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The Relationship of Church and State in Belarus: Legal Regulation and Practice

*Alexander Vashkevich**

I. INTRODUCTION

The freedoms of thought, conscience, and religion are fundamental human rights, and researchers who consider freedom of religion to be the foundation for all other civil rights stand on solid ground. Freedom of religion is vital in Belarus¹ for two primary reasons: first, Belarus is a multi-religious country,² and second, due to its geographic location, Belarus acts as a political and ideological bridge between Russian Orthodoxy in the East and Catholic and Protestant Christianity in the West. In fact, Belarus is one of the few

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1. Freedom of religion in Belarus and the obligations of states in regard thereto have been clearly defined in official documents. Other documents describe the obligations of states concerning religion. See *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*, G.A. Res. 55, U.N. GAOR, 36th Sess., Supp. No. 51, at 171, U.N. Doc. A/36/684 (1981) (defining freedom of religion), available at <http://www.un.org/documents/ga/res/36/a36r055.htm>; Principle 16 of the Final Document of the 1989 Vienna Meeting of the Representatives of the Council for Security and Cooperation in Europe, available at http://www.osce.org/docs/english/1973-1990/follow_ups/vienn89e.htm#Anchor-Th-51148. Other OSCE documents also describe the obligations of states regarding religion. For a Russian version of the Final Document of the 1989 Vienna Meeting of the Representatives of the Council for Security and Cooperation in Europe, see ПРАВА ЧЕЛОВЕКА. СБОРНИК МЕЖДУНАРОДНО-ПРАВОВЫХ ДОКУМЕНТОВ. МИНСК, 1999. С. 678–679 [PRAVA CHELOVEKA: SBORNIK MEZH DUNARODNO-PRAVOVIKH DOKUMENTOV. Minsk, 1999, at 678–679].

2. At present, twenty-six confessions are registered in the country, including Orthodox Christians, Catholics, Jews, Muslims, Old Believers, Evangelical Christian Baptists, Evangelical Faith Christians, Seventh Day Adventists, Uniate Church members, Calvinists, Lutherans, Jehovah's Witnesses, New Apostolic Faith members, Mormons, Krishnaites, Bahais, and Zen Buddhists. See *infra* Appendices 1–3.

countries that recognizes both Christmas and Easter as national holidays twice each year—once according to the calendar used by the Orthodox churches and once according to the Catholic calendar.³

This Article analyzes the relationship between church and state from the establishment of Belarus in 1919 until today. Following this introduction, Part II will summarize the major steps taken by Belarus during the first seven decades of the country's history. Part III will examine the Perestroika period—an eight-year period of change in the status of religion beginning in the late 1980s. Part IV will bring the analysis to the present day by considering recent developments in the relationship between church and state in Belarus. Part V will offer a brief conclusion.

II. THE FIRST SEVENTY YEARS: 1919–1988⁴

From the establishment of the Soviet Socialist Republic of Byelorussia⁵ in 1919, the communist state diminished the role of the church in Belarus—to the point that believers and clergy were prosecuted for religious practice—despite the fact that freedom of conscience was proclaimed in each of the Belarusian constitutions of 1919, 1927, 1937, and 1978.⁶

3. Збор дэкрэтаў, указаў Прэзідэнта і пастановаў Урада Рэспублікі Беларусь, 1998, № 9, арт. 223 [Zbor dekretau, ukazau Prezidenta i pastanou urada Respubliki Belarus, No. 9, art. 223].

4. Of course, Belarus has a rich thousand-year history of church-state relations before 1919. However, the limited space of this article does not permit an analysis of this time period.

5. The official name of the state was changed to “The Republic of Belarus” or “Belarus” in 1991. Ведомости Верховного Совета Республики Беларусь. 1991. № 30. Ст. 490 [Vedomosti Verkhovnogo Soveta Respubliki Belarus', 1991, No. 30, art. 490].

6. Article 7 of the 1919 constitution provided the following: “In order to establish for working people real freedom of conscience, the church is separated from the state, and the school from the church. The freedom of religious and antireligious propaganda is guaranteed to all citizens.” KONSTITUTSIJA SOTSIALISTICHESKOI SOVETSKOI RESPUBLIKI BELORUSI of 1919, art. 7, *reprinted in* ОБРАЗОВАНИЕ И РАЗВИТИЕ СОЮЗА СОВЕТСКИХ СОЦИАЛИСТИЧЕСКИХ РЕСПУБЛИК (В ДОКУМЕНТАХ). М., 1973. С. 115 [OBRAZOVANIE I RAZVITIJE SOYUZA SOVETSKIKH SOTSIALISTICHESKIKH RESPUBLIK (V DOKUMENTAKH) 115 (A.P. Kositsin ed., 1973)]. This article was included in the Constitution of Belarus of 1927 without any changes. ВАСІЛЕВІЧ Р.А., ДОЎНАР Т.І., ЮХО І.А. ГІСТОРЫЯ КАНСТЫТУЦЫЙНАГА ПРАВА БЕЛАРУСІ. Мінск, 2001. С. 237 [VASILEVICH, R.A., DOUNAR, T.I., YUKHO, I.A., GISTORIYA KANSTITUTSINAGA PRAVA BELARUSI, Minsk, 2001, at 237]. In 1929, however, the freedom of “religious propaganda” was excluded and instead “the freedom to conduct religious worship” appeared in Article 99 of the Belarusian Constitution of 1937. *Id.* at 257. According to Article 50 of the Belarusian Constitution of 1978,

Citizens of the [Byelorussian SSR] are guaranteed freedom of conscience, that is, the right to profess any religion or to profess no religion at all, and to perform

In spite of the formal proclamations of the freedom of religion, the rights of believers were severely restricted until the end of the 1980s. In the 1920s and 1930s, both believers and members of the clergy were routinely arrested and executed, and, until 1936, clergy members were denied voting rights. The state also destroyed church buildings, unlawfully denied registration to religious organizations, and prohibited churches administratively—especially in the 1950s and early 1960s.⁷ According to the Belarusian Ministry of Internal Affairs, there were 1445 Orthodox churches, 704 synagogues, and 148 Roman-Catholic churches in Belarus before 1917.⁸ By January of 1937, authorities had closed 1371 Orthodox churches, 633 synagogues, and 95 Roman-Catholic churches.⁹

Until the late 1970s, virtually no national legislation regulated the relations between church and state in Belarus. The state primarily applied the Decree on Religious Organizations, issued by the Central Executive Committee and Council of People's Commissars of Russia in 1929.¹⁰ In 1977, however, the Presidium of the Supreme Council of the Republic of Belarus passed the Resolution on Religious Organizations.¹¹

religious rites, or to conduct atheist propaganda. The incitement of hostility and hatred in connection with religious beliefs is prohibited.

The church in the [Byelorussian SSR] is separated from the state, and the school from the church.

BELR. S.S.R. CONST. of 1978, art. 50, *reprinted in* THE CONSTITUTIONS OF THE USSR AND THE UNION REPUBLICS 285 (F.J.M. Feldbrugge ed., 1979).

7. В.В. ГРЫГОР'ЕВА, У.М. ЗАВАЛЬНИОК, У.І. НАВИЦКІ, А.М. ФІЛАТАВА, КАЊФЕСІЯ НА БЕЛАРУСІ (К. XVIII–XX СТ.), Мн., 1998. С. 155–314 [V.V. GRIGOR'EVA, U.M. ZAVAL'NYUK, U.I. NAVITSKI, A.M. FILATAVA, KANFESH NA BELARUSI (KANETS 18TH–20TH ST.) 155–314 (1998)].

8. ПРОТЬКО Т. С., СТАНОВЛЕНИЕ СОВЕТСКОЙ ТОТАЛИТАРНОЙ СИСТЕМЫ В БЕЛАРУСИ (1917–1941 ГГ.) Минск, 2002. С. 299 [PROTKO, T.S., STANOVLENIE SOVETSKOI TOTALITARNOI SISTEMI V BELARUSI (1917–1941) 299 (2002)].

9. *Id.*

10. Собрание Узаконений и Распоряжений Рабочего и Крестьянского Правительства Российской Социалистической Федеративной Советской Республики. 1929. № 35. Ст. 353. [Sobraniye Uzakonenii i Rasporyazhenii Rabocheho i Krest'yanskogo Pravitel'stva Rossiskoi Sotsialisticheskoi Federativnoi Sovetskoi Respubliki, 1929, No. 35, art. 353] [hereinafter СУ РСФСР].

11. Resolution on Religious Organizations, *in* Собрание Законов, Указов Президиума Верховного Совета Белорусской ССР, Постановлений и Распоряжений Совета Министров Белорусской ССР. 1977. № 7. Ст. 82. [Sobraniye Zakonov, Ukazov, Presidiuma Verkhovnogo Soveta Belorusskoi SSR, Postanovlenii i Rasporyazhenii Soveta Ministrov Belorusskoi SSR, 1977, No. 7, art. 82] [hereinafter СЗ БССР].

Under the resolution, religious organizations that had not registered with the proper authority were not permitted to conduct any activities, and in addition, the registration procedure was extremely complicated. In order to carry out religious activities, religious groups were first required to obtain formal permission from the executive committee of the district or city council. Next, the groups had to obtain permission from the Oblast or Minsk City Executive Committee. Finally, religious groups were required to obtain consent from the USSR Council of Ministers' Council for Religious Affairs. In practice, all decisions were also submitted for approval to the corresponding bodies of the Communist Party and local KGB structures. Each of these authorities was entitled to refuse any application, and if an application was refused, religious groups had no right to appeal or seek judicial review.¹² As Mr. Ivan Plakhotnyuk, Council for Religious Affairs' former representative to Minsk, wrote in his memoirs:

[I]t was practically impossible to exercise the right to registration in a quiet way, without any struggle. Local authorities tried all ways to hamper the registration of the new communities. Thus, the Minsk Catholic community was registered following long telephone talks between Vladimir Kuroyedov [then Chairperson of the USSR Council of Ministers' Council for Religious Affairs] and Petr Masherov [then First Secretary of Belarussian Communist Party Central Committee]. The decisive argument in favor of registering the community appeared to be . . . the approaching Olympics of 1980. One of the soccer tournaments was going to be held in Minsk, and the authorities were afraid that some of the foreign tourists would not be able to find any functioning Catholic church to pray in.¹³

Under the 1977 resolution, each religious community was controlled by an executive body known as a church council, which was elected by an assembly of the religious congregation. Assemblies were held only on the approval of the executive committee of the local council, and the executive committee was entitled to reject any candidate for the church council. Moreover, clergy members were required to obtain a registration certificate from a representative of

12. *Id.* arts. 4–5.

