

## The Law of Ukraine “On Freedom of Conscience and Religious Organizations”: Conceptualization of Implementation Problems

Yevhenii Baraniuk <sup>1\*</sup> • Mykola Skriblyak <sup>2</sup>

<sup>1</sup> Yuriy Fedkovych Chernivtsi National University (Ukraine). Postgraduate Student at the Department of Philosophy and Cultural Studies.

<sup>2</sup> Yuriy Fedkovych Chernivtsi National University (Ukraine). Associate Professor at the Department of Philosophy and Cultural Studies, Doctor of Science (Philosophy), Associate Professor.

\* **Corresponding Author**, e-mail: [baraniuk.ievhenii@chnu.edu.ua](mailto:baraniuk.ievhenii@chnu.edu.ua)

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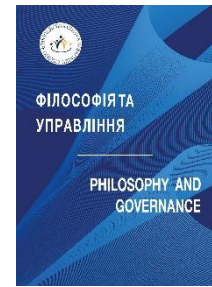
### ABSTRACT

The article analyzes the principle of freedom of conscience as a fundamental human right; the principles, objectives, and subjects of the Law of Ukraine “On Freedom of Conscience and Religious Organizations” (as amended); the political and legal context of amendments to the Law, achievements and contradictions in its implementation, as well as recommendations for improving the Law and its practical application. The methodological basis of the research is grounded in a comprehensive analysis of legal acts, the practice of their application, and relevant decisions of international institutions in the field of human rights protection. Special attention is given to examining the relationship between declarative principles and the mechanisms of their actual implementation in administrative and judicial practice. This approach makes it possible to identify discrepancies between declarative rights and their practical enforcement, which is crucial for assessing the effectiveness of the legal system. It is stated that the Law has played an important role in transforming the state’s policy on religious issues in accordance with international legal norms; however, its structure and terminology do not always correspond to modern social challenges and EU legal standards. Mechanisms for the realization of the rights of religious organizations, their protection in case of violations, remain unregulated or insufficiently defined, while modern trends related to the digitalization of the religious environment and new forms of religious initiatives are not taken into account. In the course of the analysis, typical problem areas in law enforcement were identified, particularly procedural obstacles and ambiguous interpretations of norms, which lead to inconsistency in legal practice. Particular attention is given to the relationship between de jure established norms and de facto existing mechanisms of their implementation in public-law relations. Emphasis is placed on the imperative observance of such fundamental principles as proportionality, legal certainty, and non-discrimination in the implementation of any restrictive or regulatory measures. Several recommendations for improving the content of the Law and its practical implementation have been summarized: the development of a state policy strategy in the sphere of freedom of conscience, taking into account European standards of church-state relations, simplifying the registration of religious organizations, and enhancing the legal literacy of both state officials and representatives of religious organizations, among others.



### KEYWORDS

law, freedom of conscience, religious organizations, legislation, affiliation, pluralism, tolerance, legal literacy.



## Закон України «Про свободу совісті та релігійні організації»: релігієзнавчо-правова концептуалізація проблем імплементації

Євгеній В. Баранюк <sup>1\*</sup> • Микола В. Шкрібляк <sup>2</sup>

<sup>1</sup> Чернівецький національний університет імені Юрія Федьковича (Україна). Аспірант кафедри філософії та культурології.

<sup>2</sup> Чернівецький національний університет імені Юрія Федьковича (Україна). Доцент кафедри філософії та культурології, д-р філос. наук, доцент.

\* Автор-кореспондент, e-mail: [baraniuk.ievhenii@chnu.edu.ua](mailto:baraniuk.ievhenii@chnu.edu.ua)

### СТАТТЯ

### АНОТАЦІЯ

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Проаналізовано принцип свободи совісті як фундаментального права людини; експліковано зміст та ідейно-ціннісну і праксеологічну природу засадничих принципів Закону України «Про свободу совісті та релігійні організації» (зі змінами) для визначення його ключових завдань і суб'єктів. Дослідницьку увагу сфокусовано на політико-правовому контексті змін до Закону, формах і механізмах досягнення цілей та суперечностях в його реалізації, а відтак – на формулюванні рекомендацій щодо вдосконалення змісту українського законодавства у сфері релігії та його практичної реалізації в умовах сучасних гуманітарних і політичних викликів та небезпек. Методологічна основа дослідження ґрунтується на комплексній релігієзнавчій об'єктивності нормативно-правових актів, практики їхнього застосування та відповідних рішень міжнародних інституцій у сфері захисту прав людини. Особливу увагу приділено вивченню співвідношення декларативних засад із механізмами їхньої фактичної реалізації в адміністративній та судовій практиці. Цей підхід дозволяє виявити розбіжності між декларативним правом і реальним правозастосуванням, що є ключовим для оцінки ефективності правової системи. Констатовано, що Закон відіграв важливу роль у трансформації політики держави в релігійних питаннях відповідно до міжнародних правових норм, проте його структура і термінологія не завжди відповідають сучасним суспільним викликам і правовим стандартам ЄС. Неврегульованими або нечітко прописаними залишаються механізми реалізації прав релігійних організацій, їхній захист у випадку порушень, не враховані сучасні тенденції, пов'язані з цифровізацією релігійного середовища, та форми нових релігійних ініціатив. У процесі аналізу ідентифіковано типові проблемні зони у сфері правозастосування, зокрема процедурні перешкоди та неоднозначне тлумачення норм, що призводить до неоднорідності правової практики. Предметом особливої уваги стало співвідношення де-юре встановлених норм та де-факто існуючих механізмів їх реалізації в публічно-правових відносинах. Підкреслюється імперативність дотримання таких фундаментальних принципів, як пропорційність, правова визначеність і недискримінація, при здійсненні будь-яких обмежувальних або регулятивних заходів. У результаті дослідження узагальнено низку рекомендацій щодо вдосконалення змісту Закону та його практичної реалізації, зокрема формування стратегії державної політики у сфері свободи совісті, врахування європейських норм державно-церковних відносин, спрощення реєстрації релігійних організацій та підвищення правової грамотності представників влади і релігійних організацій тощо.



