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BELARUS: Draft Religion Law "playing on formal appearance of legality"

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The regime has published the text of a restrictive draft new Religion Law, due to be discussed by the non-freely elected Parliament in September, which it falsely claims "does not affect" international human rights obligations. Exiled human rights defender and Orthodox priest Fr Aleksandr Shramko described the aim as "to somehow extinguish any pockets of not only possible resistance, but also any uncontrolled life", saying the draft law is "playing on the formal appearance of legality".

On 2 June, the regime made public the draft of the proposed new Religion Law, prepared by the chief state religious affairs official, Plenipotentiary for Religious and Ethnic Affairs Aleksandr Rumak. Only 10 days were given for comments, which Minsk's Lawtrend Centre for Legal Transformation criticised given the "exceptional significance of the draft Law for religious and social life". The proposed new Law is due to be considered by the non-freely elected Parliament in September.

The regime punished previous nationwide civil society attempts to improve the restrictive 2002 Religion Law currently in force. Belarus has not sought a legal review of the 2023 draft Law from the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), "but we would be ready and willing to do so if asked", ODIHR spokesperson Katya Andrusz told Forum 18 (see below).

In his justification of the alleged need for the new Law, Plenipotentiary for Religious and Ethnic Affairs Rumak claimed that the regime took account of various other Belarusian laws, as well as the Religion Laws of Russia, Kazakhstan, Tajikistan, Uzbekistan, Kyrgyzstan and Azerbaijan. All these Religion Laws have been strongly criticised by human rights defenders for not complying with legally-binding international human rights obligations. The regime also falsely claimed that the draft Law "does not affect" international human rights obligations (see below).

The man who answered Plenipotentiary Rumak's phone – who refused to give his name – also refused to explain to Forum 18 why Rumak made his demonstrably false claim, and refused to discuss the content of the draft Law (see below).

Many people concerned about the impact of the proposed new Religion Law on freedom of religion or belief did not want to publicly criticise the new Law "as you could end up facing criminal responsibility", one person who wished to remain anonymous for fear of state reprisals told Forum 18 (see below).

Exiled human rights defender and Orthodox priest Fr Aleksandr Shramko commented that the regime "adopts new laws, corrects old ones - everything in order to somehow extinguish any pockets of not only possible resistance, but also any uncontrolled life," he wrote on the Christian Vision website. "All this looks somewhat absurd on the part of the authorities, which are 'not living by the law'. But after all, animals also want to be like people, playing on the formal appearance of legality" (see below).

The proposed new Law would (see below) among other things:

- continue to require all religious communities to gain state registration before they are allowed to operate;
- ban "the activity of unregistered religious organisations";
- impose compulsory re-registration within one year on all registered religious communities, paralleling earlier demands on political parties and other public associations;
- impose even tighter registration restrictions and conditions;
- make extensive and arbitrary use of the undefined terms "extremism", "terrorism", and "the ideology of the Belarusian state" to justify restricting the exercise of freedom of religion or belief and related fundamental freedoms;
- give the regime new powers for regime to inspect and monitor religious communities;

- give greater "legal" possibilities for the regime to forcibly close religious communities;
- continue and increase censorship and restrictions on religious literature and items, including banning educational establishments from including religious literature in their libraries;
- impose new restrictions on religious education by religious communities, as well as increasing regime surveillance of this;
- aim to separate religious communities from involvement with wider society;
- and impose new restrictions on religious charitable activity (see below).

Draft new Religion Law published

On 2 June, the regime made public on its legal website the draft of the proposed new Religion Law (https://www.forum18.org/archive.php?article_id=2831), prepared by the Plenipotentiary for Religious and Ethnic Affairs Aleksandr Rumak. The website said the draft Law was open for public comments from 5 to 15 June.

The Minsk-based Lawtrend Centre for Legal Transformation criticised the short time allowed for public comments (<https://www.lawtrend.org/english/draft-law-on-re-registration-of-religious-organizations-submitted-for-public-discussion>), despite the "exceptional significance of the draft Law for religious and social life."

By 15 June, a number of individuals had submitted written comments on the proposed new Law on the legal website. Some comments questioned some wording in the draft without questioning the underlying principles of the new Law. Others made specific criticisms of a number of provisions.

On 30 May, before publishing the draft of the proposed Law for public discussion, Plenipotentiary Rumak summoned the leaders of registered religious communities to present the text. Orthodox, Catholic and Protestant leaders were among those present.

Civil society attempts to improve 2002 Religion Law punished

The new Law is set to replace and harshen the highly restrictive 2002 Religion Law (https://www.forum18.org/archive.php?article_id=2806).

