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BELARUS: New controls on foreign religious workers

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

Belarus has tightened its already severe regulations on foreign religious workers, Forum 18 News Service has learnt. The changes give the country's top religious affairs official sole discretion in deciding whether religious work by foreign citizens is necessary. The Plenipotentiary for Religious and Ethnic Affairs now also has the right not to give reasons for refusing a foreign religious worker's visit, and to shorten a visit "if the period of time required for realisation of the aims for which the foreign citizen is invited does not correspond to that requested." The country's harsh Religion Law states that foreign religious workers must be invited by registered religious associations. These are defined as ten or more state-registered communities, at least one of which must have functioned in Belarus for 20 years. The application procedure for inviting foreign religious workers is also much more detailed than previously. Shortly after the new regulations were published, "the largest non-political, civil campaign in Belarusian history" - a petition to change the 2002 Religion Law - reached its target of 50,000 signatures.

Belarus has consolidated its tight regulations on foreign religious workers, Forum 18 News Service has learnt. The changes – which shadow elements of the restrictive 2002 Religion Law – come as Catholics, Orthodox and Protestants prepare to submit over 50,000 signatures petitioning for changes to that Law to the state authorities.

The country's top religious affairs official now has sole discretion in deciding whether religious work by foreign citizens is necessary, according to a new Council of Ministers decree. The Plenipotentiary for Religious and Ethnic Affairs, currently Leonid Gulyako, also has the right not to give reasons for refusing a foreign religious worker's visit. The Plenipotentiary can also shorten the visit "if the period of time required for realisation of the aims for which the foreign citizen is invited does not correspond to that requested."

In line with the Religion Law, the 30 January 2008 decree (available at <http://pravo.by/webnpa/text.asp?start=1&RN=C20800123>) states that only registered religious associations have the right to invite foreign religious workers. These consist of ten or more communities, at least one of which must have functioned in Belarus for 20 years.

The new decree's application procedure for inviting foreign religious workers is much more detailed than its 1999 predecessor, amended in 2000, 2001, 2002 and 2006. If invited to teach religion, for example, a foreign citizen's work experience and the timetable and syllabus of the relevant religious educational institution must be submitted.

Foreign citizens must also now attest knowledge of Belarus' state languages (Belarusian and Russian) in order to perform religious work. The only types of religious work not requiring such knowledge, or work experience, are making contact with religious organisations and "participation in charitable or other mass events by religious organisations whose primary aim is the fulfilment of citizens' religious needs."

In other respects, however, the 30 January decree duplicates the earlier one. Foreign citizens may conduct religious work for up to a year at a time – but only within houses of worship belonging to or premises continuously rented by an association's affiliate organisations. The transfer of a foreign religious worker from one religious organisation to another – such as between parishes – still requires state permission, even for a single worship service.

A Polish Catholic priest was detained after celebrating Mass in breach of this rule while passing through Minsk in September 2006 (see F18News 3 October 2006 http://www.forum18.org/Archive.php?article_id=849).

The new decree "differs significantly" from its predecessor in the view of Vladimir Lameko, assistant to the Plenipotentiary for Religious and Ethnic Affairs. The application procedure has become stricter, he noted to Forum 18 on 19 February, with different documents now required when requesting permission for various types of religious activity. Not stipulated previously, he maintained, "different places could make different demands." And while national religious affairs officials used to rely on the reasoning of their regional colleagues when issuing refusals, he said, "we are more responsible for decisions now – locally they could make mistakes."

Rejecting an invitation to a foreign religious worker without explanation could happen previously, however, Lameko assured Forum

18. "There are always reasons – it isn't down to the whim of the Plenipotentiary. But they might be serious - related to state secrets. This is usual in many states."

Belarus' National Security Concept, signed by President Aleksandr Lukashenko on 17 July 2001, includes "the activation of the activity of foreign religious organisations and missionaries to monopolise the spiritual life of society" among fundamental factors posing a threat to national security in the humanitarian sphere. It also calls for the counteraction of their "negative influence". Two Protestants were expelled in 2007, after being accused of harming national security (see F18News 17 May 2007 http://www.forum18.org/Archive.php?article_id=958). "National security" is not a permissible reason to restrict freedom of thought, conscience or belief under either the International Covenant on Civil and Political Rights or the Universal Declaration of Human Rights - both of which Belarus is party to.

