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BELARUS: Official justifies rejection of religious freedom petition

By Geraldine Fagan, Forum 18 (<https://www.forum18.org/>)

Three human rights defenders have been punished for organising the mass petition to challenge the 2002 Religion Law. The three were each fined two months' average wages in late April, Forum 18 News Service has learnt. "There is a procedure for such initiatives in any democratic society, and they didn't follow it," Yuri Kulakovsky, chair of the parliamentary Human Rights, Ethnic Relations and Media Committee, insisted to Forum 18. He named Norway as a country that he claimed imposes such procedures. However, Gunnar Martin Ekeløve-Slydal of the Norwegian Helsinki Committee confirmed to Forum 18 that in Norway there is "no need at all to ask for permission to collect signatures in support of peaceful activity". Kulakovsky also claimed that the Religion Law's requirement for compulsory registration of religious organisations, geographical restrictions on their activity, a requirement for state permission for services outside designated houses of worship and a ban on foreign citizens founding or leading religious organisations are fully in line with Belarus' Constitution.

The chair of the parliamentary Human Rights, Ethnic Relations and Media Committee, Yuri Kulakovsky, has defended to Forum 18 News Service Belarus' refusal to consider a nationwide religious freedom petition signed by over 50,000 citizens. Three human rights defenders were fined in late April for their role in organising the petition.

Kulakovsky explained to Forum 18 from the capital Minsk on 29 April that the petition organisers failed to follow the legal procedure of registering an initiative group with the electoral commission before collecting signatures. Forum 18 pointed out that no such conditions for petition-gathering exist in ordinary democratic societies. "You're wrong!" Kulakovsky told Forum 18 repeatedly. "There is a procedure for such initiatives in any democratic society, and they didn't follow it." Forum 18 asked the Human Rights Committee chairman in which other democratic countries such a procedure exists. "There certainly is in Norway," replied Kulakovsky. "We didn't make anything up, you know - we followed European democratic norms."

Gunnar Martin Ekeløve-Slydal, Deputy Secretary General of the Norwegian Helsinki Committee, confirmed to Forum 18 on 29 April that in Norway there is "no need at all to ask for permission to collect signatures in support of peaceful activity" – or indeed to follow any procedure whatsoever.

Three petition organisers have received fines of almost double the average monthly wage for their role in the campaign to change the restrictive 2002 Religion Law. On 22 and 25 April Minsk's Moscow District Court handed down fines of 1,400,000 Belarusian Roubles (3,343 Norwegian Kroner, 419 Euros or 652 US Dollars) to Pavel Severinets, Pastor Vyacheslav Goncharenko and Sergei Lukanin.

Speaking to Forum 18 shortly after the 25 April hearing, Pastor Goncharenko said he would seek advice on whether to appeal against the fine. Handed down on 25 April during his absence abroad, Lukanin found out about his fine only on 28 April. Severinets intends to lodge an appeal against his fine, he told Forum 18 on 24 April, "but I doubt it will change anything."

The chancellery of Moscow District Court refused even to confirm the details of the fines by telephone on 28 April.

Severinets, Goncharenko and Lukanin were prosecuted under Article 9, Part 10 of the Administrative Violations Code, which punishes violations of the realisation of the right of citizens to legislative initiatives.

Under the 2003 Law on the Realisation of Legislative Initiatives by Citizens, citizens wishing to launch such an initiative must register an initiative group with the state. Believing that they would be denied such registration, the petitioners argued that they were not exercising a legislative initiative themselves, but asking state bodies to do so on their behalf.

Severinets pointed out to Forum 18 that if petitioners had wanted to exercise a legislative initiative themselves, "We would need to have proposed our own alternative text for the Religion Law. But we didn't, so we couldn't have violated procedures."

Severinets, an Orthodox Christian, is a Youth Front and Belarusian Christian Democracy activist. Sentenced to three years in an open regime prison in mid-2005 for organising an unapproved opposition demonstration, he was granted early release in May 2007 (see F18News 20 March 2008 http://www.forum18.org/Archive.php?article_id=1103).

Goncharenko is pastor of the 1000-strong charismatic New Life Church in Minsk, which has come under intense pressure from the city authorities in recent years (see most recently 7 February 2008 http://www.forum18.org/Archive.php?article_id=1084).

