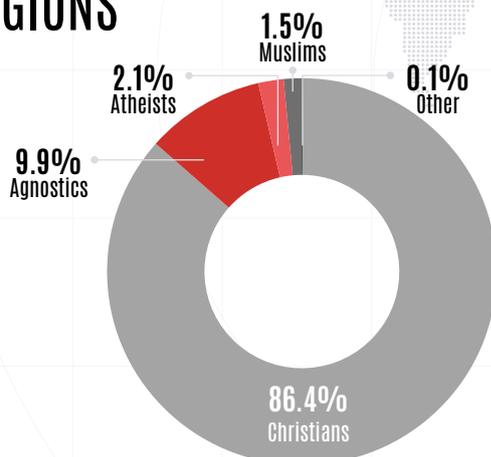




UKRAINE

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

In February 2014, Ukraine's Crimean Peninsula was invaded by Russia and annexed. As per the 27th March 2014, United Nations General Assembly Resolution 68/262 titled, "Territorial Integrity of Ukraine"¹, this report considers that the Autonomous Republic of Crimea remains, as internationally recognized, within Ukraine's borders, and that the regions of Luhansk and Donetsk as illegitimately occupied by Russian supported proxy authorities.

The 1996 Constitution of Ukraine guarantees freedom of religion and worship, as well as the separation of Church and state. Article 35 states: "Everyone has the right to freedom of personal philosophy and religion. This right includes the freedom to profess or not to profess any religion, to perform alone or collectively and without impediment religious rites and ceremonial rituals, and to conduct religious activity. The exercise of this right may be restricted by law only in the interests of protecting public order, the health and morality of the population, or protecting the rights and freedoms of other persons. No religion shall be recognised by the State as mandatory."²

Article 3 states: "Human rights and freedoms and their guarantees determine the essence and orientation of the activity of the State. The State is answerable to the individual for its activity. To affirm and ensure human rights and freedoms is the main duty of the State."³

Article 15 states: "Social life in Ukraine is based on the principles of political, economic and ideological diversity. No ideology shall be recognised by the State as mandatory. Censorship is prohibited. The State guarantees freedom of political activity not prohibited by the Constitution and the laws of Ukraine."⁴

The constitution guarantees the rights and freedoms of citizens of Ukraine. Article 21 states: "All people are free and equal in their dignity and rights. Human rights and freedoms are inalienable and inviolable."⁵

Article 34 states: "Everyone is guaranteed the right to freedom of thought and speech, and to the free expression of his or her views and beliefs."⁶

The constitution also guarantees the right to conscientious objection on religious grounds. No-one shall be relieved of his or her duties before the State or refuse to perform the laws for reasons of religious beliefs. In the event that the performance of military duty is contrary to the religious

beliefs of a citizen, the performance of this duty shall be replaced by alternative (non-military) service.”⁷ However, it is worth noting that the “alternative service” lasts one and a half times longer than the term of military service in the Armed Forces of Ukraine.⁸

The 1991 Law on Freedom of Conscience and Religious organisations, which has been the object of numerous amendments, serves as the main legal framework for the functioning of churches and religious organizations, and religious freedom. It reaffirms article 35 of the constitution establishing that the limits to the exercise of freedom of religion or belief may be restricted only in a few cases - when they are necessary “to protect public security and order, life, health and morality, as well as the rights and freedoms of other citizens established by law and in accordance with Ukraine’s international obligations.”⁹

The most recent changes were introduced on January 17, 2019, by the Law of Ukraine on Amendments to Some Laws of Ukraine Concerning the Subordination of Religious Organizations and the Procedure of State Registration of Such Organizations with the Status of Legal Entities.¹⁰ The Law amended Articles 8, 14, and 18. The changes mainly concern the new registration procedures for religious organizations. The intent was to simplify registration by eliminating the so-called “double” registration in central and local institutions. All religious organizations were required to adapt their statutes to the new law within one year. As the Institute for Religious Freedom pointed out, changes in this law were introduced very quickly and without consultations.¹¹

Religious organizations whose leading centres are located outside Ukraine, may be guided in their actions by the directions of these centres, but only if the legislation of Ukraine is not violated. However, when the organization is part of the structure of a religious association and the centre is in Russia, then it is necessary to change the name of the organization so that the name expresses this relationship with the Russian centre.¹²

