

Human Rights Without Frontiers Int'l

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Freedom of religion or belief in Eastern Europe

The main components of freedom of religion or belief are

- Freedom to have or not to have and to change one's religion or belief
- Freedom to share one's beliefs and make new members
- Freedom of association
- Freedom of worship and assembly

but the full picture should also include the right to conscientious objection, religious discrimination and social hostility towards religious minorities.

Armenia

Freedom of association

The constitution and the law establish separation of church and state, but recognize “the exclusive mission of the Armenian Apostolic Church as a national church in the spiritual life, development of the national culture, and preservation of the national identity of the people of Armenia.”

Consequently, the law grants privileges to the Armenian Apostolic Church not available to other religious groups. For example, the church may have permanent representatives in hospitals, orphanages, boarding schools, military units, and places of detention, while other religious groups may have representatives in these places only upon request.

A controversial draft law on religion has been analyzed by the Council of Europe Venice Commission which has made recommendations and improvements have been brought by the Armenian lawmakers. The requirement to have at least 200 adults as founding members has

been dropped. Any religious group can now be created by a small number of people but up to 25 members they cannot get a legal status, which is inconsistent with international standards. Discussions on this and other issues between both parties are going on.

Two areas of concern are worth mentioning:

Conscientious objection: By January 2004 Armenia should have introduced a civilian alternative to compulsory military service. In the last nine and a half years, about 275 JW imprisoned as objectors, around 30 per year. In 2011, Armenia was condemned by the European Court on Human Rights on this issue. In May of this year, the Armenian has adopted new amendments to the 2003 Alternative Service Law and to the 2003 Law on Implementing the Criminal Code.

Two types of alternative service are now available:

- a.) "Alternative military service" for 30 months which is not connected with bearing, keeping, maintaining or using weapons;
- b.) "Alternative labour service" for 36 months not connected with the armed forces.

The conscientious objectors are currently transferred from their prison to a civilian service.

Social and media hostility: Several religious minorities have lodged complaints against newspapers and politicians on the grounds of defamation sometimes successfully and sometimes unsuccessfully.

Azerbaijan

Azerbaijan is the only secular Muslim country in the world, a positive heritage from the Soviet regime: separation of state and religion. There is no anti-Semitism and no hostility against non-Muslim minorities. Muslims can convert to another religion or get married with someone of another religion. Neither state nor society exerts pressure to thwart this sort of individual choice.

However, several negative points, especially concerning freedom of association and worship, need to be highlighted and are under discussion with the Council of Europe Venice Commission.

Freedom of association

Since 1991, the government has required religious groups to re-register on five occasions, with the most recent re-registration beginning in 2009. Since then, the number of founding members has been raised to 50 adults and any activity by a religious group in public or in private is illegal if it has not been registered. Though, an important number of groups have not

managed to be re-registered since 2009: some Islamic groups, Jehovah's Witnesses, Baptists, Seventh-day Adventists, and the Baku International Fellowship.

The re-registration process has served as a point of leverage for the government to use against religious groups it deemed undesirable, especially new religious movements, both Muslim and non-Muslim. Such nontraditional groups operating without official registration continued to be vulnerable to government harassment, including fines for administrative violations and court cases demanding their closure. As a result, these groups found it difficult, or in some cases impossible, to function. Seventeen cases filed Jehovah's Witnesses are pending before the European Court of Human Rights (ECHR); they concern religious re-registration, the right to assemble, and censorship of religious literature. See hereafter a few incidents:

9 January

The Greater Grace Church was liquidated for failure to re-register in 2009 after Religion Law amendments. The Church appealed this decision but it was rejected by the Supreme Court. The Church had been registered since 1993 with the Justice Ministry.

17 January

The only registered Muslim community in the town of Hirdalan near the Azerbaijani capital Baku had its legal status removed. The town's 40,000 residents now have no legal place of worship.

Conscientious objection to military service

Although the constitution allows alternative service when military service conflicts with personal beliefs, there is no legislation permitting alternative service and refusal to perform military service in peacetime is punishable under the criminal code.

Some areas of concern:

Freedom of worship and assembly: The direct consequence of the denial to re-register some groups is that all their activities are illegal.

