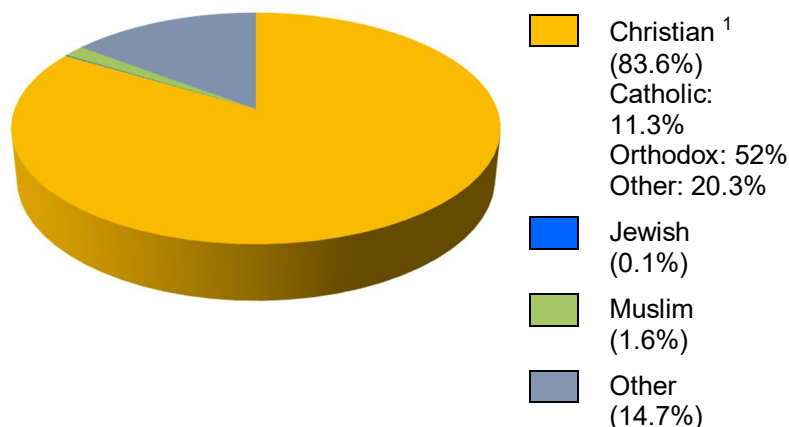


UKRAINE



Area: 603,000 km ²	Population: 44.3 million	Political system: Democracy	Major Language(s): Ukrainian ²
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Legal framework on freedom of religion and actual application

In February 2014 Russian forces occupied Crimea and announced the following month that it had become part of Russia. Most states do not recognise the attempted annexation of Crimea by the Russian Federation and still consider Crimea to be a part of Ukraine.

The constitution provides for the freedom of religion and worship, a right that “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”. The constitution declares the separation of Church and state.

According to the law, organisers must notify local authorities in advance of a planned religious gathering, and authorities have the option to challenge the legality of planned events. It is necessary by law for religious organisations to apply to local government authorities at least 10 days in advance for permission to hold religious services and ceremonies in public spaces; such permission is not required for those holding services at religious or burial sites, private residences, homes for the elderly and disabled, medical and penal institutions, or premises of companies.

In order to be recognised as a legal entity, the law requires religious groups to register with the State Registration Service (governed by the Ministry of Justice) and with the Ministry of Culture, the government’s lead agency on religious affairs, or regional government authorities. To be eligible for registration, a religious group must have at least 10 adult members. A legal entity status is necessary for the right to own property, conduct banking activities, or publish materials as a religious group.

It is permitted by law for religious groups to establish theological schools to train clergy and other religious workers. The law states theological schools shall function on the basis of their own statutes, which are registered by the Ministry of Culture. The law restricts the teaching of religion as part of the public school curriculum; religious organisations are prohibited from activity in public schools. Public schools include ethics of faith courses as an optional part of the curriculum.

The law restricts the activities of foreign-based religious groups and defines the permissible activities of non-citizen clergy, preachers, teachers, and other representatives of foreign-based religious organisations. Under the law, foreign religious workers are permitted to “preach, administer religious ordinances, or practise other canonical activities” but they may do so only for the religious organisation which invited them to Ukraine and with the approval of the government body that

registered the statutes of the organisation. Missionary activity is included under permissible activities. There are no separate visa requirements for foreign clergy. The government states that it has not rejected any regular visa applications by foreign religious workers in recent years.

The Ministry of Culture set up a working group to settle inter-religious conflicts. Religious leaders and human rights activists continued to urge the government to simplify religious registration procedures and reconsider its commitment to a permission-based system for holding peaceful assemblies. They also encouraged the government to adopt the Concept of Church-State Relations, as drafted by religious groups and experts in 2004, to shape cooperation between the government and religious groups and provide the basis for legislation on religion issues. Church leaders and members of the All-Ukraine Council of Churches and Religious Organisations (AUCCRO), an independent inter-faith board representing more than 90 percent of the country's religious organisations, warned about an escalation of inter-religious violence in the wake of the conflict.

In certain regions of the country, smaller religious groups continued to report unequal treatment by local authorities. In the central and southern regions, Roman Catholics, Ukrainian Orthodox Church-Kievan Patriarchate (UOC-KP) members, Ukrainian Greek Catholic Church (UGCC) members, and Muslims reported similar experiences. According to UGCC representatives, local authorities in Odessa remained unwilling to allocate land for UGCC churches. Ukrainian Orthodox Church-Moscow Patriarchate (UOC-MP) representatives reported a continued refusal by local governments in the Lviv and Ivano-Frankivsk regions to allocate land for UOC-MP churches.

The AUCCRO urged the government to grant state accreditation to the religious schools that provide theological education. The AUCCRO asked the government to allow religious groups to own and operate private educational institutions where, in addition to the secular curriculum, students would be taught according to the religious values of the founding religious organisation.

