

## Preface

This report is based on information gathered for the IHF Report *Human Rights in the OSCE Region: the Balkans, the Caucasus, Europe, Central Asia and North America, Report 2001*. The report focuses on human rights developments in the OSCE region in 2000. Therefore, this report covers the issue of religious tolerance in selected OSCE countries in the year 2000 only.

The **International Helsinki Federation for Human Rights (IHF)** is a non-governmental organization that seeks to promote compliance with the human rights provisions of the Helsinki Final Act and its Follow-up Documents. In addition to supporting and providing liaison among 40 Helsinki Committees and cooperating organizations, the IHF has direct links with human rights activists in countries where no Helsinki Committees exist. It criticises human rights abuses regardless of the political system of the State in which these abuses occur. It has consultative status with the United Nations and the Council of Europe.

The IHF represents member and co-operating committees in Albania, Austria, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Kazakhstan, Kosovo, Kyrgyzstan, Latvia, Lithuania, Macedonia, Moldova, Montenegro, the Netherlands, Norway, Poland, Romania, Russia, Serbia, Slovakia, Slovenia, Sweden, Switzerland, Ukraine, United Kingdom, and the United States. Other cooperating organizations include the European Roma Rights Center (Budapest), and Human Rights Without Frontiers (Belgium).

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## ARMENIA<sup>1</sup>

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Article 1 of the 1991 Law on Freedom of Conscience, Worship and Religious Organizations guarantees freedom of worship and religious belief, the free choice and exercise of religion, and the right to practice different religions (or none at all) individually or collectively.

There were 45 registered religious organizations in Armenia in 2000, representing the main world religions. The Armenian Apostolic Church had the status of the national church and enjoyed special privileges. Despite the provisions guaranteeing freedom of religion, the Law on the Freedom of Conscience, Worship and Religious Organizations also contained contradictions and restrictions on the right to exercise religion. For example, it was required that a religious group must have 200 members to be registered. In 2000, some religious organizations, for example the Jehovah's Witnesses, operated without registration.

According to international standards, a state should equally support all religious denominations. Nevertheless, Article 7 of the Law on the Freedom of Conscience, Worship and Religious Organizations provided that all the registered religious organizations could do charity work whereas another provision (Article 17) granted this right exclusive to the Armenian Apostolic Church. The same applied to the return of church buildings: by law, all registered religious groups had the right to have places of worship, but eventually the law gave only the Armenian Apostolic Church the right to build new churches. Moreover, by law, it was forbidden for a religious group, whose spiritual centre was outside Armenia, to receive financial support from abroad (Article 13).

According to Article 17, religious denominations other than the Armenian Apostolic Church were allowed to worship within their own buildings only, and were prohibited to do so in schools, kindergartens or penitentiaries.

On 17 March the Armenian Apostolic Church and the Government signed the Memorandum of Understanding, aiming at the preparation and adoption of an Agreement between the State and the Church to grant even more authorities and privileges to the Armenian Apostolic Church in different spheres of life.

### **Conscientious Objection**

The authorities continued to reject the registration of the Jehovah's Witnesses (with about 17,000 members) mainly because they refused to carry out military service which was obligatory: there was no law on either on unarmed military service or an alternative civilian service in Armenia in 2000 despite the fact that Armenia committed to itself to the adoption of such laws upon joining the Council of Europe.

In 2000, nineteen Jehovah's Witnesses who refused to serve the military were imprisoned. The PACE recommended that until the law on alternative service was adopted, the Government pardon all the sentenced conscientious objectors and allow them to carry out the alternative service as soon as a law on it was adopted.<sup>2</sup>

- However, in early 2001, a week after Armenia's accession to the Council of Europe, Karen Yegoyan, a Jehovah's Witness, was sentenced to two years' imprisonment for refusing to carry out military service. Another four young Jehovah's Witnesses have been arrested since then and are awaiting trial as of this writing.<sup>3</sup>

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<sup>1</sup> Based on the documentary "Religious Minorities in Armenia," prepared by the Civil Society Development Union and Versus Studio, 2000.

<sup>2</sup> PACE Opinion 221 (2000), iv-d.

<sup>3</sup> RFE/RL (Un)Civil Societies, Vol. 2, No. 4, 25 January 2001.

## BELARUS<sup>4</sup>

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The Belarusian Constitution provides for a multi-confessional State and a neutral attitude towards all registered denominations acting within the framework of the legislation. This, however, has not stopped the State from strongly supporting the Belarus Exarchate of the Russian Orthodox Church and restricting the activities of Protestants, Catholics, and others minorities.

According to the State Committee on Religions and Nationalities, over 2,500 religious communities and parishes belonging to different confessions were registered in Belarus as of 1 January 2000. Among them were 1,139 Russian Orthodox, 862 Protestant, 405 Roman Catholic, several Uniate and Belarusian Autocephalous Orthodox communities, as well as Jewish and Muslim communities.

- *Narodnaya Gazeta* stated in an article that “Belarus is turning into a Protestant country” and that “Protestants push us to betray our ancestors’ faith.” Following the publication of the article, the Protestants of Belarus demanded that the editor-in-chief place a retraction in the press. There was no reaction, however, and another article written by Nina Yanovich was published, describing Protestant Christians in a very negative light. A second request to publish a retraction in the newspaper was also ignored. The Protestants initiated judicial proceedings against the newspaper and its columnist Nina Yanovich. The court refused to hear the case claiming it had no jurisdiction in “scientific polemics”.
- When the film “Expansion” was aired on National TV, Protestant groups felt that the film promoted a negative attitude among the public towards Protestants and stirred up religious hostility.

### Conscientious Objection<sup>5</sup>

According to both the Constitution and the law “On Military Service”, draft-age men were obliged to perform either military or alternative civilian service. However, in 2000, Belarus still lacked a law regulating alternative civilian service. In the absence of appropriate legislation, the right to alternative service was, in practice, denied.

- Valjantsin Hulai, who was charged under Article 77 (evasion of military service) of the Criminal Code, filed a complaint with the OSCE Advisory and Monitoring Group in Belarus against a court’s conviction in Rechytza, which he claimed violated his constitutional right to freedom of religion. Hulai is a Jehovah’s Witness who, once drafted, asked the authorities to allow him to perform alternative civilian service because of his religious convictions. Another draftee, M. Mikhaltsow, was charged under the same article.

Valjantsin Hulai’s case led OSCE Ambassador Hans-Georg Wieck to ask the House of Representatives of the National Assembly to comment on the situation. Reportedly, Chair of the House of Representatives A. Malafeyaw replied that Hulai’s demand to perform alternative service is not allowed under the present legislation.

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<sup>4</sup> Based on the *Belarus Helsinki Committee Annual Report 2000*.

<sup>5</sup> Based on information from the Belarus Helsinki Committee to the IHF, August 2000.

## BELGIUM<sup>6</sup>

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The relationship between the State and religions in Belgium is historically rooted in the principle of recognition and non-recognition of religions. However, recognition criteria were never enshrined in the Constitution, decrees or in law.

As of the end of 2000, six religions and secular humanism (*laïcité*) were recognised by the State. When the Belgian State was created in 1830, a number of religions had already been recognised under French rule: Catholicism and Protestantism (since 1802) and Judaism (since 1808). Anglicanism was recognised in 1835, Islam in 1974 and Orthodoxy in 1985. Secular humanism has indirectly enjoyed state recognition since the last revision of the Constitution (17 February 1994).

In the past, the Belgian State also used its discretionary power to recognise one or two movements inside spiritual families where diversity prevailed: the Greek and Russian Orthodox Churches in the Orthodox family; the EPUB (*Eglise Protestante Unie de Belgique*/ United Protestant Church of Belgium grouping together a number of historical churches) and Anglicanism (separately) in the Protestant family. Pentecostal and Evangelical Churches, which were denied separate recognition by the Ministry of Justice, tried to create a common platform with the EPUB to enjoy the advantages of recognition. The policy of the Ministry of Justice in this regard was a clear form of state interference in the religious sphere.

In 2000, not all movements inside the Muslim community had joined the administrative representative body that was recognised by the state as the spokesorgan of Islam. In the secular humanist family, only the *Centre d'Action Laïque* (Center of Laicist Action) was recognised by the state.

Eight federal ministries, the ministries of the three linguistic communities, the ministries of the three regions (Flanders, Wallonia and Brussels), the administrations of the ten provinces and the 589 municipalities were involved in financing the recognised religions and secular humanism, but Islam remained dramatically under-financed. On the one hand, the Federal State paid the salaries, retirement and lodging costs of ministers and also subsidised the construction and renovation of places of worship, but decided how many clerics were paid in each religion – thus reflecting clear interference by the State in the religious sphere. On the other hand, the municipalities had to pay any debts incurred by the ecclesiastical administrations of recognised religions without having the right to check their accounts.

In 2000, a number of political parties considered changing the financing system of religions and secular humanism so as to allow taxpayers to choose the belief system they wanted to finance through their income tax. However, no draft law had been presented to the Parliament by the end of 2000. As a result, the financing system remained discriminatory towards non-recognised religions and their followers.

Jehovah's Witnesses and other minority religions were denied the right to bring spiritual assistance to their members in hospitals, detention centres for asylum seekers and similar institutions, a right granted only to chaplains of recognised religions and moral advisers of secular humanism. In public schools of Belgium's French-speaking community, Jehovah's Witnesses' children were obliged to attend either ethics classes (contradictory with their beliefs) or classes of another religion. In the Flemish-speaking community, the children were exempt from this requirement.

### **The Cult Issue**

The list of 189 movements annexed to the report of the Parliamentary Commission on cults and the information brochure *Guru, You'd Better Watch Out!* widely distributed in schools and public places continued to be a reference source for private and public authorities. More cases of intolerance and

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<sup>6</sup> Based on the *Human Rights Without Frontiers Report 2000*.

discrimination towards individuals were recorded by Human Rights Without Frontiers in 2000: intolerance and victimisation in schools, at work and in the neighbourhood; hate speech in the media; defamation; slander; loss of jobs or promotions; loss of visitation rights or child custody in divorce settlements; denial of room rental; police crackdown, etc.

- On 26 October 2000, a public meeting of the new religious movement *Sahaja Yoga*, a group with only 150 members in Belgium, was banned by order of the Mayor of one of the municipalities of Brussels. A dozen police officers accompanied by a bailiff appeared to ensure the ban was respected. The organisers of the meeting, scheduled for later that evening, were informed that it had been banned following orders from state security. The auditorium of the cultural centre in Woluwe St Pierre (Brussels) had been hired several months in advance for a presentation of the *Sahaja Yoga* movement, and the meeting had been advertised on the radio, posters, and leaflets. At 6.30 p.m. barricades were erected in front of the entrance to the cultural centre and a dozen uniformed and plainclothed police officers were present. Some of the officers stated that they belonged to the public relations department of the gendarmerie, others stated that they were a part of the state security services or the Belgian Brigade of Surveillance and Research (BSR). The bailiff also presented an affidavit. The organisers were informed that all their meetings were forbidden and that any discussion of *Sahaja Yoga* would result in arrest. The group has never been prosecuted for any illegal activities.
- In 1999, the Anthroposophic Society won its case in the first instance against the French Community (one of the federal entities of the Federal Kingdom of Belgium) with regard to defamatory statements spread in the cult prevention brochure *Guru, You'd Better Watch Out!*. The ruling was appealed and a hearing was held on 25 November 1999, leading eventually to a decision on 20 January 2000 to overturn the trial decision because of a "lack of urgency," as all the brochures had already been distributed. The Society planned to continue with proceedings. The brochure was not reprinted and its content was removed from the website of the French Community, probably because a new Minister, known to be more respectful of the rights of minority religions, took office after the June 1999 elections.
- The Buddhist group OKC accused of being a harmful sectarian movement in the brochure *Guru, You'd Better Watch Out!* lost its case in the first instance, due to the lack of emergency, but continues the proceedings.
- Another complaint lodged by the Anthroposophic Society against the creation of an Observatory of Cults called the "Information and Advice Centre on Harmful Cults" was dismissed by the Arbitration Court. A complaint was lodged with the European Court of Human Rights in September 2000.
- The case *Vibration Cœur (Vibrating Heart) v. the Belgian State* was pending as of this writing. *Vibration Cœur*, a non-profit making association of five psychotherapists who hold training sessions for medical practitioners, was noted on the list of 189 movements suspected of being harmful cults.
- In January 1999, Ms. Vo, the Belgian secretary of the non-profit making association Spiritual Human Yoga (SHY), was arrested by an anti-terrorist unit and imprisoned for 22 days. The spiritual leader of the movement, Master Dang, an American citizen, was also imprisoned for 65 days. He was released only after paying U.S.\$1.3 million in bail. Dozens of SHY practitioners were interrogated by the police to substantiate accusations of the illegal practice of medicine and financial embezzlement. Two years later, no progress had been registered in this case.