On 7th November 2012 the police carried out raids on the homes of the Baptist families of Balaev and Shabanov while they were having religious meetings for children and confiscated religious literature (including Bibles). On 29th March of this year, they were both fined 1,500 Manats. The Baptists have sought state registration for their community in vain since 1994, an Azerbaijani record.

Censorship: No piece of religious literature can be printed, sold, used or imported if it is not allowed by the State Committee for Work with Religious Associations. On 22 February of

this year, the Parliament approved new Religion Law amendments. A revised Article 22 requires all religious materials, such as books, video and audiotapes, and discs to be specially marked to show they are allowed for sale in the country. It also required that religious materials be sold only in specially designated shops.

There are ongoing discussions between the Council of Europe Venice Commission and Azerbaijan about the 2009 Law on Religion and the subsequent amendments.

Georgia

The constitution recognizes the special role of the Georgian Orthodox Church in the country's history, but stipulates the independence of church from state.

A concordat between the government and the Georgian Orthodox Church confers the latter a unique status; the government does not have a concordat with any other religious group. The concordat grants rights not given to other religious groups, including legal immunity for the Church patriarch, the exclusive right to staff the military chaplaincy, exemption of the clergy from military service, and a consultative role in government, especially in the sphere of education.

Freedom of association

By the end of last year, the government had registered 14 minority religious groups as legal entities under public law, including three branches of the Catholic Church, two Muslim groups, Lutherans, Yezidis, two Jewish groups, the AAC, and Evangelical Baptists. However, the Seventh-day Adventists and Jehovah's Witnesses were still not registered.

Conscientious objection to military service

In two cases reported by the Jehovah's Witnesses involving alternative service for compulsory active military duty, the Ministry of Defense denied initial requests for exemptions, but granted the requests in follow-up appeals. Authorities granted the appeal of one Jehovah's Witness in which the individual was fined for non-fulfillment of military or alternate service, but denied the appeals of three others.

Area of concern

Social hostility

Minority religious groups are viewed by some as a threat to the national church and the country's cultural values.

Baptists and Jehovah's Witnesses were particularly targeted and the law enforcement forces routinely failed to prosecute the perpetrators of violent acts.

Last year, Jehovah's Witnesses reported six new cases of societal abuse. Although police opened investigations in these cases, the investigations were never completed. On May 31, two assailants punched and kicked a member of the Jehovah's Witnesses as he left a religious meeting in Rustavi. Although his family filed a complaint, the police investigator reportedly refused to pursue the criminal charges.

Jehovah's Witnesses also reported that on July 4, unknown individuals damaged a security camera installed outside one of their buildings. Although Jehovah's Witnesses representatives reported the incident to police and provided footage from the camera that clearly revealed the faces of the individuals, the police did not conduct a follow-up investigation.

Some religious groups reported that Georgian Orthodox Church priests warned leaders of local minority congregations that after the October 1 parliamentary elections they would no longer be allowed to hold services in their respective villages. Evangelical Baptist leaders reported that in August or September a Georgian Orthodox priest told a member of the congregation in Kakheti that the Baptists would be "kicked out" after the elections.

There was a significant surge in xenophobic statements against religious and ethnic minorities during the period before parliamentary elections on October 1 and immediately after the election. The new government took office on October 25. The PDO and NGOs reported that GOC clergy members, some opposition party activists who were subsequently elected to parliament, and members of the academic community were among those who made statements against religious minorities.

On November 29 and 30 in Tsinksaro in the Kvemo Kartli region, a group of Orthodox Christians threatened local Muslims, telling them to stop gathering in their prayer house. The individuals threatened to burn down the local mufti's house and expel him from the village. The villagers reportedly shouted, "No need for a mosque in a place where Christian families live; you'll see what we are planning to do next Friday; you'll get war." Police intervened and the local Muslim community held prayers the following day. Prime Minister Ivanishvili issued an official statement following that incident stating, "Freedom of religion is the constitutional right of every citizen of this country and our government will not allow that this right to be restricted for anyone. The law enforcement agencies will investigate every wrongdoing and those guilty of this shameful confrontation will be punished most severely."

