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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT LAW

**ON THE INSERTION OF AMEMDMENTS
ON FREEDOM OF CONSCIENCE
AND RELIGIOUS ORGANISATIONS**

IN UKRAINE (*)

(*) *Non official translation*

LAW OF UKRAINE
ON THE INSERTION OF AMENDMENTS
ON FREEDOM OF CONSCIENCE AND RELIGIOUS ORGANISATIONS

The Verkhovna Rada of Ukraine hereby **resolves**:

To amend the Law of Ukraine “On Freedom of Conscience and Religious Organisations” (*Vidomosti Verkhovnoi Rady URSR*, 1991, #25, p. 283; *Vidomosti Verkhovnoi Rady Ukrainy*, 1992, #20, p. 277, 30, p. 418; 1993, #26, p. 277; 1994., #13, p. 66; 1996, #3, p.11; 1997, #8, p. 62; 2003, ##10-11, p. 87) stating it in the following wording:

“LAW OF UKRAINE
On Freedom of Belief, Religion and Religious Organisations

Section I
GENERAL PROVISIONS

Article 1 - Objectives of the Law

1. Objectives of this Law are as follows:

- 1) 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;
- 2) to ensure equality of everyone before the law regardless of their belief and religion as provided for in the Constitution of Ukraine, Convention for the Protection of Human Rights and Fundamental Freedoms and other international treaties ratified by the Verkhovna Rada of Ukraine;
- 3) to identify rights and obligations of the state and religious organisations in the sphere of protection of freedom of belief, religion and religious activities;
- 4) to facilitate tolerance and mutual respect for persons having different beliefs or religions as well as religious organisations practicing different religions;
- 5) to prevent emergence of conflicts between religious organisations.

Article 2 - Legislation on Freedom of Belief, Religion and Religious Organisations

1. Legislation on freedom of belief, religion and religious organisations includes the Constitution of Ukraine, the Civil Code of Ukraine, this Law and other legislative acts.
2. If an international treaty ratified by the Verkhovna Rada of Ukraine provides for the rules different from those contained in this Law or other legislative acts of Ukraine on freedom of

belief, religion and religious organisations, provisions of a respective international treaty will apply.

Article 3 - Right to Freedom of Belief and Religion

1. Every person has a right to freedom of belief and religion. This right includes freedom to have, accept and change belief or religion at one's discretion as well as freedom to practice any religion or not to practice any; to freely conduct religious rites or ceremonies individually or together with other persons in private or in public; to engage in religious activities; to openly express and freely circulate one's beliefs.

2. Freedom to express one's belief and to practice religion may be restricted by law only in the interests of public security, protection of public order, health and morality or in order to protect rights and freedoms of other individuals in the cases and to the extent to which such restriction is necessary in a democratic society.

3. No religion or belief may be declared mandatory. Exercising compulsion to make an individual choose a religion to worship or reject a religion, participate or not to participate in acts of worship, religious rites and ceremonies or religious education is disallowed.

4. Parents, adoptive parents, foster parents and caregivers have a right to raise a child in accordance with their belief and religion provided they do not harm the child's mental or physical health and proper development. Religious education or training of children without consent of their parents or persons acting as parents is disallowed. Minors may participate in religious education and training only upon their consent.

5. The secret of confession is guaranteed by law. No one has a right to demand a clergyman to provide information received during confession.

Article 4 - Unacceptability of Discrimination Based on Belief or Religion

1. Everyone is equal before the law regardless of his/her belief and religion. No identification documents may contain indication of the individual's attitude to religion.

2. Discrimination on the basis of belief or religion is disallowed.

3. Any distinction, exclusion or preference granted on the basis of individual's belief or religion as well as related to that incitement of enmity, hatred or offence of feelings shall entail liability provided for in law.

4. Religious organisations and their representatives are prohibited from any form of advocating enmity or intolerance to anyone having different belief or religion.

5. No one may be relieved from performing their civil duties or refuse to obey the laws because of their religious or other beliefs. In the event when performance of military duties contradicts individual's religious or other beliefs, the state guarantees a right of such individual to serve in alternative (non-military) units according to the procedure established by law.

