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BELARUS: Order not to register new religious communities?

By Olga Glace, Forum 18 (<https://www.forum18.org>)

"We want to comply with the law and gather for religious meetings without fear of raids, fines or detentions," says Pastor Vyacheslav Novakovsky of Your Will Be Done Church. A Minsk official involved in the four registration rejections since 2017 told him of "an order from superiors not to register any new communities". She refused to explain this to Forum 18.

In Belarus' capital Minsk, the Pentecostal Your Will Be Done Church has felt unable to meet for worship for fear of punishment, as officials found different reasons to reject its four registration applications since 2017. One rejection claimed the Church's faith was "unknown in Belarus". "We want to comply with the law and gather for religious meetings without fear of raids, fines or detentions," Pastor Vyacheslav Novakovsky told Forum 18.

After one rejection, a Minsk city official told the pastor: "There's an order from superiors not to register any new communities." The official refused to tell Forum 18 if this is indeed the case. She insisted the registration rejections were up to the Church to resolve. A district official told the city authorities that new religious communities were not needed because the population was not increasing (see below).

The authorities have long been reluctant to register religious communities, using various pretexts to make state registration unobtainable for communities they do not like. The most frequent pretext is rejecting a community's proposed legal address as unsuitable. (http://www.forum18.org/archive.php?article_id=1997)

Communities of the Belarusian Autocephalous Church have given up any hope of getting state registration – and thus permission to exercise freedom of religion or belief legally. Their last rejected application was in 2014. "Obtaining registration is a waste of time and unnecessary trouble for our people," a priest told Forum 18. They have to meet for worship in homes or, in summer, in the woods (see below).

Ten Jehovah's Witness communities across Belarus are still being denied state registration and have to risk functioning without it, Jehovah's Witnesses told Forum 18. The community in Borisov [Barysaw] in Minsk Region has had 16 registration denials in 20 years. Jehovah's Witnesses say each time a new official takes charge locally, such a community has to negotiate to find a way to continue to exercise their right to freedom of religion or belief (see below).

In Belarus the state closely controls all public exercise of freedom of religion or belief. The Religion Law requires state registration before communities can meet for worship. Those who meet without state registration risk police raids and fines, though such raids have diminished in recent years. Any public religious meetings or outdoor events risk fines or other punishment. (http://www.forum18.org/archive.php?article_id=1997)

The United Nations Human Rights Committee called in October for the repeal of "the requirement of mandatory State registration of religious communities" (see below).

A Baptist husband and wife were fined about one month's wages each in the north-eastern town of Lepel in October for singing religious songs and offering literature outside the town's market. Two Jehovah's Witnesses were similarly fined in the south-eastern town of Rogachev [Ragachow] in May for violating the law on meetings to punish them for sharing their beliefs with others and offering religious publications outside a shop. And a Belarusian Autocephalous Orthodox priest came close to being punished for "minor hooliganism" for going door to door in Minsk to seek funds for the Church. (http://www.forum18.org/archive.php?article_id=2437)

UN call to end compulsory registration

Meeting in Geneva in October to review Belarus' record, the United Nations Human Rights Committee expressed concern "about undue restrictions on the exercise of the freedom of religion, such as the mandatory registration of religious communities, the alleged repeated denial of registration to some religious communities and the permission required by foreign citizens to participate in religious activities".

In its concluding observations, adopted on 25 October (CCPR/C/BLR/CO/5) (<http://undocs.org/CCPR/C/BLR/CO/5>), the Human Rights Committee called for "repealing the requirement of mandatory State registration of religious communities" and an end to other restrictions.

International human rights law does not allow states to insist upon state permission for people to exercise human rights, for example by meeting together for worship or founding and running a belief community. International human rights law also does not allow states to review beliefs before granting legal status to a religious community if it applies for this (see the Organisation for Security and Co-operation in Europe (OSCE)/Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities ()).

Minsk: Church repeatedly denied permission to exist

In the capital Minsk, Pentecostal Christians of Your Will Be Done Church told Forum 18 that they are struggling for registration and facing resistance from the authorities, who have rejected three of their applications in 2018. "We have been applying for the registration of our community since 2017 and have already received four denials," the church's pastor Vyacheslav Novakovsky told Forum 18 on 6 December.

The Your Will Be Done Church, previously a member congregation of the Pentecostal Union, has more than 20 members. But, aware of current laws which prescribe punishments for meeting for worship without state registration, it insists it will hold no religious meetings until it can get registration.

"We want to comply with the law and gather for religious meetings without fear of raids, fines or detentions," Pastor Novakovsky told Forum 18.

He also pointed out that the law makes no provision for how religious communities can exercise freedom of religion or belief as they prepare for and wait for registration applications to be processed. "Community registration requires at least 20 believers, but if they gather they won't sit and wait [to hold worship meetings] until the registration is done," Novakovsky told Forum 18 with indignation.

Your Will be Done Church had to revoke its first registration application in 2017 as the landlord who provided the legal address could not wait until officials had finished considering the application.

Pastor Novakovsky applied for the second time on 6 February 2018. Minsk Executive Committee's rejection of that application came only on 16 July, breaking the time limit established by law requiring the authorities to give an answer within 60 days.

