

## Belarus: the new law on religion

*Often proclaimed as another member of the 'axis of evil', Belarus faces further harassment from the US Congress, this time for curtailing religious freedom*

### Introduction

Obscured by the crisis over Iraq, Belarus has continued to attract the hostility of foreign policy-makers. The news reports in the Western media about this country continue to be uniformly negative. Foreign governments, led by the US but with the European Union eagerly following, continue to attack President Lukashenko and his government. The international institutions, especially the Organisation for the Security and Co-operation in Europe, have continued to attack Belarus in the usual way, notwithstanding, the improper way in which the previous OSCE mission, led by the former head of the German *Bundesnachrichtendienst*, Hans-Georg Wieck, intervened in the internal affairs of Belarus by supporting the opposition candidate in the presidential elections of September 2001.

As usual, and as has been the case in the Iraq crisis, the attack on Belarus was led by influential elements on the periphery of the US administration. Three prominent representatives of what is commonly known as “neo-conservatism” published an article in August 2001, repeating all the usual falsehoods and unproven allegations against that country and its president.<sup>[1]</sup> This raised the curtain on the concerted, but ultimately unsuccessful attempt, orchestrated by the US Ambassador in Minsk in contravention of all diplomatic rules, to unseat the incumbent president. It did not take long for those who had failed in September 2001 to re-group and continue with their attacks after a breathing-space of a few months.

In November 2002, the United States followed the European Union's lead in imposing a travel ban on the Belarusian president and members of his government. In the same week, the Czech authorities, on Washington's request, refused to grant a visa to President Lukashenko to attend the Nato summit in Prague in November 2002. These are almost unprecedented diplomatic insults, the only other recent example being the travel ban imposed on President Mugabe of Zimbabwe and other officials.

At the same time, the neo-conservative propaganda machine was again cranking up against Minsk. A meeting held in the American Enterprise Institute in Washington DC, provocatively entitled “Axis of Evil: Belarus – the Missing Link”, can only really be described as a “hate-in”, rather like those described in George Orwell's 1984. Speaker after speaker rose to denounce the Belarusian president and his government. Addressed by Senator John McCain, the meeting was well attended by the various governmental non-governmental organisations which play such an important role in international relations today, and whose activities BHHRG has had many occasions to criticise. The meeting was punctuated by sinister warnings delivered by the executive director of the New Atlantic Initiative, Radek Sikorski: periodically, Sikorski would lean forward and say (for example), “Here is a message to Belarus: Lukashenka, we are watching you and we will bring you to justice for this!”

Most recently, the Belarus Democracy Act was introduced into the US Congress on 13th February 2003 by Rep Christopher Smith, and co-sponsored by Rep. Steny H. Hoyer, Rep. Joseph M. Hoeffel and Rep. Louise McIntosh Slaughter. Rep. Joseph R. Pitts is also a Co-Sponsor. The bill's promoters repeat all the usual allegations about disappearances and “dictatorship”.

They also mention Belarus' new law on religion, which Rep Smith describes as “the most restrictive religion law in Europe.” This new law came into force on 16th November 2002. As part of their narrative of Belarus as a brutal tyranny, opponents of the Belarus government have convinced themselves that there is genuine social and political repression in that country. One of the speakers at the AEI meeting, Nina Shea - a member of the United States Commission on International Religious Freedom and Director of the Center for Religious Freedom at the US government-funded Freedom House, which is currently chaired by the former Director of the CIA, James Woolsey - told the AEI that “Belarus is the worst

religious oppressor in Europe. On Saturday it will have the most oppressive religious law in Europe. Catholic Churches have had difficulty. Foreign priests have been thrown out of the country. Jews have also been targeted. Anti-Semitism is on the increase in Belarus. The government printing house printed 'The Protocols of the Elders of Zion'. Synagogues have been firebombed."<sup>[2]</sup>

As ever, all non-governmental and crypto-governmental organisations (with the exception of BHHRG) hold the same views. Thus the same hysterical denunciation of the new religious law can be found on the web site of the Keston Institute. Indeed, it is still the first item in that body's "Latest News" section, even though it is now (March 2003) some four months old. Almost every sentence in the report is untrue, including the opening allegation that "all unregistered religious activity by organised groups will be illegal" and the subsequent allegations about religious activity being banned.

