UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

REPORT ON BELARUS

MAY 2003

U.S. Commission on International Religious Freedom
800 North Capitol Street, NW
Suite 790
Washington, DC 20002
202-523-3240
202-523-5020 (fax)
www.uscirf.gov

United States Commission on International Religious Freedom

Felice D. Gaer
Chair

Michael K. Young
Vice Chair

Firuz Kazemzadeh

Richard D. Land

Bishop William F. Murphy

Leila Nadya Sadat

Nina Shea

The Honorable Charles R. Stith

The Honorable Shirin Tahir-Kheli*

Joseph R. Crapa
Executive Director

* Effective March 24, 2003, Ambassador Shirin Tahir-Kheli was appointed Special Assistant to the President and Senior Director for Democracy, Human Rights and International Operations by National Security Advisor Condoleezza Rice. This appointment necessitated Amb. Tahir-Kheli's resignation from the Commission.

STAFF OF THE U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM
May 2003

Tad Stahnke, Deputy Director for Policy
David Dettoni, Deputy Director for Outreach
Christy Hines, Director of Government Affairs
Anne Johnson, Director of Communications
Carmelita Pratt, Director of Administration

Dwight N. Bashir, Policy Analyst
Patricia Carley, Senior Policy Analyst
Deborah DuCre, Receptionist
Scott Flipse, Policy Analyst
Allison B. Hollabaugh, Research Assistant
Susan Kemp, Communications Assistant
Caitlin Lacy, Intern
Jacqueline A. Mitchell, Executive Assistant
James W. Newton, Policy Analyst
Stephen R. Snow, Senior Policy Analyst
Eileen A. Sullivan, Deputy Director of Communications
John W. Tai, Policy Analyst

LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, May 1, 2003

The PRESIDENT
The White House

DEAR MR. PRESIDENT: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's Report on Belarus, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55 and P.L. 107-228.

We would welcome the opportunity to discuss with you this Report, and the policy recommendations that it contains.

Sincerely,

FELICE D. GAER
Chair

Enclosure

LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, May 1, 2003

Hon. COLIN POWELL
Secretary of State
Department of State

DEAR MR. SECRETARY: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's Report on Belarus, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55 and P.L. 107-228.

We would welcome the opportunity to discuss with you this Report, and the policy recommendations that it contains.

Sincerely,

FELICE D. GAER
Chair

Enclosure

LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, May 1, 2003

Hon. DENNIS HASTERT
Speaker of the House
U.S. House of Representatives

DEAR MR. SPEAKER: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's Report on Belarus, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55 and P.L. 107-228.

We would welcome the opportunity to discuss with you this Report, and the policy recommendations that it contains.

Sincerely,

FELICE D. GAER
Chair

Enclosure

LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, May 1, 2003

Hon. TED STEVENS
President Pro Tempore
U.S. Senate

DEAR MR. STEVENS: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's Report on Belarus, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55 and P.L. 107-228.

We would welcome the opportunity to discuss with you this Report, and the policy recommendations that it contains.

Sincerely,

FELICE D. GAER
Chair

Enclosure

BELARUS

A. Introduction

Belarus has a highly authoritarian government that does not respect the human rights of its citizens. Almost all political power is concentrated in the hands of President Aleksandr Lukashenko and his small circle of advisors. The regime under Lukashenko has been widely accused of serious human rights abuses, including involvement in the "disappearances" of several opposition figures as well as the imprisonment of journalists and other controls on the media. The freedoms of speech, assembly, and association are heavily restricted, and the government has repressed the few institutions of civil society that had emerged after the country gained independence in 1991.

The U.S. Commission on International Religious Freedom is seriously concerned about the status of religious freedom in Belarus. Since coming to power in 1994, Lukashenko has constructed a set of regulatory and bureaucratic obstacles that make legitimate religious activities impossible for many religious communities. Some minority religious groups have experienced violent attacks against their persons and property, and religious leaders have faced arrest, heavy fines, and other forms of harassment. In October 2002, Lukashenko signed new legislation on religion that further threatens to restrict religious freedom in Belarus. Although the law purports to codify protections for religious freedom, in fact, it provides government officials with tools to repress and control religious activities without providing any clear mechanisms to check abuses by these officials. The law, which has been called the most repressive religion law in Europe, also outlaws all unregistered religious activity, requires government censorship of religious literature, and restricts education to only a handful of religious communities.

1. Commission Visit to Belarus

In light of the poor status of religious freedom in Belarus, and the concern that the situation will deteriorate as a result of the new religion law, the Commission traveled there in January 2003. During the visit to Belarus, the Commission met with Belarusian government officials, representatives of religious groups and non-governmental organizations (NGOs), and human rights and other activists to investigate firsthand religious freedom conditions and to express Commission concern to government authorities about the worsening situation.

It was the view of the Commission delegation that religious freedom is greatly restricted in Belarus and that the new religion law significantly increases the threat to religious expression and practice there. A country that has seen little progress toward democratic reform since it gained independence over 10 years ago, Belarus appears to be falling further under the autocratic rule of President Lukashenko. By putting a legal mantle on top of previous repressive practices, the new religion law codifies several mechanisms through which the Lukashenko regime is determined to implement its primary goal of entrenching itself in power, including by stifling the religious freedom of its citizens. Thus, this new legislation should be seen as only the latest component of his overall policy of political domination, and as such, it is integrally linked to other of his repressive actions.

In addition to its visit to Belarus, the Commission has examined the situation in that country by means of private briefings with scholars, former diplomats and other experts, and meetings with delegations from Belarus. The Commission has also met with former government leaders from Belarus, and representatives of several opposition groups and members of persecuted religious minorities. In November 2002, Commissioner Nina Shea participated in a conference hosted in Washington by the U.S. Embassy in Belarus and made a presentation on behalf of the Commission on the status of religious freedom and other human rights in Belarus.[1]

B. Background

1. Demographic Information

The population of Belarus is approximately 10.4 million people, of whom 78 percent are ethnic Belarusian, 13 percent Russian, 4 percent Polish, 3 percent Ukrainian, and 2 percent others.[2] The Belarusian language is closely related to the Russian and Ukrainian languages. Due in part to the intense Russification campaign in Belarus during the Stalin era, Russian is now more commonly spoken among Belarusians, though after Belarus gained independence in 1991, there were short-lived efforts made to increase the prominence of the Belarusian language.[3]

According to an opinion poll from the late 1990s, approximately 60 percent of the population identify with the Russian Orthodox Church, for either cultural or historical reasons. As indicated by government figures, approximately 50 percent of the population are thought to be "believers," of whom 80 percent are members of the Russian Orthodox Church, 15 percent Roman Catholic, and 2 percent Protestant.[4] There are thought to be between 50,000 and 90,000 Jews in Belarus, and also small numbers of adherents of the Greek Catholic Church and the Belarus Autocephalous Orthodox Church, which does not accept the authority of the Moscow Patriarchate of the Russian Orthodox Church. In addition, there are groups of Pentecostal and Evangelical Protestants, Seventh Day Adventists, Old Believers, Muslims, Jehovah's Witnesses, and others.[5]

In 1990, Belarus was declared an exarchate of the Russian Orthodox Church, making it an independent church within the Russian Orthodox Church. The close historical ties of the Catholic Church in Belarus to Poland led to high levels of repression during the Soviet period; today, about 25 percent of the country's Catholics are thought to be from among the ethnic Polish population living there.[6] At the turn of the 20th century, there were approximately 1.3 million Jews in Belarus, and the Jewish population accounted for 50 to 60 percent of the urban population. Due to the Holocaust against Jews during World War II, the population by 1989 was about 142,000, a number which has since declined mainly due to emigration. The Greek Rite Catholic Church, or Uniate Church, was once the majority religion in Belarus, existing there from 1596-1839, when it was banned by the Tsarist Russian government and harshly persecuted. It was not re-established in Belarus until the early 1990s.[7]

2. Political Developments

Belarus gained independence in December 1991 upon the collapse of the Soviet Union.[8] After taking initial steps toward democratic reform in the early 1990s, in July 1994, Aleksandr Lukashenko was elected president, in part on a platform of bringing the country closer to a

political union with Russia. In November 1996, President Lukashenko introduced a referendum to amend the Belarusian Constitution in order to broaden his powers and extend his term in office past 1999, ignoring both the Constitutional Court's ruling that the Belarus Constitution could not be amended by referendum and widespread international criticism of the move. Lukashenko disbanded Belarus' elected parliament following the 1996 referendum and substituted a non-elected, acting legislature created out of the remnants of the former parliament. In October 2000, parliamentary elections were held for the first time since the 1996 referendum. The Organization for Security and Cooperation in Europe (OSCE) concluded that the elections were neither free nor fair. Although the amended Constitution provides for a formal separation of powers, the president dominates all branches of government.