In May 2007, Catholics, Orthodox, and Protestants launched a nationwide petition to change the 2002 Religion Law (https://www.forum18.org/archive.php?article_id=957) as it is unconstitutional. Its organisers stated that the law "violates the rights of all people, even atheists". Petition supporter Orthodox priest Fr Aleksandr Shramko was in May 2007 banned from functioning as a priest (https://www.forum18.org/archive.php?article_id=957) by the regime-supporting Belarusian Orthodox Church.

More than 50,000 people signed the petition (https://www.forum18.org/archive.php?article_id=1121) and it was submitted in March-April 2008 to the Constitutional Court, Parliament, Presidential Administration, Supreme Court, and the Higher Economic Court. The regime rejected the petition, and three of the organisers were in April 2008 fined almost double the average monthly wage.

Lawtrend Centre for Legal Transformation and the advocacy group For Religious Freedom drew up an alternative Religion Law compliant with international law, but in October 2009 Minsk Executive Committee blocked attempts to have an open discussion on this (https://www.forum18.org/archive.php?article_id=1363) by bans on renting conference facilities.

Regime orders swift passage of draft Religion Law, no legal review sought

A 30 December 2022 Decree signed by Aleksandr Lukashenko specified that the Council of Ministers should prepare the draft Religion Law amendments by June 2023 for them to be presented to the lower chamber of Parliament, the House of Representatives, in September.

No election in Belarus has been found to be free and fair (<https://www.osce.org/odihr/elections/belarus>) by Organisation for Security and Co-operation in Europe (OSCE) election observers, and the regime violently repressed nationwide protests against election fraud (https://www.forum18.org/archive.php?article_id=2806).

Belarus has not sought a legal review (<https://www.osce.org/odihr/legislative-support>) of the draft Law from the OSCE's Office for Democratic Institutions and Human Rights (ODIHR). "ODIHR hasn't so far received a request from the Belarusian authorities to review the draft law, but we would be ready and willing to do so if asked," ODIHR spokesperson Katya Andrusz told Forum 18 on 12 June.

In March 2022, the Council of Europe suspended all relations with Belarus (<https://www.coe.int/en/web/portal/-/committee-of-ministers-suspends-all-relations-with-the-belarusian-authorities>). This includes participation in the European Commission for Democracy through Law (the Venice Commission) which on request provides legal opinions on draft laws.

Justifying the new restrictions

In his justification of the alleged need for the new Law, published on 2 June alongside the draft, Plenipotentiary for Religious and Ethnic Affairs Aleksandr Rumak claimed that it needs to be brought into line with the Constitution, as well as the "strengthening on the legislative level of new contemporary approaches in mutual relations between the state and religious communities". He does not explain what these approaches are.

Plenipotentiary Rumak stresses what he sees as the need to "correct" the preamble to recognise the "special role" of the pro-regime Belarusian Orthodox Church (https://www.forum18.org/archive.php?article_id=2806) (of the Moscow Patriarchate) in the "historical establishment and development of spiritual, cultural and state traditions of the Belarusian people, as well as the inseparability from the general history of the people of Belarus of other Christian, Jewish and Islamic religious communities".

However, the preamble in the draft Law made public on 2 June differs little from the preamble of the 2002 Law. The main change is that the Lutheran Church would no longer be specifically mentioned, to be replaced by the general "other Christian" category.

Plenipotentiary Rumak also states that in preparing the new Law, the regime took account of various other Belarusian laws, as well as the Religion Laws of Russia (https://www.forum18.org/archive.php?article_id=2246), Kazakhstan (https://www.forum18.org/archive.php?article_id=2753), Tajikistan (https://www.forum18.org/archive.php?article_id=2625), Uzbekistan (https://www.forum18.org/archive.php?article_id=2699), Kyrgyzstan and Azerbaijan (https://www.forum18.org/archive.php?article_id=2717). All these Religion Laws have been strongly criticised by human rights defenders for not complying with legally-binding international human rights obligations.

Plenipotentiary Rumak stated in his justification of the new Law that the regime wants, among other things, to: prevent officials from using their official position to influence people over their religious views; to ban religious communities from using any symbols apart from religious symbols; to ban the use of texts and images inciting religious discord and hatred; and ban "the activity of religious communities directed against the sovereignty of the Republic of Belarus, its constitutional system and civic accord".

Regime claims draft Law "does not affect" international human rights obligations

In November 2018, the United Nations (UN) Human Rights Committee stated in its Concluding Observations on Belarus (CCPR/C/BLR/CO/5 (<https://www.undocs.org/en/CCPR/C/BLR/CO/5>)): "The State party should guarantee the effective exercise of the freedom of religion in law and in practice, including by repealing the requirement of mandatory State registration of religious communities, and should refrain from any action that may restrict that freedom beyond the narrowly construed restrictions permitted under article 18 ["Freedom of thought, conscience and religion"] of the Covenant [the International Covenant on Civil and Political Rights – ICCPR]." The permissible restrictions are outlined in the Human Rights Committee's General Comment 22 (<https://undocs.org/CCPR/C/21/Rev.1/Add.4>) on ICCPR Article 18.

