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BELARUS: More obstacles to public religious events

By Geraldine Fagan, Forum 18 News Service <<http://www.forum18.org>>

Protestants and other minority faiths could find it even more difficult and expensive to hold public religious events under the new law on demonstrations and public events which came into force on 29 August. President Aleksandr Lukashenko reportedly removed proposed exemptions for religious events from the text of the new law approved by both houses of parliament in June. Forum 18 News Service points out that the new law - which formalises the web of controls that already exist over public religious events - adds a new twist, allowing religious groups to be liquidated (and therefore made illegal) if an event they organise causes any harm to the "public interest", even such as any disruption to public transport.

Holding public religious events - already very difficult for Protestants and other minority faiths - has been made even more difficult and potentially more expensive under the new law on demonstrations and public meetings, which came into force on 29 August. Forum 18 News Service points out that the new law - which formalises the web of controls that already exist over public religious events - adds a new twist, allowing religious groups to be liquidated (and therefore made illegal) if an event they organise causes any harm to the "public interest", even such as any disruption to public transport.

Religious events were not included when the old law on demonstrations was adopted in 1997, but a 1999 decree brought such events under the provisions of this law. President Aleksandr Lukashenko reportedly removed proposed exemptions for religious events from the text of the new law approved by the lower and upper houses of parliament on 5 and 30 June respectively, pointing to ostensibly analogous provisions in the new October 2002 law on religion.

The religion law, in fact, states only that events of a religious nature, if held outdoors or at premises not specifically designed for them, may take place only with the permission of the relevant local authority (Article 25). But the bulk of the new law on demonstrations indeed already applies to religious (and other) gatherings of this kind, as a September 1999 presidential decree ruled that the 1997 law on demonstrations should extend to them.

As in the 1997 demonstrations law, the new text states that organisers of an event must be resident citizens and take full responsibility for proceedings. At least 15 days in advance, they must submit a request for permission to the relevant local authority, stating the aim, type and route or location of the event, its date, start and finish time, the estimated numbers of its participants, the full names, home addresses and places of work of its organisers, and the details of measures needed to ensure public order and safety while it is taking place.

Also as before, the relevant local authority must announce its decision no later than five days prior to the proposed date of the event. The law lists some places where events are prohibited (such as within 200 metres of metro stations), but while it appears to state that they may otherwise take place "in any suitable location," a local governing body is authorised to determine other locations where they are forbidden. While a local authority is obliged to evaluate the information contained in a request (as well as considerations such as "weather conditions") when making individual decisions, there appears to be scope for it to rule a type of location unsuitable without explanation.

While acknowledging that the new law introduces few extra restrictions on religious events, member of parliament Ivan Pashkevich told Forum 18 he was nevertheless worried. He explained that a presidential decree such as that of September 1999 is theoretically temporary. "But whereas before we could hope that it would be annulled at some point, now all its provisions have been enshrined in this law," he told Forum 18 on 29 August. "It will be much more difficult for members of parliament to change them."

Only two provisions in the new demonstrations law did not previously affect religious gatherings. Participants may not carry imitation weaponry of any kind (this provision was also contained in the 1997 text, but non-political events were made exempt from it by the presidential decree of 1999). More notably, a provision incorporated from a May 2001 presidential decree on political demonstrations now applies to other types of gathering. It states that organisations are liable to be liquidated if any one event they stage results in "substantial harm to the rights and legal interests of citizens or organisations, or the state or public interest" (Article 15). This is defined as, for example, temporary disruption of transport or the activity of an organisation, or grievous bodily harm or death.

Pashkevich suggested to Forum 18 that the only entirely new provisions (for both political and non-political gatherings) amount to "an extra tax". Organisers must now also specify necessary medical and sanitation arrangements when submitting a request to hold an event. The relevant authority is to determine the cost of such arrangements in addition to those necessary to ensure public order, and the organisers must pay this sum to the state within ten days of the event taking place.

In a 16 June open letter to the chairman of the government's State Committee for Religious Affairs, Full Gospel Bishop Aleksandr Sakovich complained that local authorities routinely refuse his Church permission to hold religious events, often for "unconvincing" reasons. He cited examples such as: "In our district it is prohibited to hold such events in cultural establishments" and "the administration... is unable to consider your letter... concerning the possibility of signing a rental contract since we have no information about the views of the directors of Cloth & Co. about your renting their assembly hall." In Minsk alone, maintains Sakovich, ten Full Gospel congregations have been "unable to function normally" for the past three years.

Pentecostal and Full Gospel Churches did receive permission from Minsk City Council to hold a prayer rally with 5,000 participants on a public square in the capital on 13 July. Speakers at the rally reported difficulties in obtaining permission for religious events in other parts of the country, Pentecostal Bishop Sergei Khomich told Forum 18 from Minsk on 21 August. While unable to provide further details about individual cases, Khomich said that some state officials were supportive and others obstructive: "In one region we were told that we could not hold baptisms in lakes and rivers because it would disturb fishermen."

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