Since 2001, the government's already poor human rights record has worsened significantly in many areas. The government has made no serious effort to account for the disappearances of well-known opposition political figures over the past two years.[9] In addition, the authorities took severe measures to eliminate political dissent even further, including the beating of political opponents and detainees by Belarusian security forces. In September 2001, Lukashenko won a presidential election that was widely criticized as staged and undemocratic. After the election, with the aid of the country's still highly repressive security apparatus, he sought retribution against those who had challenged him, forcing some of them into exile and jailing others on spurious charges, such as "defaming" or "publicly insulting" the Belarusian president.[10]

Throughout 2002, the Belarus government under Lukashenko remained determined to crush all political opposition, resulting in the country's further international isolation. In the fall of 2002, the Advisory and Monitoring Group (AMG) of the OSCE was ordered to leave Belarus after the Belarusian authorities refused to extend staff's visas and insisted that the monitoring group "stop interfering in the internal affairs of the country."[11] After the illegitimate 1996 election that served to extend Lukashenko's term in office, the AMG was sent to Belarus in 1997 with a mandate "to assist the Belarus authorities in promoting democratic institutions and in complying with other OSCE commitments and to report on this process."[12] The subsequent outcry in many western countries at the actions of the Belarus government against the AMG resulted in Lukashenko's being declared "persona non grata" in a number of western countries, including the United States, which announced in November 2002 that effective immediately, the U. S. government would not issue visas for "official and personal travel to the United States by Mr. Aleksandr Lukashenko, leader of Belarus, and seven other high-ranking officials of his government."[13] This step was also taken by 14 member countries of the European Union. In January 2003, the OSCE body was allowed back into the country, though apparently with its mandate to monitor and assist the Belarusian government in "promoting democratic institutions" considerably weakened.[14] In response to Belarus' "cooperation" in re-establishing the OSCE office in Minsk, the U.S. government, along with the aforementioned 14 European countries, voted to rescind visa restrictions on Belarusian officials.[15]

After the undemocratic parliamentary elections in 2000, the Belarus National Assembly was not permitted to take its place at the annual OSCE Parliamentary Assembly meetings in 2001 and 2002. The OSCE instead established four benchmarks to be reached before the Belarusian parliament would be allowed to resume its place at the OSCE Assembly: transparency of the election process; access of opponents to the state-run mass media; non-

discrimination towards political opponents; and meaningful functions and powers for the parliament.[16] In the meantime, an empty seat for Belarus was left "to symbolize both flawed elections and the repression of parliamentarians, including jailing and even disappearances of some members."[17] In 2003, however, a proposal by the U.S. delegation to continue postponing the recognition of Belarus' undemocratic parliament was voted down, with 17 others supporting the American position, 20 opposing it, and 5 countries abstaining. This move was taken despite the statement of the chair of the OSCE Parliamentary Assembly's Working Group on Belarus that there were "no sufficient grounds" for allowing the National Assembly to represent Belarus in the OSCE body.[18] None of the four conditions laid out by the OSCE were met by the Belarus government.

Soon after his election to the presidency in 1994, Lukashenko instigated talks with the Russian government on the union of their two countries. In 1995, the two governments signed a "Friendship and Cooperation Act," and in 1997 a treaty of union was also signed, which was intended to result in closer economic, political, and social cooperation while allowing for the two countries to retain their sovereignty and other symbols of independence.[19] However, progress towards a closer union has reportedly suffered setbacks since the election to the Russian presidency of Vladimir Putin, who in 2002 made a proposal that Belarus become a part of Russia, a plan that was immediately rejected by Lukashenko. It is thus not clear that each president has the same goal in pursuing this union, for despite Putin's suggestion that Belarus would become not much more than a province of Russia, Lukashenko reportedly envisions a union of two equal countries that would give himself far greater personal status.[20] Nevertheless, both sides have continued to claim to be seeking a political and economic union, though concrete movement towards this end has been slow.[21] In early April 2003, however, it was announced that officials from Belarus and Russia had finalized a "draft Constitutional Act of the Russia-Belarus Union," which outlined governing bodies, attributes of statehood, currency and other economic aspects, and the legal framework of the union.[22]

C. Status of Religious Freedom

1. Legal Issues

Though the Belarus Constitution provides for freedom of religion, in practice, this freedom has been limited by the government. The Constitution was amended in 1996 by an unlawful referendum used by Lukashenko to expand his power, and the new version contains language stating that cooperation between the government and religious organizations is to be regulated according to their influence on the "formation of spiritual, cultural, and country traditions of the Belarusian people."[23] Religious affairs are administered by the Committee on Religious and Nationalities Affairs of the Council of Ministers (CRNA). Among other powers, this body has the authority to refuse permission to any foreign citizen representing a religious organization to enter the country, even if the visit is for non-religious purposes, a decision which cannot be repealed.[24]

a. The new law on religion

On October 31, 2002, President Lukashenko signed into force a new law governing religious organizations entitled "On Religious Freedom and Religious Organizations."

Considered by many observers to be the most repressive religion law in Europe, the new law essentially prohibits: all unregistered religious activity by organized groups; religious communities with fewer than 20 members; foreign citizens from leading religious activities; and religious activity in private homes, with the exception of small, occasional meetings.[25] The new law accomplishes this in part by establishing a three-tiered system of registration requirements, and restricting the activities of the groups on the lowest rung. The law also obliges all religious organizations to apply for re-registration within two years. The registration criteria laid out in the law is vague, thus facilitating continued abuse by government officials.

According to the new law, religious publishing and education will be restricted to religious groups that have 10 registered communities, including at least one that was in existence in 1982. This requirement of at least 20 years existence in Belarus is particularly onerous, since the cutoff date of 1982 falls during the Soviet period of religious repression when few religious groups were able to operate openly. Moreover, all religious literature is now subject to compulsory prior censorship by the government.[26] The censorship will be carried out by a council established by the CRNA, though the law has no language indicating how members of this council will be chosen.