Minsk-based religious rights lawyer Dina Shavtsova similarly suggested to Forum 18 on 19 February that curtailing or refusing a visa without explanation is a generally accepted practice. However, she agreed that whereas previously Belarus tended to give reasons for refusals – albeit with flimsy reasons – the new decree's provision specifically authorising the Plenipotentiary for Religious and Ethnic Affairs to refuse invitations without explanation will bolster such initiatives.

Shavtsova sees the more detailed invitation procedure, particularly the different documents required for activities such as teaching or studying religion, or acting as a cleric (svyashchennosluzhitel'), as the decree's main innovation. In line with a general trend in Belarusian law over the past five years, however, she suggested that a lack of precision in the new detail will result in more selective application. "The decree doesn't define necessary knowledge of state languages. And what is a cleric? Different religions have different criteria; some require theological qualifications, others don't. There is great potential for entirely subjective decisions."

The Catholic Church is particularly vulnerable to controls on foreign religious workers as more than half of its approximately 350 clergy in Belarus are foreign citizens. Fr Alyaksandr Amyalchenya, press secretary to the Catholic Bishops' Conference of Belarus, suggested to Forum 18 that the 30 January decree simply gathers elements already present in different laws, however. While systematising the application procedure for inviting foreign religious workers, he remarked to Forum 18 on 19 February, "in principle it is nothing new – we already live according to these rules."

The Jewish community is the only other confession with a significant contingent of foreign religious workers. Vladimir Malinkin, who heads Belarus' Hassidic Union of Jewish Religious Communities, similarly maintained to Forum 18 on 19 February that the new decree combines existing provisions in various laws. Identifying one new element as the requirement that proof of education be translated into one of Belarus' state languages and notarised, he said this was already requested in practice.

Malinkin's Union currently has six rabbis from Israel, the USA and France working in Belarus. Previously based in Bobruisk, a seventh ended up leaving the country in early 2007 after his permission to conduct religious activity was not extended, Malinkin confirmed. Israeli rabbi Borukh Lamdan is not barred from Belarus, however, and his Union's chairman is hopeful that he will be able to return to his post. Bobruisk currently has no rabbi.

Rabbi Lamdan told Forum 18 that his permission for religious work was not renewed in September 2006 on the grounds that he was conducting commercial activity – a charge he denies (see F18News 28 February 2007 http://www.forum18.org/Archive.php?article_id=922).

Foreign religious workers invited by local religious communities of various confessions are increasingly being barred (see F18News 18 October 2006 http://www.forum18.org/Archive.php?article_id=856).

Fr Grzegorz Chudek, the most recent Polish Catholic priest forced to leave the country, did so before Christmas, according to a Catholic source in the south-eastern city of Gomel [Homyel']. Unable to overturn the decision not to extend his religious work permit, she told Forum 18 on 5 February, the Catholic Church has replaced him with another Polish priest not previously in Belarus.

Fr Chudek originally had to leave by 1 December 2007, apparently due to his criticism of Belarus' social problems in the Polish press. Although he obtained a two-month visa extension, this did not include the right to work in his parish of the Holy Trinity in Rechytza (Gomel Region) (see F18News 7 December 2007 http://www.forum18.org/Archive.php?article_id=1058). The decree controlling religious work by foreign citizens is separate from the visa regime.

Ten Polish Catholic priests and five nuns have been forced out of Belarus since late 2005 (see F18News 12 January 2007 http://www.forum18.org/Archive.php?article_id=899). Vice-premier Aleksandr Kosinets told a 19 September 2007 round table of Belarus' religious leaders that the Catholic Church should end the use of foreign clergy over the next few years (see F18News 1 October 2007 http://www.forum18.org/Archive.php?article_id=1027).

Shortly after the new decree's publication, "the largest non-political, civil campaign in Belarusian history" - a petition to change the 2002 Religion Law - reached its target of 50,000 signatures, Protestant lawyer Sergei Lukanin told Forum 18 on 14 February. Campaigners now intend to hand copies of the petition over to President Aleksandr Lukashenko, parliament and the Constitutional Court.

Catholics, Orthodox and Protestants began collecting signatures for the petition in late April 2007 (see F18News 16 May 2007 http://www.forum18.org/Archive.php?article_id=957). Nineteen campaigners were detained for doing so last summer (see F18News 5 July 2007 http://www.forum18.org/Archive.php?article_id=989). Vice-premier Kosinets has previously categorically rejected calls led by the petition campaign to change the Religion Law, which is the most repressive law of its kind in Europe (see F18News 27 September 2007 http://www.forum18.org/Archive.php?article_id=1025). (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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