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BELARUS: Religious freedom survey, October 2020

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Before the UN Human Rights Council Universal Periodic Review (UPR) of Belarus on 2 November, Forum 18's freedom of religion and belief survey analysis notes continuing violations of this freedom and of interlinked freedoms. These have worsened amid widespread continuing protests against falsified results of the August 2020 presidential election, and against the regime's other serious violations of the human rights of the people it rules.

Before the UN Human Rights Council Universal Periodic Review (UPR) of Belarus on 2 November, Forum 18 notes continuing violations of freedom of religion and belief and of interlinked freedoms of expression, association, and assembly. These have worsened amid widespread continuing protests against falsified results of the August 2020 presidential election, and against the regime's other serious violations of the human rights of the people it rules.

After the regime's falsification of the August 2020 presidential election results and violence against people taking part in the ongoing protests, public events to pray for Belarus and for violence by the regime to end have increased. The regime has increasingly used Administrative Code Article 23.34 ("Violation of the procedure for organising or conducting a mass event or demonstration") against those taking part in public prayer events. For example, Catholics organising and participating in prayer events in the street in Minsk, Grodno, Lida, and other towns have been and continue to be accused and fined under Article 23.34. As the Human Rights Centre Viasna (Spring) has documented, the same charges are also brought against people organising and participating in peaceful political protests against the regime. Many Protestants participate in such protests (see below).

Since 31 August, Archbishop Tadeusz Kondrusiewicz, head of the Catholic Church in Belarus and a Belarusian citizen, has been denied entry to his own country. A Catholic priest, Polish citizen Fr Jerzy Wilk, had his permission to work as a priest cancelled at one day's notice on 2 September (see below).

Regime officials are hostile towards followers of beliefs they see as a threat and the regime maintains a network of KGB secret police and religious affairs officials to ensure compliance. Restrictions include: restrictions on who can hold meetings for meetings for worship and where they can be held; difficult or expensive permission to hold large public events, and prosecutions of those holding smaller events; difficulty of opening places of worship, and excessive charges for confiscated places of worship still owned by the state; strict controls on foreign citizens who exercise their freedom of religion and belief; denials of permission to work to Catholic and Orthodox priests; prior compulsory censorship of religious literature; arbitrary and unpredictable denials of religious broadcasting; lack of a full, equal provision for conscientious objectors to military service; and obstruction of the freedom of religion and belief of death-row prisoners and their families (see below).

As one Belarusian Protestant commented, "they have created conditions so you can't live by the law. We would need to close half our churches in order to operate technically in accordance with the law".

Implementation of restrictions on freedom of religion and belief is not uniform, as the regime appears to seek to maintain control of society. Prosecutions are sporadic, but are sufficiently frequent and random to encourage many religious communities to remain within the web of official restrictions. The regime seems to want to manage down expectations of how freedom of religion and belief can be exercised to produce static religious communities with a minimum of confrontation. This leads to some religious communities' expectations of how freedom of religion and belief can be exercised being contained within an invisible ghetto of regulation. Yet without change to both the restrictive legal framework and the attitudes of the regime and its officials, freedom of religion and belief and other human rights violations will continue.

Context

Belarus is located between Russia, Ukraine, and European Union member states Poland, Lithuania, and Latvia. President Aleksandr Lukashenko has ruled the country since 1994 without free and fair elections being held. An Organisation for Security and Co-operation in Europe (OSCE) Election Observation Mission found that November 2019 parliamentary elections "did not meet important international standards for democratic elections. There was an overall disregard for fundamental freedoms of assembly, association and expression".

The OSCE was not able to observe the August 2020 presidential election. Local human rights defenders such as the Coordination Council and others such as Human Rights Watch stated that the regime falsified the election results, and amid large-scale protests after the election "arbitrarily detained thousands of people and systematically subjected hundreds to torture and other ill-treatment (<http://www.hrw.org/news/2020/09/15/belarus-systematic-beatings-torture-protesters>)". The arbitrary and unpredictable nature of the regime's behaviour has increased since it falsified the election results.

This is part of a longer-term pattern. Human Rights Watch's 2020 World Report noted that the regime "continued to harass and pressure civil society activists and independent media. Authorities denied access to journalists at government events, arbitrarily prosecuted dozens of journalists, and arrested peaceful environmental protesters". The country ranks 66 out of 180 countries measured in Transparency International's 2019 Corruption Perceptions Index.

Belarus is not a member of the Council of Europe. This means individuals and communities cannot challenge denials of their human rights by bringing cases to the European Court of Human Rights in Strasbourg.

Belarus has a population of about 9 and a half million people, around half of whom are thought to self-identify with the Orthodox Church and in order of magnitude smaller numbers self-identifying as Protestants, Catholics, and non-believers. Belarusian Orthodox theologian and political scientist Natallia Vasilevich noted in 2019 that, in comparison to other religious communities, Protestant communities are more visible "by engaging in many types of social activity". This makes them more likely to experience freedom of religion and belief violations. As with other human rights, the regime's basic approach is to - in violation of international human rights law - make the exercise of freedom of religion and belief dependent on state permission.

Web of restrictions

The 2002 Religion Law is central to the regime's web of restrictions on the exercise of freedom of religion and belief. This Law specifies compulsory state registration of all religious communities and geographical limits on where they may exercise their freedom of religion and belief. Foreign religious personnel invited by local religious communities require state permission to exercise freedom of religion and belief. This stops them leading any meetings for worship outside the one building within which the regime allows them to lead such meetings.

All exercise of freedom of religion and belief must have prior state permission. Religious meetings in private homes must not be either regular or large scale. The only permitted places of worship and places where religious literature may be sold or distributed are those designated by the regime. All public events must have state permission and entail high fees for the police, first aid and other public health and hygiene services. Some communities do not attempt to hold public events or apply for state permission for them, because of the detailed information and high costs the regime demands.