To assess the truth of these and other allegations, BHHRG sent a representative to Minsk shortly before Christmas 2002 to hold meetings with government and parliamentary representatives, as well as with members of religious communities.

<sup>[1]</sup> "Europe's last dictator," by Kenneth L. Adelman, Max Kampelman and Mark Palmer, *Washington Times*, 23rd August 2001<sup>[2]</sup> These remarks were noted by the BHHRG observer at the AEI meeting. A statement by Freedom House itself can be consulted at [http://www.freedomhouse.org/religion/publications/newsletters/2002/Sept-Oct/newsletter\\_2002-Sep-4.htm](http://www.freedomhouse.org/religion/publications/newsletters/2002/Sept-Oct/newsletter_2002-Sep-4.htm)

### **The new law**

The new law on religion was signed on 31st October 2001 after passing through the due parliamentary process in Belarus. The law took four years to prepare and it was debated during two parliamentary sessions and, of course, discussion in the Council of Ministers. The new law replaced a previous law of December 1992, but elements within the presidential administration felt that the new constitution required an amendment to the previous law. Adopted by popular referendum in 1996, article 16 of the constitution states: "All religions and denominations shall be equal before the law. The establishment of any sort of advantages or restrictions for a religion or denomination in relation to another religion or denomination is not allowed. The activity of religious organizations, their bodies and representatives, which is directed against the sovereignty of the Republic of Belarus, its constitutional system or civil concord, or which entails a violation of civil rights and freedoms, shall be forbidden. Relations between the State and religions shall be regulated by the law."

Other legal changes have occurred since the adoption of that constitution. New civil codes and new codes of residence have been introduced. The changes in the civil code made religious organisations into non-commercial organisations. At the same time, the nature of the activities of religious organisations has changed. Whereas previously they were involved strictly in religious activities alone, now all of them undertake other kinds of activity, including charitable and educational work. These kinds of activity were not covered by the previous law. Finally, the government of Belarus has been concerned at the activity of what are referred to as "sects", a sensitive issue which has caused great concern in well-established democracies like France and Germany.

The Chairman of the National Assembly Standing Committee for Human Rights, National Relations and Mass Media, Valery Fedorovich Lipkin, told BHHRG that the law had been difficult to draw up. Part of the reason for revising the law was the large number of complaints received about the activities of certain sects, including the Moonies, who often operate under different names. Scientologists, for instance, register as a martial arts organisation. The Hari Krishnas are also a cause for concern, because they practise hypnosis on young people; like many other sects, they are accused of preying on the vulnerable, and in some cases of causing damage to families. In Belarus, the following sects have undertaken activities which have either raised legitimate social questions, or which have been downright dangerous: a group called the White Brotherhood, the Moonies, and Satanist groups. Satanists in Minsk committed a ritual murder of a 15 year-old girl in 1998, recalling

similar recent murders in Italy and Germany. They also burned down an Orthodox church in 2001. It is not sufficient to say that the ordinary criminal law can deal with these phenomena. Certainly, neighbouring Russia has had problems with Protestant sects, financed by the United States of America, whose activities are far more political than religious. Western countries are familiar with the problems associated with some of the more aggressive evangelisation by the Moonies; France and Germany have both had vigorous debates recently about whether or not to continue to allow the activities of certain sects – Scientology is one example – which many believe are highly anti-social and damaging. The point here is not to say whether in any particular case a ban on their activities might be justified or not; it is to show that the debate is a legitimate one, and that Belarus is far from being the only country to have it.

