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BELARUS: Government rejects UN criticism

By Geraldine Fagan, Forum 18 (<https://www.forum18.org/>)

Belarus has officially rejected the United Nations Human Rights Committee's finding that it has violated its citizens' religious freedom, by refusing to register a nation-wide Hare Krishna association, Forum 18 News Service has found. The authorities argue, repeating arguments they made in 2004, that their refusal was "justified" because it was in accordance with Belarusian law. Notably, Belarus fails in its response to address the UN Committee's finding that a requirement for state-approved physical premises to gain legal registration is "a disproportionate limitation of the Krishna devotees' right to manifest their religion," under the International Covenant on Civil and Political Rights. Belarus had been requested by the UN to publish their response within the country, however Forum 18 has been unable to find any evidence that the authorities have published their January 2006 response. Hare Krishna devotees in Belarus were themselves unaware that Belarus had replied to the UN. Using health and safety criteria to refuse to register a legal address is a tactic that the authorities have also used against Baptists, Forum 18 has found.

Belarus has rejected the United Nations Human Rights Committee's conclusion that it has violated its citizens' religious freedom by refusing to register a nation-wide Hare Krishna association.

"Competent organs" of the Belarusian government repeatedly argue that the refusal was "justified" because it was in accordance with Belarusian law, they claim in a 13 January 2006 response to the Office of the UN High Commissioner for Human Rights. The Belarusian authorities had been requested by the UN to publish their response within Belarus, however Forum 18 has been unable to find any evidence that the authorities have done so (see F18News 24 November 2005

http://www.forum18.org/Archive.php?article_id=695). Hare Krishna devotees in Belarus were themselves unaware that Belarus had replied to the UN.

The one-page document, a copy of which has been seen by Forum 18, explains that a legal personality must indicate its physical location in its founding documents in accordance with the Civil Code. Also, the Living Code stipulates that living accommodation may be used for non-residential purposes only after approval by the relevant Fire Safety, Hygiene and Architectural departments. The legal address given by the Krishna devotees – a free-standing residential house in central Minsk – was found to be in violation of sanitation and fire safety norms, the submission states, so that the court which upheld the authorities' refusal to register the nation-wide association there "made the right decision."

In essence, the Belarusian government's formal response – sent some two months after the 90-day deadline set by the UN Human Rights Committee – merely reiterates submissions it made to the Committee in 2004. Notably, it fails to respond to the issue raised by the UN Committee – that Belarusian legislation's requirement for state-approved physical premises in order for a religious organisation's legal address to be registered has in this case amounted to "a disproportionate limitation of the Krishna devotees' right to manifest their religion under the ICCPR."

The UN Human Rights Committee's 23 August 2005 conclusion had found the decision to be in violation of the International Covenant on Civil and Political Rights (ICCPR), which entered force for Belarus in 1976. While noting that the requirement for premises adhering to relevant public health and safety standards is a reasonable limitation of the right of a religious association to carry out its religious activities, the Committee pointed out that there is no reason for such premises to be required for the act of registering such an association at a legal address: "Appropriate premises for such use could be obtained subsequent to registration" (see F18News 4 November 2005 http://www.forum18.org/Archive.php?article_id=682).

Under the restrictive 2002 Religion Law, only registered nation-wide religious associations have the right to establish monasteries, missions and educational institutions, as well as to invite foreign citizens to preach or conduct other religious activity in Belarus.

On 17 July, Forum 18 visited the Minsk premises where Krishna devotees are denied both nation-wide and compulsory local re-registration by the Belarusian authorities. A spacious, three-storey building, it was constructed during the early 1990s from modern, western-style materials and is of a much higher standard than the traditional log dwellings surrounding it.

One of two Minsk Krishna devotees who filed the original complaint to the UN, Sergei Malakhovsky told Forum 18 that he has still not seen or been able to obtain any state response to the Human Rights Committee's August 2005 conclusion.

Local Krishna devotees have not been disturbed by police for at least the past year, Malakhovsky added, despite being denied the right to worship at their own premises. "We are now trying to follow what officials want. We realised that we were having problems because we were visible – distributing books and doing street processions right here where government is based. After we stopped doing all that in the city centre, Alla Ryabitseva [Minsk's top religious affairs official] urged us to value the fact that they weren't touching us, 'you tolerate us, and we'll tolerate you'."

This approach by Minsk's state religious affairs officials parallels continuing state attempts to confine religious activity to already-state-approved places of worship (see eg. F18News 13 June http://www.forum18.org/Archive.php?article_id=798 and 28 July 2006 http://www.forum18.org/Archive.php?article_id=819).

Contacted on 24 July, fellow Minsk religious affairs official Yelena Radchenko said that Alla Ryabitseva was currently away on holiday and that without her authorisation she could not answer any questions.

Despite attempting to comply with the state's demands for compulsory re-registration, the local Minsk Society for Krishna Consciousness has now had several applications rejected and received six official warnings for unapproved religious activity. Malakhovsky told Forum 18 that there has still been no move to liquidate the community, however: "Liquidation means scandal."

In an experience identical to that of a number of other confessions in Minsk (see F18News 12 May 2005 http://www.forum18.org/Archive.php?article_id=560), Malakhovsky said that the community has found a suitable legal address on four occasions – most recently two months ago - only to find that the prospective landlord cancels the lease after the city authorities learn of it through the re-registration application. He showed Forum 18 a 1 December 2005 letter from one such landlord informing the Department for Ideological Work at the administration of Minsk's Soviet District that the Latvia-based company "withdraws its letter concerning the provision of a legal address at premises belonging to our organisation to a religious community of the International Society for Krishna Consciousness."

While in Minsk, Forum 18 discovered that the Belarusian authorities' insistence upon premises meeting health and safety criteria – even if they are the site of a legal address rather than the physical location of a religious organisation – is not confined to the Krishna devotees' case.

The main Baptist Union has been unable to register a new church in Dzerzhinsk (Minsk Region) for over a year, elder for Minsk Region Gennadi Brutsky reported on 18 July. In a series of letters spanning the past six months viewed by Forum 18, Dzerzhinsk district officials insist to the pastor of Ascension Church that he may not register even its legal address at his home because "it will harm the living conditions of your children," "there is no electric illumination of the territory surrounding the house" and "minimum surface area norms for each resident will not be observed." (END)

For more background information see Forum 18's Belarus religious freedom survey at http://www.forum18.org/Archive.php?article_id=478

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806.

A printer-friendly map of Belarus is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=belaru>

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