Article 5 - State and Religious Organisations

1. Relations between the state and religious organisations in Ukraine are based on the principle of separation of church (religious organisations) from the state.
2. The state protects the rights of religious organisations, respects their traditions and internal regulations that do not run contrary to national legislation.
3. The state does not interfere with legitimate activities of religious organisations.
4. All religious organisations are equal before the law. Any advantages or restrictions for one or several religious organisations when compared to others are disallowed.
5. The state may fully or partly finance socially beneficial projects implemented by religious organisations.
6. Religious organisations shall not perform any functions of state authorities or bodies of local self-government and shall not interfere with their activities.
7. Religious organisations have a right to participate in social life, engage in business activities and advertise their ideas in media and by other means like other non-profit organisations.
8. Religious organisations shall not take part in activities of political parties (blocs) and shall not provide financial or other support or assistance to political parties (blocs).
9. Religious organisations or individuals who have a right to act and are acting on behalf of these organisations shall not nominate candidates for positions in state authorities or bodies of local self-government, provide any kind of financial support or campaign in any form and by any means at elections in favour or against candidates to the aforementioned bodies, in favour or against political parties (electoral blocs).
10. It is disallowed to involve religious organisations or their official representatives into election campaigns of political parties (blocs), candidates for a village, town or city mayors, members of parliament or local deputies, candidates for the President of Ukraine or individuals acting on their behalf.
11. Clergymen have a right to participate in political activities, including a right to vote and to be elected to state authorities or bodies of local self-government like other citizens taking into consideration the provisions of this article.
12. Religious organisations are obliged to adhere to requirements of Ukrainian legislation.

Article 6 - Education, Science and Religious Organisations

1. The state system of education in Ukraine is separated from church (religious organisations) and is secular. Everyone has a right to education in state and municipal educational institutions regardless of their beliefs and religion.

2. The academic and educational process in state and municipal educational institutions is based on the principles of pluralism of beliefs and detachment from any confession.
3. Imposing restrictions on scientific research, including religious and religion-related studies, dissemination of their results based on its compliance or non-compliance with any belief or religion is prohibited.
4. Teaching spiritual and moral as well as religious disciplines that are not accompanied by religious ceremonies and are purely informative may be conducted in state and municipal educational institutions provided that attendance of such courses is optional.
5. Religious organisations have a right, pursuant to their internal regulations, create institutions and groups for respective religious education of children and adults and to organise other forms of study.
6. Religious organisations like other private law legal entities have a right to establish pre-school, secondary and higher educational institutions for the purposes of religious education in accordance with the procedure established by law.
7. Pedagogues and researchers have to conduct their courses on the basis of principles of tolerance and respect for everyone regardless of his/her belief or religion.

Section II RELIGIOUS ORGANISATIONS

Article 7 - Religious Organisations

1. Religious organisations in Ukraine are associations of individuals without the status of legal entities and private law legal entities created for the purposes of common practicing of religion and engaging into religious activities.
2. Religious organisations may not interfere with activities of other religious organisations except for the cases when religious associations, governing bodies or leaders participate in activities of religious organisations that are members of such associations as provided for in their statutes.

Article 8 - Organisational and Legal Forms of Religious Organisations

1. Regardless of their name, religious organisations may be created in the form of religious societies, religious institutions and religious associations.
2. A religious society is a voluntary association of individuals (participants) regardless of whether a legal entity status is acquired by such an association. Participants of a religious society are directly involved into the society's work and management.
3. A religious institution is an organisation with a legal entity status. A religious institution is created by another religious organisation, which is a legal entity (founder), to achieve a goal identified by the founder.

4. Religious associations consist of religious societies and religious institutions. They are created and acquire the status of a legal entity pursuant to the procedure established by this Law.

5. The fundamental principles determining the status of religious organisations as private law legal entities are provided for in the Civil Code of Ukraine. They are subject to the provisions of the Civil Code of Ukraine concerning non-profit societies and institutions if otherwise not provided for in this Law.

Article 9 - Specific Characteristics of Legal Status of a Religious Society

1. Religious societies not having the status of a legal entity may carry out their activities without notifying the state authorities and bodies of local self-government on their establishment. These societies also have a right to submit information about themselves to the local departments of the Ministry of Justice.

2. Religious societies that have three / **ten*** or more members with full civil capability have a right to attain the status of a legal entity pursuant to the procedure established by this Law.

3. The same individuals may create only one religious society.

4. The highest body of a religious society is a general assembly of its participants.

5. Religious societies have a right to independently set the rules for admission of new participants and compile a registry of its participants. A participant of a religious society may leave it at any time, and a religious society may exclude a participant from the society in accordance with the procedure provided for in its statute.

6. Exclusive powers of the general assembly of participants of a religious society include:

- 1) approving or amending the statute;
- 2) electing or giving consent to appointment of the society's governing and executive bodies;
- 3) adopting decisions on religious affiliation and canonical subordination of a society and possible changes;
- 4) adopting decision on the establishment of a religious association, joining or leaving a religious association;
- 5) adopting decisions on alienating real estate property owned by a religious society;

**In accordance with the Parliamentary Assembly of the Council of Europe recommendations, the discrimination of religious organisations with regard to the registration procedure should be eliminated, which means unifying requirements as to the number of founders necessary to register an organisation. The Orthodox and Catholic churches as well as Muslim religious associations insist that the minimum number of ten members of a religious society required to receive the status of a legal entity be preserved. The Protestant churches believe that the minimum number of founders of a religious organisation must be equal to the minimum number of founders of a public organisation since a religious organisation from a point of view of a secular state is one of the forms of associations of individuals.*

6) adopting decision on the termination of the religious society.

