

UKRAINE 2012 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. The trend in the government's respect for religious freedom did not change significantly during the year. 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 voiced concern about the adoption of amendments to a core law on religion that expanded government oversight of religious activity. Religious leaders noted that the government drafted and approved the bill without taking their position into account.

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) promoting religious freedom. U.S. officials met with leaders of the Orthodox, Catholic, Protestant, Muslim, and Jewish communities throughout the year.

Section I. Religious Demography

According to government estimates, the population is 45.6 million. In a 2010 national survey by the Razumkov Center, an independent public policy think tank, 68 percent of respondents self-identify as Christian Orthodox, 7.6 percent as Greek-Catholics, 1.9 percent as Protestants, 0.9 percent as Muslims, and 0.4 percent as Roman Catholics. Another 7.2 percent identify as "simply a Christian," and 13.2 percent do not belong to any religious group.

The 2011 Democratic Initiatives Foundation and the Ukraine Sociology Service opinion poll indicates 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

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Greek Catholic Church (UGCC) is the largest non-Orthodox church. The UGCC estimates its membership at four million, approximately 93 percent of whom reside in the western portion of the country. The Roman Catholic Church estimates it has one million members spread throughout the western and central parts of the country.

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 Protestant groups 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 in the country; however, some local Jewish leaders estimate the number of persons of Jewish heritage to be as high as 370,000.

There are also Jehovah's Witnesses, The Church of Jesus Christ of Latter-day Saints (Mormons), Buddhists, practitioners of 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 state religion.

According to the law, 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.”

By law, a religious group must have at least 10 adult members to register with the government and receive status as a legal entity. Registration is necessary to conduct business activities such as publishing, banking, and property transactions. By law, the registration process takes one month; applicants may appeal registration denials in court.

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The law contains contradictory provisions complicating the registration of religious groups. For example, the law provides no possibility for granting “legal entity” status to nationwide religious associations. As a result, a national religious community cannot own property, while its registered constituent religious organizations can. Additionally, the law requires a complicated double registration procedure before any religious group can receive legal entity status.

The law requires religious groups to apply to local government authorities at least ten days in advance for permission to hold religious services and ceremonies in public spaces, but not to hold services at religious or burial sites.

By law, 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 took 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.”

A National Security and Defense Council (NSDC) resolution signed by the president on June 8 calls for additional measures to suppress terrorism in the country. The document defines the main causes of terrorism as radicalism, extremism, attempts to politicize interethnic and interreligious relations, and the negative influence of religious extremist groups.

The law restricts the teaching of religion as part of the public school curriculum. “Ethics of Faith” courses are 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.

A law adopted in September provides for anti-discrimination screening of draft legislation and government regulations, including on the basis of religion. The law

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

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.

Church leaders, religious organizations, and human rights defenders expressed concern over amendments to a law dealing with freedom of conscience and religious organizations signed into law by President Yanukovich on November 21. They had earlier called on the president to veto these amendments and also noted that the government drafted and approved the bill without taking their opinion into account. Among their concerns was the retention of a permission-based system for holding peaceful assemblies, dual registration of religious congregations, and a provision giving the Ministry of Culture authority to approve the activities of foreign religious workers. The bill also expanded government oversight over the observance of the religion-related law to a much larger number of government agencies, including the procuracy, the Ministry of Internal Affairs, and all other “central bodies of the executive government.” Religious freedom activists expressed concern that such oversight would be reminiscent of Soviet-era government efforts to monitor religious life.

On December 7, the president instructed the Cabinet of Ministers to prepare urgently further draft amendments to the law, and to include religious groups in the drafting process so that the amendments will create “favorable conditions” for religious groups’ work.

As part of the June 8 NSDC resolution calling for additional measures to suppress terrorism, the NSDC ordered the Cabinet of Ministers to implement prevention measures and to enforce the ban on distributing materials that incite religious, ethnic or racial hatred, intolerance, and discrimination. There were no reports of religious literature seized under this law.

Registration for religious congregations, a responsibility transferred to the Department for Religions and Nationalities in the Ministry of Culture following the 2010 dissolution of the State Committee on Nationalities and Religion (SCNR),

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continued to be slow reportedly due to lack of resources. The government did not address requests by the religious community to simplify registration procedures.

Restitution of communal property confiscated by the Communist regime remained slow, stemming in part from inadequate budgetary outlays. Restitution claims for Christian, Jewish, and Muslim properties were complicated by intercommunity competition for particular properties, by their use by state institutions, their designation as historic landmarks, local government jurisdictional issues, or by previous transfer to private ownership. Prior to its abolition, the SCNR declared that the majority of buildings and objects had already been returned to religious organizations but cited a lack of government funding to help relocate the organizations occupying these buildings.

All major religious organizations continued to call on the national government to establish a transparent legal process to address restitution claims, and most organizations reported problems and delays in the restitution process to reclaim previously seized property. Local officials at times took sides in disputes pertaining to property restitution. Jewish community leaders reported continued property restitution difficulties with the Uzhhorod, Ternopil, and Kyiv municipal governments. Similarly, Muslim community leaders expressed concern about unresolved restitution claims involving historic mosques in Mykolayiv, Dnipropetrovsk, Masandra, and Alushta.

The All-Ukraine Council of Churches and Religious Organizations (AUCCRO), bringing together Orthodox, Greek Catholic, Roman Catholic, Protestant, Jewish, and Muslim leaders, continued to call on parliament to impose a moratorium on the privatization of previously confiscated religious buildings in state and communal ownership. The AUCCRO also asked the government to allow religious groups to own and operate private educational institutions where students would have the opportunity for religious instruction.

In response to requests by leaders of the AUCCRO, on April 10, the president instructed the Cabinet of Ministers to revive the interagency Commission to Realize the Rights of Religious Organizations (CRRRO), which was established to promote the government's dialogue with religious groups and address complex restitution issues. On October 22, the CRRRO held its first meeting since 2010. It instructed the State Migration Service (SMS) and Ministry of Culture to simplify visa issuance procedures for foreign religious workers. The CRRRO also directed the Ministry of Education, Science, Youth and Sport and the Ministry of Culture to

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draft proposals allowing religious organizations to own and operate private educational institutions.

On December 27, the Simferopol City Council allotted land plots to the Spiritual Directorate of Muslims of Crimea for the construction of two mosques in the city.

On December 26, the Chernihiv City Council transferred ownership of the diocesan administration office from the municipal government to the UOC-KP.

On November 1, the Kyiv City Council returned ownership of a complex of non-residential buildings to a UOC-MP convent.

The Spiritual Directorate of Muslims of Ukraine continued to report difficulties 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 allegedly inflammatory and historically inaccurate material about Crimean Tatar Muslims.

In December Mejlis representatives called on the government to respond to increasingly active attempts by Crimea's "fringe politicians" to promote hostility in the region. For example, on December 1, unidentified individuals in Simferopol threw several Molotov cocktails at the site designated for construction of a central mosque for the Spiritual Directorate of Muslims of Crimea, causing minor damage to a guard trailer. The Spiritual Directorate issued a statement describing the attack as "another manifestation of xenophobia against Muslims of the Crimea." In cases of alleged discrimination or mistreatment against Crimean Tatars, it was difficult to categorize an incident as solely religious or based on ethnic intolerance because within the Crimean Tatar community, ethnicity, and religion are inextricably linked.

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, UOC-KP members, 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. For example, according to UGCC representatives, local authorities in the Crimea, Odesa and Donetsk oblasts, and some towns in Kyiv oblast remained

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unwilling to allocate land for UGCC churches. According to UOC-MP representatives, local governments in the Lviv and Ivano-Frankivsk regions also 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 Jehovah's Witnesses representatives, police unlawfully detained and held their followers in custody for several hours in Dnipropetrovsk, Vinnytsya, and other regions.

Members of the Jewish community continued to express concerns about the Krakivskiy market in Lviv, located on the grounds of an ancient Jewish cemetery. They stated that the continued existence of the market disturbed the sanctity of the site, where figures important to the Jewish community were buried. In addition, they raised concerns that the Lviv city administration would privatize the land, making protection of the cemetery more difficult. City officials indicated they did not plan to privatize the property, but noted they could not relocate the market because some of the buildings were private property. On April 23, local authorities and representatives of the Jewish community held a joint candle-lighting ceremony at the cemetery site, but concerns about the market continued unresolved.

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. However, religious groups reported that in practice, 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.

In March and October, President Yanukovich met with members of AUCCRO. Many members questioned the president's commitment to AUCCRO's goals, but the meetings were initially seen as an effort toward the development of a working relationship between the government and religious organizations. However, a number of senior religious leaders criticized the government for not responding to issues the religious community raised during the meetings. For example, at a November 28 meeting of Christian leaders, some participants noted a "threat to the paradigm of church-state relations" and an "absence of church-state relations" since "government representatives do not hear the religious community."

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On October 16, the largest Jewish community center in the world opened in Dnipropetrovsk. National and international religious leaders attended the ceremony, along with local and regional officials, including the regional governor and city mayor. The new facility includes synagogues, a community center, and a Holocaust museum and research center.

On November 5, the Association of Jewish Organizations and Communities in Ukraine (VAAD) issued a statement expressing concern that throughout the campaign for the national parliamentary elections in October, pro-government and opposition representatives “tried to use elements of anti-Semitism both in their public rhetoric to mobilize supporters, and also as part of propaganda aimed at discrediting their political opponents.” VAAD expressed particular concern over anti-Semitic and extremist remarks by members of Ukraine’s Svoboda party. At the same time, VAAD cited long term data showing “a trend of improvement” in the level of anti-Semitism, reporting that “over the last four to five years, there has been a continuous decline in the number of anti-Semitic publications in the press; the number of acts of vandalism of cemeteries, memorials and synagogues; and the number of assaults on the street of Jewish people,” and declining negative attitudes toward Jewish people in public opinion polls.

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.

There were several reports of anti-Semitic acts of vandalism, including the desecration of Holocaust memorials in Ternopil, Mykolayiv, Rivne, Feodosiya, and Lviv. Anti-Semitic graffiti was found near a Zaporizhya synagogue in February.

In mid-May, fire destroyed the roof of a Jehovah’s Witnesses hall in the city of Shostka in Sumy oblast. The police told media the fire was likely caused by arson. Religious leaders expressed concern that authorities had not responded appropriately to cases of suspected arson.

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On May 22, unidentified vandals destroyed a tombstone at the grave of the prominent Muslim leader Eskender in the Bakhchisarai District of Crimea.

On August 17, members of the self-described feminist group Femen cut down a memorial cross in central Kyiv, claiming their action supported a jailed Russian punk rock group and struck a blow against “patriarchal religion.” The vandalism of the cross commemorating victims of Stalin-era repression received widespread public condemnation. Police investigated the incident as hooliganism. At year’s end, no report of the investigation’s progress was available.

On September 7, three individuals entered a Seventh-day Adventist church in Mariupol and physically assaulted its members. The perpetrators said they were angered that church members “converted a former kindergarten into a church” and “did not smoke.” On September 15, two of the individuals apologized to the church members who then withdrew their police complaint.

On September 21, five unidentified young men in Rivne assaulted and verbally abused Gennadiy Frayerman, chairman of the local Chesed charity and a leader of the local Jewish community. The men asked Frayermen whether he was Jewish and attacked him after he said he was, causing minor injuries. The attackers fled.

On October 7, fires set by arsonists completely destroyed a Seventh-day Adventist church in the town of Yenakiyev and damaged two Jehovah’s Witnesses halls in the towns of Yenakiyev and Ulegorsk. Police officials at the scene of one fire noted that in August two other fires occurred at Jehovah’s Witnesses halls in the villages of Yenakiyev and Debaltseve.

In November the three-year trial of Serhiy Kyrychenko on charges of incitement of ethnic hatred based on frequent anti-Semitic remarks during media appearances ended due to expiration of the statute of limitations. His numerous appeals and motions delayed the case. The prosecution told the media that while Kyrychenko was neither acquitted nor convicted, the court did not challenge the validity of the charges.

On December 15, an unidentified arsonist set fire to the UOC MP Church of the Nativity of the Theotokos in central Kyiv. The UOC MP released video footage showing the attacker as he set fire to the church and fled. On December 18, the Rivne City Court gave a three and a half year suspended sentence to each of the three men who vandalized and defaced a Holocaust memorial with swastikas near Rivne on June 6. The offenders were convicted of hooliganism and grave

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desecration. The law enforcement authorities did not support calls by leaders of the local Jewish community to prosecute the case as a hate crime rather than hooliganism.

Authorities in the Lenino district of Crimea continued to disregard Muslim community objections to the construction of a diving center on a site that community representatives stated was a historic Muslim cemetery. In 2011 construction workers unearthed human remains that were reburied at the same location. According to the local government, the evidence linking the burial site to Muslims was unconvincing. The Muslim community installed a memorial stone at the site which local authorities removed to another cemetery. The authorities also fined the community activist who initiated the installation of the memorial.

Restrictions on property ownership by religious groups made them targets for “property raiders” who attempt to acquire land by unlawfully selling the land without the owner’s knowledge and by initiating lengthy and costly legal proceedings intended to harass the legal owner into giving up rights to it. On September 26, the Supreme Court ruled in favor of the Religious Center of Jehovah’s Witnesses, upholding lower court rulings that recognized their ownership of a key religious facility.

Jehovah’s Witnesses reported continued harassment, physical attacks, and disruption of religious services. On April 5, in the town of Komyshevka, a large group of people forced their way into a religious service, assaulted and threatened worshipers, and damaged religious literature.

On March 21, AUCCRO called on the president to introduce a chaplaincy corps. At year’s end, the government had not responded.

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 (including the Svoboda party), and local officials. Embassy officials engaged the presidential administration on the amendments to the law on freedom of conscience and religious organizations.

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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 Lviv to follow progress toward resolution of disputes related to construction on the site of the city's former main synagogue (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 embassy stayed in contact with local religious and political leaders regarding the status of Jewish cemeteries in Chortkiv, Kremenets, and Lviv and monitored cases involving discrimination against Tatars in Crimea. The ambassador and other embassy officers met with members of the Crimean Tatar community and Jewish leaders to listen to their concerns. The ambassador also met with leaders of major religious groups, and embassy officers met with religious leaders and representatives in Crimea, Dnipropetrovsk, Ivano-Frankivsk, Khmelnytskyi, Kyiv, Lviv, and Uzhhorod to better understand the concerns of these communities.

Embassy officers maintained 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.

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 Babin Yar massacre. The embassy also supported an educational toolkit for teachers and students in conjunction with a Holocaust educational program.