

Title	2011 Report on International Religious Freedom - Ukraine
Publisher	United States Department of State
Country	Ukraine
Publication Date	30 July 2012
Cite as	United States Department of State, <i>2011 Report on International Religious Freedom - Ukraine</i> , 30 July 2012, available at: http://www.unhcr.org/refworld/docid/50210577c.html [accessed 27 November 2012]
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2011 Report on International Religious Freedom - Ukraine

Bureau of Democracy, Human Rights, and Labor
July 30, 2012

[Covers calendar year from 1 January 2011 to 31 December 2011]

Executive Summary

The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom. Local officials at times took sides in disputes between religious organizations. Property restitution problems remained but the government continued to facilitate the return of some communal properties.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. These included cases of anti-Semitism and anti-Muslim discrimination as well as 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 the government, various religious and secular organizations, as well as nongovernmental organizations (NGOs) that promote religious freedom. U.S. officials met with leaders of the Orthodox, Catholic, Protestant, Muslim, and Jewish communities throughout the year.

Section I. Religious Demography

The government estimates that there are more than 35,000 religious organizations representing 55 denominations in the country. Of these organizations, 51 percent are Christian Orthodox. According to a November 2010 survey by the Razumkov Center, an independent public policy think tank, religious practice is strongest in the western part of the country.

A national opinion poll conducted by the Democratic Initiatives Foundation (DIF) and Ukraine Sociology Service in December shows that approximately 31 percent of the population identifies with the Ukrainian Orthodox Church Kyiv Patriarchate (UOC-KP), 26 percent with the Ukrainian Orthodox Church Moscow Patriarchate (UOC-MP), and 2 percent with the Ukrainian Autocephalous Orthodox Church (UOAC). The Ukrainian Greek Catholic Church (UGCC) is the largest non-Orthodox church, and approximately 93 percent UGCC members reside in the western portion of the country. The Roman Catholic Church has approximately one million members spread out through the western and central parts of the country.

Government and independent think tanks estimate the Muslim population at 500,000; however some Muslim leaders put the number at two million. Approximately 30 percent of the country's religious communities are Protestant, with the Evangelical Baptist Union of Ukraine being the largest. Other Protestant communities include Pentecostals, Seventh-day Adventists, Lutherans, Anglicans, Calvinists, Methodists, and Presbyterians. According to the most recent government census data from 2001, there are an estimated 103,600 Jews; however, some local Jewish leaders estimate the number of persons of Jewish heritage to be as high as 370,000.

Other religious groups include Jehovah's Witnesses, The Church of Jesus Christ of Latter-day Saints (Mormons), Buddhists, Falun Gong, and adherents of Krishna Consciousness.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies protect religious freedom.

There is no formal state religion; however, in certain regions of the country, smaller religious groups reported they experienced unequal treatment by local authorities. In some areas of the center and south, Roman Catholics, UGCC members, and Muslims reported similar experiences. Conversely, in some western regions, UOC-MP representatives stated that local authorities at times were reluctant to address their concerns.

According to the Law on the Fundamentals of Domestic and Foreign Policy, domestic religious policy is based on the restoration of 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 law requires a religious group to register either as a local or a national organization and to have at least 10 adult members to obtain the status of a "juridical entity." Registration is necessary to conduct many business activities, including publishing, banking, and property transactions. By law, the registration process should take one month and registration denials may be appealed in court.

The law contains contradictory provisions complicating the registration of religious organizations. For example, the law provides no possibility for granting "legal entity" status to national religious associations. The UOC-MP, UGCC, and other religious groups expressed concern that this greatly complicates property ownership for religious organizations, forcing churches to rely on third parties.

The law requires religious groups to apply to local government authorities for permission to hold religious services and ceremonies in public spaces, but not for those held on religious or burial sites. The application must be submitted no later than 10 days before scheduled events, but exceptions are allowed.

According to the law, registered religious organizations maintain privileged status as the only organizations permitted to seek restitution of communal

property confiscated by the Soviet regime. Religious communities 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 took much longer.

A December 2010 presidential decree dissolved the State Committee on Nationalities and Religions (SCNR) and transferred most of its functions to the Ministry of Culture. Registration responsibilities were transferred to the newly created State Registration Service (SRS). The All-Ukraine Council of Churches and Religious Organizations (AUCCRO) met on February 11 with the Minister of Culture and the chairman of the SRS to discuss issues pertaining to the transition.

The law restricts the activities of foreign-based religious organizations and narrowly defines the permissible activities of members of the clergy, preachers, teachers, and other noncitizen representatives of foreign-based religious organizations. However, there were no reports that the government used the law to limit the activity of these religious organizations.

On June 1, the Cabinet of Ministers adopted a resolution eliminating the different categories of visas, including the religious worker visa category. Short-term and long-term visas were introduced instead. Foreign religious workers were able to obtain visas for the sole purpose of employment in religious organizations that invited them. The resolution, however, created difficulties for foreign religious workers who did not have invitations from established religious organizations to obtain long-term visas. The resolution also created greater difficulties for foreign students seeking long-term visas to attend religious schools in the country.