Moldova

According to the National Bureau of Statistics, the population is 3.6 million. The predominant religion is Orthodox Christianity. According to a 2011 Gallup poll, 97 percent of the population belongs to one of the two Orthodox groups: the MOC with 86 percent and the

Bessarabian Orthodox Church (BOC) with 11 percent. Preferential treatment is granted to the Moldovan Orthodox Church (MOC).

Freedom of association

The registration process is the same for all religious groups. A religious group must present to the Ministry of Justice (MOJ) a declaration of its exact name, fundamental principles of belief, organizational structure, scope of activities, financing sources, and rights and obligations of membership. The law also requires at least 100 citizen founders to register a religious group which is not consistent with international standards.

The MOJ registered three new Christian denominations. The MOJ registered another 46 religious groups as component parts of existing religious denominations, including the Baptist Church, the MOC, the BOC, the Union of Pentecostal Churches, the Roman Catholic Church, and Krishna Consciousness.

The Public Qigong Association “Falun Gong Moldova” and the Spiritual Gathering of Muslims of Moldova registered as NGOs after unsuccessful attempts to register as religious groups.

Some area of concern:

Social hostility

In 2011, UN Special Rapporteur on Freedom of Religion or Belief visited Moldova and issued a report in which he was saying:

Remaining obstacles mainly derive from the predominant position of the Orthodox Church, which enjoys a privileged status at variance with the constitutional provision of a secular State. Extremist groups go as far as to explicitly demand, often in an aggressive manner, that followers of other denominations – such as Protestants, Jews and especially Muslims – be marginalized. Although these extremist groups seem to account only for a small minority, they apparently are not met with much criticism from within the Church, thus leading to the perception that they somehow speak on behalf of the country's Orthodox believers in general.

Religious minorities may encounter difficulties when attempting to hold religious ceremonies, such as processions or gatherings, in the public sphere. The Special Rapporteur heard credible allegations that, in parts of the country, it happened that local Orthodox priests could exercise a de facto veto over public gatherings of religious minorities.

Even the burial of deceased members of religious minorities in rural areas is occasionally met with the resistance of certain Orthodox groups who want the local cemetery (owned by the municipality) to remain free of graves of other denominations, such as Baptists, Methodists or Pentecostals. As a result of such aggressive opposition,

in some cases, funerals had to be postponed and the bereaved faced difficulties in burying their loved ones in a dignified way, which is obviously an appalling situation. In addition, according to information received from different interlocutors, incidents of vandalism against Protestant houses of worship have occasionally occurred, such as the breaking of windows or the tearing down of walls during construction. The Special Rapporteur could not find any examples of the Orthodox Church clearly condemning such acts of violence or hostility sometimes perpetrated in the name of Orthodox Christianity.

The best documented case of public manifestation of religious intolerance against a religious minority was the removal and the demolition of the Jewish Chanukah Menorah displayed in a public place in Chisinau, in December 2009.¹⁰ A mob of around 100 people led by an Orthodox priest removed the Menorah and subsequently dumped it upside-down on a nearby monument to Stefan cel Mare, a medieval Moldovan prince and saint in the Moldovan Orthodox tradition. While political authorities and the media expressed outrage at this public manifestation of religious intolerance, no condemnation, let alone apology, was publicly made by the Moldovan Orthodox Church to the Jewish community. This was a missed opportunity to emphasize that central public places belong to everyone on a non-discriminatory basis. The priest was eventually sentenced to paying a small fine.

Belarus

A 2003 concordat between the BOC and the government provides the BOC with autonomy in its internal affairs, freedom to perform religious rites and other activities, and a special relationship with the state. The concordat also serves as the framework for at least 12 other agreements between the BOC and various state agencies. The concordat recognizes the BOC's "influence on the formation of spiritual, cultural, and national traditions of the Belarusian people." Although it states that the agreement does not limit the religious freedom of other religious groups, the concordat calls for the government and the BOC to combat unnamed "pseudo religious structures that present a danger to individuals and society." In addition, the BOC possesses the exclusive right to use the word orthodox in its title and to use the image of the Cross of Saint Euphrosyne, the country's patron saint, as its symbol.

