

7 October 2003

BELARUS: Home worship by registered groups illegal

By Geraldine Fagan, Forum 18

With the law banning registered religious communities from using residential properties as their legal addresses without specific authorisation, the many such communities that meet in private homes now face the risk of failing to gain re-registration or even being liquidated by court order, especially as transferring property from residential to non-residential use is very difficult. Forum 18 News Service has learnt that Minsk City Council warned Mount Tabor Baptist Church in January that failure to change its legal address from a residential property might result in the church being liquidated through the courts. Aleksandr Sakovich, head of the charismatic Full Gospel Church, told Forum 18 its ten registered churches in the capital – with an estimated 5,000 people – are unable to worship all together and have to meet in many smaller units in private flats. He said there have been no cases of these groups being prosecuted for doing so - "yet".

Even if a religious organisation is registered, it may not use a residential address as its legal address or gather there according to law. In a 9 December 2002 letter to Mount Tabor Baptist Church, for example, the public prosecutor of Minsk's October district warns that the church is registered at a residential address and that, in accordance with Article 272, Part 3 of the Civil Code, an organisation may be sited at such an address only after it has been transformed into non-residential premises. A 20 January letter to the church from Minsk City Council warns that failure to comply with the Civil Code may result in the church being liquidated by court order.

This provision in the Civil Code is now reinforced by the 2002 law on religion, Article 17 of which states that a new registration or re-registration application requires a document confirming the right of a religious community to be situated at the location indicated in its charter. Article 25 of the same law prohibits the regular or mass performance of religious rites at a residential address.

Speaking to Forum 18 News Service in Minsk on 19 September, the head of the charismatic Full Gospel Church in Belarus said that his association's ten registered churches in the capital – with an estimated 5,000 people – currently meet in many smaller units in private flats. There have been no cases of these groups being prosecuted for doing so, added Aleksandr Sakovich, "yet".

Quite apart from the difficulties in finding premises to rent (see F18News 8 October 2003), transforming a residential address into non-residential premises is problematic, Sakovich reported. The process entails transferring the address from the state's catalogue of housing stock, he explained, with the result that it is registered under the name of the religious organisation rather than that of an individual citizen. In such cases the cost of electricity and land tax is "astronomical," added Sakovich, so that few religious organisations can afford to make the transfer.

Out of 64 registered Full Gospel churches in Belarus, only five have their own houses of worship, he said, all of which are still officially listed as housing stock. While other Protestant churches have a proportionally higher number of prayer houses, these are also officially residential premises, he maintained.

Speaking to Forum 18 on 17 September, the Pentecostal assistant bishop of Grodno region confirmed that many of the 27 prayer houses there are private houses. Typically, said Naum Sakhanchuk, such a building remains housing stock even if its owner has officially offered it for use by a religious organisation, which indeed poses problems for re-registration.

One attendee at a 12 September meeting between regional religious affairs officials and representatives of religious organisations at the State Committee for Religious and Ethnic Affairs in Minsk told Forum 18 that this issue proved to be of concern to all confessions to some extent, including the Belarusian Orthodox Church. Forum 18 has found that those confessions whose historical role in Belarus is recognised in the preamble of the new law on religion report no related problems, however.

Ismail Aleksandrovich, who heads the Religious Association of Muslims in Belarus, told Forum 18 on 20 September that only eight out of 24 of his organisation's communities have mosques. The 16 others "mostly just meet at home," he said. While he was aware that this was technically illegal, "no one takes any notice of us," said Aleksandrovich, since fewer than seven people normally attend home gatherings and there are no public calls to prayer.

Aleksandrovich also maintained that Islam was "traditional" according to the new law on religion. Similarly mentioned in this

context in the 2002 law is the Evangelical Lutheran Church. Speaking to Forum 18 by telephone from Grodno on 22 September, the secretary of the consistory of the Evangelical Lutheran Church in Belarus, which has 11 communities throughout the country, said that, due to scant finances, only one owns a church building. Vitali Sozinov added that some of the other communities gather at residential addresses for worship "although it is not legal, of course". He said that they have not encountered any restrictions: "The authorities are understanding towards us."

It appears that non-prosecution of home gatherings does not necessarily depend upon so-called traditional status, however. First practised in Belarus in 1992, the Baha'i faith has groups of believers in 40 localities, of which six are registered, Natalya Kozelova, a representative of the Vitebsk community, told Forum 18 on 22 September. None of these has experienced any obstacles to meeting in private homes, she said. Kozelova pointed out, however, that Baha'i home meetings are typically attended by few people and only take place on festivals, which are celebrated every 19 days.

She also commented to Forum 18 that the Vitebsk group, which is registered, had encountered no problems with renting premises (see forthcoming F18News article), including within a state administrative building.

A factor in this situation may be the Vitebsk regional official in charge of religious affairs, Nikolai Stepanenko, whom local Pentecostal bishop Arkadi Supronenko described as "a positive person". Speaking to Forum 18 on 23 September, Stepanenko maintained that, under the Civil Housing Code, a registered religious (or other) organisation could use a residential address as its legal address if it was a detached building with a single owner, who must first inform the local district executive committee in writing of his or her consent. The religious organisation concerned could then meet in the building subject to the approval of the fire service and local sanitation department, he said: "They must make sure that there is no one with an infectious disease living there."

According to Stepanenko, the Pentecostals have 31 prayer houses in Vitebsk region. All of these are small, detached buildings adapted for worship but still officially included in the state's housing stock, according to Bishop Supronenko. He confirmed, however, that this does not concern the regional authorities: "It just turns out that in such cases they don't pay any attention."

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