

ENGLISH TRANSLATION OF LAW 3894 WITH COMMENTS

The official text is posted at <https://zakon.rada.gov.ua/laws/show/3894-20#Text>

A Google translation (with some corrections) of the official text is in black font. The red font is used for comments by Peter Anderson, a retired attorney and author of a newsletter on current Orthodox world developments.

THE LAW OF UKRAINE

On the protection of the constitutional order in the sphere of activity of religious organizations

Verkhovna Rada of Ukraine,

[THIS IS A PREAMBLE STATING THE CLAIMED JUSTIFICATION FOR THE LAW]

based on the principles of [Article 35](#) of the Constitution of Ukraine, [Articles 9](#) and [11](#) of the European Convention on Human Rights, which provide for the rights to freedom of conscience, religion and association in religious organizations and the possibility of limiting the relevant rights by law in the interests of national or public security, protection of rights and freedoms other persons,

The paragraph above refers to the Constitution of Ukraine (“Constitution”) and the European Convention on Human Rights (“ECHR”) but does not correctly describe the permissible grounds stated in the Constitution and the ECHR for limiting the freedom of religion. The grounds stated in Article 35 of the Constitution are: *“The exercise of this right may be limited by law only in the interests of protecting public order, health and morals of the population or protecting the rights and freedoms of other people.”* Article 9 of the ECHR provides: *“Freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.”* Neither the provisions of the Constitution nor the provisions of Article 9 of the ECHR allow for limiting the exercise of freedom of religion in the interests of “national or public security” as claimed by the paragraph above.

The above paragraph also refers to Article 11 of the ECHR, which relates to freedom of assembly. With respect to assembly, Article 11 does allow limitations “in the interests of national security.” Thus, when the drafters of the ECHR intended to allow a limitation to be based on “national security,” they did so clearly and expressly. The fact that the drafters did not include “national security” with respect to freedom of religion shows the drafters did not intend “national security” to be a ground for limiting freedom of religion.

On 23 July 2024, the Ukrainian State Service for Ethnic Affairs and Freedom of Conscience (“DESS”) issued a statement concerning the use of “national security” as a basis for this Law. <https://dess.gov.ua/zaiava-dess-shchodo-zakonoproiektu-8371-vazhlyvist-i-neobkhdnist->

[usunennia-relihiynoho-vplyvu-krainy-ahresora/](#) The statement by DESS provided: *“International law in the field of freedom of conscience does not provide for the regulation of religious freedom for reasons of national security. Not because this or that religious organization cannot threaten such security, but because a number of states have abused and are abusing the very concept of national security. Mountains of legal literature have been written about it. This is emphasized within the framework of the European Union in international acts on the protection of religious freedom; it is stated in the decisions of the European Court of Human Rights. DESS consistently draws the attention of the law makers to this, while emphasizing that the very repetition of the phrase ‘national security’ does not make the draft law either stronger or more effective, but makes it more vulnerable to possible criticism.”*

In spite of this warning from DESS, the Rada (the Ukrainian parliament) chose to make “national security” the prime justification for this Law.

recognizing the duty of the state to protect the right to freedom of conscience, religion and association in religious organizations, including the right of citizens to change their religion and beliefs and the right of religious organizations to change their subordination to religious centers (management), from unlawful encroachments by any persons, religious or other organizations, foreign states,

taking into account the armed aggression of the Russian Federation against Ukraine, the support of this aggression by the Russian Orthodox Church and noting that the numerous illegal actions of the Russian Orthodox Church and its subordinate religious organizations on the territory of Ukraine pose a threat to national and public security, the rights and freedoms of Ukrainian citizens,

Again, “national and public security” is used as a justification for this Law.

taking into account [the decision of the National Security and Defense Council of Ukraine on certain aspects of the activity of religious organizations in Ukraine and the application of personal special economic and other restrictive measures \(sanctions\)](#) ,

This decision by the National Security and Defense Council directed that the future law limiting the activities of religious organizations affiliated with the Russian Orthodox Church (“ROC”) must be “in accordance with the norms of international law in the field of freedom of conscience and obligations of Ukraine in connection with joining the Council of Europe.” The Rada did not in fact follow this directive.

adopts this Law.

PART I. FEATURES OF THE ACTIVITIES OF FOREIGN RELIGIOUS ORGANIZATIONS IN UKRAINE

The provisions of Part I are free-standing and do not amend existing legislation. In contrast, Part II, with only a few exceptions, consists of amendments to existing legislation. Provisions directed specifically at foreign religious organizations, such as the ROC, are found in Part I.

Article 1. Scope of the Law

1. This Law, with the aim of protecting national and public security, human rights and freedoms, defines the specifics of the activities of foreign religious organizations in Ukraine. **Another reference to “national and public security.”**

2. None of the provisions of this Law can be interpreted as limiting the freedom of religion or belief, the right to observe religious practices and ritual rites. **This is a vague and weak statement. Proponents of the Law have stated that freedom of religion is preserved because individuals have the right to choose their faith and engage in religious practices such as prayer. Thus, it is possible that this statement relates simply to such individual rights and not to rights exercised in common with others. In contrast, a strong statement would be: “Any provisions of the Law which conflict with the guarantees of religious freedom provided by the Constitution, the ECHR, or international conventions of which Ukraine is a member are null and void.”**

Article 2. Organizational principles of functioning of foreign religious organizations **This article relates to foreign religious organizations, such as the ROC, and not to Ukrainian religious organizations.**

1. For the purposes of this Law, a foreign religious organization is a religious organization (including a religious administration, association, center) as a legal entity formed and/or registered in accordance with the legislation of another state, located outside Ukraine.

Foreign religious organizations can carry out activities in Ukraine, provided that their activities do not harm national or public security, protection of public order, health, morals, rights and freedoms of other persons. **Again, there is a reference to “national and public security.”**

2. The activities of foreign religious organizations that meet the following criteria are prohibited on the territory of Ukraine:

1) are located in a state that is recognized as having carried out or is carrying out armed aggression against Ukraine and/or temporarily occupying part of the territory of Ukraine;

2) directly or indirectly (including through public speeches of leaders or other management bodies) support armed aggression against Ukraine.

Foreign religious organizations located in a state recognized as having carried out or carrying out armed aggression against Ukraine and/or temporarily occupying part of the territory of Ukraine include foreign religious organizations (including religious administrations, associations, centers), the management center (control) of which is located outside Ukraine in the relevant aggressor state.

3. Foreign religious organizations, the activities of which are prohibited in accordance with this Article, are defined by [Article 3](#) of this Law.

In the event that the activity of a foreign religious organization meets the criteria specified [in the second part](#) of this article, which became known after the entry into force of this Law, the prohibition of the activity of such a foreign religious organization is carried out by amending [the first part of Article 3](#) of this Law.

The cancellation of the ban on the activity of foreign religious organizations in Ukraine, established by this Law, is carried out by making amendments to this Law.

Article 3. Foreign religious organizations whose activities are prohibited in Ukraine

1. Considering the fact that the Russian Orthodox Church is an ideological extension of the regime of the aggressor state, an accomplice to war crimes and crimes against humanity committed in the name of the Russian Federation and the ideology of "Russian World", the activities of the Russian Orthodox Church in Ukraine are prohibited. **This is an important provision. All activities of the ROC in Ukraine are automatically prohibited without the need of any other proof.**

2. The activity of religious organizations affiliated with a foreign religious organization, the activity of which is prohibited in Ukraine in accordance with the first part of this article, including directly or as a component of another religious organization, or in the presence of other signs established by Article 5 of the Law of Ukraine "On freedom of conscience and religious organizations", is not allowed and such religious organizations are terminated in accordance with the procedure established by law. **The activities of a religious organization "affiliated" with the foreign religious organization are also prohibited. Affiliation is covered in detail beginning at page 10 below.**

The list of religious organizations in Ukraine affiliated (connected by one or more features defined by Article 5 of the Law of Ukraine "On Freedom of Conscience and Religious Organizations") with a foreign religious organization, the activity of which is prohibited in Ukraine, is approved by an order of the central executive body, which implements state policy in the field of religion and is published on its official website.

