



THE EUROPEAN ASSOCIATION OF
JEHOVAH'S WITNESSES

01 October 2019

From The European Association of Jehovah's Witnesses

**Contribution for the
36th Session of the UPR (April – May 2020)**

BELARUS

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REGISTERED CHARITY NO. 1085157

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SUMMARY OF THE SUBMISSION

This submission to the Human Rights Council (HRC) on Belarus highlights human rights issues and current failures to implement accepted recommendations by Belarus during the previous UPR cycle.

Jehovah's Witnesses in Belarus, and as a worldwide organisation, 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 places of worship
- (3) Issue occupancy permits for Jehovah's Witnesses to hold religious meetings in rented venues
- (4) Allow Jehovah's Witnesses to express their belief and to import and distribute their religious publications freely without fear of being accused of illegal religious activity
- (5) Apply the law on exemption from military reservist training to persons who have become conscientious objectors after performing military national service
- (6) Abide by their commitment to uphold the fundamental freedoms guaranteed by the Constitution of Belarus and the International Covenant on Civil and Political Rights for all citizens, including Jehovah's Witnesses

I. INTRODUCTION

1. The European Association of Jehovah's Witnesses is a charity registered in the United Kingdom. It assists the adherents of the faith of Jehovah's Witnesses in various areas of the world.
2. Jehovah's Witnesses have been present in Belarus for more than 96 years. They first legally registered on 14 January 1994.
3. Jehovah's Witnesses in Belarus enjoy a measure of freedom to worship. In the past year, they held weekly religious services throughout the country without police disruption. In July 2019, the authorities allowed the Witnesses to hold a large religious conference in Minsk with nearly 9,000 in attendance.
4. The Witnesses in Belarus still contend with the prejudice of some authorities. At times, officials hinder them from obtaining legal registration, holding religious meetings or finding suitable venues for religious services.
5. The Belarus authorities misapply restrictions defining where religious entities may distribute publications and also misapply the term "picketing" to the religious activity of individuals in public places and fine those engaged in such peaceful activity.

6. Jehovah's Witnesses also experience difficulties in importing religious literature related to the peaceful manifestation of their religious beliefs. Generally, they have to wait several months to obtain permission to import literature, some of which is dated material.
7. On 4 June 2019, permission to import the April 2019 study edition of *The Watchtower*, a well-known magazine used in religious meetings of Jehovah's Witnesses around the world, was denied.
8. The law of Belarus permits persons who have fulfilled alternative civilian service to be exempted from military reservist training. However, the authorities interpret the law to deny this exemption to persons who previously performed military service but cannot now in good conscience do so.

II. ISSUES

A. Legal Recognition Withheld / Freedom of Association

9. According to the Law of the Republic of Belarus on Freedom of Conscience and Religious Organisations (Law on Religion), worshippers must register a local religious organisation (community) in every town where they have over 20 members. Religious activity without State registration is deemed illegal.
10. Jehovah's Witnesses in Pinsk (Brest Region), Borisov (Minsk Region), and Lida (Grodno Region) have been trying unsuccessfully to register communities for over ten years.
11. At times, when groups of worshippers wish to use a building as the legal address for their community, authorities pressure the building's owner to deny the community permission.
12. **Marina Gorka, Minsk Region.** On 19 February 2016, the second attempt to register the Marina Gorka Religious Community of Jehovah's Witnesses failed. 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.
13. **Borisov, Minsk Region.** On 30 November 2016, Jehovah's Witnesses were denied registration of a community in Borisov for the 12th time. Their 13th attempt also failed on 14 April 2017. As before, city officials pressured the owners of the buildings to break their agreement with the Witnesses, who were seeking legal addresses for future registration.
14. **Slonim, Grodno Region.** On 4 January 2017, the authorities refused to consider the application of Jehovah's Witnesses to register a religious community in Slonim. The authorities asserted that the community had no right to have a legal address in a non-residential building. Even though a different religious organisation had been registered at this address previously, officials stated the building was not designated for religious activities.
15. **Vileika, Minsk Region.** To date, the authorities have denied registration of the religious community seven times.
16. **Lida, Grodno Region.** To date, the authorities have denied registration of the religious community eight times.