13. Плахотнюк И., Кесарево кесарю//Неман. 1995. № 9. С. 180–181 [Plakhotnyuk, I., Kesarevo Kesaryu, No. 9, 180–181 (Neman 1995)].

the Council for Religious Affairs. Religious communities were forbidden to carry out charitable, cultural, or educational activities, and they were similarly prohibited from teaching organized religious material to children or allowing child participation in religious choirs, ceremonies, or services. Furthermore, religious groups could not register as legal entities and, as a result, all property obtained incident to conducting services, including donations from the congregation, was considered government property.

Paragraph 26 of the 1977 resolution imposed an even more burdensome regulation. That provision required all religious groups to insure their buildings. However, if a building was destroyed, the state reserved the right to direct insurance payouts to the Executive Committee for “other needs of the district or city where the burned church building was situated.”¹⁴

In accordance with paragraph 45 of the resolution, religious rituals and ceremonies were permitted in the apartments and homes of believers only upon “special permission from the Executive Committee of the District or City Council,” which permission had to be obtained before every individual ceremony. An exception was granted only for “dying and seriously ill people.”¹⁵ While all these limitations were required by legal regulations, there were also unwritten limitations. As Ivan Plakhotnyuk wrote:

[T]he presence of both parents was required when baptizing a child, though it was not stipulated either by the ceremony rules, or by law Local authorities kept requiring from the church councils the lists of the children baptized, as well as their parents and godparents Ringing bells used to be considered prohibited, though there was no such regulation in law. It was explained by the fact that people had gotten out of that habit, and they should not be disturbed.¹⁶

Religious literature, including the Bible, brought into the USSR from abroad was considered “undermining literature” and was confiscated. Individuals who brought such literature into the country were subject to administrative and criminal prosecution.¹⁷ Thus, from the establishment of Belarus into the 1970s and early 1980s,

14. СЗ БССР, *supra* note 11, 1977. № 7. Ст. 82.

15. *Id.*

16. ПЛАХОТНЮК [Plakhotnyuk], *supra* note 13, at 188–189.

17. ГРЫГОР’ЕВА [GRIGOR’EVA] ET AL., *supra* note 7, at 312.

religious communities encountered substantial obstacles in their efforts to obtain religious freedom.

III. THE PERESTROYKA PERIOD: 1988–1996

The church-state relationship changed dramatically in the late 1980s, which was the start of what became known as the Perestroika period. The turning point came in 1988, on the One-Thousandth Anniversary of Russia Baptism, which also marked the famous meeting of the General Secretary of CPSU, Mikhail Gorbachev, and the Patriarch of the Russian Orthodox Church, Pimen, and members of the Synod.¹⁸ Many legal as well as “unwritten” restrictions of the freedom of religion were abolished or relaxed. Almost immediately the quantity of newborns that were baptized tripled.¹⁹

On July 27, 1990, the Supreme Soviet of Belarus adopted the Declaration of Sovereignty,²⁰ in which Belarus declared its determination “to establish a state bound by a rule of law and act in conformity with the principles of the Universal Declaration of Human Rights and other universally recognized international legal instruments.”²¹ Immediately after the failed August 1991 coup d’etat, the declaration was given legal force under the constitutional law.²² In addition, the drafting process of the new Belarusian constitution had begun, thus paving the way for more expansive freedom of conscience.²³

On January 9, 1992, Article 50 of the constitution was amended to ensure that “relations between the state and religions shall be

18. *Встреча Генерального Секретаря ЦК КПСС М. С. Горбачёва с Патриархом Московским и всея Руси Пименом и членами Синода Русской православной церкви*, СОВЕТСКАЯ БЕЛОРУССИЯ. 1 мая 1988 года [*Vstrecha General'nogo Sekretarya TsK KPSS M. S. Gorbacheva s Patriarkhom Moskovskim i vseya Rusi Pimenom i chlenami Sinoda Russkoi pravoslavnoi tserkvi*, SOVETSKAYA BELORUSSIYA, May 1, 1988]. See also MICHAEL BOURDEAUX, GORVACHEV, GLASNOST & THE GOSPEL 43–45 (1990); Bill Keller, *Gorbachev Sees Church Leaders, Vows Tolerance*, N.Y. TIMES, Apr. 30, 1998, at 1.

19. АРГУМЕНТЫ И ФАКТЫ. 21-27.07.1990 [ARGUMENTI I FAKTI, July 27, 1990, at 21].

20. Declaration of Sovereignty, Ведомости Верховного Совета Республики Беларусь. 1991. № 31. Ст. 536 [Vedomosti Verkhovnogo Soveta Respubliki Belarus', 1991, No. 31, art. 536], available at http://www.oefre.unibe.ch/law/icl/bo02t_.html.

21. *Id.* pmb1.

22. Ведомости Верховного Совета Республика. 1991. № 28. Ст. 425 [Vedomosti Verkhovnogo Soveta Respubliki Belarus', 1991, No. 28, art. 425].

23. СЗ БССР, *supra* note 11, 1990. № 18. Ст. 295; *id.* № 22. Ст. 412.

regulated by the law.”²⁴ Less than one year later, on December 17, 1992, this law was adopted.²⁵ The Law on Freedom of Religion and Religious Organizations, along with various provisions of the constitution adopted on March 15, 1994,²⁶ laid the foundation for the institution of genuine freedom of conscience and brought the legal status of religious organizations into conformity with international legal standards.

The following is a summary of Belarusian legislation regarding the relations between church and state. First, every person has the right to the freedom of conscience. This freedom involves such rights as:

- the right to define independently one’s own relation to religion;
- the right to profess individually or together with others any or no religion;
- the right to express and propagate beliefs involving religion;
- the right to participate in religious cults, rituals, or ceremonies;
- the right of parents to educate their children in accordance with their own relation to religion.²⁷

Exercising these freedoms is subject only to those limitations that are necessary to protect public security and order, life, health, and morals, as well as the rights and freedoms of the other citizens; these limitations should be established by law and be consistent with the international obligations of the Republic of Belarus.²⁸

Second, all people are equal under the law irrespective of their relation to religion and have the right to equal protection of their rights and lawful interests without discrimination. No indication of a

24. BELR. CONST. art. 50 (amended 1994), ВЕДОМОСТИ Верховного Совета Республики Беларусь. 1992. № 6. Ст. 97 [Vedomosti Verkhovnogo Soveta Respubliki Belarus’, 1992, No. 6, art. 97].

25. On Freedom of Religion and on Religious Organizations, ВЕДОМОСТИ Верховного Совета Республики Беларусь. 1993. № 2. Ст. 18 [Vedomosti Verkhovnogo Soveta Respubliki Belarus’, 1993, No. 2, art. 18], available at <http://www.religlaw.org/template.php3?id=60> [hereinafter 1992 Religion Law].

26. See BELR. CONST. art. 31, available at <http://www.religlaw.org/template.php3?id=18>.

27. *Id.*; 1992 Religion Law, *supra* note 25, art. 3.

28. BELR. CONST. art. 23; 1992 Religion Law, *supra* note 25, art. 3.

person's relation to any religion in any official document is allowed, except upon a citizen's request.²⁹

It should be underscored that the principle of equality of citizens under the law irrespective of their attitude to religion has been consistently inscribed in virtually all areas of Belarusian legislation.³⁰

Third, all religions and faiths are equal under the law. No religion or faith enjoys any privileges or is subject to any limitations in comparison with the others.³¹

As a result of the new laws during the Perestroyka period, the rights of religious organizations were significantly expanded and many have survived to the present day. For example, religious organizations are now recognized as legal entities at the moment their bylaws are registered. In addition, the registration procedure has been substantially simplified.³² Religious organizations now have the right to an appeal or judicial review if the state refuses to register them or interferes with their ability to conduct religious activities. Religious groups may own buildings, monuments and furnishings, land, and other property necessary to carry out religious activities. Likewise, religious groups have the right to carry out charitable, cultural, and educational activities, to manufacture, export, import, and distribute religious literature, to establish media enterprises

29. BELR. CONST. art. 22; 1992 Religion Law, *supra* note 25, art. 4.

30. *See, e.g.*, Labour Code, art. 14, Ведомости Национального Собрания Республики Беларусь. 1999. № 26–27. Ст. 432 [Vedomosti Natsional'nogo Sobraniya Respubliki Belarus', 1999, Nos. 26–27, art. 432], *available at* <http://mail.ncpi.gov.by:8081/webnpa/text.asp?RN=HK9900296>; Criminal Procedure Code, art. 20, Ведомости Национального Собрания Республики Беларусь. 1999. № 28–29. Ст. 433 [Vedomosti Natsional'nogo Sobraniya Respubliki Belarus', 1999, Nos. 28–29, art. 433], *available at* http://mail.ncpi.gov.by:8081/webnpa/text_et.asp?who=0&NR=HK9900295; Criminal Code, art. 3, Ведомости Национального Сходу Рэспублікі Беларусь. 1999. № 24. Арт. 420 [Vedamasti Natsiyanal'naga Skhodu Respubliki Belarus', 1999, No. 24, art. 420]; Code on Family and Marriage, art. 182, Ведомости Национального Сходу Рэспублікі Беларусь. 1999. № 23. Арт. 419 [Vedamasti Natsiyanal'naga Skhodu Respubliki Belarus', 1999, No. 23, art. 419], *available at* <http://mail.ncpi.gov.by:8081/webnpa/text.asp?RN=HK9900278>; Civil Procedure Code, art. 12, Национальный реестр правовых актов Республики Беларусь. 1999. № 18–19, 2/13 [Natsional'nii Ryeestr Pravovikh Aktov Respubliki Belarus', 1999, Nos. 18–19, 2/13], *available at* <http://194.226.121.66/webnpa/text.asp?NR=HK9900238>; Law on Investigation Activities, art. 13, Ведомости Национального Сходу Рэспублікі Беларусь. 1999. № 30. Арт. 438 [Vedamasti Natsiyanal'naga Skhodu Respubliki Belarus', 1999, No. 30, art. 438].

