

Religious Freedom Concerns

Statement by the Administrative Centre of Jehovah's Witnesses in Russia

OSCE Human Dimension Implementation Meeting, Warsaw

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Jehovah's Witnesses in Belarus have a measure of freedom to worship. However, throughout Belarus, congregations and groups of Jehovah's Witnesses continue to experience difficulties in obtaining legal registration, holding religious meetings, and finding suitable venues to hold religious services.

Abuses and Restrictions of Religious Freedom

Interference With Freedom of Assembly

Jehovah's Witnesses in Belarus own religious buildings in three cities, where they hold religious meetings freely. Elsewhere, local authorities must first give their approval before the Witnesses can legally meet in residential and non-residential premises for religious services. In some cities, the authorities have given approval for the Witnesses to meet together. However, in many others, the authorities refuse to do so, and thus the Witnesses cannot hold their religious services legally. The authorities have informed them that non-residential buildings are not available for rent for this purpose, and when the Witnesses request permission to use private homes for worship, authorities refuse.

Therefore, Jehovah's Witnesses have no choice but to hold their religious meetings "illegally" in private homes because they cannot find suitable places for worship. This has resulted in the authorities disrupting the Witnesses' meetings, asserting that residential buildings are not intended for religious meetings. This leaves many Witnesses without legal protection, since the authorities can interfere with their religious meetings at any time and prosecute them for carrying on religious activities.

Vitebsk. Traditionally, Jehovah's Witnesses meet twice a year for conventions where 500 to 1,000 believers gather. However, local officials prohibited the convention planned for **May 2016** in Vitebsk, interfering with the right of Jehovah's Witnesses to hold larger religious gatherings, even though this has been permitted for many years in Belarus.

Interference With Manifestation of Belief

In the **first half of 2016**, there were three recorded incidents of Jehovah's Witnesses being detained for publicly sharing their beliefs with their neighbours. These incidents occurred in the cities of Stolbtsy (Minsk Region), Krichev (Mogilev Region), and Minsk.

Stolbtsy (Minsk Region). On **2 June 2016**, police detained two of Jehovah's Witnesses who were publicly sharing their religious beliefs. On **4 July 2016**, the protocols on administrative violations were drawn up, and the cases went to court.

Denial of Right to Conscientious Objection to Military Service

The Constitution of Belarus guarantees the right to substitute military service with alternative civilian service. On **4 June 2015**, the Law of the Republic of Belarus on Alternative Service was adopted, and it entered into force on **1 July 2016**.

In the meantime, between the law's adoption and its becoming effective, criminal charges against conscientious objectors were dropped and administrative cases for failure to report for military service were terminated.

On **10 February 2016**, the General Prosecutor's Office contested the court decisions acquitting Viktor Kalina, who had asked for alternative civilian service in lieu of military service. On **18 March 2016**, the Belarus Supreme Court overturned the favourable lower court decisions and remanded the case for new proceedings. On **18 May 2016**, the Court of Moskowskii (District of Brest) found Mr Kalina guilty and fined him BYR 21,000,000 (EUR 933). On **24 June 2016**, the Brest Regional Court dismissed Mr Kalina's appeal. He has appealed to the Chairman of the Brest Regional Court and to the Prosecutor of Brest Region.

Legal Recognition Withheld

According to the Law of the Republic of Belarus on Freedom of Conscience and Religious Organizations, worshippers are obligated to register a religious organisation in every town where there are over 20 members. Religious activity without State registration is considered illegal.

- **Mar'ina Gorka, Minsk Region.** On **19 February 2016**, the second attempt to register the Mar'ina Gorka Religious Community of Jehovah's Witnesses failed. The local authorities put pressure on the owner of the building that the Community wished to use as its legal address, so that the owner refused to allow the Community to use the building for the intended purpose.

On **24 February 2016**, the founding members of the Community met with the chairman of the local administrative body to consider the problem of obstruction to registration of the Community. The meeting did not bring a positive result.

- For more than ten years, Jehovah's Witnesses have been trying unsuccessfully to register local religious communities in **Pinsk** (Brest Region), **Borisov** (Minsk Region), and **Lida** (Grodno Region). As elsewhere, local authorities apparently pressure owners of buildings to refuse to allow the Witness communities to use the buildings as their legal address.