### КЛЮЧОВІ СЛОВА

закон, свобода совісті, релігійні організації, релігієзнавча експертиза, законодавство, афілійованість, плюралізм, толерантність, правова грамотність.

## 1. Introduction

Freedom of conscience and religion is one of the fundamental human rights enshrined both in international acts and in the national legislation of Ukraine. One of the key normative acts regulating these issues is the Law of Ukraine “On Freedom of Conscience and Religious Organizations” of 1991, which became the basis for the formation of the modern model of state-church relations. Adopted during the period of independence, this law is designed to ensure the equality of religious organizations, guarantee the non-interference of the state in religious life and create legal mechanisms for the implementation of the right to freedom of religion.

Despite the declared principles of democracy, humanism and legal equality, in practice, the implementation of the provisions of the law faces several serious challenges. Among them are the imperfections of the regulatory framework, political influences, administrative barriers to the registration of religious communities, as well as cases of unequal treatment of “traditional” and “non-traditional” confessions. The problems of freedom of conscience are especially relevant in wartime, when restrictions on the activities of organizations associated with aggressor states are introduced into the legislation. Thus, the relevance of the topic is due to the need to bring national legislation in line with international standards and the need to build a truly secular, democratic state.

## 2. Literature Review

The problem has become the subject of consideration by Ukrainian religious scholars and lawyers: Babii [2], Kulish [7], Lavryk [8], Lubska [9], Myshchak [10], Yelenskyi [15], Dokash and Marchyshak [4], Fylypovych and Horkusha [5], and others.

## 3. Problem Statement

The object of the study is social and legal mechanisms for ensuring freedom of conscience, and the subject is the practice of exercising this right in the field of activities of religious organizations in Ukraine. The purpose of the study is to comprehensively and critically analyze the practical implementation of the Law “On Freedom of Conscience and Religious Organizations”, identify the main difficulties in its implementation, assess the effectiveness of existing legal mechanisms and summarize recommendations for improving the content of the Law.

Based on the goal, the author set the following tasks:

- to determine the place of the Law in the system of Ukrainian legislation;
- to highlight the political and legal context of amendments to the Law;
- to find out the impact of the Law on the formation of a new state-church policy;
- to analyze the formal and substantive gaps in the current Law;
- to summarize practical recommendations for improving the content of the Law.

## 4. Methods and Materials

The methodological framework of the study is based on an interdisciplinary approach combining religious studies, legal-philosophical analysis, and normative-analytical methods. The research employs a systems-structural method to examine the provisions of the Law of Ukraine “On Freedom of Conscience and Religious Organizations” and its role within the national legal system, as well as a comparative legal method to assess Ukrainian legislation against international standards on freedom of conscience and religion. A formal legal analysis is used to interpret legal norms and identify gaps in regulation, complemented by critical analysis of academic literature, legal acts, and reports of international organizations. The empirical and documentary base of the study includes national and international legal instruments, analytical reports of international institutions, and scholarly works by Ukrainian and foreign researchers in the fields of religious studies, law, and public policy.

## 5. Results and Discussion

The right to freedom of conscience is enshrined in numerous international documents, in particular in the Universal Declaration of Human Rights of 1948 (Article 18), the International Covenant on Civil and Political Rights of 1966, and the European Convention for the Protection of Human Rights

and Fundamental Freedoms [9, p. 88]. These acts refer to the freedom to have, adopt, change religion or belief, as well as to exercise them individually or jointly, publicly or privately.

In the philosophical and legal dimension, conscience is interpreted as a person's ability to moral self-control and evaluate his own behavior through internal criteria of good and evil. Therefore, freedom of conscience is not only the right to profess certain religious views, but also the possibility of free self-determination in the sphere of spiritual life, unhindered choice of worldview [8, p. 69]. Accordingly, this right has both internal and external dimensions: internal – freedom of thought, belief, etc.; external – the right to manifest them through practices, religious rites, associations in religious organizations, etc.