In the case established by law, the activity in Ukraine of a foreign religious organization located in a state recognized as having carried out or carrying out armed aggression against Ukraine and/or temporarily occupying a part of the territory of Ukraine, the activity of which is prohibited in Ukraine in accordance with this Law, shall be terminated from the date of entry into force of this Law or the law on making relevant changes to this Law. **Under this paragraph, the activities of the ROC in Ukraine are terminated beginning September 23, 2024.**

Article 4. Consequences of banning the activity of a foreign religious organization in Ukraine

Most of Article 4 relates to the banning the activities foreign religious organizations, such as the ROC, and not to Ukrainian religious organizations. The consequences of banning Ukrainian religious organizations are described later in the Law.

1. Foreign religious organizations, the activities of which are prohibited in Ukraine, are subject to the consequences established by law.

The National Security and Defense Council of Ukraine applies restrictive measures (sanctions) to foreign religious organizations, the activities of which are prohibited in Ukraine in accordance with Article 3 of this Law, in accordance with the procedure established by the Law of Ukraine "On Sanctions" and normative legal acts adopted for its implementation.

2. From the date of the ban on the activity of a foreign religious organization in Ukraine:

1) the activity of a foreign religious organization in Ukraine, defined by the first part of Article 3 of this Law, is terminated with the consequences established by law;

2) transactions related to the use of property (rent, hiring, leasing, other forms of use of someone else's property), the validity period of which has not expired, made between residents of Ukraine and the corresponding foreign religious organization, the activity of which is prohibited in Ukraine, as well as with legal entities registered in Ukraine, entities, the owner of which is such

a foreign religious organization as a member, that have not brought their activities into compliance with this Law within the period established by [part three](#) of this article, are prematurely terminated; **There is a premature termination of any agreement to use property where the parties are the ROC and any resident of Ukraine. This also applies to a legal entity where the ROC has an ownership interest.**

3) other consequences are applied in accordance with [the Law of Ukraine](#) "On Freedom of Conscience and Religious Organizations".

3. A foreign religious organization, the activity of which is prohibited in Ukraine, cannot be the owner, shareholder of legal entities registered in Ukraine. Such legal entities must bring their composition of shareholders into compliance with this Law within three months from the date of the ban on the activity of the corresponding foreign religious organization in Ukraine. If a legal entity does not bring the composition of shareholders into compliance with this Law within the prescribed period, such a legal entity shall be terminated based on a court decision following the proceedings of a lawsuit by the central executive body that implements state policy in the field of religion. **If the ROC is a shareholder in any legal entity in Ukraine, the legal entity must eliminate that shareholder interest by 23 December 2024. Any legal entity that fails to do so is terminated.**

4. Relations and/or connections, and/or communications of religious organizations, including religious communities, other legal entities under private law, with foreign religious organizations, the activities of which are prohibited in Ukraine, are not allowed, except when they are carried out with the consent of the central body of executive power, which implements state policy in the field of religion. **Thus, all religious organizations and all private legal entities are prohibited from communicating with the ROC unless the communication is approved by DESS. This subject is also discussed at page 24 below.**

In order to obtain approval, a person who plans relations and/or connections and/or communications with a foreign religious organization, the activities of which are prohibited in Ukraine, applies to the central executive body that implements state policy in the field of religion with a corresponding application. The application is accompanied by information justifying the need for relations and/or connections and/or communications with a foreign religious organization whose activities are prohibited in Ukraine. **To obtain approval, an application showing need is required.**

The procedure for granting individual consent to relations and/or connections and/or communication with a foreign religious organization, the activity of which is prohibited in Ukraine, the form of an application for granting consent, the list of information and additional documents attached to it, the grounds for granting and refusing the granting of consent, the procedure for monitoring connections and contacts with a foreign religious organization, the activity of which is prohibited in Ukraine, are approved by the Cabinet of Ministers of Ukraine. **The procedure and criteria for allowing communication must be approved by the Cabinet of Ministers.**

5. A religious organization operating in Ukraine cannot have a management center (management) outside of Ukraine in a state that is recognized as having carried out or is carrying out armed aggression against Ukraine and/or temporarily occupying part of the territory of Ukraine, as well as being part of the structure (be a part of) a foreign religious organization whose

activities in Ukraine are prohibited in accordance with [Article 3](#) of this Law, or be otherwise affiliated with such a religious organization.

[THE IDEOLOGY OF “RUSSIAN WORLD”]

Under this article, religious organizations are prohibited from promoting the ideology of “Russian world.” The phrase “Russian world” is defined on pages 26-27 below. On page 17 below, the judiciary is given the power to terminate a religious organization for propagating the ideology of “Russian world.”

Article 5. Peculiarities of the termination of a religious organization for reasons of propaganda of the ideology of the "Russian world"

1. The use of religious organizations to promote the ideology of "Russian world", including the popularization of such ideology in any way and/or by any means, which is contrary to the interests of national and public security, territorial integrity of Ukraine, is prohibited.

When applying the provisions of the first paragraph of this part, the facts of the propagation of the ideology of the "Russian world" are taken into account both directly by the religious organization and by its statutory or other management bodies, by other persons acting on their behalf by assignment or with permission or in accordance with another method of agreement independently from the form of such consent. Even if the management bodies of a religious organization do not propagate the ideology, a religious organization can still be found to be propagating if persons acting on its behalf by assignment or with permission engage in propagation. This is unlawfully vague. For example, does the person need to be specifically assigned to engage in the propagation or is it sufficient if the person is assigned to a responsible position and then engages in propagation without being told to do so?

2. Consideration of the issue of confirmation of the facts of the use of a religious organization to promote the ideology of the "Russian world" is carried out by the central body of executive power, which implements state policy in the field of religion, in accordance with the procedure established by the Cabinet of Ministers of Ukraine. The conclusions of the religious examination, information of other central executive bodies, data of public electronic registers, as well as information received from individuals and/or legal entities, from the media and other open sources may be used during the review. DESS makes the decision as to whether a religious organization is promoting “Russian world.” In making this determination, DESS has almost no restrictions on the type of information that it may use in making its determination. For example, DESS may use information obtained from individuals, the media, or any other open source.

PART II. FINAL AND TRANSITIONAL PROVISIONS

[EFFECTIVE DATES OF THE LAW]

1. This Law enters into force 30 days after its publication [the publication date is 24 August 2024. Thus, the Law is effective on 23 September 2024, with the two exceptions below], except for:

1) [subparagraph 2](#) of paragraph 2 of this section, which shall enter into force nine months from the day following the date of publication of this Law; The amendments to the Judicial Code made by this Law will take effect after nine months or 24 May 2025. These amendments relate to the institution of court proceedings to terminate a religious organization. However, before a

lawsuit is filed with the court based on a religious organization's affiliation with the ROC, a series of administrative steps involving DESS must be completed. These administrative steps are described later in the Law. These administrative steps are not subject to the nine-month effective date and can begin after 23 September 2024.

2) of clause 6 of this section, which shall enter into force on the day following the date of publication of this Law.

2. Make changes to the following legislative acts of Ukraine:

1) section XIII "Transitional Provisions" of the Civil Procedure Code of Ukraine (Vedomosti Verkhovna Rada of Ukraine, 2017, No. 48, Article 436) shall be supplemented with paragraph 2 of the following content:

"2. Civil cases on the termination of the activities of a religious organization, in which lawsuits were filed before the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations" came into force and whose consideration in the court of first instance has not been completed through the adoption of a corresponding court decision, continue to be considered (are being completed) according to the rules that were in effect before the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations" came into force.