The law requires a religious institution to obtain official legal entity status. While a non-religious group must have at least three members to qualify for registration, the minimum number required for religious organizations is 10. Religious groups must also provide local authorities with a copy of their statutes.¹³

The Draft Law on Amendments to Certain Legislative Acts of Ukraine (Concerning the Harmonization of Legislation

in the Sphere of Prevention and Counteraction of Discrimination with the Law of the European Union) caused a lot of controversy, especially among religious organizations.¹⁴ The subject of the dispute is primarily the right of Churches to freely proclaim their truths. The draft anti-discrimination law is recognized by representatives of various Churches as a significant threat in this regard. The Ukrainian Council of Churches and Religious Organizations (UCCRO) appealed to President Volodymyr Zelensky for changes in the draft law. UCCRO postulated that the law should include the following provision: “The act or omission of a person and / or group of persons in the exercising of one’s personal rights to freedom of thought and freedom of expression, freedom of conscience, religion or belief is not discrimination.”¹⁵ Similar appeals were sent to various factions in Parliament by the leaders of the following Churches and religious organizations: the Orthodox Church of Ukraine, the Ukrainian Greek Catholic Church, the Roman Catholic Church in Ukraine, the All-Ukrainian Union of Evangelical Baptist Churches, the Ukrainian Pentecostal Church, the Seventh-day Adventist Church, the Union of Jewish Religious Organizations of Ukraine, and the Spiritual Administration of Muslims of the Autonomic Republic of Crimea.¹⁶ The appeal excluded the Ukrainian Orthodox Church (Moscow Patriarchate), due to its connection to the Russian state.

The Church and religious organisations in Ukraine are separated from the State and, for example, state schools are secular. Until 2015 religious institutions were not able to run schools, however, in June 2015, following the adoption of the Law on Amendments to Some Laws of Ukraine Regulating the Establishment of Educational Institutions by Religious Organizations by the Ukrainian Parliament, registered religious organisations were allowed to establish educational institutions (primary, secondary, after-school, vocational and higher institutions).

In Ukrainian state schools, children learn Christian ethics, but only as an optional subject. Opponents to the Christian ethics courses, referring to the constitutional separation of state and church and the principle of “secular education”, seek to remove this subject. In a 2019 petition, they called on President Zelensky to ban Christian ethics courses in schools. As a consequence of these activities, the contemporary curriculum of the Ukrainian school system does not provide for the subject of Christian ethics, but also does not forbid inviting a priest or another person to teach this subject at the decision of a given community (group).

In the period under review, the Roman Catholic Church continued to request from the government the restitution of several Church buildings located predominantly in western Ukraine confiscated at the time by the Soviet regime.¹⁷

INCIDENTS AND DEVELOPMENTS

The many violations of religious freedom in Ukraine are related to two problems: a) the discriminatory policy of the Russian authorities occupying Crimea and the so-called People's Republics of Luhansk and Donetsk occupying part of eastern Ukraine; and b) the ecclesiastical independence of the Orthodox Church of Ukraine.

In March 2014, Russia annexed Ukraine's Crimean Peninsula and began "providing military, economic, and political support to separatist formations in parts of eastern Ukraine." The conflict "has killed more than 13,000 people."¹⁸

According to the US Department of State, violations of religious freedom in the Russian part of the Donbas region of Ukraine - controlled by armed groups commanded by Russia - have included: detention and imprisonment, torture, confiscation of property, including churches and meeting halls, physical assaults and threats of violence, vandalism, fines, and restrictions on missionary activities, religious services, ceremonies, gatherings, and literature, and banning of peaceful religious groups. Targeted religious groups have included the Orthodox Church of Ukraine, formerly the Ukrainian Orthodox Church-Kyiv Patriarchate, the Ukrainian Greek Catholic Church, Protestant Christians, and Jehovah's Witnesses.¹⁹

According to the 16th May 2014 constitution of the People's Republic of Donetsk, it is specified that the dominant religion is Orthodox Christianity (from Moscow).²⁰ The Church of Jesus Christ of Latter-day Saints (Mormons) suffered a number attacks from the authorities of the so-called Donetsk People's Republic. Incidents included taking over religious buildings and changing them to secular buildings. For example, the separatist authorities announced on 26th July 2018, the transformation of the Mormon house of worship in Donetsk into a wedding palace (Department of Marriage Registration).²¹