Severinets was charged with violating Article 9, Part 10 on 1 April after being stopped by police in the Minsk metro. Pastor Goncharenko was charged on 24 March, and Lukanin on 21 March (see F18News 2 April 2008 http://www.forum18.org/Archive.php?article_id=1109).

Pavel Nozdrya and his charismatic Jesus Christ Church in Mozyr [Mazyr] in Gomel [Homyel] Region have been harassed by state officials for active involvement in the Religion Law petition. Nozdrya told Forum 18 he was fired from his job as an electrician at Mozyr State Pedagogical University after the Education Ministry rebuked the University's rector for employing an "opponent" (see F18News 2 April 2008 http://www.forum18.org/Archive.php?article_id=1109).

Nineteen campaigners, including Lukanin, were briefly detained for gathering signatures last summer (see F18News 5 July 2007 http://www.forum18.org/Archive.php?article_id=989).

In what they believe to be "the largest non-political, civil campaign in Belarusian history," Catholics, Orthodox and Protestants began collecting signatures in late April 2007 (see F18News 16 May 2007 http://www.forum18.org/Archive.php?article_id=957).

In February-March 2008 campaign organisers submitted copies of the completed 3,442-page petition to the Constitutional Court, Parliament, Presidential Administration, Supreme Court and Higher Economic Court. All have rejected the petitioners' request for a review of the constitutionality of the Religion Law (see F18News 5 March 2008 http://www.forum18.org/Archive.php?article_id=1097).

While alleging procedural violations, state officials' responses also defend the Religion Law.

Writing to the petition organisers on behalf of the lower house of parliament, Kulakovsky of the Human Rights, Ethnic Relations and Mass Media Committee maintained that provisions of the Law particularly criticised by campaigners – compulsory state registration, geographical restrictions on religious organisations' activity, a requirement for state permission for services outside designated houses of worship and a ban on foreign citizens founding or leading religious organisations – conform to Article 16, Part 3 of the country's 1994 Constitution.

Article 16, Part 3 prohibits religious activity "directed against the sovereignty of Belarus, its constitutional order and civic accord, connected to violation of the rights and freedoms of citizens, preventing citizens from carrying out their duties to the state, society or family or injuring health or morals."

Kulakovsky's 25 March reply also maintains that both the Plenipotentiary for Religious and Ethnic Affairs and the Ministry of Justice consider current implementation of the 2002 Law to be "of an objective nature" and in compliance with international religious freedom standards (see F18News 2 April 2008 http://www.forum18.org/Archive.php?article_id=1109).

In 2005 the UN Human Rights Committee found that Belarus had violated the religious freedom guarantees of Article 18 of the International Covenant on Civil and Political Rights (ICCPR) by refusing - in line with the 2002 Religion Law - to give legal status to a republic-wide Hare Krishna association. One member of the Committee, Professor Ruth Wedgwood, noted that there are many other serious problems raised by the 2002 Law (see F18News 4 November 2005 http://www.forum18.org/Archive.php?article_id=682).

After exhausting other methods of negotiation with the state authorities, some Belarusian religious believers are adopting tactics more usually associated with secular political activism in their campaign for religious freedom. Mainstream opposition activists are in turn drawing on religious ideas (see F18News 29 November 2006 http://www.forum18.org/Archive.php?article_id=880).

A Russian Protestant points to this trend in a 22 April blog response to a Russian translation of a New York Times article on problems faced by Protestants in Russia. Writing under the pseudonym "Jesfor", the contributor suggests Russian Protestants should escape marginality by following Belarusian Protestants' example. "Belarusian Protestants are leaders of opposition movements, organisations," he writes. "[They are] trusted figures of [opposition leaders Aleksandr] Milinkevich and [Aleksandr] Kozulin, the vanguard of the battle for the Belarusian national state, its history, culture and language." (END)

For more background information see Forum 18's Belarus religious freedom survey at http://www.forum18.org/Archive.php?article_id=888.

Full reports on freedom of thought, conscience and belief in Belarus can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=16>.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE)

area is at http://www.forum18.org/Archive.php?article_id=806.

A printer-friendly map of Belarus is available at
<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=belaru>

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