For Crimean Tatars, religious and ethnic identities remained closely intertwined, making it difficult to categorise mistreatment as religious or ethnic intolerance. Before the Russian occupation of Crimea, members of the Mejlis, the central executive body of the Crimean Tatars, and Crimea-based human rights groups continued to criticise the government of the Autonomous Republic of Crimea for permitting schools to use textbooks that contained allegedly inflammatory and historically inaccurate material about Crimean Tatar Muslims.³

The Russian authorities raided homes, churches, mosques and schools in Crimea, forcing religious leaders to flee. With the annexation in March 2014, the much harsher Russian laws concerning religious freedom were implemented, with a need for religious communities to re-register under the new more restricting laws. Many groups formerly registered in Ukraine, including the Armenian Apostolic (Church) Parishes or the Ukrainian Greek Catholic Church – banned by the Kremlin more than 70 years ago – remain unregistered in Crimea. They may not open bank accounts, own property, invite foreign missionaries or publish literature.⁴

Incidents

The following chronicle of incidents can only give a general idea of the many instances of abuses against religious freedom, which occurred after the conflict broke out in eastern Ukraine and Crimea. The list is only exemplary, not complete.

In April 2014 Russian-backed separatists proclaimed the so-called Donetsk and Luhansk People's Republics (DPR and LPR) in the region known as the "Donbas." The separatists kidnapped, beat, and threatened Protestants, Catholics, and members of the Ukrainian Orthodox Church of the Kyiv Patriarchate (UOC-KP) and participated in anti-Semitic acts. In other parts of the country, the Ukrainian Orthodox Church in communion with the Moscow Patriarchate (UOC-MP) complained that local government officials at times provided assistance to UOC-KP members trying to take control over UOC-MP churches. On 14th May the DPR adopted its "constitution" declaring the "Christian

Orthodox faith...practised by the Russian Orthodox Church (Moscow Patriarchate)" as the "primary and dominant" faith in the DPR.

On 9th May 2014, pro-Russian separatists killed UOC-MP priest Pavlo Zhuchenko in Kostyantynivka, Donetsk Oblast. According to a local journalist, Zhuchenko was shot while attempting to talk to individuals manning a separatist checkpoint. In a 15th May statement, the UOC-KP cited multiple threats to the lives of its clergy and laity and efforts to hinder UOC-KP activities in Luhansk and Donetsk Oblasts by "terrorist and separatist forces controlled and inspired from Russia." The UOC-KP called on the UOC-MP leadership to condemn publicly the "frequent instances" in which Moscow Patriarchate representatives had supported the "criminal activity" of armed separatists, and to punish those responsible. According to the UOC-MP, one of its priests was detained on 25th May by Ukrainian forces as an alleged member of an armed separatist group in Luhansk Oblast. In addition several other clerics who allegedly had acted in support of separatists were banned from exercising all clerical functions. The UOC-MP said many Orthodox clerics, including those who came from Russia, expressing support for pro-Russian militants in Donbas, had been either suspended or expelled from the priesthood. Some individuals in clerical garb who had been seen accompanying the separatists, were impostors. On 15th May masked men with Russian flags posted anti-Semitic leaflets near the Donetsk synagogue, purportedly on behalf of "People's Governor of the DPR" Denis Pushilin. The leaflets contained an alleged DPR order to all local Jews over the age of 16 to register with the "acting commissioner for nationalities" and pay a \$50 registration fee in dollars. The leaflets justified the registration on the grounds that leaders of Ukraine's Jewish community supported the new Ukrainian government and were "hostile toward the Orthodox Donetsk Republic". The DPR denied responsibility for the leaflets and no registration took place. Local observers thought a rival pro-Russian group may have been responsible for the leaflets. On 27th May Roman Catholic Bishop Jan Sobilo stated on Vatican Radio that separatists in Kramatorsk, Donetsk Oblast, had opened fire on a Roman Catholic chapel and damaged the building. As a result, he said, local parishioners were afraid to pray there. Their priest was unable to come to the chapel because gunmen surrounded that part of the city. The bishop said Roman Catholics in Donetsk, Slovyansk, Horlivka, and Luhansk faced similar problems.