Occupying Donetsk authorities carried out similar attacks on Pentecostal Christians. In Makiivka of the Donetsk region in June and July of 2018, the occupation authorities closed and sealed houses of worship without any expla-

nation including the "New Life" Evangelical Christian Baptist Church. According to the leaders of the All-Ukrainian Union of the Churches of Evangelical Christian-Baptists, some of their houses of worship in the Donetsk region were closed only because they were not registered as religious buildings.²²

In the case of the Luhansk People's Republic, the main tool of repression of religious organizations was the manipulation of the discretionary registration procedure. Religious organizations that were not registered by 15th October 2018, became the target of an administrative attack.²³ In 2019, for example, gas supplies were cut to unregistered buildings serving religious functions with threats to expand the cuts to restrict access to electricity and water.²⁴ Later, on 26th November, 12 Baptist books were added to a state list of extremist materials, including the Gospel of John. This action has not been explained in any way.²⁵

Religious leaders, who carry out religious activities in spite of not having registered, face harassment and persecution. This affects primarily the Greek Catholic Church, the Orthodox Church of Ukraine, Protestant Churches and Jehovah's Witnesses.²⁶

Before the Russian occupation of Crimea, about 50 religious organizations operated on the peninsula. In 2019, their number dropped to 9.²⁷ The Russian authorities are taking decisive action against some religious organizations, especially those not supporting the new authorities. In the capital of Crimea - Simferopol, on March 27, 2019, the Russian occupation authorities arrested 24 Crimean Tatars for alleged terrorist activities. The detainees were active members of Crimean Solidarity, a secular human rights group.²⁸

The cause of numerous conflicts between the faithful and the clergy of the Orthodox Church of Ukraine (OCU) and the Ukrainian Orthodox Church of the Moscow Patriarchate (UOC-MP) was the gaining of autocephaly, or ecclesiastical independence, of the OCU on December 15, 2018 from UOC-MP. The decision provoked a profound rift within the Eastern Churches including that between the Russian Orthodox Patriarchate of Moscow and the Ecumenical Patriarchate of Constantinople, which granted the autocephaly. Today, over "520 UOC-MP churches have switched to the OCU, which now registers 7,000 parishes, 77 monasteries, and 47 dioceses, or ecclesiastical districts."²⁹

In addition to this tension, other religious attacks took

place in Ukraine.

During the period covered by the report, numerous attacks were directed against the Jehovah's Witnesses in Ukraine, including one attack with a knife (Kremenchuk, 7th July 2019) 30 and two (both in June 2019: one in Kiev³¹ and one in Vinnytsia),³² in which literature church members were carrying was destroyed.

On 25th November 2019, the monument to the Jewish writer Sholem Aleichem in Kyiv was destroyed.³³ In response, The Ukrainian Council of Churches and Religious Organizations issued a statement that strongly condemned the acts of vandalism.³⁴

On 20th April 2020, in Kherson, criminals tried to set fire to the historic synagogue. A Molotov cocktail was thrown into the building, however, the attack did not cause significant damage.³⁵

Restrictions related to the Covid-19 epidemic strongly affected the possibilities for religious worship. Due to cases of non-compliance with certain restrictions by several religious places during Easter, there were numerous strongly worded attacks on churches by Ukrainian officials of the Ministry of Health via the media. In response, the Institute for Religious Freedom issued a statement saying that less than 2% of believers visited places of worship during Easter.³⁶

The enduring the restrictions imposed by the Covid-19 epidemic raised concerns among some religious organizations, primarily about the various requirements for maintaining social distance in cultural institutions and in churches. In cultural institutions, the requirement was to

assign 5 square meters per person, while in religious institutions it was 10 square meters per person.³⁷

PROSPECTS FOR RELIGIOUS FREEDOM

By far the biggest challenge to religious freedom is the situation in the occupied territories. With the imposition of new legal restrictions and other forms of discrimination, the trend shows no sign of improvement. There is hope for change, however, with the implementation of the US Ukraine Religious Freedom Support Act. In December 2019, the act was introduced to the US House of Representatives and Senate. The bill requires the President to consider the numerous religious freedom violations that Russia continues to authorize in Russia-occupied Crimea and Russia-controlled Donbas.³⁸

