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BELARUS: "Just silence" reply to UN deadline

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

Belarus has not met a 12 November deadline, set by the United Nations Human Rights Committee, to report its correction of a violation of the International Covenant on Civil and Political Rights (ICCPR). In a decision with implications for many religious communities, Belarus was found to have violated two Hare Krishna devotees' religious freedom rights by refusing to register a nationwide Hare Krishna association. Without registration the association's activity is illegal under Belarus's harsh religion law. One of the devotees, Sergei Malakhovsky, told Forum 18 News Service that the only reply the state had given them was "just silence. They were supposed to respond and publish what they had done within 90 days, but that period is over." The devotees have formally asked the Belarusian Supreme Court to review earlier court decisions violating their ICCPR-guaranteed religious freedom. The head of the UN Human Rights Committee's petitions department told Forum 18 that Belarus "will reply – they have said that they will – but they didn't give a specific date." Aleksandr Kalinov of the State Committee for Religious and Ethnic Affairs told Forum 18 that his body was "examining the issues."

Belarus has failed to meet a 12 November deadline, set by the United Nations Human Rights Committee established under article 28 of the International Covenant on Civil and Political Rights (ICCPR), to report its correction of a religious freedom violation identified by the same Committee's resolution of 23 August. Speaking to Forum 18 News Service from Geneva on 23 November, the head of the UN Human Rights Committee's petitions department thought that Belarus would respond, however. "They will reply – they have said that they will – but they didn't give a specific date," Markus Schmidt remarked. Once a response is received, he added, it will be analysed by a Special Rapporteur before being referred to the UN Committee.

Asked about Belarus' response to the UN Human Rights Committee's resolution on 3 November, Aleksandr Kalinov of the State Committee for Religious and Ethnic Affairs told Forum 18 that his body was currently "examining the issues" connected with it.

In a decision with clear implications for other religious communities, the UN Human Rights Committee found that Belarus had violated the religious freedom guarantees of Article 18 of the ICCPR. Its 23 August resolution (Communication 1207/2003) came in response to a formal complaint by two Hare Krishna devotees, Sergei Malakhovsky and Aleksandr Pikul, and stated that the pair's rights had been violated by Belarus' refusal to register their republic-wide Hare Krishna association. The UN Human Rights Committee examines alleged violations of the ICCPR, which entered force for Belarus in 1976.

Starting from the 23 August date of the resolution and thus expiring on 12 November, the UN Human Rights Committee also specified a ninety-day period for the Belarusian state to confirm that it had taken measures to correct the violation. (For full details of the Hare Krishna devotees' original complaint and the UN Human Rights Committee's decision, see F18News 4 November 2005 http://www.forum18.org/Archive.php?article_id=682).

Speaking to Forum 18 from Minsk on 22 November, Sergei Malakhovsky said that he has still not received any form of response to the UN resolution from state representatives. "Just silence," he remarked. "They were supposed to respond and publish what they had done within 90 days, but that period is over." On 18 November Hare Krishna devotees submitted a formal request to the Supreme Court to review earlier court decisions violating their religious freedom as guaranteed by the ICCPR (see F18News 27 January 2005 http://www.forum18.org/Archive.php?article_id=500).

Malakhovsky also reported that, while previously assured by officials at Minsk City Executive Committee that the local [not republic-wide] Hare Krishna community could be re-registered as soon as it found a suitable legal address, the city authorities referred its re-registration application back to district level when the community recently managed to find such an address after a year's difficult search. "They were clearly surprised that we had found somewhere," he told Forum 18, "but it is with a private landlord not so dependent upon the state." On 16 November, according to Malakhovsky, officials representing the Soviet District of Minsk – where the address is located – began to make new demands regarding the content of the community's re-registration application.

The UN Human Rights Committee's decision has implications for cases such as the charismatic New Life Church in Minsk (see most recently F18News 25 October 2005 http://www.forum18.org/Archive.php?article_id=676). The acquisition of a state-approved legal address – a requirement for the compulsory registration of religious communities under the harsh 2002 Religion Law – is

notoriously difficult in the Belarusian capital (see F18News 12 May 2005 http://www.forum18.org/Archive.php?article_id=560 and 28 July 2005 http://www.forum18.org/Archive.php?article_id=619).

While four Hare Krishna communities have successfully re-registered under the 2002 law, the Belarusian state has made no secret of its hostility towards the group. In October 1997 an expert council attached to the State Committee for Religious and Ethnic Affairs concluded that the Minsk Hare Krishna community was a "destructive totalitarian sect infringing personality, health, citizens' rights and the national security of the Republic of Belarus." A state schoolbook also maintains that for Hare Krishna devotees "psychiatric help is certainly required" (see F18News 24 June 2003 http://www.forum18.org/Archive.php?article_id=90). Some in Belarus have told Forum 18 that the state's hostility to many religious confessions is closely connected to Soviet-style militant atheism, which is still propagated by the state and exerts a strong influence on officials (see F18News 18 November 2003 http://www.forum18.org/Archive.php?article_id=186). (END)

For more background information see Forum 18's Belarus religious freedom survey at http://www.forum18.org/Archive.php?article_id=478

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