Mr. Lipkin explained that the main difference between the old and the new law lies in the new law's congregational approach. He repeated that the new law will have no effect on existing communities. He also insisted that the new law in no way affects private religious observance, for instance prayer meetings in private houses; indeed, it specifically permits such activity "providing they are not of a large-scale and systematic nature", in which case they would have to register. (Article 25) The charge that the new law will be used to prevent such meetings is made frequently by Belarus' enemies. Mr Lipkin acknowledged that the main opposition to the law comes from Protestant groups, who like neither the rule requiring 20 persons in a parish, nor the 20-year rule for new registrations. On the other hand, as he pointed out, there are 900 Protestant parishes in Belarus currently, which makes it difficult to claim that they are persecuted. In the case of two Protestant formations, Lipkin acknowledged that they would have to merge with other Protestant groups for the purposes of registration if they wished to retain their status as an association and the extra rights which go with it.

The preamble to the new law reaffirms the state's commitment to freedom of religion, to human rights and to the rule of law. It also refers to the "determining role" of the Orthodox Church in "the development of spiritual, cultural and state traditions of the Belarusian people"; to "the spiritual, cultural and historic role of the Catholic Church on the territory of Belarus"; and to the "inseparability from the general history of the people of Belarus of the Evangelical-Lutheran Church, Judaism and Islam". These last religions have been present on the territory of Belarus for hundreds of years, while the Catholic Church has been present for "a thousand years" if you start counting at the time of the split between the Eastern and Western Churches in 1054. The preamble also stresses the need for tolerance of other religions and for the religious feelings of all citizens. In this last category are all those confessions which are currently registered with the authorities in Belarus, the total number of organisations in all three categories being 26. This compares with 9 registered confessions in 1989.

The reference in this preamble to certain selected religions has caused a great deal of negative comment by those people who seek to use the new law on religion as another stick with which to beat Belarus. But the preamble is merely a statement of historical fact. No doubt some human rights groups find it obnoxious from their own anti-national and anti-religious perspectives; but it is indubitably correct to assert, as the preamble of the law does, that these religions have played a special role in the history of the people who inhabit the territory of the country. Indeed, with this law, Belarus is decidedly more "pluralistic" (if that is their concern) than the numerous countries in the European Union and elsewhere which recognise a special role for only one particular Church. Examples of this include the Republic of Ireland and the United Kingdom, whose constitutions provide for a predominant role for one church (respectively Catholic and Anglican). In Germany, the state raises taxes for churches. The principle of strict separation between Church and State is observed in only a minority of Western democracies. It is extremely odd that human rights groups which, ten years ago, were protesting against the Soviet Union for repressing religious life should now be protesting because a post-Soviet republic actively supports religious life in its laws.

The new law was, indeed, broadly supported by the main religious denominations in Belarus – the Orthodox, the Catholic Church, the Jews, Muslims and Evangelicals. It was, on the other hand, criticised by Protestant organisations like Baptists and the Seventh Day Adventists. It seems entirely natural that some people should be happy with the new law and

others unhappy; it seems quite unnatural for foreigners to concentrate exclusively on those minorities who are unhappy and present their views as being representative of the whole. Particularly eccentric is the attention devoted to the antics of a group calling itself “the Belarusian Autocephalous Orthodox Church”, run by a former priest called Ivan Spasiuk who was defrocked for financial irregularities, and for swearing at people in public on a bus. In the looking-glass world of politically-instrumentalised human rights groups, however, his fate - an irrelevant and extremely provincial matter – has been expanded to create the impression that there is some repression of religious freedom in the country. After he erected a building without planning permission and it was taken down by the town council in Grodno, this banal enforcement of the town planning regulations was elevated by the enemies of Belarus’ government to the level of major state repression of religion.