Under the Act, special sanctions will relate to: (1) any person who, while serving as an official of the Government of Russia, was responsible for or directly or indirectly carried out particularly severe violations of religious freedom in the territory of Ukraine that Russia occupies and controls, or controls through non-state armed groups it commands; and (2) the spouse and children, if any, of such person.³⁹

In the area controlled by the Kiev authorities, cases of religious discrimination are primarily incidents perpetrated against individuals, and not systemic violations of religious freedom.

- 1 "United Nations General Assembly Resolution 68/262", 27th March 2014, <https://undocs.org/A/RES/68/262>. (Accessed 25th May 2020).
- 2 Constitution of Ukraine, 28th June 1996 and following years. Available at http://biblioteka.sejm.gov.pl/wp-content/uploads/2017/06/Ukraina_ang_010117.pdf. (Accessed 7th May 2020).
- 3 Ibid.
- 4 Ibid.
- 5 Ibid.
- 6 Ibid.
- 7 https://www.constituteproject.org/constitution/Ukraine_2014?lang=en. (Accessed 22th May 2020).
- 8 "On alternative (non-military) service", Legislation of Ukraine. Available at <https://zakon.rada.gov.ua/laws/show/1975-12>. (Accessed 25th May 2020).
- 9 "On Freedom of Conscience and Religious Organizations in Ukraine", Legislation of Ukraine. Available at: <https://zakon.rada.gov.ua/laws/show/987-12>. (Accessed 25th May 2020).
- 10 Legislation of Ukraine (in Ukrainian only). Available at <https://zakon.rada.gov.ua/laws/show/2673-19>. (Accessed 25th May 2020).
- 11 "New procedure for registration of religious organizations was introduced in Ukraine", Institute for Religious Freedom. 31st January 2019. Available at <https://www.irs.in.ua/en/2019-01-new-registration-procedure-for-religious-organizations-in-ukraine>. (Accessed 25th May 2020).
- 12 "On Freedom of Conscience and Religious Organizations in Ukraine", Legislation of Ukraine. Available at <https://zakon.rada.gov.ua/laws/show/987-12>. (Accessed 25th May 2020).
- 13 "Country Policy and Information Note Ukraine: Minority groups". Home Office, UK. June 2019. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/812080/Ukraine_-_Minority_Groups_-_CPIN_-_v2.0__June_2019_.pdf. (Accessed 25th May 2020).
- 14 The Parliament of Ukraine. Available in Ukrainian only at http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=66561. (Accessed 25th May 2020).
- 15 "Ukrainian Council of Churches convinces parliament to amend the draft law #0931", Institute for Religious Freedom, 26th November 2019. <https://irf.in.ua/en/2019-uccro-statements-against-draft-law-0931>. (Accessed 25 May 2020).
- 16 Ibid.
- 17 Office of International Religious Freedom, "Ukraine," 2019 Report on International Religious Freedom, U.S. Department of State; <https://www.state.gov/reports/2019-report-on-international-religious-freedom/ukraine/>. (Accessed 25th May 2020).
- 18 "Prayers Answered? Ukrainian Orthodox Church Marks One Year Of Independence From Moscow, by Tony Wesolowsky, Radio Free Europe Rado Liberty, 23rd January 2020; <https://www.rferl.org/a/ukrainian-orthodox-church-marks-one-year-of-independence-from-moscow/30393633.html> (Accessed 25th May 2020)..
- 19 U.S. Congress, "S.3064 - Ukraine Religious Freedom Support Act", 17th December 2019. (Accessed 25th May 2020). <https://www.congress.gov/bill/116th-congress/senate-bill/3064>. (Accessed 25th May 2020).
- 20 Perchoc, P. « Religion and the EU's external policies: increasing engagement», European Parliament Research Service, February 2020. [https://www.europarl.europa.eu/RegData/etudes/IDAN/2020/646173/EPRS_IDA\(2020\)646173_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2020/646173/EPRS_IDA(2020)646173_EN.pdf). (Accessed 25th May 2020).
- 21 "Religious Freedom at gunpoint: Russian terror in the occupied territories of Eastern Ukraine". International Religious Freedom Institute, September 2018. <https://www.irf.in.ua/files/publications/2018.10.24-IRF-Report-ENG.pdf>. (Accessed 25th May 2020).
- 22 Ibid.
- 23 United States Commission of International Religious Freedom, Report 2020, https://www.uscirf.gov/sites/default/files/USCIRF%202020%20Annual%20Report_Final_42920.pdf. (Accessed 25th May 2020).
- 24 Corley, F. "DONBAS: Luhansk: No gas, electricity, water for unregistered communities", 5th February 2020. http://www.forum18.org/archive.php?article_id=2540. (Accessed 25th May 2020).
- 25 Corley, F. "DONBAS: Luhansk: Gospel of John, Baptist books banned", 20th December 2020. http://www.forum18.org/archive.php?article_id=2531. (Accessed 25th May 2020).
- 26 Corley, F. "DONBAS: Luhansk: Worship bans, clergy bans, punishments", 23rd October 2019, http://www.forum18.org/archive.php?article_id=2516. (Accessed 25th May 2020).
- 27 "Resolution on religious freedom in the Ukrainian territories of Crimea and Donbas occupied by Russian Federation", Religious Freedom Roundtable. 16th April 2019. <https://religiousfreedom.in.ua/files/2019.04.16-Roundtable-Resolution-signed-ENG.pdf>. (Accessed 25th May 2020).
- 28 "Ukraine: Escalating Pressure on Crimean Tatars", Human Rights Watch, 2nd April 2019, <https://www.hrw.org/news/2019/04/02/ukraine-escalating-pressure-crimean-tatars>. (Accessed 25th May 2020).
- 29 "Prayers Answered? Ukrainian Orthodox Church Marks One Year Of Independence From Moscow, op.cit.
- 30 "Statement on Religious Freedom Issues, Ukraine", European Association of Jehova Witnesses. September 2019. <https://www.osce.org/odihr/431066?download=true>. (Accessed 25th May 2020).
- 31 Ibid.
- 32 Ibid.
- 33 Tercatin, R. "Jewish writer Sholom Aleichem statue in Kiev defaced with swastikas", Jerusalem Post, 25th November 2020. <https://www.jpost.com/diaspora/jewish-writer-sholom-aleichem-statue-in-kiev-defaced-with-swastikas-608943>. (Accessed 25th May 2020).