On 2nd June UOC-MP Metropolitan Olexandr stated that the separatist group describing itself as the Orthodox Militia of Donbas had "nothing in common" with the Orthodox faith. The UOC-MP rejected an offer by LPR representatives to hand over the Luhansk UOC-KP cathedral and diocesan office to the UOC-MP. On 8th June pro-Russian militants seized the evangelical Church of the Transfiguration of the Lord and detained Volodymyr Velychko and Victor Bradarsky, deacons of the church, and two sons of the church's pastor Oleksandr Pavenko, Ruvim and Albert, in Slovyansk, Donetsk Oblast. According to the Ministry of Interior, the detainees were beaten and shot to death. The ministry also said that after the killing the militants burned the victims' bodies in a car in an attempt to blame the Ukrainian forces for shelling the civilians. In July the victims' bodies were found in an unmarked grave in Slovyansk after the Ukrainian government restored control over the town. On 16th June armed DPR representatives seized the building of the Protestant Word of Life church in Horlivka. On 19th June armed gunmen captured the Word of Life church in Torez, Donetsk Oblast, threatening its members with the destruction of Protestant "sects." On 21st June militants seized the Word of Life church in Shakhtarsk, Donetsk Oblast. They detained the church's pastor, Mykola Kulinichenko, and threatened to shoot him if he continued pastoral work. On 26th June militants seized an evangelical church in Druzhkivka, Donetsk Oblast, and kidnapped Protestant pastor Pavlo Lis'ko and his wife. The two were released after several days.

On 3rd July DPR gunmen describing themselves as the Russian Orthodox Army kidnapped UGCC priest Tykhon Kulbaka. His captors reportedly subjected him to repeated mock executions and took away his medication, threatening him with a "slow death" unless he joined the Russian Orthodox Church. He also sustained physical injuries before his release on 14th July. On 3rd July UOC-KP leader, Patriarch Filaret, told the media that the separatists had banned its religious services in Luhansk Oblast. He gave details of an assault on Bishop Afanasiy, head of UOC-KP Luhansk and Starobilsk Diocese. Pro-Russian militants had taken control of the bishop's home in Luhansk, blindfolded him, and threatened to kill him. They released the bishop outside the city, damaged his car's brakes, and ordered him to drive away from Luhansk. On 8th July pro-Russian militants in

Donetsk kidnapped UOC-KP priest Yuriy Ivanov. They released him on 40th July. On 8th July leaders of Evangelical Protestant Churches of Ukraine issued a statement saying that “targeted attacks by armed DPR and LPR militants” against evangelical believers involved abduction, beating, torture, murder threats, and damage to houses of worship, seizure of religious buildings, and damage to health and private property of the clergy. On 9th July DPR gunmen seized the campus of the Donetsk Christian University, which had been run by the Baptists Union, threatening to “court martial” those who protested against the takeover. On 15th July DPR separatists detained Roman Catholic priest Viktor Vonsovych, rector of the parish of the Most Holy Heart of Jesus Christ in Horlivka, Donetsk Oblast. Before his release on 25th July, the militants threatened to kill him if he returned to the city.

On 16th August, a Baptist church was destroyed by an arson attack in Pervomaysk, Luhansk Oblast. On 13th August DPR representatives seized the building of Ukrainian Evangelical Word of Life Christian Church in Donetsk. On 8th September LPR representatives seized a Baptist church in Anratsyt, Luhansk Oblast. According to Jehovah’s Witnesses, on 12th September in Sekretarka, Mykolaiv Region, Vyacheslav Zavadskyi, the village head, ordered Jehovah’s Witnesses to obtain a permit if they want to “share...spiritual thoughts with the inhabitants” of the village. Those who failed to do so would be charged with an administrative offense. Also on 12th September the Administrative Council of the village of Kosivshchyna found Jehovah’s Witness Liudmyla Panova guilty of propagating religious beliefs using a mobile literature cart. The council said Panova had violated the Code on Administrative Offenses. Panova appealed the decision. On 27th September DPR gunmen dispersed participants in a religious service at the house of prayer of the Seventh-day Adventists in Horlivka, saying that “there is no place for sects on the Orthodox soil.” The attackers detained its pastor, Serhiy Lytovchenko. He was released 16th October. On 4th October self-described Russian “Cossacks” seized UOC-KP Holy Trinity Cathedral in Luhansk. According to the media, on 12th November armed men seized the building of the Protestant Church of Christ the Savior in Donetsk. On 17th October police stopped two Jehovah’s Witnesses, Inna Lutskova and Anna Bocharova, in Kharkiv while practicing their public ministry. Bocharova showed the authorities her passport, but the police still arrested them. While they were at the police station, police reportedly interrogated and verbally abused them. A police officer photographed the women with his private mobile phone and made a photocopy of Bocharova’s passport before releasing them.

The UGCC reported that in April it had 30 operating congregations in Donetsk and Luhansk Oblasts, but at the end of the year, only four existed. The church could not operate openly and members had to worship as an underground church. Church buildings, including houses of worship, the bishop’s residence, schools, and a monastery, were all occupied by pro-Russian separatists.