Under the previous law, those applying for religious worker visas were required to obtain invitations from registered religious organizations in the country and government approval. Foreign religious workers were allowed to preach, administer religious ordinances, or practice other religious activities "only in those religious organizations that invited them to the country and with official approval of the governmental body that registered the statutes and the articles of the pertinent religious organization." According to the government, no visa applications by foreign religious workers were rejected under the previous law.

Responding to pressure from religious organizations, on September 22 the parliament adopted a law on legal status of foreign citizens and persons without citizenship. This law relaxed the restrictions on independent foreign religious workers created by the June 1 resolution. Under this law, foreign religious workers are now permitted to "preach, administer religious ordinances, or practice other canonical activities" without the need to be associated with a local church. Pursuant to this law, the Cabinet of Ministers amended visa regulations in December.

While the law restricts the teaching of religion as part of the public school curriculum, a 2005 presidential decree introduced "Ethics of Faith" courses into the curriculum. There have been yearly increases in the number of secondary schools offering courses in "Fundamentals of Christian Ethics," "Fundamentals of Religious Ethics," and "Fundamentals of the Islamic Culture of the Crimea."

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 government observes the following religious holidays as national holidays: Christmas, Easter Monday, and Holy Trinity Day, all according to the Julian calendar shared by the Orthodox and Greek Catholic churches.

Government Practices

There were no reports of abuses of religious freedom.

In October the Ministry of Culture established the Department for Nationalities and Religions; however, the transformation of the defunct SCNR at times caused delays in registering.

Restitution of communal property confiscated by the Soviet regime remained a problem. The slow pace of restitution was partly a reflection of the country's budgetary constraints, which limited funds available to relocate occupants of seized religious property. In addition, restitution claims for the Christian, Jewish, and Muslim communities were complicated by intercommunity competition for particular properties. Prior to its

abolition, the SCNR declared that the majority of buildings and objects already had been returned to religious organizations and that restitution of many remaining confiscated properties was complicated by the fact that they were occupied by state institutions, were historic landmarks, or had been transferred to private ownership. The SCNR cited a lack of government funding to help relocate the organizations occupying these buildings. The SCNR also noted that restitution claims frequently fell under the jurisdiction of local governments. All major religious organizations called on the government to establish a transparent legal process to address restitution claims.

The All-Ukraine Council of Churches and Religious Organizations unsuccessfully lobbied the president on April 21 and the Deputy Minister of Education, Science, Youth and Sport on June 29 to allow religious organizations to own and operate private educational institutions where, in addition to a secular curriculum, students could learn about religion.

Local officials at times took sides in disputes between religious organizations in matters pertaining to property restitution. However, the government continued to facilitate the return of some communal properties.

The Spiritual Directorate of Muslims of Ukraine reported some difficulties with registering new religious communities in Crimea due to what it considered the political biases of some local authorities.

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 inflammatory and historically inaccurate material about Crimean Tatar Muslims, despite government promises to address their concerns.

Crimean Tatars claimed that propaganda campaigns, particularly by pro-Russian groups, promoted hostility against them among other inhabitants of Crimea. In the cases of alleged discrimination or mistreatment against Crimean Tatars, it was difficult to categorize an incident as solely religious or ethnic intolerance because within the Crimean Tatar community, ethnicity and religion are inextricably linked.

According to UGCC representatives, local authorities in Kyiv reportedly remained unwilling to allocate land for UGCC churches. The UGCC has reported similar difficulties in several other cities and, according to UOC-MP representatives, the local governments in Lviv and Ivano-Frankivsk oblasts (provinces) refused to allocate land for UOC-MP churches.

During the year, members of the Jewish community reiterated concerns about the Krakivskiy market in Lviv, which is located on the grounds of an ancient Jewish cemetery. They stated that the continued existence of the market disturbs the sanctity of the site, where figures important to the Jewish community are buried. Representatives of the Jewish community also raised concerns that the city would privatize the land, making protection of the cemetery more difficult. The city indicated that it did not envision privatization, but it could not relocate the market because some of the buildings were private property.

The Union of Councils for Jews in the Former Soviet Union (UCSJ) in Lviv continued to call on the city administration to provide legal protections for the site of the Golden Rose (Ture Zahav) synagogue and surrounding historical structures. In September, the Lviv city government halted construction at the site.

Several religious groups also reported problems and delays in reclaiming previously seized property through the restitution process. Jewish community leaders reported continued property restitution difficulties with the Uzhhorod, Odesa, Ternopil, and Kyiv municipal governments. Similarly, Muslim community leaders expressed concern about unresolved restitution claims involving historic mosques in Mykolayiv, Dnipropetrovsk, Masandra, and Alushta.

Improvements and Positive Developments in Respect for Religious Freedom

In December the first mosque to be built in modern Kyiv opened its doors to the public. Constructed over 10 years, it is one of the largest mosques in Europe. The opening ceremony was attended by hundreds of people including Minister of Culture Mykhaylo Kulynyak and special advisor to the president Hanna Herman.