The new law also establishes a requirement to secure official approval for even registered groups to meet in private homes, transfer religious property, and import religious literature or distribute it anywhere off the group's property. As one account describes it, the new law has 40 articles of "bewildering complexity" that, in the end, "strictly limit the places where even registered faiths can hold services."[27] One Belarusian official was described as stating that if more than 10 persons gather for a religious meeting without official permission, they would be committing a crime. This official went on to say that private homes are not places designated for the holding of religious meetings; thus, all such meetings in private homes would require prior permission from the local administration.[28] This is the case even if meetings are held weekly, meaning that permission will have to be obtained each time. According to a religious freedom activist in Belarus, this requirement will most directly affect Evangelical Protestant believers, since Bible studies, which frequently involve weekly assemblies of believers in private homes, are the basic type of service in these communities.[29]

The new religion law contains a preamble that was not in the country's previous religion law, which includes a recognition of the "defining role" of the Russian Orthodox Church in the development of the "spiritual, cultural, and state traditions of the Belarusian people." The preamble also recognizes the "spiritual, historical, and cultural role of the Catholic Church on Belarusian territory," and the "inseparability of the Evangelist-Lutheran Church, Judaism, and Islam from the common history of the people of Belarus."[30] According to a number of observers, the content and adoption of the new law is widely believed to have been heavily influenced by the Orthodox Church.[31] In January 2003, Lukashenko was quoted as saying that his soul could not "comprehend the fact that in [his] country, the church is somehow separated from the state," for in fact, he went on, the Orthodox Church "is a consolidating element in [Belarusian] society." He also stated that the new religion law provided "a legal basis" for closer cooperation between the Church and the state.[32]

It is not yet fully clear how minority religious groups would be affected by the new law. Representatives of several religious groups told the Commission in January 2003 that their future

depends on how the law will actually be implemented, as its vague language leaves the legislation open to wide interpretation on the part of government officials. They are also concerned about the increasing influence of the Russian Orthodox Church in restricting the rights of minority religions. Several groups have announced that they will defy the law and continue to practice, while others have resigned themselves to trying to meet its restrictive conditions and registration requirements.[33] The Commission was told that some minority groups, particularly Protestant communities, have already started to feel the effects of the new law, primarily in experiencing both greater difficulties in finding worship space and pressure about meetings in private homes.[34]

b. The new registration requirements

Stanislau Buko, the chair of Belarus' CRNA, told the Commission that the new religion law raised the registration requirements because the Belarusian government is trying to limit the presence of "pseudo-religions and destructive groups."[35] Explaining the new requirement to prove existence in Belarus for 20 years, Buko stated that a religious organization "should show its loyalty and usefulness to society to demonstrate that it is not destructive." Similarly, with regard to religious literature, Buko said that the new law represents the government's determination to prevent "destructive literature of a cult nature" from entering the country.

Regarding the new law's requirement that all groups re-register, Buko stated that the government will allow up to two years for the process to be completed. Religious organizations that were registered before the new law went into effect will have to re-register, he assured the Commission, but they will not be subject to the new registration requirements; they will be able to re-register on the basis of the pre-existing laws. Groups that were not registered before the new law was passed, however, will be subject to the registration requirements as outlined under the new law. The vast majority of religious groups, Buko told the Commission, will have no difficulties registering or re-registering under the new law.

Not long after the law was passed, another member of the CRNA, Aleksandr Kalinov, was reported also to have said that most religious communities would not experience problems re-registering in the wake of the new law. At that time, Kalinov said that "the law will not have retroactive force" and "no religious communities will lose the legal status they have achieved even if they no longer meet the requirements of the new law." He was also quoted as saying that "the law will not harm the rights of any religious community."[36]

Representatives of currently registered religious groups from Belarus, however, were far less sanguine about the re-registration process than CRNA officials. Despite the government's assurances that it will be a "smooth" process, even those that were registered in the past expressed great concern to the Commission about their ability to re-register under the new law. Many noted that the rules for re-registering are very vague, enough so that special re-registration instructions had to be issued by the CRNA in an attempt to clarify the process. Even greater concern was expressed by religious organizations unable to gain registration in the past, such as a number of Pentecostal and Evangelical Christian groups, Hindus, Jehovah's Witnesses, independent Orthodox congregations, and others.

Concerns about the re-registration process are apparently valid. The Commission has learned from representatives of several religious groups that contrary to official assurances, previously registered groups in fact are being denied re-registration by the Belarusian authorities.[37] The Commission has learned that such denials are apparently being made, however, on some basis other than those explicitly outlined in the law. Rather, some other technicality is often cited, such as that a group does not have a "proper building," for example. Thus, though not technically applying the new registration requirements, the Belarusian government is reportedly refusing re-registration even to those groups that were registered in the past, despite the assurances of the CRNA chairman.

2. Continuing Religious Freedom Concerns

After coming to power in 1994, Lukashenko set about limiting religious freedom by establishing a number of regulatory and other bureaucratic obstacles that effectively restricted religious activities for many groups. These regulations were sometimes unpublished and targeted primarily small, minority religious communities. Numerous groups, including Protestant, Hindu, and independent Orthodox communities, were repeatedly denied registration because of these onerous and often arbitrary strictures. The bureaucratic obstacles had the effect of routinely preventing religious communities from renting worship space or purchasing property to construct a house of worship, leaving these groups unable to meet and effectively unable to function. Some groups, especially among the Protestant community, had simply suspended public services because of the difficulties.

State regulations had also, in effect, prevented many foreign religious workers from entering the country. A foreign citizen needs an invitation from the indigenous religious organization, a certificate confirming the person has a religious education, and permission from the CRNA, which is often withheld. If permission is granted, the person can work only in the specific religious organization (i.e., congregation or parish) that invited him or her.[38] In effect, this has meant that a Catholic bishop cannot transfer a foreign priest to a new parish without starting the entire permission process anew.

Members of minority religious communities have been subject to detention, oppressive fines, and even violence. In the last six months of 2002, members of Belarus' Hindu community have been arrested twice, jailed for up to 10 days, and fined over $1,000. Six members of the group were jailed in September following a demonstration against government harassment of religious minorities.[39] Despite numerous attempts, the Hindu community has never gained registration. An apartment used by the group for meetings was broken into and vandalized. One member was severely beaten on the steps of her apartment, as were six of her religious cohorts. Rather than pursue the perpetrators, the police instead issued warnings that the members of the Hindu group "are all criminals who should be avoided."[40] In August, the government sent demolition crews to destroy a new building of the Belarusian Autocephalous Orthodox Church in a small village in the province of Grodno. According to Human Rights Watch, "police violently dispersed parish members and their supporters who tried to prevent the demolition; many were arrested and sentenced to brief jail terms and fines."[41] A journalist was even jailed for 15 days for making an attempt to write about the bulldozing.[42] In 2000 and 2001, three Seventh Day Adventist churches were the victims of arson attacks. The Adventists, according to one report, "strongly suspect the local authorities of involvement."[43]

There have also been regular media attacks on minority religious groups. According to the State Department, Protestants and Catholics were the subject of a television series in 2000 that labeled them as "destructive groups that engage in fanatical rituals and pose a threat to society." Another series of television shows accused Protestant churches and other "non-traditional" groups of "engaging in human sacrifice, poisoning children, and other destructive rituals." These programs quoted government officials from the CRNA calling Protestants "agents of the West" who should be banned from the country.[44] Similar stories appeared in the state-run print media.

a. Anti-Semitism

Attacks on Jews or Jewish property continue to be prevalent in Belarus, with little attempt made on the part of the authorities to hold the perpetrators to account. Memorials, cemeteries, and other property are regularly subject to violence; last summer, there was a string of attacks on Jewish cemeteries in a number of cities throughout Belarus. According to one account, dozens of Jewish cemeteries in the towns of Minsk, Borisov, Vitebsk, and Gomel were vandalized. Jewish children were also attacked.[45] Though President Lukashenko condemned the attacks, the perpetrators were not pursued. According to one Belarusian Jewish leader, inaction on the part of the authorities enables those responsible to attack with impunity.[46]

According to the State Department, several deputies in the lower house of the parliament made anti-Semitic statements during the debate on the new religion law. One even argued that Jews should not be considered citizens of Belarus.[47] Other reports indicate that members of parliament routinely make anti-Semitic statements from the floor. Moreover, a state-owned publishing company called the "Orthodox Initiative" has published, among other anti-Semitic tracts, the notorious, fraudulent "Protocols of the Elders of Zion," which has been used to foment anti-Semitism around the world.[48] However, in November 2002, 75 out of 109 members of parliament appealed to Lukashenko to stop the destruction of Jewish cultural landmarks in Minsk, referring to plans for construction on the site of a 19th-century synagogue and over the foundation of a ruined 16th-century synagogue. The parliamentarians stated their intention of forming a joint commission to investigate the involvement of government officials in the destruction of historic sites in the country's capital.[49] Jewish groups in Belarus praised the parliamentarians' action, noting that it was the "first attempt to stop anti-Semitism at the government level."[50] The same groups also charged the government with "turning a blind eye" to the increasing anti-Semitism in Belarus.

b. Recurrent preferential treatment to one religious community

Though there is technically no state religion in Belarus, since 1994 Lukashenko has pursued a policy of favoring the Russian Orthodox Church and restricting the rights of members of many other denominations and religions. The government subsidizes the Orthodox Church, but no other religious community. For example, the government has provided funds to the Orthodox for the construction of churches, though other denominations, whose churches were also destroyed during the Communist period, are not receiving such funds. At the same time, other religious communities are prevented from carrying out basic religious activities. The representatives of several religious and human rights groups told the Commission that Orthodox priests routinely set up obstacles that effectively prevent them from practicing their religion.