A network of state religious affairs officials closely monitors religious communities. The most senior such official is Plenipotentiary for Religious and Ethnic Affairs, Leonid Gulyako (born 1 November 1949). His Office has nine publicly named senior staff in Minsk, three of whom are known to work exclusively on state restrictions on the exercise of freedom of religion and belief, plus 24 officials in the regions. In addition, each of the country's six regions and the city administration of the capital Minsk also employs about 20 more religious affairs officials. Local Ideology Department officials and the KGB secret police also restrict freedom of religion or belief.

Many decisions – especially those by the Plenipotentiary – cannot be legally challenged. Under the Religion Law, a religious organisation found to have violated the law must correct the alleged violation within six months and not repeat it within a year. If it fails to do so, the authorities may shut the organisation down (Article 37). No legal possibility exists to challenge such warnings, despite a 2007 Constitutional Court decision highlighting this legal omission negating the rule of law. Jehovah's Witnesses failed even in the Supreme Court to challenge such warnings.

Restrictions on meeting

Under the Religion Law, the only 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 (Article 25). Yet the regime obstructs the acquisition of such places of worship by religious communities it dislikes. Officials then use various legal tools to limit such communities.

Restrictions begin from the moment a community forms. Under the Religion Law, all religious organisations must have state registration (Article 14). The Law is silent on those with fewer than 20 members – the minimum for registration. This means that new religious communities must not publicise their existence before they have 20 committed members, but this makes it difficult for them to attract members. This exposes meetings of new communities the regime dislikes to the threat of state reprisals, even if they meet in private homes.

A community requires a legal address for registration applications and registration itself, but using a private home as a legal address

is illegal. Especially in villages, some religious communities – including Jehovah's Witnesses and independent Pentecostals – find it difficult to get the authorities to agree the use of a building as a legal address. This stops registration applications being lodged.

The registration requirements break Belarus' international human rights law obligations, as outlined in the OSCE/Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (<http://www.osce.org/odihr/139046>) – for example Belarus' review of a religious community's beliefs before granting legal status to it.

Officials arbitrarily deny registration to religious communities they do not like. Some Jehovah's Witness communities have faced repeated denials, often for more than 10 years. These include the communities in Lida in Grodno Region (most recent denial July 2020); Vileika in Minsk Region (most recent denial February 2019); and Borisov in Minsk Region (most recent denial July 2019). In all these cases Jehovah's Witnesses unsuccessfully tried to challenge the denials.

In another example, the Pentecostal Christians of Minsk's Your Will Be Done Church told Forum 18 that they are struggling for registration and facing resistance from the authorities, which rejected three of their applications in 2018. "We have been applying for the registration of our community since 2017 and have already received four denials," the church's pastor Vyacheslav Novakovsky told Forum 18 in December 2018.

Your Will Be Done Church, previously a member congregation of the Pentecostal Union, has more than 20 members. But as it is illegal to meet for worship without state registration, the Church insists it will hold no religious meetings until it can get registration. "We want to comply with the law and gather for religious meetings without fear of raids, fines or detentions," Pastor Novakovsky told Forum 18.

He also pointed out that the law makes no provision for how religious communities can exercise freedom of religion or belief as they prepare for and wait for registration applications to be processed. "Community registration requires at least 20 believers, but if they gather they won't sit and wait [to hold worship meetings] until the registration is done," Novakovsky told Forum 18 with indignation.

Your Will be Done Church had to withdraw its first registration application in 2017 as the landlord who provided the legal address could not wait until officials had finished considering the application.

Pastor Novakovsky applied for the second time on 6 February 2018. Minsk Executive Committee's rejection of that application came only on 16 July, breaking the time limit established by law requiring the authorities to give an answer within 60 days.

The 16 July rejection letter drafted by Alla Martynova, Deputy Head of the Executive Committee's Ideology Department, and seen by Forum 18, stated that "the Protestant Christian religious community Your Will Be Done is autonomous and professes a belief previously unknown in Belarus". The rejection also claimed that "information on the basics of the creed was not submitted".

Pastor Novakovsky's Church is a Pentecostal church. He told Forum 18 that he does not understand why officials claim this belief is "unknown in Belarus". He added that, during the second application, officials tried to pressure the landlord not to allow the Church to use his premises as its legal address.

Your Will Be Done has continued into 2020 making regularly applications for state registration, which are regularly refused by the regime.

Orthodox communities outside the framework of the Russian Orthodox Church's Moscow Patriarchate, such as the Belarusian Autocephalous Orthodox Church (founded in 1922), are not allowed to register. Among the reasons given to reject the Minsk parish of the Church's last attempt to register in 2011 was an alleged negative evaluation of the parish's buildings by Minsk's Sanitary and Epidemiological Centre. However, according to the Religion Law, public health and fire brigade officials only need to approve premises for religious communities if they are located in a residential house.

One of its priests, Fr Vikenty (secular name Viktor Kovalkov), observed that each time the Church submitted applications, officials found excuses to reject them. "Obtaining registration is a waste of time and unnecessary trouble for our people," he told Forum 18 in November 2018. He explained that they meet for worship in each other's flats, or in summer in the woods.

Autocephalous Orthodox Church members have also experienced intermittent police detentions. Police detained Fr Vikenty for 24 hours in November 2018 and tried to punish him for "minor hooliganism" for going from door to door in a block of flats seeking donations for the Church. However, a court rejected an attempt to punish him.

In a further obstacle, the Belarusian Orthodox Church (Moscow Patriarchate) registered its title as a brand name "so that no other organisation can register with that name," a church official told Forum 18. No other religious community is given such a state-backed monopoly.

