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REPORT

**"The Freedom of Religious Expression in Ukraine:
the Condition, the Challenges and the Perspectives"**

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I. Social-Religious Factors

In accordance with the figures of the Governmental Committee of Ukraine for Nationalities and Religious Affairs, the condition of the religious network in Ukraine in the beginning of 2010 consisted of 55 religious confessions under which 35,184 religious organizations currently operate. The quantity of religious organizations in Ukraine is growing annually. In Ukraine, there are 33,773 operating religious fellowships, 439 monasteries, 199 spiritual educational institutions, and 12,758 Sunday schools. In Ukraine, about 31,000 spiritual ministers look after church work. Religious organizations utilize 22,787 religious and adapted buildings for church services. But according to the current Committee's figures, this provides for only 68.7% of the needs of believers.

As a nation, Ukrainians are religious. Almost 90% of the population identifies itself with defined confessions and only about 10% call themselves atheists or agnostics. In addition the Church, as a community institution, is perceived positively by citizens. According to recent figures, 68% of Ukrainians trust the Church. For comparison, only 21% of Ukrainians trust the Parliament and legal authorities.

In contrast with Western European countries, the Ukrainian community accepts the Church and more or less adheres to its instructions. The Church, as a spiritual institution, in its own right holds a considerably large influence in the community.

In accordance with the official figures, orthodox religious organizations make up about 52% of all religious networks who, in Ukraine, are divided into three jurisdictions – the Moscow Patriarchate, the Kyiv Patriarchate, and the Autocephalous Orthodox Church. At the same time, a tendency is being traced to the lessening of the number of orthodox communities in the general current Ukrainian religious network.

The Ukrainian Greek-Catholic Church and the Metropolis of Roman Catholic Church in Ukraine together make up about 14% of the shared quantity of religious organizations.

Protestantism in Ukraine occupies 27.2% of religious network. The largest and most influential of Protestant communities are the **Baptist Church Union**, the **Pentecostal Church Union**, and the **Seventh Day Adventists**.

In Ukraine, there is a sparse Islam professing community (about 3%), the majority of which is located in the Autonomous Republic of Crimea, a sparse Jewish professing community (about 1%) and other ethno-confessional communities.

II. The Condition of Religious Freedom

2.1. Legal Provision

The Constitution of Ukraine and the current legislation guarantees the right to the freedom of religion.

In the 35th article of the **Constitution of Ukraine**, accepted in 1996, it was declared that:

"Everyone has the right to the freedom of worldview and religion. This right includes the freedom to profess any religion, or none at all and the right to uninhibitedly administer, individually or collectively, religious worship or ritualistic ceremonies and conduct religious activities.

The realizations of this right can only be limited by the law for the interests of keeping communal order, health, morality of the population, or the protection of the rights and freedoms of other people.

The Church and religious organizations in Ukraine are separated from the government and the schools from the church. Not any one official religion shall be recognized by the government."

In articles 11, 24, and 39, the Constitution of Ukraine also guarantees the equality of people not dependant on their attitude to religion and the right to peaceful gatherings.

The Law of Ukraine "The Freedom of Conscience and Religious Organizations" was accepted in April of 1991 before the Ukrainian state gained independence. The current Law is democratic in essence and in almost 20 years of it being in implementation, it has provided considerable development for religious activity in the country. During this time, the Law in its current state has already aged and in some places pretentious. However, in spite of this, the Law successfully *fulfills its function in relative to the realization of the human right to the freedom of conscience and religion in Ukraine.*

In the last decade, there was a question regarding the introduction of changes to the Law of Ukraine "The Freedom of Conscience and Religious Organizations". But this

question is quite complicated, considering the political and inter-denominational factors in as much as a threat exists that could worsen the current democratic achievements in this sphere.

The Law declares the equality of all religions, describes the rights and requirements of religious communities, permitting them to operate without registering or with jurisdiction status.

For the foundation of a religious community with jurisdictional status, not less than 10 citizens must submit charter documents with the registering authority who, within one month (in certain cases 3 months) should look over the submitted documents. Several religious communities can form a religious union which can then form specific religious organizations like spiritual educational institutions, missions, monasteries, and religious brotherhoods.

The Law defines that the Governmental Committee of Ukraine for Nationalities and Religious Affairs implements the governmental politics in the religious sphere.

The right to the freedom of conscious and religion also finds its own representation in the area of other Ukrainian laws. It regulates the question of taxation, labor, land, and service in the armed forces among other things. In addition, criminal liability was established in the case of abuse of citizens' feelings in regards to their religious persuasions and also in cases of the limiting of rights or establishing privileges to citizens according to their religious or other convictions.