- Over one year after the raid of the anti-terrorist unit against the headquarters of the Church of Scientology, the case was still pending as of this writing.
- In 2000, charges against the Japanese movement Sukhyo Mahikari, under examination on suspicion of alleged financial embezzlement, were dropped.

In the fall of 2000, the *Information and Advice Centre on Harmful Cults* was nearly operational. Its mission is to collect and grant public access to documents about so-called cults.

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## BOSNIA AND HERZEGOVINA<sup>7</sup>

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Inter-religious dialogue took place at the level of the leadership of all the four religious communities in Bosnia-Herzegovina, i.e. the Islamic, Roman Catholic, Orthodox, and Jewish communities. This dialogue, however, did not have much impact in everyday life because of the politicisation of the religious communities.

On the basis of the Constitution of Republika Srpska (RS)– but in violation of the Constitution of Bosnia-Herzegovina - the Serb Orthodox Church (based in the neighbouring FRY), had the status of “state church” with a monopoly position. This led to discrimination against other religious communities and individuals who were not Serbs and Orthodox. In addition, the anthem and oaths (in assemblies, courts, etc.) in RS were imbued with exclusively Orthodox content and were imposed even on the non-Orthodox. In addition, the state institutions had mainly Orthodox saints as their patrons.

The Roman Catholic Church in BH, headed by Archbishop Cardinal Vinko Puljic, again openly supported the Croatian Democratic Union (HDZ) in the general elections. The Islamic Community continued to cooperate with the Bosniak Party of Democratic Action (SDA).

In RS, all mosques were destroyed during the war and in its aftermath and Muslim clergy were expelled. The authorities, despite the decisions passed by the Human Rights Chamber, which are final and binding, and the order of the High Representative, slowed down the reconstruction of the main mosque in Banja Luka, as well as those in Bijeljina and Zvornik. The reconstruction of the Muslim and Catholic places of worship in RS occurred together with the return of Bosniaks and Croats. The first renewed mosque was opened in the village of Kozarusa (Priedor community) in September 2000; it remained the only mosque in RS.

The cemeteries of all confessions remained targets of clerical and nationalistic aggression.

- A group of teenagers destroyed 28 tombstones in the Jewish cemetery in Sarajevo.
- The Roman Catholic Church put large provocative crosses in places that irritated Muslims, e.g. the hill above Mostar from which the Croatian extremists were firing at Bosniak settlements during the war or sites of Islamic religious or cultural value.
- In RS, new buildings were erected for housing, businesses and even for the use of the Orthodox Church (e.g. in Divic, Zvornic community) on the sites of former mosques.
- Some Muslim extremists celebrated *Bairam* in a provocative and aggressive way, particularly in Tuzla and Sarajevo.

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<sup>7</sup> Based on Helsinki Committee for Human Rights in Bosnia and Herzegovina, *Report on the State of Human Rights in Bosnia and Herzegovina, January-December 2000*, and Helsinki Committee for Human Rights in Republika Srpska, *Review of the Human Rights Situation in the Republika Srpska, November 2000*.



## BULGARIA<sup>8</sup>

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On 26 October 2000, the European Court of Human Rights delivered a judgement in the case of *Hasan and Chaush v. Bulgaria*. The case concerns the refusal of the Socialist Government in February 1995 to register the leadership of the Muslim believers with Fikri Hasan as chief *mufti*.<sup>9</sup> The Court held that the state had violated Article 9 of the ECHR through the failure to remain neutral in the exercise of its powers in respect of the registration of the Muslim religion; and Article 13 of the ECHR (right to an effective remedy) in that the Supreme Court had refused to examine the substance of Hasan's appeal against the decision of the State.

The most serious event in the sphere of freedom of thought, conscience and religion was the – eventually unsuccessful - attempts for the adoption of a seriously restrictive Denominations Act. Other serious violations of the religious rights included expulsions of foreign citizens due to “illegal religious activity”; adoption by the local authorities of illegal ordinances which greatly restricted the rights of the local branches of religious communities; break-ups of peaceful meetings of religious communities by the authorities or by private citizens, undeterred by the authorities; and discriminatory treatment of religious communities by administrative bodies.

On 2 February 2000 the National Assembly adopted the three draft bills on religious denominations tabled by the United Democratic Forces (UtDF), BSP and IMRO, and rejected the draft tabled by a group of MPs of the Alliance for National Salvation. The three drafts were sharply criticised for their repressive nature, unclear and ambiguous character and the attempt of the State to subject religious organizations to administrative control.<sup>10</sup> Moreover, they were prepared without any dialogue with religious organizations.

On 12 October 2000 the parliamentary Committee on Human Rights and Religious Denominations submitted a consolidated Draft Denominations Act for the second and final reading to the National Assembly. Representatives of religious and human rights organizations stated that the final version was a little better than the three drafts on which it was based, but that it still reproduced its main shortcoming including excessive administrative supervision of the internal affairs of religious organizations.<sup>11</sup> The draft also created a large number of preconditions for arbitrariness on the local level, allowing, for example, mayors to refuse the registration of the local branches if their services and rites “do not comply with the statutes of the registered denomination.” In addition, according to the draft, religious organizations may use a private flat as a house of worship only if all other owners agree; can use a rented public building only through a separate entrance, and restricts the right of believers to unite for the attainment of their religious goals. Religious organizations would be banned as separate legal entities if the state authority judges their names to be the same or if their “religious basis and rites” are the same (Article 19.2) Finally, all denominations, regardless of whether state-subsidised or not, would be subject to state financial control (Article 39).

As a result of criticism, the draft law it was sent for expert assessment to the Council of Europe and its adoption was postponed.

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<sup>8</sup> Based on the Bulgarian Helsinki Committee, *Human Rights in Bulgaria in 2000*. For the full report, see [www.bghelsinki.org](http://www.bghelsinki.org). Materials from Human Rights Project and the Tolerance Foundation have also been used.

<sup>9</sup> See *Human Rights in Bulgaria in 1995. Report of the Bulgarian Helsinki Committee*, January 1996, available at [www.bghelsinki.org](http://www.bghelsinki.org).

<sup>10</sup> For more details, see *Human Rights in Bulgaria in 1999. Annual Report of the Bulgarian Helsinki Committee, Obektiv*, February 2000, available at [www.bghelsinki.org](http://www.bghelsinki.org)

<sup>11</sup> According to the draft, for example, the state Directorate of Religious Affairs would exercise supervision over the activities of denominations, issue the opinion of the Sofia City Court on the registration of denominations, approve the rules of higher theological schools, and “study of the religious basis and services and rites of the ... denomination” (Article 16.1).

Throughout the year, ordinances on public order or on the activities of religious communities, containing many discriminatory and restrictive provisions, were adopted in several Bulgarian cities (Bourgas, Plovdiv, Pleven, Gorna Oryahovitsa and Stara Zagora) under pressure by IMRO municipal councillors and in violation of a number of laws.

- The Pleven ordinance, adopted in November, required religious communities in the city to send all their documents to the municipal authorities. It prohibited proselytising of any kind outdoors, as well as the distribution of religious literature outside churches and specialised bookshops. Denominations were also prohibited to attract persons under the age of 18 to their activities in any form whatsoever, except with the written consent of their parents, or to conduct their activities in all kinds of schools and/or children's' establishments. On the other hand, they were obliged to declare their incomes and expenses before the municipal authorities. In November 2000, 11 local branches of denominations instituted proceedings against the Pleven ordinance in court.

As in previous years, the authorities and private citizens and groups, undeterred by the authorities, dispersed peaceful meetings of religious communities, often violently, in a number of settlements throughout the country.

On 18 February, the Ministry of Education issued an instruction on the experimental study on Islam in optional religious classes, ordering that instruction in this religion should be conducted in Bulgarian and that it should be financed by the Chief Mufti's Office. Instruction in the Orthodox religion in Bulgaria is financed by the State.

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## CANADA<sup>12</sup>

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The case of *Waldman v. Canada*, decided by the Human Rights Committee established under the ICCPR, has presented an unusual dilemma for Canada. The Canadian Charter of Rights and Freedoms prohibits religious discrimination. The Charter is part of the Constitution of Canada. However, Article 93 of the Canadian Constitution discriminates in favour of Roman Catholics and against other religious denominations.

### **Constitutional Guarantee**

Article 93 gives provincial legislatures exclusive power over education. The article states that any law enacted under this power shall not "prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the union." In Ontario, at the time that the province joined Confederation, Roman Catholic schools had rights and privileges which other denominational schools did not have. In particular, Roman Catholic denominational schools received state funding. The effect of Article 93 was to prevent the legislature of Ontario from prejudicially affecting those rights and privileges, including funding. State funding of Roman Catholic schools in Ontario is, by virtue of Article 93, constitutionally entrenched.

Once the Canadian Charter of Rights and Freedoms was entrenched in the Constitution in 1982, and, especially once the equality guarantee in the charter became effective in 1985, the question arose whether the discrimination flowing from Article 93 of the Constitution could survive the entrenchment of the guarantee of equality in section 15 of the Charter. The Supreme Court of Canada decided that it could.

The Supreme Court of Canada also ruled constitutional the 1987 Bill 30, extending funding for Ontario Roman Catholic schools for secondary education.

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<sup>12</sup> Based on the *Annual Report* of the Canadian Helsinki Watch Group (by David Matas).

Even that proposed funding was, according to the Supreme Court, protected by the Constitution. Madam Justice Wilson found that, at the time of Confederation, Roman Catholic separate schools were entitled to public funding for secondary education, even if they were not getting that funding. Thus, the Constitution requires the Ontario Government to fund fully Roman Catholic separate schools. Seen in this light, according to the Court, Bill 30 simply righted an old wrong, said the Canadian Helsinki Watch Group.

After this case was decided, parents who wanted state funding for denominational schools that were not Roman Catholic went to court to argue that the guarantee of equality in the Charter required funding in Ontario for their schools. Individuals from the Calvinistic or Reformed Christian tradition, and members of the Sikh, Hindu, Muslim, and Jewish faiths argued that the Ontario Education Act, by requiring attendance at school, discriminated against those whose conscience or beliefs prevented them from sending their children to either the publicly funded secular or publicly funded Roman Catholic schools, because of the high costs associated with their children's religious education. A declaration was sought stating that the applicants were entitled to funding equivalent to that of public and Roman Catholic schools.