When BHHRG’s representative met the government Committee in Religions and National Minorities, the point was made very firmly that Belarus is blessed by a considerable degree of religious harmony. Supporters of the law were keen to stress that it had been drafted in order to keep things that way. Stanislaw Buko, the Chairman of the Committee, told BHHRG, “There has never been any religious conflict in Belarus and we are trying to protect this.” A member of the National Assembly’s Standing Committee on Human Rights told BHHRG, “We cannot have a policy based entirely on minorities,” and this seems fair. A spokesman for the Foreign Ministry of Belarus, Ambassador Andrei Grinkevich, told BHHRG, “No law is perfect. The religious situation here is very good, in comparison with other countries. The new law preserves the current situation and prevents the development of unwelcome religious trends. The Belarus law on religions is no worse than others in the OSCE region.”

In keeping with this valuable historical inheritance, therefore, the new law adopts the “congregational” model for relations between churches and the state, rather than the strict “separationist” model which exists in the USA. No doubt one can debate the merits of both models; what is inadmissible is for Belarus’ American enemies to assume that their model is necessarily the best for the whole world, or, by using double-standards, for them to pretend that this peaceful country is in a state of active religious repression. It is also worth noting, in passing, that the “separationist” model in the USA has very serious deficiencies itself: in 2001, for instance, there were several successful attempts to ban schoolchildren from making any reference to Christmas while at school, an ugly example of how laws voted to promote tolerance can be perverted to do the very opposite.<sup>[1]</sup>

The main effect of the new law in Belarus is, therefore, to introduce a new system of registration for religious organisations. This will allow the state to make sure that no religious organisation contravenes the constitutional provision against abusing its status as a religious organisation to pursue the illegal goals to which Article 16 refers. The new system of registration means that all existing religious organisations will have to re-register under the new law. Their applications will be examined for conformity with the requirements of the law on anti-social and political behaviour. BHHRG received repeated assurances that no existing religious organisations would be dissolved on government instructions as a result of the new law. It is possible for the newly created authorities to refuse registration of a new religious denomination, but the dissolution of an existing one, for instance because it allegedly contravenes the law, can occur only after due legal process and on the orders of a court. Since religious organisations could be closed under the old law if they were deemed by a court to pose a danger to society, it is difficult to see why the new law, which has the same provisions, is so bitterly attacked.

The new law distinguishes between parishes or small communities (*prichod*) and religious associations (*obiedinyeye*). An association comes into being when ten communities or parishes create one, at least one of which must have been in existence for at least 20 years to qualify for registration (Article 15). Registration as an association provides certain legal benefits, such as the right of access to the mass media, the right to engage in educational activities, and the right to invite foreign priests. The new law has no retroactive effect, including on the 20 years requirement. So, for instance, the Pentecostal Church which has not been in existence for that time but which is registered under the existing law, will be registered under the new law. Nor is the 20 year rule particularly restrictive: even though the

Jehovah's Witnesses were not registered until 1987, they have in fact been operating on the territory of Belarus since the 1920s. As a registered association now, they will continue to be one under the new law. The 20-year rule has attracted a lot of hysterical comment from the enemies of the new law; but the equivalent law in the neighbouring Republic of Lithuania (which came into force on 1st February 2001) requires religious organisations to have been in existence for 25 years (Article 6) and no one seems to say that Lithuania has a more repressive law than Belarus.

The new law's critics generally allege that the Orthodox church is unfairly favoured by the new law. So BHHRG interviewed a Catholic priest in Minsk who speaks on behalf of the diocese on these matters. His remarks should be prefaced by saying that, like the Orthodox Church, the Catholic Church in Belarus has undergone a radical transformation in recent years: BHHRG has been visiting the Catholic cathedral in Minsk since 1995, shortly after it was restored to the Church after having been a gymnasium in Soviet times. When BHHRG first went, it had red velvet seats taken out of an old cinema. Now, the Cathedral is full to bursting. Next door to it, for that matter, is the Orthodox Church of SS Peter & Paul, in which superb restoration work on the icons and altars is proceeding over a period of many years. Like the Catholic Church, it too is undergoing a process of profound renewal. Under such circumstances, it can only be for reasons of political bias, i.e. a desire to criticise Belarus at all costs.

