

**U.S. Department of State
Annual Report on International Religious Freedom for 1999:
Ukraine**

Released by the Bureau for Democracy, Human Rights, and Labor
Washington, DC, September 9, 1999

UKRAINE

Section I. Freedom of Religion

The Constitution and the 1991 Law on Freedom of Conscience and Religion provide for separation of church and state and the right to practice the religion of one's choice; the Government generally respects these rights in practice with the exception of some nonnative religions, which experienced difficulties registering, buying, or leasing property.

The law requires virtually all religious organizations to register with the State. The state agency responsible for interacting with religious organizations and executing state religion policy is the State Committee for Religious Affairs. This committee has its headquarters in Kiev and maintains branch offices in every regional capital, as well as the cities of Kiev and Sevastopol. The Law on Freedom of Conscience and Religion requires all religious organizations of more than 10 individuals who have reached 18 years of age to register their articles and statutes as either a local or a national organization in order to obtain the status of a "judicial (or legal) entity." If a group chooses to register as a national organization it must register with the central office of the State Committee for Religious Affairs, and each of its local groups must register with the local office of the State Committee in the region where they are located. Those groups that choose to register as local organizations must register only with the regional office of the State Committee. This status is necessary to own property or carry out many economic activities, such as publishing religious materials or opening bank accounts. This process is supposed to take not more than 1 month (or 3 months in cases in which either the central or regional Committee decides that an expert opinion is necessary to determine the legitimacy of a group applying for registration). However, this requirement often is not met. The regional offices also supervise the compliance of religious organizations with the provisions of the law.

There was no known instance in which a religious organization was denied registration permanently. However, some nonnative religious organizations credibly reported that, especially at the local or regional levels, officials of the State Committee refused to register their organizations for protracted periods, thus effectively delaying their activities and limiting freedom of association. Delays in registration sometimes were due to bureaucratic delays and inertia on the part of individual bureaucrats. However, native religious organizations, especially the Orthodox Church in central, southern, and eastern regions of the country and the Greek Catholic Church in the west, exerted significant political influence at the local and regional levels and pressured local officials not to register nonnative religious organizations or to allow them to rent or purchase property. Each of the two dominant denomina-

tions, within their respective spheres of influence, also reportedly pressured local officials to restrict the activities of the other.

The primary religions practiced in the country are Orthodox Christianity and Greek (or Uniate) Catholicism. They nominally represent approximately 85 percent of the religiously active population. Judaism, Roman Catholicism, some evangelical Christian denominations, and Islam also have a firm presence in the country. Evangelical Christian denominations have grown rapidly since independence.

The Orthodox Church, which nominally represents between 60 and 70 percent of the population, is divided into three denominations: the Ukrainian Orthodox Church (Moscow Patriarchate), the Ukrainian Orthodox Church (Kiev Patriarchate), and the much smaller Ukrainian Autocephalous Orthodox Church. There are considerable interconfessional disputes among the three denominations. With the exception of a violent scuffle in April 1999 in the city of Mariupol between supporters of the Moscow Patriarchate and the entourage of the Kiev Patriarch (see Section II), these disputes have remained peaceful.

In 1997 leaders of major religious denominations and churches signed a government-drafted memorandum on the nonviolent resolution of religious disputes. Nonetheless, serious problems remain.

The ongoing dispute among competing Orthodox Christian administrative bodies claiming to be "the Ukrainian Orthodox Church" remained deadlocked. The disagreements primarily center on inheritance of property that belonged to the Unified Russian Orthodox Church before independence, the proper language to use in the liturgy (Ukrainian, Russian, or Church Slavonic), and recognition by foreign religious organizations. The Moscow Patriarchate thus far has claimed successfully to be the only legitimate representative of Ukrainian Orthodoxy to foreign religious organizations such as the Vatican, the Constantinople Patriarchate, and the Russian Orthodox Church. The Kiev Patriarchate of the Orthodox Church complains of harassment by local authorities in the predominantly Russian-speaking eastern region of the country, while the Moscow Patriarchate of the Orthodox Church complains that local governments turn a blind eye to the appropriation of their churches by Ukrainian nationalists in the Ukrainian-speaking western region.