Consideration of appeals and cassation complaints, as well as other statements provided for by this Code, in such civil cases, which were filed before the entry into force of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations", continues and is completed according to the rules that were in effect before the entry into force of the Law of Ukraine "On Protection of the Constitutional Order in the Field of Activities of Religious Organizations";

[AMENDMENTS TO THE JUDICIAL CODE]

The last step to terminate a religious organization is a request that a court issue a termination order. The following amendments to the Judicial Code relate to these court proceedings to terminate. Most of these amendments involve speeding up these court proceedings to minimize the time needed to obtain a final court order to terminate. The need for such speed is not justified especially when one considers that the Rada itself took over 19 months to enact the Law. (The draft law was introduced on 19 January 2023 and passed on 20 August 2024.) The imposition of such speed can prejudice the ability of a religious organization to present its case to the court in a thorough and comprehensive manner. Furthermore, it can be argued that applying these special time limits on a religious organization, but not on parties in other lawsuits brought under the Judicial Code, is a form of unlawful discrimination against the religious organization.

2) in the Administrative Judicial Code of Ukraine (Vedomosti Verkhovna Rada of Ukraine, 2017, No. 48, Article 436):

a) part two of Article 22 shall be supplemented with paragraph 4 of the following content: **This provides that the court of the first instance is the appellate administrative court for Kyiv.**

"4) on the termination of a religious organization, provided for in Article 289⁹ of this Code";

b) part two of Article 245 shall be supplemented with clause 8² of the following content:

"8²) the termination of a religious organization provided for in Article 289⁹ of this Code, and the transfer of property, funds and other assets in its ownership, except religious ones, to the ownership of the state"; This gives the court the power to transfer all assets of the terminated religious organization, except religious property, to the ownership of the state. As provided later in the Law, religious property is given to other religious organizations.

c) [paragraph 2](#) of chapter 11 of section II shall be supplemented with article 289⁹ with the following content:

" **Article 289⁹** Peculiarities of proceedings in cases of administrative claims for the termination of a religious organization

1. The effect of the provisions of this article extends to the consideration of administrative cases on the termination of a religious organization provided for by law.

The right to file an administrative lawsuit for the termination of a religious organization is vested in the central executive body that implements state policy in the field of religion, or the body authorized to register the charter (regulations) of the relevant religious organization. A lawsuit to terminate may be filed by DESS or the body authorized to register the charter. The bodies authorized to register the charter are specified on page 25 below.

2. Administrative cases specified in part one of this article shall be considered as a court of first instance by the court specified in part two of article 22 of this Code.

3. In the event of the opening of proceedings in an administrative case specified in part one of this article, or appeal proceedings in such a case and the appointment of a court session, the relevant court shall notify the plaintiff thereof within three days and shall oblige him to publish the corresponding announcement in accordance with the procedure provided for in part n of this article.

4. In the event that the court of first instance in the administrative case provided for in the first part of this article makes a decision that is subject to appeal, or concludes the consideration of the case by passing a court decision, the court of first instance after drawing up the full text of the corresponding court decision immediately, but no later than ten days from the date of drawing up the full text of the decision:

1) sends copies of case materials in electronic form to the court of appellate instance to ensure the possibility of immediate consideration of appeals against such a court decision in case of their submission;

2) informs about such a decision of the claimant to publish the announcement in the manner prescribed by part five of this article.

5. Announcement of the opening of proceedings in the administrative case specified in the first part of this article, or appeal proceedings in such a case and the appointment of a court session, the rendering by the court of the first instance of a decision that is subject to appeal, or the completion of the case by passing a court decision together with a copy of the relevant court decision or subpoena is published on the web portal of the judiciary of Ukraine, as well as on the official website of the central executive body that implements state policy in the field of religion, or the body authorized to register the charter (regulations) of the relevant religious organization.

After three days from the date of publication of such an announcement, it is considered that the participants in the case and all interested persons have been duly notified of the trial of such a case, the date, time and place of the court session, the adoption and content of the published court decision therein. **A court can notify the parties of its actions simply by posting a notice on the judiciary and DESS websites. This is contrary to the normal practice where the court sends the notice to the party.**

Non-arrival at the court session in the court of the first or appellate instance of the persons duly notified of the date, time and place of the hearing in the manner prescribed by this part shall not prevent the hearing of the case.

6. An appeal against a court decision in an administrative case provided for in part one of this article shall be filed within twenty days, and a court decision within ten days from the date of its publication in accordance with part five of this article.

The court of appellate instance in the administrative case provided for in the first part of this article is the Supreme Court as part of the collegium of the Administrative Court of Cassation of not less than five judges. **In this regard, the religious organization is treated differently than other parties under the Judicial Code. This provides that there is only one level of appeal – a specially constituted Supreme Court – as opposed to the normal two levels of appeal for other lawsuits. A level of appeal involving the “Courts of Appeal” is skipped.**

The judgment of the Supreme Court in such cases is final and not subject to cassation appeal.

7. The administrative case on the claim for the termination of a religious organization shall be decided by the court of first instance within one month after the opening of the proceedings in the case. **This is an important provision. The court of the first instance has only 30 days after the opening of proceedings to decide the case. It is difficult to comprehend how pre-trial motions and other pre-trial matters, the holding of the trial itself, the hearing of arguments by the parties, the deliberations by the court, and preparation of a decision by the court can all be completed within 30 days. In addition, the court will be required to construe not only Ukrainian law but also the law imposed by international conventions. This will most likely require considerable time and study by the court. Imposing a 30-day time limit is unreasonable and does not allow a thorough and careful presentation and consideration of the case.**

The appellate court considers the case within one month after the opening of the appellate proceedings.

8. No court fee shall be paid for the submission to the administrative court of claims and appeals in the cases defined by this article";

d) [section VII](#) "Transitional Provisions" shall be supplemented with clauses 4³ of the following content:

"4³ In the conditions of martial law in Ukraine, introduced by the Decree of the President of Ukraine "On the introduction of martial law in Ukraine" dated February 24, 2022 [No. 64/2022](#) , approved by the Law of Ukraine "On the approval of the Decree of the President of Ukraine "On the introduction of martial law in Ukraine" " dated February 24, 2022 [No. 2102-IX](#) , administrative cases following a lawsuit against the central executive body that implements state policy in the field of religion are sued and decided by the district administrative court, the territorial jurisdiction of which extends to the city of Kyiv (exclusive jurisdiction)"; **This provides that lawsuits against**

DESS are to be filed in the district administrative court of Kyiv. This is a different court than the court in which DESS seeks an order to terminate. This may prevent a religious organization from bringing a countersuit against DESS in the proceedings to terminate.

[AMENDMENTS TO THE LAW RELATING TO RELIGIOUS ORGANIZATIONS]

The following are amendments to the pre-existing law relating to religious organizations. The description of these amendments continues until page 25 below.

3) in [the Law of Ukraine](#) "On Freedom of Conscience and Religious Organizations" (Vedomosti Verkhovna Rada of the Ukrainian SSR, 1991, No. 25, Article 283 with the following amendments):

[ACTIVITIES OF "AFFILIATED" RELIGIOUS ORGANIZATIONS PROHIBITED]

a) to supplement Article 5¹ with the following content:

" **Article 5¹** Restrictions on the activity in Ukraine of a religious organization affiliated with a foreign religious organization located in a state that is recognized as having carried out or is carrying out armed aggression against Ukraine and/or temporarily occupied part of the territory of Ukraine

It is not allowed to operate in Ukraine a religious organization that:

As stated below, this prohibition against operations in Ukraine would apply to two different situations. The first is where the Ukrainian religious organization is "affiliated" with the ROC. The second is where the Ukrainian religious organization is affiliated with a Ukrainian religious organization which in turn is affiliated with the ROC.

