

COMPARISON STUDY

of the current version of [the Law of the Republic of Belarus "On Freedom of Conscience and Religious Organizations"](#) (dated 17 December 1992, No. 2054-XII) and its amended version (dated 30 December 2023, No. 334-3)

[The Law of the Republic of Belarus dated December 30, 2023 No. 334-Z](#) adopted the Law of the Republic of Belarus dated December 17, 1992 No. 2054-XII “On freedom of conscience and religious organizations” in a new edition.

Religious organizations in the Republic of Belarus, by the law, are recognized voluntary associations of citizens of the Republic of Belarus (religious communities) or religious communities (religious associations), united based on their common interests to satisfy religious needs and disseminate information about their faith, as well as monasteries, monastic communities, religious brotherhoods and sisterhoods, religious missions, religious educational institutions registered as a legal entity.

The document expands the list of grounds for the liquidation of religious organizations, tightens the requirements for their registration and operating procedures, introduces new provisions compared to the existing legislation, for example, regarding amending charters of religious organizations, obtaining a duplicate of the charter from the registering authority, etc. In general, the provisions of this law regulating the procedures for registration and liquidation of religious organizations have become almost similar to the provisions of the law "On Public Associations". The amended version introduces additional terms and definitions, such as Sunday religious school, children's home at a monastery, religious education, missionary and pilgrimage activities, monastic community, etc. *Lawtrend* experts prepared a comparison study of the current and amended versions of the law, as well as relevant commentaries.

The new provisions of the law are to come into force six months after its official publication, on 6 July 2024.

The Law No. 334-3 establishes for all religious organizations registered before 6 July 2024, the obligation, within a year after this date, to bring their charters into compliance with the new requirements of the law on religious organizations and to undergo the re-registration procedure or make a decision on liquidation.

Relations between religious organizations and the state, countering extremism

Legislative changes in this area are in line with the spirit of Belarusian rule-making of the last few years. The law prohibits the activity of religious organizations, which is aimed against the sovereignty, fundamentals of internal and foreign policy of the Republic of Belarus, its constitutional system and national accord; at discrediting the Republic of Belarus, propaganda of war, social, national, religious, and racial enmity, or other extremist activity, or humiliation of national honor and dignity, etc. Religious organizations' engagement in political activities, the use of any symbols differ from religious ones in worship services, propaganda of extremist activities, etc. are prohibited.

The current law establishes the purpose of theological examination in the establishment and functioning of religious organizations - to identify their religious nature, to examine compliance of charters, doctrines, spiritual practices of religious organizations with the legislation,

including in order to prevent distributing religious literature and other materials containing information inciting social, national, religious, and racial enmity and other manifestations of extremism. It is also provided that the content of religious literature, other printed, audio and video materials must not contradict the ideology of the Belarusian state.

The Commissioner for Religious and Ethnic Affairs

The current law prescribes that the President of the Republic of Belarus establishes a State administration body for religious affairs, which exercises control over the implementation of the legislation of the Republic of Belarus on freedom of conscience, religion, and religious organizations, considers and deals with issues arising in the sphere of relations between the state and religious organizations. The amended version of the law (Article 11) provides that the functions of the state administration body are carried out by the Commissioner for Religious and Ethnic Affairs who is appointed to the position of a state civil servant and dismissed from this position by the President of the Republic of Belarus on the proposal of the Council of Ministers of the Republic of Belarus and is subordinate to this body. The law defines the powers of the Commissioner. Despite the fact that the current law does not contain provisions on the Commissioner for Religious and Ethnic Affairs, they are not new to the legislation as a whole and are contained in other normative legal acts: first of all, the Regulation on the Commissioner for Religious and Ethnic Affairs and His Staff approved by the Resolution of the Council of Ministers of the Republic of Belarus No. 891 of 15 July 2006.

Establishing religious organizations: changed requirements for heads and founders of religious organizations, for their registration procedure

The existing law provides that only a citizen of the Republic of Belarus may be a head of a religious organization. The amended version of the law supplements this requirement by stipulating that a citizen of the Republic of Belarus must permanently reside in the Republic of Belarus. In addition, there is a requirement that heads and founders of religious organizations must not be the persons included in the lists of organizations, formations, individual entrepreneurs, and citizens involved in extremist activities, as well as those involved in terrorist activities. An individual may be a founder of a single religious community. The obligation to notify in writing the registering body of the appointment of a head of a religious organization within ten working days from the date of such appointment is introduced.

The requirements to the number of citizens of the Republic of Belarus necessary for the establishment of a religious community remain unchanged. However, unlike the current law, its amended version specifies that these citizens must not only reside in one or more settlements with common borders, but also be registered there. It introduces the requirement of obligatory written notification of a town or district executive committee (administration) on the intention to establish a religious community, as well as on holding a constituent assembly within a month after the notification. At the same time, it is established that the constituent assembly elects the governing bodies of a religious community, including its head, to ensure the state registration of a religious community. The requirements for the establishment of a republican religious association are revised: it must include either local religious associations representing all regions and the City of Minsk or religious communities from all regions of Belarus and the City of Minsk (in the current version - from most regions of the Republic of Belarus). Their number required for the establishment of a republican association is increased from 10 to 15. It is also prescribed that at

least one of the communities must have been operating for at least 30 years (20 years in the current law).

