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THE RIGHT TO FREEDOM OF CONSCIENCE AND RELIGION

The article is devoted to the consideration of the right to freedom of conscience and religion in the Republic of Belarus, as well as the study of problems related to the implementation of this right in the territory of the Republic of Belarus. At present, this right is considered as one of the most important constitutional rights of a citizen, which any modern state strives to implement.

РЕПОЗИТОРИЙ ГГУ ИМЕНИ Ф. СКОРИНЫ

The right to freedom of conscience and religion is ensured in the state provided that in its national legislation there are provisions that impose a prohibition on discrimination of a person on religious grounds, just as it is enshrined in international law. The Republic of Belarus, being a democratic state, guarantees the exercise of the citizen's right to freedom of conscience and religion. Fundamental acts in the field of the exercise of this right in the Republic of Belarus are the Constitution of the Republic of Belarus, Article 31 [1] and the Law "On Freedom of Conscience and Religious Organizations" of December 17, 1992, No 2054-XII [2]. This law recognizes the state - the only authority that has the right to exercise legal regulation of the confessional policy implemented in the Republic of Belarus. And also it is responsible for the formation of favorable conditions for the activities of religious organizations.

Freedom of conscience and religion in modern society is one of the global problems of theoretical and branch jurisprudence, which is currently being discussed in modern Belarusian and foreign science.

Freedom of religion is the human right, which consists in the possibility to carry out the choice of religious teaching and the unhindered administration of cults and rituals provided for by this doctrine.

Religious freedom in a particular society can be assessed on the basis of the degree of interaction between state and religious institutions. At the same time, it is necessary to remember the fact that the separation of church and state does not immediately entail the emergence of freedom of conscience and religion.

It should be noted that not all countries in the world realize the need to differentiate between the state and the church, since they maintain that true religion has the need for effective state implementation, and the political stability of any state is ensured through the unity of faith and culture. These principles later formed the basis of a whole series of wars that arose because of religious dislike.

Nowadays many states set themselves as one of the priorities in the field of national policy – the need to create an effective legal mechanism that could ensure the realization of the right to freedom of conscience and religion.

This mechanism is viewed as a complex system consisting of several links that provide guarantees for the realization of this right. Structural components of the mechanism are the regulatory framework, which is designed to regulate social relations in the field of freedom of conscience and religion, and the forms of ensuring this freedom in the territory of the state.

The importance of the formation of such a mechanism of implementation for each citizen in a modern democratic state involves the introduction of changes in the basic principles and conceptual apparatus in this area. Protecting the right to freedom of conscience and religion will ensure the strengthening of stability and peace, and will also help to reflect the process of interrelating religions and cultures in the context of the ongoing globalization.

If we talk about the policy of the Republic of Belarus in the sphere of religion, its main direction is first of all the maintenance of religious tolerance in the state, the establishment of the rule of the principle of tolerance, the strengthening of interaction between various faiths existing in the state - all this will give each person the opportunity to exercise his constitutional right to freedom of conscience and religion.

The national government always takes into account the religious choice of its citizens, as this is necessary in order to ensure their right to freedom of conscience. And also it does not interfere in the activities of religious organizations, giving them the opportunity to independently implement the goals enshrined in their charter. However, the state, at the same time, can not be neutral, since sometimes the impact of little-known and dangerous cults becomes the cause of violation of constitutional rights and freedoms of citizens, harm to life and health of citizens, and their influence may pose a threat to state security and established moral foundations in society.

The difficulty of realizing this right in the Republic of Belarus is due to the fact that the state is multi-confessional. According to the Office of the Commissioner for Religious Affairs and Nationalities in the Republic of Belarus, 26 religious confessions and directions have

been registered. The total number of religious organizations at the moment is 3488. 173 religious organizations operate on the basis of their charters, which have a common religious significance (religious associations, monasteries, missions, brotherhoods, sisterhoods, and religious schools). In the state there are 3,315 religious communities registered [3].

According to information provided by the Ministry of Foreign Affairs of the Republic of Belarus for 2016, more than 58,9 % of the population of the state recognize themselves as believers. Of these, 82 % are Orthodox, 12 % are Catholics, 6 % are adherents of other faiths [4].

Over the past twenty years, the confessional factor has taken an important place in the social and political life of the Belarusian people. A huge number of people correlate religion with national culture and traditions, suggesting that it implements the most important functions: ideological, integrational and socially-regulative. This gives even greater importance to the realization of the right to freedom of conscience and religion. Over the past decade, the percentage of believers who do not have antipathy toward faith has increased, to 76 % (compared to 1996, where there were more than 60% of such people), among atheists – 84 %.

Consideration of modern policy in the sphere of freedom of conscience is connected with the necessity of forming the right consciousness of citizens on the basis of new principles in the conditions of the constitutional law of the Republic of Belarus, the legal democratic social secular state; with the lack of codified law in this area of relations; manifestations in society and a world of intolerance and discrimination based on religion that pose a threat to social stability.

The problems in the field of implementation and protection of this freedom in the Republic of Belarus are, first and foremost, closely interrelated with the political, legal and moral processes that occur daily in modern society. This is quite understandable: a new state must always correspond to a new law, which, in turn, can provide guarantees for the existence of a legal mechanism guaranteeing the activities of state and public institutions on the basis of the norms of national law, as well as international legal norms that are designed to ensure human rights and freedoms and the citizen, their realization and protection, regardless of social, racial, national, linguistic or religious affiliation.

The Republic of Belarus needs to make efforts to ensure that the conditions for the realization of the right to freedom of conscience and religion as one of the basic and inalienable human rights closer to the existing framework of international standards of this right. For this to be possible, it is necessary to educate both the religious community and the officials authorized in this field, in the first place, by all the existing means and methods, since they act as experts in the sphere of application of religious legislation in everyday life, as well as non-governmental organizations, the media.

Another important activity of the Republic of Belarus is the establishment of relations with various international experts in the field of religion, beliefs and culture. This will promote the dissemination of knowledge of specialists in this field and the adoption of best practices, the receipt of conclusions on certain controversial issues with a view to developing law enforcement practices that fully comply with international standards for the realization of the right to freedom of conscience and religion and its protection.

It is also necessary to improve systemic professional legal assistance in the sphere of application of legislation regulating the issues of freedom of religion and the activities of religious organizations, including the implementation of international standards in the field of freedom of religion.

From all of the above, it can be concluded that the Republic of Belarus has created an effective mechanism for the citizens of the state to ensure the realization and protection of the right to freedom of conscience and religion. However, at the same time, there are many problems in the Republic of Belarus related to the provision of this right in the Republic of Belarus. These problems require detailed study and development of methods and methods for their resolution. The solution of these problems will bring the Republic of Belarus closer to the existing international standards in the field of the right to freedom of conscience and religion.

Literature

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