Various minority communities, mainly Protestant groups, report that local Orthodox Church leaders often prevent them from obtaining permission to build a church or other house of worship, or that local Orthodox priests stir up public opinion against a group's gaining registration or receiving permission to build.[51] What is more, the Commission was told that the new religion law will only make it easier for the Orthodox representatives to find a basis on which to accuse another religious community of breaking the law, thus halting its activities.

According to the U.S. Department of State, Lukashenko sees the strengthening of the role of the Orthodox Church as an element of his overall policy of promoting unity between Russia and Belarus.[52] One religious leader told the Commission that Protestant churches are seen by the authorities as a barrier to the eventual union of Belarus with Russia and are thus harassed by Orthodox or government authorities until they are shut down.

The relationship between the Russian Orthodox Church and the Belarus government has created particular problems for "independent" Orthodox churches, i.e., those that do not accept the authority of the Orthodox Patriarch in Moscow. These include the Autocephalous Orthodox Church, which holds its services in Belarusian rather than Russian, and the True Orthodox Church, a branch of the Orthodox Church that rejected the compromise with the Soviet government made by the Russian Orthodox Church in the 1920s and has eschewed communion with the Moscow church ever since. The destruction of an Autocephalous Orthodox church by bulldozers was mentioned above; the congregation is currently forced to hold its services either outdoors or in private homes to escape fines or arrest by the police. As noted earlier, meetings in private homes are now imperiled by the new religion law.[53] Regarding the True Orthodox, a member of the CRNA reportedly stated "that there is no such Church" in Belarus. Both Orthodox Churches have been denied registration, before and since the new law was passed, giving credence to reports that President Lukashenko has vowed to "use all state forces" to protect the unity of the Russian Orthodox Church's Exarchate in Belarus.[54]

Metropolitan Filaret, the head of the Russian Orthodox Church in Belarus, told the Commission that though it is a fact that the Orthodox Church is the majority religion in Belarus, the Church does not want to become a state church. After the Soviet experience, he continued, the Orthodox Church understands well the negative aspects of being a state church. There is no interest in repeating that experience. The Metropolitan also said that the state has a right to determine which religious groups come to Belarus and for what purpose.

Nonetheless, a draft agreement has been proposed between the government of Belarus and the Belarus Orthodox Church that is currently under consideration by the Belarusian government. The document, entitled "Agreement Between the Government of the Republic of Belarus and the Belarusian Orthodox Church," establishes an explicit and official tie between the two entities and provides the Orthodox Church with privileges that would not be available to any other religious community.[55] In the preamble to the Agreement, there is language recognizing that "the development and strengthening of cooperation between [the government and the Church] meets the interests of the Belarusian people," and declaring "the need to defend the canonical territory of the Church from the expansion of pseudo-religious structures."

In the Agreement itself, the government declares its recognition that cooperation and close ties with the Orthodox Church will provide the foundation of social stability, civil unity,

and religious peace; the Church, for its part, recognizes that the state is the guarantor of the preservation of the spiritual and cultural traditions of the Belarusian people, historically formed under the influence of the Church. The two sides agree to establish joint programs in various realms of society, including the defense of social morals; spiritual, secular cultural, moral, and patriotic education; economic activities for the benefit of the church, state, and society; and taxes and tax privileges, among many other programs listed. The two parties recognize the right of parents to have available for their children an Orthodox religious or spiritual and moral education in state and non-state schools. The Agreement also gives the Church the right to "its own means of mass information, and also the transmission of its programs over state radio and television channels." As of this writing, this Agreement has not yet become law in Belarus.

Virtually all minority religious leaders and human rights activists expressed grave concern about the circulating agreement between the state and the Orthodox Church. Some conveyed particular concern about the influence the Church will have as a result of this agreement in such areas as state education and criminal law; others stated that such an agreement would create instability in a multi-confessional country like Belarus.

D. U.S. Policy

From 1991-1994, the United States and Belarus gradually began to develop and strengthen their relations. In 1994, however, the election of Aleksandr Lukashenko, and the government's increasingly undemocratic policies, including and especially, the disbanding of the democratically elected parliament in 1996, negatively affected relations between the two countries. In 2000, proposals were made through the OSCE, in exchange for Belarus holding free and fair parliamentary elections, to help Belarus out of its unfavorable situation and to re-establish normalized relations with the United States and other western countries. Similar offers were made again in 2001 with respect to the presidential election. However, the Lukashenko government continued and even increased its undemocratic practices, including staging elections in violation of democratic norms, and relations between Belarus and the United States have remained strained.

The U.S. government has repeatedly condemned the serious human rights abuses carried out by the Lukashenko regime and made clear that the relationships between the two countries would not improve unless clear reforms were implemented. Particularly at meetings of the OSCE, U.S. delegates regularly used forceful language to describe such developments as "an accelerating deterioration of respect for human rights in Belarus" and "the Lukashenko regime's blatant attempt to intimidate the political opposition."[56] Senior State Department officials have also been critical. For example, in October 2002, A. Elizabeth Jones, Assistant Secretary of State for the Bureau of European and Eurasian Affairs, stated at a congressional briefing that "Belarus has been the object of some of [the U.S. government's] most serious human rights concerns."[57] Compounding U.S. discontent with the Lukashenko regime was the growing evidence by early 2002 indicating that the Belarusian government had been supplying military training and weapons to Iraq in violation of UN sanctions, an issue that received attention on the U.S. Senate floor by Senator Ben Nighthorse Campbell.[58]

U.S. government officials repeatedly voiced concern about the religion law when it was in draft form. Indeed, on November 1, 2002, the day after Lukashenko signed the bill, the U.S.

government issued a statement officially "deploring" the Belarusian government's latest action to restrict religious freedom.[59] The religion law has been denounced repeatedly by U.S. officials at the OSCE, as well as in congressional testimony by State Department officials.[60] In a December 2002 speech delivered at a conference in Minsk on the subject of possibilities for economic development in Belarus, which was attended by representatives of the Belarusian government as well as the United Nations Development Program, the European Bank for Reconstruction and Development, the International Monetary Fund, and others, Kent R. Hill, Assistant Administrator of the U.S. Agency for International Development (USAID) in the Bureau for Europe and Eurasia, declared to Belarusian officials that "because of the new religion law here, which went into effect in mid-November, you now have the most repressive system of laws on the books anywhere in Europe relative to freedom of conscience."[61]

In February 2003, the U.S. government announced at an OSCE meeting that it would continue to subscribe to a "step by step approach" in its relations with Belarus. Positive, meaningful steps towards democratization and human rights protection would be reciprocated, but "disregard for international standards should not be rewarded." For some time now, the statement noted, "we have not seen significant Belarusian steps toward respect for these norms."[62]

In 2002, the United States provided approximately $28 million in assistance to Belarus, including $15 million in humanitarian aid.[63] The U.S. government currently sponsors programs to provide technical assistance to the media, youth groups, and Belarusian political parties.[64] The U.S. Embassy in Minsk has set up a Democracy Commission to "assist the nascent independent media and NGO sector and promote the rule of law."[65] Through USAID, the U.S. government spent $4.5 million to provide technical assistance and funding to partner organizations in the non-governmental sector, democratic political parties, independent media, and small-business enterprises. According to USAID, the main beneficiaries of this assistance are non-state organizations and some structures at the local government level. Programs included training for NGOs in advocacy, civic education, fundraising, coalition building, media relations, and legal defense.