The amended version of the law establishes that the record of state registration of a religious organization must be entered by the registering body into the Unified State Register of Legal Entities and Individual Entrepreneurs within three working days after the decision on registration. The current law specifies that the record is made only in a separate register, making it difficult to find information on registered religious organizations. It also provides for religious organizations, after the registration, to be listed with various bodies (tax statistical bodies, the Social Protection Fund, the insurance company Belgosstrakh) by the registering bodies, rather than by themselves.

The amended version of the law also introduces some new technical requirements for registration. Thus, submitting a new document is prescribed for registration of religious associations - abstracts from the minutes of the meetings of religious communities` governing bodies establishing a religious association, at which decisions were made to act as founders of the religious association. It is envisaged that the charter of a religious organization must contain its full and abbreviated name in the state languages of the Republic of Belarus indicating its organizational and legal form, type, and confessional affiliation (in the current version - full name including an indication of confessional affiliation).

The amended version of the law stipulates the procedure for state registration of amendments and additions made to the charter of a religious organization, as well as the list of documents to be submitted. An additional ground for refusal to register a religious organization is introduced: its purpose and objectives contradict the law. The term within which a registering body informs a religious organization of the refusal to register it (five working days) is established, and a decision on non-registration or a failure to register within the established term may be challenged to the regional courts or the Minsk City Court, at the location of a religious organization specified in its charter.

Activities of religious organizations

The concepts of missionary and pilgrimage activities, provisions on charitable and social activities of religious organizations, as well as their possible financing, including state support, are introduced. Thus, it is stipulated that, in order to participate in dealing with social problems, religious organizations may establish legal entities and structural subdivisions to provide social services to elderly people, disabled people, and other categories of citizens, to socially rehabilitate people suffering from chronic alcoholism, drug addiction or substance abuse and may arrange their activities in accordance with the law. By agreement with the relevant regional or the Minsk City Executive Committee, children's homes may be established at monasteries.

It is prescribed that immovable property of religious organizations registered and operating in the Republic of Belarus must not be alienated in favor of foreign legal entities and individuals.

Religious education

The amended law introduces the provisions on religious education (Article 10). It is established that religious education is not an academic activity. Religious organizations have the right, in accordance with their charters, to create Sunday religious schools for children and religious education groups for adults using for this purpose premises owned and/or provided to them for

use, except for the premises owned by state educational institutions, other organizations, individual entrepreneurs, which are entitled, under the law, to carry out academic activity.

The attendance of a minor to a Sunday religious school must be carried out on the basis of a written application of his/her legal representative. The content of religious education programs implemented in Sunday religious schools and religious education groups for adults must not be contrary to the ideology of universally recognized traditional values of the Belarusian people and the ideology of the Belarusian state. The programs must not contain propaganda of war, or of social, national, religious and racial enmity, or of other extremist activities.

Sanctions and liquidation procedure

Like the current law, its amended version provides for sanctions against religious organizations as follows: written warning, suspension of activities, and liquidation. It is new that a registering body obligated, when issuing a written warning, specify the violation committed and the deadline for its elimination, and a religious organization obligated to notify the registering body in writing of having violations eliminated and to submit supporting documents no later than three days after the expiration of the deadline for eliminating violations covered in the written warning.

By introducing restrictions on the purposes of establishing and operating of religious organizations, the amended version of the law expands the grounds for their liquidation. Thus, a religious organization may be liquidated for: committing actions against the sovereignty of the Republic of Belarus, the fundamentals of the internal and foreign policy of the Republic of Belarus, its constitutional system and national accord; aimed at discrediting the Republic of Belarus, propaganda of war, social, national, national, religious, and racial enmity, or other extremist activities, humiliation of national honor and dignity; preventing citizens from exercising their rights and freedoms and performing their state, public and family obligations; etc. A religious organization may also be liquidated due to the revealed absence of the required number of founders, as well as failure to eliminate in time the violations specified in a written warning.

Considering cases of liquidation of religious organizations registered by the Commissioner for Religious and Ethnic Affairs is removed from the competence of the Supreme Court and attributed to the competence of regional courts and the Minsk City Court. The amended version of the law defines the procedure for liquidation of religious organizations, which is generally similar to the procedure for liquidation of other legal entities, in particular public associations.

Amendments are introduced regarding the disposal of property of religious organizations that were decided to liquidate. The existing legislation establishes that the property of religious organizations provided to them for use by legal entities and individuals must, after liquidation, be returned to the persons provided the property. The novelty is that if religious organizations were donated property by the state not only for use but also for ownership, this property must be returned to the state.