31. BELR. CONST. art. 16, *available at* <http://www.religlaw.org/template.php3?id=18>; 1992 Religion Law, *supra* note 25, art. 6, *available at* <http://www.religlaw.org/template.php3?id=60>.

32. See the data in Appendix 1.

including radio and television stations, and to establish industrial, farming, and other businesses.³³ The law eliminated the inequality that previously existed regarding social security and insurance for citizens employed by religious organizations, including clergy.

The profound changes in Belarusian legislation are also reflected in various other branches of the law, including civil, tax, family, labor, and criminal procedure laws. This is particularly important because Soviet law was typically difficult to implement without detailed regulatory legislation. All these changes indicate that to the Belarusian legal system, the inclusion of specific legal provisions dealing with the freedom of conscience was just as important as the adoption of the new Law on Freedom of Religion and Religious Organizations.

A. Freedom of Religion and Minors

From 1988 to 1996, the religious freedom of juveniles changed dramatically, especially in the areas of religious education and rites. Until the early 1990s, the resolution of the Soviet of People's Commissars of Belarus on banning religious teaching of juveniles of Jewish nationality in the so-called "hederas," "talmudtoras," and "eshibotas" was in force.³⁴ Religious education of children of other nationalities was also strictly forbidden. According to Article 10 of the February 27, 1977, Regulation on Religious Organizations, adopted by the Resolution of the Presidium of the Supreme Soviet of Belarus, religious organizations were strictly forbidden to "organize special prayer and other congregations for children, teenagers, and women, as well as general Bible, literature, crafts, or religious studies, congregations, groups, departments, and circles, as well as to organize excursions and playgrounds for children, or to open libraries or reading rooms . . ."³⁵ Violation of this norm led to both administrative and criminal prosecution (up to three-year prison sentences).

Since 1993, according to the Law on Freedom of Religion and on Religious Organizations, "[r]eligious [o]rganizations . . . have

33. 1992 Religion Law, *supra* note 25, arts. 20–21, 24–25.

34. Собрание Узаконений и Распоряжений Рабоче-Крестьянского Правительства Социалистической Советской Республики Белоруссии. 1922. № 5. Ст. 87. [Sobranie Uzakonenii i Rasporyazhenii Raboche-Krest'yanskogo Pravitel'stva Sotsialisticheskoi Sovetskoi Respubliki Belarusii, 1922, No. 5, art. 87] [hereinafter CV ССРБ].

35. СЗ БССР, *supra* note 11, 1977. № 7. Ст. 82.

the right to establish in accordance with their principles schools and classes for religious education of children and adults, also to use many other forms of training and to use for these purposes the owned or rented facilities.”³⁶ The only limitation on this liberty is that the bylaws or articles of incorporation of the religious organization must be registered according to the law. In short, Article 10 of the Law on Child’s Rights provides for the right of every child to freedom of religion.³⁷

Paragraph 2 of Article 10 of the law states: “The state cannot interfere in a child’s upbringing that is based on a particular religious outlook of the child’s parents or guardians, nor may the state interfere with the associated performance of religious rites for the child which occur outside the boundaries of educational institutions or with the observance of traditions” with the exception of cases when “engaging in religious activity directly threatens child’s life and health or violates his legal rights.”³⁸

Paragraph 3 of Article 10 of the Law on Child’s Rights states: “Toward a child under 15 the religious rites are performed with the consent of parents or guardians.” Paragraph 3 seems consistent with the principle that parents are responsible for the upbringing of children,³⁹ and it corresponds with the following provision contained in Article 5 of the Law on Freedom of Religion and Religious Organizations:

Parents or surrogate parents, by mutual agreement, have the right to bring up their children in accordance with their own attitude towards religion. The Government cannot interfere in the upbringing of a child that is based on a particular religious outlook of parents or guardians apart from cases when inducement to

36. 1992 Religion Law, *supra* note 25, art. 8, ВЕДОМОСТИ Верховного Совета Республики Беларусь. 1993. № 2. Ст. 18 [Vedomosti Verkhovnogo Soveta Respubliki Belarus’, 1993, No. 2, art. 18], *available at* <http://www.religlaw.org/template.php3?id=60>. Note that although this law was enacted in 1992, it came into force on Jan. 9, 1993. *Id.*

37. On Child’s Rights, art. 10, ВЕДОМОСТИ Верховного Совета Республики Беларусь. 1993. № 33. Ст. 430; *id.* 1996. № 21. Ст. 380 [Vedomosti Verkhovnogo Soveta Respubliki Belarus’, 1993, No. 33, art. 430; *id.* 1996, No. 21, art. 380], *available at* <http://ncpi.gov.by/eng/legal/V19302570.htm>.

38. *Id.*

39. BELR. CONST. art. 32, pt. 3, *available at* <http://www.religlaw.org/template.php3?id=18>.

religious actions directly threatens the life or health of the child or violates the child's legal rights.⁴⁰

Thus, freedom of religion for minors is now recognized in the Belarusian legislation, which is consistent with international standards.

B. Freedom of Religion and National Minorities

Article 5 of the November 6, 1992, Law on National Minorities ensures the right to follow any religion and perform national and religious rites in the language of the minority.⁴¹ This provision has been further expanded by a number of bilateral and international agreements signed by the Republic of Belarus. According to Articles 14 and 15 of the Agreement Between the Republic of Belarus and Poland on Good-Neighbor Relations and Friendly Cooperation, Belarusian national minorities living in Poland and Polish minorities living in Belarus have the right both individually and as a group to freely preserve, develop, and express their ethnic, cultural, language, and religious authenticity without discrimination under the conditions of full equality under the law. To pursue their religion and perform religious rites, minorities can acquire and use religious materials and conduct educational religious activities in their language. In addition, they are permitted to freely establish and maintain contacts with whom they have common religious beliefs in their own state as well as in other states.⁴² This proclamation of religious freedoms of national minorities is consistent with the international obligations of Belarus.

40. On the Introduction of Changes and Amendments to the Law of the Republic of Belarus "On Freedom of Religion and Religious Organizations," art. 5 (2002), *available at* <http://www.religlaw.org/template.php?id=607>. The Russian original of this act can be found at Национальный реестр правовых актов Республики Беларусь, 2002, № 123, 2/886 [Natsional'nii Ryeestr Pravovikh Aktov Respubliki Belarus', 2002, No. 123, 2/886], *available at* http://194.226.121.66:8081/webnpa/text_et.asp?who=0&NR=H10200137.

41. On National Minorities, *available at* <http://ncpi.gov.by/eng/legal/V19201926.htm>. For a Russian original of this law, see НАРОДНАЯ ГАЗЕТА. 6 января 1993 [NARDONAYA GAZETA, Jan. 6, 1993].

42. Agreement between the Republic of Belarus and Poland on Good-Neighbor Relations and Friendly Cooperation, ВЕДОМОСТИ ВЕРХОВНОГО СОВЕТА РЕСПУБЛИКИ БЕЛАРУСЬ. 1993. № 16. Ст. 197 [Vedomosti Verkhovnogo Soveta Respubliki Belarus', 1993, No. 16, art. 197]. Similar norms are fixed in the Agreement on good-neighborly Relations and cooperation between the Republic of Belarus and the Lithuanian Republic. ВЕДОМОСТИ ВЕРХОВНОГО СОВЕТА РЕСПУБЛИКИ БЕЛАРУСЬ. 1996. № 15. Ст. 192 [Vedomosti Verkhovnogo Soveta Respubliki Belarus', 1996, No. 15, art. 192].

C. Freedom of Religion and Labor Relations

In Belarus, believers were discriminated against in the sphere of labor relations until the 1990s. They could not hold significant leadership positions and they were subjected to so-called “educational work,”⁴³ which was organized by Communist Party propagandists. Article 14 of the Labor Code of Belarus now clearly prohibits religious discrimination in the workplace.⁴⁴ Article 14 also makes discriminatory conditions contained in collective labor agreements null and void. Furthermore, individuals have a cause of action for discrimination in a Belarusian court.

As Christmas and Easter were proclaimed state holidays in 1992, in order to avoid discrimination of non-Christians, a special decision was adopted by the Council of Ministers. Part of the decision read as follows:

[T]aking into consideration that believers of all denominations and religions enjoy equal rights to public holidays . . . workers and employees who follow the Jewish and Muslim religions can be given unpaid vacation days upon agreement with the Administration of Enterprises, Establishments, and Organizations, as well as with private entrepreneurs, for the following holidays: Passover (the first and the last days), Rosh-Ashana (one day), Iom Kipur (one day), Ramazan, Urasa-Bairam, Kurban-Bairam, and Mavlid (one day each) for Muslims.⁴⁵

D. Freedom of Religion and Prisoners

The 1990s also brought about change in the area of religious freedom of prisoners. Prisoners were not allowed to possess any religious literature until a special article on freedom of religion for convicts was included in the Code of Criminal Execution Procedure.⁴⁶ According to Article 12 of the code, all convicts are

43. ГРЫГОР'ЕВА [GRIGOR'EVA] ET AL., *supra* note 7, at 298–99.

44. Labor Code, art. 14, Ведомости Национального Собрания Республики Беларусь, 1999, № 26–27, Ст. 432 [Vedomosti Natsional'nogo Sobraniya Respubliki Belarus', 1999, Nos. 26–27, art. 432], *available at* <http://mail.ncpi.gov.by:8081/webnpa/text.asp?RN=HK9900296>.