In the event the UOC's Kyiv Metropolis is found to be affiliated with the ROC and subject to termination, the second situation (affiliated with the affiliated) may be used to include automatically in the prohibition all bodies of the UOC. This is because the charter of the UOC considers the Kyiv Metropolis to be the "administrative center" of the UOC. If the Metropolis is the administrative center of the entire UOC, it follows that all bodies of the UOC are affiliated with the Metropolis. It therefore may be possible for DESS in one proceeding to name as defendants (joinder of parties) not only the Kyiv Metropolis but also the hundreds of legal entities that are affiliated with the Kyiv Metropolis. There are other provisions in the Law that support this possibility. See pages 19-20 below.

1) affiliated with a foreign religious organization, the activity of which is prohibited in Ukraine in accordance with the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations";

2) affiliated with a religious organization that is affiliated with a foreign religious organization, the activity of which is prohibited in Ukraine in accordance with the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations".

[DEFINITION OF "AFFILIATED"]

Affiliation is found if "one or more" of seven "signs" are present. Each of the seven signs are described below. Because affiliation is found if only one sign is present, each sign must be

examined separately for compliance with the Constitution, with the ECHR, and with other international conventions to which Ukraine is a party. If the sign does not comply, that sign is unlawful. For example, with respect to the ECHR, a limitation on the exercise of religion must be “necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.” For each sign, one must ask whether the termination of a religious organization is “necessary” under the facts of the sign to protect the interests stated above. The use of the word “necessary” by the ECHR shows that termination of the religious organization must be the only reasonable option in the event the facts stated in the sign are present.

It should also be noted that the “signs” are specifically tailored to fix the UOC. Chapter X of the Charter of the ROC has provisions which cover the subject area of all of the signs except for sign 2. <http://www.patriarchia.ru/db/text/5082273.html> (text of Chapter X) On February 1, 2023, an “expert group” appointed by DESS concluded that a “ecclesiastical-canonical connection” presently exists between the UOC and the ROC. <https://dess.gov.ua/vysnovok-relihiieznavchoi-ekspertyzy-statutu-pro-upravlinnia-ukrainskoi-pravoslavnoi-tserkvy/> (text of report) The report of the “expert group” found the presence of sign 2 as well as the other signs. It is therefore apparent that the drafters of Law 3894 selected for inclusion in the statute those signs that they believed would be true for the UOC.

The language of Law 3894 requires a court to terminate a Ukrainian religious organization simply if one sign continues to be true. Thus, DESS or a court is not required to consider all of the facts with respect to the existing relationship between the UOC and the ROC but requires the court to focus solely on the existence of a sign. Aside from the existence of a sign, other evidence becomes irrelevant. Thus, DESS or the court need not consider such facts as the following: (1) there is no evidence that the UOC has followed any instructions from ROC since the time of the Local Council of the UOC held in May 2022; (2) the primate of the UOC, Metropolitan Onufry, has repeatedly condemned the invasion of Ukraine by Russia; (3) the UOC has flagrantly violated the express provisions in the ROC charter relating to Ukraine (not obtaining its chrism from the patriarch of the ROC, not commemorating the ROC patriarch in “all churches” of the UOC, not submitting changes in the UOC charter to the ROC patriarch for approval); (4) many members of the UOC are serving in the Armed Forces of Ukraine; (5) the UOC has provided material aid, such as vehicles, to the Armed Forces of Ukraine; (6) the UOC has provided a large amount of humanitarian aid to Ukrainians suffering from the results of the war.

A religious organization is affiliated with a foreign religious organization, the activity of which is prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations", in the presence of one or more of the following signs:

1) a religious organization directly or as a constituent part of another religious organization is part of the structure (is part of) a foreign religious organization, the activity of which is prohibited in Ukraine in accordance with the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations", and/or is affiliated with a religious organization an organization that is affiliated with the specified foreign religious organization;

2) in official documents and/or decisions of governing bodies, and/or in the statute (regulations), and/or in the documents stipulated by the statute (regulations) of a religious

organization operating in Ukraine, there are signs of inclusion in the structure of the relevant foreign religious organization, the activity of which is prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations", and/or a religious organization that is affiliated with the specified foreign religious organization;

3) in official documents and/or decisions of governing bodies, and/or in the charter (regulations) of a foreign religious organization, the activity of which is prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations", there are indications regarding the entry into its structure of a religious organization operating in Ukraine, or provisions regarding the right to make decisions by the statutory management bodies of the said foreign religious organization on canonical and organizational issues, which are binding for the religious organization operating in Ukraine; **This allows for termination of the UOC solely on the basis of the provisions of the Charter of the ROC. Chapter X, Section 10, of the ROC Charter provides that “decisions of the Local and Bishops’ Councils are binding” on the UOC. Therefore, this sign is present. However, the UOC is without power to delete this provision from the ROC Charter. Accordingly, it is absolutely certain that there is nothing that the UOC can do to avoid termination under the sign.**

4) official documents and/or decisions of governing bodies and/or the charter (regulations) of a foreign religious organization, the activity of which is prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations", provides for mandatory entry of managers and/or authorized representatives of a religious organization operating in Ukraine, to the statutory management bodies of the specified foreign religious organization; **This sign is also based solely documents of the ROC which the UOC is powerless to change.**

5) a foreign religious organization, the activity of which is prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations", due to its subordination in canonical and/or organizational matters, has the opportunity to influence management decisions and/or activities of a religious organization operating in Ukraine; **Since the Council held by the UOC in May 2022, there appears to be no evidence that the UOC has in fact been influenced by the ROC. However, this sign makes the mere “opportunity to influence” sufficient grounds for terminating the UOC.**

6) a foreign religious organization, the activity of which is prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations", carries out the appointment, election, approval, confirmation, blessing (or other administrative or canonical procedure related upon acquisition of powers) of the head of a religious organization operating in Ukraine;

7) a foreign religious organization, the activity of which is prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations", accepts, agrees, confirms, blesses, approves (or carries out another administrative or canonical procedure related to with entry into force) the charter (regulations) of a religious organization operating in Ukraine.

Clause 4 of the second part of this article does not apply if the subjects, managers and/or authorized representatives of religious organizations specified in this clause have publicly stated

orally or in writing that they disagree with the appointment to the management bodies of the specified foreign religious organization, have carried out the necessary actions, including preparing relevant statements and/or other documents to terminate the powers and sever ties with such a foreign religious organization";

Considering each of the seven signs individually or collectively, their presence does not justify the draconian penalty of termination of the religious organization. Applying the ECHR, termination is not “necessary” (no other reasonable alternative) “in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.” As there is no evidence that the ROC has in fact exercised any control over the UOC after May 2022, it is inconceivable that the mere existence of provisions in charters of the ROC or UOC would make it “necessary” to terminate the UOC “for the protection of the public order.”

Proponents of Law 3894 claim that the Law prevents religion being used as a weapon in Ukraine. However, the weaponization of religion is never mentioned in the Law. Rather, termination can be based on charter clauses that have been in effect for years prior to the invasion of Ukraine. Thus, under the Law, a court can order the termination of a religious organization without considering any evidence relating to the period after the invasion. If weaponization has occurred, it would have occurred after the invasion.

[CHANGE OF SUBORDINATION OF RELIGIOUS ORGANIZATIONS]

These amendments make it easier for a UOC parish to change its affiliation to the OCU. It also eliminates certain arguments used by the UOC in courts to challenge a change of affiliation. A change of affiliation to the ROC is prohibited.

b) part three of Article 8 [religious communities] shall be amended as follows:

“The state recognizes the right of a religious community to be subservient in canonical and organizational matters to any religious centers (administrations) operating in Ukraine and abroad, except for those governing centers (administrations) located outside Ukraine in a state recognized as such, that carried out or is carrying out armed aggression against Ukraine and/or temporarily occupied part of the territory of Ukraine, and whose activities are prohibited in Ukraine, and religious organizations whose activities are not allowed in accordance with the requirements of Article 5¹ of this Law, as well as the free change of this subordination by introducing relevant changes to the charter (regulations) of the religious community. The decision to change the affiliation and make relevant changes to the charter is adopted by the general meeting of the religious community. Such general meetings of the religious community can be convened by its members.”

c) to supplement Article 9 [religious centers] with parts four and five of the following content:

“The state recognizes the right of a religious center (management) to be subservient in canonical and organizational matters to any religious centers (management) operating in Ukraine and abroad, except for religious organizations, the activities of which are not allowed in accordance with the requirements of Article 5¹ of this Law, and/or foreign religious organizations located in a state that is recognized as having carried out or is carrying out armed aggression against Ukraine and/or temporarily occupied part of the territory of Ukraine, the activities of which are prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine “On Protection of the Constitutional

Order in the field of activities of religious organizations”. The state recognizes the right of religious organizations to freely change such affiliation by making appropriate changes to the charter (regulations) of the religious center (management).