Against international law, the Religion Law does not allow communities which do not wish to register to exist. This primarily affects

the Council of Churches Baptists and some Pentecostals. These churches refuse to seek state registration as they think it leads to state interference in their churches' internal life. Until 2015 courts regularly fined Council of Churches Baptists for the exercise of freedom of religion and belief without state permission.

Since the end of 2018 up until 2020, the regime has not imposed fines for meeting for worship without having compulsory state registration, or for meeting in a venue the state has not approved, and has not raided such meetings.

Until July 2019, those involved in unregistered religious communities could also face prosecution under the now-abolished Criminal Code Article 193-1, which punished "organisation of or participation in activity by an unregistered political party, foundation, civil or religious organisation" with a fine or up to two years' imprisonment. Human rights defenders had long campaigned for this Article to be abolished.

However, at the same time a new Administrative Code Article 23.88 came into force, punishing: "Illegal organisation of or participation in activity by an unregistered political party, foundation, civil or religious organisation" with a fine of up to 50 base units. This is about five weeks' average wages for those in work. Police can impose such summary fines with no court hearing. (The Article appears likely to be little changed in the new Administrative Code which began passage in the lower house of Parliament in June 2020.)

The new Administrative Code Article 23.88 and other laws were strongly criticised for contradicting international legal standards. The United Nations (UN) Special Rapporteur on the situation of human rights in Belarus (<http://www.ohchr.org/en/hrbodies/sp/countriesmandates/by/pages/srbelarus.aspx>), Anaïs Marin, described the abolition of Criminal Code 193-1 as "tarnished by the adoption of article 23.88 of the Code of Administrative Offences, introducing administrative liability instead".

As she pointed out in her May 2019 report to the General Assembly (A/HRC/41/52 (<http://undocs.org/en/A/HRC/41/52>)): "Non-registered organizations are still subject to administrative liability and the notification procedure for assemblies is valid only for those taking place in areas designated by authorities, and is often denied in practice. These small steps, although going in the right direction, have yet to testify to a real change in Government policies."

Similarly, Leanid Sudalenka from the banned Viasna (Spring) human rights centre asked Forum 18: "Why can't people form religious organisations without asking permission from the authorities? Their rights must be respected."

The imposition of summary fines was described as "particularly alarming" by Minsk human rights defenders the Lawtrend Centre for Legal Transformation and the Assembly of Non-governmental Democratic Organisations. They observed that as the police and the Justice Ministry decide on guilt and impose fines, "no court will be involved".

Officials though, claimed to be unaware of the new Administrative Code Article 23.88. Andrei Aryaev (the Head of the Religious Department of the Office of the regime's Plenipotentiary for Religious and Ethnic Affairs), and officials of the Justice Ministry and Interior Ministry all denied knowledge of the new law. However, although claiming not to know of it Aryaev claimed "I don't see any problems for religious organisations". Multiple calls to Interior Ministry departments eventually gained an admission that police can impose fines directly without court hearings. The Interior Ministry spokesperson Olga Chemodanova would not explain to Forum 18 the purpose of the new Administrative Code Article 23.88.

"Violation of the procedure for organising or conducting a mass event or demonstration"

Administrative Code Article 23.34 ("Violation of the procedure for organising or conducting a mass event or demonstration") codifies the Mass Events Law, and has infrequently been used against the exercise of freedom of religion and belief in public. It can be used for activities such as sharing beliefs non-coercively, offering religious literature, or conducting religious processions on a street.

[The Article number was changed to 24.23 in the new March 2021 Administrative Code, which also retained the possibility of a 15-day short term jail sentence being imposed and increased the maximum fine for repeat offences from 100 to 200 base units, or about 20 months' average wages. May 2021 amendments among other things made advance state permission compulsory for all public events, and banned the collection of funds to pay for any fines imposed for violating the Mass Events Law.]

Article 23.34 imposes multiple restrictions on public events, including that they must not be held between varying distances of 50 to 200 metres of a very wide range of state buildings, and a ban on "the use of flags or pennants that are not registered under the established [state] procedure".

Organisers must also supply information such as: the purpose, type, place, and source of event funding; the date, start and finish times; route to be taken and all means of transport (make, model, registration number); full name and address of drivers; expected number of participants; full names, nationalities, addresses birth dates, places of work or study of organisers; details of pyrotechnic products (type, number) and naked flames; and full details of measures to ensure public order and safety, medical services, as well as

cleaning arrangements after the event.

Regime officials are given a wide range of vague and arbitrary excuses to ban or halt events with no notice. For example, in October 2018 police in Lepel in the north-eastern Vitebsk Region detained Baptist husband and wife Andrei and Tatyana Fokin to stop them singing Christian songs and distributing Christian literature at the entrance to a market. Officers took them to a police station, where they were charged under Administrative Code Article 23.34 Part 3, which punishes repeat offences.

The Fokins are Council of Churches Baptists, who do not seek state registration on principle. Church members in Lepel have run a street library since the 1990s. On 30 October, Judge Alesya Novik of Lepel Court found both husband and wife guilty, and fined Andrei 661.50 Belarusian Roubles (27 base units) and his wife Tatyana 539 Belarusian Roubles (22 base units). The fines were together equivalent to about two months' average local wages.

Similarly, in January 2019 the Supreme Court dismissed appeals by two Jehovah's Witnesses from Rogachev, Tamara Vitkovskaya and Olga Grapova, against being fined for sharing their beliefs with others and offering religious publications near a local shop. They were accused of "illegal picketing" and each fined less than a week's average local wages.

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As the Human Rights Centre Viasna (Spring) has documented, the same charges are also brought against people organising and participating in peaceful political protests against the regime (<http://www.spring96.org/en/news/99793>). Many Protestants participate in such protests.