Father Ihar Lachouk of the Catholic church of St. John the Baptist in Minsk worked closely with the government during the elaboration of the law. He dislikes the new law. For him, the worst thing about it was its failure to return churches which are being used as nightclubs and discotheques to the ownership of the Church. Fr. Lachouk added that various monasteries were also being used by the state, as hospitals and as military prisons; but he then added that they were taken over by the state in the 19th century, as Belarus was incorporated into the Russian empire, since which date they have never been used as monasteries. In other words, the simple claim that the state is refusing to return Church property is strictly untrue, since these buildings had been confiscated from the church long before the present Belarus state came into existence, and even before the Soviet Union came into existence. Moreover, it is difficult to justify these buildings being returned to the Church when they are currently being used as hospitals. Since 1998, 1,122 churches, synagogues and other religious buildings have been restituted by the state.

Fr. Lackouk also complained that the law puts the Catholic Church into second place. Again, these remarks must be put in the context - as they were by Fr. Lachouk himself - of the astonishing explosion of Catholic activity in the country over the course of the last decade. Whereas there were only 110 Catholic parishes in 1990, there are 450 now. There are some problems associated with visas for foreign priests - the vast majority of the Catholic priests in Belarus are Poles - but, here again, there has been improvement. Previously, visas were delivered for only 3 months, now they are delivered for one year. In any case, the United Kingdom has visa requirements for foreign priests, and these can be cumbersome for non-British prelates; there is no reason why Belarus should not apply similar rules. Valery Fedorovich Lipkin of the National Assembly's Committee on Human Rights pointed out that there have been no problems with foreign priests in Belarus, unlike in neighbouring Russia where the Catholic Bishop of Irkutsk was refused a visa in April 2002, and has effectively been banned from visiting his own See.

Fr. Lachouk said that the Catholic seminary in Belarus had no difficulty at all in functioning, and that the law had changed nothing in that respect. There was also a certain amount of ecclesiastical moaning, for instance about the difficulty of setting up Catholic schools. Again, however, such statements cannot be taken at face value. There are no restrictions on setting up *private* Catholic schools in Belarus; the problem comes only when the state is expected to pay for them. In France, the state cannot fully fund private Catholic schools, and in the United Kingdom the state does not fund Muslim schools. So these kinds of issue are quite normal in most Western democracies. Fr Lachouk also pointed out that the church has air time on state radio; there had been some problems with this broadcast, which have been duly presented by Belarus' enemies in the West as evidence of state-sponsored repression of non-Orthodox religions, but Fr. Lachouk specifically denied that the problems

had anything to do with the state. Above all, Fr Lachouk felt that the new law “changed nothing”.

BHHRG also interviewed a man called Jakob Gutman, who calls himself “President of the World Association of Belarusian Jewry.” It is not clear how many members this “world association” has, for Gutman is a bitter opponent of the two main Jewish groups in Minsk, the Orthodox and Reformed synagogues. On previous trips to Belarus, BHHRG has visited the Orthodox synagogue in central Minsk, and found it to be flourishing. Indeed, there is more activity there now than there was before President Lukashenko came to power. Jakob Gutman, however, argues that Belarus is an anti-Semitic tyranny comparable to Hitler’s Third Reich. In his description of the situation to BHHRG’s representative, Gutman explained that the Lukashenko government was following exactly the same steps as Hitler had done. He was particularly exercised by the publication of a book by the publishing house of the Orthodox Church which he claims is anti-Semitic. Gutman has also been very active in campaigning against the destruction of buildings which he claims were synagogues, but his claims are often wildly out of touch with reality. For instance, he lets it be understood that the government wants to build a car park on the site of a 15th century monastery. He claims that Goering and Goebbels once said that synagogues should be made into car parks, and that Lukashenko is therefore fulfilling their designs. But the reality is that the space in question, on Nimiga Street, is currently an unremarkable grassy slope in a downtown area, with no buildings on it whatever. The building which the government proposes to erect here is not a car park. Gutman claims that archaeological excavations show that a synagogue stood here five hundred years ago, but there is no proof of this, and even if there were the site is entirely appropriate for development: synagogues are in any case not consecrated buildings like churches. He is also very exercised about the destruction of a building which he claims was a synagogue in the 19th century; but the building (at Dimitrova 3 in Minsk) had not been used for that purpose since the 1930s, if ever. When asked about the two chief rabbis in Minsk who support the new law, and who seem generally very happy with the Lukashenko government, Gutman compared them to the Jewish orchestras which played in the Nazi concentration camps. It is an indication of the dishonesty and distortion which characterises so much foreign reporting on Belarus that a lone eccentric like Gutman can be taken seriously, and his wild imaginings reported as gospel in the West.