The decision on the change of subordination and the introduction of relevant changes to the statute (regulations) is adopted by the general meeting of the governing body of the religious center (management)”.

d) to supplement [Article 10](#) [monasteries] with parts three and four of the following content:

“The state recognizes the right of monasteries, religious brotherhoods, missionary societies (missions) to be subordinate in canonical and organizational matters to any religious centers (management) operating in Ukraine and abroad, except for religious organizations whose management center (management) is under within the borders of Ukraine in a state recognized as having carried out or carrying out armed aggression against Ukraine and/or temporarily occupying part of the territory of Ukraine, and whose activities are prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine “On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations”, and religious organizations subject to Article 5¹ of this Law, and the free change of this subordination by making appropriate changes to the charter (regulations) of the monastery, religious brotherhood, missionary society (mission).

e) in [Article 12](#) : **This article relates to charters and their content.**

In part three:

Paragraph 1 should be read as follows:

“1) name, type of religious organization, its religious affiliation and location”;

add item 1¹ of the following content:

“1¹) management bodies of a religious organization, their competence, their decision-making procedure”;

Paragraph 6 should be read as follows:

“6) the procedure for resolving property and other issues in the event of termination of a religious organization”;

parts seven and eight to be excluded;

e) in [Article 14](#) : **This article relates to the registration of charters**

add the words “in triplicate” to the first part after the words “statute (regulations)”;

in part two:

in the first paragraph, delete the words “duly certified copies”;

in paragraph 1, replace the words “decision (excerpt)” with the words “original decision”;

in paragraph 2, replace the words “property right document” with the words “properly certified copy of the property right document”;

paragraph 2 of the third part shall be supplemented with the words “in three copies”;

in part four:

in point 1:

replace the words “duly certified copy of the protocol (or extract from the protocol)” with the words “original protocol”;

exclude the words “and additions”;

replace the word “these” with the word “such”;

in paragraph 2, the words “and additions” and “and the original of the certificate issued by the registration body (if such was issued)” should be deleted;

add the words “in triplicate” to part eight;

in paragraph 1 of part nine, replace the words “duly certified copy of the decision (excerpt)” with the words “original decision”;

add the words “in three copies” to the twelfth part;

in part thirteen:

in the first paragraph, delete the words “duly certified copies”;

in paragraph 1, replace the words “decision (excerpt)” with the words “original decision”;

in paragraph 2, replace the word “statute” with the words “duly certified copy of the statute”;

in paragraph 3, replace the word “document” with the words “duly certified copy of the document”;

in part sixteen:

the first paragraph should read as follows:

“Additions to the charter (regulations) of a religious organization in the new edition”;

in paragraph 1, replace the words “decision (excerpt)” with the words “original decision”;

in paragraph 2, replace the words “current edition” with the words “original or duly certified copy of the current edition”;

part twenty-one should be set out in the following version:

“Exceeding the terms established by this Law for making decisions on registration or refusal to register the charter (regulations) of a religious organization may be appealed in court in the manner specified by law”;

f) [part two](#) of Article 15 shall be amended as follows:

“A decision to refuse to register the charter (regulations) of a religious organization, to register the charter (regulations) of a religious organization in the new edition, indicating the reasons for refusal, is notified to applicants in writing within ten days. Such a decision can be appealed to a higher-level administrative body. In the absence of an administrative a higher-level body, the complaint is submitted to the same administrative body that adopted the administrative act, took procedural actions and/or made the procedural decision or inaction that is being contested, if a

commission for the consideration of complaints was formed under it for consideration of complaints, a claim for an administrative act, procedural decision, action or inaction of an administrative body shall be submitted to the court in accordance with the law”;

[TERMINATION OF RELIGIOUS ORGANIZATIONS]

The following amendment of Article 16 is extremely important. Article 16 establishes new grounds of termination which are completely independent of the ground based on “affiliation.” The most important new grounds are found in subsections 5 and 7 below. Unlike termination for affiliation, there are no administrative steps for cases involving 5 or 7 that must be followed before submitting to a court an application for termination. If DESS finds that the requirements of 5 or 7 have been satisfied, there is no provision in the law that the religious organization be given an opportunity to rectify the situation. Rather, there is simply a two-step procedure: (1) DESS finds facts that support a violation of 5 or 7; (2) DESS “immediately” submits an application to the court to terminate the religious organization.

Both 5 and 7 involve situations where an entire religious organization is terminated based on the conduct of one or more of its members. Thus, under 5, if the bishop is convicted of one the enumerated crimes, the entire diocese is terminated. Under 7, if the bishop repeatedly spreads the ideology of “Russian world,” his entire diocese is terminated. The Venice Commission, which interprets the ECHR, has stated that “any wrongdoings of individual leaders and members of religious organizations should be addressed to the person in question through criminal, administrative or civil proceedings, rather than to the community and other members.” See Case CDL-AD(2010)005. Subsections 5 and 7 clearly violate the ECHR.

f) [Article 16](#) shall be amended as follows:

Article 16. Termination of a religious organization

A religious organization may be terminated:

- 1) in connection with its reorganization or liquidation;
- 2) by a court decision in case of violation of this Law.

Subsections 1) through 4) below are not new and are found in the pre-existing statute.

In a judicial procedure, a religious organization is terminated only in the following cases:

- 1) the commission of actions by a religious organization, the inadmissibility of which is stipulated by Articles 3, 5 and 17 of this Law;
- 2) a combination of ritual or preaching activities of a religious organization with encroachment on the life, health, freedom and dignity of a person;
- 3) systematic violation by a religious organization of the procedure for conducting public religious events (worships, rites, ceremonies, marches, etc.) established by law;
- 4) encouraging citizens to fail to fulfill their constitutional duties or actions that are accompanied by gross violations of public order or encroachment on the rights and property of state, public or religious organizations;

5) conviction of its authorized persons for committing a crime against the foundations of national security of Ukraine or for committing a criminal offense provided for in [Articles 161](#) , [190](#) , [209](#) , [258-258](#) , [436-438](#) , [442](#) , [447](#) of the Criminal Code of Ukraine; The phrase “authorized person” is unlawfully vague. Does the person need to be specifically “authorized” to commit the crime? Or, is it sufficient if the person has been given some general authority by the religious organization without being specifically authorized to commit the crime?

One of the enumerated crimes, Article 161, makes it a crime to incite religious enmity. Thus, the conviction of authorized persons of an UOC entity for verbal attacks against the OCU may result in termination of the entire UOC entity. The verbal attacks by the UOC could include such statements as denying the validity of OCU ordinations or claiming that the OCU is not canonical.

6) failure to comply with the order to eliminate the violation provided for in Article 30 of this Law within the period established by this Law; Article 30 describes the powers of DESS. Termination for “affiliation” would fall under this subsection 6.

7) identification of repeated facts of the use of a religious organization for the purpose of spreading the propaganda of the ideology of the "Russian world"; This subsection is also unlawfully vague. How many times are “repeated facts”? Is twice enough? The phrase “the ideology of Russian world” is defined later in Law 3894 and contains many elements. One element is “expansion of the canonical territory of the Russian Orthodox Church beyond the territory of the Russian Federation.” If a UOC bishop repeatedly speaks in favor of the presence of the Moscow Patriarchate in Africa, is that sufficient under 7 to terminate his entire diocese? If one element is not sufficient for termination, how many elements are necessary? The phrase “use of a religious organization” is also unclear.