Yet where Plenipotentiary Rumak's justification talks about "compliance of the draft with international treaties and other international legal acts", it falsely claims that "the subject matter of the Draft Law does not affect the international treaties of the Republic of Belarus and international legal acts, in particular the Universal Declaration of Human Rights of 1948, the International Covenant on Civil and Political Rights of 1966, etc".

The man who answered Plenipotentiary Rumak's phone – who refused to give his name – also refused to explain why Rumak made his demonstrably false claim, and refused to discuss the content of the draft Law. "We don't comment on the draft Law," he told Forum 18 on 13 June 2023 and then put the phone down.

"Playing on the formal appearance of legality"

Many people concerned about the impact of the proposed new Religion Law on freedom of religion or belief did not want to publicly criticise the new Law. "We don't speak out with criticism publicly," one individual told Forum 18 after the text of the draft Law was published, "as you could end up facing criminal responsibility."

Human rights defender and Orthodox priest Fr Aleksandr Shramko – who now lives in Lithuania – regards the proposed new Law as part of the continuing regime crackdown on society. "It adopts new laws, corrects old ones - everything in order to somehow extinguish any pockets of not only possible resistance, but also any uncontrolled life," he wrote on the Christian Vision website on 13 June (<https://belarus2020.churchby.info/zakon-o-svobode-sovesti-chno-novogo/>). "All this looks somewhat absurd on the part of the authorities, which are 'not living by the law'. But after all, animals also want to be like people, playing on the formal appearance of legality."

Fr Shramko says that the regime's religious policy "is characterised by a wary attitude towards religion and the desire to keep it in maximum isolation from society".

Fr Shramko argues that new provisions in the proposed new Law "are mainly aimed at strengthening the strictness of these provisions and placing the activities of religious communities under the maximum control of the state, up to demands to conform to the regime's ideology and policies".

Most members of religious communities Forum 18 spoke to were cautious in commenting on the proposed new Law, saying that the consequences will only become clear once it is implemented. "It's too early to say what results it will have," the pastor of a Pentecostal Church who wished to remain anonymous for fear of state reprisals told Forum 18 on 8 June. "It depends on law enforcement practices."

Some human rights defenders who have worked on freedom of religion or belief issues dismissed the importance of the proposed new Law. One pointed out that given the regime's general crackdown on exercising all human rights, a harsher new Law "is not so important". "The situation is so bad anyway that this will not change it dramatically," the individual told Forum 18.

The Catholic Bishops' Conference published its comments on the proposed new Law on its website late on 12 June. It noted that the proposed new Religion Law "establishes new, fundamentally changing existing approaches" to government regulation in the field of the right to freedom of conscience and religion.

"Religious communities of the Catholic Church in Belarus may face certain difficulties in implementing some of the new provisions of the proposed law," the Bishops' Conference added, "which could complicate the dynamics of state-confessional relations in our state."

The Belarusian Orthodox Church is among many religious communities which appear to have made no public comments. "Given the particular importance of the draft Law under discussion," it noted on its website on 13 June, "many clergy and laypeople sent their substantiated comments and suggestions on its text to the Belarusian Orthodox Church." It added that all these comments "will be taken into account" and sent to the Plenipotentiary.

A number of religious communities say they are still studying the proposed new Law. The Baptist Union is considering it and will present any "observations or suggestions" directly to Plenipotentiary Rumak, its Deputy Head Aleksandr Branovitsky told Forum 18 on 9 June.

Similarly, a member of the Church of Jesus Christ of Latter-day Saints (commonly known as Mormons) told Forum 18 that the community's lawyers are still studying the draft new Law.

Some religious leaders maintained to Forum 18 that the proposed new Law might change little compared to the current Law. "We don't know what version of the Law will be adopted and how it will function," the Head of the Lutheran community in Grodno Igor Grigus told Forum 18 on 8 June. "Maybe it will even be easier for autonomous religious communities to invite foreigners (https://www.forum18.org/archive.php?article_id=2806)."

The Pentecostal Pastor stated that "though the new Law is focused on restrictive measures, it consolidates current practices, and some wording is even better than in the previous law."

Compulsory state permission to exercise freedom of religion or belief remains

The proposed new Law would continue to require all religious communities to gain state registration before they are allowed to operate. Article 16 would specifically ban "the activity of unregistered religious organisations." The current Law states (https://www.forum18.org/archive.php?article_id=2806) that the only religious communities which may "unobstructed" exercise their freedom of religion and belief are state-registered religious communities within state-approved places of worship or other venues.

Any activity by unregistered or liquidated religious communities can lead to prosecution under Criminal Code Article 193-1. This punishes "organisation of or participation in activity by an unregistered political party, foundation, civil or religious organisation" with a fine or imprisonment for up to two years. Article 193-1 was removed from the Criminal Code in July 2019, but was restored almost unchanged (https://www.forum18.org/archive.php?article_id=2764) in January 2022.