Threat of liquidation

According to the Law of the Republic of Belarus on Freedom of Conscience and Religious Organizations, "mass actions [public assembly], having the overall objective of satisfying religious needs, in places not specially assigned for these purposes" can be carried out only after receiving the approval of the head of the local executive and administrative body. (Article 25) The law also states that religious organisations can distribute religious materials only on property belonging to them "or other lawful premises."—Article 26.

Mogilev (Mogilev Region). On **5 March 2016**, the Mogilev Regional Executive Committee issued a written warning letter to the Religious Community of Jehovah's Witnesses in the city

of Mogilev. It accused the Community of holding religious meetings without State permission and of distributing religious literature from house to house and publicly.

This warning endangers the existence of the Community, since the Law of the Republic of Belarus on Freedom of Conscience and Religious Organizations does not allow a religious community to appeal written warnings. If the Community does not eliminate an alleged infringement within six months or is warned again within a year, the Mogilev Regional Executive Committee (as the registering agency) can appeal to court for liquidation of the Community.

State Censorship of Religious Literature

The Law of the Republic of Belarus on Freedom of Conscience and Religious Organizations states that religious organisations can import religious literature and other printed, audio, and video materials into Belarus only after these materials undergo a State religious examination. Witnesses must wait from three to five months to obtain permission to import new religious publications. Therefore, the Witnesses' periodicals, *The Watchtower* and the *Awake!*, are not received in a timely way.

On **27 May 2016**, Leonid Gulyako, the Commissioner for Religious and Ethnic Affairs, signed a letter upholding the decision of the State examiners of religious publications to deny import of the April 2016 study edition of *The Watchtower*. All other religious material that the Witnesses sought to import in 2016 has been approved.

Negative Media

In **February 2016**, negative statements made by Commissioner Leonid Gulyako about religious communities of Jehovah's Witnesses in Belarus were published on the Internet. During the annual meeting of his office, the commissioner stated that the State registration of several religious communities of Jehovah's Witnesses can be revoked because these communities have allegedly distributed religious publications without State permission.

Positive Developments

- Almost all religious publications and video materials that had been filed for compulsory religious examination were approved by the State panel of experts.
- Since the end of 2014, there have been no cases of disruption of religious meetings in private homes or rented premises in Belarus.
- On **1 July 2016**, the Law of the Republic of Belarus on Alternative Service entered into force, allowing alternative civilian service on the basis of religious beliefs. All agencies involved in alternative service are under the jurisdiction of the Ministry of Labour and Social Protection.

Meetings With Officials

- (1) Local representatives of Jehovah's Witnesses met with officials in Vitebsk and Mogilev, raising the issue of obtaining State permissions to hold conventions. The problem is one of contradictory requirements: Local authorities did not give permissions for conventions because the Witnesses had not yet made agreements with State organisations that provide medical care and law enforcement.¹ However, the State

¹ The Law of Belarus *On Mass Actions* does not require these agreements before obtaining state permission to hold a large public event.

organisations refused to make agreements because the Witnesses did not yet have permission to hold a convention.

- (2) Local representatives of Jehovah's Witnesses met with officials in the Puhovichi and Minsk regions, raising the issue of denial of registration of the Mar'ina Gorka Religious Community. These meetings had no positive result.
- (3) Representatives of the European Association of Jehovah's Christian Witnesses met with some Belarus officials between **4 and 12 July 2016** in connection with what appears to be escalating legal difficulties in Belarus.
 - The Witnesses' representatives met with Mr Leonid Gulyako, the Commissioner for Religious and Ethnic Affairs, to discuss the reason for his threat to deregister Jehovah's Witnesses in Belarus. They also discussed the matter of difficulties in achieving local registrations, as in the repeated denials for registration in the city of Borisov. The attempt to build understanding and obtain the advice of Mr Gulyako was fruitless.

Religious Freedom Objectives

Jehovah's Witnesses respectfully request the government of Belarus to:

- (1) Allow Jehovah's Witnesses to register additional religious communities
- (2) Grant permission for Jehovah's Witnesses to build new Kingdom Halls and to issue occupancy permits to hold religious meetings in rented venues
- (3) Allow Jehovah's Witnesses to express their beliefs and distribute their religious publications freely without fear of being accused of illegal religious activity

Representatives of Jehovah's Witnesses welcome the opportunity to engage in a constructive dialogue with representatives of the Belarus government.

For more information:

Please contact the Office of General Counsel of Jehovah's Witnesses at generalcounsel@jw.org

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