7. Religious societies independently decide on their subordination in canonical and other organisational spheres to religious associations registered in Ukraine and to international or foreign religious associations and centres. Religious societies have a right to freely withdraw or change their subordination.

Article 10 - Specific Characteristics of Legal Status of a Religious Institution

1. Religious institutions are established only with the status of a legal entity.

2. A founder of a religious institution has a right to form or give consent to the formation of an executive body of such institution pursuant to the procedure established by the institution's statute.

Article 11 - Religious Associations

1. Legal societies with the status of legal entities have a right to create religious associations.

2. Religious associations are created and act with a local or an all-Ukrainian status.

3. A local religious association may be created by two or more religious societies practicing the same religion and having the status of a legal entity registered on the territory of one oblast, the Autonomous Republic of Crimea, cities of Kyiv or Sevastopol.

4. An all-Ukrainian religious association may be created by religious societies or local religious associations practicing the same religion and registered on the territory of a majority of Ukrainian oblasts, cities of Kyiv and Sevastopol, which in accordance with the procedure established by their statutes decided to create an all-Ukrainian religious association.

5. Every religious organisation or institution may become a member of only one local and one all-Ukrainian religious association.

6. Religious associations have a right to independently decide on their hierarchy in accordance with requirements of their religion.

7. Management and other bodies of religious associations may function in the form of religious institutions.

8. Religious associations registered in Ukraine have a right to adopt independent decisions on their relations with international and foreign religious and inter-religious associations and centres, including a right to a canonical and organisational subordination to international and foreign religious centres and a right to become a member of international religious and inter-religious associations.

Article 12 - International and Foreign Religious and Inter-Religious Associations and Centres

1. International and foreign religious and inter-religious associations and centres have a right to establish their missions and religious institutions in Ukraine subject to mandatory registration with Ukrainian state authorities pursuant to the procedure established by this Law.
2. Missions of international and foreign religious and inter-religious associations and centres function in Ukraine without the status of a legal entity.
3. Institutions established by an international or foreign religious or inter-religious association or centre function in Ukraine with the status of a legal entity.

Article 13 - Legal Capacity and Active Capacity of Religious Organisations

1. Religious organisations acquire the status of a legal entity after registration with respective state authorities as provided for in this Law.
2. Religious organisations with the status of legal entities have general legal capacity.
3. Religious organisations acquire civil rights and responsibilities that they fulfil through their bodies created and acting in accordance with the statute and provisions of this Law.
4. Religious organisations have a right to create subsidiaries and missions.

Article 14 - Name of a Religious Organisation

1. A full name of a religious organisation must contain an indication of its organisational and legal form and religious affiliation.
2. Apart from their full names, religious organisations have a right to use an abbreviated name.
3. Only religious associations having an all-Ukrainian status may use the words “Ukrainian” and “all-Ukrainian” as well as their derivatives in their names.
4. If a religious organisation is a member of a religious association, it must indicate the name of such religious association in its full name. After leaving a religious association, a religious organisation has to change its name excluding the name of such religious association and amending its statute.
5. Institutions established by international and foreign religious and inter-religious associations and centres in Ukraine must indicate the name of a respective association or centre in their full name.
6. There may not be created different religious organisations with the same names. In the event when there are two or more religious organisations claiming one and the same name, the name in question must be given to the organisation that as of the moment of enactment of this Law already had the name. In the future, the name will be given to an organisation that was the first to submit its registration documents.

7. Only the names of registered religious organisations and religious organisations without the status of a legal entity that submitted information about themselves to respective local departments of the Ministry of Justice will enjoy legal protection.

Article 15 - Statutes of Religious Organisations

1. Participants of a religious society adopt the statute at the general assembly meeting. The statute of a religious institution is to be approved by the founder. The statute of a religious association is adopted at the general assembly meetings, conferences, congresses, convocations, etc. by representatives of religious societies that create a religious association or by representatives of local religious associations that create an all-Ukrainian religious association.

2. In the event when a religious society is a member of a religious association, the statute of such religious society must be endorsed by a respective body of this religious association.

3. The statute of a religious organisation has to contain the following information:

1) full name of a religious organisation;

2) religious affiliation of a religious organisation;

3) address of a religious organisation;

4) management bodies of a religious organisation, procedure for their creation, description of their terms of reference and decision-making procedure;

5) for religious societies and religious associations – procedure for admitting new members, leaving and excluding its members;

6) procedure for amending the statute of a religious organisation;

7) procedure for adopting a decision to terminate a religious organisation;

8) procedure for settling property-related and other disputes in the event of termination of a religious organisation.