Large public religious events restricted

Renting publicly-owned premises for large events is difficult. The Baptist Union was forced to cancel a planned festival it wished to hold in a Minsk stadium in May 2019 after officials failed to respond to its request for permission.

In January 2019 the Council of Ministers adopted Decree No. 49 "On the procedure of payment for public security provided by police, for healthcare services, for cleaning a venue after a public event". The Decree imposes further conditions related to Administrative Code Article 23.34 by setting varying event fees to be paid to state agencies depending on the number of participants. It requires that all permitted public event organisers - including of religious events – must both agree event fees with the police, state healthcare, and cleaning services, and also pay these fees in advance.

Holding public events is already difficult. Many human rights and opposition activists interpreted the Decree as a further obstruction to public events not organised by the authorities.

The Catholic Bishops' Conference enquired whether Decree No. 49 applies to religious events. Interior Minister Igor Shunevich responded in May 2019 that religious organisations are not subject to the Decree if their events are held in designated places. Such places include churches, cemeteries, crematoria, pilgrimage sites and others approved by local authorities. But despite the letter the Council of Ministers' Decree has not been fundamentally changed. Minor changes only were made in amendments of 3 April 2020.

Police and local authorities continue to demand fees for events in places not in the Interior Minister's letter, such as open air pilgrimages. At the last minute, Greek Catholic leaders had to cancel what would have been their 25th annual pilgrimage since 1995 from Vitebsk to Polotsk in July 2019 because of the "unaffordable" police fees. The fee demanded would have represented one day's average pay for each of the up to 100 expected participants, plus fees for health provision and cleaning along the route.

Religious property

Many communities without formal places of worship find it impossible to get property redesignated so that it can legally be used for worship. Without a designated place of worship, the legal exercise of freedom of religion and belief requires advance state permission. Officials often refuse this permission. Protestant communities have generally found it impossible to get property redesignated so that it can be used for worship in line with the law. Orthodox and Catholic communities are rarely affected, partly due to their being more likely to occupy designated historically preserved places of worship.

Those using private homes for meetings for worship without state permission risk punishment under Administrative Code Article 21.16, Part 1, which punishes improper use of residential property. Jehovah's Witness and Council of Churches Baptist homeowners have been fined, including a Baptist in Gomel in 2014. However, from then until 2020 fines for this "offence" have not been imposed.

Many places of worship confiscated in the Soviet era were in the 1990s returned to their original owners – if the communities were registered - at the request of Orthodox, Catholic, Muslim and Jewish communities.

These communities all told Forum 18 in August 2020 that only a few historical places of worship remain in the state's possession, as their return was not requested in the 1990s. In these cases, the state pays for continued maintenance of the building, and the religious community which uses the building pays a small amount as rent and for utility charges. There is no time limit set to these agreements.

Many of these religious communities repeatedly but unsuccessfully apply for ownership to be restored to them. The restitution process is complex, and relies upon the local Executive Committee agreeing that the building should be returned to its original owners. Normally this does not now happen. The final stage in the long process is a Presidential decree transferring the ownership of the confiscated building back to its original religious community.

Catholic journalist Maksim Hacak suggested to Forum 18 in August 2020 that the authorities are not now willing to transfer ownership back as "it's always easier to blackmail the communities using property they do not own".

One such case is in Minsk, where the Catholic Church of Saints Simon and Helena (known locally due to its brickwork as the Red Church) is facing a large financial bill from the state, as well as just under 13,000 Belarusian Roubles a month in rent. As Red Church parish priest Fr Stanislav Stanevsky asked independent news agency Naviny.by in July 2020: "Why should we pay the state 13,000 Belarusian Roubles a month to pray in our own church?"

The Red Church is a historical Catholic church built in central Minsk in 1910 and which was confiscated during the Soviet period. Catholics were allowed to use the building again from 1990. The state still owns it, and Minsk city authorities claim to have spent more than 5,000,000 Belarusian Roubles restoring the Church building. However, people associated with the Red Church told Forum 18 that the authorities did not agree the work to be done with the parish. For example, Forum 18 was told that from at least 2015 onwards the parish has repeatedly told the authorities that the basement regularly floods with rainwater, causing structural damage. This is the most serious problem the building has, yet neither this nor various other problems the parish has told the authorities of have been dealt with.

It is thought that the authorities only did the work to make the outside of the building look good for tourists such as visitors to the 2019 European Games, an athletics tournament held in June 2019.

Also, the parish was not told before the work how much the authorities would charge the parish. People associated with the Red Church think that it would take them at least 75 years to pay the authorities the current amount they are demanding. "It looks like the state without asking the parish decided to give us a large debt, and now demands that we pay them," Catholics told Forum 18.

The Red Church is an unusual case, and it is unclear why Minsk authorities have decided to impose such an enormous financial burden on the Church. The authorities have refused to explain their reasons. Minsk Heritage told Forum 18: "Minsk Heritage does not give comments". Fr Yuri Sanko of the Catholic Bishops' Conference told Forum 18 that "we are not going to take any formal legal steps until we try to clear up the situation by negotiation" (see below).

However, Maksim Kovalev, a lawyer from Minsk who knows the situation, told Forum 18 that discussion of the issue since 2019 between the Catholics and the authorities "reminds me of a ping pong game". The authorities are also, most recently in June 2020, still refusing to transfer ownership of the Red Church back to its original owners, the parish. On 21 July 2020, parishioners launched a petition asking the Presidential Administration to return ownership of the Red Church to the parish. More than 5,000 people had signed within the first week.

Catholics in Mogilev, Grodno and Bobruisk are all trying without success to regain ownership of their own historic churches which they already use.