[1] <http://www.hvk.org/articles/1201/105.html>

## **Conclusion**

The West has waged a war of political attrition against President Lukashenko for more than seven years now. Yet Belarus is one of the few success stories in the region. Despite the endless propaganda about that country’s poverty, Belarus is better off economically than Russia, Ukraine, Latvia or Lithuania, its main neighbours. It is also ahead of those other darlings of the West, Romania and Bulgaria.

Although the per capita GDP figure for the Russian Federation is higher than that of Belarus (\$8,377) there is little doubt that the exceptional economic conditions in Moscow and St. Petersburg push the figures above the average for the rest of Russia, where living conditions are vastly inferior to those in Belarus, as any Belarusian will tell you. This is reflected in the fact that Belarus figures above the Russian Federation in the Human Development Index of the United Nations. According to that index, indeed, Belarus is above Romania, Bulgaria, Macedonia, Kazakhstan, Ukraine, Georgia, and many other post-communist states. Indeed the HDI puts Belarus, which is in 56th place out of 173 countries, above Malaysia, Thailand, Saudi Arabia and Turkey, among others.

Official statistics have to be treated with caution, so BHHRG conducted its own analysis of the “shopping basket” in Lithuania and Belarus. While Vilnius gives every impression of sinking into despair, Minsk is a bustling city with shops full of consumers and well-dressed people. How anyone can say that the former country is booming while the latter is in decline is a mystery. The “shopping basket” survey, conducted in December 2002, showed that the following items were about 50% cheaper in Minsk than in Vilnius: onions,

sausage, cheese, eggs. Bread is massively more expensive in Vilnius than in Minsk (20 cents for just under a kilo of bread in Minsk; \$1.80 for a kilo and a half in Vilnius); milk is 25 cents in Minsk against 50 cents in Vilnius; butter is 50 cents in Minsk against \$1.29 in Vilnius. These are very significant price differences, especially when the average salary in Lithuania (for those lucky enough to have a job) is not significantly higher than in Belarus. According to the Statistics Department of the Lithuanian government, average per capita income in Lithuania in 2002 was 432.1 litas (= €125.20 = £81.25) per month. This is around half the 756 litas a month that are needed to maintain a comfortable standard of living.[\[1\]](#) Interestingly, the products which were much more expensive in Minsk were tomatoes and oranges. Given that the survey was conducted in December, this shows that such summer products fluctuate according to the market, whereas in Lithuania, oranges and tomatoes are dumped by the European Union and are therefore cheaper. Carrots were also cheaper in Vilnius than Minsk.

Given this overall favourable situation, it is baffling that the West continues with its policy of hostility towards Belarus, especially since no benefit apparently seems to be coming from it. The attacks over the law on religion, which are being used to justify the US' new "Belarus Democracy Act", whose main provisions are to give more money to the opposition in that country, underline the fact that the opposition is largely tele-guided from abroad. Of course it is desirable that a state evolve towards political pluralism; but the West's obsession with writing its own fairy-tale script in Belarus is having a severely distorting effect on the democracy of what is, at the very least, one of post-communist Europe's few partial success stories.

[\[1\] Lithuanian Weekly, 13th December 2002](#)