The Supreme Court of Canada rejected this challenge as an attempt to revisit its earlier decision on Bill 30. The Court ruled that the funding of Roman Catholic separate schools could not give rise to an infringement of the Charter because the province of Ontario was constitutionally obligated to provide such funding.<sup>13</sup>

### **International Obligations**

However, Canada has signed and ratified the ICCPR as well as its Optional Protocol that allows for an individual right of petition against signatory states.<sup>14</sup>

A petition was filed with the Committee by Arieh Waldman to find Canada in violation of the ICCPR because of Roman Catholic separate school funding in Ontario. The Canadian Government made a feeble attempt to argue that Ontario funding to Roman Catholic schools was non-discriminatory because the obligation to provide that funding was in the Canadian Constitution. The Human Rights Committee expressed the obvious view that the preferential treatment of Roman Catholic schools does not cease to offend the equality guarantee in the ICCPR simply because it is in the Canadian Constitution<sup>15</sup>.

According to the Canadian Helsinki Watch Group, the implications of international lawlessness are more severe for Canada as a whole than they are for any one province. Given the isolationism of Ontario politics, the violation of Canadian treaty obligations imposed by Ontario legislation will have to be handled by the Federal Government and Parliament alone and directly, said the Group.

The Federal Parliament cannot amend the provisions of the Constitution dealing with separate school funding in Ontario unilaterally, without the agreement of the Ontario legislature. As long as the Government of Ontario insists on maintaining the present regime, that regime is constitutionally protected.

The Canadian Helsinki Watch Group took the position that the Government should put the State in compliance with Canada's treaty obligation under the ICCPR by fully funding all separate schools in

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<sup>13</sup> *Adler v. Ontario* [1996] 3 S.C.R. 609.

<sup>14</sup> Article 25 of the Constitution. Article 2(2) of the ICCPR provides: "Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant."

<sup>15</sup> *Arieh Hollis Waldman v. Canada*, Human Rights Committee, 05/11/99, CCPR/C/67/D/694/1996, paragraph 10.4.

Ontario and deducting the money it spends on Ontario separate schools from transfer payments and tax points to Ontario. The Government of Ontario should then be left to decide how they want to respect the obligation not to discriminate, whether by maintaining funding of all separate schools or by funding no separate schools.

## FRANCE

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In June 2000, the IHF wrote an open letter to Alain Vivien, President of the Mission Interministérielle de lutte contre les sects (MILS), in response to an accusation that the IHF was “infiltrated by trans-national sects,” and in particular by the Church of Scientology (*Le Figaro*, 13 June 2000). The IHF reminded Vivien that religious freedom is among those rights set forth in the diverse documents to which France has committed itself as a member of the OSCE, the Council of Europe and the United Nations. While condemning the legislation that the MILS contributed to developing, the IHF noted that the legislation proposed by Vivien was not compatible with the notion of religious pluralism in a democratic society.<sup>16</sup>

### **Anti-Semitism and Racism**

The annual National Consultative Commission on Human Rights (NCCHR) report on racism and xenophobia, released in March 2000, noted an increase in the number of attacks against Jews after a steady downward trend since 1992, although the number of anti-Semitic threats continued to decline. In 1999 there were 9 reported attacks and 52 reported threats, compared with 1 and 73 respectively in 1998. The attacks recorded in 1999 occurred throughout the country and included three assaults, three acts of vandalism, and three attempts to set fire to synagogues.

- In October 2000, the door of a synagogue was doused with gasoline and set on fire in southern France in the latest in a series of anti-Jewish attacks across the country. The flames were quickly contained and damage to the synagogue in La Seyne-sur-Mer in the Var region was minimal. The incident brought the number of anti-Semitic incidents to 22 since the start of October. The attacks were believed to have been linked to the crisis in the Middle East. French President Jacques Chirac condemned the anti-Semitic attacks, saying “these manifestations of intolerance [...] undermine in an inadmissible way the values and traditions” of France.<sup>17</sup>

Racism toward the Muslim/Arab community was also latent in France. Occasional attacks against their members were reported in 2000.

### **Sect Issue<sup>18</sup>**

On 15 June 2000, the Government approved a draft law entitled “Proposition de loi tendant à renforcer la prévention et la répression à l’encontre des groupements à caractère sectaire”. The draft law passed the National Assembly in 2000, and in an amended and even stricter form the Senate in May 2001. On 30 May 2001, the National Assembly adopted the bill for the second time, with only one dissenting vote. The bill was publicly opposed by the president of the French Protestant Federation and the president of the Conference of Bishops in France.

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<sup>16</sup> IHF, “Open Letter to Alain Vivien about Religious Freedom in France,” 25 June 2000, at [www.ihf-hr.org/appeals/000615.htm](http://www.ihf-hr.org/appeals/000615.htm)

<sup>17</sup> Human Rights Without Frontiers, “Arson at Synagogue in France,” 16 October 2000.

<sup>18</sup> Unless otherwise noted, this section was compiled on the basis of press releases and statements made by Human Rights Without Frontiers, [www.hrwf.net/English/france2000.html](http://www.hrwf.net/English/france2000.html)

On 29 May, the IHF issued a statement pointing to the April declaration of the Parliamentary Assembly of the Council of Europe that had requested the French Senate to delay any further debate and only vote on the draft law after the Council of Europe rapporteur had submitted its report to the Parliamentary Assembly regarding concerns about the law's potential to create religious discrimination in France and the possibility that the law would violate international and European human rights standards. Similarly to that declaration, the IHF asked the National Assembly to postpone the voting until the Council of Europe examination of the law is concluded.<sup>19</sup>

The draft law is said to be created in order to provide a tool to deal with criminal acts committed by members of questionable religious groups and to protect individuals from abuse by such groups.

A number of religious denominations and civil rights associations have expressed concern about the draft anti-sect law. While the State has the obligation to protect its citizens against abuses by members of any groups or associations, this should not be done through creating discrimination, which is the case with the proposed law. Such abuses should be dealt with under the Criminal Code and other legislation and not through adopting a separate law targeted at religious minority groups. Such a law would pave the way for potential abuses by authorities, amounting to violations of freedom of religion and association, including through the disbandment of peaceful religious minority groups.

In March 2000, a Paris Correctional Court ordered National Assembly Deputy Jacques Guyard, the president of the 1999 Parliamentary Commission of Inquiries Against Sects and a drafter of the 1996 National Assembly report on so-called "sects," to pay approximately 90,000 francs (U.S.\$ 16,500) in damages to three groups that were named in the June 1999 parliamentary report. These three groups -the Federation of Steiner Schools, the New Brotherly Economy, and "le Mercure Federal" (an Anthroposophical medical association) - had charged Guyard with slander for labelling the groups as "sects" in a June 1999 television interview when the inquiry commission was making its second report public, a report dealing with sects and their finances. Guyard was invited to appear on the current affairs programme "Le journal de 13 heures" on France 2. In the program, he described Anthroposophy, *inter alia*, as an organization that misappropriated money, exercised total control over its adherents and even pointed to its "worrying medical aspect."

The court found that Guyard had made accusations against these groups when existing evidence did not warrant a serious inquiry into their activities. Guyard appealed the decision. The court also criticized the fact that the leaders of the Anthroposophical Movement were not given a forum by the commission to defend themselves. According to the court, none of the documents produced as evidence related to accusations of mental manipulation, financial pressures, misappropriation of funds and dangerous medical practices were of "convincing value."

### **Jehovah's Witnesses**

France's highest administrative court, the Council of State, ruled in June 2000 that Jehovah's Witnesses qualify as a religion under French law. The case involved exempting Jehovah's Witnesses from property taxes levied against their houses of worship.<sup>20</sup>

In France recognition of a religion is given through tax exemptions rather than through a registration process. The Council of State ruled that the two local associations of Jehovah's Witnesses of the cities of Riom and Clamecy are religious in nature according to the criteria established under French law for

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<sup>19</sup> IHF, "France: Expertise de l'Assemblée parlementaire du Conseil de l'Europe pertinente à l'examen en seconde lecture de la proposition de loi antisectes," 29 May 2001.

<sup>20</sup> Human Rights Without Frontiers, "Highest Administrative Court Rules that Jehovah's Witnesses are a Religion," 23 June, 2000.

religious organizations, which is more restrictive than the legislation for other non-profit organizations. In these cases, the Council of State determined that the activities of the associations of Jehovah's Witnesses are solely religious and that they do not breach public policy or public order.

### **“The Family”**

In 2000, a French judge closed the case against 21 members of “The Family”, a controversial religious group formerly known as the Children of God. Judge Philippe Assonion declared that there was no evidence to bring the twenty-one to trial on charges of inciting children to sexual immorality. Charges were brought against the 21 nationals of France, England, Belgium, Denmark, Holland, Spain, Canada and the USA following armed police raids in June 1993 on the group's communities in southern France. Authorities took 80 children into custody for up to two months before returning them to their parents. Twenty-one adult members were arrested and released within 48 hours, and over the coming months all juridical control was lifted. After five years of investigation, the prosecutor concluded that there was “no proof, photos or medical evidence” to substantiate the charges, and recommended the case be closed without being brought to trial. Judge Assonion of the Tribunal de Grande Instance of Aix-En-Provence accepted this recommendation, closing the proceedings in January 1999. This decision was upheld on 24 February with the judge rejecting an appeal by UNADFI (Association for the Defence of the Family and the Individual) and a private individual unconnected with “The Family”.<sup>21</sup>

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## **GEORGIA**

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In 2000, mobs attacked religious minority group members in various locations. Jehovah's Witnesses were particularly singled out as targets. Police officers not only failed to bring to justice the perpetrators, but also in several instances actually charged the victims with crimes such as hooliganism, a criminal offence in Georgia. Moreover, in some cases, police officers were involved in the attacks.

In August 2000, Deputy Speaker of Parliament, Giga Tsereteli, reportedly announced that the Parliament would create a special group charged with drafting a law on religion. According to Tsereteli, the bill will be based on the constitutionally guaranteed principle of freedom of belief but would “regulate” the activities of religious organizations that engage in “anti-national activity and infringe human rights.”<sup>22</sup>

### **Jehovah's Witnesses<sup>23</sup>**

At the initiative of MP Guram Sharadze, the Tbilisi Regional Court revoked the legal status of Jehovah's Witnesses in Georgia on 26 June. On appeal, the Supreme Court was to decide whether to cancel or uphold the registration, but the decision was adjourned until January 2001.

Most attacks against Jehovah's Witnesses were reported from the Gldani district, in a suburb of Tbilisi, where a Georgian Orthodox priest known as Father Basili formed a group named the Gldani Orthodox Diocese. The group was apparently not formally recognised by the Georgian Orthodox Church, and its members espoused ultra-nationalist views, and were especially virulent in their intolerance of non-Orthodox faiths. By the end of August, the group was responsible for at least eight attacks against Jehovah's Witnesses and members of other faiths. The group stalked Jehovah's Witnesses and assaulted them verbally and physically.

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<sup>21</sup> Human Rights Without Frontiers, “French Judge Upholds Acquittal of 21 Religious Group Members,” 24 February 2000.

<sup>22</sup> RFE/RL Newsline, 17 August 2000.

<sup>23</sup> Unless otherwise noted, based on Human Rights Watch/Europe and Central Asia Division, “Georgia Lets Attacks on Religious Believers Go Unpunished,” press release and open letter to President Shevardnadze, 6 September 2000.

- On 16-17 August 2000, Father Basili's group attacked dozens of individuals. On 16 August, they attacked journalists and Jehovah's Witnesses during a trial, assaulting and beating RFE/RL correspondent Sozar Subeliani. Canadian human rights lawyer John Burns, who was monitoring the trial, was dragged to the ground and struck with a large wooden cross. Some 80 members of the group present shouted insults, and threatened and assaulted spectators and Jehovah's Witnesses seated in the courtroom. On the following day, about 40 followers of Father Basili assaulted human rights defenders and a journalist as they left the trial they had been monitoring.
- On 17 October 2000, 120-150 members of Father Basili's congregation assaulted worshippers at a Jehovah's Witnesses service in Guldani District beating, kicking and punching them. At least 16 individuals required hospital treatment, one suffered permanent injuries. Footage of the incident, taped by the attackers themselves, was later broadcast on the Rustavi 2 and Channel 2 news programs.