45. Собрание Постановлений Правительства Республики Беларусь. 1992. № 2. Ст. 28 [Sobraniye Postanovlenii Pravitel'stva Respubliki Belarus', 1992, No. 2, art. 28].

46. Code of Criminal Execution Procedure, Национальный реестр правовых актов Республики Беларусь, 2000, № 32, 2/140 [Natsional'nii Ryeestr Pravovikh Aktov

guaranteed the freedom of religion. They have the right either individually or in community with others to practice any religion, to express and spread their religious convictions, and to take part in performing religious activities, rituals, or devotions not prohibited by law. They also have the right to receive and use religious literature and devotional articles. Prison administrators, upon request by convicts, are even obligated to provide space for devotions, rituals, and ceremonies. Also, all prisoners, including those facing the death penalty, may request and receive visitation from priests.⁴⁷

E. Freedom of Religion and Servicemen

According to Article 1 of the Law on Universal Military Duty and Military Service, citizens of Belarus perform their military duties irrespective of their religious beliefs.⁴⁸ Freedom of religion of servicemen is provided for in Article 7 of the Law on the Status of Servicemen:

Servicemen have the right to profess any religion or no religion. Performance of religious rites is carried out during off-service time. The state is not liable to provide the necessities of the servicemen proceeding from their religious beliefs. The creation of religious organizations in military units is not allowed.⁴⁹

Respubliki Belarus', 2000, No. 32, 2/140], *available at* http://194.226.121.66:8081/webnpa/text_et.asp?who=0&NR=HK0000365.

47. *Id.* art. 174. Article 25 of the new version of the Law on Freedom of Religion and Religious Organizations declares that citizens kept in pretrial detention centers have the same rights, with the exception of visitation by clergy. On the Introduction of Changes and Amendments to the Law of the Republic of Belarus "On Freedom of Religion and Religious Organizations," art. 25 (2002), *available at* <http://www.religlaw.org/template.php3?id=607>. The Russian original of this act can be found at Национальный реестр правовых актов Республики Беларусь, 2002, № 123, 2/886 [Natsional'nii Ryeestr Pravovikh Aktov Respubliki Belarus', 2002, No. 123, 2/886], *available at* http://194.226.121.66:8081/webnpa/text_et.asp?who=0&NR=H10200137.

48. On Universal Military Duty and Military Service, art. 1, Ведомости Верховного Совета Республики Беларусь. 1992. № 29. Ст. 501; *id.* 1999. № 21. Ст. 341 [Vedomosti Verkhovnogo Soveta Respubliki Belarus, 1992, No. 29, art. 501; *id.* 1999, No. 21, art. 341], *available at* <http://mail.ncpi.gov.by:8081/webnpa/text.asp?RN=V19201914>.

49. On the Status of Servicemen, art. 7, Ведомости Верховного Совета Республики Беларусь. 1992. № 28. Ст. 497; *id.* 1993. № 14. Ст. 137 [Vedomosti Verkhovnogo Soveta Respubliki Belarus', 1992, No. 28, art. 497; *id.* 1993, No. 14, art. 137], *available at* <http://mail.ncpi.gov.by:8081/webnpa/text.asp?RN=V19201939>.

Article 7 of the Law on Freedom of Religion further provides that “[n]obody has the right to avoid duties prescribed by law because of his or her religious convictions.”⁵⁰

The restrictions on religious freedom for servicemen are not, however, in violation of international principles of human rights. Neither the European Convention on Human Rights nor the International Covenant on Civil and Political Rights requires its members to provide alternative military service. The European Commission of Human Rights has underscored more than once that permitting or not permitting refusal of military service on moral or religious grounds is the choice of the states. The problem is that the Republic of Belarus has voluntarily undertaken to introduce alternative military service, having proclaimed in Article 57 of the constitution that “military service, the grounds and conditions for exemption from military service, and the substitution thereof by alternative service, shall be determined by the law.” Thus, the constitution does not regard military service as the only possibility; rather, it provides for the opportunity of relief from service and for alternative service. Moreover, the Law on Universal Military Duty and Military Service clearly states that universal military responsibility presupposes conscription to both military and alternative service and performance of both military and alternative service.⁵¹

According to Article 4 of the March 15, 1994, Law on the Enactment of the Constitution of the Republic of Belarus, laws mentioned in the constitution were to be adopted within two years of enactment of the constitution.⁵² However, neither the twelfth nor

50. On the Introduction of Changes and Amendments to the Law of the Republic of Belarus “On Freedom of Religion and Religious Organizations,” art. 7 (2002), *available at* <http://www.religlaw.org/template.php3?id=607>. The Russian original of this act can be found at Национальный реестр правовых актов Республики Беларусь, 2002, № 123, 2/886 [Natsional’nyi Ryeestr Pravovikh Aktov Respubliki Belarus’, 2002, No. 123, 2/886], *available at* http://194.226.121.66:8081/webnpa/text_et.asp?who=0&NR=H10200137.

51. On Universal Military Duty and Military Service, art. 1, pts. 5 & 8; *id.* art. 14, pt. 3, Ведомости Верховного Совета Республики Беларусь. 1992. № 29. Ст. 501; *id.* 1999. № 21. Ст. 341 [Vedomosti Verkhovnogo Soveta Respubliki Belarus’, 1992, No. 29, art. 501; *id.* 1999, No. 21, art. 341], *available at* <http://mail.ncpi.gov.by:8081/webnpa/text.asp?RN=V19201914>.

52. On the Enactment of the Constitution of the Republic of Belarus (1994), *available at* http://www.oefre.unibe.ch/law/icl/bo01000_.html. For the original of this law, see КОНСТИТУЦИЯ РЕСПУБЛИКИ БЕЛАРУСЬ. НАУЧНО-ПРАВОВОЙ КОММЕНТАРИЙ. Минск, 1996. С. 214 [KONSTITUTSIJA RESPUBLIKI BELARUS’. NAUCHNO-PRAVOVOI KOMMENTARIJ, Minsk, 1996, at 214].

thirteenth Convocation of Supreme Soviets met this requirement, nor did they solve the issues of the foundations and conditions of alternative military service and its performance by adopting a special law or amendments to the current law on universal military duty and military service. Despite the fact that nine years have passed since the Constitutional Norm on Alternative Service was introduced, a corresponding law has not yet been passed.

According to Article 435 of the Criminal Code, evasion of conscription may be prosecuted under the Criminal Law.⁵³ Avoidance of military conscription on religious grounds may also lead to criminal prosecution. For example, on March 23, 2000, the Retchytsa Court sentenced Valiantsin Hulai to one and one-half years of conditional imprisonment for his refusal to serve in the army because of religious views he held as a Jehovah's Witness. Hulai asked authorities to offer alternative service, yet he was arrested and taken to court in handcuffs. After a two-day trial, Judge Sviatlana Surpo convicted him.⁵⁴

In May 2000, the Constitutional Court discussed Article 57 of the constitution and issued the following decision:

According to the Constitution and Articles 1 and 14 of the Law "On Military Duty and Military Service," the citizens of Belarus have the right to alternative service on religious grounds, which must be ensured through adequate administrative mechanisms. In this respect we consider it necessary to immediately adopt a law on alternative service or make necessary amendments to the Law "On Military Duty and Military Service" to establish mechanisms that ensure the right to alternative service. In view of the current situation, until the grounds and conditions for substituting military service with alternative service are determined by the legislature, we agree with the practice of qualified state bodies establishing conditions for the citizens of Belarus to perform their duty of defending their country in forms corresponding with their religious beliefs.⁵⁵

53. Criminal Code, art. 435, *Ведамасці Нацыянальнага Сходу Рэспублікі Беларусь*. 1999. № 24. Арт. 420. [Vedamasti Natsiyanal'naga Skhodu Respubliki Belarus', 1999, No. 24, art. 420], *available at* <http://mail.ncpi.gov.by:8081/webnpa/text.asp?RN=HK9900275>.

54. Chronicle of the Human Rights Violations in Belarus in 2000, *in* THE RIGHT TO FREEDOM, Mar. 2000, *available at* <http://www.spring96.org/English/Bulletin/54/cronicle.html>.

55. О некоторых вопросах реализации статьи 57 Конституции Республики Беларусь. Решение Конституционного Суда Республики Беларусь от 26 мая 2000 г. №

This statement refers to conscription to railway service on religious grounds.

In approaching the issue of prosecution for refusal to serve in the army, the authorities should define to what degree the actions of the citizen are connected with the realization of the constitutional right to alternative service on religious grounds or refusal to serve under conditions that do not ensure respect of religious beliefs. In each particular case the authorities must take all measures to provide for thorough and due investigation of all the circumstances in order to provide the rights and freedoms of citizens who are willing to perform their duty to defend the Republic of Belarus in some other legally allowed way, and also to avoid misuse of these norms by citizens who are attempting to avoid military service.⁵⁶

Thus, freedom of religion for servicemen, including the right to alternative service, was proclaimed in Belarusian legislation. It is fully consistent with OSCE commitments and other international standards.

F. Criminal Law and Criminal Procedure Law Guarantees of Freedom of Religion

Several norms in the Criminal Law and Criminal Procedure Law of the Republic of Belarus guarantee freedom of religion. Because the KGB traditionally sent undercover agents to religious congregations and used priests to accomplish communist ends, the Law on Investigation Activities prohibits intelligence officials from secretly participating in the activities of registered religious organizations and interfering with lawful religious activities.⁵⁷ The law also prohibits intelligence officials from “using confidential information obtained from clergy and other representatives of officially registered religious organizations.”⁵⁸ Likewise, Article 60 of

P-98/2000// Национальный реестр правовых актов Республики Беларусь, 2000, № 52, 6/243 [O nekotorykh voprosakh realizatsii stat'i 57 Konstitutsii Respubliki Belarus', Reshenie Konstitutsionnogo Suda Respubliki Belarus', May 26, 2002, No. P-98/2000//Natsional'nii Ryeestr Pravovikh Aktov Respubliki Belarus', 2000, No. 52, /6/243].

