

Jehovah's Witnesses in Ukraine

Religious Freedom Concerns

Statement by the European Association of Jehovah's Christian Witnesses

OSCE Human Dimension Implementation Meeting 2015

21 September 2015 – 2 October 2015

Jehovah's Witnesses are pleased to report recent positive developments

Acquittal of Conscientious Objector

In 2015, many of Jehovah's Witnesses were called up for military service during several mobilizations. The Witnesses report to the military offices and request alternative civilian service because of their conscientious objection to military service. However, some were charged with evading military service.

- On 23 June 2015, the High Specialized Court of Ukraine for Civil and Criminal Cases upheld the lower courts' acquittal of Vitaliy Shalaiko. Mr. Shalaiko, a conscientious objector, was accused of evading mobilization. The Court agreed with the trial court, affirming that the case of *Bayatyan v. Armenia*, decided by the Grand Chamber of the European Court on 7 July 2011, applied, which held that conscientious objection to military service based on sincerely held religious beliefs is protected by Article 9 of the European Convention on Human Rights.

Ombudsman's Office Supports the Right to Freedom of Assembly

Some officials misapply Article 21(5) of the Law of Ukraine "On Freedom of Conscience and Religious Organisations," which requires receiving permission in order to conduct public worship in rented buildings. In 2015, the head of the Vinnytsia Regional State Administration Department for Nationalities and Religions, Mr. I. O. Saletskyi, accused Jehovah's Witnesses in the region of multiple offences of conducting religious ceremonies without permission. He claimed that "it is a common practise for religious organizations to obtain permits for conducting religious ceremonies."

- On 21 July 2015, the Ombudsman's Office stated that the requirements of the Vinnytsia Regional State Administration Department for Nationalities and Religions, namely, obtaining a permit for holding a religious ceremony, are not constitutional. The ombudsman suggested that the Ministry of Culture prepare a bill that would ensure the realization of constitutional rights.

Jehovah's Witnesses continue to have concern for the inadequate response by police and prosecutors to cases of religiously motivated assaults and vandalism

During the period of January through July 2015, reports of 30 hate crimes were received, in which only two offenders were charged. In 13 acts of vandalism reported, no one was held responsible. Listed below are just a few of these reported incidents.

Physical Assaults

- (1) **City of Kyiv.** On 4 February and 17 March 2015, a woman attacked Jehovah's Witnesses who were engaged in their public ministry. Two Witnesses suffered facial abrasions, and their mobile religious literature stand was damaged. An investigation was initiated two months later but the perpetrator remains unpunished.
- (2) **Town of Putyv, Sumy region.** On 19 March, 24 April, and 7 May 2015, Oleksandr Holubiev, previously convicted of manslaughter, threatened harm to Witnesses engaged in their public ministry. He then smashed their mobile religious literature stand and injured Serhiy Kostrov. An investigation is ongoing.
- (3) **City of Sumy.** On 6 May 2015, Ihor Hrenenko assaulted two female Jehovah's Witnesses. Calling them "members of a sect" and threatening to rape them, he touched them inappropriately and tried to undress one of them, causing bodily injury. The investigator did not acknowledge the assault as a hate crime but categorized it as a common quarrel and the court refused to correct this deficiency. The case is pending before the courts.

Town of Pischyn, Kharkiv region. From April through June 2015, Oleksandr Datsiuk assaulted Jehovah's Witnesses five times, calling them "good for nothing sheep," disrupting their religious service, smashing a mobile religious literature stand, and inflicting injuries on female Witnesses. Nine individual Witnesses were affected by his actions. Twice the court ordered the police to initiate an investigation. However, no action has been taken thus far.

Vandalism and Arson of Houses of Worship

- (1) **Town of Brovary, Kyiv region.** On 23 June 2015 an unidentified masked individual painted a pentagram and started a fire near the entrance of the Kingdom Hall at 6 Symonenka Street. A crime report was filed, but the police failed to initiate an investigation.
- (2) **Town of Zabolotiv, Ivano-Frankivsk region.** On 14 July 2015 obscenities were painted on the Kingdom Hall. A crime report was filed but the police failed to initiate an investigation.

Positive Developments

For years, perpetrators of physical assaults against Jehovah's Witnesses and vandalism of their houses of worship have acted with impunity. Local police have often refused to initiate investigations or courts have dismissed cases and allowed the perpetrators to go unpunished. Recently, however, officials and courts have acted on behalf of Jehovah's Witnesses in several incidents:

- (1) In March 2015 the Ombudsman's Office drew the attention of the General Prosecutor of Ukraine to the position of the European Court of Human Rights regarding the need to ensure effective investigation of potential intolerance. The same month, the Head Investigation Department of the Ministry of Internal Affairs of Ukraine intensified the investigation of all incidents of arson involving religious buildings of Jehovah's Witnesses last year. For the first time, subordinates in the administration were

instructed on the necessity to qualify these crimes under Article 178 of the Criminal Code (CC) of Ukraine (damage of religious buildings).

(2) On 27 April 2015, the Smila District Court applied Article 161 of the CC (hate crimes) and convicted Orthodox Moscow Patriarchate Church priest O.M. Hahan of physical violence and other illegal actions committed against ten of Jehovah's Witnesses.

(3) On 4 June 2015, the Frankivskyi District Court in the city of Lviv applied Article 161 of the CC (hate crimes) and convicted O.I. Opanasiuk of physical assault on two of Jehovah's Witnesses.

Meetings With Officials

On 27 March 2015, after the visit of two representatives of the Religious Centre of Jehovah's Witnesses in Ukraine, the village head of the Sekretarka Village, Mr. V.V. Zavadskyi (Mykolaiv region) apologized for his aggressive behaviour towards two of Jehovah's Witnesses whom he forbade to converse on Bible subjects in the village. He also assured the representatives of his willingness to guarantee that everyone, regardless of his faith, has the right to exercise his religion freely.

Jehovah's Witnesses respectfully request the government of Ukraine to:

- (1) Prosecute vandals and hooligans who attack our houses of worship and harass and harm our members, in order to discourage further violations of human rights
- (2) Meet with local representatives to discuss the attacks and issues

Representatives of Jehovah's Witnesses welcome the opportunity to engage in a constructive dialogue with representatives of the Ukraine government.

For more information:

Please contact the Office of General Counsel of Jehovah's Witnesses at generalcounsel@jw.org

Visit the Newsroom at jw.org or scan the QR code below to learn about legal developments and human rights affecting Jehovah's Witnesses in Ukraine.



Scan the QR code below to read of the affirmative ruling in "High Court of Ukraine Upholds Right to Conscientious Objection During Military Mobilization."

