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BELARUS: Is home worship in small groups illegal?

By Geraldine Fagan, Forum 18 (<https://www.forum18.org/>)

Officials have given differing views of whether religious activity by groups with fewer members than the threshold of 20 required for registration is illegal. Such activity appears illegal in law and Article 193 of the Administrative Code punishes creation or leadership of an unregistered religious body. Yet Pentecostal assistant bishop Naum Sakhanchuk told Forum 18 News Service that two church members fined this summer in Brest region after being accused of leading unregistered worship have had their fines overturned. The religious affairs official in Brest region, Vasili Marchenko, told Forum 18 it was "OK" for such small unregistered religious communities to meet "as long as they don't disturb the public order". But his counterpart in Vitebsk region, Nikolai Stepanenko, maintained that it was permissible only for between three and six months prior to registration, but no longer.

Religious activity by groups of fewer than 20 people appears illegal under Belarusian law. Article 193 of the Administrative Offences Code punishes creation or leadership of an unregistered religious body, and the 2002 law on religion specifies that registration is compulsory. In May and June, Pentecostal evangelists Aleksandr Balyk and Aleksandr Tolochko were fined under Article 193 for allegedly conducting unregistered home worship in the north-western region of Grodno, while four similar fines were levied earlier in the year against Pentecostals in the south-western region of Brest (see F18News 3 and 20 June 2003).

While all unregistered religious meetings could be prosecuted in theory, such cases appear to be isolated, however. Speaking to Forum 18 News Service at Grace Pentecostal Church in Grodno on 17 September, the Pentecostal assistant bishop of the region said that his church had since challenged successfully the fines levied against Balyk and Tolochko. "These cases could happen every day," Naum Sakhanchuk remarked. The only reason they do not, he maintained, is that unregistered Pentecostal groups hold their meetings discreetly and disperse quickly afterwards.

In Vitebsk region there has been one similar case this year, local Pentecostal bishop Arkadi Supronenko told Forum 18 on 22 September. In an undated report to their local district executive committee in Lepel, nine Pentecostals report that they were holding a Bible study at a private home in the village of Slobodka at 4.45pm on 17 March when two men entered the house with neither introduction nor permission and started asking questions.

According to the Pentecostals' statement, one of the men – who later said he was the chairman of the village council – accused the group of violating the law by visiting the house and "reading the Bible without his permission". The Pentecostals also complain that, while this man accused them of "propaganda and agitation," he began to "agitate" them to visit a nearby Orthodox church, since Orthodoxy was "the cult of our fathers and grandfathers." According to Supronenko, the action by the village council chairman was later found to be unlawful.

Speaking to Forum 18 in Minsk on 19 September, Dina Shavtsova, a lawyer specialising in religious freedom issues, related another similar recent case in the capital. In early 2002 a group of seven people – a local police officer, representatives from the municipal police, Council for Religious Affairs and passport and visa departments, a video camera operator and two KGB officers – interrupted the home worship of eight Unitarian Christians in a Minsk flat, she said, saying that they were responding to a public complaint.

The video camera operator unlawfully filmed the leader of the unregistered group, Pastor Pavel Rogach, while he telephoned her for legal advice, added Shavtsova. In April 2002, however, Minsk Central District Court ruled unconstitutional a local administrative committee charge against Rogach under Article 193 of the Administrative Offences Code.

There appears to be disagreement among religious affairs officials about the legality of such incidents. Speaking to Forum 18 on 16 September, the official in charge of religious affairs in Brest region, Vasili Marchenko, pointed out that Belarus' new law on religion differed from Russia's in that it did not contain the legal concept of a religious group, which may function without full rights on an unregistered basis. Asked whether this made illegal the regular worship at home by a group which has fewer than 20 members and is therefore unable to comply with the law's criteria for registration, Marchenko said that it was "OK for them to meet as long as they don't disturb the public order". He insisted that this issue had not arisen so far in practice in Brest region.

In Vitebsk, the regional official in charge of religious affairs maintained that a group of nearly 20 members may gather freely for

between three and six months prior to registration, but no longer: "otherwise they could go on meeting for years while refusing to register." Speaking to Forum 18 on 23 September, Nikolai Stepanenko acknowledged that such a provision is nowhere contained in law.

The chairman of the republic's State Committee for Religious and Ethnic Affairs appears to take a slightly different view. In their statement to Lepel District Executive Committee, the nine Pentecostals quote Stanislav Buko as telling Narodnaya Gazeta (People's Newspaper) on 3 December 2002 that the new law on religion "in no way restricts joint Bible study at a believer's home or the joint prayer of all those who live at a residential address or of a group of believers".

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