Controls on foreigners

Foreigners are particularly targeted by such arbitrary and unpredictable decisions. The regime strictly controls the exercise by foreign citizens of their freedom of religion and belief, particularly those invited by local registered religious communities.

The procedure for inviting foreigners for religious purposes is laid down in a January 2008 Council of Ministers Decree, amended in July 2010. Under the Decree, a registered religious organisation must send an application for permission invite a foreigner for religious purposes to the Plenipotentiary for Religious and Ethnic Affairs' Office a month in advance. The invited foreigner must demonstrate knowledge of Belarus' state languages (Belarusian and Russian) to perform religious work.

Only belief communities that have state permission to exist can invite foreigners to work with them. The inviting organisation must be a state-registered religious association consisting of 10 or more communities, at least one community of which must have functioned for 20 years.

The Decree requires foreign citizens to have permission from the Plenipotentiary to be in Belarus if they are "performing priest's duties, teaching in religious institutions, establishing relations and contacts, participation in charity activities connected with religious needs, studying in religious institutions, and providing other religious activities for the inviting religious organisation".

The Decree is unclear and broadly worded, allowing much room for arbitrary official actions, as human rights lawyer Dina Shavtsova commented to Forum 18 in November 2017. For example, the words "establishing relations and contacts" might include but not be limited to a foreigner attending a meeting for worship, or praying with others, or talking to them, or giving greetings from follow-believers abroad.

The Plenipotentiary alone decides whether this broadly defined religious work by a foreign citizen is "necessary", and can refuse permission without giving any reason. If permission for a religious community to invite a foreign citizen to work is granted, the Regional Executive Committee's Ideology, Culture and Youth Department will then issue a certificate specifying in which single religious community the individual can work, and the exact dates for which permission is given (usually for three months, six months, or one year). "On halting work in the above parish," a typical certificate seen by Forum 18 states, "the certificate is subject to return to the Ideology, Culture and Youth Department" in the Region which has issued it. Frequent re-applications to the Plenipotentiary's Office must therefore be made, which the Plenipotentiary can refuse even if the foreigner has worked in Belarus for many years.

If permission is granted, foreigners may work only within places of worship belonging to, or premises continually rented by, the religious organisation that invited them. Transferring a foreign religious worker from one religious organisation to another - such as between parishes of the same religious community - requires a re-application for new permission to work to the Plenipotentiary's Office. This need for a re-application to work in Belarus applies even if, for example, one foreign Catholic priest working in Belarus wants to celebrate one Mass on one occasion only in a neighbouring parish.

Such permission can be suddenly withdrawn, without any reason being given. On 2 September 2020 the Plenipotentiary's office wrote to the Catholic Bishop of Vitebsk, Oleg Butkevich, cancelling without any explanation the permission to work and say Mass of Fr Jerzy Wilk. Gulyako gave the bishop only one day's notice of the cancellation, which came into effect on 3 September, according to the letter seen by Forum 18.

Fr Wilk, who is 48, was parish priest of St Michael the Archangel Church in the village of Voropaevo, about 200 kms (125 miles) west of the north-eastern city of Vitebsk. Fr Wilk had been working in Belarus since 2003 and has an excellent command of the Belarusian language. Fr Viktor Misevich of Vitebsk Diocese told Forum 18 in September 2020 that Fr Wilk "has never violated the law, is sociable and dynamic in his parish activities. He even plays football for Vitebsk Diocese." A Polish citizen, Fr Wilk had the necessary permission to work as a priest from the Plenipotentiary, valid until 14 February 2021. "He has a visa in the passport and has the right to stay in the country but cannot work or say Mass," Fr Misevich said.

Fr Misevich thought it would not be possible to do without a resident priest in St Michael the Archangel parish, as it is large and priests in neighbouring parishes are already carrying a large workload in their own parishes. "This is going to make the life of ordinary people more complicated," Fr Misevich told Forum 18. He also said that, despite their existing heavy workload, a priest from a neighbouring parish had to celebrate Mass on Sundays until a new priest is appointed.

Fr Wilk himself told Forum 18 on 15 September that about 500 parishioners had written to Plenipotentiary Gulyako asking him to withdraw his decision. "They are all very good and kind people," he said. "They did a lot for the church, including repairs on the church building and its grounds. I am sad to now be without them."

The Head of the Religious and Ethnic affairs Department of the Plenipotentiary's Office, Andrey Aryaev, refused to explain why Fr Wilk's right to work as a priest was suddenly revoked. "We do not give any comments on this issue," Aryaev told Forum 18 on 16 September before putting the phone down.

Legally resident foreign citizens who are not religious workers are banned from any active participation – as against passive attendance – in religious communities. For example, in May 2019, Mogilev Regional Executive Committee warned a local Jehovah's Witness community for allowing locally resident foreign citizens to participate "illegally" in meetings for worship. The community had received an earlier warning in August 2018.

Two warnings within one year or the failure to end a "violation" can lead to the stripping of a community's registration and so permission to legally exist. Individuals violating these restrictions also risk punishment under Administrative Code Article 23.55 ("Violation of legislation on the legal status of foreign citizens and stateless persons").

Both Catholic and Orthodox leaders – who say they do not have enough native priests – also want such restrictions on foreigner workers changed. Fear of expulsion is a strong factor for the Catholic Church, about 80 of whose approximately 500 priests are now (in 2020) foreign citizens. In 2006 more than 125 of its then around 250 priests were foreign citizens.