4. The statute may contain other provisions related to specific characteristics of activities of a religious organisation.

5. Documents that define the religious doctrine or regulate other internal issues related to functioning of a religious organisation are not subject to registration with state authorities.

6. The statute of a religious organisation may not contradict legislation. In the event when there are discrepancies between provisions of the statute of a religious organisation and legislative norms, the legislative norms will apply.

Article 16 - Documents to be Submitted for Registration of Religious Organisations and Missions of International and Foreign Religious and Inter-Religious Associations and Centres

1. The registration of religious organisations and missions of international and foreign religious and inter-religious associations and centres is carried out by the Ministry of Justice and its local departments.

2. In order to register a religious society a standard application has to be submit to a rayon department of justice or a district department of justice in the cities of Kyiv and Sevastopol signed by not fewer than three persons with full legal competence who created a religious society. The following documents shall be attached to the application:

- 1) two copies of the statute of a religious society;
- 2) information about participants of a religious society: last name, first name and patronymic, year of birth and place of residence;
- 3) minutes of the general assembly meeting that adopted the statute of a religious organisation.

3. In order to register a local religious association an application has to be submitted to the Main Department of the Ministry of Justice of Ukraine in the Autonomous Republic of Crimea, oblast department or Kyiv or Sevastopol city department of justice. The application is to be signed by authorised representatives of not fewer than three religious societies located on the territory of a respective territorial administrative unit and stamped with the seals of these religious societies. The following documents are to be attached to the application:

- 1) two copies of the statute of a religious association;
- 2) a list of religious societies that create a religious association stating their full names, code in the United State Registry of Enterprises and Organisations of Ukraine and their addresses;
- 3) minutes of the general assembly meeting, conference, congress, convocation etc. of representatives of religious societies that create a religious association at which the statute of this religious association was approved.

4. In order to register an all-Ukrainian religious association an application has to be submitted to the Ministry of Justice. The application is to be signed by authorised representatives of religious societies or local religious associations registered on the territory of not less than half oblasts of Ukraine, cities of Kyiv and Sevastopol and stamped with the seals of these religious societies or local religious associations. The following documents are to be attached to the application:

- 1) two copies of the statute of an all-Ukrainian religious association;
- 2) a list of religious societies or local religious associations that create an all-Ukrainian religious association stating their full names, code in the United State Registry of Enterprises and Organisations of Ukraine and their addresses;

3) minutes of the general assembly meeting, conference, congress, convocation etc. of representatives of religious societies or local religious associations that create an all-Ukrainian religious association at which the statute of this all-Ukrainian religious association was approved.

5. In order to register a religious institution a standard application has to be submitted to the Ministry of Justice or its local department that registered the statute of a religious organisation that establishes the religious institution. The application is to be signed by an authorised representative of this religious organisation and stamped with the seal of this organisation. The following documents are to be attached to the application:

- 1) two copies of the statute of a religious institution;
- 2) information about a religious organisation that establishes the religious institution: its full name, code in the United State Registry of Enterprises and Organisations of Ukraine and address;
- 3) a copy of the statute of a religious organisation;
- 4) a decision on the establishment of a religious institution adopted in accordance with the procedure established by the statute of a religious organisation.

6. In order to register a religious institution established in Ukraine by an international or foreign religious or inter-religious association or centre a person duly authorised to represent such association or centre has to submit a standard application signed by the authorised representative of this association or centre to the Ministry of Justice. The following documents are to be attached to the application:

- 1) two copies of the statute of a religious institution;
- 2) statute or regulations of a foreign or international religious or inter-religious association or centre that creates a religious institution in Ukraine;
- 3) decision to establish a religious institution (if such a decision is in foreign language a translation with notary validation has to be provided as well);
- 4) document certifying the person's authority to act on behalf of a foreign or international religious or inter-religious association or centre.

7. In order to register a mission of a foreign or international religious or inter-religious association or centre a person duly authorised to represent such association or centre in Ukraine has to submit a standard application signed by the authorised representative of such association or centre to the Ministry of Justice. The following documents are to be attached to the application:

- 1) statute or regulations of a foreign or international religious or inter-religious association or centre that establishes a mission in Ukraine;
- 2) decision to establish a mission;

3) document certifying the person's authority to act on behalf of a foreign or international religious or inter-religious association or centre.

8. Documents mentioned in this article that are to be submitted to register a religious organisation or a mission of a foreign or international religious or inter-religious association or centre has to be drawn up in the state language of Ukraine. Statutory documents of a foreign or international religious or inter-religious association or centre have to be legalised in accordance with effective Ukrainian legislation with due regard to the procedure established by national legislation of a state where such foreign or international religious or inter-religious association or centre is registered. Documents in foreign language shall be submitted for registration together with a translation validated by a notary.