8) detection of violations of the requirements for the creation and operation of a religious organization, the management center (control) of which is located outside Ukraine in a state that has carried out or is carrying out armed aggression against Ukraine and/or temporarily occupied part of the territory of Ukraine, established by [the Constitution of Ukraine](#) , this Law and other laws of Ukraine.

The court considers the case of termination of a religious organization in the manner prescribed by law.

In the event that the grounds for the termination of a religious organization established by this Law are discovered, the central executive body implementing state policy in the field of religion, or the body authorized to register the charter (regulations) of the relevant religious organization, shall immediately apply to the court with a claim for the termination of the religious organization.

Previously, the application to the court was done by the body authorized to register or by the prosecutor. Now it is done by DESS or the body authorized to register. The application must be done “immediately.”

A commission for the termination of a religious organization (liquidation commission) is appointed by a court decision on the termination of a religious organization.

[ADMINISTRATIVE PROCEDURE WITH RESPECT TO FINDING SIGNS OF AFFILIATION]

The study of the issue of the presence of signs of affiliation of a religious organization operating in Ukraine with a foreign religious organization, the activity of which is prohibited in Ukraine in accordance with Article 3 of the law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations" established by Article 5¹ of this Law, is being conducted by the central body of executive power that implements state policy in the field of religion, on its own initiative or on the basis of an appeal by a state authority, a local self-government body, an association of citizens, or other persons. **Any person may request DESS to conduct a study as to whether a specific religious organization has "signs of affiliation."**

Notice of initiation of investigation into the issue of the presence of signs of affiliation of a religious organization operating in Ukraine, established by Article 5¹ of this Law, with a foreign religious organization whose activities are prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On Protection of the Constitutional Order in the Field of Activities of Religious Organizations" ", the central executive body that implements state policy in the field of religion, publishes on its official website. **Notice of initiation of investigation with respect to presence of signs is posted on the DESS website.**

After the publication of the notice on the initiation of the investigation, the central executive body that implements the state policy in the field of religion may apply to state authorities, local self-government bodies, legal entities and individuals for the provision of information, explanations, documents, extracts from public electronic registers that are necessary to carry out research and establish the presence or absence of signs of affiliation, defined by Article 5¹ of this Law.

To establish signs of affiliation of a religious organization with a foreign religious organization, the activity of which is prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations", the central executive body implementing state policy in the field of religion may use conclusions religious expertise, information provided by other central bodies of executive power, data from public electronic registers, as well as information received from individuals and legal entities, from the media and other open sources. **To establish signs of affiliation, DESS may use information from almost any source including "the media and other open sources."**

When assessing the presence or absence of signs of affiliation, defined by Article 5¹ of this Law, the appropriateness, admissibility, and reliability of each fact, conclusion, argument, and other evidence obtained during the research are taken into account separately, as well as the probability and mutual connection of the evidence in their totality. The presence of a circumstance, which any interested person refers to as the basis of his arguments or objections, is considered proven if the evidence provided to confirm such a circumstance is more probable than the evidence provided to refute it. Motives for recognizing the evidence as more probable in relation to each circumstance, on the basis of which the presence of signs of affiliation is established, may be brought to the attention of the religious organization at the same time as the prescription. **The standard of proof is "more probable" than not.**

In the case of establishing a sign of affiliation of a religious organization with a foreign religious organization, the activity of which is prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of the Activities of Religious Organizations", the central executive body implementing state policy in the field of religion shall issue an order on the elimination of violations and sends it to a religious organization. **DESS then issues an order to eliminate violations.**

Simultaneously with sending an order to eliminate violations, the central executive body that implements state policy in the field of religion compiles a list of religious organizations that are part of the structure (are part of) or related to the structure of a religious organization, in respect of which an order to eliminate violations has been issued, and publishes it on its official website. The specified list can be changed, supplemented or specified in accordance with the information received by the central executive body that implements the state policy in the field of religion. **DESS posts on its website a list of all religious organizations which are "related" to the religious organization which is the subject of the order. This indicates that these related organizations are also subject to the order and are a part of the proceedings.**

Within 30 days from the date of receipt of the order on the elimination of violations, the religious organization is obliged to eliminate the violations specified in the order and to send a report on the elimination of violations with relevant supporting evidence to the central executive body that implements the state policy in the field of religion. Along with the report, objections to established signs of affiliation, which became the basis for issuing the order, can also be submitted. The established deadline for submitting the report may be extended by the central executive body that implements the state policy in the field of religion at the motivated request of a religious organization, but for no more than 60 days. **Within 30 days (DESS may extend the time up to 60 days) from the receipt of the order, the religious organization is obligated to eliminate the violations and send a report to DESS. The religious organization may also object to the finding of affiliation. As previously noted, the UOC is powerless to eliminate such signs as those found in the ROC Charter.**

A religious organization that is part of the structure (is a part) or is related to the structure of another religious organization, in respect of which a decision was made to recognize it as affiliated with a foreign religious organization, the activity of which is prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On the Protection of the Constitutional Order in the field of activities of religious organizations", together with the report on the elimination of violations, can also file an objection against the fact that it is part of the structure (is a part) or is related to the structure or is otherwise affiliated with such a religious organization. **This paragraph refers to "related" religious organizations. This is a further indication that such organizations are subject to the order and are part of the proceedings.**

On the basis of the materials collected during the research, including the report and other documents provided by the religious organization, the central executive body that implements the state policy in the field of religion establishes the presence or absence of grounds for a conclusion on the elimination of violations or the falsity of the issued order on the elimination of violations. A remedial order issued in error is revoked and the religious organization is notified. **DESS makes its decision based on the materials it has collected including submissions by the religious organization.**

When establishing the presence or absence of grounds for concluding that violations have been eliminated or that the issued order to eliminate violations is incorrect, the rules for assessing the presence or absence of signs of affiliation, established by this article, are applied.

If, within the period established by this article, the religious organization did not submit a report on the elimination of violations or the submitted report did not confirm the elimination of violations specified in the order on the elimination of violations, and in the absence of grounds for revoking the order on the elimination of violations, the relevant religious organization is recognized as affiliated with a foreign religious organization, the activity of which is prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations", about which the central executive body implementing the state policy in the field of religion makes a corresponding decision, notifies the relevant religious organization in writing and publishes the announcement on its official website.

The following are the steps to be taken by DESS after it makes its decision that affiliation exists.

After making a decision to recognize a religious organization as affiliated with a foreign religious organization, the activities of which are prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations", the central executive body implementing state policy in the field of religion:

1) sends an order to eliminate violations to religious organizations, in respect of which there are signs of affiliation with a religious organization, which is recognized as affiliated with a foreign religious organization, the activity of which is prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations", and/or religious organizations that are part of the structure (are part of) or related to the structure of such a religious organization recognized as affiliated with a foreign religious organization, the activity of which is prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On Protection of the Constitutional Order in the Field of Activity religious organizations"; **The order from DESS is sent to the religious organization itself and also to religious organizations which are related to that religious organization. THIS IS VERY IMPORTANT. This shows that the related religious organizations are parties to the case. Thus, it is not necessary for DESS to file a case against each legal entity. Instead, one proceeding could be filed against a central religious organization, such as the UOC Kyiv Metropolis, and all religious organizations related to the Kyiv Metropolis could be included in the same proceeding. The use of this procedure could expedite the termination of the entire UOC organization.**

2) sends a notification on the recognition of the relevant religious organization as affiliated with a foreign religious organization, the activities of which are prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations", to the State Property Fund of Ukraine, local self-government bodies, other legal and natural persons, in respect of whom there is information about their provision of property to the relevant religious organization, for the early termination of the rights to use the property, including the early termination of lease agreements for the relevant property concluded with the religious organization, the cancellation (early termination) of decisions on the provision of the relevant property for use; **Notice of affiliation is send to all**

persons who have a property agreement with the religious organization concerning the early termination of the use of the property.

