

UKRAINE 2013 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution and other laws and policies protect religious freedom, and in practice, the government generally respected religious freedom. Local officials at times took sides in disputes between religious groups. Property restitution problems remained, but the government continued to facilitate the return of some communal properties. Senior representatives of major religious groups and religious observers continued to voice concern about the adoption of December 2012 amendments to the core law on religion that expanded government oversight of religious activity. Religious leaders noted that the government had drafted and approved the bill without taking their positions into account. They urged the parliament to adopt the Concept of Church-State Relations as drafted by religious groups in 2004.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. These included cases of assault, anti-Semitism, anti-Muslim discrimination, and discrimination against some Christian denominations. There were also reports of vandalism of religious property.

The U.S. Ambassador, embassy officials, and officials from Washington continued to engage with the government, religious and secular organizations, and nongovernmental organizations (NGOs) to promote religious freedom. Embassy officers met with leaders of the Orthodox, Catholic, Protestant, Muslim, and Jewish communities throughout the year.

Section I. Religious Demography

The U.S. government estimates the population at 44.6 million (July 2013 estimate). In the March 2013 national survey by the Razumkov Center, an independent public policy think tank, 70.6 percent of respondents self-identified as Christian Orthodox, 5.7 percent as Greek-Catholic, 1.3 percent as Roman Catholic, 0.8 percent as Protestant, 0.7 percent as Muslim, and 0.3 percent as Jewish. Another 8.6 percent self-identified as “simply a Christian,” and 11.3 percent said they did not belong to any religious group.

According to the same poll, 19.6 percent of the population identifies with the Ukrainian Orthodox Church Moscow Patriarchate (UOC-MP), 18.3 percent with the Ukrainian Orthodox Church Kyiv Patriarchate (UOC-KP), 28.8 percent with

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neither Orthodox church and self-identify as “just an Orthodox believer”, 0.8 percent with the Ukrainian Autocephalous Orthodox Church (UAOC), and 0.5 percent with the Russian Orthodox Church.

The Ukrainian Greek Catholic Church (UGCC) is the largest non-Orthodox church, with an estimated 4 million members. The Roman Catholic Church estimates it has one million members.

Government agencies and independent think tanks estimate the Muslim population at 500,000, although some Muslim leaders put the number at two million.

According to government figures, the majority are Crimean Tatars numbering an estimated 300,000 and constituting the third-largest ethnic group in Crimea. The Evangelical Baptist Union of Ukraine is the largest Protestant community. Other Christian groups include Pentecostals, Seventh-day Adventists, Lutherans, Anglicans, Calvinists, Methodists, Presbyterians, Jehovah’s Witnesses, and members of the Church of Jesus Christ of Latter-day Saints (Mormons). There are also Buddhists, practitioners of Falun Gong, and adherents of Krishna Consciousness. According to the most recent government census data from 2001, there are an estimated 103,600 Jews in the country; however, some local Jewish leaders estimate the number of persons of Jewish heritage to be as high as 370,000.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies generally protect religious freedom. There is no state religion.

According to the 1991 core law on religion, the objective of domestic religious policy is to “restore full-fledged dialogue between representatives of various social, ethnic, cultural, and religious groups to foster the creation of a tolerant society and provide for freedom of conscience and worship.”

The core law on religion requires religious organizations 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 to hold services at religious or burial sites, private residences, homes for the elderly and disabled, medical and penitentiary institutions, or premises of companies.

Activities of religious workers must be approved by the Ministry of Culture.

December 2012 amendments to the core law increase the number of government

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agencies authorized to monitor religious organizations to include the prosecutor general, the Ministry of Internal Affairs, and all other “central bodies of the executive government.”

As amended in December 2012, the law requires religious groups to register with the State Registration Service (governed by the Ministry of Justice) and with regional government authorities. To be eligible for registration, a religious group must have at least 10 adult members. The law does not specify which of the two registration procedures must be undertaken first, or the consequences of registering in the improper order. Proper registration is required for a religious group to receive status as a legal entity. Without legal entity status, a religious group cannot own property, conduct banking activities, or publish materials. Nationwide religious organizations cannot be registered or recognized as legal entities and therefore cannot own property or conduct other business activities, although their registered constituent units can.

Only registered religious groups may seek restitution of communal property confiscated by the Communist regime. Religious groups must apply to regional authorities for property restitution. While the law states that consideration of a restitution claim should be completed within a month, it frequently takes much longer.