Worship services could no longer be held in December at the OUC-MP Convent of the Iveron Icon of the Mother of God near the Donetsk airport, reportedly because DPR soldiers were using the convent’s bell tower.

According to Jehovah’s Witnesses, between June and November armed groups seized 10 Kingdom Halls in the Donetsk and Luhansk Oblasts, saying the municipalities had ordered them to seize the buildings, although these orders were never produced in front of the owners. Following the loss of the Kingdom Halls, Jehovah’s Witnesses in the region conducted their worship in private homes.⁵

Violations of religious freedom continued throughout 2015 and 2016. During the period from January to July 2015 the Jehovah’s Witnesses reported 30 hate crimes and 13 acts of vandalism. The perpetrators were mostly unpunished. Compared to former years, though, there was some improvement with the police investigating such cases.⁶

In February 2016 twelve Crimean Tatars, accused by the Russian authorities of belonging to banned terrorist organisations, were arrested after speaking with international human rights monitors about the repressions of the Muslim community.⁷

Prospects for freedom of religion

During a meeting with the AUCCRO on 9th October 2014, Prime Minister Arseniy Yatsenyuk vowed to prevent attempts to fuel religious hatred. He warned that those guilty of seizing church buildings and attacking clergy would be brought to justice. On 13th October he instructed the central and local

governments to take “immediate measures” to prevent worsening of relations between religious groups, including seizure of church buildings. After an internationally-mediated ceasefire in February 2015 the situation became more stable, even though the ceasefire was broken frequently. Violations of freedom of religion by both rebels and Ukrainian forces continued especially in Crimea and Eastern Ukraine. The occasional eruptions of violence threaten both life and freedom of the local populace and endanger members of aid organisations like Caritas, seeking to bring relief and religious comfort.⁸

An ongoing problem is the difficulty for priests being unable to return to their parishes in the East or Crimea. Many religious communities are without priests or other religious personnel. There is now a de facto regionalisation as the conflict became frozen and the “need” to “purge” what all sides see mutually as “hostile religious elements” in the wake of military actions diminished. Incidents which followed military conquests or reconquests decreased. Threats to religious freedom became somewhat institutionalised. In Crimea many religious communities were de-legalised because of the much stricter Russian laws. The situation for non UOC-MP clergy is especially difficult in Crimea.

In recent months there has been less media coverage on Ukraine and the conflict than in 2014 and 2015. There is a significant decrease in obtainable information about more recent events, as the ceasefire was signed and as the interest of the world community shifted to other parts of the world.⁹ Many articles about Ukraine are more likely to mention Syria and Putin’s involvement there than the actual situation in Ukraine.

¹ According to an April 2014 national survey by the Razumkov Center, an independent public policy think tank, 70.2 percent of respondents self-identify as Christian Orthodox, broken down into 22.4 percent identifying with the UOC-KP, 17.4 percent with the UOC-MP, 28.1 percent with neither Orthodox church and self-identifying as “just an Orthodox believer,” 0.7 percent with the Ukrainian Autocephalous Orthodox Church (UAOC), and 1.4 percent undecided about any affiliation. UOC-KP followers are located mostly in the western oblasts (regions) of the country, with some in the central oblasts. The UOC-MP is present in all regions of the country, but has a smaller presence in the Ivano-Frankivsk, Lviv, and Ternopil Oblasts. The UAOC has most of its adherents in the western part of the country. The Razumkov Center survey also estimates 7.8 percent of the population self-identifies as Greek Catholic, 1 percent as Roman Catholic, 1 percent as Protestant.

² Recognised 18 regional languages: Armenian, Azerbaijani, Belarusian, Bulgarian, Crimean Tatar, Gagauz, German, Greek, Hungarian, Karaim, Krymchak, Moldovan, Polish, Romani, Romanian, Russian, Rusyn, Slovak, Yiddish.

³ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dclid=238444#wrapper>

⁴ <http://www.uscirf.gov/news-room/press-releases/crimea-religious-freedom-abuses-must-stop>

⁵ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dclid=238444#wrapper>

⁶ <http://www.osce.org/odihr/187481?download=true>

⁷ <http://www.uscirf.gov/news-room/press-releases/crimea-religious-freedom-abuses-must-stop>

⁸ <http://www.cruknow.com/church/2016/04/19/pope-reminds-world-of-suffering-in-war-torn-ukraine/>

⁹ For further information concerning war crimes and religious freedom abuses in 2014 please refer to the following report, presented to the International Tribunal in The Hague: <http://www.donbasswarcrimes.org/report/> Very detailed information can also be obtained on

http://static1.1.sqspcdn.com/static/f/1671274/25949565/1423755477087/Religious+Persecution+in+Eastern+Ukraine+and+Crimea+2014_Redacted.pdf