The Ukrainian Greek Catholic (or Ukrainian Catholic, or Uniate) Church constitutes around 10 percent of the population. It is centered in the west, where the proportion of Greek Catholics is much higher than in the country as a whole. The Uniate Church arose in the 16th century as an attempt to reunify the Catholic and Orthodox Churches. It combines Orthodox liturgy and ritual with inclusion in the Roman Catholic hierarchy and some Roman Catholic theology. Because the Church was introduced to the country in connection with an attempt by local leaders to loosen the control of Moscow, the church is often associated with Ukrainian nationalism. The Government has been unable to stop disagreements between Orthodox believers and Greek Catholics in the western part of the country, where the two communities are contentious and engage in bitter disputes over church buildings and property in some 300 localities. The number of localities with disputes between the Orthodox and Greek Catholic Churches has decreased over the last few years.

The country's Jewish population measures between 300,000 and 600,000 persons, of which between 35 and 40 percent are religiously or communally active. The country's Jews have enjoyed increasing

opportunities for religious and cultural expression since Ukrainian independence. Although there has been a certain rebirth of Jewish life, the community continues to be affected by yearly Jewish emigration to Israel of around 25,000 persons, an emigration of 18,000 persons to Western countries, and an annual decrease of 16,000 due to negative population growth. Between 1989 and 1997, the Jewish population decreased by 445,000, of whom 223,000 went to Israel. Both Orthodox and Reform Judaism are practiced in the country, although for historical reasons the large majority of religiously active Jews subscribe to Orthodoxy. Over the period covered by this report, greater tension has developed within the community, focused primarily on which Ukrainian Jewish organization should be recognized as representing the Ukrainian Jewish community in international Jewish forums. According to a report by the Anti-Defamation League, in 1998 there were 115 Jewish organizations and religious communities in 62 cities. They publish 11 periodicals and newspapers.

Roman Catholicism is practiced by about 2 percent of the population, for the most part concentrated in the formerly Austro-Hungarian and Polish territories of the west. On February 8, 1999, President Leonid Kuchma invited Pope John Paul II to pay an official visit to the country. According to the Chair of the Committee for Religious Affairs, the Pope's first visit to the country is expected to take place in November or December 1999.

Nonnative Christian denominations, such as Baptists, Pentecostals, Jehovah's Witnesses, and the Church of Jesus Christ of Latter-Day Saints (LDS), have experienced rapid growth since the country's independence and currently also constitute approximately 2 percent of the population.

The Islamic faith is concentrated primarily among the Tatar population of the autonomous republic of the Crimea, and amounts to 250,000 persons.

The Government generally permits religious organizations to establish places of worship and to train clergy. The Government has continued to expedite allotment of land plots for construction of new houses of worship and to return religious buildings and sites to their former owners.

A 1993 amendment to the 1991 Law on Freedom of Conscience and Religion restricts the activities of nonnative, foreign-based, religious organizations. The amendment narrowly defines the permissible activities of members of the clergy, preachers, teachers, and other representatives of foreign-based religious organizations. They may preach, administer religious ordinances, or practice other canonical activities "only in those religious organizations which invited them to Ukraine and with official approval of the governmental body that registered the statutes and the articles of the pertinent religious organization." The LDS Church complained that this restriction prevented the transfer of its missionaries between cities; however, during 1999 church leaders reported no difficulties in transferring missionaries between cities.

According to the 1993 amendment, the invitation required for a visa is issued by regional offices of the State Committee for Religious Affairs. Both the LDS Church and the relatively powerful Greek Catholic Church have asserted that such invitations are often difficult to obtain, and the decision by the local state committee often appears arbitrary. However, the LDS Church recently reported that it is now able to obtain visas for all its religious workers. According to statistics from the State Committee for Religious Affairs, in 1998 the State Committee (including regional departments) issued 11,509 permits to foreigners for religious activities and refused 45 applications. From January 1999

to June 30, 1999, incomplete statistics from the Committee show that 5,927 permits were issued and that there were at least 8 refusals; however, not all regions have submitted their statistics yet.

In order to promote interfaith understanding, the State Committee for Religious Affairs formed the Council of Churches in 1996. The Council is a consultative body consisting of the heads of all major religions and denominations, representing over 90 percent of the country's faithful. The State Committee convenes monthly roundtables with the Council as a whole, as well as monthly roundtables with representatives of each of the constituent religions and denominations.