- 34 “Ukrainian Council of Churches condemned anti-Semitic provocations in Kyiv”, Statement. 25th November 2019. <https://vrciro.org.ua/ua/statements/uccro-statement-against-provocation-of-antisemitism-in-kyiv>. (Accessed 25th May 2020).
- 35 “CRIMINALS FIREBOMB CHABAD HOUSE IN KHERSON, UKRAINE”, Anash News, 20th April 2020. <https://anash.org/criminals-fire-bomb-chabad-house-in-kherson-ukraine/>. (Accessed 25th May 2020).
- 36 “IRF Statement on the inadmissibility of inciting hatred in society caused by the COVID-19 pandemic”, 29th April 2020. <https://www.irs.in.ua/en/2020-04-irf-statement-on-covid-19-quarantine>. (Accessed 25th May 2020).
- 37 “Churches initiate meeting with the Prime Minister to ensure religious freedom during the COVID-19 pandemic”, Institute for Religious Freedom, 26th May 2020. <https://irf.in.ua/en/uccro-proposals-on-covid-19-quarantine-reduction-in-ukraine>. (Accessed 25th May 2020).
- 38 “RFI urges prompt passage of Ukraine Religious Freedom Act”, RFI Washington DC, 16th December 2019, RFI Urges Prompt Passage of Ukraine Religious Freedom Support Act
RFI Urges Prompt Passage of Ukraine Religious Freedom Support Act
RFI Urges Prompt Passage of Ukraine Religious Freedom Support Act
<https://www.religiousfreedominstitute.org/news/rfi-urges-prompt-passage-of-ukraine-religious-freedom-support-act>. (Accessed 25th May 2020).
- 39 U.S. Congress, “S.3064...” op.cit. (Accessed 25th May 2020).