The law restricts the activities of foreign-based religious groups and narrowly defines the permissible activities of noncitizen clergy, preachers, teachers, and other representatives of foreign-based religious organizations. Under the law, foreign religious workers are permitted to “preach, administer religious ordinances, or practice other canonical activities.”

The law restricts the teaching of religion as part of the public school curriculum. Public schools include Ethics of Faith courses as part of the curriculum.

The law allows alternative nonmilitary service for conscientious objectors and bans the creation of religious organizations in military institutions and military units. There is no chaplaincy corps in the armed forces; however, the Ministry of Defense and major religious groups maintain interaction within the ministry’s Council for Pastoral Support for service members. The law requires commanders of military units to allow their subordinates to participate in religious services.

A 2012 law provides for anti-discrimination screening of draft legislation and government regulations, including on the basis of religion. The law specifies that

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screening will be conducted in accordance with instructions to be developed by the Cabinet of Ministers.

The Office of the Parliamentary Human Rights Ombudsman, established according to the constitution, makes an annual report to the parliament that contains a section on religious freedom.

Government Practices

Church leaders, religious organizations, and human rights defenders continued to call on the president to repeal the December 2012 amendments to the core law on religion. They stated the government had drafted and approved the law without taking their opinions into account. Among their concerns was the retention of a permission-based system for holding peaceful assemblies, dual registration system for religious congregations, and a provision giving the Ministry of Culture authority to approve the activities of foreign religious workers.

On February 5, the All-Ukraine Council of Churches and Religious Organizations (AUCURO) urged the government to include religious groups in the process to prepare further draft amendments to the 1991 core law. The president had instructed the cabinet to include religious groups in the drafting process so that the amendments would create “favorable conditions” for religious groups’ work. On March 3, the Council of Evangelical Protestant Churches reiterated its concern over the 2012 amendments.

In April President Yanukovich met with members of the AUCURO to discuss the current status of church-state relations. Many AUCURO members questioned the government’s responsiveness to their concerns, but overall, they considered the meeting a positive step toward the development of a working relationship between the government and religious organizations.

In a June 5 report to the parliament, the Office of the Parliamentary Human Rights Ombudsman called for urgent action by the government to address requests by the religious community to simplify religious registration procedures. Religious groups complained repeatedly the process was complicated and time-consuming.

All major religious organizations continued to call on the national government to establish a transparent legal process to address restitution claims. Most organizations reported problems and delays in the restitution process to reclaim property seized by the Communist regime. Several factors complicated restitution

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claims for Christian, Jewish, and Muslim properties, including intercommunity competition for particular properties, current use by state institutions, designation as historic landmarks, local government jurisdictional issues, and previous transfer to private ownership. Local officials at times took sides in disputes pertaining to property restitution. The Roman Catholic Church continued to urge the government to return a former church building to its parish in Sevastopol. Jewish community leaders reported continued property restitution difficulties with the Balta, Ternopil, and Kyiv municipal governments. Similarly, Muslim community leaders expressed concern about unresolved restitution claims involving historic religious buildings in Mykolayiv and Bakhchisarai. The Karaite community continued to demand the return of *kenesa* buildings (places of worship) in Kyiv and Simferopol.

The AUCCRO called on parliament to impose a moratorium on the privatization of previously confiscated religious buildings in state and communal ownership. The AUCCRO also 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 organization.

On July 29, the Transcarpathian Oblast State Administration returned a church building in Mukacheve to the Roman Catholic Church.

On September 30, the Vinnytsya Oblast State Administration returned ownership of the Holy Trinity Church in Illintsi village to the UOC-MP.

For Crimean Tatars, religious and ethnic identities are closely intertwined making it difficult to categorize mistreatment as religious or ethnic intolerance. Members of the Mejlis, the central executive body of the Crimean Tatars, and Crimea-based human rights groups continued to criticize the Crimean government for permitting schools to use textbooks that contained allegedly inflammatory and historically inaccurate material about Crimean Tatar Muslims.

In certain regions of the country, smaller religious groups continued to report unequal treatment by local authorities. In some areas of the center and south, Roman Catholics, UOC-KP members, UGCC members, and Muslims reported similar experiences. For example, according to UGCC representatives, local authorities in Odesa remained unwilling to allocate land for UGCC churches. According to UOC-MP representatives, local governments in the Lviv and Ivano-

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Frankivsk regions refused to allocate land for UOC-MP churches. UOC-KP complained about unwillingness of the Donetsk regional government and municipal governments in Crimea to allocate land for church construction. According to the Baptist Union, local government in Ivano-Frankivsk delayed allocation of land for construction of a church.