56. *Id.*

57. Law on Investigation Activities, art. 6, ВЕДОМОСТИ Верховного Совета Республики Беларусь. 1999. № 30. Ст. 438 [Vedomosti Verkhovnogo Soveta Respubliki Belarus', 1999, No. 30, art. 438].

58. *Id.* art. 18.

the Criminal Procedure Code stipulates that clergy cannot be “questioned as witnesses or compelled to reveal information obtained through confession.”⁵⁹

In accordance with Article 195 of the Criminal Code,

Impeding the lawful activities of religious organizations or the performance of religious rites if they do not disturb public order and do not infringe rights, freedoms, and interests of citizens leads to punishment by community work, fine, or denial of the right to occupy certain posts or to be engaged in certain activities or correction works for up to two years.⁶⁰

The corpus delicti here has been formulated according to Article 140 of the 1960 Criminal Code. The elements of the crime have been expanded to include both deterring the performance of religious rites and hampering the legal activities of religious organizations. Furthermore, sanctions are more severe than they were previously, as the maximum corrective labor term has been increased from six months to two years.

Article 130 of the Criminal Code establishes a sentence of up to five years of imprisonment for “deliberate actions directed at creating religious hostility or discord.”⁶¹ The same actions conjoined with violence or performed by an official using his position can lead to deprivation of liberty for three to ten years, and if performed by a group or with grave consequences, the actions can be punished with a term of five to twelve years.⁶²

According to Article 190 of the Criminal Code,

[D]eliberate direct or indirect violation or limitation of rights and freedoms or direct or indirect preferences to citizens on religious grounds and beliefs that have led to serious infringement of rights and lawful interests of citizens is punishable by a fine, corrective labor for up to two years, limitation of freedom for up to two years,

59. Criminal Procedure Code, art. 60, ВЕДОМОСТИ Верховного Совета Республики Беларусь. 1999. № 28–29. Ст. 433 [Vedomosti Verkhovnogo Soveta Respubliki Belarus', 1999, Nos. 28–29, art. 433], *available at* http://mail.ncpi.gov.by:8081/webnpa/text_et.asp?who=0&NR=HK9900295.

60. Criminal Code, art. 195, ВЕДОМОСТИ Верховного Совета Республики Беларусь. 1999. № 24. Ст. 420 [Vedomosti Verkhovnogo Soveta Respubliki Belarus', 1999, No. 24, art. 420], *available at* <http://mail.ncpi.gov.by:8081/webnpa/text.asp?RN=HK9900275>.

61. *Id.* art. 130(1).

62. *Id.* art. 130(2).

or denial of the right to be engaged in certain activities without limitation of freedom.⁶³

Finally, according to Article 193,

[O]rganization or leadership of religious organizations, the activities of which involve violence against citizens, infliction of bodily harm, or any other infringement of citizens' rights, freedoms, or lawful interests is punishable by a fine or by banning from certain posts or activities or by arrest for up to six months.⁶⁴

At the same time, criminal responsibility for violating the so-called "law of separation of the church from the state and of the school from the church" has been lifted. This was done in light of the fact that clergy members were prosecuted, for instance, for religious education of minors on the basis of this article. Thus, in order to guarantee real freedom of conscience and religion, Belarusian legislation includes criminal and criminal procedure "instruments" for this matter.

IV. RECENT DEVELOPMENTS: 1996–2003

Around 1996, new trends in church-state relations became more evident—trends toward greater state intervention in religious activity and tightening control over it. On November 24, 1996, a constitutional referendum adopted a new wording of Article 16. The old version of Article 16 provided as follows:

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.

Activities of religious organizations, their bodies and representatives, that are directed against the sovereignty of the Republic of Belarus, its constitutional system, or civic harmony or freedoms shall be forbidden.

63. *Id.* art. 190. One should also bear in mind that homicide and bodily harm on the grounds of religious hostility or discord are considered to be aggravating circumstances.

64. *Id.* art. 193.

Relations between the State and religions shall be regulated by the law.⁶⁵

Conversely, the new wording of Article 16 provides the following:

Religions and faiths shall be equal before the law.

Relations between the State and religious organizations shall be regulated by the law with regard to their influence on the formation of the spiritual, cultural, and state traditions of the Belarusian people.

The activities of confessional organizations, their bodies and representatives, that are directed against the sovereignty of the Republic of Belarus, its constitutional system and civic harmony, or involve a violation of civil rights and liberties of its citizens or impede the execution of state, public, or family duties by its citizens or are detrimental to their health or morality shall be prohibited.⁶⁶

In other words, constitutional grounds for prohibiting activities of religious organizations have been extended. The provision on the non-establishment of advantages or restrictions for a denomination in relation to another denomination has been excluded.

One issue left unclear by the new language of Article 16 is who has authority to determine what influence religion will have “on the formation of the spiritual, cultural, and state traditions of the Belarusian people.” Another issue for discussion is what activities will be considered traditions. For example, in the eighteenth century, almost seventy-five percent of the Belarusian population belonged to the Greek Catholic Church,⁶⁷ whereas the majority of Belarusians are presently Orthodox. Moreover, there is a certain contradiction between the first and second parts of Article 16.

At the end of 1996, the new wording of Article 193 of the Code of Administrative Offenses was adopted, which introduced administrative responsibility for the non-registration of religious organizations as well as for the “organization of special child and

65. BELR. CONST. art. 16.

66. *Id.*, available at <http://www.religlaw.org/template.php3?id=18>.

67. РЭЛІГІЯ І ЦАРКВА НА БЕЛАРУСІ. ЭНЦЫКЛАПЕДЫЧНЫ ДАВЕДНІК. Мінск, 2001. С. 332 [RELIGIA I TSARKVA NA BELARUSI. ENTSIKLAPEDICHNI DAVEDNIK, Minsk, 2001, at 332].

youthful gatherings or labor, library, and other groups which are not connected with performing religious cults.”⁶⁸

In April 1997, the Council of Ministers passed a decision that prohibits the organization of summer camps for children and teenagers by religious groups.⁶⁹ However, in June of the same year, the Council of Ministers, at the suggestion of the Constitutional Court, amended the decision to impose such limits only on unregistered religious organizations. In the same decision, the State Committee of Religious and National Affairs (SCRNA) was directed to “concentrate its efforts on stopping the activity of neomystical, destructive sects.”⁷⁰ For the first time, the term “destructive sects” was used in the normative act. Very soon the categorization of religions and denominations became the practice of the SCRNA.

The SCRNA has categorized some religions as “traditional,” including the Orthodox, Roman Catholic, Jewish, and Islamic faiths.⁷¹ Other religions are regarded as “non-traditional,” including Protestant and other faiths, while even other religions are deemed “sects,” especially Asian and other faiths.⁷² SCRNA authorities deny some faiths permission to legally register at the national level because they are “non-traditional” and considered to be “destructive sects.”⁷³ In spite of the fact that the SCRNA generally shapes the policy of the

68. On the Introduction of a Change in the Code of Administrative Offenses, art. 193, *Ведомости Верховного Совета Республики Беларусь*. 1997. № 11. С. 398 [Vedomosti Verkhovnogo Soveta Respubliki Belarus', 1997, No. 11, art. 398], available at <http://mail.ncpi.gov.by:8081/webnpa/text.asp?RN=V19600774>.

69. Resolution of the Council of Ministers of the Republic of Belarus No. 309 “On Implementation of the Law of the Republic of Belarus “On freedom of religion and religious organizations of 17.12.1992,” Apr. 9, 1997, *reprinted in* *Собрание декретов, указов Президента и постановлений Правительства Республики Беларусь*. 1997. № 11. С. 398 [Sobranie dekretov, ukazov Prezidenta i postanovlenii Pravitel'stva Respubliki Belarus', 1997, No. 11, 398].

70. *Id.* art. 1.

71. An example of a traditional religion is a small community of ethnic Tartars with roots in the country dating back to the eleventh century.

72. BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, U.S. DEP'T OF STATE, INTERNATIONAL RELIGIOUS FREEDOM REPORT: BELARUS, available at <http://www.state.gov/g/drl/rls/irf/2001/5560/pf.htm>.

73. According to the SCRNA there are eleven “destructive sects” active in the Republic of Belarus. They are: (1) The Great White Brotherhood, (2) Family of God's Children, (3) The Moon Church or Unity Church, (4) Scientologists Church, (5) Church of Jesus Christ Disciples, (6) Aum Senrike (7) Virgin Mary Centre, (8) Vissarion Church, (9) League of Spiritual Resurrection Sanatana Dharma, (10) Ahmadia, and (11) Satanists. Третьок А., *Дети распутного бога*, БЕЛОРУССКАЯ ГАЗЕТА. 1999, 15 ноября [Trekyuk A., *Deti raspurnogo boga*, BELORUSSKAYA GAZETA, Nov. 15, 1999].

state toward particular denominations, the Law on the Freedom of Religion and Religious Organizations does not provide guidelines to the SCRNA to aid authorities in the process of categorizing religions as “traditional,” “non-traditional,” or “destructive sects.” A former SCRNA chair indicated that decisions are made by “an expert council including researchers specializing in religion studies and representatives of a number of Ministries and State Committees.”⁷⁴

In February 1999, a decision of the Belarusian government was adopted that introduced more severe control and further limitations on the invitation of foreign clergymen to Belarus.⁷⁵ Thus, foreign clergymen may be invited to the Republic of Belarus to preach or conduct religious activities in religious departments or centers upon approval of the State Committee of Religious and National Affairs. Invitations to foreign clergy members representing a religious department or center are granted upon approval of a written request submitted to the State Committee of Religious and National Affairs. The request must contain a document confirming the religious education of the invited person. After the State Committee of Religious and National Affairs has received the request for invitation of a foreign clergyman, it considers the request for up to one month, and it gives its decision to the religious department or center in written form.⁷⁶

Councils of religious affairs of the regional executive committees have the right to register the foreign clergyman for up to one year.

74. *Религия – не опиум для народа. Если это действительно религия*, РЭСПУБЛИКА, 1998, 29 верасня [*Religia-ne opium dlya naroda. Yesli eto deistvitel'no religia*, RESPUBLIKA, 1998, 29 VERASNYA].