Article 17 - Procedure and Timelines for State Registration of Religious Organisations and Missions of International and Foreign Religious and Inter-Religious Associations and Centres

1. An application on registration of a religious society or a religious institution (except for a religious institution established in Ukraine by international and foreign religious and inter-religious associations and centres or religious organisations that practice religions not represented in Ukraine) shall be considered within 10 days from the day of receipt of all documents mentioned in this Law by the Ministry of Justice of Ukraine or its local department.

2. An application on registration of a religious association shall be considered within a month from the day of receipt of all documents mentioned in this Law by the Ministry of Justice of Ukraine or its local department.

3. An application on registration of an institution or a mission established in Ukraine by international and foreign religious and inter-religious associations and centres, except for the cases when such associations and centres practice religions not represented in Ukraine, shall be considered within three months from the day of receipt of all documents mentioned in this Law by the Ministry of Justice of Ukraine.

4. Religious organisations that practice religions not represented in Ukraine and missions of international and foreign religious and inter-religious associations and centres that practice religions not represented in Ukraine shall be registered within the period of up to six months.

5. An applicant has to be notified on a decision on registration or a refusal within three days from the day of adoption of such decision.

6. The Ministry of Justice of Ukraine and its local departments shall examine the documents submitted for registration of a religious organisation or a mission of an international or foreign religious or inter-religious association or centre with regard to their compliance with requirements of active Ukrainian legislation. They also have a right to inquire into veracity of data provided in these documents.

7. Before granting registration to a religious organisation that practices religion not represented in Ukraine or a mission of an international or foreign religious or inter-religious association or centre that practice religion not represented in Ukraine, the Ministry of Justice organises a comprehensive examination of compliance of a religious doctrine and practice of a religious

organisation practicing this religion to the legislation of Ukraine. The procedure and timelines for carrying out such comprehensive analysis is set by the Cabinet of Ministers of Ukraine.

8. Violation of timelines for consideration of applications for registration of a religious organisation or a mission of an international or foreign religious or inter-religious association or centre as provided for in this Law may be appealed against in court.

9. If the Ministry of Justice or its local department decides to register a religious organisation, they provide a respective religious organisation with a certificate on state registration issued by a state registrar in a respective city council executive committee of a city with oblast status or of a rayon state administration or district state administrations in cities of Kyiv and Sevastopol at a respective place of location of a legal entity.

10. The Ministry of Justice of Ukraine or its local departments that registered a religious organisation or a mission of an international or foreign religious or inter-religious organisation or centre add information about them to the State Registry of Religious Organisations. Data to be included into the State Registry of Religious Organisations and the procedure for keeping the registry is defined by the Cabinet of Ministers of Ukraine. State authorities and bodies of local self-government shall not demand from religious organisations other information than provided for in this Law for the purposes of registration.

11. In the event of amendments to the documents submitted for registration of a religious organisation as provided for in this article, religious organisations and missions of foreign and international religious and inter-religious associations and centres have to notify the Ministry of Justice of its local departments on such amendments in writing within a month.

12. Amendments to the statute of a religious organisation are to be registered in accordance with the same procedure and within the same periods as set forth for registration of the statute.

Article 18 - Refusal to Register Religious Organisation or Mission of Foreign or International Religious or Inter-Religious Association or Center

1. Refusal to register a religious organisation or a mission of a foreign or international religious or inter-religious association may be based exceptionally on the following grounds:

1) objectives of a religious organisation declared in its statutory documents or objectives of an international or foreign religious or inter-religious association or centre willing to establish a mission or a religious institution in Ukraine declared in its statutory documents contradict the Constitution and laws of Ukraine;

2) failure to submit the documents necessary for registration as provided for in Article 16 of this Law;

3) documents submitted for registration contradict Ukrainian legislation;

4) documents submitted for registration contain false information;

5) persons who created a religious organisation were not entitled to create it in accordance with Ukrainian legislation;

6) conclusions of a comprehensive examination established discrepancies between Ukrainian legislation and religious doctrine or practice of a religious organisation practicing religion not represented in Ukraine.

2. A refusal to register a religious organisation shall not prevent a respective organisation from repeat application for registration after elimination of the grounds for refusal.

3. A refusal to register a religious organisation may be appealed against in court.

Article 19 - Termination of a Religious Organisation with the Status of Legal Entities or Termination of Activities of a Mission of Foreign or International Religious or Inter-Religious Association or Centre; Official Prohibition of Activities of Religious Organisation

1. Religious organisations with the status of legal entities may be terminated (reorganised or liquidated) in accordance with the procedure established by the Civil Code of Ukraine upon a decision of a body authorised by the statute of a religious organisation to adopt decisions on terminating organisation's activities or upon a court decision.