Refusals have affected even religious communities the state has not shown much hostility towards. For example, in 2018 Russian citizen Archbishop Dimitry (Drozdov) of the Belarusian Orthodox Church (which is part of the Moscow Patriarchate Russian Orthodox Church) tried to invite two Russian priests to work as parish priests in his Vitebsk Diocese. He applied for permission for one year, but this was refused with no reason being given. Unofficially, officials claimed to the Church that they wanted Belarusian citizens and not foreigners as clergy, an excuse that has also sometimes been given to justify refusing Catholic priests permission to work. "This is not the first time for us," Fr Vladimir Rezanovich, secretary of Vitebsk Diocesan administration, told Forum 18. He said that when such permission is given, their foreign priests generally get permission to serve for one year at a time.

Many of those refused permission are, like Fr Wilk, long term workers. For example, Catholic priest Fr Pawel Knurek, a Polish citizen, was in November 2018 refused permission to continue his 15-year ministry in Belarus, most recently in the cathedral parish of the Merciful Jesus in the north-eastern city of Vitebsk. Fr Knurek left Belarus that same month, but local Bishop Oleg Butkevich continued to press for the decision to be reversed. However, on 13 January 2019 Bishop Butkevich received a further rejection from the Plenipotentiary's Office.

Local Catholics launched an online petition to Plenipotentiary Gulyako on 20 January, asking him to explain the reasons of the denial and to grant permission to Fr Knurek to return to his congregation. In recent years Plenipotentiary Gulyako has repeatedly accused foreign Catholic priests of violating the law, including allegedly by speeding, involvement in political activity, and poor command of the Belarusian language. In their petition, the Vitebsk parishioners highlighted that Fr Knurek spoke excellent Belarusian, knew and understood Belarusian culture, and took their problems seriously. The petition gained 616 signatures, 300 on the first day, and was submitted to Plenipotentiary Gulyako on 4 February. Gulyako replied the same day, writing that "based on the Law, the Plenipotentiary has the right to give no reasons for the denial to this priest."

"Local Catholics were offended by the officials' approach to their needs, which they absolutely ignore," Vitebsk Catholic priest Fr Vyacheslav Barok told Forum 18 in February 2019. He thinks that the authorities create an illusion of pretending to stand for the rights of the Church. Fr Knurek worked in his parish, in hospitals, and in educational institutions. "He worked hard, and his work deserves respect," Fr Barok told Forum 18. He added that the cathedral parish is large and needs at least two priests. The Plenipotentiary's Office refused to discuss the refusal with Forum 18.

Similarly, at the beginning of 2019, Plenipotentiary Gulyako banned another Polish Catholic priest, Fr Sobieslaw Tomala, from continuing his 20-year ministry in St Francis Church (which he was instrumental in building) in Soligorsk in Minsk Diocese beyond 31 January 2019. After more than 300 people signed a petition calling for Fr Tomala to be allowed to remain, Plenipotentiary Gulyako extended the permission to work for only six months more. This permission was later renewed.

The Plenipotentiary's Office also imposes long delays on applications, even when made repeatedly. For example, Russian citizen Fr Klemens Werth has been waiting for permission since 2016 to conduct religious work while building a church for the parish of St Vladislav in one of the outer districts of Vitebsk, where he is supposed to be the senior priest. The parish has no church and currently holds services in rented premises while a church is being built. Fr Werth currently has permission only to build a church. "I am supposed to serve in this church, but so far I cannot work in it as a priest," he told Forum 18.

"The authorities' decisions tie the hands of the Church," Fr Barok observed. "Such pinpricks aimed at Catholic priests have a serious impact on the Church. How can a priest work if he is not sure about the future?" Fr Barok noted that there is a shortage of priests in Vitebsk's Catholic Diocese. Though the number of local priests is increasing, there are still 40 foreign priests working in the diocese. However, the authorities have not approved any new foreign priests since 2016.

The Plenipotentiary also rejects applications for short-term visitors to be allowed to conduct religious work. For example, in 2017 he rejected a Pentecostal Church's application for a pastor from Poland to attend a three-day long conference. "They rejected the application, claiming our documentation was not correct, even though we had fulfilled all the requirements," Bishop Leonid Voronenko, head of the Full Gospel Church, told Forum 18. "They always try to find some reason to make it look like it is your fault."

Similarly, Plenipotentiary Gulyako in August 2018 and in July 2016 refused the Catholic Grodno Diocese's application for Indian priest Father James Manjackal to visit to lead spiritual exercises in the Catholic church in Ross. Fr Cheslau Pauliukievich, the dean of Ross's Holy Trinity parish, told Forum 18 in June 2016 that he had hosted Fr Manjackal for spiritual exercises twice before without any obstacles. More than 5,000 Catholics had attended the exercises, including Grodno Bishop Aleksandr Kashkevich. "He came to Belarus last year without any problems. This time no reasons were ever explained to us," Diocesan spokesperson Fr Pavel Solobuda stated. The Plenipotentiary's Office refused to explain to Forum 18 why Fr Manjackal had been denied permission, and Vladimir Skripo (Deputy Head of the religious affairs section of Grodno Region Executive Committee) put the phone down when Forum 18 called him.

The Plenipotentiary did, however, grant permission for all 45 foreign Catholic bishops who visited Minsk in October 2017 to conduct religious work during their visit and celebrate Mass. Their visit was for a meeting of the Council of [Roman Catholic] Bishops' Conferences of Europe.

Arbitrary, unpredictable, regime decisions

The regime's decisions are arbitrary and unpredictable, especially amid the large-scale nationwide protests against falsification of the August 2020 presidential election results.

One of many illustrations of this is that Belarusian citizens have no guarantee that the regime will allow them to enter their own country. On 31 August 2020, Belarusian border guards denied Archbishop Tadeusz Kondrusiewicz, head of the Catholic Church in Belarus, re-entry to his own country.