2.2. Governmental-Denominational and Inter-denominational Dialogue

In Ukraine in the last few years, the governmental-confessional dialogue has been dynamically developing on the national and regional level as has dialogue and practical cooperation in the social spheres between confessions. As practice shows, this kind of dialogue allow for the bettering of the situation for the securing of the freedom of religion from the side of the authorities. In addition, it prevents the spurring of religious enmity in the general public and forms a tolerant attitude to different confessions, pointing out the negative feelings of believers of different confession.

This is one of the major accomplishment in Ukraine in the area of freedom of religion on the path of the democratic development of the Ukrainian state. However undoubtedly, this dialogue did not appear out of "thin air", but the foundations for this sort of dialogue were laid in the previous years.

The condition of the inter-denominational relationships in some measure influences the condition and quality of the governmental-denominational relationships. The inter-denominational dialogue in Ukraine is quite widely developed and continues to develop on the national as well as the local level. Churches in Ukraine give a substantial amount of attention to the questions of inter-denominational dialogue and

cooperation in the format of various inter-denominational institutions. Among them, the following are the most effective in practice.

The All-Ukrainian Council of Churches and Religious Organizations was founded in 1996 as a inter-denominational consultative-advisory body. In 2005, the All-Ukrainian Council of Churches became a self-governing organization, independent of government influence on its activity. There are 18 denominations included in the Council of Churches (Orthodox, Catholics, Protestants, Jews, and Muslims) and one inter-church organization. The heads of each denomination rotate leading the Council of Churches.

A strict Christian format of cooperation represents the **Conference of the Representatives of Ukrainian Christian Churches**. This inter-church body was founded in 2003. Nine Christian denominations including Orthodox, Catholics, and Protestants make up the membership of the Conference of Churches on a voluntary basis.

The Council of Evangelical-Protestant Ukrainian Churches was formed in 2005. The membership is made up of 8 protestant churches, who make up 80% of the shared quantity of protestant religious communities of Ukraine.

Among other inter-denominational organizations in Ukraine, we can also name **The Council of representatives of spiritual associations of Muslims of Ukraine under the Governmental Committee of Ukraine for Nationalities and Religious Affairs**. (This council realizes the coordination of dialogue between varying communities of Muslims). An **inter-church Christian mission** also functions in Ukraine, which coordinates the religious activity in the penitentiary system's institutions. The **Ukrainian Inter-church Council** can also be mentioned which provides dialogue in the charismatic community.

Since 2005, several meetings between representatives of denominations and the authorities on a high level have taken place: The President of Ukraine (2005, 2006, 2009), with the Prime Minister of Ukraine (2008, 2009), with the Speaker of Parliament and the leaders of Parliament factions (2006). The All-Ukrainian Council of Churches and Religious Organizations play the main role during these meetings among other inter-denominational bodies.

The questions, which were risen by the representatives of the denominations, can be divided into three groups: 1) The current problematic questions of the freedom of religion and the activity of religious organizations; 2) The social-humanitarian sphere of activity of religious organizations; 3) The defending and promotion of high moral values in the community.

The aforementioned meetings provided an impulse for the development of government-denominational dialogue and encouraged cooperation on a regional level.

In addition, questions from other areas were discussed such as education and the upbringing of youth, public health, the chaplain ministry in the armed forces.

In part, as the result of the aforementioned meetings it was the formation of the Governmental Committee responsible for questions concerning the securing of the realization of the rights of religious organizations (2008), community councils responsible for the cooperation with religious organizations with line ministries of Ukraine like as the Ministry of Education and Sciences (2008), the Ministry of Public Health (2008), the Ministry of Defense (2009), and the Ministry of Foreign Affairs (2010). From 2005 to 2007, regional inter-denominational councils were formed in the overwhelming majority of the oblasts in Ukraine with the goal of establishing continual dialogue denominations with the local authorities.

The Governmental Committee of Ukraine for Nationalities and Religious Affairs also takes an active position in the context of the development of government-denominational dialogue.

It is worth noting that the new President of Ukraine Victor Yanukovych, during the 7 months of being on his post, has not yet met with the All-Ukrainian Council of Churches and religious organizations which immediately addressed him for a meeting following his inauguration. However, the President of Ukraine found time for a meeting with the Moscow Patriarch Cyril during his last visit to Ukraine in July, 2010. Yet there is hope, that the President of Ukraine will not continue to ignore and will actually meet with the All-Ukrainian Council of Churches, as the President's Administration assured a few months ago.

2.3. The Challenges of Protecting Religious Sensitivities

The following are among the challenges in the sphere of the defense of religious feelings in relation to Ukraine.