The ban on and punishment for exercising freedom of religion or belief without state permission is against international law, as outlined in the OSCE / Council of Europe Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (<https://www.osce.org/files/f/documents/9/9/139046.pdf>). This notes that: "State permission may not be made a condition for the exercise of the freedom of religion or belief. The freedom of religion or belief, whether manifested alone or in community with others, in public or in private, cannot be made subject to prior registration or other similar procedures, since it

belongs to human beings and communities as rights holders and does not depend on official authorization."

A member of the Council of Churches Baptists – who do not seek state permission to exercise freedom of religion or belief – insisted to Forum 18 on 12 June that their communities "will carry on doing what we do" regardless of what new Law is adopted.

On 2 June, a judge fined Council of Churches Baptist Vladimir Burshtyn – who is in his 70s – over a month's average pension for an outdoor meeting in Drogichin (https://www.forum18.org/archive.php?article_id=2838) with fellow Baptists to share their faith.

Compulsory re-registration requirement

Article 3 of concluding provisions to the proposed new Law would require all registered religious communities to bring their statutes into line with the provisions of the new Law and apply for re-registration within one year. It appears that if religious communities fail to get the compulsory re-registration, all their activity would become illegal.

Compulsory re-registration linked with denials of communities' existing legal status is illegal under international law. As the OSCE / Council of Europe Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (<https://www.osce.org/files/f/documents/9/9/139046.pdf>) note: "In cases where new provisions to the system governing access to legal personality of religious or belief communities are introduced, adequate transition rules should guarantee the rights of existing communities. Where laws operate retroactively .. (for example, requiring reapplication for legal personality status under newly-introduced criteria), the state is under a duty to show that such restrictions are compliant with the criteria set out in Part I of these Guidelines." (Part 1 outlines the permissible restrictions on the freedom of religion or belief, which do not include arbitrary demands to re-register communities.)

Religious communities are the second group of organisations (after political parties, which had to apply to be re-registered by June 2023) that are being required to undergo "total re-registration", Lawtrend Centre for Legal Transformation pointed out (<https://www.lawtrend.org/english/draft-law-on-re-registration-of-religious-organizations-submitted-for-public-discussion>). Political parties also had to apply for re-registration within one year.

After the 2002 Religion Law (https://www.forum18.org/archive.php?article_id=2806) was adopted, religious communities were given two years until November 2004 (https://www.forum18.org/archive.php?article_id=478) to undergo compulsory re-registration. The regime at that time obstructed many religious communities' attempts to seek state registration.

As of 1 January 2023, according to the Plenipotentiary's Office, 3,590 religious communities had state registration, 3,417 individual communities and 173 larger communities.

Almost every religious leader Forum 18 spoke to pointed out that many religious communities will face problems with re-registration. Exiled Orthodox priest Fr Aleksandr Shramko fears that when religious communities apply for re-registration, "those objectionable to the authorities may not get through".

"Our community in Minsk which is in the process of registration might have a problem as it is not numerous and it is difficult to find more members," the head of the Lutheran community in Grodno Igor Grigus told Forum 18.

The leader of the Religious Board of Muslims in Belarus, Ali Voronovich, commented that in many places it may be impossible to find the required number of members to register a community. "Many communities in villages and small towns will cease to exist, and it does not concern only Muslim communities," he told Forum 18 on 8 June.

The member of the Church of Jesus Christ of Latter-day Saints also expressed concern about registration provisions. "It might be a problem not only for us."

Even tighter registration restrictions

Article 13 of the proposed new Law would continue to require leaders of registered religious communities to be Belarusian citizens, but would add that they must also be permanent residents of Belarus.

Individuals who are on either the "List of organisations and individuals involved in terrorist activities" or the "List of citizens of the Republic of Belarus, foreign citizens or stateless persons involved in extremist activities" (<https://humanconstant.org/en/overview-of-the-fight-against-extremism-in-belarus-for-january-march-2023/>) would be banned from being leaders or founders of registered religious organisations.

The regime maintains multiple similar lists targeting anyone, any organisation, any document, any communication, or any website the regime dislikes, such as the "Republican List of Extremist Materials" (https://www.forum18.org/archive.php?article_id=2806) (see below).

Article 16 would require registered religious communities to notify the registering authority of the appointment of a new leader within 10 days. Depending on the type of religious community (eg. national religious organisations, monasteries, etc.) the registering authority is either the Plenipotentiary's Office or local administrations.

Religious communities (the lowest level of registered religious organisation) would have to supply with a registration application not only their statute, but a certificate confirming a place to conduct their activity (which can be difficult in small towns and villages). They would also need to submit a list of the 20 or more founding members, with each one's date of birth, citizenship, address, place of work or study, phone number and signature.