Archbishop Kondrusiewicz was seeking to return to Minsk after a one-week visit to Poland, travelling in his official car. He tried to cross at the Kuznitsa Belostokskaya Bruzgi border crossing near the city of Grodno when border guards refused him entry. After waiting several hours in vain he returned to Poland, while his driver continued to Minsk in the official car.

Border guards gave the Archbishop no reason for the decision, even though under the Constitution and its international human rights obligations the regime is not allowed to deny entry to its own citizens. Officials at the border crossing point at Bruzgi, and the State Border Committee and Presidential Administration in Minsk all refused to explain to Forum 18 why Archbishop Kondrusiewicz was banned from re-entering his own country and returning to his diocese.

President Lukashenko on 1 September told journalists that Archbishop Kondrusiewicz is one of a number of people on an entry ban list, which is shared between Belarus and Russia. He claimed the Archbishop had been given "some assignments" at "consultations" in Warsaw before his planned return. He did not explain what this claim meant. "It is not only him [on the entry ban list] - he is just the best-known person," Lukashenko claimed. "Now we are keeping a very close watch on everyone entering and leaving."

Asked to confirm this information, Deputy Head of the Interior Ministry's Citizenship and Migration Department Pavel Khrishchenovich told Forum 18 on 1 September: "I do not think anything on this issue."

On 14 September the State Border Committee told Archbishop Kondrusiewicz that he was denied re-entry to his home country because his Belarusian passport was invalid. The head of the Interior Ministry's Citizenship and Migration Department then said that officials are "at present simply checking up on whether he is a citizen of the Republic of Belarus and the documents he presented when going through the procedure of naturalisation". The Citizenship and Migration Department refused to answer Forum 18's questions about Archbishop Kondrusiewicz's case. He continues to be denied entry to Belarus.

Other religious communities condemned the decision, including some Orthodox priests. The Pentecostal Union "expressed outrage" at the denial of re-entry to Archbishop Kondrusiewicz. A 1 September statement from Bishop Leonid Voronenko said the Archbishop had: "raised his voice in defence of peace, mercy and unity, and in condemnation of violence, lies and hatred. This is the spiritual, moral and ethical duty of any clergy member, and does not represent political activity."

Censorship and online "extremism"

The regime imposes compulsory prior state censorship of and restrictions on distribution of most religious literature and objects. Under Religion Law Article 26, all imported religious literature and objects undergo state censorship enacted by an "Expert Council" attached to the Plenipotentiary's Office, as does all religious literature which libraries wish to acquire. The Plenipotentiary can seek an "expert analysis" of any religious literature being distributed. Only registered religious organisations can establish companies to produce religious literature. Shops selling religious literature require permission from local administrations. "Expert analyses" can take up to three months, making timely delivery of imported religious publications impossible.

While approving imports of other Jehovah's Witness texts, in June 2019 the "Expert Council" rejected the April 2019 issue of "The Watchtower" magazine. After similar rejection of the May 2012 issue for containing allegedly "religious/political" material, Jehovah's Witnesses tried but failed to get a copy of the Council's "expert analysis".

Courts can ban literature and other materials as "extremist". Such works are then placed on the Information Ministry's "Republican List of Extremist Materials", published on the Ministry's website. The List includes many racist works (such as Adolf Hitler's "Mein Kampf"), as well as some religious works that do not call for the violation of anyone's human rights. For example, in 2014, a Minsk Court banned "The Way to the Koran" by Azerbaijani Muslim theologian Elmur Kuliyeu. In 2016, a Gomel Court banned "An Orthodox on Orthodoxy: Popular theology, or theology for dummies" by Sergei Nikolaenko, Pastor of the city's Reformed Orthodox Transfiguration Church. Both remain on the List as updated in September 2020.

[After protests against the regime's fraudulent August 2020 elections began, from 2020 onwards the "Republican List of Extremist Materials" and the range of Criminal Code and Administrative Code laws, as well as use of these laws against peaceful opposition to the regime, was massively expanded (<https://humanconstant.org/en/17-short-notes-on-extremismin-belarus/>). This includes use of Administrative Code Article 19.11 ("Distribution, production, storage and transportation of information products containing calls for extremist activities, or promoting such activities") against religious community leaders who on the internet oppose election fraud and regime violence.]

No religious broadcasting

The regime's arbitrary and unpredictable decisions are also illustrated by the sudden halt in state radio broadcasts of Catholic Mass on Sundays. On 23 August 2020, and without prior announcement, the state-controlled Radio Belarus unexpectedly stopped broadcasting Catholic Masses. "We were not given the reasons, we were only told that there will be no radio Mass in September," Fr Yuri Sanko of the Catholic Bishops' Conference told Forum 18 on 16 September.

A 40-minute Mass had routinely been broadcast nationwide every Sunday morning from the Cathedral of the Blessed Virgin Mary in the capital Minsk, followed by a brief news summary from Vatican Radio. The programme schedule on the official state Radio 1 website still contains a weblink to the regular "Catholic sermon" but the link no longer works.

Since the 1990s the broadcast Sunday Mass has been widely listened to by many Catholics, especially those who are elderly, sick, or living in rural areas far from a Catholic church. For many, the nationwide state radio broadcast is their only chance every Sunday to join with their fellow Catholics meeting for worship.

Fr Viktor Misevich, Chancellor of Vitebsk Diocese, pointed out that Sunday Mass on the radio is especially important during the coronavirus pandemic, when many people are not allowed to leave homes to attend Mass. The state stopping Sunday Mass broadcasts "is a strong blow against sick and old people in all dioceses in Belarus," he told Forum 18.

The state broadcaster Belteleradio refused to answer Forum 18's questions or say when broadcasts of Sunday Mass will be resumed. "It is difficult to answer these questions," an official who refused to give her name told Forum 18 on 22 September 2020. "I need to collect the information." Sunday Mass is still (in October) not being broadcast by radio.