On January 6, 1999, President Kuchma called for unity among the country's Orthodox churches in his Christmas message, when he also praised the Orthodox Church's role in the country and said that Christian values should guide society.

However, public officials did not take adequate steps to condemn anti-Semitic statements and have not enforced Criminal Code prohibitions against inciting interethnic hatred (see Section II).

Religious organizations enjoy privileged status over individuals and other nonreligious organizations with regards to property restitution. According to current law, only they are eligible for restitution of property nationalized during the Soviet period. In addition, only churches, synagogues, and religious artifacts immediately necessary for religious services are subject to restitution. Restitution of other forms of property (e.g., school buildings and community centers) formerly owned by religious organizations is not regulated by current legislation. Religious buildings and property currently under state ownership may be returned either to exclusive use without charge or to actual ownership of religious organizations.

The decision of whether or not to return religious buildings or property is made by the regional administration (or the Kiev or Sevastopol city administrations) in which the building is located. The decision on restitution is to be made by these organs within 1 month of application, and a written notification of the decision is to be provided to the applicant. However, implementation of a 1992 decree on restitution of religious community property seized during the Soviet era remains stalled in many places. In practice, it is more common for buildings to be provided for exclusive free use than for an actual transfer of ownership to be permitted. Despite the law's provision that the decision be made within 1 month, the time period involved is usually considerably longer. Numerous Jewish congregations have negotiated successfully with local authorities for worship space.

However, according to Jewish community interlocutors, progress on restitution has been frozen for the first few months of 1999, and they maintained that they continued to face obstacles in reacquiring community properties confiscated during the Soviet period. Jewish communities claimed that all property so far returned to them had only been for free exclusive use, not transferred to Jewish community ownership. However, the State Committee for Religious Affairs maintains that as of the end of 1998, one-quarter of all synagogues had been transferred to Jewish community ownership, and 20 other buildings had been returned for their exclusive use.

The Jewish communities officially lay claim to approximately 3,000 properties of all types, of which only a minor portion have been restituted. However, since current law only permits restitution of synagogues, the proportion of buildings legally subject to restitution that have been returned is some-

what higher. In addition, the pace of restitution of Christian churches has slowed in recent years, since the buildings that remain in state possession tend to be prime properties currently being used as museums, concert halls, or city halls. The Roman Catholic Church has outstanding claims on 48 buildings across the country that have not been returned, some of which already have been privatized partially. The Ukrainian Greek Catholic and Ukrainian Orthodox Churches also have reported problems in obtaining formerly owned properties. These difficulties often are not due only to government bureaucracy, but also to competing claims to the buildings. Nevertheless, even these two dominant churches have been encountering greater restitution difficulties, since the remaining buildings in state ownership are more prestigious or income generating.

However, all religions have enjoyed equal opportunity to regain control over former community property. Problems in obtaining restitution result from inadequate legislation, bureaucratic inertia, and the difficulty of locating alternative quarters for current occupants. In 1996 a Kiev arbitration court decided in favor of transferring the title of the former Kiev Central Synagogue, which in Soviet times was used as a puppet theater, to a Chabad Hasidic congregation. By December 1997, the puppet theater had vacated the building, and in the spring of 1998 the building reopened once again as a synagogue. The decision set an important precedent for the judiciary's role in religious property restitution.

A May 1998 government resolution committed local regional administrations to pursue the step-by-step restitution of unused or misused places of worship to religious organizations. According to the State Committee for Religious Affairs, a list of such buildings had been compiled, and deadlines and conditions for their return had been set. In July 1998, the Cabinet issued an ordinance prohibiting construction and privatization on previous and current Jewish cemeteries. However, some construction was reported at the cemetery in Lviv, destroyed by the Nazis in World War II and now the site of the city's central market. The cemetery in Berdychiv was returned to the Jewish community early in 1998, and restoration has begun. In February 1999, President Kuchma instructed the Cabinet and other executive bodies to settle all outstanding church property restitution cases within the current year. This instruction was issued not long after a meeting between the President and representatives of the country's religious communities. In February 1999, President Kuchma instructed the State Property Fund to take measures to ban the privatization of property formerly owned by religious communities and to require local authorities to provide land to be used for new churches and cemeteries. Kuchma also ordered the State Customs Committee to streamline procedures for sending humanitarian aid to religious organizations.

