in Olga Bondareva's Telegram channel.

<sup>9</sup> <https://belarus2020.churchby.info/propaganda-travit-pravoslavnyh-svyashhennikov-grigorij-azaryonok-opublikoval-klevetu-na-arhimandrita-aleksiya-shinkevicha/>

<sup>10</sup> <https://belarus2020.churchby.info/zaderzhan-minskij-svyashhennik-dionisij-korostelev-ranee-u-nego-uzhe-byl-obysk/>

<sup>11</sup> Orthodox Metropolitan Veniamin [suspended](#) priest Dionisy Korostelev for reading a note for the health of "soldiers and defenders of Ukraine" at the New Year's prayer service. According to the Metropolitan, prayers for the defenders of Ukraine "bring temptation into the heart of Orthodox believers" in Belarus. In the same letter the Metropolitan warned the priests about responsibility for public statements and unauthorized changes in liturgical texts.

<sup>12</sup> <https://belarus2020.churchby.info/diffamacziya-v-otnoshenii-veruyushhih-so-storony-vlastej-i-propagandy/>

<sup>13</sup> <https://pravo.by/document/?guid=12551&p0=H12300334>



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Freedom of Conscience and Religious Organizations”<sup>14</sup>. According to experts, the new version of the law contains a number of provisions that legally enshrine discrimination on the basis of religion, create conditions for the subsequent criminal prosecution of believers and arbitrary liquidation of religious organizations.

Among other things, the law introduces a requirement for re-registration of religious organizations (within a year, starting from July 6, 2024). In other words, all religious organizations will be “deprived” of legal personality from a certain date, and in order to acquire it anew, it is necessary to submit to the registering body the same package of documents as when creating a new religious organization. At the same time, the activity of an unregistered religious organization is prohibited and entails criminal liability.

When assessing the situation with the right to freedom of conscience, thought and religion for 2023, experts took into account legislative changes, the practice of application of these changes in the period under review was absent. It is expected that in 2024-2025 there will be a process of liquidation of religious organizations due to the requirement of re-registration<sup>15</sup>. As of January 1, 2024, there are 49 registered religious associations<sup>16</sup> in Belarus and there are 3,419 registered religious communities from 25 different denominations<sup>17</sup>.

	2018	2019	2020	2021	2022	2023	2024
Number of religious communities as of January 1 <sup>18</sup>	3358	3375	3389	3395	3409	3417	3419
Growth rate vs. January 1 of the previous year	21	17	14	6	14	8	2

The development and adoption of amendments to the law "On Freedom of Conscience and Religious Organizations" caused a negative international expert response<sup>19</sup>.

<sup>14</sup> Detailed overview of the changes: <https://www.lawtrend.org/freedom-of-association/sravnitelnyj-analiz-dejstvuyushhej-i-novoj-redaktsii-osnovnyh-polozhenij-zakona-o-svobode-sovesti-i-religioznyh-organizatsiyah>, <https://belarus2020.churchby.info/novaya-redakciya-zakona-respubliki-belarus-o-svobode-sovesti-i-religioznyh-organizatsiyah-usilenie-ogranichenij-kontrolya-i-repressij/>, <https://belarus2020.churchby.info/materialy-dlya-doklada-spezialnoj-dokladchicy-po-belarusi-sovetu-za-2024-god-svoboda-religii-ili-ubezhdenij-v-svyazi-so-svobodoy-assocziaczii/>

<sup>15</sup> P. 17, [2023 Belarus CSO Meter Country Report](#)

<sup>16</sup> <https://belarus21.by/Articles/religioznye-organizacii-zaregistrovannye-upolnomochennym-po-delam-religij-i-nacionalnostej-na-1-yanvarya-2019-g>

<sup>17</sup> <https://belarus21.by/Articles/kolichestvo-religioznyh-obshhin-v-respublike-belarus-na-1-yanvarya-2019-g>

<sup>18</sup> <https://belarus21.by/Articles/svedeniya-o-kolichestvennom-roste-religioznyh-obshhin-v-respublike-belarus-1996-2020-gody>

<sup>19</sup> <https://news.un.org/ru/story/2024/02/1449672>, <https://reform.by/komissija-ssha-po-religioznoj-svobode-prizvala-privech-belarus-k-otvetstvennosti-za-narusheniya-prav-cheloveka>

It should also be noted that the public discussion of the draft amendments to the said law was held for only 10 days (from June 5 to June 14, 2023)<sup>20</sup>. Despite the short timeframe, the largest Belarusian religious denominations, including the Catholic Bishops' Conference and the Department for Relations with Secular Educational Institutions of the Belarusian Orthodox Church (BOC), submitted extensive comments to the draft law. In total, only 18 comments were received on this controversial bill, which affects the interests of millions of believers and would entail re-registration of thousands of churches and religious communities. It is known that the proposals were not taken into account "because they do not establish new and fundamentally change existing approaches to the legal regulation of a certain sphere of social relations"<sup>21</sup>.