In addition to financial assistance, the U.S. government has offered political support to Belarusian opposition groups, human rights organizations, and minority religious groups, particularly since 1996. The U.S. Embassy in Minsk maintains contacts and regularly meets with harassed religious and other groups, despite attempts on the part of the Belarusian government sometimes to thwart such efforts. In one incident, two U.S. diplomats were prevented by Belarusian police from visiting the site where an Autocephalous Orthodox Church building was destroyed by Belarusian authorities. The diplomats had reportedly hoped to view the site where the church was bulldozed, meet with members of the church, including leader Father Yan Spasyuk, and local government officials. However, the diplomats were stopped by police two kilometers from the village where the destruction occurred. They were eventually allowed to proceed to the village's administration building, but were quickly escorted out of the area by the police. They were not able to see the site of the destroyed church or meet with Spasyuk or any other members of the church.[66]

In February 2003, U.S. Representative Christopher Smith introduced, for the second time, legislation called "the Belarus Democracy Act."[67] When reintroducing the bill, Representative

Smith stated that one of its primary purposes is to "demonstrate U.S. support for those struggling to promote democracy and respect for human rights in Belarus despite the formidable pressures they face from the anti-democratic regime."[68] After outlining the pattern of human rights abuses perpetrated by the Belarusian government, the bill calls for increased assistance "to promote democracy and civil society in Belarus," including by encouraging free and fair elections and the development of democratic political parties, independent media, international exchanges, and NGOs "promoting democracy and supporting human rights."[69]

The bill also calls for the application of sanctions against the government of Belarus until the President "determines and certifies to the appropriate congressional committees that the government of Belarus has made significant progress" in meeting conditions designated in the bill. These conditions include: the release of individuals who have been jailed on account of their political beliefs; the withdrawal of politically motivated charges against opposition figures; a full accounting of the "disappearances" of noted opposition leaders and journalists; the cessation of all forms of harassment of independent media, NGOs, opposition groups, and religious organizations; and the implementation of free and fair elections. The bill would also deny entry into the United States to high-ranking Belarusian officials. According to Representative Smith, "strategic exports to the Belarusian government would be prohibited, as well as U.S. government financing, except for humanitarian goods and agricultural or medical products."[70]

E. Recommendations

1. The U.S. government should use every measure of diplomacy to advance the protection of human rights, including religious freedom, in Belarus. This should include:

1.a. enhanced monitoring and public reporting of religious freedom in Belarus during the upcoming year, especially in light of the OSCE's new weakened monitoring mandate.

Even before the enactment of the new law on religion, the government of Belarus had been responsible for serious violations of religious freedom. Regulatory and bureaucratic obstacles had made many legitimate religious activities impossible; members of minority religious groups were harassed, unlawfully fined, and even subject to violence from Belarusian authorities; and persons and property were frequently attacked because of religious affiliation, and perpetrators rarely held to account. The new religion law threatens to systematize even greater restrictions on religious freedom in Belarus, not least by instituting a new legal regime that will provide judicial cover to potentially more serious religious freedom violations, including a ban on unregistered religious activity and imprisonment for believers who organize unregistered activities. The Commission strongly urges the State Department to monitor closely religious freedom in Belarus during the coming year, to report publicly on it, and to respond, including with statements inside Belarus, to further violations that may merit corrective action in the future.

As noted above, the OSCE's Advisory and Monitoring Group (AMG) was ordered to leave Belarus in fall 2002 after complaints of interference by the Belarusian government. The

following January, the government allowed the AMG to return to Minsk, but apparently only because the OSCE agreed to water down the group's initial mandate to promote democratic institutions and compliance with OSCE commitments. The directive of the recently returned AMG is to help Belarus "in further promoting institution building, further consolidating rule of law and in developing relations with civil society in accordance with OSCE principles and commitments."[71] The removal of the word "democratic" was reportedly a concession to the Lukashenko regime. The Belarus government reportedly also demanded other concessions that inhibit the workings of the AMG, including the requirement that all of the group's projects or programs had to be cleared by the Belarusian government.

Clearly the OSCE's monitoring mandate in Belarus has been weakened by its acceptance of the demands of the Lukashenko regime. In February 2003, the OSCE further yielded to the Belarus government by agreeing, in a split vote, to the seating of the Belarusian National Assembly at the OSCE's Parliamentary Assembly, even though the Lukashenko government had taken no steps toward fulfilling the four benchmarks laid out by the OSCE for such a step to be taken.

In response to the return of the AMG to Belarus, the United States and 14 other OSCE member countries agreed in April 2003 to lift the visa restrictions on high-level Belarusian officials put in place the previous November. Given the AMG's weakened mandate, it is clear that such a move was not warranted at this time, particularly since the U.S. government's own statements with regard to Belarus caution that "disregard for international standards should not be rewarded."

The U.S. government should therefore establish some special mechanism to fund and conduct enhanced monitoring of, and reporting on, human rights conditions in Belarus to replace the OSCE's weakened AMG. This is an effort that could be made by the U.S. Eembassy, which could report to Congress and the Commission on a regular basis on the situation in Belarus. This public reporting should be more frequent than just the two occasions made available by the State Department's human rights and religious freedom reports. The status of religious freedom in Belarus is likely to deteriorate in the wake of the implementation of the new religion law at the same time that the OSCE has accepted a watered down monitoring role there. The U.S. government should thus expand and enhance its own monitoring efforts to take the place of, and improve upon, the weakened OSCE body.

1.b. urging the Belarusian government to restore genuine democracy and to respect human rights, including religious freedom, in Belarus, by taking immediate steps to end repression, including:

-- repeal of the highly repressive religion law;

-- an end to the practice of denying registration to religious groups and then erecting obstacles to religious practice because of that unregistered status;

-- the right to conduct religious education and distribute religious material;

-- a halt to the attacks on the persons and property of minority religious groups carried out by government authorities;

-- a greater effort on the part of government officials to find and hold to account perpetrators of attacks on the persons and property of members of religious minorities; and

-- free access of domestic and international human rights groups and others to sites of religious violence or destruction of houses of worship.

In the course of its interaction with Belarusian authorities, the U.S. government should continue persistently to urge the Belarus government to halt its repressive practices and take any other steps necessary to prevent further religious freedom violations. The U.S. government should identify specific steps that the Belarus government must take to demonstrate its commitment to the restoration of democracy and human rights protections in Belarus. Those steps relating to religious freedom are outlined above.

1.c. forcefully speaking out about religious freedom and other human rights violations inside Belarus and in international fora, stressing the need genuinely to implement human rights protections, including the four OSCE benchmarks.

The U.S. government should make a greater effort to speak out about religious freedom and other human rights violations inside Belarus. Messages delivered inside the country make unequivocally clear the importance of human rights to the U.S. government. The U.S. government should also continue to describe accurately Belarus' poor human rights record in international fora.

The U.S. government has been active in raising Belarus' appalling religious freedom record at the OSCE. The U.S. government has opposed the seating of the Belarusian National Assembly at the OSCE's Parliamentary Assembly, and has been highly critical of the Lukashenko government's human rights abuses at OSCE meetings. The United States has also insisted that the Belarus government implement the four criteria outlined by the OSCE in regard to the seating of the Belarusian parliament at the Parliamentary Assembly: transparency of the election process; access of opponents to the state-run mass media; non-discrimination towards political opponents; and meaningful functions and powers for the parliament.

In March 2003, the U.S. government announced that it would introduce a resolution on Belarus at the 59th session of the UN Commission on Human Rights. The following month, the UN Commission adopted such a resolution, which "expresses deep concern" regarding reports of government involvement in the disappearances of political opponents, arbitrary arrest and detention, harassment of NGOs and oppositions groups, and potential increased restrictions on religious organizations, and urges the Belarus government take a number of steps to address those concerns.