Freedom of association

The law establishes three tiers of religious groups: religious communities, religious associations, and national religious associations. Religious communities must include at least 20 persons over the age of 18 who live in neighboring areas. Religious associations must include at least 10 religious communities, one of which must have been active in the country for at least 20 years, and may be constituted only by a national-level religious association. National religious associations can be formed only when there are active religious communities in at least four of the country's six regions.

This is a complicated procedure and not every religious community has been able to fulfill these conditions.

Freedom of worship and assembly

The law bans all religious activity by unregistered groups, and subjects group members to penalties ranging from heavy fines to three years in prison. The law confines the activities of religious communities and associations to areas where they are registered and establishes complex registration requirements that some groups find difficult to fulfill.

24 February

A worship service of a church of the International Council of Churches of Evangelical Christians-Baptists in the city of Gomel was disrupted by police. They recorded the event via video camera, questioned children and following the service gathered the personal information of all present.

10 April

Following a 24th of February raid on Christian-Baptists, N.I. Varushin was tried as the “organizer of a mass event in violation of the procedure established for organizing and conducting mass events” (Law No. 144-3). On the basis of Part 2, art. 23,24 of the Code of Administrative Violation of the Law of RB, Mr. Varushin was fined 4 million Belorussian rubels (US 461).

14 April

A Baptist congregation in Gomel’s Soviet District (which meets in a private home) was raided by police. Officers demanded those in attendance to stop the service, audio recording the meeting, took photographs, and interrogated those present. Internal passport details and home addresses were also taken, as well as several boxes of several boxes of religious literature.

31 May

Judge Sergei Vlasov of the Soviet District Court fined Baptists Yashchenko and Valentine Shchedrenok 200,000 roubles (17 Euro) for breaking Administrative Code Article 22.34, Part 1, which punishes those who conduct illegal demonstrations or other mass public events.

9 June

The Sunday worship services of two separate congregations of the Council of Churches Baptists were raided by police in the south-eastern town of Gomel (Homyel). Three local Baptist leaders have been fined in connection with the raids. The Council of Churches Baptists do not seek registration in any country and the three fined Baptists said they would not pay the fines as they believe they did nothing wrong.

11 June

A young Catholic layman who turned his home in a western Belarus village into a shelter for homeless people, with its own prayer room, is being accused of leading an unregistered religious organisation, Forum 18 News Service has learnt. Aleksei Shchedrov – who says he has helped about 100 local people since December 2011 – is being investigated on criminal charges which carry a maximum possible sentence of two years' imprisonment.

Conscientious objection

While the constitution provides for the right to alternative civilian service, the law makes no provision for conscientious objectors. Persons charged with draft evasion face penalties ranging from fines to five years in prison.

Area of concern:

Censorship: The law requires all religious groups to receive prior governmental approval to import and distribute religious literature.

Ukraine

The constitution and other laws and policies protect religious freedom. There is no state religion.

Freedom of association

Registration for religious congregations, a responsibility transferred to the Department for Religions and Nationalities in the Ministry of Culture following the 2010 dissolution of the State Committee on Nationalities and Religion (SCNR), continued to be slow reportedly due to lack of resources. The government did not address requests by the religious community to simplify registration procedures.

By law, a religious group must have at least 10 adult members to register with the government and receive status as a legal entity. Registration is necessary to conduct business activities such as publishing, banking, and property transactions.

The law contains contradictory provisions complicating the registration of religious groups.

The Spiritual Directorate of Muslims of Ukraine continued to report difficulties registering new religious communities in Crimea due to what it considered the political biases of some local authorities.

Conscientious objection

The law allows alternative non-military service for conscientious objectors.

Areas of concern:

Church leaders, religious organizations, and human rights defenders expressed concern over amendments to a law dealing with freedom of conscience and religious organizations signed into law by President Yanukovich on November 21. They had earlier called on the president to veto these amendments and also noted that the government drafted and approved the bill without taking their opinion into account. Among their concerns was the retention of a permission-based system for holding peaceful assemblies, dual registration of religious congregations, and a provision giving the Ministry of Culture authority to approve the activities of foreign religious workers. The bill also expanded government oversight over the observance of the religion-related law to a much larger number of government agencies, including the procuracy, the Ministry of Internal Affairs, and all other “central bodies of the executive government.” Religious freedom activists expressed concern that such oversight would be reminiscent of Soviet-era government efforts to monitor religious life.