In early September 2000, violent attacks on Jehovah's Witnesses spread to Western Georgia.

- On 3 September, Jehovah's Witnesses were attacked by an armed group in two cities in the western part of the Republic of Georgia, Senaki and Kutaisi. In Kutaisi, two police officers were involved in the attack. Yura Papava, a resident of Senaki, said that the congregation was meeting peacefully in his home "when suddenly a man entered the house and demanded to know what we were doing and what we were teaching. Without waiting for an answer, he and five or six other men started smashing the furniture."<sup>24</sup>

The Georgian Parliament condemned the violence on 26 September. A total of 133,162 people, most of them Georgian Orthodox, signed a petition protesting the mob violence. As the petition was being presented at a press conference at the Georgian Ombudsman's Office on 22 January 2001, Father Basili and his followers burst into the room and seized the volumes of the petition and verbally and physically abused the persons present.<sup>25</sup>

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## GERMANY

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On 19 December 2000, the Federal Constitutional Court handed down a fundamental decision about the question of granting religions the status of a corporation under public law; Jehovah's Witnesses being the religion in question. The Jehovah's Witness community had appealed to the Constitutional Court to contest the decision of Berlin's Federal Administrative Court, which had refused to grant them the status of a corporation under public law. In contrast to the decision of the Federal Administrative Court, the Federal Constitutional Court held that the granting of public corporation rights to religious associations must not be made dependent upon their special loyalty towards the State. Such a requirement would infringe upon the law on religions and the ideological neutrality of the State.<sup>26</sup>

The Federal Constitutional Court referred the case back to the Federal Administrative Court in order for a renewed decision to be made.

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<sup>24</sup> According to Guram Kvaratskhelia, spokesman for the Witnesses. Watch Tower Public Affairs Office, 9 September 2000, distributed by Human Rights Without Frontiers on 11 September 2000.

<sup>25</sup> Human Rights Without Frontiers, 22 January 2001.

<sup>26</sup> Based on Watch Tower, "Jehovah's Witnesses Successful in Appeal on Constitutional Grounds," 21 December 2000, distributed by Human Rights Without Frontiers.

In its decision, the Federal Constitutional Court also emphasized the equality of religions. In particular, the Court emphasized the equality of opportunity for all religious associations by establishing in its judgment that no excessive requirements are to be set for religious associations endeavouring to obtain public corporation status.<sup>27</sup> Jehovah's Witnesses had been applying for corporation status under public law for years. Opponents had cited the community's "enmity" towards the State due, for example, to its refusal to participate in public elections or to perform military service.

The Rheinland-Pfalz Superior Court (OVG) held in November that the German Unification Church (Moon community) was permitted to contest an immigration order prohibiting its leader's entrance into the country. According to the judge, if a religious community's foreign spiritual leader is refused entry into Germany, the right to practice religion freely is not automatically excluded in advance. The OVG declared that the Unification Church's lawsuit was permissible, but at the same time it left appeal open to the Federal Administrative Court in Berlin because of the unprecedented significance of the matter.<sup>28</sup>

The Unification Church was registered as an association in 2000, thereby uniting its German members with the worldwide religious community.<sup>29</sup>

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### GREECE<sup>30</sup>

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Certain positive developments appear to have been set in motion in 2000. Following a long debate in 2000, on 9 January 2001, the Minister of Justice stated that the Government will abolish the old laws dating back to the 1930's on proselytism and licenses for houses of worship. Furthermore, the Government stood by its decision to remove religious status from I.D. cards. It was ultimately decided that a mosque should be built in the greater Athens area, although admittedly the decision had more to do with the 2004 Olympic Games and the religious needs of Muslim athletes, and less to do with the greater Athens Muslim population (mostly migrant) of over 100,000.

No progress was made with regard to the punitive length of the newly introduced conscientious objectors' civilian service. Furthermore, problems concerning the selection of the *mufti*, the appointment of the management committees of the *wakf* properties, as well as the size and ownership of such properties, were not addressed and had a lingering effect on relations between the Greek State and its Muslim (and predominantly ethnic Turkish) minority.

The most challenging task in 2000 however lay in countering widespread perceptions about other religions and dogmas (i.e. non-Greek Orthodox). Such perceptions are especially dangerous when espoused by courts and official authorities that are supposed to be neutral.

- On 6 April 2000, the European Court of Human Rights held unanimously in the case of *Thlimmenos v. Greece* that there had been of violation of, *inter alia*, Article 9 (freedom of religion/belief) of the European Convention on Human Rights. Mr. Thlimmenos, a Jehovah's Witness, was refused the right to work as a chartered accountant although he met the proscribed professional standards. The refusal was based on his penal record, which contained a conviction for refusal to serve in the army due to his religious beliefs.

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<sup>27</sup> Ibid.

<sup>28</sup> *Frankfurter Rundschau*, 10 November 2000, distributed by Human Rights Without Frontiers.

<sup>29</sup> Ibid.

<sup>30</sup> Based on Greek Helsinki Monitor and Minority Rights Group-Greece, *Human Rights in Greece: Joint Annual Report for 2000*, 11 February 2000. [www.greekhelsinki.gr/bhr/english/organizations/ghm/ghm\\_11\\_02\\_00.rtf](http://www.greekhelsinki.gr/bhr/english/organizations/ghm/ghm_11_02_00.rtf)



- In the latest series of incidents dating back to the interwar period, the (New Calendarist) official Orthodox Church continued, for the second consecutive year, to occupy a small church in a suburb of Athens, built and owned (until its dispossession) by a group of Old Calendarists. Municipal and police authorities did not demonstrate any intention to react.
- On 13 June 2000, Hara Kalomoiri was given a suspended sentence of two months in prison by a Three-Member Misdemeanour Court of Salonica for having operated a house of worship without the required permit. In the Court's view, the establishment where Kalomoiri worked (the Centre of Practical Philosophy and Psychology) was actually the temple of a Buddhist cult as its "residents engaged in Buddhist activities, concretely [...] meditation."
- On 12 December 2000, in the Single-Member First Circuit Court of Thessaloniki, for the first time in Greek judicial history, representatives of all minority Christian churches were tried simultaneously. Sixteen Catholics, Protestants, and Jehovah's Witnesses were indicted for the "unauthorised operation of a house of worship" in violation of Article 1 of Law 1672/1939, despite the fact that for 11 houses the necessary permits were produced, while the other five were simply offices of the respective churches. Furthermore, in support of the view that the indictments were aimed at "intimidating" the ministers of the denominations, one of the ministers had already been acquitted by the Court for the same charge on 5 November 1999. On 12 December, all sixteen defendants were acquitted.

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## HUNGARY<sup>31</sup>

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In early 1999, the report prepared by the OSCE/ODIHR criticised the restrictions planned in Hungary concerning the Law on Freedom of Conscience and Religion. The OSCE/ODIHR condemned all kind of state control concerning the content of the documents submitted as part of an application and stated that the decision on the status of a religious community should be impartial, thus without the participation of dominant religions or the churches' decision-making procedure. It denounced "proposals that would have the effect of de-registering churches by applying eligibility criteria retroactively" saying that "as a general principle, religious discrimination in limiting or rejecting religious status should be avoided."

Also the EU has drawn attention to the deterioration of state neutrality emphasizing that the role of the State is to "promote tolerance." It said that the restrictions planned in Hungary are not motivated "by the desire to fight more effectively against" abuses against the religious status but rather by "discrimination and unnecessarily restrictive tendencies against religious beliefs." The statement urged a "flexible and tolerant approach through dialogue and education."

Human Rights Without Frontiers (HRWF, IHF cooperating organization) noted that even though the most obviously discriminating requirements of the amendments to the law on religious organizations – which was in Parliament at this writing - have been dropped (the 10,000-founder requirement and retroactive duration requirement of 100 years), there is a clear pattern of efforts to marginalize minority churches in favour of the six historical churches.

For example, the amendment to the law on VAT would deprive 98 percent of the registered churches of their former rights to claim VAT refunds under certain circumstances. Neither the parties, nor the denominations were informed properly by the Government. While six historical denominations (Roman Catholic, Reformed, Lutheran, Baptist, Serbian Orthodox and Jewish) and the secular non-profit organizations would be exempt from any restriction, the minority churches would be excluded allegedly on the basis of their social role. The HRWF found the argument unacceptable, because, firstly, no

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<sup>31</sup> Based information from Human Rights Without Frontiers.

scientific research has been carried out regarding the dimension of activity, and secondly, no such research would have this result.

According to the HRWF, the definition of “religion” in the new draft amendment of the Law on Freedom of Conscience and Religion “was formulated in such a way that the submissions of the historical churches would automatically conform to the definition.” Such a definition could be used “as a yardstick to measure the ‘correctness’ of the submissions from the minority churches.” The list of activities that “expressly” cannot be classified as religious activities gives room for subjective interpretations in terms of deciding whether an activity is part of the primary activities or not.

The requirement to present a “summary of main teachings” is also not likely to sift out obviously negative activities.

According to the HRWF, the draft law is aimed at protecting the “symbolic and social status” of some churches by distinguishing between churches on the basis of their social role, a fact which is incompatible with state neutrality and European norms.

In addition, the contradicting statements of the Government regarding the necessity of amendments have not proven to be true, since the law in force is able to protect against abuse and there is no registered church in Hungary that could be accused of being engaged “in activities of an illicit or criminal nature and in violation of human rights.” The reference to the European Parliament Resolution on Cults in Europe (1996) was therefore unacceptable.

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## KAZAKHSTAN<sup>32</sup>

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Kazakhstan has traditionally been a multi-ethnic and multi-confessional country that has demonstrated religious tolerance. However, in practice, the right to freedom of conscience was not duly protected in 2000 and the principle of the State's non-interference in the affairs of religious communities was violated. The State openly protected the "major" religions – Islam and the Orthodox Church.

In 2000, the authorities conducted an aggressive campaign aimed at restraining the activities of the so-called "non-traditional" religions. The media was used to propagate the supremacy of Islam and the Orthodox Church, and to label other religions as "harmful" and "bad." After the events of 1999 in Uzbekistan and subsequent 1999 and 2000 intrusions of Uzbek guerillas into Kyrgyzstan, the campaign in Kazakh media reached the nature of a planned hysteria in the face of the threat of religious conflict and alleged religious extremism.

In 2000 pro-presidential political parties and NGOs (e.g. the party Otan and its youth movement, the International Fund Congress of Spiritual Accord, the Assembly of the Peoples of Kazakhstan, the Arabic-Turkish Centre) actively supported this campaign. A number of seminars were held that called people to give up tolerance because it was inconsistent with "the cultural-historic mentality of the ethnic Kazakhs and forcefully imposed by Western culture." President Nazarbaev said that the Kazakhs are Sunni Moslems by birth and must follow that route.

Senior governmental officials gave speeches in churches and mosques and the chief mufti and the Orthodox archbishop participated in state ceremonies. The Ministry of Culture, Information and Public Accord had a liaison department for relations with religious associations and it performed some of the functions of the former Soviet Council for the Affairs of the Church. It had subdivisions in all local bodies of the executive power.

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<sup>32</sup> Based on the Almaty Helsinki Committee, *Human Rights In Kazakhstan in 2000*.

In February 2000 President Nazarbaev issued a Decree "On Prevention and Elimination of Terrorism and Extremism" that led to inspection of the activities of all religious associations. The mass media published horrifying "facts" about illegal activities of religious associations.

The National Security Committee (KNB) and the Prosecutors' Offices targeted religious minority communities because they deemed them illegal - despite the fact that Kazakhstan does not require mandatory registration of religious associations. Foreign missionaries were attacked because they had not been able to register with the migration police and obtain licenses for their activities. Many were charged because of possession of religious literature. Others were accused of carrying out religious rites with foreigners.