3) applies to the court with a claim for the termination of a religious organization on the basis of paragraph 6 of the second part of this article. **This is the beginning of the judicial proceedings described earlier in Law 3894.**

A religious organization at any time after being recognized as affiliated with a foreign religious organization, the activity of which is prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations", may submit to the central body of executive power, which implements state policy in the field of religion, a statement on revocation of the decision to recognize her as an affiliate in connection with her independent elimination of the signs of affiliation established by Article 5¹ of this Law. A report on the elimination of violations with relevant supporting evidence is attached to such a statement. The application and the report attached to it are considered in the general procedure established by this article"; **At any time after the affiliation decision, the religious organization may seek to revoke the finding of affiliation and submit evidence that it is no longer affiliated.**

[USE OF PROPERTY OWNED BY THE STATE, PUBLIC ORGANIZATIONS, OR CITIZENS]

g) in [Article 17](#) :

after the second part, add eight new parts with the following contents:

"State and/or communal property, including religious buildings, structures and property cannot be used or transferred to a religious organization, the activity of which is prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations", as well as religious organizations whose activities are not allowed in accordance with Article 5¹ of this Law. **State or communal property cannot be used or transferred to the ROC or to affiliated religious organizations. This would mean that an affiliated religious organization could not use state property, such as the Kyiv and Pochaev Lavras, for even a single service.**

The right to use state and/or communal property granted to religious organizations, the activities of which are not allowed in accordance with Article 5¹ of this Law, and contracts concluded with such religious organizations related to the use of state or communal property (rent, hire, leasing, other forms of using someone else's property) are terminated prematurely, 60 days from the date of adoption of the decision to recognize the relevant religious organization as affiliated with a foreign religious organization, the activity of which is prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations". Contracts related to the use of state and/or communal property by a foreign religious organization, the activity of which is prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations", are terminated early 60 days after the entry into force of the said by law. **Rights and contracts held by an affiliated**

religious organization relating to the use of state or communal property are terminated prematurely, 60 days after the religious organization is found to be affiliated.

Acts committed in violation of part three of this article are null and void.

The following amendments relating to Article 17 involve the use of state or communal property by religious organizations which are not affiliated with the ROC. Because they authorize free use of the property, these amendments are probably viewed with great favor by the non-affiliated religious organizations.

A religious building or structure is a building or structure that is an object of immovable property, specially designed to meet religious needs by holding religious services, religious rites, ceremonies, processions, rituals, prayers, services, religious gatherings and providing other types of religious practice.

A complex of religious buildings is a topographically defined set of separate or connected religious buildings, structures, as well as other objects necessary to ensure the religious practice of a religious organization.

Religious property is property intended for worship services, religious rites, ceremonies, processions, rituals, prayers, services, religious gatherings and provision of other types of religious practice.

In case of doubts about the belonging of a building, construction or property to cults, the central executive body implementing the state policy in the field of religion can appoint a religious examination.

Religious organizations have the right to receive religious buildings, structures and property in state and/or communal ownership for free use for the purpose of worship, religious rites, ceremonies, processions, rituals, prayers, services, religious gatherings, religious education and provision other types of religious practice in accordance with the internal instructions of the religious organization in the manner established by law". **This provision gives state and communal governments the authority to allow non-affiliated religious organizations to use state or communal property for religious purposes without cost.**

In this connection, parts three to ten shall be considered parts eleven to eighteen, respectively; part eighteen should be set out in the following wording:

"Decisions of state bodies on matters of ownership and use of religious buildings and property can be appealed in an administrative procedure in accordance with [the Law of Ukraine "On Administrative Procedure"](#) and/or in a judicial procedure provided for by [the Code of Administrative Procedure of Ukraine](#) ";

h) [part two](#) of Article 18 shall be amended as follows:

"It is forbidden to take any actions, the consequence of which may be the alienation of the property of a religious organization, in particular its sale, exchange, pledge, mortgage, free transfer to the ownership or management of other persons, until the procedure for changing one's subordination in canonical and organizational matters is completed any religious association operating in Ukraine and abroad by registering a new edition of the statute (regulations) in accordance with the procedure established by this Law and state registration of changes to

information about a legal entity in the procedure established by [the Law of Ukraine "On State Registration of Legal Entities"](#) , natural persons - entrepreneurs and public organizations"; During the pendency of proceedings to change the subordination of a religious organization, alienation of the religious organization's property is forbidden. For example, a UOC priest who heads a parish would not be able to transfer parish property while proceedings to transfer the parish's subordination to the OCU are pending.

[DISPOSAL OF PROPERTY OF TERMINATED RELIGIOUS ORGANIZATIONS]

i) in [Article 20](#) :

put the title in the following version:

" **Article 20.** Disposition of property, funds and other assets of religious organizations that have ceased to exist";

in the first part, the word "activities" should be excluded;

in the second part of the words "activities" and "former" to exclude;

in part four, replace the word "ceased its activity" with the word "ceased";

in part five, exclude the word "activities";

With the foregoing amendments, Article 20 would read as follows:

“Article 20. Disposition of property, funds and other assets of religious organizations that have ceased to exist

In the event of termination of a religious organization, property issues are resolved in accordance with its charter (regulations) and current legislation.

After the termination of religious organizations, the property provided to them for use by state, public organizations or citizens shall be returned to its owner.

Property of religious purpose, belonging to religious organizations, cannot be levied on the claims of creditors.

In the absence of legal successors, the property of a religious organization that has ceased becomes the property of the state.

In the event of termination of the activities of a religious organization due to violation of this Law and other legislative acts of Ukraine, property owned by it, with the exception of cult property, may be transferred to the state free of charge. Cult property is transferred to other religious organizations.”

IT IS EXTREMELY IMPORTANT TO NOTE THAT THE LAST PARAGRAPH OF ARTICLE 20 REQUIRES THAT ALL “CULT PROPERTY” (RELIGIOUS BUILDINGS) OF THE TERMINATED RELIGIOUS ORGANIZATION BE “TRANSFERRED TO OTHER RELIGIOUS ORGANIZATIONS.” IF THE UOC OR ANY OF ITS PARTS ARE TERMINATED, ALL, OR AT LEAST MOST, OF ITS CHURCHES, MONASTERIES, AND

OTHER RELIGIOUS BUILDINGS WOULD MOST LIKELY BE TRANSFERRED FREE OF CHARGE TO THE OCU.

[INTERNATIONAL RELATIONS AND CONTACTS OF RELIGIOUS ORGANIZATIONS AND BELIEVERS]

This subject is also covered at page 5 above.

i) add a new part of the following content to [Article 24 after the second part](#):

"Relationships and/or connections, and/or communications of religious organizations with foreign religious organizations, the activities of which are prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations", are allowed with the individual approval of the central body of the executive power that implements state policy in the field of religion, and are subject to monitoring in the manner established by law." **Under this provision, DESS must approve and can monitor any relationship, connections, or communications by a religious organization with the ROC.**

In this connection, the third and fourth parts shall be considered as the fourth and fifth parts, respectively;

[POWERS OF DESS]

The following gives DESS the power to perform various functions assigned to it elsewhere in the Law.

j) [Article 30](#) shall be supplemented with paragraphs eight to thirteen with the following contents:

"conducting a study on the issue of the presence of signs of affiliation of a religious organization with a foreign religious organization, the activity of which is prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations", in accordance with the procedure established by the legislation;

recognition of a religious organization as affiliated with a religious organization, the activity of which is prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations";

issuance of a mandatory order on the elimination of violations of the legislation on freedom of conscience and religious organizations, the form of which is approved by the central executive body that implements state policy in the field of religion;

providing individual consent to relations and/or connections, and/or communications with a foreign religious organization, the activity of which is prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations", and monitoring of connections and contacts with such a foreign religious organization;

applying to the court with a claim for the termination of a religious organization in cases established by law;

implementation of other actions defined by this Law";

[ROLE OF THE PROSECUTOR'S OFFICE]

4) in [the third paragraph](#) of the third part of Article 23 of the Law of Ukraine "On the Prosecutor's Office" (Vedomosti of the Verkhovna Rada of Ukraine, 2015, No. 2-3, Article 12 with subsequent amendments) to exclude the word "religious organizations"; **This amendment allows the prosecutor to represent the state in legal relations involving religious organizations.**

[REGISTRATION OF RELIGIOUS ORGANIZATIONS]

The effect of these amendments will make it easier for religious organizations to change their subordination.