Many people are reluctant to provide such information to a regime which commits serious human rights violations (https://www.forum18.org/archive.php?article_id=2806) against the people it rules.

As the OSCE / Council of Europe Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (<https://www.osce.org/files/f/documents/9/9/139046.pdf>) note: "Any procedure that provides religious or belief communities with access to legal personality status should not set burdensome requirements. Examples of burdensome requirements that are not justified under international law include, but are not limited to, the following: that the registration application be signed by all members of the religious organization and contain their full names, dates of birth and places of residence."

The proposed new Law does not refer to religious communities which have fewer than the required 20 adult citizen members to lodge a registration application.

Religious communities have to in their application provide extensive information with their registration application if they were "previously unknown in Belarus". This would include the origin and "worship practice" of their faith, as well as their attitude to the family and marriage, the health of their followers, and the "carrying out of state obligations". Applications from such communities would be sent to the Plenipotentiary's Office for a religious studies "expert analysis", which could last up to six months.

The UN Human Rights Committee's General Comment 22 (<https://undocs.org/CCPR/C/21/Rev.1/Add.4>) on Article 18 ("Freedom of thought, conscience and religion") of the ICCPR states that the Committee "views with concern any tendency to discriminate against any religion or belief for any reasons, including the fact that they are newly established."

The OSCE / Council of Europe Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (<https://www.osce.org/files/f/documents/9/9/139046.pdf>) note: "The state must respect the autonomy of religious or belief communities when fulfilling its obligation to provide them with access to legal personality. .. states should observe their obligations by ensuring that national law leaves it to the religious or belief community itself to decide on .. the substantive content of its beliefs .. In particular, the state should refrain from a substantive as opposed to a formal review of the statute and character of a religious organization."

Higher level organisations are divided into national and regional religious communities, which would both require registration by the Plenipotentiary's Office.

Article 15 would require national religious communities to have at least 15 member communities in all seven regions of the country (compared to 10 in the current Law), at least one of which had had state registration for at least 30 years. In his justification, Plenipotentiary Rumak states that an aim of the new Law is to change the registration procedure "limiting through this the possibility to create a nationwide registered religious organisation". He did not explain why the state aims to limit the number of communities eligible to apply for national religious organisation status.

This parallels the 2023 Political Parties and other Public Associations Law, which makes it significantly harder to form such groups (<https://csometer.info/updates/belarus-draft-amendments-laws-public-associations-and-political-parties-published>), especially nationwide.

Regional religious communities would have to have at least 10 religious communities in one or several neighbouring regions.

Only national or regional organisations would have the right to found monasteries, missions and religious educational establishments, which would themselves require state registration.

"Extremism"

Fionnuala Ní Aoláin, UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, noted in her January 2020 report (A/HRC/43/46/Add.1 (<https://undocs.org/A/HRC/43/46/Add.1>)) after visiting Kazakhstan (https://www.forum18.org/archive.php?article_id=2753): "the counter-terrorism and extremism regimes provide excessive leeway to the authorities to target and silence those who peacefully question the established order, including various civil society actors, human rights defenders, trade unionists, journalists, bloggers, and members of marginalized communities or of communities legitimately exercising their religious freedoms. The overwhelming focus on extremism has no justification under

international law."

Ní Aoláin's February 2020 general report on Human rights impact of policies and practices aimed at preventing and countering violent extremism (A/HRC/43/46 (<https://undocs.org/A/HRC/43/46>)) repeated this point, stating that all "States that regulate 'extremism' in their laws, policy, programmes or practice should repeal such provisions, which have no purchase in international law, and domestic law must comply with the principles of legality, necessity and proportionality."

The proposed new Law makes wide use of the term "extremist", a term widely used in other laws (https://www.article19.org/wp-content/uploads/2023/06/SR-Input-Anti-extremism-Belarus_HC_A19_AN_OMCT.pdf), as banned Belarusian human rights group Human Constanta noted on 5 June, along with international human rights groups Access Now, Article 19, and World Organisation Against Torture (OMCT).

"The corpus of Belarusian 'anti-extremism' laws lacks sufficient precision and grants the authorities unfettered discretion to restrict the freedom of expression and other human rights," the human rights groups noted in a submission to the UN Special Rapporteur on the Situation of Human Rights in Belarus, Anaïs Marin.

The regime labels an extraordinarily wide range of activity as "extremist". Human Constanta regularly documents such cases, its most recent January – March 2023 overview (<https://humanconstantat.org/en/overview-of-the-fight-against-extremism-in-belarus-for-january-march-2023/>) including the administrator of a social media group being jailed for three years for distributing educational information about the Belarusian language.