In addition, ministries and local authorities waged a struggle against "religious extremism." For example, the Ministry of Education issued a circular prescribing that schoolchildren should not be allowed to attend religious meetings; schools should not accept humanitarian or other assistance from religious associations; and school buildings should not be leased for activities of religious associations.

The Ministries of Justice and Culture, Information and Public Accord ordered registered religious associations "to eradicate from their founding documents the provisions contradicting the law" (referring to educational or religious activities) and "other activities not prohibited by law" and to have their associations re-registered.

*Akimats* (local administration) frequently refused to let premises for religious events, and courts imposed administrative penalties for holding "unsanctioned" religious meetings outside the places of worship.

A growing number of religious organizations were denied registration and by the end of 2000, registration of newly founded religious entities was suspended without any explanation.

### **Draft Law on Religions**

In January 2000 the Parliament decided to draft a new law on the freedom of faith and religious associations. At the same time, at the initiative of the Office of the General Prosecutor, the Government started a revision of some legislative provisions on the freedom of conscience. In October Minister Sarsenbaev said at an international seminar that some technical amendments may be introduced in the Law "On Religion", but there were no plans to adopt a new law. By that time, the text of the new law drafted by the Spiritual Directorate of the Moslems of Kazakhstan had already been submitted to the Government.

The draft law is in serious violation of international standards, it discriminates against religious minorities, contradicts the Kazakh Constitution and other legislation and is clearly targeted at eliminating minority religious communities. For example, it prohibits activities by religious associations without state registration; proselytism; missionary activities; private religious instruction; religious education in state schools; and ownership of places of worship by others than religious associations. It restricts the rights of a religious community to independently determine its organizational form, and to train, appoint or elect its leaders. It restricts the right to establish or maintain links between individuals and communities of fellow believers, to worship freely and to produce, purchase and use necessary religious objects and literature. It also allows state interference in the communities' financial affairs.

## KYRGYZSTAN<sup>33</sup>

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Under Article 335(1) of the Criminal Code (failing to secure the property inventoried by a court) large-scale arrests of members of the Islamic organization Hizb-ut-Tahrir continued and intensified after the hostilities by Uzbek guerillas in southern Kyrgyzstan in the summers of 1999 and 2000. Hizb-ut-Tahrir pursued the establishment of an Islamic State in a non-military way. According to the information available to the Kyrgyz Committee for Human Rights (KCHR, IHF member), more than 40 members of Hizb-ut-Tahrir were convicted in 2000. Twenty-four criminal proceedings were pending under Article 299 of Criminal Code (incitement to national, racial or religious intolerance) at the end of 2000. Ironically, the attempts by the authorities to suppress Hizb-ut-Tahrir's activities have just increased its popularity in the south of Kyrgyzstan.

The Chairman of the Government's Commission on Religion, Jolbors Jorobekov, announced that in 2001 all the around 1,300 mosques in the country would be re-registered. It is also planned that during the re-registration process all *imams* will have to undergo re-training and a control of their qualifications. In addition, a special commission will reportedly evaluate the architectural, seismological and sanitary conditions of the mosques. It was feared that some of them would be declared unsafe and closed although other buildings in a similar state would not be closed. The KCHR noted that the re-registration was simply a continuation for the persecution against pious Islamic religious figures.

## LATVIA<sup>34</sup>

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### Conscientious Objection

Throughout 2000 several cases of conscientious objection, involving Jehovah's Witnesses, continued against the State Military Conscription Centre. Three cases were resolved, as the plaintiffs became ordained clergymen (who are exempt from military service) and the Conscription Centre freed them. Three other cases were pending at the end of the year, including the appeal of Robert Nemiro, which was scheduled for February 2001. After a successful lobbying effort on the part of the NGO Centre, the Defence Ministry created an inter-ministerial working group in September 2000 to draft a law on alternative service by summer 2001.

## MACEDONIA<sup>35</sup>

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The question of freedom of belief gained importance in 2000. The domination of the Macedonian Orthodox Church and discrimination against other religious communities and groups continued. The situation deteriorated with the absence of appropriate legislation after the Constitutional Court abolished more than one third of the provisions of the previous law. No new provisions were adopted by the end of 2000.

On several occasions, high-ranking officials of the Macedonian Orthodox Church made openly hostile statements regarding other confessions. In addition, the Orthodox Church reportedly asked to be granted the status of a "national church." This privileged status would, for example, exempt it from all taxes; allow it to give religious instruction in schools; exempt its priests from military service and other public duties that are contrary to their calling; provide it with financial assistance from the state budget; and allow it to conduct religious sermons in the army, hospitals and jails.

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<sup>33</sup> Based on the *Annual Report 2000* of the Kyrgyz Committee for Human Rights (IHF member).

<sup>34</sup> As reported in *Human Rights in Latvia in 2000*, by Latvian Centre for Human Rights and Ethnic Studies.

<sup>35</sup> Based on the *Annual Report 2000* of the Helsinki Committee for Human Rights of the Republic of Macedonia.

The hostile attitudes of the Macedonian Orthodox Church leadership encouraged direct attacks by the members of the church against minority communities. For example, the fence of the Jehovah's Witnesses' place of worship in Prilep was demolished and the Jewish cemetery in Bitola was vandalized.

Close links between the Macedonian Orthodox Church and state authorities were evident. In addition, the Macedonian Orthodox Church was the only religious community involved in the preparation of the 1997 law on religious communities and religious groups. The law that remained in force in 2000 clearly favoured "traditional" religions and discriminated against religious minorities. For example, "traditional" denominations were registered as "communities" and enjoyed various privileges. Other denominations, registered as "religious groups," had to undergo much stricter scrutiny than traditional religious communities and other organizations. They did not enjoy tax exemptions like other civic organizations and special conditions were set for their establishment and registration.

The Vlachs were still not allowed to register their own religious community in 2000. Due to their unresolved status, it was not possible to construct buildings or hold religious services in the Vlach language.

### **Conscientious Objection**

Criminal charges were brought against men who refused to perform military service for reasons of conscience (Article 341.1 of the Criminal Code). Article 7 of the Law on Defence provided for unarmed service. The new draft defence law, which was being debated in Parliament as of the end of 2000, provides for an alternative, civilian service in the army that does not meet international standards: it does not provide for service outside the armed forces; it does not allow persons who have already begun their military service to change to the alternative service; it provides that a commission established by the Ministry of Defence should decide on applications; and it prescribes a punitive length of 14 months for civil service (normal military service is nine months).

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## **MOLDOVA<sup>36</sup>**

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The Moldovan Orthodox Church is the dominant religion in Moldova. The Church apparently continued to receive direct and indirect support from the State in 2000, and high-ranking Moldovan politicians and elected public authorities liked to publicly show their affiliation with the Orthodox Church.

Upon admission to the Council of Europe, Moldova committed itself to complete freedom of worship for all citizens without discrimination. However, the Government has shown little tolerance towards "non-traditional" religions. Between 1991 and the beginning of 1999, religious proselytising was illegal. Still in 2000, the State Agency on Religious Affairs was comprised of representatives of "recognised" (i.e. governmentally registered) religions, mainly of the Orthodox Church and exclusively of Christian confession. About ten "unrecognised" religious communities were active in Moldova in 2000.

- On 19 February 1999, the governmental State Service for Creed Problems rejected the registration of the True Orthodox Church of Moldova. The Church claims to be a religious association similar to the religious community of the Russian Orthodox Church from Abroad. The State Service stated that the community had not presented its basic dogma, which, under Article 15 of the Law on the Cults, had to be included in the statutes of a religious association. Another reason for the

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<sup>36</sup> Based on the Moldovan Helsinki Committee for Human Rights, *Report on the Respect of Human Rights in Moldova in 2000 (Including the Trans-Dniester Region)*, February 2000.

rejection was the fact that, according to Article 24 of the Law on the Cults, only religious associations that have been established on Moldovan territory can be registered as legal entities.

- A central point in the Council of Europe recommendations on freedom of religion was that Moldova ensure a peaceful solution to the dispute between the Moldovan Orthodox Church (subordinated to the Moscow Patriarchate) and the Bessarabian Orthodox Church (subordinated to the Bucharest Patriarchate). The Bessarabian Orthodox Church was active until 1940, i.e. the Soviet annexation. However, the Moldovan authorities refused to register the Bessarabian Orthodox Church again in 2000, and the dispute between the two churches continued. It appeared that the Moldovan Government had no genuine intention of resolving the dispute.

In its reply sent to the Appeal Court that examined the case, the Government reasoned that state recognition and registration of the Bessarabian Orthodox Church would be inconvenient to Russia and Ukraine. The Appeal Court obliged the State to register the Bessarabian Orthodox Church, but the Supreme Court overturned the decision, arguing that the appeal deadline had lapsed.

- The State Service has repeatedly refused to register the Spiritual Council of Muslims. On 18 September the Service refused its on grounds that “97 percent of the population of Moldova are Christians”, and that “foreign citizens and persons without citizenship temporary residing in Moldova are guaranteed religious freedom without granting them association as a juridical person.” However, also after the Muslims Council leadership was re-organized to include only citizens of Moldova, the State Service refused registration on grounds that “majority of persons belonging to the Council are foreign citizens” basing on Article 22(1)<sup>37</sup>.

The Moldovan Orthodox Church enjoys special tax exemptions unlike other denominations.<sup>38</sup> Due to money transfers, other private companies such as “Fidisco”, “Rodaj”, “Acorex Trading”, “Elita 5”, “Interforum M”, “Texcom”, “Catalan”, etc. profited from the tax exemptions.

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## RUSSIA<sup>39</sup>

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The 1997 Federal Law "On Freedom of Conscience and on Religious Associations", and other more restrictive regional laws, seriously violate freedom of religion. The 1997 law replaced the former, and more liberal, law. It divided religious communities into “groups” and “associations”, the former having unprivileged status (e.g. no right to distribute religious literature or organize public meetings).

In February 2001, the Ombudsman on Human Rights, Oleg Mironov, acknowledged that many articles of the law do not meet Russia’s international obligations on human rights. According to him, some of its clauses have led to discrimination against different religious faiths and should therefore be amended.<sup>40</sup>

The Russian Orthodox Church supports the bill. Its Patriarch Alexiy II said that the law would help halt the division of Russians along religious lines and protect people against destructive cults.<sup>41</sup>

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<sup>37</sup> Article 22 (1) read: “The heads of the religious creeds of national and subordinated level elected according to the statute as well as the entire personnel of religious services should be the citizens of Moldova....”

<sup>38</sup> See report of the Accounting Chamber of the Republic of Moldova on the results of control over public material and financial resources management and utilization in 1997.

<sup>39</sup> Unless otherwise noted, based on information from the Moscow Helsinki Group.

<sup>40</sup> Reuters, 3 February 2001.

<sup>41</sup> Ibid.

On 23 November 1999, the Constitutional Court ruled that the restrictions posed by the 1997 law did not violate the Constitution. According to the ruling, the Government has the right to erect certain barriers so that the status of religious organizations is not granted automatically, and to obstruct missionary activities.<sup>42</sup>

A number of Russian regions have adopted laws which are even more restrictive than the federal law. Consequently, the practice *vis-à-vis* religious communities has varied significantly from region to region, depending also on traditional tolerance in the area. Still, generally speaking, the privileged position of "traditional" religious associations – and particularly the status of the Russian Orthodox Church – has strengthened, and the situation of non-traditional groups deteriorated in the past few years.

By law, the State and the church are separated in Russia. Still, in some regions, the Orthodox Church have formal agreements of cooperation with local authorities, thus giving the church direct influence over local politics, and guaranteeing them (as the only religious group) access to schools, military detachments, prisons and labor camps. In some cases, religious buildings have been turned over to the Orthodox Church and in return, local authorities have used the prestige of the Orthodox Church (or other local "traditional" confession) to strengthen their authority, or as a tool in their election campaigns.