While commending U.S. government actions on Belarus at these international fora, the Commission urges U.S. officials persistently to raise human rights concerns, both publicly and

privately, inside Belarus, forcefully speaking out about the Belarus government's human rights abuses in country. The Commission also urges the U.S. government to take a strong stance in these international venues until the situation for religious freedom and other human rights genuinely improves in Belarus. The U.S. government should also continue to insist that the Belarus government implement the four benchmarks indicating genuine democratic reform stipulated by the OSCE.

2. The U.S. government should continue to make a particular effort forcefully to oppose the recently enacted religion law in Belarus. The U.S. government should press the Belarusian government on the issue of registration, and should make clear that failure to register or re-register minority religious groups will result in continued U.S. sanctions against the Belarus government.

Both CRNA Chairman Buko and Metropolitan Filaret told the Commission that the new religion law is based on European laws and does not contravene any international conventions on human rights.[72] According to several religious leaders, the claims of Mr. Buko notwithstanding, the new religion law is aimed deliberately at minority religious groups and was pointedly designed as a means to shut them down.

The new religion law imposes a time requirement of 20 years' presence in Belarus. Though it is true that in other European countries time requirements are imposed in the registration process, this is only for access to the highest "tier" status that is linked to certain financial benefits. Under the new Belarusian law, in contrast, the new constraints appear to be designed to restrict access even to the lowest tier that makes possible basic functioning. Registration requirements should not be used to prohibit groups from engaging in activities protected under Article 18 of the International Covenant on Civil and Political Rights (ICCPR), including the freedom "either individually or in community with others, and in public or private, to manifest…religion or belief in worship, observance, practice, and teaching." Such requirements are contrary not only to the Belarusian Constitution's provisions on the equality before the law of all religions, but also to international standards on religious freedom requiring that states make legal status available to all religious groups.[73]

As noted above, the U.S. government has clearly opposed the new religion law in Belarus, and has gone on record publicly condemning it. Such public statements, as well as private demarches on this important matter, should continue. The U.S. government must firmly and consistently press the Belarusian government to ensure that all religious groups, at the very least, gain registration and that other bureaucratic obstacles to their full functioning be eliminated.

Even with the authoritarian, capricious, and illegal nature of the Lukashenko regime, there is evidence that pressure from the United States and other western countries can be effective. Several religious leaders told the Commission that without the support and persistent intervention of the western countries, the Belarusian government would not, for example, have relented and allowed, at least officially, previously registered groups to re-register according to the old requirements.

Mr. Buko stated unequivocally to the Commission delegation that previously registered groups, at the very least, would not experience difficulties re-registering. Buko and other Belarusian government officials should consistently be held accountable to their words. The U.S. government should make plain to the Belarusian government that the harassment of religious groups through the re-registration process or other means will, without question, result in the continuation of U.S. economic sanctions and a renewal of Belarus' isolation from the world community.

3. The Congress should adopt the Belarus Democracy Act. The activities to promote democracy outlined in the Act should include programs that explicitly promote religious freedom and religious tolerance. The U.S. government should also continue to support, publicly and privately, persons and groups engaged in the struggle against repression in Belarus, including the group of religious and opposition activists who make up the Freedom of Religion Initiative, which published the "White Book."

The Belarus Democracy Act will authorize $40 million in U.S. assistance "to provide for the promotion of democracy, human rights, and the rule of law in the Republic of Belarus." It also explicitly calls for sanctions to be applied to Belarus if human rights and other abuses are not curtailed. These sanctions include the denial of entry of Belarusian officials into the United States, a ban on strategic exports to the Belarus government (including computer software or other technology that may be used by the government), a ban on loan and credit guarantees and other financial assistance from the U.S. government, and the use of the "voice and vote" of the United States in international financial institutions against any financial assistance to the government of Belarus.

The bill sets down explicit conditions that must be met by the government before the sanctions required by the bill can be lifted. Among those conditions is the cessation of "all forms of harassment and repression against … religious organizations (including their leadership and members)."

Many of these sanctions outlined in the bill are already applied by the U.S. government, though they are not in place formally. Currently, U.S. economic aid to Belarus is limited to humanitarian aid and educational assistance, and most of that is targeted at the country's NGO sector. Assistance to Belarus was cut back beginning in 1996, when the United State began its policy of "selective engagement" with the Lukashenko government in response to the illegitimate 1996 constitutional referendum. In July 2000, the U.S. Trade Representative recommended that Belarus be suspended from favorable tariff treatment under the Generalized System of Preferences, a decision based on the determination that Belarus had not taken sufficient steps to conform to internationally recognized rights of workers. As a result, Belarus lost duty-free treatment on a large number of products.[74] According to the U.S. Embassy Web site, "the U.S. government does not encourage American companies to invest in Belarus."

In June 2002, a small group of religious leaders and human rights activists established the "Freedom of Religion Initiative" to raise Belarusian and international awareness of the law on religion and its consequences for religious freedom in Belarus. (The group has also been referred to as the "Civic Initiative for Freedom of Conscience.") The Initiative, which includes

representatives of a variety of religious communities, held a public hearing in June on the draft law, and in August 2002 published the "White Book," a report on the religious freedom problems that exist in Belarus. Members of the group told the Commission that the Initiative hopes to publish another edition of the "White Book" in order to catalog the consequences of the new religion law, especially the registration process.[75]

The Congress should immediately pass the Belarus Democracy Act. Belarus has an appalling record on human rights, including religious freedom. As Representative Smith has said, "the Belarusian people…deserve better than the heavy hand of Alexander Lukashenko."[76] The passage of this act would make American priorities and values clear to the Belarusian government. Though the U.S. government currently funds a series of democracy-promoting programs in Belarus and also imposes sanctions on the Lukashenko regime, this bill would serve to coordinate better U.S. government policies toward, and activities in, Belarus.

As noted above, among the activities that will be supported by the legislation is the "development of non-governmental organizations promoting democracy and supporting human rights." Since religious freedom is an integral part of democracy and a fundamental human right, this should be interpreted to include programs that promote freedom of thought, conscience, religion, and belief, and protect against religious intolerance.

In addition, the Commission recommends that economic and political support for Belarus' opposition and human rights groups continue. The U.S. government's support of such groups can provide a vital lifeline to these advocates; at the same time, U.S. officials should ensure that such actions of support be highly visible inside Belarus. Because of their work on the cause of religious freedom in Belarus, the U.S. government should support the efforts of the activists and religious leaders who make up the "Freedom of Religion Initiative." In view of the repressive nature of the Belarusian regime, those who actively struggle against it should be supported in every way possible, publicly and privately.

4. The U.S. government should urge the Belarus government to ensure that no religious community—whether the Russian Orthodox Church or any other—is given a status that may result in or be used to justify the impairment of the rights of, or discrimination against, members of other religious groups.

The new religion law asserts a defining role for the Russian Orthodox Church in Belarus, and President Lukashenko described the legislation as providing a basis for a closer relationship between the two entities. The existence of a draft official agreement between the Belarusian government and the Russian Orthodox Church is an even more troubling indication that the Russian Orthodox Church in Belarus is gaining a more entrenched, favored status that will result in discrimination against other religious communities. President Lukashenko himself has been quoted on more than one occasion expressing overt support for the Orthodox Church's privileged status.

While it is the case that in some European countries one religious community enjoys the status of "state church," the establishment of an explicitly favored religious group is problematic for religious freedom when, as a consequence, there is the inequitable or unjust treatment of

members of other religious groups. The authoritative general comment by the UN's Human Rights Committee on Article 18 of the ICCPR states that:

> the fact that a religion is recognized as a state religion or that it is established as official or traditional or that its followers comprise the majority of the population, shall not result in any impairment of the enjoyment of any of the rights under the [International Covenant on Civil and Political Rights], including articles 18 and 27 [addressing freedom of religion and minority rights] nor in any discrimination against adherents of other religions or non-believers.[77]

Acknowledging the special role of one particular religion does not in itself indicate that the law is detrimental to other religions; however, it is potentially highly detrimental if the consequence includes discrimination against, or restricting the rights of, the members of other religions, as is clearly the case in Belarus. Given the role of Orthodox leaders in effectively preventing the registration of religious minority groups, its other actions hindering the free practice of religion of other religious communities, and its singular enjoyment of government financial subsidies among other benefits, there is substantial evidence suggesting that the place of the Russian Orthodox Church in Belarusian society has resulted in "discrimination against adherents of other religions or non-believers." The new religion law's burdensome registration requirements and its prohibition on the activities of unregistered minority religious groups are other means through which this is being carried out.