2. A religious organisation – legal entity may be terminated by court only on the following grounds:

1) false information was detected in documents submitted for registration by a religious organisation;

2) systematic or grave violation of the Constitution or laws of Ukraine by a religious organisation.

3. Activities of a mission of a foreign or international religious or inter-religious association or centre shall be terminated:

1) after liquidation of a foreign or international religious or inter-religious association or centre that established the mission;

2) upon a decision of a foreign or international religious or inter-religious association or centre that established the mission;

3) upon a court decision - in the event of detecting in registration documents of false data or in the event of systematic or grave violation of Ukrainian legislation.

4. Activities of a religious organisation may be prohibited by court if a religious organisation or its representatives authorised to act and acting on behalf of a religious organisation:

1) perform actions that threaten human life, health, freedom, dignity or safety;

2) encroach upon constitutional human rights and freedoms;

3) systematically violate the procedure for conducting public religious activities (divine services, rituals, ceremonies, processions, etc.) as provided for by law;

- 4) call upon other persons not to perform their constitutional duties or to gravely violate public order or to trespass on property belonging to individuals or legal entities;
- 5) perform actions prohibited by Articles 4 and 5 of this law or incite religious, racial or inter-ethnic enmity;
- 6) prevent participants of a religious organisation or other persons from receiving mandatory education;
- 7) persuade participants of a religious organisation or other persons to commit suicide;
- 8) illegally prevent participants of a religious organisation from leaving the organisation.

5. A court considers a case on terminating a religious organisation with the status of a legal entity or a mission of a foreign or international religious or inter-religious association or centre and on prohibiting activities of a religious organisation upon an application submitted by a body that registered the religious organisation or the mission of a foreign or international religious or inter-religious association or centre, or by a prosecutor pursuant to the procedure established by the Code of Administrative Justice of Ukraine.

6. Prohibition of activities of a religious organisation with the status of a legal entity entails its liquidation.

Section III

RIGHTS OF INDIVIDUALS AND RELIGIOUS ORGANISATIONS RELATED TO FREEDOM OF BELIEF AND RELIGION

Article 20 - Religious Rites and Ceremonies

1. Divine services, religious rites, ceremonies and processions may be freely conducted in hieratic premises and on adjacent territories as well as in premises belonging to religious organisations or legitimately used by these organisations, at places of pilgrimage, cemeteries, places of individual burials and crematoria.

2. Divine services, religious rites and ceremonies may be held in premises occupied by state authorities and bodies of local self-government, institutions, organisations and enterprises upon consent of their management bodies, and in military units and other subdivisions of military formations created in accordance with Ukrainian legislation – upon consent of commandership.

3. Divine services, religious rites and ceremonies may be held in apartments, houses and buildings belonging to individuals upon consent of the owner or a person authorised to represent the owner.

4. Divine services and religious rites may be held in hospitals, nursery institutions of social support (care), institutions for the elderly and disabled individuals as well as penitentiary institutions upon a request from individuals dwelling in these institutions or upon the initiative of a religious organisation. Administration of the aforementioned institutions has to facilitate

organisation of religious activities and set the time and other conditions for conducting divine services, religious rites and ceremonies.

5. Commandership of military units and other subdivisions of military formations created in accordance with Ukrainian legislation have to provide opportunities for the soldiers to participate in divine services, pilgrimages, religious rites and ceremonies in accordance with their religion provided such participation does not violate provisions of the Disciplinary Statute of the Armed Forces of Ukraine.

6. In other cases, public divine services, religious rites, ceremonies and processions shall be conducted in accordance with the procedure for holding gatherings, meetings, marches and demonstrations.

7. Upon a request of an employee, a student or a pupil's parents, the management of an enterprise, institution or an organisation has to provide an opportunity for him/her to participate in divine services or time off work/study for divine services or holidays required by his/her religion except for the cases when specific characteristics of a working cycle prevent them from enjoying this right. An employee has to work outside normal working hours to make up for the time spent on participation in divine services or holidays.

Article 21. Social Work of Religious Organisations

Religious organisations have a right to engage in charity, education, cultural and other social activities either directly or by means of creating new legal entities in accordance with the procedure established by law.

Article 22 - Religious Educational Institutions

1. Religious organisations have a right to create educational institutions both in the form of religious institutions and in other forms provided for in the legislation.

2. Religious educational institutions created in the form of religious institutions have a right to act without a license for providing educational services and preparing specialists of various qualification levels and without adhering to the national educational standards.

3. Other educational institutions established by religious organisations are created and act pursuant to the procedure provided for by Ukrainian legislation on education.