For all other confessions, apart from the Russian Orthodox Church, access to mass media has been extremely difficult, if not impossible. Moreover, media outlets have often resorted to aggressive reporting against "non-traditional" confessions, stimulating negative public opinion and an atmosphere of religious intolerance.

The 1997 law does not require mandatory registration of religious groups. Registration is only required in order to give a religious group the status of a legal entity and a number of concrete rights, such as founding educational institutions, mass-media bodies, etc. Thus, if a religious group does not want to enjoy these rights, no registration is necessary for it to function.

Those religious associations who wanted to register were supposed to do it by the end of 1999. As of that deadline, only some 30 percent of religious communities had successfully registered on the federal level. The registration deadline has been one of the most criticized provisions of the law: some religious communities have not wanted to register, others have been refused registration. Registration has often been refused for "formal reasons", such as mistakes in documents or wording that the authorities have deemed unacceptable. However, some cases are believed to be pure harassment or discrimination.

Indirect methods of impeding the activities of religious communities have included the refusal to allocate premises for their religious services and meetings, or the refusal to conclude or extend long-term leases of premises. In the regions, court proceedings against Protestant communities have been initiated. Their leaders have been accused, for example, of using "psychological practices" that are harmful to the health of the population. The primary targets of harassment have been Jehovah's Witnesses (although they were re-registered on the federal level on 29 April 1999, following long judicial proceedings), Protestant minority churches, and, in the Perm region, the Russian Free Orthodox Church.

- In Moscow, the Church of Scientology and the Salvation Army were denied registration for "ideological reasons", for having a destructive character. Most refusals of registration have been justified by the requirement of the 1997 law that a community has to certify it has existed in Russian (or the USSR) territory for at least 15 years. The Ministry of Justice stated that this fact did not have to be confirmed by official certificates, but could also be confirmed by the evidence of witnesses. Many regions, however, have ignored this interpretation.<sup>43</sup>

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<sup>42</sup> RFE/RL Newline, 24 November 1999.

<sup>43</sup> *Compass Direct*/Human Right Without Frontiers, 22 October and 5 November 1999.

- In contrast, in the village Chernyshovky of the Yakutia Republic, a religious community that is a member of the Council of Churches of Evangelical Christian Baptists (CCECB) was pressured by the authorities precisely due to the fact that it had refused to apply for registration. During the Soviet period, some of the Baptist Communities that formed the CCECB intentionally refused to register and they have upheld this principle until the present time. In May 2000, the owners of the apartment where the local Baptist community holds its services, were fined, allegedly for violating the fire security rules (too many people gathering in the apartment at the same time). A policeman confiscated the list of the community's members. In an interview with the Keston Institute, K. Semyonov, chief of the local police department, stated that the community's activities were illegal as the community was not registered.<sup>44</sup>
- On 23 February 2001, the Jehovah's Witnesses won a potentially far-reaching victory in a Moscow court over prosecutors who had sought to ban the group under the 1997 federal law for, among other things, breaking up families, trying to convert minors without their parents' consent and even pushing members toward suicide. The case was believed to set a political precedent for many religious groups outside the Russian mainstream.<sup>45</sup> However, in late May, the Moscow City Court annulled the District Court's decision and ordered a re-trial.<sup>46</sup>
- In the Kirov region, a religious service of the Kirov Christian Center (member of the Russian Union of Christian of Evangelical Faith (Pentecostal Church) was secretly filmed. The head of the Missionary Department of the Vyatka Eparchy of the Russian Orthodox Church submitted the videotape to the Regional Department of Justice. Based on this video recording, a council of physicians called up by the Department of Justice concluded that there was a possibility of "negative influence on citizens' health." However, the psychiatrist who was summoned to court in the capacity of a medical expert did not confirm the accusation of mass hypnosis. As a result, the claim of the Department of Justice was disallowed.<sup>47</sup>
- Since 1997, the Catholic community of the town of Belgorod has been refused registration several times. The prior of the Catholic parish in Belgorod believes that the reason to the repeated refusals is the fear of the authorities that, if registered, the Catholic parish shall demand that the Catholic church building, already given by the authorities to the Russian Orthodox Church, be returned to them. The local authorities do not conceal that they defer to the position of the local Russian Orthodox eparchy who is striving not to allow the existence of the Catholic community in Belgorod.<sup>48</sup>

### **Conscientious Objection<sup>49</sup>**

The second Chechen war again brought up the urgent problem of introducing legislation on alternative civil service, as provided by Article 59 of the Constitution of the Russian Federation. The first hearing of the bill on alternative service took place in 1994, but it still had not been adopted by the end of 2000.

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<sup>44</sup> K. Dinnen, "Russia: Persecutions of an Unregistered Baptist Church in Yakutia," Keston News Service: 29 May 2000.

<sup>45</sup> *New York Times*, 24 February 2001.

<sup>46</sup> *RIA Novosti*, 30 May 2001.

<sup>47</sup> T. Titova, "Chuvashia Ministry of Justice is attempting to expunge the charismatic community "Church of Christ." Keston News Service: January 28, 2000.

<sup>48</sup> Information from regional monitors in Belgorod.

<sup>49</sup> Based on the Moscow Helsinki Group, *Russia-2000: Crucial Elements of the Situation with Human Rights*.



The military opposes the adoption of the bill. Firstly, they fear the mass refusal to serve in an army that conducts military actions such as the ones in Chechnya. Secondly, introducing alternative service could cause a reduction of the army ranks that have been disproportionately high in number since the Soviet time. The military insists that, due to the absence of a law on alternative service, there is no right to conscientious objection and therefore young men have to carry out military service regardless of their religious or pacifist convictions. Nevertheless, a nationwide movement of hundreds of people has recently emerged, supported by human rights organizations and basing their activities on the Constitution, insisting on its direct enforcement in order to stop the forceful drafting to the army. However, although the position of the military violates the Constitution, the courts often take its side. As a main principle, human rights groups have demanded that men who refuse to carry out military service should not be imprisoned.

- The case of Dmitry Neverovsky from the Kaluga region became one of the most significant public cases regarding conscientious objection. Neverovsky declared his refusal to carry out military service, as he did not want to serve in an army that was used for 1993 "parliament fusillade" and for conducting military actions in Chechnya. Despite active support on his behalf, he was sentenced to imprisonment. Public pressure led his case to be revised and Neverovsky was released after spending 146 days in prison. Several similar trials took place in 2000. For example, Andrei Zudov from the Republic of Karelia was also sentenced to prison and later amnestied.

The Ministry of Defence developed its own proposal for "alternative service" that obviously does not fulfil international standards. It proposed that a person who has been drafted but refuses to serve in the army has to prove his pacifist conviction, and be engaged in unarmed service in military divisions deployed elsewhere than his home region.

Several other, more liberal, bills have also been submitted to the State Duma, but at this writing it was difficult to say anything about the contents of the law that will probably be adopted. According to the Moscow Helsinki Group, it is difficult to hope that the law will be liberal considering the military tendencies of current Russian political life.

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## TAJIKISTAN<sup>50</sup>

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In 2000, the authorities arrested hundreds of alleged members of the banned Islamic movement Hizb-ut-Tahrir on charges of possession or distribution of anti-state literature and a wide range of criminal activities. In August seven members were sentenced to terms of imprisonment of from five to twelve years on charges of membership in illegal criminal groups and anti-state activities, while another thirty-seven were on trial in Leninabad on identical charges at the time of this writing. International organization staff and local sources reported that these arrests and trials were accompanied by incommunicado detention and physical mistreatment.

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## TURKEY<sup>51</sup>

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In 2000, a campaign to restrict the wearing of headscarves for religious reasons in educational settings or on state premises continued unabated, strongly supported by the Office of the Chief of General Staff. By late 2000, this campaign, waged in the name of secularism, had resulted in thousands of devout Muslim

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<sup>50</sup> As reported in *Human Rights Watch World Report 2001*. Reporting period: November 1999 through November 2000.

<sup>51</sup> Based on Human Rights Watch/Europe and Central Asia Division, *Turkey: Human Rights and the European Union Accession Partnership*, September 2000, vol. 12, no. 10 (D). See also IHF, *Human Rights in the OSCE Region: the Balkans, the Caucasus, Europe, Central Asia and North America, Report 2000*.

women being temporarily or permanently denied access to education, while others had been suspended or discharged from employment in teaching or health care. On 10 February 2000, the minister of education announced that more than 300 primary and secondary school teachers had been dismissed by the ministry for defying the dress code by wearing a headscarf to work.<sup>52</sup>

- On 31 May 2000 the Istanbul Fatih Primary Court sentenced Nuray Canan Bezirgan to six months' imprisonment for "obstructing the education of others" because she wore a headscarf during an examination at the Health Services Vocational Institute of Istanbul University. The sentence was later converted to a fine, but she faced several other similar charges that would result in imprisonment if convicted.<sup>53</sup>

Arrangements were made to exclude openly devout persons from state privileges. In July 2000, Deputy Prime Minister Devlet Bahçeli confirmed that a circular issued by the State Planning Organisation barred any civil servants or family members wearing a headscarf from entering the organisation's rest and recreation facilities. According to the Regulation on Army Hostels, Clubs and Social Facilities, with the exemption of old people, "those wearing beards, cloaks, turbans, skullcaps, headscarves or similar uncontemporary garb..." were excluded from their facilities.<sup>54</sup>

Even elected representatives were subject to the ban.

- As of late 2000, the case of Merve Kavakci was still under consideration in the Constitutional Court. On 2 May 1999, Kavakci, elected the previous month as a Fazilet party deputy, entered the Grand National Assembly wearing a headscarf. Prime Minister Bülent Ecevit denounced Kavakci in very strong terms and called for a recess. Media close to the State interpreted Kavakci's act as a political attack on democracy and secularism. The incident triggered a move by the Constitutional Court to close down Fazilet.

### **Conscientious Objection**

As of the end of 2000, Turkey's legislation provided for compulsory military service for all adult males; there was no provision for conscientious objection.

Article 377 of the draft Penal Code, which imposed imprisonment for up to two years for "alienating the people from the institution of military service," was a restatement of Article 155 of the Penal Code, which was the basis for several prosecutions and the repeated imprisonment of one conscientious objector, Osman Murat Ülke.

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## **TURKMENISTAN**

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Freedom of religion was severely restricted, and only Islam and the Russian Orthodox Church were registered in Turkmenistan in 2000.<sup>55</sup> Turkmen law required religious communities to have 500 members in order to obtain registration. Additionally, authorities regularly harassed the signatories in order to make them withdraw their signature. Students were also threatened with expulsion from university if they continued their religious activities.

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<sup>52</sup> Turkish Daily News, 11 February 2000.

<sup>53</sup> *Milliyet*, 15 July 2000.

<sup>54</sup> The Official Gazette, 20 August 2000.

<sup>55</sup> The Russian Orthodox Church granted in 2000 President Niyazov its highest award, for his "peace-loving activity." (Keston News Service 20 October 2000.)