1. The abuse of religious feelings from the side of mass-media, when falsified incorrect information is given about the religious doctrines and activities of some church communities and denominations. On Government Channels, celebratory religious services from only one Church union are broadcasted. Often only representatives from one Church union are invited for mass-media commentaries.
2. The abuse of the feelings of believers by immoral propaganda in the community. The presence of violent, alcohol, and tobacco propaganda on television and in advertising, which the controlling authorities do not effectively regulate.
3. The limiting in the area of public expression of religious views when authorities or judges prohibit public religious events, religious services, and peaceful gatherings of believers.
4. While showing in practice a privileged relationship to one of the church unions, the Government denies the religious feelings of other believers. This demonstrates favorability for only one church union and inequality for the adherents of other

denominations (such as an unbalanced relationship to the Orthodox believers of varying jurisdictions in Ukraine).

5. The Government limits the rights of other believers for public possessions and cultural inheritances while showing preference to one church union by solving its material and financial problems using the Government's budget.
6. It is urgent to improve the demands acting legislative norms with the goal of removing hidden motives for the discrimination of various religious minorities in the area of education, labor, leisure, medical care, and service in the armed forces.
7. The religious feelings of parents, who are believers, are ignored in the educational system when children do not have the opportunity to receive the due education and upbringing that coincide with the religious views of their parents. This is related to the fact that, in Ukraine, religious organizations are deprived of the right to found educational institutions (such as universities or schools) within the standard of education recognized by the Government.

III. Conclusions and Recommendations

1. A sufficiently high level of freedom of conscience and religion is provided in Ukraine. In fact, Ukraine remains a peculiar "island" of religious freedom among the countries of the post-Soviet territories (with the possible exception of the post-soviet Baltic republics, having entered the European Union now).
2. The level of religious freedom in Ukraine to a certain degree depends on the level of democracy and the supremacy of rights. Within this context, what is important, it is the question concerning the ensuring of citizens' right for peaceful gatherings, which are guaranteed by the 39th article in the Constitution of Ukraine. In addition to the problem with the realization of this right, the question of creating an objective and independent court system remains urgent.
3. In consideration of the necessity of the preservation and promoting of religious rights and freedoms in Ukraine, the question of approach to the renewal of the acting Law of Ukraine "The Freedom of Conscience and Religious Organizations" is important. In the opinion of the All-Ukrainian Union of Churches and religious organizations, these revisions are meant to not only in words, but in reality provide for the freedom of religious expression. There is concern in regards to the acceptance of a new revision of this Law. It is simultaneously a chance and big risk because in unfavorable political conditions, threats exist to worsen the legislation in this area, similar to that which has occurred in neighboring post-soviet countries (for example Russian Federation, Republic of Belarus, Azerbaijan and others).
4. In consideration of the aforementioned risks, the further development of the systematic and constructive dialogue between bodies of governmental authorities and religious organizations is important for the preservation of religious freedom in Ukraine. As also the interaction with the Governmental Committee for Nationalities and Religious Affairs is helpful. Together with this, the religious community waits for the continuation of the dialogue with the authorities on a high level which was disrupted with the latest presidential elections.

5. The question remains current concerning the returning of church property, expropriated during the times of Soviet regime, to religious organizations. In the context of this question, a legislative ban is expected concerning the privatization and the sale of religious temples and their individual parts to outside parties which historically belonged to religious organizations, but yet to this day are governmental and communal property. That kind of moratoria is necessary before the time when these building can be actually passed to religious organizations in correspondence with the obligations of Ukraine before the Council of Europe.
6. In entirety, the religious general public in Ukraine does not support the legislative initiatives connected with the struggles with the so-called "destructive sects", because such amendments are dangerous for the development of the freedom of religion. Such laws, which are currently in draft stages in the Parliament of Ukraine, often contain limitations for religious freedom as a whole.
7. A necessity exist in Ukraine for the realization a of unified governmental policy in the area of religion on the general national level as well as the regional level. There are even quite a few examples when the local authorities granted preference to one religious organization by reason of their own religious views. The governmental leadership's general attitude for the securing of the equality for all denominations and the promotion of tolerant attitudes between believers of difference religions in Ukraine can cease such practice.

IV. The Institute of Religious Freedom NGO (Kyiv, Ukraine)

I would like to mention in conclusion that the main goal of the Institute of Religious Freedom NGO in Ukraine, as a human rights organization, is assisting the realization of the right to the freedom of conscience and religion and its adjoining human rights. The Institute gathers, analyzes and distributes information concerning the legislative condition in the sphere of religion, main tendencies and events in the religious life of Ukraine.

The Institute of Religious Freedom is in continual contact with representatives of religious organizations and authoritative bodies, as well as with experts, scientists and mass-media. On the foundation of this, the Institute prepares recommendations and analytical researches, assisting in the development of inter-denominational and government-denominational dialogue. Our recommendations are utilized by representatives of executive authorities, Parliament, local authorities, and the aforementioned inter-denominational organizations as well.

Recently, we set a goal for ourselves to create an English web-resource page to inform foreign experts about the condition of our activities with religious freedom in Ukraine. We will be glad to receive any support, cooperation and information exchange with colleagues from other countries.