As in 2022, in 2023 religious education was used to promote patriotic and ideological education, which includes Orthodox values. The new version of the Law "On Freedom of Conscience and Religious Organizations" stipulates that the content of religious education programs must not contradict the ideology of universally recognized traditional values of the Belarusian people and the ideology of the Belarusian state (part 4 of Article 10). The state continued to expand its cooperation with the BOC<sup>22</sup>; state representatives stated that the interaction between the state and the church (actually understood as the BOC) tends to strengthen.<sup>23</sup>

In 2023, experts noted a deterioration of the situation with ensuring the free exercise of religion due to increased control and pressure from the state even on representatives of the Orthodox denomination<sup>24</sup>.

Despite the preservation of the legislative and practical possibility of alternative service, in 2023 the possibility of conscientious objection or alternative service was limited in practice. Thus, in 2023, clergymen began to be drafted *en masse* for compulsory military service on an equal footing with everyone else<sup>25</sup>, including with weapons in their hands (e.g., airborne troops)<sup>26</sup>.

The situation with the freedom to practice religion worsened in 2023, in particular, due to the adopted amendments to the law "On Freedom of Conscience and Religious Organizations", which restrict the

<sup>20</sup> [https://forumpravo.by/publichnoe-obsuzhdenie-proektov-npa/messages/forum15/message192880/17160-proekt-zakona-respubliki-belarus\\_-o-svobode-sovesti-i-religioznykh-organizatsiyakh\\_?result=new#message192880](https://forumpravo.by/publichnoe-obsuzhdenie-proektov-npa/messages/forum15/message192880/17160-proekt-zakona-respubliki-belarus_-o-svobode-sovesti-i-religioznykh-organizatsiyakh_?result=new#message192880)

<sup>21</sup> <https://pravo.by/novosti/novosti-pravo-by/2023/july/74847/>

<sup>22</sup> For example, the Y. Kupala State University of Grodno and the Grodno diocese of the BOC [signed](#) an agreement and cooperation programs. Y.Kupala State University and the Hrodna diocese of the BOC signed an agreement and cooperation programs, the Ministry of Natural Resources and Environmental Protection and the BOC [signed](#) a cooperation agreement

<sup>23</sup> <https://www.belta.by/society/view/akademik-nan-sotrudnichestvo-gosudarstva-i-tserkvi-imeet-tendentsiju-k-ukrepleniju-vzaimodejstvija-597347-2023/>

<sup>24</sup> An employee of the BOC was [fined](#) 740 rubles for non-compliance with the route during the anti-NATO procession. This mass event was approved by the authorities and had the "correct" ideological orientation. Nevertheless, the leader of the procession was brought to administrative responsibility.

<sup>25</sup> <https://news.zerkalo.io/life/54265.html>

<sup>26</sup> Initially, it was [reported](#) that a position of faith-based personnel instructor (chaplain) had been created, but in practice, clergy [serve](#) in other positions in the military that involve the need to take up arms.



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freedom to practice religion. For example, the new version of the law introduces a direct ban on religious activity without the establishment and registration of a religious organization (part 3 of article 15 of the law). At the same time, the law establishes a very broad definition of religious activity<sup>27</sup>, which seeks to cover all possible actions related to the practice of religion, up to such actions as prayer.

Many provisions of the law are assessed by experts as grounds for subsequent broad and arbitrary persecution of believers and clergy, as they regulate in detail the part that should remain free from state interference, and at the same time contain vague and general wording that leave unlimited discretion to state authorities in terms of their interpretation and qualification of violations<sup>28</sup>.

In addition, the law defines the legal framework of missionary activity: it establishes a broad definition of missionary activity (including activities via the Internet, which may include blogs of "ordinary" believers who are not members of any community), establishes rather strict conditions for the implementation of missionary activity, including the need to obtain permission from the governing body of a religious organization, confirming the authority to carry out missionary activity (part 4 of Article 26)<sup>29</sup>. A ban on missionary activity in residential premises is also introduced (part 2 of Article 26). Missionary activity on behalf of a religious organization whose aims and activities contradict the legislation and ideology of the Belarusian state, including on behalf of an organization that has been liquidated by a court decision or whose activities have been suspended on grounds provided for by law, is prohibited (part 6 of article 26).