The Union of Councils for Jews in the Former Soviet Union (UCSJ) in Lviv continued to call on the city administration to provide legal protection for the site of the Golden Rose (Ture Zahav) synagogue and surrounding historical structures. Construction at the site remained halted, but the UCSJ expressed concern that no legal guarantees were in place to prevent further building activity there.

According to the government, it did not reject any visa applications by foreign religious workers. Religious groups, however, reported that bureaucratic obstacles continued to prevent timely issuance of visas for religious workers. As a result, some groups looked for alternative ways for their workers to operate legally in the country. Swedish protestant preacher Carl Gustaf Severin was refused entry November 13. The government did not provide an explanation for the decision.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses and discrimination based on religious affiliation, belief, or practice. These included cases of anti-Semitism and anti-Muslim discrimination as well as discrimination and attacks against Christian denominations around the country and vandalism of religious property.

There were several reports of anti-Semitic acts of vandalism, including the desecration of Holocaust memorials in Kyiv and Nikopol, and the desecration of a synagogue in Mykolayiv.

Jewish community leaders said lack of attention from the authorities was an ongoing problem in investigating anti-Semitic incidents. One example was a 2012 attack that injured Gennady Frayerman, chairman of the local Chesed Osher Charitable Foundation and a leader of the local Jewish community in Rivne, that still remained unsolved at the end of the year.

On March 19, leaflets with anti-Semitic messages and bearing the Svoboda party logo were pasted on the Rosenberg Synagogue and Sholem Aleichem monument in Kyiv. On April 6, at an anti-government rally in Cherkasy, six young men wearing shirts emblazoned with the Svoboda logo and the phrase “beat the kikes” attacked

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and seriously injured a human rights activist. In both cases, Svoboda members of parliament claimed opponents had staged these incidents to discredit the party.

On July 28, a priest of the Ukrainian Autocephalous Orthodox Church officiated at a ceremony for the reburial of members of a Ukrainian unit of the Waffen SS, the Galicia Division, at Holohory village, Lviv Oblast. Several participants in the ceremony were dressed in Nazi SS uniforms.

In July vandals damaged more than a dozen tombstones at the Jewish cemetery in Pryluky, Chernihiv Oblast. Police opened an investigation. On August 20, Jewish community representatives saw swastikas on 17 tombstones at the same cemetery. The offenders have not yet been identified.

On October 29, several dozen activists from pro-Russian groups in Sevastopol protested against the construction of a Chabad synagogue in the city. Media quoted one of the rally's organizers, Vladimir Tyunin, as stating that Chabad was a "hateful, Zionist sect." The protesters also criticized efforts by a local Roman Catholic congregation to secure the restitution of the city's former Roman Catholic Church building which the Soviet government had turned into a cinema.

On November 11, a spokesman of the Chief Rabbi of Sevastopol issued a statement expressing his concern over reported anti-Semitic activity by several groups including the Rus United Party, the Coordinating Council of Russian Organizations of Tavria and Sevastopol, the For United Rus Movement, the Union of the Russian People, and a group describing itself as the Black Sea Cossack Hundred.

Jewish community concerns about the continued existence of the Krakivskiy market in Lviv, located on the grounds of an ancient Jewish cemetery, remained unresolved.

There were some reports of desecration and arson against the Muslim community. On March 3, vandals desecrated the walls of the building of the Spiritual Directorate of Muslims of Crimea in Simferopol with a swastika and offensive graffiti.

The Spiritual Directorate of Muslims in Crimea suspected arsonists set fires at mosques in Saky October 13, and Rivne Village October 15. The Crimean Tatar Mejlis and local government condemned the attacks as a provocation designed to destabilize the region.

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There were some reports of arson and vandalism at Christian churches as well as attacks on Christian citizens.

Jehovah's Witnesses reported 24 cases of physical assault and 79 cases of vandalism and arson during the year.

On February 5, unidentified perpetrators set fire to the Kingdom Hall in Horlivka, Donetsk Oblast.

On February 28, vandals scratched "666" on the entrance door of the Jehovah's Witnesses Kingdom Hall in Voznesensk, Mykolayiv Oblast, and placed tree branches in the form of a swastika on the ground near the building.