75. On the Establishment of Procedures for the Invitation of Foreign Clergymen into the Republic of Belarus and the Regulation of Their Activities Within Its Territories, Национальный реестр правовых актов Республики Беларусь, 1999, № 29, 5/338 [Natsional'nii Ryeestr Pravovikh Aktov Respubliki Belarus', 1999, No. 29, 5/338], available at http://194.226.121.66:8081/webnpa/text_et.asp?who=0&NR=C29900280. The last amendments of this Decision were adopted in February 2001. On the Introduction of Changes in the Procedures for the Invitation of Foreign Clergymen into the Republic of Belarus and the Regulation of Their Activities within Her Territories, Национальный реестр правовых актов Республики Беларусь, 2001, № 20, 5/5256 [Natsional'nii Ryeestr Pravovikh Aktov Respubliki Belarus', 2001, No. 20, 5/5256], available at http://194.226.121.66:8081/webnpa/text_et.asp?who=0&NR=C20100193.

76. On the Establishment of Procedures for the Invitation of Foreign Clergymen into the Republic of Belarus and the Regulation of Their Activities within Its Territories, arts. 2–4, 6, Национальный реестр правовых актов Республики Беларусь, 1999, № 29, 5/338 [Natsional'nii Ryeestr Pravovikh Aktov Respubliki Belarus', 1999, No. 29, 5/338], available at http://194.226.121.66:8081/webnpa/text_et.asp?who=0&NR=C29900280.

This term may be extended upon the request of the religious department or center upon agreement by the State Committee of Religious and National Affairs of the Republic of Belarus. The religious departments or centers that invited the foreign clergymen to the Republic of Belarus may direct them only to the communities of their religious formation, and the clergymen have the right to preach and conduct religious activities on the church's premises. Foreign clergymen have no right to preach or conduct religious activities outside the specific geographic territory of the religion.⁷⁷

For example, on February 26, 2001, the Christians of Full Gospel applied for a permit for a pastor to enter Belarus from Ukraine. The SCRNA gave the following response: "Taking into account the opinion of the department for religious affairs of the Minsk City Executive Committee, as well as the fact that enough clergymen were prepared by the Biblical College of your association, your request is not well-grounded and the SCRNA refrains from granting an affirmative answer."⁷⁸ Interestingly, no provision was provided for an appeal of the SCRNA decision. When the religious association tried to appeal, the court issued a decision that the case was not subject to judicial review.

A. Problems with Registration

Recent legislation has had a severe impact on the ability of religious groups to register as legal entities in Belarus. A number of Protestant and other "non-traditional" faiths are facing the situation where they are refused the right to own property necessary to qualify as a legal address for registration purposes. The Full Gospel Pentecostal churches are regularly refused registration on these grounds. Often private houses are bought for the purpose of holding religious services. However, according to Article 272 of the new Civil Code, private houses and apartments can generally only be used for residence. Such houses and apartments can be used as the permanent locations of religious organizations only with special permission from local authorities.⁷⁹ Unfortunately, authorities often

77. *Id.*

78. State Committee of Religious and National Affairs Statement (Feb. 26, 2001) (on file with author).

79. Civil Code, art. 272, *Ведомасці Нацыянальнага Сходу Рэспублікі Беларусь*, 1999, № 7-9. Арт. 101 [Vedamastsi Natsiyanal'naga Skhodu Respubliki Belarus', 1999, Nos. 7-9, art. 101], available at <http://mail.ncpi.gov.by:8081/webnpa/text.asp?RN=HK98gr002>.

refuse to permit this transformation, especially for unregistered religious organizations. Some property users have even been evicted from property they were renting upon a finding that the property had not been registered for religious purposes. For example, members of the Krishna Church were recently denied registration of the religious association for “violations of the sanitary regulations and fire-brigade regulations.”⁸⁰

*B. The New Version of the Law on Freedom of Religion
and Religious Organizations*

The most obvious evidence of changes in state-church relations is reflected in the new version of the Law on Freedom of Religion and Religious Organizations.⁸¹ The revision of the Law was motivated by several factors, according to Professor Zemlyakov:

The refusal of the state to regulate the activity of religious organizations led to the aggravation of the religious situation, including the intensification of rivalry between different denominations, clericalization of society and some state organs, and the use of some religious organizations in political struggle. These facts made it necessary to strengthen state regulation in this sphere.⁸²

Because of the length of the Civil Code of the Republic of Belarus, this online version of the code contained on the website of the National Center of Legal Information of the Republic of Belarus has been split according to the various divisions within the code. The beginning page of the code from which the entire text of the Civil Code can be found is <http://mail.ncpi.gov.by:8081/webnpa/text.asp?RN=HK9800218>.

80. МЯДЗВЕДЗЕВА В., *Камітэт на справах рэлігіі адказвае*, ЗВЯЗДА, 2002, 21 жніўня [Myadzedzeva V., *Komitet na spravakh religii adkazyvaе*, ZVYAZDA, 21 zhniunya 2002].

81. The new version of this law was approved by Chambers of the Parliament in June and October 2002 and promulgated by the president on November 6, 2002. See On the Introduction of Changes and Amendments to the Law of the Republic of Belarus On Freedom of Religion and Religious Organizations (2002), available at <http://www.religlaw.org/template.php3?id=607>. The Russian original of this act can be found at Национальный реестр правовых актов Республики Беларусь, 2002, № 123, 2/886 [Natsional'nii Ryeestr Pravovikh Aktov Respubliki Belarus', 2002, No. 123, 2/886], available at http://194.226.121.66:8081/webnpa/text_et.asp?who=0&NR=H10200137.

82. ЗЕМЛЯКОВ Л. Е. РЕЛИГИОЗНЫЕ ПРОЦЕССЫ В БЕЛАРУСИ: ПРОБЛЕМЫ ГОСУДАРСТВЕННО-ПРАВОВОГО РЕГУЛИРОВАНИЯ. Минск. 2001. С. 169 [ZEMLAYKOV L. E., RELIGIOZNIYE PROTSESSI V BELARUSI: PROBLEMI GOSUDARSTVENNO-PRAVOVOGO REGULIROBANIYA, Minsk, 2001, at 169].

According to V. Ukhvanov, the main trouble for the state was active missionary work of Catholic and Protestant organizations.⁸³ Thus, by 2000, the existing number of Protestant communities had quadrupled since 1989.

Many Belarusian religious groups have protested against the bill, arguing that it “endanger[s] their very existence.”⁸⁴ The Union of Evangelical Christian Baptists, the Union of Evangelical Faith Christians, the Association of Communities of Full Gospel Christians, and the Conference of Christian Adventists condemned the bill saying it would favor some religious organizations and limit opportunities for worship.⁸⁵ During the parliamentary debates over the bill, M. Egorov, former Chairman of the KGB, warned that the law would cause destabilization and acts of protest.⁸⁶

The new law contains several controversial provisions. First, the new law contains a preamble that recognizes

the defining role of the Orthodox Church in the historical formation and development of spiritual, cultural, and state traditions of the Belarusian people; the spiritual, cultural, and historical role of the Roman Catholic Church in the territory of Belarus; the inseparability from the general history of the Belarusian people of the Lutheran Church, Judaism, and Islam.⁸⁷

83. Ухванов В. *Проблемы трансформации законодательства Республики Беларусь о свободе вероисповеданий и религиозных организациях*, СУЧАСНЫЯ ДАСЛЕДАВАННІ. Мінск, 2002. С. 45 [Ukhvanov V., *Problemi transformatsii zakonodatel'stva Respubliki Belarus' o svobode veroispovedanii i religioznych organizatsiyakh*, SUCHASNIIYA DASLEDAVANNI, Minsk, 2002, at 45].

84. Valentinas Mite, *Belarus: Bill Aims to Restrict Registration of Nontraditional Religious Groups*, at <http://www.rfel.org/nca/features/2002/06/19062002153635.asp>.

85. *Id.*

86. Томашевская О. *Закон преткновения*, БЕЛОРУССКАЯ ДЕЛОВАЯ ГАЗЕТА, 2002, 17 октября [Tomashevskaya O., *Zakon pretknoveniya*, BELORUSSKAYA DELOVAYA GAZETA, Oct. 17, 2002].

87. The Law of Belarus On the Freedom of Conscience and Religious Organizations (BYU Int'l Ctr. for Law & Religion Studies trans.) at <http://www.religlaw.org/template.php3?id=60>. See also W. COLE DURHAM ET AL., BYU INT'L CTR. FOR LAW & RELIGION STUDIES, ANALYSIS OF THE 2002 BELARUSIAN DRAFT LAW, “ON THE INTRODUCTION OF CHANGES AND AMENDMENTS TO THE LAW OF THE REPUBLIC OF BELARUS ‘ON RELIGIOUS FREEDOM AND RELIGIOUS ORGANIZATIONS,’” Sept. 28, 2002, available at <http://www.religlaw.org/template.php3?id=606>. The Russian original of this act can be found at Национальный реестр правовых актов Республики Беларусь, 2002, № 123, 2/886 [Natsional'nii Ryeestr Pravovikh Aktov Respubliki Belarus', 2002, No. 123, 2/886], available at http://194.226.121.66:8081/webnpa/text_et.asp?who=0&NR=H10200137.

From the point of view of some religious organizations, this provision can be interpreted as having discriminatory impact.

Second, the registration procedure is compulsory and becoming much more complicated. Article 14 stipulates that religious communities are congregations within the territorial limits of one or several inhabited localities of groups of citizens of the Republic of Belarus who are adherents to the same faith for the combined confession of faith and fulfillment of religious needs. Religious communities are formed by the initiative of at least twenty citizens of Belarus that have reached the age of eighteen and permanently live in one of several inhabited localities having adjacent territorial boundaries. Communities carry out their activities voluntarily in compliance with their statutes and are to be registered in the order provided by this law.⁸⁸

Article 15 of the new law is devoted to the legal status of the religious association. A religious association is a congregation of religious communities of one creed existing for joint satisfaction of the religious needs of their members. Religious associations are formed by at least ten religious communities of one creed, from which at least one community must have conducted activities in Belarus for at least twenty years.