A revision of the law on religion submitted to Parliament by the Government in April 1999 broadens the range of buildings formerly owned by religious organizations that would be subject to restitution to include secular buildings once owned by religious organizations. While in several ways an improvement over the existing law (clarification of the separation of church and state, conscientious objection, etc.), it would maintain registration requirements for religious organizations. At the end of June 1999, it remained unclear when this draft would be considered by Parliament. Overall there was no change in the status of respect for religious freedom during the period covered by this report. Although the Government's protection of religious freedom for nonnative religious organizations (defined as all organizations other than Orthodox, Greek Catholic, or Jewish) had deteriorated in recent years, nonnative religions reported in 1999 less difficulty in obtaining visas and registering. The Government does not discriminate against individual believers of nonnative religions, but their orga-

nizations face ongoing difficulty in carrying out some of their activities during the period covered by this report. However, through burdensome licensing requirements and informal means, local authorities restricted nonnative religions as well as Christian denominations other than Greek Catholic and Orthodox. Some measures to improve property restitution have been undertaken.

There were no reports of religious detainees or prisoners.

There were no reports of the forced religious conversion of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the Government's refusal to allow such citizens to be returned to the United States.

Section II. Societal Attitudes

Relations among the religions and religious denominations in the country are generally amicable, although serious problems remain in certain areas. Church leaders generally resolve interconfessional disputes through discussion. However, a violent scuffle took place on April 30, 1999 in the southeastern city of Mariupol between supporters of the Ukrainian Orthodox Church (Moscow Patriarchate) and the entourage of Patriarch Filaret of the Ukrainian Orthodox Church (Kiev Patriarchate). Filaret had come to Mariupol to consecrate a cross erected on the future site of a Kiev Patriarchate Church. Although initial press reports indicated that Filaret had been beaten severely and hospitalized, it later became known that he had escaped with only very minor injuries. According to Filaret, approximately 50 supporters of the Moscow Patriarchate first staged a picket line on the border between the Dnipropetrovsk and Donetsk regions on April 25 to prevent his arrival in Donetsk. However, Filaret used a different route and arrived without incident. That same day Filaret was forced to postpone his service at the Transfiguration Church because priests and supporters of the Moscow Patriarchate blocked his entrance. Then in Mariupol on April 30, several followers of the Kiev Patriarchate, who were to welcome Filaret, tore up anti-Filaret signs held by approximately 10 followers of the Moscow Patriarchate. Within minutes of Filaret's arrival, he asserted that two busloads of Moscow Patriarchate supporters, some armed with clubs and metal rods, arrived at the church and overwhelmed Filaret's guards and entourage. Filaret reported that his opponents threw water over him and struck him several times with his broken staff. Police officers helped Filaret get back into his vehicle and depart, but as he was leaving several individuals smashed the rear windows and the windshield. The Patriarch's aide, Father Superior Dymytryi, and a local Kiev Patriarchate priest, Father Volodymyr, were taken to the hospital with concussions and minor injuries. Several members of the local Kiev Patriarchate parish also were beaten and taken to the hospital. At a press conference on May 6, Filaret showed videotape that confirmed much of his version of the April 30 events. It showed a group of Filaret's opponents pulling down a new cross installed at the construction site of the new church. At the conference he accused Donetsk regional authorities of complicity in the scuffle and of actively supporting the Moscow Patriarchate.

There are some indications of popular suspicion of nonnative religions and foreign missionaries. A March 1999 poll conducted by the Institute of Sociology and Political Psychology revealed that 40 percent of the respondents viewed negatively the activities of "foreign missionaries who spread religious teachings through television, radio broadcasts, or during mass gatherings in stadiums or concert halls, etc." However, the phrasing of the question appeared designed to bias respondents against non-

native religions or foreign missionaries. Moreover, 35 percent of the respondents viewed the activities described above either favorably or neutrally.

In addition, there have been occasional statements by Ukrainian Orthodox Church officials (both Moscow and Kiev Patriarchates) denouncing the spread of nonnative religions and sharply criticizing their missionary activities. Popular suspicion has not led to significant public criticism or actions against nonnative religions, which continue to find many converts. According to one evangelical Christian missionary, there were some instances of societal discrimination against members of their churches, such as salary cuts, layoffs, and public criticism for betraying "native religions."