B. Interference with Freedom of Peaceful Assembly

17. Jehovah's Witnesses in Belarus meet freely for worship in the religious buildings they own. However, local authorities must first give approval before the Witnesses may legally meet for religious services in private homes or in rented non-religious premises. Although in some cities officials have given approval for the Witnesses to meet together, in others the authorities refuse to do so. They have informed the Witnesses that non-residential buildings are not available to rent for religious meetings. When the Witnesses request permission to meet in private homes for worship—for example, in Gomel, Mogilev, Vileika and Rechitsa—the authorities refuse.
18. Without suitable places for worship, Jehovah's Witnesses have no choice but to hold their religious meetings “illegally” in private homes. Although police have not disrupted any of these meetings this year, they have disrupted religious services in the past, asserting that residential buildings are not intended for religious meetings. The Witnesses effectively have no legal protection of their right to assemble, since the authorities can at any time interfere with their religious meetings and prosecute them for their religious activity.
19. The following case regarding Mr Andrei Kuzin illustrates this situation. Because all domestic remedies have been unsuccessful, an individual complaint [Ref: G/SO 215/51 BLR(270)] is now pending before the UN Human Rights Committee. The Committee communicated the complaint to the government of Belarus on 10 April 2018:
 - a. On 20 November 2014, a group of about 60 Jehovah's Witnesses was gathered for a peaceful religious meeting in an outbuilding at Mr Kuzin's home.
 - b. On that same evening, V.V. Pavlovets, Chief of the Department for the Protection of Law and Order of the Borisov District Police Department (the Borisov District Police), issued an order purporting to authorise a police search of the property. The order confirms that the police were aware a religious meeting was being held and that they knew that their search would interfere with the meeting.
 - c. At 6.55 p.m. two persons in civilian clothes entered the property, claiming to have been invited to the meeting. These persons were later identified as V.V. Pavlovets and another officer from the Borisov District Police. At 7.15 p.m. a large group of police entered the property and stopped the religious meeting in the outbuilding. The police audio- and video-recorded everyone in attendance at the meeting and seized some religious literature.
 - d. On 28 November 2014, Mr Kuzin was charged under Article 23.34, paragraph 2, of the Belarus Code of Administrative Violations (CAV) for holding an “unauthorized mass event (assembly)” on this property.
 - e. On 23 December 2014, Mr Kuzin was convicted by the Borisov District Court under CAV 23.34, paragraph 2, and ordered to pay a fine of 3.75 million Belarusian rubles (EUR 275). All subsequent appeals were rejected.
20. In 2016, Jehovah's Witnesses opened a dialogue with the government of Belarus to explore the possibility of holding a large convention in Minsk in 2018. The government replied that it would not be possible for Jehovah's Witnesses to hold the convention but declined to state the reason. However, the Commissioner of Religious and Ethnic Affairs, Leonid Gulyako, later stated on camera that he used his influence as Commissioner to ensure that the Witnesses could not hold the convention.

21. Mr Gulyako also boasted on camera that since he had been in office, no district level of the government of Belarus had ever registered a community of Jehovah's Witnesses. He added that he wanted to "press Jehovah's Witnesses as much as possible."
22. **Mogilev (Mogilev Region).** On 13 May 2019, the Mogilev Regional Executive Committee (Executive Committee) issued a warning notice to the City of Mogilev Religious Community of Jehovah's Witnesses, accusing the community of "illegally" allowing participation in religious meetings by foreign citizens residing in Belarus. The Executive Committee had issued an earlier warning notice to this community on 10 August 2018. Since the Law on Religion does not allow a religious community to appeal warning notices, the warning endangers the existence of the community. If an alleged infringement is not eliminated within six months, or if another warning is received within a year, the Executive Committee (as registering agency) can apply to the court for liquidation of the community.

C. Interference with Manifestation of Beliefs / Freedom of Expression

23. The authorities continue to misapply Article 26 of the Law on Religion. This article defines where religious legal entities may distribute publications, yet law enforcement officials unlawfully apply the restrictions to individuals. Police regularly detain individual Jehovah's Witnesses on suspicion of violating the law and demand a written explanation of their activity in sharing their beliefs. The following are typical examples of such police interference.
24. **Mogilev (Mogilev Region).** On 5 March 2016, the Mogilev Regional Executive Committee issued a warning notice 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 in public places.
25. **Brest (Brest Region).** On 30 March 2018, the Brest Regional Executive Committee issued a warning notice to the Brest Religious Community of Jehovah's Witnesses. It accused the community of distributing printed religious materials at unauthorised places. However, the warning notice did not contain any specific facts. If the community receives a second warning, the authorities could move to liquidate it.
26. **Grodno (Grodno Region).** On 10 June 2017, two of Jehovah's Witnesses were discussing their beliefs with others near a bus station and using religious publications. Police detained them and accused them of illegal picketing. At two separate hearings in August 2017, the Oktyabrskiy District Court of the city of Grodno found them guilty of illegal picketing. Appeals were denied.
27. **Fanipol (Minsk Region).** On 21 September 2017, the police accused one of Jehovah's Witnesses who had been sharing her religious beliefs with others in the street of picketing without State permission.
28. **Rogachev (Gomel Region).** On 24 March 2018, two of Jehovah's Witnesses were discussing their beliefs with others near a local store and using religious publications. The police detained them and accused them of illegal picketing. On 16 May 2018, the Rogachev District Court fined each of them EUR 21 for conducting an unsanctioned picket. The cases were appealed, but on 15 June 2018, the Gomel Regional Court dismissed both appeals. On 28 January 2019, the Supreme Court of Belarus also dismissed final appeals.