The National Security Council (KNB) appeared to play a leading role in the religious persecution, and security forces routinely visited unregistered religious groups, whose members faced harassment, imprisonment, the loss of employment, and confiscation of their houses if they continued their activities. Other state institutions involved were the Gengeshi (Council for Religious Affairs), the police, the procurator service, the Justice Ministry, the Education Ministry, and local authorities.<sup>56</sup> The Turkmen authorities normally made their threats orally rather than in writing, for instance warning that they would close and seal up a prayer house if worshippers continue to gather there.<sup>57</sup> Pastors and other individuals who were particularly active were often detained on fabricated charges.<sup>58</sup>

The President further introduced a “Programme of Spiritual Revival” and a “Code of Moral and Ethical Commandments” expected to be adopted by Parliament in late 2000. This programme would answer “all of life’s issues,” according to the presidential religious adviser.<sup>59</sup>

On 12 May 2000, the President signed a Constitutional Law banning searches of private homes<sup>60</sup> without the prior sanction of a special commission comprised of senior government officials and representatives of public organizations and law enforcement agencies.<sup>61</sup> These measures lead to a temporary decline in harassment of believers.<sup>62</sup>

### Muslims

Restriction on religious education in mosques was introduced. Speaking on 5 April 2000, President Niyazov declared that “all *madrassahs* and religious schools which were open everywhere must be closed,” and that it was enough for the country to have one *madrassah* functioning under the control of the Muftiyat.<sup>63</sup> Only those village children should be admitted whose fathers and grandfathers were well known for honesty.<sup>64</sup> Only one Eastern Orthodox Christian school was to remain open.<sup>65</sup>

Since the mid-90s, imported Islamic literature has practically ceased to be available. According to unconfirmed reports, over 300 Islamic preachers with foreign citizenship (mostly Iranian) were deported from Turkmenistan during the first six months of 2000.<sup>66</sup>

On 10 January 2000, the President demanded that Turkmen Muslims renounced the use of *hadiths*, sayings attributed to the Prophet Muhammad which do not appear in the Koran.<sup>67</sup>

- A leading Muslim cleric, 72-year old Mullah Khoja Ahmed Orazgylych, who was imprisoned in February for having criticized President Niyazov’s decision to include a Christmas tree in a public New Year’s celebration, was in March pardoned after having publicly confessed to wrongdoing and sent in internal exile for life together with his family. The family moved into a mosque at the cemetery in Govki-Zeren, which was built by the family. In April the mosque was demolished upon orders from the KNB, and Orazgylych constructed a two-room hut to live in. He was

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<sup>56</sup> Commission on Security and Cooperation in Europe, op.cit; Keston News Service, 8 December 2000.

<sup>57</sup> Keston News Service, 14 July 2000.

<sup>58</sup> Commission on Security and Cooperation in Europe, op.cit.

<sup>59</sup> RFE/RL Turkmen Service - Agence France Presse, 2 April 2000.

<sup>60</sup> In the future, searches of private homes may be undertaken only after the body has given permission and only if there were grounds to suspect arms, ammunition or more than 5 kilos drugs stored. (RFE/RL, 15 May 2000)

<sup>61</sup> Keston News Service, 14 July 2000.

<sup>62</sup> U.S. State Department, 5 September 2000.

<sup>63</sup> Keston News Service, 3 August 2000.

<sup>64</sup> Turkmen Television first channel, 5 April 2000, via Eurasianet.

<sup>65</sup> RFE/RL Turkmen Service, 6 April 2000.

<sup>66</sup> Keston News Service, 3 August 2000.

<sup>67</sup> Neitralny Turkmenistan, 1 March 2000, quoted in Keston News Service 3 August 2000.

forbidden from leaving the village, his family was practically deprived of the means of subsistence, and contact with friends was only possible under scrutiny by law enforcement agencies.

Several years ago, the Turkmen Government paid Orazgylych to translate the Koran, and Turkmenistan's *qazi* (supreme Islamic leader) formally approved the translation. However, seemingly as a response to the criticism coming from the cleric, President Niyazov ordered all copies of the new translation to be burnt, and called it an evil translation. He also accused the cleric in public of long having been committed to evil deeds and "having been visited by childless women."<sup>68</sup>

In March Niyazov expressed his dissatisfaction with the activities of the *muftis* and announced that the chief *imam* of Mary had been removed after accusations of economic crimes. Almost all the country's *imams* ignored the instruction to repeat the oath of loyalty to the fatherland and the President after each daily prayer. Dozens of mosques which had been refused registration continued to function.<sup>69</sup> The authorities continued to construct state-subsidized mosques.

### **Council for Religious Affairs**

An official of Turkmenistan's Council for Religious Affairs (CRA) acknowledged that the council directly controlled the selection, promotion and dismissal of all Sunni Muslim *mullahs* and Russian Orthodox clergy, as the only two officially registered groups. This was considered the Council's most important task, even if this duty was nowhere listed in the country's law on religion.<sup>70</sup> The Council was also involved in decisions about whether to accept the applications of bodies such as local church congregations for state registration, in accordance with article 13 of the law on religion.<sup>71</sup>

### **Minority Religions**

The officials further confirmed that Baptists, Adventists and Pentecostal Christians used to be officially registered in Turkmenistan, but that under the 1996 amendments to the republic's law on religion they lost their registration because they lacked the necessary 500 signatures.<sup>72</sup> Six Baptist missionaries had been forced to leave Uzbekistan the first four months of this year.

- In 1999, Turkmenistan became the only country in the former Soviet Union to destroy a place of worship, when bulldozers demolished a newly built Seventh Day Adventist Church under the pretext of the need to build a new road. At the time of writing, there was still no progress made on this alleged project.<sup>73</sup>
- An Adventist pastor Pavel Fedotov, was detained by KNB for three days after police broke up a religious meeting on 21 October 2000, accusing the pastor of holding an illegal meeting, violating passport regulations and drawing children into religious activity. He was released following intervention by foreign diplomats. Fedotov's home church was demolished by authorities in 1999.<sup>74</sup>

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<sup>68</sup> RFE/RL, 10 March 2000; RFE/RL Turkmen service – Keston News Service, 6 March 2000; Vitaly Ponomarev, Keston News Service 3 August 2000

<sup>69</sup> Keston News Service, 3 August 2000.

<sup>70</sup> Concluding Document of the 1989 Vienna conference, Article 16.

<sup>71</sup> Keston News Service, 13 July 2000; RFE/RL 14 July 2000.

<sup>72</sup> Keston News Service, 13 July 2000.

<sup>73</sup> Keston News Service, 14 July 2000.

<sup>74</sup> Keston News Service, 24 October 2000.

- A representative of Keston News Service had a meeting with a representative of the Baha'i faith obstructed by the KNB, who replaced the real representative with an imposter.<sup>75</sup>
- In October, the Turkmen authorities resumed their harassment of Protestants, and raided three Protestant churches in Ashgabat.<sup>76</sup> Members of all three congregations had their passports temporarily confiscated and were warned not to attend services in the future.<sup>77</sup> The authorities had orally told one congregation that they should not include Turkmen names among the signatures on any application for state registration. The authorities repeatedly told believers that Protestant worship services would not be tolerated even in private homes, even though the CRA official denied that any such prohibition existed.<sup>78</sup>

Many Christian communities still met in private flats. The one minority faith that was able to practice legally in Turkmenistan was the Catholic Church. Its three priests enjoyed diplomatic immunity. According to one unconfirmed report, the Turkmen authorities refused to allow a Catholic church to open in Ashgabat.<sup>79</sup>

The Armenian Apostolic Church was being prevented from reviving any of its parishes in Turkmenistan. The authorities even refused to allow the architectural restoration of a century-old Armenian church building in the town of Turkmenbashi.<sup>80</sup>

### Conscientious Objection

Several conscientious objectors to military service continued to be imprisoned also after the 22 December amnesty: Shagildy Atakov, a Baptist serving a 4-year sentence in a labour camp on charges of swindling was arrested on 18 December 1998; Yazmammed Annamammedov, a Jehovah's Witness serving a 4-year sentence for alleged possession of weapons, sentenced in Sedar 13 December 1999; Guvanch Asirov, a Jehovah's Witness, serving an 18-month sentence, was arrested in August 1999; Igor Nazarov, sentenced on 14 March 2000, was serving an unknown sentence in a labour camp in Tedjen for refusing military service, his second prison term on the same charge; Nuryagdy Gaiyrov, a Jehovah's Witness, serving a one-year sentence in a labour camp in Tedjen for refusing military service, sentenced on 19 January 2000.<sup>81</sup>

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## UZBEKISTAN

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Article 29 of the Constitution stated: "Each person has the right to freedom of thought, speech, and belief. Each person has the right to seek, receive, and disseminate any information, with the exception of information directed against the existing constitutional order and other limitations established by law."<sup>82</sup>

A 1998 law on Freedom of Conscience banned all religious activity not registered with the State. The law also outlawed proselytising and religious dress in public. According to various sources, only in May 2000,

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<sup>75</sup> Keston News Service, 14 July 2000.

<sup>76</sup> The raids were conducted by the KNB, the police and representatives from the local *hokimat* (administration). (Keston News Service, 25 October 2000.)

<sup>77</sup> Keston News Service, 25 October 2000; RFE/RL, 26 October 2000.

<sup>78</sup> Keston News Service, 14 July 2000.

<sup>79</sup> Keston News Service, 4 April 2000.

<sup>80</sup> Keston News Service, 17 July 2000.

<sup>81</sup> Keston Institute, 5 January 2001.

<sup>82</sup> Human Rights Watch, "Leaving No Witnesses," March 2000.

thirty-five people were arrested in Tashkent, 10 in Samarkand, 40 in Andijan and 50 in Fergana for religious reasons.<sup>83</sup>

## Muslims

The crackdown on unsanctioned Islamic activity seemed to have unleashed a vicious circle, in which repression against Islamic believers, or anyone related to or sympathising with Islamic believers, fuelled the insurgency of the Islamic Movement of Uzbekistan IMU (that the Uzbek authorities considered a terrorist organization), leading to increased government harassment of religious activity.<sup>84</sup>

According to official court documents, people were sentenced to lengthy jail sentences for practices including participation in unsanctioned prayer groups; conducting private religious teaching; membership of unregistered Islamic organizations; possession or distribution of literature of such an organization, or even sympathizing with the views of such an organization. Followers of *imams* who either criticized government policies, or failed to praise the Government during religious services, were arrested and sentenced on fabricated charges.<sup>85</sup>

Very few alleged releases of Muslims were either never confirmed, or the persons in question were rearrested.<sup>86</sup>

The actions undertaken by the Government seemed to have a counter-productive impact: opposition to the Government was hardening as arbitrary arrests for suspected religious affiliation left tens of thousands relatives and friends of detainees embittered. Imprisoning suspected government opponents could ironically facilitate the spread of the anti-government activities, as jails could become schools for the movement.<sup>87</sup>

- In the spring of 2000, illiterate farm labourer Jura Sattarov burnt three books of Islam, which were kept in his house in an attempt to avoid being branded as radical by the authorities. He was too late: the next day the police arrested his 20-year old son Muradjon, who eventually confessed to membership of a non-violent anti-government Islamic group. He was sentenced to 15 years in prison.<sup>88</sup>
- Some university officials banned female students from wearing head scarves. This was not approved by the Committee on Religious Affairs, who viewed this as unfortunate for Uzbekistan's international reputation.<sup>89</sup>

## Christians

The Uzbek Government changed course in August 1999 and lifted the ban preventing dozens of religious minority communities from gaining registration. Since then the Committee on Religious Affairs pressed reluctant local authorities to register some religious communities that had been denied official status.

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<sup>83</sup> Hazratqul Khudojberdi, *Birlik*, Uzbekistan, 6 July 2000.

<sup>84</sup> Human Rights Watch, 20 November 2000.

<sup>85</sup> Human Rights Watch in the U.S. Subcommittee on International Operations and Human Rights, 7 September 2000.

<sup>86</sup> *Ibid.*

<sup>87</sup> Human Rights Watch, posted by EurasiaNet 19 May 2000.

<sup>88</sup> The Associated Press, 15 September 2000.

<sup>89</sup> RFE/RL, 19 September 2000.