4. Individuals attending higher and secondary religious educational organisations enjoy all rights and benefits provide for in Ukrainian legislation for the students of non-governmental educational institutions.

5. Professors and staff of religious educational institutions have social rights and guarantees equal to those of respective categories of employees of non-governmental educational institutions.

Article 23 - International Relations and Contacts of Believers and Religious Organisations

1. The believers individually or collectively and religious organisations have a right to establish and maintain international contacts as well as direct personal contacts, including organising and carrying out pilgrimages abroad and participation in religious events held outside Ukraine.
2. Religious organisations have a right to send believers abroad to study at religious educational institutions and invite foreign and stateless persons for the same purposes.
3. Foreigners and stateless persons legally staying in Ukraine may engage in preaching or other religious activities like citizens of Ukraine. They have no right to interfere with activities of religious organisations without their invitation or consent, to advocate religious intolerance in any form, insult human feelings related to their religious or other beliefs.

Article 24 - Specific Characteristics of Property Status of Religious Organisations

1. Religious organisations have a right to possess, use and dispose of any property not excluded from civil circulation, including monetary funds, currency values and security papers in and outside Ukraine like other private property legal entities.
2. Religious organisations have a right to produce, export, import and disseminate religious property, including religious literature, audio-, video- and other religious informative materials.
3. Religious organisations have a right to create and maintain freely accessible places for divine services and religious meetings as well as places of worship of certain religions (pilgrimage sites).
4. Religious organisations have a right to build cult buildings provided they adhere to the national construction requirements.
5. Religious organisations that use cult buildings and other property classified as cultural, architectural or other heritage protected by law shall observe provisions of legislation on the protection of such heritage.
6. Cult property belonging to a religious organisation may not be subject to creditors' claims.
7. Religious organisation may use land in accordance to the procedure and conditions provided for in the Land Code of Ukraine and other legislative acts of Ukraine.
8. Religious organisations have a right to ask for and receive voluntary donations from individuals and legal entities.
9. Religious organisations have no right to impose mandatory taxes on believers or introduce mandatory financial charges.
10. The state returns the previously nationalised cult buildings and other property to religious organisations in accordance with the procedure established by law.

11. Transition of the state-owned or municipal cult property to subjects other than religious organisations is disallowed.

12. The Cabinet of Ministers of Ukraine determines the procedure for creation and maintenance of the State Registry of Cult Property.

Article 25 - Specific Characteristics of Status of Religious Organisations as Users of State-Owned or Municipal Property

1. Religious organisations have a right to use state-owned or municipal cult buildings and other property for their needs.

2. Before the state returns to a religious organisation previously nationalised cult buildings and other cult property or cult property restored by the state or local communities after its complete or partial destruction, the bodies authorised to dispose of it grant a right to use such state-owned or municipal property free of charge to a religious organisation.

3. A religious organisation that claims a right to use state-owned or municipal cult buildings and other property free of charge has to submit its application to a body authorised to dispose of such property. The body authorised to dispose of state owned or municipal cult property has to consider this application within a month and notify the applicant in writing within 10 days after adoption of a respective decision.

4. Bodies authorised to dispose of state-owned or municipal property have to grant a right to use such property free of charge to a religious organisation within a reasonable time necessary to provide for lawful interests of legitimate users of this property except for property not liable to be used by religious organisations.

5. Cult buildings and constructions located on the territory of military units of the Armed Forces of Ukraine are considered state property and may not be alienated.

6. A list of cult property not liable to be used free of charge on permanent basis by religious organisations shall be approved by the Cabinet of Ministers of Ukraine.

7. If two or more religious organisations claim a right to use one and the same cult property item, a body authorised to dispose of such property adopts a decision on applications submitted by such organisations based on the principle of restoring historical justice and taking into consideration the proofs of historical legacy provided by the applicant religious organisations that used to have or use this property before it was nationalised. In such an event, the period for consideration of applications of such organisations may be extended to three months.

8. Decisions of executive bodies and bodies of local self-government concerning possession, use and disposal of cult buildings, constructions and other cult and non-cult property may be appealed against in court.

Article 26 - Entrepreneurial Activities of Religious Organisations

1. Religious organisations apart from their primary activities may engage in entrepreneurial activities if the latter is in line with their objective and facilitate its achievement.
2. Religious organisations have a right to found companies and other economic subjects in accordance with the procedure established by law.

Article 27 - Staff and Elected Persons of Religious Organisations

1. In accordance with the procedure established in their statutes, religious organisations have a right to employ and elect to office citizens of Ukraine, foreign nationals and stateless persons legally staying in Ukraine.
2. Conditions of work of hired employees shall be set forth in a written labour agreement.
3. Persons working for religious organisations on a contractual basis and elected individuals, including clergymen and church officers, are subject to provisions of legislation on pensions, labour, social insurance and taxation of individual incomes.