Among such cases, a Greek Catholic news website and a YouTube interview with a Catholic priest who fled to neighbouring Poland in 2021 to escape prosecution are among religious items banned by local courts as "extremist" (https://www.forum18.org/archive.php?article_id=2801) in late 2022 and added to the Information Ministry's "Republican List of Extremist Materials" (https://www.forum18.org/archive.php?article_id=2806).

Deputy Information Minister Igor Buzovsky, who is also Deputy Chair of the "Republican Expert Commission for the Evaluation of Symbols, Attributes, and Information Products for the presence (or absence) in them of signs of Extremism", insisted to Forum 18 in January 2023 (https://www.forum18.org/archive.php?article_id=2801) that "This is done exclusively on the basis of the law."

However, Buzovsky refused to discuss the banning of the Tsarkva Greek Catholic website or other religious publications. "You speak about one website – I wouldn't want to talk from memory. You need to apply officially." He refused to discuss anything else about why religious publications are banned and put the phone down.

New powers for regime to inspect and monitor religious communities

There is currently surveillance by the KGB secret police of religious believers (https://www.forum18.org/archive.php?article_id=2806), along with monitoring of and restrictions on religious communities by the Plenipotentiary for Religious and Ethnic Affairs and other state agencies.

Article 40 of the proposed new Law would continue explicit state surveillance of whether registered religious communities are abiding by the law. Such control would continue to be enacted by the Plenipotentiary's Office and local administrations.

The proposed new Law would require local administrations to establish commissions to check whether religious communities are abiding by the law. The Plenipotentiary's Office would prepare a standard statute for such commissions.

The proposed new Law would give registering authorities (Plenipotentiary's Office or local administrations) extensive rights to inspect religious communities. This would include: demanding any documents they wished to see, including documents "confirming the number of their founders"; and "sending its representatives to be present at events, religious rites or in religious Sunday schools conducted by religious organisations".

Registering bodies could bring "measures of responsibility under the law" as a result of what they find in their inspections.

Article 27 bans missionary activity and materials "contradicting the law and the ideology of the Belarusian state". The "ideology of the Belarusian state" is not explained.

In his justification, Plenipotentiary Rumak says that the new Law would "strengthen the rights for registering bodies [the Plenipotentiary's Office and local administrations] to inspect the activity of religious communities under their statutes" to determine whether it is accord with the Religion Law. Rumak notes that the new Law would widen religious communities' responsibility for violations of the Law, including over "carrying out extremist activity and attempts to revive Nazism, or illegal missionary activity".

Greater "legal" possibilities for state to forcibly close religious communities

A failure to correct a "violation" within six months or a repeated "violation" within a year would continue to allow officials to go to court to liquidate (in effect ban) a religious community. Even before any court liquidation hearing, officials could suspend the religious community's activity which would make anything it did illegal. Such a suspension cannot be legally challenged.

In his justification, Plenipotentiary Rumak stresses the widening of the possibility for the state to liquidate registered religious communities and thus render any activity by them illegal. He says the new draft takes into account cases of such liquidations:

- "for the failure of their activity to be in accord with the basic directions of internal and external policy, the conception of national security,
- the failure to provide reports on multiple occasions (twice or more) within the established timeframe on changes in data which should be entered in the State Register of Religious Organisations,
- the failure to eliminate within six months violations which have led to a written warning,
- or the committing of repeated violations within a year of the issuing of such a warning."

Article 43 specifies that violations of the Religion Law would continue to lead to punishment. It specifies a far wider range of activities that would lead to punishment than in the current Law. These would include "carrying out extremist activity and activity directed at the rehabilitation of Nazism", as well as "carrying out missionary activity with violations of the demands set out in the present Law".

Plenipotentiary Rumak's accompanying justification for the proposed new Law states that various other laws will need to be changed if the new Religion Law is adopted. However, he does not name among these laws either the Criminal Code or the Administrative Code.

Continuing restrictions on religious literature, items

Article 23 of the proposed new Law would give the Plenipotentiary the right to commission a religious studies "expert analysis" of any religious literature or items "with the aim of preventing the distribution of religious literature or other materials containing information inciting ethnic, religious or racial hatred and other extremist manifestations".

This would largely continue the existing compulsory prior state censorship of and restrictions on the distribution of most religious literature and objects (https://www.forum18.org/archive.php?article_id=2806), which runs in parallel with the threat of banning texts or websites as allegedly "extremist".

A new provision is that educational establishments would be banned from including religious literature in their libraries. Under the current Religion Law (https://www.forum18.org/archive.php?article_id=2806), educational establishments can put religious books in their libraries if it has undergone censorship by the Plenipotentiary's Office.

"The question arises - will there be removals of Bibles, Korans and other sacred books from university libraries?" the Catholic Bishops' Conference notes in its comments on the proposed new Law.

Article 28 would allow only registered religious communities to produce, import, export or distribute "religious literature, other printed, audio- and video-materials, as well as other objects of religious significance." The Council of Ministers would draw up a list of such "objects of religious significance".