These provisions can severely limit the activity of new religions because only religious associations have the right to establish their own mass media,⁸⁹ invite foreign citizens to conduct religious activities,⁹⁰ create religious schools for training priests, divines, and church staff,⁹¹ and establish cloisters and monastic communities.⁹² Under the new law, the role of the SCRNA has substantially increased. It has the right to issue written warnings to religious organizations, suspend their activities, and file a declaration in court for liquidation of the religious organization.⁹³

A religious community confessing a faith previously unknown in the Republic of Belarus must include information in its application

88. The Law of Belarus On the Freedom of Conscience and Religious Organizations, art. 14 (BYU Int'l Ctr. for Law & Religion Studies trans.) at <http://www.religlaw.org/template.php3?id=60>.

89. *Id.* art. 27, pt. 2.

90. *Id.* art. 29, pt. 2.

91. *Id.* art. 28, pt. 1.

92. *Id.* art. 15, pt. 6.

93. *Id.* art. 37.

about its teachings and worship practices, including information about the history and origin of the religion practiced by the community, forms and methods of its activities, attitudes toward marriage and family, education, fulfillment of state responsibilities, receipt of medical treatment by followers of the given religion, and other meaningful information in response to inquiries of the SCRNA.⁹⁴ Both facially and as applied, the new law discriminates against new religious movements and contradicts the ICCPR General Comment 22(2).⁹⁵

According to Article 26,

Religious organizations can import and distribute [to the libraries] religious literature, whether printed, audio, or video-production, only after the state religious expert examination has been conducted.

Distribution of religious literature, whether audio, video, or other production, with a religious content can be carried out only in premises that belong to religious organizations as their property or on other legal grounds as well as in places dedicated for this purpose by local executive and administrative bodies in the established order.⁹⁶

The requirement that a state expert examine religious literature before it enters a library is likely inconsistent with the provision of Article 33, Part 3 of the Belarusian Constitution: “[N]o censorship shall be permitted.”

Other provisions of the law, if interpreted in a certain way, can also violate freedom of conscience. For instance, according to Article 25, Part 2, “rituals and ceremonies, worships, and devotions, if necessary, may be conducted in residences upon citizens’ request on condition that rules of a public order are observed” and if they are not of mass and systematic character.⁹⁷ Unfortunately, there is

94. *Id.* art. 17.

95. ICCPR General Comment 22: The Right to Freedom of Thought, Conscience and Religion art. 18, ¶ 8, U.N.H.C.H.R., 48th Sess. (1993), *reprinted in* COMPILATION OF GENERAL COMMENTS AND GENERAL RECOMMENDATIONS ADOPTED BY HUMAN RIGHTS TREATY BODIES 144, *available at* [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/26bd1328bec3bd13c1256a8b0038e0a2/\\$FILE/G0141468.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/26bd1328bec3bd13c1256a8b0038e0a2/$FILE/G0141468.pdf).

96. On the Introduction of Changes and Amendments to the Law of the Republic of Belarus “On Freedom of Religion and Religious Organizations,” art. 26 (2002), *available at* <http://www.religlaw.org/template.php3?id=607>.

97. *Id.* art. 25.

nothing in the law that indicates what might constitute an event of mass and systematic character. According to Radio Racyja, the Chairman of the Minsk City Department on Religion Matters sent a letter to police and local authorities demanding punishment of religious groups for events conducted in private houses.⁹⁸

It is extremely difficult to predict how the norms of the law will be interpreted in the future. During the next two years, all religious groups must re-register as religious organizations, even if such groups have already registered their articles of incorporation or bylaws. Such action may lead to the liquidation of many religious communities with less than twenty members,⁹⁹ which would violate the constitutional principle *lex retro non agit*. At the same time, Article 40 of the new version of the law provides that “[s]hould the rules established by an international treaty to which the Republic of Belarus is party be different from those contained in the legislation of the Republic of Belarus on freedom of conscience, religious freedom, and religious organizations, the rules established by the international treaty shall be applied.”¹⁰⁰ Only practice and possibly constitutional adjudication will determine whether the new Belarusian legislation will be in line with the international standards of freedom of conscience.

V. CONCLUSION

Church-state relations in Belarus have a long and complicated history. During the Communist rule from 1917 to 1988, the state prevailed against the church, and legislation was extremely unfavorable to religious organizations. In spite of the state’s hostility toward religion, many continued to believe in a God or a Supreme Being. In 1988, the process of liberalization brought legislation on the freedom of conscience in line with international standards.

98. See *Baptist Priest Warned for Holding Prayer*, RADIO RACYJA, Jan. 24, 2003, at <http://www.newsbelarus.com/2003/Jan/index2901.htm>.

99. According to some estimations there are more than three hundred communities with less than twenty members.

100. On the Introduction of Changes and Amendments to the Law of the Republic of Belarus “On Freedom of Religion and Religious Organizations” (2002), available at <http://www.religlaw.org/template.php3?id=607>. The Russian original of this act can be found at Национальный реестр правовых актов Республики Беларусь, 2002, № 123, 2/886 [Natsional’nyi Ryeestr Pravovikh Aktov Respubliki Belarus’, 2002, No. 123, 2/886], available at http://194.226.121.66:8081/webnpa/text_et.asp?who=0&NR=H10200137.

However, beginning with the constitutional referendum in 1996, Belarus has seen an alarming trend towards greater state intervention in religious affairs. Examples of such interventions include tightening control over the invitation of foreign clergy, requiring permission to conduct religious processions outside temples, and implementing new rules with respect to registration of religious organizations. In addition, a current movement attempts to give the Russian Orthodox Church advantages and privileged status over other religious denominations. This recent course of action, if continued, may have severe consequences for religious freedom in Belarus.

APPENDIX 1

Number of Religious Communities in Belarus: 1989–2003

(At the beginning of the year; *Total communities, **Unregistered communities)

	1989		1993		1994	
	*	**	*	**	*	**
Orthodox Church	399	—	788	158	863	77
Old Believers Church	22	—	26	24	29	24
Roman Catholic Church	121	3	305	80	341	36
Catholics of Latin ceremony	—	—	—	—	—	—
Greek Catholic Church	—	—	9	2	11	2
Protestant Churches (total) including:	224	64	367	140	482	118
Reformed Church	—	—	1	—	1	—
Lutheran Church	—	—	—	—	2	—
Evangelical Christian Baptists	171	6	157	65	174	60
The Council of Churches of Evangelical Christian Baptists	3	25	—	—	—	—
Iogan Church	—	—	—	—	1	1
New Apostolic Faith Church	—	—	8	1	11	2
The Church of First Christians	—	—	—	—	—	—
Evangelical Faith Christians - Pentecostalists	39	31	169	69	242	50
Christians of Full Gospels	—	—	3	1	13	1
Christians of Apostolic Faith	—	—	8	1	9	1
The Church of Jesus Christ	—	—	1	—	3	—
Messianic Communities	—	—	—	—	—	—
Seventh Day Adventists	11	2	19	2	22	—
Jehovah's Witnesses	—	—	1	1	4	3
The Church of Jesus Christ of Latter-day Saints (Mormons)	—	—	—	—	3	1
Judaism	1	7	7	4	14	5
Reformed Judaism	—	—	—	—	—	—
Islam	1	—	8	1	13	2
Bahais	—	—	1	—	3	1
Oomoto	—	—	—	—	—	—
Vajshnavi (Consciousness of Krishna)	—	—	5	2	7	4
Followers of Foreign Orthodox Church	—	—	—	—	1	—
Assembly of Christians	—	—	2	1	1	—
Zen Buddhists	—	—	1	1	1	—
Centre of Virgin	—	—	—	—	3	3
Aum Siirik	—	—	—	—	—	—
TOTAL	768	74	1519	413	1772	273

APPENDIX 1 CONT'D

	1995		1996		1997	
	*	**	*	**	*	**
Orthodox Church	902	61	964	28	938	44
Old Believers Church	29	16	33	15	32	15
Roman Catholic Church	352	18	389	8	373	17
Catholics of Latin ceremony	—		2	—	—	—
Greek Catholic Church	11	1	11	1	11	1
Protestant Churches (total) including:	524	104	671	66	609	82
Reformed Church	1	—	1	—	1	—
Lutheran Church	3	—	4	—	5	1
Evangelical Christian Baptists	183	58	192	14	192	54
The Council of Churches of Evangelical Christian Baptists	—	—	31	31	—	—
Iogan Church	2	1	1	—	1	—
New Apostolic Faith Church	11	—	17	—	17	—
The Church of First Christians	—	—	1	—	—	—
Evangelical Faith Christians - Pentecostalists	261	37	332	16	311	23
Christians of Full Gospels	17	—	25	1	21	1
Christians of Apostolic Faith	8	—	8	—	8	—
The Church of Jesus Christ	4	—	6	—	6	1
Messianic Communities	2	2	2	—	2	—
Seventh Day Adventists	26	3	37	1	34	1
Jehovah's Witnesses	6	3	14	3	11	1
The Church of Jesus Christ of Latter-day Saints (Mormons)	3	—	3	—	3	—
Judaism	15	2	10	1	10	1
Reformed Judaism	—	—	6	1	5	—
Islam	15	1	22	—	20	—
Bahais	3	1	3	—	3	1
Oomoto	1	—	1	—	1	—
Vajshnavi (Consciousness of Krishna)	5	1	5	1	6	2
Followers of Foreign Orthodox Church	—	—	—	—	—	—
Assembly of Christians	2	—	—	—	2	—
Zen Buddhists	1	1	—	—	1	1
Centre of Virgin	2	2	—	—	2	2
Aum Siirikis	1	—	—	—	—	—
TOTAL	1866	208	2120	121	2016	166