On November 25, Yevhen Ihlinskyi (a traffic police officer), Anatoliy Dovhan (a retired lieutenant colonel), and Ruslan Ivanov assaulted Oleksandr Anatoliiovych Tretiak, a member of the Jehovah's Witnesses returning from religious services. The victim filed a report of attempted murder motivated by religious discrimination and named the police officer involved. During the 22 days he spent in the hospital, visitors threatened Mr. Tretiak on two separate occasions, demanding that he drop charges. In December the district court denied his request to transfer the investigation from the police to the prosecutor's office because of alleged police involvement and a stalled investigation.

On March 27, unidentified vandals destroyed the statue of the Mother of God near a UGCC chapel in Zolotonosha, Cherkasy Oblast.

On April 16, a Roman Catholic nun was injured when an unidentified individual fired a pellet gun at a group of Roman Catholics praying at a site officially designated for construction of the St. Francis Church in Kyiv's Obolon district. Police did not intervene when some local residents reported vandals were repeatedly disrupting preparations for the construction project. Representatives of the Roman Catholic Church in Kyiv complained about government inaction in response to vandalism at the site.

On August 25, unidentified arsonists set fire to the UOC-MP Church of Basil the Great, Gregory the Theologian, and John Chrysostom in Kyiv.

On December 3, unidentified vandals set fire to the UOC-KP Church of the Exaltation of the Cross in Yevpatoriya.

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For the first time, Ukrainian Christians helped mark the Day of Judaism January 17, in Odesa. The Commission for Promoting Christian Unity of UGCC initiated the celebration, which was supported by Ordinary of the Roman Catholic Diocese of Odesa and Simferopol Bishop Bronislaw Bernacki, Exarch of Odesa and Crimea of the UGCC Bishop Vasyl (Ivasiuk), and the head of the German Evangelical Lutheran Church in Ukraine, Bishop Uland Spahlinger.

The Institute of Human Rights and Prevention of Extremism and Xenophobia hosted the third international Kyiv Interfaith Forum April 23-24. Representatives of Christian, Jewish, Muslim, Sikh, and Buddhist organizations attended. President Yanukovych welcomed their efforts to promote “tolerance and human values regardless of faith.”

On October 15-16, Ukraine, in its capacity as OSCE Chair, co-hosted with the Ukrainian Jewish Committee an international conference on anti-Semitism.

Section IV. U.S. Government Policy

The U.S. Ambassador, embassy officers, and other U.S. government officials maintained a dialogue with government and religious leaders and stayed in close contact with clerics, lay religious leaders, and NGOs that promoted religious freedom. U.S. government officials raised concerns over religious freedom and anti-Semitism with the presidential administration, Ministry of Interior, Ministry of Justice, Ministry of Foreign Affairs, members of parliament, political parties, and local officials.

Throughout the year, the Ambassador raised the broader topics of communal property restitution and cultural heritage preservation in meetings and correspondence with government officials at the highest levels. The embassy maintained contact with local authorities in Volyn Oblast to coordinate with the Jewish community to halt excavations of a mass grave in Volodymyr-Volynsky. In Lviv, the embassy continued to monitor disputes related to construction on the site of the city’s former main synagogue, which was destroyed during the Holocaust, and the Krakivskiy market.

The embassy maintained contact with local religious and political leaders regarding the status of the Jewish cemetery in Lviv and continued to monitor cases involving discrimination against Tatars in Crimea. The Ambassador also met regularly with leaders of major religious groups. Embassy officers met regularly

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with religious leaders and representatives in Crimea, Dnipropetrovsk, Ivano-Frankivsk, Kyiv, and Lviv to understand better the concerns of these communities.

Embassy officers maintained close contact with clerics and lay leaders in religious communities and with representatives of faith-based social service organizations, such as Caritas, the American Jewish Joint Distribution Committee, and the National Conference Supporting Jews in Russia, Ukraine, the Baltic States, and Eurasia. The embassy continued to intervene with the government as necessary to defend foreign religious workers' rights to due process under the law.

The Ambassador and embassy representatives visited various religious sites, including the opening of new centers of worship and religious community centers. Embassy officers participated in a ceremony to commemorate the anniversary of the Babi Yar massacre. The embassy also supported an educational toolkit for teachers and students in conjunction with a Holocaust educational program.

The U.S. Special Envoy to Monitor and Combat Anti-Semitism visited Ukraine from November 12-15, and met with religious, government, and community leaders to discuss and encourage efforts to combat anti-Semitism and promote religious freedom.