Anti-Semitism exists on an individual and societal basis. Some ultranationalist groups and newspapers publish and distribute anti-Semitic tracts regularly. Anti-Semitic publications are also imported from Russia and distributed without the necessary state license. Public officials did not take adequate steps to condemn anti-Semitic statements and have not enforced Criminal Code prohibitions against inciting interethnic hatred (see Section 1). In early 1999, the Shimon Dubnov Ukrainian Academy of Jewish History and Culture filed suit against the nationalist newspaper Vechirniy Kiev for publishing anti-Semitic diatribes about the Academy's collection of scholarly articles, "Judeophobia against Ukraine," which was published in 1998. This case still is pending.

Anti-Semitic incidents, the most recent being an October 1998 cemetery desecration in Chernivtsi by ultranationalist groups, continue to occur but, according to local Jewish organizations, have declined in number over previous years and were concentrated in western regions of the country.

There were no arrests made in the 1997 firebombing of the Kharkiv Israeli cultural center, nor have there been any prosecutions for the desecration of Jewish cemeteries in 1997.

The small Reform Jewish community reported that it was subject to pressure and discrimination from the dominant Orthodox Jewish organizations.

Section III. U.S. Government Policy

The U.S. Embassy discusses religious freedom issues with the Government periodically. The U.S. Government has pressed its concerns actively when the occasion has warranted it. Since most problems related to religious freedom in the country lie in the relationship between foreign missionaries of nonnative religions and local authorities, and most of the foreign missionaries--approximately 60 percent--working in the country today are U.S. citizens, the embassy has intervened as necessary to defend their interests.

In April 1998 and April 1999, the American Citizens Services Section of the Embassy's consular section intervened with the Lviv regional state committee for religious affairs to ensure that the proper religious worker visa was issued to two American missionaries in accordance with U.S.-Ukrainian visa reciprocity. Similarly, responding to several complaints by American missionaries that Ukrainian embassies and consulates were not issuing religious worker visas, the consular section raised the importance of honoring visa reciprocity in several 1998 meetings with the Ministry of Foreign Affairs. However, these meetings did not result in tangible improvements in the Government's visa practices toward prospective religious workers.

The U.S. Government also has been very active in advocating just restitution of religious property confiscated by the Nazi and Communist regimes. In a September 1998 visit to Kiev, Under Secretary of State Stuart Eizenstat raised the issue of restitution in several high level meetings with government officials. He discussed the issue, along with other concerns, at a breakfast with Ukrainian Jewish leaders at the Ambassador's residence. Ambassador Henry Clarke, the State Department's Senior Advisor for Property Restitution, toured Lviv and Kiev in May 1999, where he discussed the issue with government officials and community leaders.

An officer in the Embassy's political section is tasked with monitoring the status of property restitution. This officer has discussed the issue on several occasions with the State Committee for Religious Affairs, the Cultural and Humanitarian Cooperation Department of the Ministry of Foreign Affairs, and with representatives of religious organizations. In November 1998, the Ambassador met with the local Roman Catholic Archbishop to discuss his church's restitution claims. The Ministry of Foreign Affairs was provided with a copy of Under Secretary Eizenstat's March 1999 congressional testimony on property restitution in central and eastern Europe.

The Embassy places a high priority on monitoring anti-Semitism and maintaining close relations with local Jewish organizations. In June 1998, the Ambassador hosted a reception for Jewish community leaders. The Embassy's human rights officer holds regular meetings with a variety of Jewish community representatives. The human rights officer also traveled to the city of Uman in August 1998 to observe the annual pilgrimage of Bratslav Hasidic Jews to the burial site of one of the founders of their group and to check that local and central authorities had taken appropriate measures to ensure a successful gathering. The Ambassador attended and spoke at the April 1999 founding conference of the Jewish Confederation of Ukraine, an umbrella organization composed of over 250 Jewish organizations from across the country.

The Embassy's human rights officer continuously monitors the status of religious freedom in the country. The officers serving in that position during the period covered by this report regularly met with the State Committee for Religious Affairs and with representatives from all the primary religious groups in the country, not only in Kiev, but in several regional centers as well. In November 1998, the Embassy provided a detailed analysis to the State Department of the two draft laws on religion shortly to be considered by Parliament.

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