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DELEGATION OF UKRAINE

STATEMENT

at the 2006 Human Dimension Implementation Meeting

“FREEDOM OF BELIEF AND RELIGIOUS ORGANISATIONS” *(Warsaw, October 2006)*

The Constitution of Ukraine establishes that human rights and freedoms and their guarantees determine the essence and orientation of the activity of the state. The state is accountable to the individual for its activity.

Everyone has the right to freedom of personal belief and religion which includes the freedom to follow or not to follow any religion, to perform alone or collectively and without constraint religious rites and ceremonial rituals, and to conduct religious activity. The church and religious organisations in Ukraine are separated from the state, and the school — from the church. No religion shall be recognised by the state as mandatory.

The Law of Ukraine “On Freedom of Belief, Religion and Religious Organisations” was adopted in 1991 and aims at developing provisions set in the Constitution by regulating relationships in the field of freedom of belief and religion and activity of religious organisations.

The Ukrainian legislation fully reflects the norms of the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, Convention for the Protection of Human Rights and Fundamental Freedoms. There are certain provisions are still to be brought in line with relevant international standards. These include in particular the provisions concerning:

- the restriction of types of religious organisations;
- the prescription as for minimal number of founders to register a statute of an organisation;
- the prohibition to establish local or regional branches of religious organisations without granting them legal personality;
- the lack of possibility to obtain legal personality for religious associations;
- the lack of transparency in religious organisations registration process, etc.

All these deficiencies were highlighted in the Parliamentary Assembly of the Council of Europe report on Ukraine in October 2005.

Pursuant to the Resolution of the Parliamentary Assembly of the Council of Europe № 1466 (2005) the Ministry of Justice of Ukraine together with other governmental bodies and experts elaborated a new wording of the Law of Ukraine “On freedom of belief and religious organisations”.

The objectives of the mentioned draft law are as follows:

- to create a legislative basis for everyone to enjoy the right to freedom of belief and religion as provided for in the Constitution of Ukraine;
- to ensure equality of everyone before the law regardless of their belief and religion as provided for in the Constitution of Ukraine, the Convention for the Protection of Human Rights and Fundamental Freedoms and other international treaties ratified by the Verkhovna Rada of Ukraine;
- to identify rights and obligations of the state and religious organisations in the sphere of protection of freedom of belief, religion and religious activities;
- to facilitate tolerance and mutual respect for persons having different beliefs or religions as well as religious organisations practising different religions;
- to prevent emergence of conflicts between religious organisations.

The draft law was sent for examination to the OSCE/ODIHR and to the Venice Commission of the Council of Europe. These two institutions have kindly agreed to provide a joint opinion. To discuss preliminary conclusions of experts a meeting was organised in Kyiv on 18 September.

The system of relations between the government and the church in Ukraine is based on the provisions of the main international agreements in the field of protection of rights and freedoms of belief and religion. At the same time, Ukraine is taking concrete measures to improve its national legislation in order to make it fully democratic, flexible and adapted to today's needs.