Social hostility

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. These included cases of anti-Semitism and anti-Muslim discrimination as well as discrimination against different Christian denominations in different parts of the country and vandalism of religious property.

There were several reports of anti-Semitic acts of vandalism, including the desecration of Holocaust memorials in Ternopil, Mykolayiv, Rivne, Feodosiya, and Lviv. Anti-Semitic graffiti was found near a Zaporizhya synagogue in February.

Jehovah’s Witnesses reported continued harassment, physical attacks, and disruption of religious services.

As a result of the inaction of law enforcement officials, vandalism and arson of Kingdom Halls increased between 2010 and 2013. In 2010 there were 5 reported incidents of vandalism and arson and 15 in 2011. In 2012 and the first five months of 2013, the Witnesses experienced 73 acts of vandalism against their houses of worship. In the same period, there were 20 physical assaults against them. Law enforcement authorities classify these attacks as hooliganism or property crime—not recognizing they are actually hate crimes. In a number of cases, authorities have identified the ones responsible but have not brought them to justice.

On April 5, 2012 in the town of Komyshevka, a large group of people forced their way into a religious service, assaulted and threatened worshipers, and damaged religious literature.

In mid-May, fire destroyed the roof of a Jehovah's Witnesses hall in the city of Shostka in Sumy oblast. The police told media the fire was likely caused by arson. Religious leaders expressed concern that authorities had not responded appropriately to cases of suspected arson.

On May 22, unidentified vandals destroyed a tombstone at the grave of the prominent Muslim leader Eskender in the Bakhchisarai District of Crimea.

On August 17, members of the self-described feminist group Femen cut down a memorial cross in central Kyiv, claiming their action supported a jailed Russian punk rock group and struck a blow against "patriarchal religion." The vandalism of the cross commemorating victims of Stalin-era repression received widespread public condemnation. Police investigated the incident as hooliganism. At year's end, no report of the investigation's progress was available.

On September 7, three individuals entered a Seventh-day Adventist church in Mariupol and physically assaulted its members. The perpetrators said they were angered that church members "converted a former kindergarten into a church" and "did not smoke." On September 15, two of the individuals apologized to the church members who then withdrew their police complaint.

On September 21, five unidentified young men in Rivne assaulted and verbally abused Gennadiy Frayerman, chairman of the local Chesed charity and a leader of the local Jewish community. The men asked Frayermen whether he was Jewish and attacked him after he said he was, causing minor injuries. The attackers fled.

On October 7, fires set by arsonists completely destroyed a Seventh-day Adventist church in the town of Yenakiyev and damaged two Jehovah's Witnesses halls in the towns of Yenakiyev and Uglegorsk. Police officials at the scene of one fire noted that in August two other fires occurred at Jehovah's Witnesses halls in the villages of Yenakiyev and Debaltseve.

In November the three-year trial of Serhiy Kyrychenko on charges of incitement of ethnic hatred based on frequent anti-Semitic remarks during media appearances ended due to expiration of the statute of limitations. His numerous appeals and motions delayed the case. The prosecution told the media that while Kyrychenko was neither acquitted nor convicted, the court did not challenge the validity of the charges.

On December 15, an unidentified arsonist set fire to the UOC MP Church of the Nativity of the Theotokos in central Kyiv. The UOC MP released video footage showing the attacker as he set fire to the church and fled. On December 18, the Rivne City Court gave a three and a half year suspended sentence to each of the three men who vandalized and defaced a

Holocaust memorial with swastikas near Rivne on June 6. The offenders were convicted of hooliganism and grave desecration. The law enforcement authorities did not support calls by leaders of the local Jewish community to prosecute the case as a hate crime rather than hooliganism.

Willy Fautré

Paper presented at the conference “Protecting the Freedom of Religion and Beliefs in the Eastern Partnership Countries” co-organized by the EU-Ukraine Business Council and Human Rights Without Frontiers at the European Parliament on 18th September 2013.