Section IV

STATE POLICIES IN THE SPHERE OF FREEDOM OF BELIEF AND RELIGION

Article 28 - Ensuring Implementation and Observance of Legislation on Freedom of Belief, Religion and Religious Organisations

The implementation and observance of legislation on freedom of belief, religion and religious organisations is ensured by the Ministry of Justice of Ukraine and its local departments, other central executive bodies, prosecutors, local executive bodies and bodies of local self-government within their competence.

Article 29 - Authorities of the Ministry of Justice to Ensure Implementation and Observance of Legislation on Freedom of Belief, Religion and Religious Organisations

1. The main state authority responsible for ensuring implementation of state policies in the sphere of freedom of belief and religion is the Ministry of Justice of Ukraine.
2. The main tasks of the Ministry of Justice in this sphere are:
 - 1) to ensure everyone's right to freedom of belief and religion;
 - 2) to carry out registration of religious organisations;
 - 3) to establish and to keep the State Registry of Religious Organisations and the State Registry of Cult Property;

4) to organise comprehensive examination of compliance of religious doctrine and practice of religious organisations practicing religions not represented in Ukraine with the Ukrainian legislation;

5) to provide official interpretation of effective legislation on the freedom of belief and religion, to analyse practices of its implementation and international experience in this sphere, to elaborate proposals on improving national legislation;

6) to provide consultations to executive bodies and bodies of local self-government, legal entities and individuals as to applying legislation on the freedom of belief, religion and religious organisations;

7) to ensure within its competence implementation and observance of legislation on the freedom of belief, religion and religious organisations.

Article 30 - Liability for Violating Legislation on Freedom of Belief, Religion and Religious Organisations

Violation of legislation on the freedom of belief, religion and religious organisations entails disciplinary, civil, administrative or criminal liability as provided for in law.

Section V FINAL AND TRANSITIONAL PROVISIONS

1. This Law comes into force on 1 January 2007, except for its Article 25 which comes into force on 1 July 2007.

2. Resolution of the Verkhovna Rada of the USSR “On the Procedure for Enactment of the Law of Ukraine “On Freedom of Conscience and Religious Organisations”” of 23 April 1991 (*Vidomosty Verkhovnoi Rady URSR* 1991, #25, p. 284; *Vidomosty Verkhovnoi Rady Ukrainy*, 1994, # 13, p. 67) shall be recognized null and void.

3. To amend the Land Code of Ukraine (*Vidomosty Verkhovnoi Rady Ukrainy*, 2002, ##3-4, p. 27; 2004, #7, p. 48; 2004, #35, p. 416) as follows:

1) to add a following new paragraph after paragraph 3 of Article 82:

“4. Religious organisations registered in Ukraine have a right to acquire land plots to construct cult buildings and engage in other activities in accordance with the procedure and on the grounds established in this Code for Ukrainian legal entities”.

In view of this, paragraph 4 is to be considered paragraph 5.

2) to add sub-paragraph “c” in paragraph 2 of Article 92:

“c) religious organisations registered in Ukraine”.

4. In paragraph 4 of Article 3 of the Law of Ukraine “On Registration of Legal Entities and Individual Entrepreneurs” (*Vidomosty Verkhovnoi Rady Ukrainy*, 2003, ##31-32, p. 263; *Ofitsiynyi Visnyk Ukrainy*, 2006, #15, p. 1071) to add the words “and religious” after the word “charity”.

5. Until the statutes of religious organisations are brought in compliance with provisions of this Law, religious communities as well as religious fraternities and monasteries created in accordance with paragraph 2 of Article 10 of the Law of Ukraine “On Freedom of Conscience and Religious Organisations” of 23 April 1991 shall be considered religious societies, and other religious organisations shall be considered religious institutions. The aforementioned organisations retain their names.

6. Religious organisations registered as of the moment of enactment of this Law may continue to engage in their activities on the basis of the previously registered statutes without re-registering them.

7. Religious associations represented by religious authorities and centres having the words “Ukrainian” and “all-Ukrainian” as well as derivatives in their names have a right to preserve the names at registration.

8. The Cabinet of Ministers of Ukraine shall:

1) prepare and submit the following documents to the Verkhovna Rada of Ukraine within three months after publication of this Law:

- draft Law of Ukraine on Returning the Previously Nationalised Property to Religious Organisations;

- proposals on bringing legislative acts of Ukraine in compliance with this Law;

2) within six month from the day of enactment of this Law:

- adopt normative legal acts necessary to implement this Law;

- bring its normative legal acts in compliance with this Law;

- organise revision and cancellation of respective normative legal acts running contrary to provisions of this Law by ministries and other central executive bodies;

9. This Law applies to relations that emerged after its enactment.”.