Religious literature, audio and video materials "must not contradict the ideology of the Belarusian state or contain propaganda of war, social, ethnic, religious or racial hatred and other extremist activity". The "ideology of the Belarusian state" is not explained.

As at present (https://www.forum18.org/archive.php?article_id=2806), religious communities would have to present all imported religious literature or materials "for conducting missionary and other non-cult activity" to the Plenipotentiary's Office for it to decide whether to commission a religious studies "expert analysis". All such literature or materials would continue to be required to include the full name of the registered religious and its religious affiliation.

Only religious communities would continue to be allowed to distribute printed, audio and video materials on religion and would continue to be allowed to do so only on their premises or, if they get permission from local administrations, in other premises.

The Catholic Bishops' Conference commented that these restrictions on distribution "put religious literature in a discriminatory position compared to other literature that can be distributed through specialised bookshops".

Commercial organisations would continue to be banned from publishing religious literature or from producing items to be used in

religious worship.

Religious education to be restricted, under regime surveillance

Article 10 of the proposed new Law would impose new restrictions on religious education of children and adults. Registered religious communities could provide such education only if it is in their statutes and only in premises they own or rent, unless those rented premises are owned by educational establishments, or organisations and business people providing education.

"This could put in a difficult position both rural parishes and recently-formed urban communities building their own buildings in new urban areas," 15 June comments signed by "Grodno Diocese of the Belarusian Orthodox Church" below the draft Law on the government's legal website note.

The religious education of adults, young people, and children, as well as related materials, must not "contradict the ideology of generally accepted traditional values of the Belarusian state or justify the propaganda of war, social, ethnic or religious hatred". The "ideology of the Belarusian state" is not explained.

Children could only take part in these classes with a signed application from parents or guardians.

Religious communities would be required to report to the authorities where they are registered by 31 October each year on "the religious education of children attending religious Sunday schools" in the form to be prescribed by the Education Ministry and the Plenipotentiary.

In his justification, Plenipotentiary Rumak also explains the new requirements for religious communities to report to the state annually on religious classes for children. "This will allow the more effective control over the activity of religious Sunday schools of religious communities and, at the same time, to gain information about their practical work," he wrote.

Article 41 of the proposed new Law would expand the grounds for official written warnings to religious communities to warn those that fail to provide reports on religious classes for children.

The provisions covering religious education in the proposed new Law "reveal the regime's wariness towards any uncontrolled influence on minds, especially of the youth", exiled Orthodox priest Fr Shramko noted.

The Catholic Bishops' Conference expressed concern that applications from parents or guardians for children to attend religion classes held by religious communities, could be subject to inspection by officials. "An obligation could be placed in future on religious communities to provide the controlling agencies lists of named children who are studying, with the attached applications from parents," it noted. This would force parents and children to reveal any religious affiliation, it added, which is illegal under international human rights law.

As the UN Human Rights Committee's General Comment 22 (<https://undocs.org/CCPR/C/21/Rev.1/Add.4>) on ICCPR Article 18 ("Freedom of thought, conscience and religion") states: "No one can be compelled to reveal his thoughts or adherence to a religion or belief."

Officials would have the right to attend and observe religious education classes for children. The Catholic Bishops' Conference calls this right "unnecessary and unconstructive", especially if carried out without prior agreement and without the approval of religious leaders.

Fr Yuri Sanko, the spokesperson for the Catholic Bishops' Conference, told Forum 18 on 13 June that officials – mainly from local Executive Committees - have already demanded to know how many children are studying in religious education classes, but have not so far demanded the names of those children or their parents.

Regime inspections of Catholic parishes took place from March 2021, sometimes followed by prosecutions of priests. Prosecutors, as well as officials from local Ideology Departments at the request of prosecutors, demanded reports from priests, catechetical plans and other internal information (https://www.forum18.org/archive.php?article_id=2806) about parish life.

Religious education of children and adults would have to be in the state languages (Belarusian or Russian). The Catholic Bishops' Conference points out that as Belarus is a multi-ethnic state, this provision would deny ethnic minorities the right to teach their faith in their native language.

Separating religious communities from involvement with wider society

Neither the proposed new Law nor Plenipotentiary Aleksandr Rumak's justification specifically refer to attempts to prevent registered religious communities from involvement with wider society. However, several proposed provisions appear designed to ensure this, possibly due to many nationwide belief-based protests against the regime's election fraud and support of Russia's

renewed 2022 invasion of Ukraine (https://www.forum18.org/archive.php?article_id=2806). Many of these provisions are vaguely worded, which would allow officials to arbitrarily decide whether or not a religious community's activity should lead to liquidation or punishment.