- However, in June 2000 a local official denied registration to a Baptist Church and barred its denomination from using a collective farm to hold a summer camp, it was reported. Despite a Baptist presence in the town for over 100 years, a congregation in Gazalkent had its application for registration rejected as "undesirable" by the deputy head of the district of Bostanlyk near Tashkent. On the same day, the official, Khudoybergen Mirzamuratov, also barred the Evangelical Christian/Baptist (ECB) Union from holding a children's summer camp on a collective farm, despite the denomination's agreement with the farm's owner.<sup>90</sup>
- Nicholai Rudinsky, a Christian leader in western Uzbekistan's autonomous Karakalpakstan region was jailed on 25 July 2000, accused by local police of illegal drug possession. Rudinsky was arrested just a few hours after Nukus police had closed down a church youth camp he helped organize. The officials claimed that the local church had "no right to operate a religious camp." The camp was the second of two youth camps held during July in a camping facility near Nukus and sponsored by the local legally registered Mir Presbyterian Church. Some 50 children had attended the first camp session without incident. Rudinsky was reportedly beaten many times, he was very sick and needed medical help.<sup>91</sup>
- Pentecostal pastor Rashid Turibayev was reported in September 2000 to have gone into hiding from the authorities.<sup>92</sup>

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## YUGOSLAVIA (THE FEDERAL REPUBLIC OF)

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### SERBIA<sup>93</sup>

#### Legislation

Both the Serbian and the FRY Constitutions provide for two basic principles on freedom of religion: the principle of non-establishment and the principle of free exercise in the following manner:

"Church is separated from the State. Churches are equal and free in conducting religious affairs and officiating rites." (Article 18 of the FRY Constitution); "Religious communities act in accordance with the non-establishment principle and are free in conducting religious affairs and officiating religious rites." (Article 41.2 of the Constitution of Serbia)

"Freedom of religion, private or public exercise of religious beliefs and free officiating of religious rites are guaranteed" (Article 43.1 of the FRY Constitution); "Freedom of religion, including free exercise of religious beliefs and free officiating of religious rites are guaranteed" (Article 41.1 of the Serbian Constitution).

The non-establishment principle includes two legal aspects. Firstly this principle guarantees the existence of separation between the State and religious organisations as institutions. This separation means that one religion cannot be considered superior to another and serves the following purpose: a) it secures the autonomy of church from interference of State into activities of church bodies, and b) it secures autonomy of State in regulating social life without influence of church.

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<sup>90</sup> The Keston News Service, quoted by Human Rights without Frontiers, 2 June 2000.

<sup>91</sup> *Compass Direct*, "Uzbek Police Jail Another Christian: Arrest Follows Closure of Church Youth Camp in Nukus," 6 September 2000.

<sup>92</sup> *Ibid.*

<sup>93</sup> Based on the Helsinki Committee for Human Rights, *Human Rights in Serbia 2000; Annual Report on Human Rights Developments in 2000*. For the full report please access [www.helsinki.org.yu](http://www.helsinki.org.yu).

Secondly, the non-establishment principle guarantees a certain area of civil liberty; it presupposes that laws and state bodies decisions are equally mandatory for all, that is, it allows no exception from this general rule based on religious beliefs or individual consciousness. Everyone must abide by the law. Law determines the same rights and duties of all citizens. In the area of freedom of religion this means that nobody can be privileged or disenfranchised on grounds of his or her religious beliefs.

Free exercise principle embraces two legal concepts: freedom to believe and freedom to act. Law guarantees to every individual an absolute protection of freedom to believe, in the sense that everybody is free to adopt or build any system of values. On the other hand freedom to act means that every citizen must be protected from demands to act against his religious beliefs. Freedom to act rests on "the right to personal autonomy" defined as "the right to choose his or her way of life" The purpose of free exercise of religious beliefs is to protect choices determining identity of an individual and define his or her relations with other human beings.

### **Anti-Constitutional Acts**

In the last two months of 2000 there was extensive press coverage on 15 cases, which can be characterised as "acts contrary to legal-constitutional regime of freedom of religion." All those cases constituted clear breaches of the non-establishment principle. The Serbian Orthodox Church itself advocated for the introduction of strong state-church relations, compulsory Serbian Orthodox religious education in schools, and the return of Orthodox priest in hospitals and the army.

- In assessing President Koštunica's visit to Moscow, Bishop Sava, a member of the Holy Synod of the Serbian Orthodox Church, stressed that this was the first ever joint visit of the State and church delegations to Moscow in the entire history of the Russian and Serbian Orthodox Churches and their peoples.<sup>94</sup>
- At the proposal of the Ministry for Religions, the Yugoslav Government donated 2 million dinars to Saint Sava Temple in Vracar, Belgrade.<sup>95</sup>
- Serbian Orthodox religious education is imparted in local administration offices, cultural centres and agricultural centres in the Požega area.<sup>96</sup>
- In the Belgrade kindergarten "Sveta Petka" and in other 9 day-care centres within the pre-school institution Savski Venac classes of Serbian Orthodox religious education were held between November 1999 and June 2000. The Education Ministry banned them as unauthorised.<sup>97</sup>
- Colonel General Nebojša Pavkovic, Head of Joint Staff of the Yugoslav Army, and Patriarch Pavle had talks on engagement of ordained priests in the Yugoslav Army (YA) units. General Pavkovic stressed that this was one of the more important issues to be tackled within the entire complex of freedom of religion of the YA members and stressed that the YA-the Serbian Orthodox Church rapprochement would continue.<sup>98</sup>
- Gordana Anicic, Serbian Minister for Religions, announced the restitution of property to the Serbian Orthodox Church, the introduction of religious education in schools, and return of the Theological Faculty to the fold of the Belgrade University. According to Anicic, "the presence of

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<sup>94</sup> *Danas*, 28-29 October 2000.

<sup>95</sup> *Ekspres Politika*, 15 November 2000.

<sup>96</sup> *Glas javnosti*, 16 December 2000.

<sup>97</sup> *Politika*, 14 December 2000.

<sup>98</sup> *Blic*, 5 November 2000.



priests should be ensured in hospitals, in the Yugoslav army, prisons and correctional facilities. As a Minister for Religions I shall try to right 50-year old wrongs inflicted by the ideological State to our church."<sup>99</sup> "The aforementioned shall ensure the right place for the Serbian Orthodox Church in our society," added Anicic.<sup>100</sup>

- Živojin Stjepic, Deputy Republican Minister for Religions, announced the adoption of the law regulating relations between the church and State and outlined its field of enforcement: introduction of religious education in schools, restitution of property to religious communities and resolution of the status of Faculty of Theology.<sup>101</sup>

## **MONTENEGRO<sup>102</sup>**

Montenegrin authorities continued to violate the Montenegrin Constitution and international human rights standards on the freedom of religion in 2000.

The Constitution provided for complete freedom of religion and stipulated that the authorities were obliged to treat all religious organizations equally. However, the Serbian Orthodox Church enjoyed the most privileged position. First of all, it had unproblematic access to state funds, state media, and politicians. The present Serbian Orthodox Church was established in Montenegro in 1920 by the Serbian King Aleksandar Karadjordjevic in an illegal manner. At the same time, the Montenegrin Orthodox Church was abolished in an equally illegal manner. However, in 1993, several individuals re-established the Montenegrin Orthodox Church. The authorities put pressure on these citizens and refused to register the church. After some serious incidents that occurred on 6 January 2000 on Christmas Eve, the authorities registered this church according to an old law that was not in accordance with international standards on freedom of religion.

- On 6 January 2000, the police illegally prevented Christmas Eve celebrations for a large number of citizens in Krusevac, Podgorica, in an old castle of King Nikola I. The celebration was organized by the Montenegrin Orthodox Church and was approved by the police. The case reached absurd dimensions: religious celebrations had not been forbidden even in time of war and this one was banned despite the fact that it had been sanctioned by the police.
- At the beginning of July 2000, the police prevented believers of the Montenegrin Orthodox Church and its priests from holding religious ceremonies in one of the seventeen churches in Njegusi, which the citizens of Njegusi had returned to Montenegrin Orthodox Churches.

Even after registration, the authorities continued to put pressure on the Montenegrin Orthodox Church and its believers. In particular, they were refused access and usage of church buildings in the territory of Montenegro: all of them were still in the possession of the Serbian Orthodox Church according to the illegal act of 1920.

- In its decision to start destroying buildings of Montenegrin cultural and religious heritage, the Serbian Orthodox Church, supported by the Belgrade regime, started to "renovate" the Vlaska Church in November without the permission of the authorities that deal with cultural heritage. The Vlaska Church is situated in Donji Kraj in the town of Cetinje; it was built in the 15<sup>th</sup> century and

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<sup>99</sup> *Glas javnosti*, 2 December 2000.

<sup>100</sup> *Ekspres politika*, 2 December 2000.

<sup>101</sup> *Politika*, 15 December 2000.

<sup>102</sup> Based on the *Annual Report 2000* and other information from the Montenegrin Helsinki Committee for Human Rights.

administered by Serbian Orthodox Church since 1920. As a cultural and historic monument, the church was under the protection of the State. In 1993, when the Montenegrin Orthodox Church was re-established, more than 90 percent of the citizens of Donji Kraji supported that church and consider themselves Montenegrins. However, the Serbian Orthodox Church did not let these people use the church: only Serbs were allowed entry and use of the church for religious rites.

The leadership of the Serbian Orthodox Church undertook some work in the church, wanting to eliminate evidence that the church was originally Montenegrin: the interior was decorated following Serbian Orthodox traditions. A Serbian Orthodox priest named Nikcevic locked himself in the church in order to prevent people of Donji Kraji from entering the church. Similar acts have taken place in other churches in Montenegro where elements of a Montenegrin character have been erased.

### **Minority Religions**

Also with the new Government in power in Belgrade, hate speech directed against minorities and all other churches and religious organisations apart from the Serbian Orthodox Church continued in 2000. Authorities provided no equal treatment to other religious communities in Montenegro, including the Catholic Church, the Muslim Community, the Adventist Church and the Jehovah's Witnesses. The two latter communities in particular have faced harassment.

- The Adventist Church faced many problems in its activities in Niksic. Its church was again a target at the end of 2000 – after its first church building was destroyed and burned down in 1997. The new building has also been the target of several attacks, and was nearly burned down at the end of the year. The authorities have not solved either of the arsons.

### **Conscientious Objection**

Over 16,000 Montenegrin citizens rejected the draft for the Kosovo war and many of them (the exact number is unknown) have faced arbitrary judicial proceedings before the military authorities. At the end of 1999, the Republic of Montenegro adopted an Amnesty Law covering deserters, but the Belgrade regime ignored it. It was characteristic that the policy did not change after President Koštunica came into power. Military forces arrested a number of citizens – all of them members of national minorities (Albanians and Muslim-Bosniaks), a fact that suggested that the policy was directed against minority rights in Montenegro and that it had the function of intimidating them.

- In January 2000, military police arrested young ethnic Albanian men (Gjelosheviq, Loloviq, Marnikoviq, Markiqi, and Niloviq) who had refused to take part in the Kosovo war in 1999. In these cases the Serbian forces clearly wanted to demonstrate their power against the minorities in Montenegro. Markiqi received a three-month prison sentence plus a suspended one-year sentence. Niloviq was sentenced to eighteen months *in absentia*. The cases of the others were pending as of this writing. All the young men faced proceedings in a military court.
- Hedin Delagic (born in 1975) from Bijelo Polje was arrested illegally on 7 December by the military in Bijelo Polje in a brutal and spectacular way in the city centre, allegedly for deserting his army unit in the time of danger of war. Delagic was taken to the camp of the Seventh Battalion near Bijelo Polje and then transported to prison in Belgrade. Delagic served in the barracks in Nis from 28 September 1998 to 8 March 1999, when he left his unit and returned to Bijelo Polje. He did this after his unit received an order to be stationed in Kosovo, which meant participation in war crimes and ethnic cleansing with Serbian military and police forces.