The 16 July rejection letter drafted by Deputy Head of the Executive Committee's Ideology Department Alla Martynova, seen by Forum 18, stated that "the religious community of Evangelical Christians Your Will Be Done is autonomous and professes a belief previously unknown in Belarus". The rejection also claimed that "information on the basics of the creed was not submitted".

International human rights law also does not allow states to review beliefs before granting legal status to a religious community if it applies for this status (see the Organisation for Security and Co-operation in Europe (OSCE)/Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities ()).

Pastor Novakovsky's Church is a Pentecostal church, and told Forum 18 that he does not understand why officials claim this belief is "unknown in Belarus". He also stated that, during the second application, officials tried to pressure the landlord not to allow the Church to use his premises as its legal address.

No new communities allowed to gain registration?

Pastor Novakovsky stated that in private discussion Martynova told him that "there's an order from superiors not to register any new communities". She suggested that instead they meet without registration.

Asked whether officials will ever give Your Will Be Done Church the registration it is seeking, Martynova responded that it all depends on the Church. "It's their business and you should ask them," she told Forum 18 from Minsk on 11 December. "If they get rejections, this means there are questions about their documentation."

Martynova absolutely refused to answer any other questions, including whether any senior officials had given an order not to register any new religious communities and the name of the superior who gave the order. "I am not authorised to give comments on the phone," she told Forum 18. She then put the phone down.

Pastor Novakovsky lodged a complaint to Minsk's Moscow District Court, but on 3 December Judge Polina Antipchuk rejected the complaint. "The court violated the law as well as Minsk Executive Committee, denying us the right to invite a specialist and giving

no time to read the materials," Novakovsky told Forum 18. He intends to appeal against the decision.

Meanwhile the third registration attempt, lodged on 17 June, also failed. The 4 September official rejection (seen by Forum 18) noted that the building the Church intended to use as its legal address "is rented by an educational institution for intramural and extramural studies". It added that "Lenin District Executive Committee gave a negative conclusion on the provided legal address".

Novakovsky lodged a complaint to the Council of Ministers explaining that they were not going to hold religious meetings at the legal address, requiring it for administrative purposes only.

A district official had also told the city authorities that new religious communities were not needed locally because the population was not increasing. Novakovsky was shown this communication but not given a copy of it.

The Deputy Head of the Ideology Department of Lenin District Executive Committee, Yekaterina Usova, refused to explain how hosting the office of a religious organisation might interfere with the activities of an educational institution. "I don't give comments on the phone, please send an official enquiry," she told Forum 18 from Minsk on 11 December.

Pastor Novakovsky submitted the most recent registration application on 1 October. He had received no response by 11 December, despite the response period expiring on 1 December. Novakovsky complained to Minsk Executive Committee that officials had violated the time limits.

"Each time we send a complaint it always returns to Alla Martynova, who is determined to make state registration unobtainable for us," Novakovsky protested to Forum 18. He intends to continue the struggle. "Since the authorities are given 60 days to give us their registration decision, we are going to apply four times a year until we are registered and can comply with the law."

Autocephalous Orthodox give up on applying for registration

Representatives of the Belarusian Autocephalous Orthodox Church told Forum 18 that they have given up any attempts to obtain state registration. The Church has its official headquarters in Brooklyn, New York and since the 1990s its community in Belarus has tried several times to register in vain, most recently in 2014.

One of its priests, Fr Vikenty (secular name Viktor Kovalkov), stated that each time the Church submitted applications, officials found excuses to reject them. "Obtaining registration is a waste of time and unnecessary trouble for our people," he told Forum 18 from Minsk on 30 November. He explained that they meet for worship in each other's flats or, in summer, in the woods.

Autocephalous Orthodox Church members have also experienced intermittent police detentions. Police detained Fr Vikenty for 24 hours in late November and tried to punish him for "minor hooliganism" for going from door to door in a block of flats seeking donations for the Church. However, a court rejected an attempt to punish him.
(http://www.forum18.org/archive.php?article_id=2437)

Ten Jehovah's Witness communities denied registration

Ten Jehovah's Witness communities across Belarus are still being denied state registration and have to function without it, the Jehovah's Witness leader in Belarus Pavel Yadlovsky told Forum 18 from Minsk on 28 November. He maintained that in some regions the situation has not improved.

The "leader" among the officially-rejected communities is in the town of Borisov [Barysaw] in Minsk Region, which has had 16 registration denials in 20 years. The community in the north-western town of Vileika had six denials in 2017, while the community in the western town of Lida has sought registration in vain for 10 years.

Jehovah Witness Andrei Kuzin was fined for organising a meeting for worship without state permission
(http://www.forum18.org/archive.php?article_id=2035) at his home in Borisov raided by police and local officials in November 2014.

Yadlovsky added that in most regions, the authorities do not cause trouble for Jehovah's Witnesses and allow them to hold worship meetings even without registration. He pointed out that whenever new officials are appointed to local administrations, the communities have to negotiate a modus vivendi. (END)

Full reports on freedom of thought, conscience and belief in Belarus
(<http://www.forum18.org/archive.php?query=&religion=all&country=16>)

For more background, see Forum 18's Belarus religious freedom survey (http://www.forum18.org/archive.php?article_id=1997)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments

(http://www.forum18.org/archive.php?article_id=1351)

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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY