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## **A second case of conscientious objection reaches the Constitutional Court**

HRWF (10.05.2025) - On May 6, 2025, the Constitutional Court of Ukraine opened proceedings in the case of a constitutional complaint filed by **Vitalii Vasylovych Alekseenko** — a citizen convicted for refusing military service on religious grounds. This is already the second case of a conscientious objector to reach the country's highest constitutional jurisdiction body, indicating a systemic legal issue that requires immediate and comprehensive response from the state.

The complaint concerns the constitutionality of certain provisions of Article 1 and Article 2 of the Law of Ukraine "On Alternative (Non-Military) Service" No. 1975-XII, as well as Article 336 of the Criminal Code of Ukraine. Alekseenko, a Christian believer, argues that being compelled into military service violates his beliefs, which are protected under Article 35 of the Constitution of Ukraine. He emphasizes that he conscientiously refused to serve with arms and requested to be allowed to perform alternative civilian service, as guaranteed by the Constitution.

### ***Conscientious objectors: three-year prison sentences***

The judicial history of this case highlights a troubling trend. After the onset of full-scale military operations in eastern Ukraine, Alekseenko, as an internally displaced person, arrived in Ivano-Frankivsk and was registered for military service. On June 2, 2022, he reported to a military unit in response to a draft notice but refused to serve for religious reasons. Despite having previously performed alternative service during peacetime, both the first-instance and appellate courts found him guilty of "evading conscription" and sentenced him to three years of imprisonment with a suspended sentence of one year and six months. In March 2024, the Supreme Court of Ukraine upheld these verdicts.

Earlier, a complaint was also filed with the Constitutional Court of Ukraine by Dmytro Zelinskyi — a member of the Seventh-day Adventist Church who was sentenced to three years in prison for refusing military service on grounds of conscience. His complaint is aimed not only at defending his own rights but also at protecting the constitutional rights

of all conscientious objectors and reviewing the constitutionality of legal provisions regulating the right to alternative service under conditions of mobilization and martial law. Zelinskyi emphasizes that Part 4 of Article 35 of the Constitution of Ukraine provides for the right to alternative service as a substitute for any form of military obligation — not only compulsory conscription, which is not implemented during wartime.

Proceedings on Dmytro Zelinskyi's complaint were opened by the Constitutional Court on October 23, 2024, and have been ongoing for more than 7 months, despite the law stipulating a six-month term for delivering a decision.

Thus, both the Alekseenko and Zelinskyi cases point to a legal vacuum that results in systemic violations of constitutional and internationally recognized human rights.

On March 18, 2025, the Venice Commission issued its opinion at the request of the Constitutional Court of Ukraine. It emphasized that the right to refuse military service on grounds of conscience is part of the freedom of religion, protected by international treaties to which Ukraine is a party, including Article 9 of the European Convention on Human Rights. The state is therefore obliged to ensure a real opportunity to perform alternative service, including under martial law.

Nevertheless, criminal prosecution of dozens of citizens who have refused to perform military service based on their beliefs continues in Ukraine. This undermines the fundamental principles of the rule of law and violates Ukraine's international obligations.

### ***A call to the Constitutional Court***

*Human Rights Without Frontiers* urges the Constitutional Court of Ukraine to consider the cases of Dmytro Zelinskyi and Vitalii Alekseenko as a signal of the urgent need for legal response and a long-overdue systemic legal reform. This reform must guarantee every citizen the direct application of the norms of the Constitution of Ukraine and a real opportunity to refuse military service on grounds of conscience, including under martial law. Without this, it is impossible to speak of the observance of human rights, the rule of law, and true freedom of conscience in Ukraine.

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## **How should government deal with conscientious objectors in wartime?**

***[Forum18](#) (24.04.2025) - The declaration of martial law after Russia's full-scale invasion in 2022 cancelled the limited right to alternative service in peacetime. Hundreds of conscientious objectors to mobilisation – on religious and non-religious grounds - have been detained, forced into the army, held illegally (often for months) on military bases, or criminally prosecuted. Requested by Ukraine's Constitutional Court, a Venice Commission brief reaffirmed states' obligation to offer alternative service. If Ukraine is to meet international standards, the government should reinstate legal access to alternative civilian service and review criminal convictions.***

Since the beginning of Russia's full-scale invasion of Ukraine in February 2022 and Ukraine's immediate declaration of martial law, alternative civilian service has not been available to conscientious objectors in Ukraine. Many conscientious objectors – both on religious and non-religious grounds - have been detained and forced to join the army, held illegally (often for months) on military bases, or criminally prosecuted.

Jehovah's Witnesses report that about 661 of their believers faced criminal charges of evading mobilisation in 2024. Courts have handed several conscientious objectors - including four Jehovah Witnesses, a Protestant and a Seventh-day Adventist - [three-year jail terms for refusing mobilisation](#). A number have been waiting (occasionally in pre-trial detention) for appeal proceedings. Courts have handed others suspended sentences.

More recently, courts have begun jailing conscientious objectors on charges of "disobedience", with [one taken to prison in January](#) to begin his five-year jail term.

While several international human rights actors have encouraged Ukraine to protect conscientious objectors' rights, the Ukrainian government has done little to address this problem. Informally, officials explain this reluctance with the risk that men who do not wish to fight will misuse alternative service as a legislative hole.

International standards clearly recognise the right to conscientious objection to military service as an intrinsic part of freedom of religion or belief (see below).

Ukraine's Constitution specifically mentions the right to opt out of military service, at least on religious-based conscientious grounds. However, the government restricts this right in peacetime to members of only ten registered religious communities, while the law does not recognise the right to alternative civilian service at all in wartime (see below).

The government announced in December 2024 that some religious entities could be allowed to get exemption from mobilisation for up to half their clerics. While some clerics can be qualified as conscientious objectors, the European Court of Human Rights in Strasbourg does not consider alternative civilian service reserved for clerics but not ordinary believers as adequate protection under the European Convention on Human Rights (see below).

At the request of Ukraine's Constitutional Court, the Council of Europe's Venice Commission produced an amicus curiae brief on alternative (non-military) service in Ukraine in March 2025. This reaffirmed that "States have the positive obligation to set up a system of alternative service which must be separated from the military system, shall not be of a punitive nature and remain within reasonable time limits." It adds that "under no circumstances may a conscientious objector to military service be obliged to bear or use arms, even in self-defence of the country" (see below).

If Ukraine is to abide by the international standards, the government should reinstate legal access to alternative civilian service to all conscientious objectors and review the criminal convictions of those sentenced for their conscientious objection to mobilisation (see below).

[READ MORE...](#)

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## **Some publications of HRWF**

[\*\*UKRAINE: Clergy in the war: about the possible temporary postponement of mobilization\*\*](#) (29.03.2025)

[\*\*UKRAINE: 3 years in prison for a conscientious objector and 700+ in the waiting room\*\*](#) (12.02.2025)

[\*\*UKRAINE: The Law on non-military service to be examined by the Constitutional Court\*\*](#) (19.10.2024)

[\*\*UKRAINE: The war, religious beliefs and conscientious objection: 'Unidentified' Christians \(5\)\*\*](#) (21.08.2024)

[\*\*UKRAINE: The war, religious beliefs and conscientious objection: Orthodox \(4\)\*\*](#) (16.07.2024)

[\*\*UKRAINE: The war, religious beliefs and conscientious objection: Protestants \(3\)\*\*](#) (11.07.2024)

[\*\*UKRAINE: The war, religion and conscientious objection \(2\): Adventist cases\*\*](#) (03.07.2024)

## **UKRAINE: The war, religious beliefs and conscientious objection (1)**

(24.06.2024)

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### **Clergy in the war: about the possible temporary postponement of mobilization**

HRWF (29.03.2025) - On 26 December 2024 the Cabinet of Ministers of Ukraine [amended the](#) Resolution of the Cabinet of Ministers of Ukraine dated 27 January 2023 [No. 76](#) "Some issues of implementation of the provisions of the Law of Ukraine On Mobilization Training and Mobilization regarding the reservation (granting a temporary deferment of mobilization) of persons liable for military service for the period of mobilization and for wartime." According to the amendment, "clergymen according to the list of those approved by the State Service of Ukraine for Ethnopolitics and Freedom of Conscience (DESS) are subject to reservation."

With these changes, religious organizations were officially ranked among the institutions which are essential for the functioning of the economy and for ensuring the livelihood of the population during this special period. As has been repeatedly noted, the mobilization of clergymen could cause the cessation of religious activities in numerous places of worship during their absence.

However, it took a considerable amount of time for the DESS to determine the list of clergymen eligible for reservation, the criteria and the mechanism for such dismissal. As Vyacheslav Gorshkov, Head of the Department for Religious Affairs of the DESS, noted in his [interview](#) in January 2025, that it was also necessary to think in details about the logistics for the implementation of the resolution, in particular to determine who will be entitled to be on the list reservations, keeping in mind the shortage of personnel at the DESS.

On 21 March 2025, [the Order N H-21/11](#) of the DESS dated 5 February 2025 (registered with the Ministry of Justice of Ukraine on 19 February 2025 under No. 263/43669) came into force, which establishes the criteria for determining a religious organization as essential for the functioning of the economy and ensuring the livelihood of the population in this special period.

According to this Order, a religious organization is recognized as essential if it simultaneously meets a number of criteria. Among them:

- a religious organization must be included in the Unified State Register of Enterprises, Institutions and Organizations of Ukraine by December 26, 2024;
- religious organization which is not included in the list of religious organizations in Ukraine affiliated (connected by one or more features defined [by Article 51 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations"](#)) with a foreign religious organization, the activities of which are prohibited in Ukraine;
- the Charter (Regulation) of the Religious Organization Has Not Lost Its Effect in Part of the Official Name;
- the location of the legal entity of the religious organization is not located on the territory of Ukraine temporarily occupied by the Russian Federation;
- the religious organization is included in the Register of Non-Profit Institutions and Organizations;
- the religious organization has submitted [a report on the use of income \(profits\) of a non-profit organization](#) for the previous basic reporting (tax) period.

The list of positions of clergymen liable for military service, which are subject to reservation for the period of mobilization and wartime, includes clergymen, authorized to conduct religious services, rituals and ceremonies, preaching, corresponding to the following positions and criteria:

- the head of the religious center, administration;
- the deputy head of a religious center, who has an employment contract with a religious organization;
- the head of a religious community, a monastery, a brotherhood, a missionary society, a theological educational institution;
- a clergyman who is an employee of a religious center, a community, a monastery, a brotherhood, a theological educational institution having an employment contract with a religious organization.

The law does not provide for the possibility of granting a deferment from mobilization to all clergy.

It seems that clergymen will be subject to the general rule that applies to other essential enterprises and provides for the possibility of reserving no more than 50 [percent](#) of the total number of employees liable for military service.

The new legislation does not establish any restrictions on the list of officially operating religious organizations in Ukraine that can make reservations for clergy. However, apparently, representatives of the Ukrainian Orthodox church (UOC) still in communion and affiliated with the Russian Orthodox Church/ Moscow Patriarchate (ROC) do not fall under these criteria.

The requirements for the minimum wage of at least UAH 20,000, which is mandatory for other legal (non-religious) entities classified as essential in Ukraine, do not apply to clergymen of religious organizations.

The issue of reservation of clergymen liable for military service will be considered taking into account the filling of full-time positions of military chaplains in the Armed Forces of Ukraine, the National Guard, the State Border Guard Service, in accordance with the distribution of quotas of the confessional representation of military chaplains.

[Order No. H-21/11](#) did not resolve the issue of exemption from mobilization of all clergy, although the first [appeals](#) from representatives of religious organizations on this issue took place back in 2022.

Students of educational theological institutions who have chosen the path of service in the clergy, as well as monks, are not included in the circle of persons who may have a deferment from mobilization.

It should be reminded that in Ukraine, only men who belong to 10 specified religious communities that the state recognised as pacifist were allowed to opt for alternative civilian service in peace time. These communities are: Reformist Adventists; Seventh-day Adventists; Evangelical Christians; Evangelical Christians-Baptists; "The Penitents" or Slavic Church of the Holy Ghost; Jehovah's Witnesses; Charismatic Christian Churches (and associated churches under their registered statutes); Union of Christians of the Evangelical Faith – Pentecostals (and associated churches under their registered statutes); Christians of Evangelical Faith; Society for Krishna Consciousness.

Believers of these denominations ask for the replacement of military duty for them with alternative non-military service but the current legislation of Ukraine does not provide for this possibility in the case of mobilization and martial law. Criminal liability is provided for evasion of mobilization. As a result, we can observe a steady increase in the number of convictions against persons who, due to their religious beliefs, consciously refuse to be mobilized.

In the coming days, the Constitutional Court of Ukraine is expected to make a decision about [the constitutional complaint of the Seventh-day Adventist Dmytro Zelinsky](#), who asks to check for compliance with Part 4 of Article 35 of part one of Article 1 of the Law

of Ukraine "On Alternative (Non-Military) Service" of December 12, 1991 No. 1975-XII, according to which: *"alternative service is a service that is introduced instead of military service and is aimed at fulfilling a duty to society."*

Dmytro Zelinsky refused to be called up for military service during mobilization on grounds of his religious beliefs. He was prosecuted under Article 336 of the Criminal Code of Ukraine and sentenced to 3 years in prison.

Dmytro Zelinsky believes that "the constitutional right to freedom of worldview and religion covers the right to alternative (non-military) service. Every citizen of Ukraine, whose military duty contradicts his religious beliefs, has the right to replace his military duty with alternative (non-military) service. At the same time, the state is obliged to ensure the implementation of this right."

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## **EU Bishops for European unity and solidarity with Ukraine**

[COMECE](#) (04.03.2025) - In the context of increasing complexity and geopolitical uncertainty surrounding peace in Ukraine, the Presidency of the Commission of the Bishops' Conferences of the European Union (COMECE) issued a statement on Tuesday, 4 March 2025, expressing strong support for Ukraine. COMECE: *"Ukraine's struggle for peace will also be decisive for the fate of Europe and the world"*.

The statement emphasises that *"Ukraine's struggle for peace and the defence of its territorial integrity is not only a fight for its own future. Its outcome will also be decisive for the fate of the entire European continent and of a free and democratic world."*

In a geopolitical landscape that the EU bishops describe as *"complex"* and marked by *"the unpredictability of actions taken by some members of the international community"*, the Presidency of COMECE calls on the European Union and its Member States to remain united in their commitment to supporting Ukraine and its people.

*"Russia's invasion of Ukraine is a blatant violation of international law. The use of force to alter national borders and the atrocious acts committed against the civilian population are not only unjustifiable but demand a consequent pursuit of justice and accountability,"* the statement reads.

The EU bishops affirm that a comprehensive, just, and lasting peace in Ukraine can only be achieved through negotiations, which should be backed by strong transatlantic and global solidarity and must involve Ukraine. *"In order to be sustainable and just – state the EU bishops – a future peace accord must fully respect international law and be underpinned by effective security guarantees to prevent the conflict from re-erupting."*

Furthermore, COMECE urges the international community to *"continue to assist Ukraine in the reconstruction of the destroyed infrastructure"* and specifies that Russia *"must*



*adequately participate in this effort.*" The Presidency of COMECE emphasises that Ukraine is the victim in this war and Russia the aggressor, stressing that any attempts to distort the reality of this aggression must be firmly rejected.

Regarding Ukraine's request to join the European Union and the internal reforms undertaken to achieve this goal, the EU bishops call on the EU *"to advance with the enlargement process in a timely and fair manner alongside other candidate countries."*

The statement concludes by expressing hope that the European Union *"will remain faithful to its vocation to be a promise of peace and an anchor of stability to its neighbourhood and to the world"*, particularly at a time when the contours of a new global security architecture are being redrawn.

The declaration follows the recent interview (read the interview: [EN](#) – [IT](#)) with H.E. Mgr. Mariano Crociata, released last week to mark the third anniversary of Russia's invasion of Ukraine. In the interview, the President of COMECE not only underscored the need for a just and lasting peace in Ukraine but also warned against *"a disgraceful spectacle"* that falsely portrays the victim as the aggressor.

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## **Ukraine is not a "cause to defend", but lives to support and to save**

Willy Fautré, director of Human Rights Without Frontiers

HRWF (08.03.2025) - Ukraine is not a "cause to defend", but lives to support, declared Mgr Pascal Gollnisch, general director of [L'Oeuvre d'Orient](#) in a press release in late February.

[L'Oeuvre d'Orient](#), a French Catholic Humanitarian NGO, has intensified its action from February 2022 by launching an emergency plan to help Ukrainian families. Thanks to the generosity of its donors, nearly 200 projects have been funded, from scholarships to emergency care to the reconstruction of homes and schools.

*L'Oeuvre d'Orient* has been able to support its historical partners in Ukraine, in particular the Greek-Catholic Church, which mobilizes among the population without distinction of confession.

### **Some of the 200 humanitarian operations of L'Oeuvre d'Orient**

- **Kharkiv:** Mobile clinics going to treat isolated people remaining in areas just behind the front line, often "unoccupied" areas. These are people who are too tired to go to the medical centers located further back.
- **Krivyi Ryi:** Construction of a bomb shelter for 120 people on parish land
- Lviv: Support for the reception center for mentally handicapped people at the heart of the campus of the Catholic University of Lviv.
- **Cheptitsky:** Hospital supports the opening of a branch in Ternopil. The Cheptitsky Hospital is very invested in the care of displaced people and welcomes 40% of displaced people into its staff.
- **Chernihiv Region:** Creation of crisis centers to provide humanitarian, but above all psychological and legal, aid to help the most vulnerable people escape dependency. 1,516 beneficiaries benefited from the project including 764 displaced people and 752 local residents.

- **Mykolayev:** Opening of a small Caritas center in Mykolayev, a Black Sea town very affected by the war.
- Don Bosco Center, orphanage and professional training center.
- 80 displaced people being hosted by Sisters of the Holy Family although they are already struggling to cover their own needs, etc.

It is not a "cause to defend", but lives to support, declared Mgr Pascal Gollnisch, general director of [L'Oeuvre d'Orient](#) in a press release end of February.

Assistance delayed is assistance denied. A number of well-established international institutions are slow to react to emergency situations because of bureaucracy, rigid and unsuitable procedures or ideological prejudices towards faith-based organisations despite their providing assistance **regardless of the religious or social backgrounds of the victims. In existential situations, the motto should be efficiency first.**

For more information and to contribute, see [HERE](#).

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## **3 years in prison for conscientious objector Vitalii Kryushenko, 700+ in the waiting room**

HRWF / [JW.ORG](#) (12.02.2025) - On 27 January 2025, Vitalii Kryushenko began serving a three-year prison sentence for his refusal to be drafted into the military. He is one of the first Jehovah's Witnesses to be imprisoned for conscientious objection since the start of the war in Ukraine in February 2022.

Notably, Article 35 of Ukraine's Constitution guarantees alternative civilian service to individuals who object to performing military service based on their personal beliefs. However, despite this constitutional law, Vitalii Kryushenko was convicted and sentenced to prison. Furthermore, [over 700 Jehovah's Witnesses](#) in Ukraine are currently facing similar prosecution as conscientious objectors.

After receiving a military summons in April 2024, Vitalii's personal convictions prompted him to request alternative civilian service. Nevertheless, in July 2024, he was convicted of evading military service and sentenced to prison. Vitalii immediately appealed the decision, which the Sumy Court of Appeals rejected.

**See HRWF reports on conscientious objection in Ukraine [HERE](#)**

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## **Religious freedom in Ukraine under Moscow's rule and Kyiv's rule**

***This paper was presented at the webinar organized by the Freedom of Religion or Belief Roundtable Brussels – EU on 11 December 2024***

## **By Dr Liudmyla Fylypovych (\*) for Human Rights Without Frontiers**

HRWF (09.01.2025) - Traditionally, since 1991, Ukraine has been among the countries where there were no global and systematic problems in the field of religious freedom. It did not fall into the lists of violators of freedom of conscience. However, the war, especially its acute stage, which began on 02/24/2022, significantly affected the state of religious freedom, giving rise to a number of challenges in this area.

So what is happening with religious freedom in Ukraine? Is religious freedom decreasing in Ukraine? YES, religious freedom in Ukraine is decreasing. The field of its action directly depends on the disposition of the Russian and Ukrainian armies at the front. As soon as the Russians seize new settlements, the territory of freedom, including religious freedom, decreases.

The general position of Ukraine as a state regarding religious freedom, as well as freedom of conscience, has not changed since 1991. This is stated in the Constitution (1996) and the basic Law on Freedom of Conscience and Religious Organizations (1991). The implementation of these legislative acts, as well as international documents, in particular the Universal Declaration of Human Rights (1948), has established religious pluralism in the country, and has actually created conditions for freedom of religion for both individuals and communities.

### ***Over 30,000 religious organizations are registered in Ukraine***

Thanks to Ukraine's promotion and guarantee of freedom of conscience, more than 30,000 religious organizations are registered and operating now. Ukrainian statistics record the presence of religious communities in Ukraine of about 100 directions - Christians, Orthodox, Catholics and Protestants, but there are also Jews, Muslims, Buddhists and modern religions.

The majority are Orthodox Christians (about 70% by self-identification), who belong to two Orthodox churches - the Ukrainian Orthodox Church (UOC) and the Orthodox Church of Ukraine (OCU). These two Orthodox churches are the result of the evolution of the Ukrainian Exarchate of the Russian Orthodox Church, which emerged in the early 1990s as a response to the need of a part of the faithful to maintain their unity with the Moscow Patriarchate or to become independent from Moscow and create their own autocephalous Orthodox Church.

After the long perturbations experienced by these two Orthodox churches, Ukrainian Orthodoxy found itself divided between the Moscow (UOC) and Ecumenical (OCU) Patriarchates.

As of January 1, 2024, 8,295 communities of the OCU and 10,919 communities of the UOC-MP were registered in Ukraine. Ukrainian legislation does not provide for official registration of believers, so statistics do not calculate their number. However, based on sociological surveys, we see a trend of a decrease in the number of UOC believers to 4% and an increase in the number of OCU believers to 54% (2022).

Religious life in Ukraine has undergone significant changes during wartime. The conditions under which believers, including Orthodox Christians, can practice their religion are fundamentally different in the territories controlled by the Ukrainian government and in the territories temporarily occupied by Russia.

### ***Religious life in the temporarily occupied territories***

Religious life in the temporarily occupied territories that formally belong to Ukraine - Crimea, Donetsk Luhansk, part of Zaporizhzhia and Kherson regions - can be characterized along several dimensions: legal, ideological and practical.

1) Under Russian occupation, the rules, principles, and guarantees provided for by Ukraine's Constitution and its Law on Freedom of Conscience and Religious Organizations do not apply. Religious life is organized according to the laws of the Russian Federation or the so-called People's Republics, with all its usual restrictions, confessional priorities, and subordination to secular authorities. In these territories, religious communities that Russia does not like are banned or have their rights restricted, examples being Jehovah's Witnesses, the Orthodox Church of Ukraine, the Ukrainian Greek Catholic Church, Mormons, Scientologists, some Protestant churches and Muslim movements. Communities are fined; their places of worship are nationalized; religious literature is confiscated and burned; and believers are persecuted, arrested, tried, and sent to prison or penal colonies. People can be sentenced to more than 10 years for their faith.

2) Residents of the occupied territories are under strong ideological pressure. Due to the ban on alternative sources of information, the "values" of the Russian world are imposed on people through state media, attempting to persuade them that Russia has been called to save Ukraine, all of Europe, and the whole world from sinfulness, from Nazis, and from fascists. At the same time, Russia dresses in the toga of a fighter for human rights, and for freedoms, only understanding these rights and freedoms in its own specific way - the "Russian way".

3) Russia does not simply misinform about the state of freedom, but it actually strangles this freedom.

Kidnappings, torture and extra-judicial executions of priests and believers of various churches have accompanied Russian aggression against Ukraine since 2014. Believers are forced to pray privately or meet secretly. Religious freedom has been destroyed. Since February 24, 2022, Russia's attacks on freedom of religion in Ukraine have become increasingly brutal.

The occupation authorities are trying to take control of all religious activity, force religious communities to submit to Russian religious centers, persuade pro-Ukrainian religious figures to cooperate, resorting to threats and torture. For example when the 59-year-old **Stepan Podolchak, the priest from the Orthodox Church of Ukraine** in the village of Kalanchak in the Kherson region, refused to convert to the Russian Orthodox Church, the Russian invaders recently tortured him to death.

On June 28, 2024, after 2 years of captivity, **two priests, Ivan Levytskyi and Bohdan Geleta**, were released - after having been imprisoned because of their affiliation with the Ukrainian Greek Catholic Church.

Russia is silent about all these very real violations in the sphere of freedom of conscience. Moreover, it actively promotes other narratives - about the persecution of Orthodox Christians, about the ban of Orthodoxy in Ukraine, in particular the Ukrainian Orthodox Church (UOC).

### ***The situation in the territories controlled by Ukraine***

The most acute topic in the field of freedom of religion is the issue of the Ukrainian Orthodox Church (UOC). Responding to the security challenges associated with the presence of pro-Russian religious organizations in Ukraine, in early 2023 the Cabinet of

Ministers introduced draft law No. 8371, which aims to limit the activities of hostile church administrative centers in Ukraine.

This draft law was immediately called by UOC the Law on the Prohibition of the UOC, although the text never mentions either the UOC or any other religious organization. The UOC organized powerful opposition to the adoption of the law in both the legal and information spheres. Aggressive criticism of the draft law took various forms: lawsuits in the courts, letters to the UN, appeals to church leaders, to interreligious organizations, where it was claimed that the UOC is a martyred church persecuted for its faith in Ukraine. The famous American lawyer Robert Amsterdam was invited to prove the illegality of the law. The "UOC case" has grown from an internal Ukrainian case into a global one, as it has entered the international arena.

Taking full responsibility for possible threats to freedom of religion in Ukraine and agreeing with some of the reservations of foreign experts, Ukrainian scientists and officials respond in a reasoned and measured manner to some of the overly alarming sentiments of foreign colleagues. They explain that the state initiates criminal cases not against the church or priests, bishops or monks, but against a citizen of Ukraine for illegal, and in this case anti-state actions (treason, incitement of interreligious hostility, causing harm to human life and health, etc.). The state is not concerned with the citizen's faith; it is interested in anti-social actions that are provoked by a certain religious system of values.

Is everything perfect with freedom of religion in the territory of Ukraine controlled by the Ukrainian authorities? No, there are problems, but the fundamental rights of believers and religious communities are ensured, religious freedoms are guaranteed. The existence in Ukraine of religious organizations that threaten state security, while maintaining ties with their administrative centers located on the territory of the aggressor country, required a response from the state.

Special Law 8371, which limited the activities of such religious institutions, was written in early 2023, but only in the summer of 2024 was it adopted as the Law of Ukraine "On the Protection of the Constitutional Order in the Sphere of Activities of Religious Organizations" No. 3894-IX. The Verkhovna Rada of Ukraine voted for this law on August 20, 2024 by 265 people's deputies (229 votes out of 400 are enough to pass laws). The Law was signed by the President of Ukraine and entered into force on September 23, 2024.

Currently, no changes have occurred in the religious life of Ukraine in the territory controlled by Ukraine, since it was not the UOC that was banned, but the Russian Orthodox Church as a foreign structure, the center of which is Moscow. The key word in the Law is not "ban" or "persecution", but "investigation".

The state, represented by the State Service for Ethnopolitics and Freedom of Conscience, will investigate the connection of religious organizations of Ukraine with the aggressor country. Moreover, this applies not only to the Orthodox. If sufficient evidence is received, the fate of this organization will be decided by the court and only the court.

We take into account the generally expected concern of the world community regarding the state of freedom of conscience in Ukraine, but we insist that experts do not always see the full picture. Their assessments of the state of religious freedom in Ukraine are still out of context.

Without being in the war itself, without feeling anti-Russian sentiments within society, experts feed only on information from secondary sources, someone's subjective observations. It is necessary to see the entire set of circumstances that determine

certain actions of the state, church or society. The principle of legal normativity, which proceeds from the absolute priority of individual human rights, even of a criminal who threatens an entire community of such subjects of legal relations, does not work under certain real conditions - you cannot obey the law when the barrel of an automatic rifle is pointed at your head.

The situation with freedom of religion in Ukraine concerns not only Ukraine. Russia's military aggression against Ukrainian religious freedom endangers any country when a totalitarian aggressor, in our case Russia, invades sovereign territory. Where Putin is, there religious freedom ends. The Ukrainian state is not interested in aggravating state-church relations but cannot allow the presence on its territory of agents of the "Russian world" – those who fight against an independent and sovereign state, especially in wartime. Ukraine has always been and is now, even during war, a supporter of freedoms and human rights. It is currently defending them in an open struggle against the Russian invader.

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