5) in [the Law of Ukraine](#) "On State Registration of Legal Entities, Individual Entrepreneurs, and Public Organizations" (Vidomosti Verkhovna Rada of Ukraine, 2016, No. 2, Article 17 with the following amendments):

a) [the third paragraph](#) of clause 14 of the first part of Article 1 shall be amended as follows:

"the central body of executive power that implements state policy in the field of religion, - in the case of state registration of legal entities - religious organizations (religious centers, administrations, monasteries, religious brotherhoods, missions and spiritual educational institutions); the Council of Ministers of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city state administrations - in the case of state registration of legal entities - religious organizations (religious communities)"; **This gives DESS exclusive authority over the registration of religious organizations aside from parishes.**

b) add the fourth paragraph [of the second part of Article 4 with the following content](#):

"State registration of legal entities - religious organizations (religious communities) on the basis of documents submitted in paper or electronic form is carried out regardless of the location of the religious organization (religious community). In case of termination of a legal entity - religious organization (religious community) on the basis of a court decision on the termination of such a religious organization (religious community), the state registration of the termination is carried out by the subject of state registration at the location of the corresponding legal entity"; **This allows submitted documents to be in electronic form. It is no longer required that the registration of religious communities occur in the region in which they are located.**

c) [the fourth paragraph](#) of clause 6 of the first part of Article 15 should be read as follows:

"The effect of the second paragraph of this clause in the part of notarial certification of the authenticity of the signature does not extend to the state registration of changes to the information about the state body, local self-government body, public association, charitable organization or religious organization contained in the Unified State Register, as well as to the state registration of changes to information about a legal entity made on the basis of an administrative act of a state

body, a local self-government body"; **Now notarial certifications of the authenticity of signatures are no longer required for the registration of changes by religious organizations.**

6) in [Article 9](#) of the Law of Ukraine "On Leasing of State and Communal Property" (Vedomosti Verkhovna Rada of Ukraine, 2020, No. 4, Article 25):

add part two with the words "except for the transfer to a religious organization for free use or loan of state or communal property, which is cult property, in particular a cult building, structure, for the purpose of holding services, religious rites, ceremonies, processions, rituals, prayers, services, religious gatherings, religious education and provision of other types of religious practice in the order determined by the Cabinet of Ministers of Ukraine";

after the second part, add a new part of the following content:

"3. It is prohibited to transfer state and/or communal property for free use or loan or lease to a foreign religious organization, the activity of which is prohibited in Ukraine in accordance with Article 3 of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations", and to legal entities, the owner of which such a foreign religious organization is a member, as well as religious organizations whose activities are not allowed in accordance with Article 5¹ of the Law of Ukraine "On Freedom of Conscience and Religious Organizations". for free use or loan or lease, the corresponding contract is terminated early, and the decision on the transfer is revoked on the basis of a corresponding notification of the central executive body that implements the state policy in the field of religion.

In this connection, the third part should be considered as the fourth part;

7) [part eight](#) of Article 5¹ of the Law of Ukraine "On prevention and countermeasures against the legalization (laundering) of criminal proceeds, the financing of terrorism and the financing of the proliferation of weapons of mass destruction" (Vedomosti Verkhovna Rada of Ukraine, 2020, No. 25, Article 171 ; as amended by the Law of Ukraine dated September 6, 2022 [No. 2571-IX](#)) add the words "religious organizations" after the words "performing professional self-government in the field of notary"; **Religious organizations are exempt from identifying their "ultimate beneficial owners" in their registration documents.**

[DEFINITION OF "RUSSIAN WORLD"]

The phrase "Russian world" is also used at pages 6 and 17 above

8) in [the first part of](#) Article 1 of the Law of Ukraine "On the prohibition of propaganda of the Russian Nazi totalitarian regime, armed aggression of the Russian Federation as a terrorist state against Ukraine, symbols of the military invasion of the Russian Nazi totalitarian regime in Ukraine" dated May 22, 2022 No. 2265-IX; Information of the Verkhovna Rada of Ukraine, 2023, No. 47-50, Art. 120:

add item 1¹ of the following content:

"1¹) the ideology of the "Russian world" is a Russian neo-colonial doctrine based on chauvinist, Nazi, racist, xenophobic, religious ideas, images and goals, the destruction of Ukraine, the genocide of the Ukrainian people, the non-recognition of the sovereignty of Ukraine and other states, which has for the purpose of violent expansion of the Russian supranational imperial space

as a way of realizing the special civilizational right of Russians to mass murders, state terrorism, military invasion of other states, occupation of territories, expansion of the canonical territory of the Russian Orthodox Church beyond the territory of the Russian Federation"; **This definition is very unclear. It contains many elements.**

add paragraph 3 with the words "popularization of the ideology of the Russian world in any way and/or by any means". **This paragraph prohibits popularization of "Russian world." If one popularizes only one element of the definition, does that violate the law?**

[THIS IS A CONTINUATION OF THE EFFECTIVE DATES FOUND ON PAGE 6 ABOVE]

3. After 60 days from the date of entry into force of this Law, contracts for the free use or loan or lease of state and/or communal property concluded with a foreign religious organization whose activities are prohibited in Ukraine shall be prematurely terminated.

4. Religious organizations that, as of the date of entry into force of this Law, have registered their statutes (regulations) in accordance with the legislation on freedom of conscience and religious organizations, are obliged to bring their activities, statutes (regulations) into compliance with the requirements of this Law within three months from the date of entry into force of this Law. **Registered religious organizations have until 23 December 2024 to bring their activities and charters into compliance with the Law.**

5. Any activity of legal entities whose owner is a foreign religious organization whose activity is prohibited in Ukraine is prohibited. Such legal entities must bring their activities into compliance with the requirements of this Law within three months from the date of entry into force of this Law. **Any activities by a legal entity owned by the ROC must cease its activities or cease the ROC ownership by 23 December 2024.**

[OBLIGATIONS OF COUNCIL OF MINISTERS TO IMPLIMENT THE LAW]

6. Cabinet of Ministers of Ukraine:

1) within three months from the date of publication of this Law:

to ensure the adoption of normative legal acts necessary for the implementation of this Law;

to bring its normative legal acts into compliance with this Law;

to ensure that the ministries and other central bodies of executive power bring their regulatory acts into compliance with this Law;

to carry out measures prescribed by law regarding the return of state property from the use of a foreign religious organization, whose activities in Ukraine are prohibited in accordance with [Article 3](#) of the Law of Ukraine "On the Protection of the Constitutional Order in the Field of Activities of Religious Organizations", and religious organizations whose activities are prohibited in accordance with [Article 5](#) of the Law of Ukraine "On Freedom of Conscience and Religious Organizations";

2) within six months from the date of publication of this Law, take measures established by law to return state property from the use of legal entities, the owner of which is a foreign religious

organization, the activity of which is prohibited in Ukraine in accordance with [Article 3](#) of the Law of Ukraine "On the Protection of the Constitutional Order in the Sphere activities of religious organizations".

President of Ukraine V. ZELENSKY

Kyiv

20 August 2024

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