D. Censorship of Religious Literature

29. According to the Law on Religion (Article 26), all printed, audio and video religious materials must pass State examination before they can be imported into Belarus. Since the law does not set a time limit for the State to study the literature, the Witnesses must generally wait several months to obtain permission to import their religious literature. These publications are used worldwide and are the basis for their religious meetings.
30. On 4 June 2019, the Deputy Commissioner for Religious and Ethnic Affairs upheld the State Panel of Experts' decision denying importation of the April 2019 study edition of *The Watchtower*, a well-known magazine used in religious meetings of Jehovah's Witnesses around the world.

E. Denial of Right to Conscientious Objection to Military Service

31. The Belarus Law on Military Obligation and Military Service (Article 70), dated 5 November 1992, states that persons who have fulfilled alternative civilian service may be exempted from military reservist training. However, the authorities interpret the law very narrowly and claim that those who previously performed military service don't qualify for conscientious exemption from reservist training. This interpretation endangers the rights of believers who previously performed military service but cannot now in good conscience do so. Potentially, these men can become subject to criminal prosecution.
32. Dmitrii Mozol, one of Jehovah's Witnesses, was called up for military reservist training to begin on 12 March 2019. On 26 February 2019, he filed an application requesting exemption because of his religious beliefs. The Pinsk Military Commissariat denied his request. Appeals to the Brest Regional Military Commissariat, the headquarters of the Belarus Military Forces, and the Minister of Defence were denied. An appeal to the Pinsk District Court was filed on 15 July 2019. The case is pending.

III. IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS

33. The Report of the Working Group on the Universal Periodic Review, Second Cycle, A/HRC/30/3, included various recommendations regarding freedoms of association, of assembly and of religion. Belarus supported recommendations by Morocco to continue efforts to harmonise national legislation with international norms (par. 127.12); by Turkmenistan to observe all human rights principles (par. 127.13); and by Kazakhstan to pursue fulfilling its obligations under international human rights mechanisms (par. 127.14).
34. In the Addendum to the report, A/HRC/30/3/Add.1, Belarus considered that it had already implemented the recommendations of Slovakia and Chile to adopt a comprehensive anti-discrimination law that would prohibit discrimination on any ground, including religion (pars. 129.25, 129.26), and the recommendation by Romania to remove any hindrances to the full realisation of freedom of association (par. 129.84).
35. In the Addendum to the Report, A/HRC/30/3/Add.1, Belarus accepted recommendations by Costa Rica to guarantee freedom of expression (par. 129.62) and by Australia to implement its commitment to guarantee freedom of association and expression (par. 129.70).

36. The withholding of legal recognition to religious communities of Jehovah's Witnesses, the obstacles to holding peaceful religious meetings, the interference with peaceful manifestation of religious beliefs by individuals, and the censorship of religious literature as detailed above call into question the extent to which these accepted recommendations have been implemented by Belarus.

IV. CONCLUSION AND RECOMMENDATIONS

37. Since the incident in 2014, no religious meetings of Jehovah's Witnesses have been disrupted by the authorities. Local representatives of Jehovah's Witnesses have been able to engage in constructive dialogue with the authorities, though not all problems have been resolved.
38. Jehovah's Witnesses continue to be denied legal registration in many parts of Belarus, and hence they experience difficulties in finding suitable venues to hold peaceful religious meetings.
39. The Belarus authorities frequently misapply restrictions defining where religious entities may distribute publications and also misapply the term "picketing" to the religious activity of individuals in public places and fine those engaged in such peaceful activity.
40. Jehovah's Witnesses continue to experience delays in importing religious literature related to the peaceful manifestation of their religious beliefs. They were refused permission to import the April 2019 study edition of *The Watchtower*, a well-known magazine used in religious meetings of Jehovah's Witnesses worldwide.
41. Although the Belarus Law on Military Obligation and Military Service permits persons who have fulfilled alternative civilian service to be exempted from military reservist training, the authorities deny such exemption to persons who previously performed military service but cannot now do so in good conscience.
42. Jehovah's Witnesses in Belarus and as a worldwide community express concern at these continued violations of international norms and respectfully recommend that the government of Belarus:
- (1) Allow Jehovah's Witnesses to register additional religious communities
 - (2) Grant permission for Jehovah's Witnesses to rent or build new places of worship
 - (3) Issue occupancy permits for Jehovah's Witnesses to hold religious meetings in rented venues
 - (4) Allow Jehovah's Witnesses to express their beliefs and to distribute their religious publications freely without fear of being accused of illegal religious activity
 - (5) Apply the law on exemption from military reservist training to persons who have become conscientious objectors after performing military national service
 - (6) Abide by their commitment to uphold the fundamental freedoms guaranteed by the Constitution of Belarus and the International Covenant on Civil and Political Rights for all citizens, including Jehovah's Witnesses