In September, to mark the 70th anniversary of the massacre of nearly 34,000 Jews at Babin Yar, senior government officials and legislators were

joined by international representatives in calling for increased awareness and education about the massacre. The event concluded with the laying of a cornerstone of a future museum dedicated to the Babin Yar victims.

In May 80 Muslim and Jewish leaders from Ukraine and Russia met in Kyiv to discuss a strategy to fight Muslim discrimination and anti-Semitism in their countries. This was the first such meeting to occur, and the Muslim and Jewish leaders pledged to work together to eradicate the forces of intolerance.

In April President Yanukovych, who is a member of UOC-MP, met with members of AUCCRO. This was the president's first meeting with the group, which is the largest and oldest interfaith organization in the country, uniting Orthodox, Greek Catholic, Roman Catholic, Protestant, Jewish, and Muslim leaders. Some members questioned the president's commitment to the stated AUCCRO goals, but the meeting was generally seen as a positive step towards the development of a working relationship between the government and religious organizations.

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 against different Christian denominations in different parts of the country and vandalism of religious property.

In November the Head of the Greek Catholic Church, Patriarch Sviatoslav, said that it appeared that President Yanukovych showed preference towards the Ukrainian Orthodox Church, Moscow Patriarchate. Sviatoslav said that "officials at various levels even subconsciously imitate their president and show this attitude to other denominations."

In February Vitaliy Khramov, the leader of the Crimea-based Cossack organization Sobol, asserted that a local murder was conducted "according to Talmudic rituals." The remark drew condemnation from the Jewish community. Khramov was convicted in June of "inciting hatred" based on earlier comments he had made about the Crimean Tatar community.

There were several reports of anti-Semitic vandalism, including the August 12 desecration of a Jewish cemetery in Pavlohrad, the defacement of a Jewish community building in Sumy on October 12, the November 17 and November 19 desecrations of Holocaust monuments in Kirovograd and in Sevastopol, and the December 9 defacement of a synagogue in Sumy. This was the fifth time in as many years that the Sumy synagogue had been vandalized.

Serhiy Kyrychenko's trial in Kherson continued at year's end. Kyrychenko is accused of inciting hatred with public accusations that Jews are robbing Ukraine and are plotting to enslave Ukrainians and exterminate Slavs. The judge ordered him to undergo a psychiatric evaluation, but Kyrychenko filed appeals and motions that have delayed the case.

In September the nationalist political party Svoboda organized a march called "Uman without Hasidim" to protest the pilgrimage of Hasidic Jews to the grave of a prominent Rabbi buried in Uman. Despite a court order prohibiting the protest, approximately 100 protesters still showed up. The local police briefly detained and issued citations to 67 people and dispersed the rest.

The fact that religious organizations cannot own property made them easy targets for "property raiders." These "raiders" try to acquire land by unlawfully selling the land without the knowledge of the owner and starting lengthy and costly legal proceedings intended to harass the legal owner into giving up rights to the land. The lack of an independent judiciary makes it impossible for organizations to rely on the courts to solve this problem. Jehovah's Witnesses and the Roman Catholic Church reported being victims of such attacks. Jehovah's Witnesses also reported continued harassment, physical attacks, and disruption of religious services.

Section IV. U.S. Government Policy

The U.S. ambassador, embassy officers, and other U.S. government officials maintained steady dialogue with government and religious leaders and stayed in close contact with clerics, lay religious leaders, and NGOs that promoted religious freedom. The embassy tracked developments in religious freedom and cultural heritage preservation, including the status of Jewish cemeteries in Lviv, Chortkiv, and Kremenets, and monitored cases

involving discrimination against Tatars in Crimea. U.S. government officials raised concerns over religious freedom and anti-Semitism with the Ministry of Interior, Ministry of Justice, Ministry of Foreign Affairs, and local officials. The ambassador and other embassy officers met with members of the Crimean Tatar community and local Jewish leaders to listen to their concerns.

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 continued its contacts with local authorities in Lviv to inquire regarding complaints of hotel construction on the site of the city's former main synagogue (which was destroyed during the Holocaust), possible destruction of remaining historic buildings, and the status of the historic Jewish cemetery located on the grounds of the Krakivskiy market in Lviv.

The ambassador and high level envoys from the U.S. government participated in the observation of the 70th anniversary of the Babin Yar massacre, as well as in the laying of the foundation stone for a museum to be built on the site.

The ambassador met with leaders of major religious communities, and embassy officers met with religious leaders in Kyiv, Lviv, Ivano-Frankivsk, Khmelnytskyi, and Crimea to better understand the concerns of these communities.

Embassy officers continued to maintain close contact with clerics and lay leaders in religious communities and representatives of faith-based social service organizations, such as Caritas, the American-Jewish Joint Distribution Committee, and the National Conference on Soviet Jewry. The embassy continued to intervene as necessary to defend foreign religious workers' rights to due process under the law.