APPENDIX 1 CONT'D

	1998		1999		2000		2001	2003
	*	**	*	**	*	**	*	*
Orthodox Church	1031	16	1081	10	1139	12	1172	1265
Old Believers Church	35	10	36	7	35	6	34	33
Roman Catholic Church	392	4	399	3	405	2	417	432
Catholics of Latin ceremony	2	—	2	—	2	—	2	2
Greek Catholic Church	11	1	13	1	13	1	13	13
Protestant Churches (total) including:	730	53	835	45	885	39	952	
Reformed Church	1	—	1	—	1	—	1	2
Lutheran Church	4	—	4	—	5	—	13	19
Evangelical Christian Baptists	209	7	233	3	244	1	268	268
The Council of Churches of Evangelical Christian Baptists	33	33	31	31	30	30	29	29
Iogan Church	1	—	1	—	1	—	1	1
New Apostolic Faith Church	18	—	20	—	20	—	20	20
The Church of First Christians		1	—	1	—		1	1
Evangelical Faith Christians - Pentecostalists	357	10	414	8	443	8	470	492
Christians of Full Gospels	35	1	47	1	54	—	58	61
Christians of Apostolic Faith	8	—	9	—	9	—	9	9
The Church of Jesus Christ	6	—	6	—	6	—	6	6
Messianic Communities	2	—	2	—	2	—	2	3
Seventh Day Adventists	40	—	45	—	48	—	48	61
Jehovah's Witnesses	15	2	21	2	21	—	26	26
The Church of Jesus Christ of Latter-day Saints (Mormons)	3	—	3	—	3	—	3	3
Judaism	10	1	13	1	20	—	22	27
Reformed Judaism	8	1	8	—	8	—	10	12
Islam	22	—	24	—	24	—	24	27
Bahais	5	—	5	—	6	—	6	6
Oomoto	1	—	1	—	1	—	1	1
Vajshnavi (Consciousness of Krishna)	6	1	7	1	7	1	7	6
Followers of Foreign Orthodox Church	—	—	—	—	—	—		
Assembly of Christians	—	—	—	—	—	—		
Zen Buddhists	—	—	—	—	—	—		
Centre of Virgin	—	—	—	—	—	—		
Aum Siiriks	—	—	—	—	—	—		
TOTAL	2256	87	2427	68	2548	61	2663	2825

APPENDIX 2
Distribution of Confessions in the Republic of Belarus
(at the beginning of the period in %)

	1989	1993	1994	1995	1996
Orthodox Church	51.95	51.88	48.7	48.24	46.52
Old Believers Church	2.86	1.7	1.64	1.55	1.69
Roman Catholic Church	15.76	20.7	19.24	18.82	18.55
Catholics of Latin ceremony	—	—	—	—	—
Greek Catholic Church	—	0.53	0.62	0.58	0.55
Protestant Churches (total) including:	29.17	24.19	27.37	28.34	30.28
Reformed Church	—	0.07	0.06	0.05	0.05
Lutheran Church	—	—	0.11	0.11	0.16
Evangelical Christian Baptists	22.27	10.34	9.82	9.79	9.37
The Council of Churches of Evangelical Christian Baptists	0.39	—	—	—	—
Iogan Church	—	—	0.06	0.11	0.1
New Apostolic Faith Church	—	0.53	0.62	0.8	0.83
The Church of First Christians	—	—	—	—	—
Evangelical Faith Christians - Pentecostalists	5.08	11.13	13.66	13. 96	15.71
Christians of Full Gospels	—	0.20	0.73	0.9	1.04
Christians of Apostolic Faith	—	0.53	0.51	0.48	0.45
The Church of Jesus Christ	—	0.07	0.17	0.21	0.3
Messianic Communities	—	—	—	—	0.1
Seventh Day Adventists	1.43	1.25	1.24	1.5	1.63
Jehovah's Witnesses	—	0.07	0.22	0.43	0.55
The Church of Jesus Christ of Latter-day Saints (Mormons)	—	—	0.17	0.14	0.15
Judaism	0.13	0.53	0.73	0.8	1.09
Reformed Judaism	—	—	—	—	—
Islam	0.13	0.53	0.73	0.8	1.09
Bahais	—	0.07	0.17	0.16	0.15
Oomoto	—	—	—	—	0.25
Vajshnavi (Consciousness of Krishna)	—	0.32	0.39	0.34	—
Followers of Foreign Orthodox Church	—	—	0.06	0.05	0.05
Assembly of Christians	—	0.13	0.06	0.11	—
Zen Buddhists	—	0.07	0.06	0.05	—
Centre of Virgin	—	—	0.17	—	—
Aum Siirikis	—	—	—	0.05	—
TOTAL	100.0	100.0	100.0	100.0	100.0

APPENDIX 2 CONT'D

	1997	1998	1999	2000	2001
Orthodox Church	45.45	45.7	44.5	44.7	44.0
Old Believers Church	1.56	1.55	1.48	1.37	1.28
Roman Catholic Church	18.34	17.38	16.4	15.89	15.66
Catholics of Latin ceremony	0.08	0.09	0.08	0.08	0.08
Greek Catholic Church	0.51	0.49	0.54	0.51	0.49
Protestant Churches (total) including:	31.65	32.36	34.4	34.75	35.74
Reformed Church	0.05	0.04	0.04	0.04	0.04
Lutheran Church	0.19	0.18	0.16	0.2	0.49
Evangelical Christian Baptists	9.06	9.24	9.6	9.58	10.06
The Council of Churches of Evangelical Christian Baptists	1.46	1.42	1.3	1.18	1.09
Iogan Church	0.05	0.04	0.04	0.04	0.04
New Apostolic Faith Church	0.8	0.8	0.8	0.78	0.75
The Church of First Christians	0.05	0.04	0.04	0.04	0.04
Evangelical Faith Christians - Pentecostalists	15.66	15.78	17.06	17.4	17.65
Christians of Full Gospels	1.18	1.55	1.9	2.12	2.17
Christians of Apostolic Faith	0.37	0.5	0.37	0.35	0.34
The Church of Jesus Christ	0.28	0.26	0.25	0.24	0.23
Messianic Communities	0.1	0.09	0.08	0.08	0.07
Seventh Day Adventists	1.74	1.76	1.85	1.88	1.8
Jehovah's Witnesses	0.66	0.66	0.87	0.82	0.97
The Church of Jesus Christ of Latter-day Saints (Mormons)	0.15	0.13	0.12	0.12	0.11
Judaism	1.04	0.98	0.99	0.94	0.9
Reformed Judaism	0.28	0.35	0.33	0.31	0.38
Islam	1.04	0.98	0.99	0.94	0.9
Bahais	0.15	0.22	0.21	0.24	0.23
Oomoto	0.05	0.04	0.04	0.04	0.04
Vajshnavi (Consciousness of Krishna)	0.24	0.27	0.29	0.27	0.26
Followers of Foreign Orthodox Church	—	—	—	—	—
Assembly of Christians	—	—	—	—	—
Zen Buddhists	—	—	—	—	—
Centre of Virgin	—	—	—	—	—
Aum Siirikis	—	—	—	—	—
TOTAL	100.0	100.0	100.0	100.0	100.0

APPENDIX 3
Number of Religious Communities in the Republic of Belarus
on January 1, 2001

	Total number	Brest region	Vitebsk region	Gomel region
Orthodox Church	1172	311	170	154
Old Believers Church	34	1	20	1
Roman Catholic Church	417	55	72	19
Catholics of Latin ceremony	2	—	—	—
Greek Catholic Church	13	3	2	2
Reformed Church	1	—	—	—
Lutheran Church	13	—	6	2
Evangelical Christian Baptists	268	80	34	26
The Council of Churches of Evangelical Christian Baptists	29	10	2	3
Iogan Church	1	—	—	—
New Apostolic Faith Church	20	3	3	5
The Church of First Christians	1	1	—	—
Evangelical Faith Christians - Pentecostalists	470	146	49	60
Christians of Full Gospels	58	7	6	17
Christians of Apostolic Faith	9	5	—	—
The Church of Jesus Christ	6	1	—	—
Messianic Communities	2	—	—	—
Seventh Day Adventists	48	14	9	7
Jehovah's Witnesses	26	3	6	7
The Church of Jesus Christ of Latter-day Saints (Mormons)	3	—	—	—
Judaism	22	4	3	4
Reformed Judaism	10	1	3	1
Islam	24	2	5	—
Bahais	6	1	1	1
Oomoto	1	—	—	—
Vajshnavi (Consciousness of Krishna)	7	1	1	1
Total	2663	649	392	310

APPENDIX 3 CONT'D

	Grodno region	Mogilev region	Minsk region	Minsk
Orthodox Church	172	72	265	28
Old Believers Church	—	6	3	3
Roman Catholic Church	170	17	76	8
Catholics of Latin ceremony	—	—	—	2
Greek Catholic Church	2	1	1	2
Reformed Church	—	—	—	1
Lutheran Church	3	1	—	1
Evangelical Christian Baptists	21	30	61	16
The Council of Churches of Evangelical Christian Baptists	3	4	6	1
Iogan Church	1	—	—	—
New Apostolic Faith Church	6	2	—	1
The Church of First Christians	—	—	—	—
Evangelical Faith Christians - Pentecostalists	36	33	128	18
Christians of Full Gospels	7	2	9	10
Christians of Apostolic Faith	3	—	—	1
The Church of Jesus Christ	1	1	1	2
Messianic Communities	—	—	—	2
Seventh Day Adventists	7	3	6	2
Jehovah's Witnesses	5	1	3	1
The Church of Jesus Christ of Latter-day Saints (Mormons)	—	—	—	3
Judaism	1	5	3	2
Reformed Judaism	2	2	—	1
Islam	10	1	4	2
Bahais	1	1	—	1
Oomoto	—	—	—	1
Vajshnavi (Consciousness of Krishna)	1	2	—	1
Total	452	184	566	110

* The information in Appendices 1–3 is taken from Земляков Л. Е. Религиозные процессы в Беларуси. Проблемы государственно-правового регулирования. Минск, 2001. С. 192–97; Текущий архив Государственного комитета по делам религий и национальностей за 2003 год.