- **Rights of religious organizations**

Experts have noted a worsening situation with the rights of religious organizations, which is largely due to the amendments to the law "On Freedom of Conscience and Religious Organizations" adopted in 2023. Below are the provisions that impose unreasonable restrictions on the activities of religious organizations and (or) cause concern among experts due to the possibility of their use for arbitrary persecution of religious organizations:

- Part 3 of Article 13: in order to register a religious community, a notification of the intention to establish a religious community must first be sent to the registering body. After that, a group of citizens

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<sup>27</sup> Religious activity - activity aimed at satisfying the religious needs of believers, dissemination of religion, including through missionary and pilgrimage activities, religious education, conducting worship services, prayer meetings, reading sermons, training of clergy, as well as other activities aimed at organizational and material support of cult practice of a religious organization (publication and distribution of religious literature, production and distribution of religious items, production of vestments for clergy and other activities).

<sup>28</sup> For example, part. 8 of Article 8 prohibits in places of worship to use any symbols other than religious symbols, to hold meetings, rallies, picketing, election agitation and other events of political nature, propaganda of war, social, national, religious and racial enmity, other extremist activities, as well as speeches, appeals insulting representatives of state bodies, officials and individual citizens, representatives of other religions and their followers.

<sup>29</sup> Missionary activity - activity of a religious organization aimed at disseminating information about its doctrine among persons who are not members of this religious organization, in order to involve these persons in the membership of the religious organization, carried out directly by religious organizations or by citizens and (or) legal entities authorized by them, in public, by means of mass media, global computer network Internet or by other means provided for by the legislation.



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has one month to hold a constituent assembly. It should also be taken into account that the activity of an unregistered religious organization is subject to criminal liability, except for the case of holding the constituent assembly mentioned above. Thus, if a group of citizens, who decided to establish a religious community, fails to hold a meeting within the specified period of time (1 month), all subsequent activities aimed at establishing a religious community become illegal and may entail criminal liability;

- Part 4 of Article 12: it is established that heads and founders of religious organizations may not be persons included in the list of organizations, formations, individual entrepreneurs and citizens involved in extremist activities, the list of organizations and individuals, including individual entrepreneurs, involved in terrorist activities (inclusion of a person in these lists is one of the manifestations of political repression);

- Part 5 of Article 12: a restriction is introduced, according to which one person may be the founder of only one religious community;

- Part 3 of Article 18: a requirement is introduced to attach to the application for registration of a religious educational institution a certificate of a religious association on the availability of the necessary material, technical and personnel support;

- Part 4 of Article 19: the charter of a religious organization shall reflect the structure of the religious organization, including other religious organizations, structural subdivisions established by it, its governing bodies, the procedure for their formation, competence, composition and terms of office. Experts noted that this requirement limits the right of religious organizations to establish other religious organizations (it is assumed that there is such a right only if the relevant provisions are enshrined in the charter of the religious organization);

- Part 1 of article 22: it was added that the state religious expertise is appointed in order to prevent the dissemination of religious literature and other materials containing information inciting social, national, religious, racial enmity and other manifestations of extremism;

- Part 2 of Article 23: the list of grounds for liquidation is supplemented with the following - establishment of the fact that a religious organization does not have the required number of founders. This provision may create difficulties in practice, for example, in case of death of a founder or his relocation to a foreign country;

- Part 10 of Article 27: a ban on distribution of religious literature by distributing it in residential buildings, in public transportation and on the objects of its infrastructure, etc. was introduced;

- Article 28: it is established that only religious organizations have the exclusive right to organize pilgrimage trips;

- Part 4 of Article 29: it is established that orphanages may be established only in such a type of religious organization as a "monastery". This form of organization of activity is characteristic only for some confessions, as a consequence, other confessions are deprived of this opportunity;

- Part 9 of Article 33: a ban on alienation of immovable property of religious organizations in favor of foreign legal entities and individuals is introduced;



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- Part 2 of Article 41: introduces the obligation of a religious organization to notify the registration authority in writing of the elimination of violations that served as grounds for issuing a written warning and to submit supporting documents no later than within three days after the expiration of the period for elimination of violations. The experts noted that the practice of issuing written warnings by the registration authority is such that the warning itself does not specify the actions qualified as a violation. Only references to the provisions of the legislation, which were allegedly violated, are given. In other words, religious organizations do not receive information about what exactly the violation was. In this regard, experts expressed doubts that the new requirement can be implemented in practice.



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