No individual or belief community is able to have a religious FM broadcasting band radio station, despite several attempts. One such example is the Catholic Church's attempts since 2015 to get permission for Radio Mariya. (Belarus' Radio Mariya is unrelated to Radio Maryja in neighbouring Poland.) No official is prepared to take responsibility for dealing with such applications. Radio Mariya is part of an international Italian network, and the regime's refusal to give it a broadcasting licence means it can be heard in Belarus only via the internet.

Partial conscientious objection

An Alternative Service Law was introduced in 2016 allows many, but not all, conscientious objectors to conduct a civilian service. Only young men with a religious pacifist objection are eligible to apply for alternative civilian service, not those with non-religious pacifist convictions. It is unclear whether even all young men with religious objections to military service are allowed to do civilian alternative service, as the Law is silent on how objectors from communities which are not as a community formally pacifist – such as the Orthodox Church – should be treated.

As of 2020, young men in Belarus' main pacifist religious community – Jehovah's Witnesses – still sometimes receive call-up notices for military service. But these are withdrawn after the Jehovah's Witnesses send the military a letter confirming the young man is a Jehovah's Witness conscientious objector.

Moreover, civilian service is twice the length of military service and those undertaking it are paid less than military conscripts. And if conscripts already doing military service change their beliefs and object to become conscientious objectors (as is their right in international law), they are not eligible to transfer to alternative service.

Those doing reserve military duties are similarly obstructed from claiming conscientious objection. This particularly affects those who were called up and stated they were conscientious objectors before the Alternative Service Law came into force in 2016. The head of the Jehovah's Witnesses in Belarus, Pavel Yadlovsky, told Forum 18 on 20 October 2020 that these conscientious objectors still "regularly receive call-up notices and have to explain all over again that their religious beliefs forbid them to bear arms". Whenever this happens, Jehovah's Witnesses send the military a letter confirming the young man is a Jehovah's Witness conscientious objector. The military have accepted this.

From early May 2018 many students from Catholic and Orthodox seminaries and priests under the age of 27 received call-up notices from Conscription Offices ordering them to report for military service on 28 May. Neither the Catholic or Orthodox churches are formally pacifist. After the Catholic Bishops' Conference appealed to President Lukashenko on 23 May requesting exemption and public petitions were launched, the authorities announced the cancellation of the call-up notices.

Death-row prisoners

Belarus is the only country in Europe that still applies the death penalty. The Criminal Enforcement Code guarantees death-row prisoners the right "to have meetings with a priest" (Article 174). However, against the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules, A/C.3/70/L.3

(http://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf)), such prisoners may not be granted pastoral visits they request. Death-row prisoners are informed of their executions only minutes beforehand, making final meetings with families and others impossible.

If death-row prisoners are not Orthodox, arranging a clergy visit is all-but impossible. Occasional exceptions are made for Catholic priests. Officials allowed convicted murderer Pavel Selyun – executed in 2014 – to conduct a correspondence course with a Protestant Bible study centre. However, they denied a pastor's visit. Andrei Paluda of the Human Rights Centre Viasna, who leads their campaign to abolish the death penalty, told Forum 18 that he knows of only one case where a Catholic priest was allowed to meet a prisoner at their request – Eduard Lykov in 2014.

Death-row prisoners are allowed access to religious literature, Paluda of Viasna stated, and an Orthodox priest is chaplain to the prison where death row prisoners are held.

Currently (October 2020) there are four death-row prisoners, and in 2019 three death sentences were carried out.

The bodies of executed prisoners are not given to families, the date and place of burial is secret, and no opportunity is given for a religious burial service.

Vladislav Kovalev's relatives complained to the UN Human Rights Committee that his 2012 execution violated their right to freedom of religion and belief (among other rights). The relatives argued that the regime's refusal to give Kovalev's family his body for an Orthodox burial violated the family's right to freedom of religion and belief.

In October 2012 the Human Rights Committee concluded that the regime's refusal to hand over bodies for burial and to disclose the place of burial "have the effect of intimidating or punishing the family by intentionally leaving it in a state of uncertainty and mental distress". Viewing this as amounting to inhuman treatment in violation of the International Covenant on Civil and Political Rights, the Human Rights Committee did not examine the relatives' claim that freedom of religion or belief had also been violated.

Selyun's mother Tamara similarly tried to recover his body. "I want to read the last rites over my son's body and bury him as a Christian. But I was told that the body could not be handed over". In a May 2014 letter, prison governor Colonel Vikenty Varikash told her: "Bodies are not handed over for burial and the place of burial is not communicated".

Paluda of Viasna confirmed that families still in 2020 do not receive the bodies of executed prisoners, who are buried secretly. Viasna gives legal and moral support to the families of death-row prisoners, but Paluda knows of no recent requests by families for religious burials of their relatives.

An end to human rights violations?

The current Belarusian regime's decisions are arbitrary and unpredictable, showing no signs of respect for the rule of law and Belarus' legally binding international human rights obligations. Given the regime's increasingly serious violations of the interlinked human rights of the people it rules – especially since the regime falsified the August 2020 presidential election results – there is little sign of the current regime ending its violations of freedom of religion and belief and other human rights. (END)

Full reports on freedom of thought, conscience and belief in Belarus
(<http://www.forum18.org/archive.php?query=&religion=all&country=16>)

Previous surveys of freedom of religion and belief in Belarus (<http://www.forum18.org/analyses.php?region=16>)

A 2008 personal commentary by Antoni Bokun, Pastor of a Pentecostal Church in Minsk, on Belarusian citizens' struggle to reclaim their history as a land of freedom of religion and belief (http://www.forum18.org/archive.php?article_id=1131)

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

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