The U.S. government should raise the issue of discrimination against minority religious communities with the Belarus government. The U.S. government should also make clear that the enactment of the "agreement" between the Belarus government and the Orthodox Church, currently circulating in draft form, would likely result in further infringements of international human rights standards on the protection of religious freedom and the rights of religious minorities.

5. Because of the special relationship between Russia and Belarus, the U. S. government should consistently raise religious freedom and other human rights concerns in Belarus with Russian government officials, making clear that the human rights situation in Belarus is unacceptable and that the Russian government has some responsibility to use its influence to press for democratic change with respect to human rights, including religious freedom, in Belarus.

Almost immediately after gaining the presidency, Lukashenko began to discuss a union between Russia and Belarus. Though there are obstacles to this process, not the least of which is the two countries' differing notions about the purpose and structure of such a union, as recently as early April 2003, a "draft Constitutional Act of the Russia-Belarus Union" was finalized by Russian and Belarusian officials. At the same time, there is much speculation about Lukashenko's aim in pursuing this union, as he has stated explicitly on several occasions that Belarus would never agree to lose sovereignty and become merely a province of Russia.[78]

Whatever the intentions of the Belarusian and Russian leaders, it is clear that in the process of pursuing this proposed union, Russia has considerable leverage and potential

influence on the political situation in Belarus. The Russian government therefore has a responsibility to use that influence to insist that the Belarus government do more to promote democracy and respect for human rights in that country.

The U.S. government should raise Belarus' poor human rights record with Russian government officials. If Russia intends to continue with the policy of establishing a union with Belarus, a country with a highly authoritarian government and poor human rights record, the Russian government should press the Belarusian government to respect freedom of religion and other human rights in accordance with Belarus' international commitments.

---

[1] The conference was held at the American Enterprise Institute and was co-sponsored by Freedom House, the International League for Human Rights, the International Republican Institute, the National Endowment for Democracy, the Pattis Family Foundation, and Radio Free Europe/Radio Liberty.

[2] Library of Congress, Country Studies: Belarus, *http://lcweb2.loc.gov/frd/cs/bytoc.html*, accessed March 13, 2003.

[3] Ibid.

[4] From an interview with Stanislau Buko, Chair of the Committee for Religion and Nationality Affairs during the January 2003 Commission visit to Belarus.

[5] U.S. Department of State, *International Religious Freedom Report 2002:Belarus* (*http://www.state.gov/g/drl/rls/irf/2002/13923.htm*, accessed March 13, 2003).

[6] Library of Congress, Country Studies: Belarus (Internet).

[7] The Greek Catholic Church maintains Orthodox rituals but has allegiance to the Vatican. See U.S. Department of State, *International Religious Freedom Report 2002:Belarus* (Internet); and Library of Congress, Country Studies: Belarus (Internet).

[8] For a brief description of religious freedom conditions during the Soviet period, see U.S. Commission on International Religious Freedom, *Report on The Russian Federation*, May 2003.

[9] Amnesty International, *Amnesty International Report 2002: Belarus* (*http://www.amnesty.org*, accessed March 20, 2003).

[10] Human Rights Watch, *Human Rights Watch World Report 2003: Belarus* (*http://hrw.org/wr2k3/europe4.html*, accessed March 14, 2003).

[11] Andrei Osmolovsky, "OSCE Return Prompts Concern," Institute on War and Peace Reporting, *Belarus Reporting Service* No. 01, January 17, 2003.

[12] Wolfgang Behrendt, Rapporteur, "Situation in Belarus," Council of Europe, Report of the Political Affairs Committee, Doc. 9543, September 13, 2002 (*http://assembly.coe.int/documents/workingdocs/doc02/EDOC9543.htm*, accessed March 6, 2003).

[13] U.S. Department of State, "New Visa Restrictions Against Belarus," Office of the Spokesman, November 26, 2002.

[14] Catherine Fitzpatrick, "Democratic Opposition Loses Empty Seat," *Uncivil Societies*, RFE/RL, February 20, 2003.

[15] "Lifting of Belarus Visa Restrictions," Press Statement, U.S. Department of State, April 14, 2003.

[16] See Organization for Security and Cooperation in Europe, "International Observation Mission to Belarusian Presidential Elections," Press Release, July 9, 2001 (*http://www.osce.org/news/generate.php3?news_id=1864*, accessed March 26, 2003).

[17] Ibid.

[18] "OSCE Envoy Sees 'No Sufficient Grounds' for Recognizing Belarusian Legislature," RFE/RL Newsline, vol. 7, no. 26, part II, February 10, 2003. Among those countries who abstained from the vote, thereby resulting in the return of the Belarus parliament, were the United Kingdom, Hungary, Netherlands, and Sweden. Voting against the U.S. proposal to maintain the boycott were Russia, Belarus, and other countries from the former Soviet Union. See Catherine Fitzpatrick, "Democratic Opposition Loses Empty Seat."

[19] Natasha Chernyshova, "Comment: Lingering Doubts Over Union with Russia," Institute for War and Peace Reporting, Belarus Reporting Service, no. 03, February 12, 2003.

[20] See Valentinas Mite, "Russia/Belarus: Union Will Never be an Equal Marriage," RFE/RL, June 20, 2002 (*http://www.rferl.org/nca/features/2002/06/20062002144603.asp*, accessed April 19, 2003).

[21] See also Vital Silitski, "The Pitfalls of Belarus' Economic Integration with Russia," RFE/RL Newsline, vol 7, no. 56, Part II, March 24, 2003.

[22] "Belarusian, Russian Experts Finalize Draft of Union Constitution," RFE/RL Newsline, vol. 7, no. 62, Part II, April 1, 2003.

[23] U.S. Department of State, *International Religious Freedom Report 2002:Belarus* (Internet).

[24] Ibid.

[25] Felix Corley, "Belarus: Repressive Religion Law Enters Force on Saturday," Keston News Service, November 14, 2002.

[26] Felix Corley, "Belarus: Repressive Religion Law Gets President's Signature," Keston News Service, October 31, 2002.

[27] Michael Wines, "New Belarus Law Codifies Rising Religious Repression," *New York Times*, November 23, 2002.

[28] Felix Corley, "Belarus Official: Permission Required for Religious Meetings of More Than 10," *Baptist Press*, December 16, 2002.

[29] "Discriminative Religious Law Starts to Bite," International League for Human Rights, Belarus Update, vol. 5, no. 50, December 2002 (*http://www.ilhr.org/ilhr/regional/belarus/updates/2002/50_02.htm*, accessed April 14, 2003).

[30] Translated copy of the law on religion provided by the U.S. Embassy in Belarus. See also W. Cole Durham, Jr., Melinda Porter, and Brian Gross, "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,'" BYU International Center for Law and Religious Studies, September 28, 2002, 25.

[31] Ibid. See also Felix Corley, "Belarus: Resignation and Defiance Greet Repressive Religion Law," Keston News Service, October 31, 2002, in which Corley quotes a human rights activist as noting that Orthodox Church leadership has strongly backed the law, though there are others within the Church who do not support its restrictive provisions; and Michael Wines, "New Belarus Law Codifies Rising Religious Repression," who states that the Orthodox Church "helped draft the new law."

[32] Natalia Mukha, "Minority Faiths Fear Rise of Orthodoxy," Institute on War and Peace Reporting, Belarus Reporting Service No. 1, January 17, 2003. See also "Belarusian President Says Communist Ideology Replaced by Orthodoxy," RFE/RL Newsline, vol. 7, no. 4, Part II, January 8, 2003.