Article 8 would include the provision: "In places of worship, it is not allowed to use any symbols, except for religious ones, to hold meetings, rallies, picketing, election campaigning and other mass events, including political ones, propaganda of war, social, ethnic, religious and racial hatred, as well as speeches and appeals insulting representatives of state authorities, officials and individual citizens, and representatives of other faiths and their followers."

Article 8 of the proposed new Law would ban the activity of religious communities or their representatives "which are directed against the sovereignty of the Republic of Belarus, its constitutional system and civic accord, or are accompanied by violations of the rights and freedom of individuals, as well as obstructing the carrying out by individuals of their state, public and family obligations or cause harm to their health or morals".

"Cult property" cannot be used for purposes other than those set out in a registered religious community's statute, "including for political aims, as well as for terrorist and other extremist activity".

Among the reasons for the state to go to court to liquidate a registered religious community listed in Article 24 would be carrying out "extremist" activity, as well as "failure of the activity of religious communities to comply with the basic directions of internal and external policy, and the concept of national security".

As the UN Human Rights Committee's General Comment 22 (<https://undocs.org/CCPR/C/21/Rev.1/Add.4>) on ICCPR Article 18 states, national security is not a permissible reason to limit freedom of religion or belief.

Article 43 lists activity by religious communities that leads to punishment, including "carrying out extremist activity and activity directed at the rehabilitation of Nazism". Alleged and evidence-free claims of "Nazism" are used by the regime to attack anything it dislikes (https://www.forum18.org/archive.php?article_id=2806), such as protests against the regime's election fraud.

"I don't understand why Nazism, extremism and prohibited symbols are mentioned in the Law," the Pentecostal Pastor told Forum 18. "It is difficult to say what the Church has to do with these notions."

The regime has tried to stop individuals and religious communities singing the hymn Mighty God (https://www.forum18.org/archive.php?article_id=2806) (Mahutny Bozha in Belarusian), claiming falsely that it is linked to Nazism. The hymn dates back to the 1940s and was unsuccessfully proposed as a new national anthem in 1995.

Since August 2020 the hymn has often been sung by protestors against the regime's election falsification and violence. Catholic Bishop Yuri Kasabutsky asked in July 2021: "So what's wrong with our favourite religious hymn?" He added that the hymn "has become a prayer used in the worship of Catholics, Orthodox, and Protestants, and recently this hymn is sung by people who do not identify with any religion."

In April 2022, police warned Orthodox priest Fr Andrei Nozdrin and his church transferred him to a remote parish after he publicly opposed Russia's renewed invasion of Ukraine, Belarus' role in this, and his congregation sang the hymn Mighty God. Police "questioned me about my statements regarding Ukraine and why we sing Mighty God in the church. They even talked to my neighbours and friends but found no criminal wrongdoing," Fr Nozdrin told Forum 18 in May 2022. He was also threatened with prosecution under Criminal Code Article 130-1 ("Rehabilitation of Nazism").

Fr Nozdrin pointed out that everyone knew that in his sermons and elsewhere he always insisted that: "a Christian cannot say that what's going on in Ukraine is good (https://www.forum18.org/archive.php?article_id=2748), and should understand that killing is a sin." He maintains that he will continue to teach these Christian principles.

New restrictions on religious charity

Article 30 of the proposed new Law would allow registered religious communities to conduct "charitable and social activity". They would be allowed to establish children's homes with local administration approval.

However, when describing legal entities or sub-divisions a registered religious can establish for charitable work, the draft lists only such entities "for social services to elderly people, invalids and the social rehabilitation of individuals dependent on psychoactive substances". It appears that religious communities would not therefore be allowed to establish groups to conduct charitable activity with other groups of people in need.

The current Law does not impose such limits, but this has not stopped the regime blocking and closing religious-based charitable and other social justice initiatives.

In January 2022, the Presidential Administration's Humanitarian Activity Department refused to allow a Protestant Church in Vitebsk Region to get a shipment of humanitarian aid (https://www.forum18.org/archive.php?article_id=2739) (including wheelchairs, clothes, footwear and furniture) sent from other parts of Europe.

In early 2021, the Humanitarian Activity Department refused to allow the Minsk Catholic Archdiocese's charity Caritas to accept foreign money (https://www.forum18.org/archive.php?article_id=2639) to support a project to help poor and homeless people. The project aimed to support about 700 people in need with food, as well as plants and animals to grow for food.

In February 2013, the regime stripped legal status from the House of Mary shelter (https://www.forum18.org/archive.php?article_id=1935) for 13 homeless people, run by young Catholic layman Aleksei Shchedrov in his home village. After police visits, he was forced to close the shelter (https://www.forum18.org/archive.php?article_id=1997). (END)

More reports on freedom of thought, conscience and belief in Belarus (<https://www.forum18.org/archive.php?country=16>)

For background information, see Forum 18's Belarus religious freedom survey (https://www.forum18.org/archive.php?article_id=2806)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (https://www.forum18.org/archive.php?article_id=1351)

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