[33] Felix Corley, "Belarus: Resignation and Defiance Greet Repressive Religion Law"; see also Felix Corley, "Belarus: Full Gospel Church to Defy Religion Law," Keston News Service, November 5, 2002.

[34] See also Felix Corley, "Belarus: Repressive Religion Law Enters Force on Saturday."

[35] The views of Belarusian government officials, religious leaders, and representatives of NGOs in Belarus were obtained through personal meetings and interviews carried out during the Commission's visit to Belarus in January 2003.

[36] Felix Corley, "Belarus: Repressive Religion Law Enters Force on Saturday."

[37] The information in this paragraph is based on Commission staff interviews with representatives of religious groups from Belarus that took place in March 2003.

[38] Information submitted to the Commission by the Keston News Service, August 2001.

[39] Felix Corley, "Belarus: One Quarter of Hindu Community in Prison," Keston News Service, September 10, 2002.

[40] Michael Wines, "New Belarus Law Codifies Rising Religious Repression."

[41] Human Rights Watch, *Human Rights Watch World Report 2003: Belarus* (Internet).

[42] U.S. Commission on Security and Cooperation in Europe, "Belarus Religion Law Prompts Reaction from Helsinki Commission Co-Chairman," *Helsinki Commission News*, October 7, 2002 (*http://www.csce.gov/press_txt.cfm?press_id=264*, accessed March 12, 2003).

[43] Felix Corley, "Belarus: Years On, Adventist Church Fires Remain Unexplained," Keston News Service, May 8, 2002.

[44] U.S. Department of State, *International Religious Freedom Report 2002:Belarus* (Internet). A representative of the religious group accused in the program told the Commission in January 2003 that his group brought libel charges against the television station and that a court eventually ruled in the group's favor.

[45] Larisa Sayenko, "Belarus' Jewish Communities Face New Attack," *Reuters*, August 9, 2002.

[46] "Scores of Jewish Tombs Desecrated in Belarus," *Associated Press*, July 19, 2002. For more on anti-Semitism in Belarus, see Taras Kuzio, "Anti-Semitism as an Integral Component of Soviet Belarusian Nationalism and Pan-Eastern Slavism," RFE/RL, August 8, 2002.

[47] U.S. Department of State, *International Religious Freedom Report 2002:Belarus* (Internet).

[48] Ibid.

[49] "Belarus Destroys Jewish Sites," *Haaretz*, November 20, 2002.

[50] International League for Human Rights, "Deputies Urge Lukashenko Not to Destroy Jewish Landmarks," *Belarus Update*, vol. 5, no. 47, November 2002.

[51] Felix Corley, "Belarus: Repressive Religion Law Enters Force on Saturday."

[52] U.S. Department of State, *International Religious Freedom Report 2002:Belarus* (Internet).

[53] Natalia Mukha, "Minority Faiths Fear Rise of Orthodoxy."

[54] Felix Corley, "Belarus: Non-Moscow Orthodox "Banned" From Registering," Forum 18 News Service, April 2, 2003.

[55] "Soglashenie Mezhdu Gosudarstvom Respublika Belarus' i Belorusskoi Pravoslavnoi Tserkov'yu." Information about the agreement was gained through Commission staff interviews in March 2003 with representatives of religious organizations from Belarus. Quotes from the document are unofficial Commission staff translations.

[56] These and other statements can be found on the Web site of the U.S. Embassy in Minsk, *http://www.usembassy.minsk.by*.

[57] Assistant Secretary of State A. Elizabeth Jones, Commission on Security and Cooperation in Europe, Hearing on *U.S. Policy Toward the OSCE*, October 10, 2002.

[58] Statement of the Honorable Ben Nighthorse Campbell, "Belarus: Opportunities Squandered," *Congressional Record*, January 24, 2002, reprinted on the Web site of the U.S. Embassy in Minsk (*http://www.usembassy.minsk.by/html/nighthorse_arms.html*, accessed March 5, 2003).

[59] U.S. Department of State, "Belarus' New Law on Religion," Press Statement, November 1, 2002.

[60] See, for example, Assistant Secretary of State A. Elizabeth Jones and Assistant Secretary of State Lorne W. Craner, Commission on Security and Cooperation in Europe, Hearing on *U.S. Policy Toward the OSCE*, October 10, 2002. Also, on November 19, 2002, Douglas Davidson, Deputy Chief of the U.S. Mission to the OSCE Permanent Council, noted that Belarus' new law on religion "contradicts international principles of religious freedom and human rights" and "seems to be in direct contradiction of Belarus' pledge to fulfill OSCE commitments." See "U.S. OSCE Mission Criticizes Belarus' New Religion Law," International League for Human Rights, *Belarus Update*, vol. 5, no. 47, November 2002.

[61] "Keys to Economic and Political Success for Belarus," Kent R. Hill, Assistant Administrator, Bureau for Europe and Eurasia, USAID, from a speech delivered at a conference entitled "Opportunities for Support of Regional Economic Transformation in Belarus," December 13, 2002, available on the Web site of US Embassy/Minsk (*http://www.usembassy.minsk.by/html/kent_hill.html*, accessed March 5, 2003).

[62] Ambassador Stephan M. Minikes, "Statement on Belarus," U.S. Mission to the Organization on Security and Cooperation in Europe, February 27, 2003 (*http://www.usembassy.minsk.by/html/minikes_6.html*, accessed March 5, 2003).

[63] Office of the Coordinator of U.S. Assistance to Europe and Eurasia, *U.S. Government Assistance to and Cooperative Activities with Eurasia, FY 2002 Annual Report*, U.S. Department of State, April 2003, 45.

[64] Ambassador Michael G. Kozak, "Belarus: a Land of Missed Opportunity," speech delivered at the New Atlantic Initiative Conference on Belarus, American Enterprise Institute, November 14, 2002, available at *http://www.usembassy.minsk.by/html/amb_nai.html*, accessed March 5, 2003.

[65] Information available on the Embassy's Web site

(*http://www.usembassy.minsk.by/html/us_assistance.html*, accessed March 20, 2003).

[66] Felix Corley, "Two U.S. Diplomats Barred from Bulldozed Church Site," Keston News Service, October 15, 2002.

[67] Representative Smith first introduced the bill in June 2002. A similar bill was introduced in the Senate in November 2001 by Senator Jesse Helms.

[68] Honorable Christopher H. Smith, "Introduction of Belarus Democracy Act," *Congressional Record*, vol. 149, no. 26, February 13, 2003.

[69] H.R. 854 can be accessed at *http://thomas.loc.gov*.

[70] Honorable Christopher H. Smith, "Introduction of Belarus Democracy Act."

[71] Catherine Fitzpatrick, "Democratic Opposition Loses Empty Seat."

[72] Both mentioned specifically the religion law in Lithuania as having been a model for the Belarus law.

[73] W. Cole Durham, Jr., Melinda Porter, and Brian Gross, "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,'" 26.

[74] Office of the U.S. Trade Representative, Executive Office of the President, *USTR Recommends GSP Suspension of Belarus*, July 3, 2000 (*http://www.ustr.gov/releases/2000/07/00-51.pdf*, accessed March 21, 2003).

[75] Information provided in interviews with human rights activists during the Commission visit to Belarus in January 2003. See also Felix Corley, "Belarus: Resignation and Defiance Greet Repressive Religion Law," which mentions the group and its activities.

[76] Honorable Christopher H. Smith, statement submitted to the New Atlantic Initiative Conference on Belarus, American Enterprise Institute, November 14, 2002 (*http://www.csce.gov/press_text.cfm?press_id=276*, accessed March 12, 2003).

[77] Human Rights Committee, General Comment No. 22 (48) (art. 18), UN Doc CCPR/C/21/Rev.l/Add.4 (1993), ¶ 9.

[78] Valentinas Mite, "Russia/Belarus: Union Will Never be an Equal Marriage" (Internet).