In a democratic society, freedom of conscience is an indicator of the real level of human rights. Its presence and full implementation indicate the recognition of the spiritual autonomy of a person, and its limitations indicate the existence of authoritarian or totalitarian practices. In this context, it is important to distinguish between freedom of thought, which the state cannot restrict, and freedom of religious activity, which may be subject to restrictions for the protection of public order, security, morality and the rights of others [9, p. 89].

The Law of Ukraine "On Freedom of Conscience and Religious Organizations" was adopted on April 23, 1991, that is, even before the proclamation of Ukraine's independence. However, even then it became an attempt to introduce European standards in the field of human rights in a post-totalitarian society. The Law declared the separation of the Church from the State [14, Art. 5], the prohibition of discrimination on religious grounds [14, Art. 4], the equality of all religious organizations and the inadmissibility of coercion to participate in religious rites [14, Art. 3], as well as the right of citizens to establish religious organizations and participate in them [14, Art. 7]. As noted by Dokash and Marchyshak, the legal model of freedom of conscience created in Ukraine allows us to assert that harmonious relations have developed between the state and the church, built on the principles of democracy and respect for human rights [4, p. 26].

Since its adoption, the Law has been amended several times, in particular in connection with adaptation to the Constitution of Ukraine in 1996, ratification of international documents, and changes in the socio-political situation. Particular attention should be paid to the changes of recent years aimed at limiting the activities of religious organizations affiliated with aggressor states. In particular, in Art. 5 of the Law stipulates that religious organizations cannot participate in political activities, and Art. 51 – provisions on the prohibition of the activities of religious organizations associated with states that carry out aggression against Ukraine.

Despite the existence of progressive norms, the 1991 Law has been repeatedly criticized by human rights activists, representatives of religious minorities and international experts. In particular, attention was drawn to procedural and institutional barriers, non-transparency of criteria for the recognition of certain religious associations, and politicized approaches to religious identity issues. It also points to a discriminatory approach to religious minorities on the part of politically and religiously engaged officials, in particular in the process of registration, allocation of land for the construction of religious buildings, and the resolution of other significant issues [2, p. 174].

However, the Law laid the legal foundation for the implementation of freedom of conscience and religion at a new stage of state formation. Its key task is to provide legal conditions for the exercise of this right by citizens, regardless of religion, confessional affiliation, or ideological position.

The 1991 law was not created in a legal vacuum – already at the time of its adoption, it took into account the main provisions of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the European Convention on Human Rights. The right to freedom of worldview and religion, enshrined in international acts, was integrated into national legislation, in particular into the Constitution of Ukraine and the Law of 1991 [8, p. 70].

After Ukraine signed the Association Agreement with the EU, the task of harmonizing Ukrainian legislation with European standards became of particular importance. In the field of freedom of conscience, this includes:

- prohibition of discrimination on religious grounds;
- guaranteeing equal access to all faiths to legal mechanisms;
- ensuring freedom from religion;
- independence of the judiciary in consideration of cases related to confessional disputes.

The Ukrainian law must take into account the recommendations of the OSCE, PACE and other international institutions that warn against excessive state interference in religious life. Of particular importance are the provisions on the inadmissibility of granting privileged status to certain confessions or the establishment of formal or informal hierarchies between them.

Art. 1 of the Law formulates the main tasks: guaranteeing the right to freedom of conscience; determination of mutual obligations of the state and religious organizations; ensuring the equality of citizens regardless of religious beliefs; promoting civic harmony, morality and humanism. The principles on which the Law is based include:

- secularism of the state (separation of the Church from the state and school from the Church);
- equality of religious organizations before the law;
- non-interference of the state in the internal affairs of religious associations;
- guarantees for the free exercise of religion or renunciation of it.
- The subjects of legal relations in the Law are defined:
  - citizens who have an individual right to freedom of conscience;
  - religious organizations that can be formed and act in accordance with the law;
  - public authorities that ensure the implementation and observance of the norms of the law;
  - local self-government bodies that coordinate and register religious communities.

Since its adoption, the Law has undergone numerous changes, which were caused by both internal political processes and external challenges [10, p. 136]. The first ones were introduced already in 1992–1993, when the initial adaptation of legislation to the new state structure took place. In particular, it was about:

- replacement of Soviet terms with Ukrainian state terms (in accordance with the new Constitution);
- clarification of the procedures for registration of religious organizations;
- expansion of the rights of religious communities to own property.

In 1995–1997. Some changes detailed the mechanisms for the return of religious buildings, the right to establish educational institutions, and established clearer requirements for the statutory documents of communities. The amendments of 2003 provided for increased responsibility for violations of the equality of citizens on religious grounds and the prevention of the use of religion for the purpose of manipulation in politics.

In 2009, the amendments provided for a new procedure for approving religious events in public venues. However, the greatest transformations took place after 2014 – as a result of the Revolution of Dignity, the armed conflict with Russia and the aggravation of the socio-religious situation in the country. After the beginning of the aggression of the Russian Federation, provisions were introduced that restrict the activities of religious organizations affiliated with the aggressor state. In 2019 and 2022, new criteria for the recognition of such affiliation appeared, and in 2024, a clear ban on the functioning of such structures on the territory of Ukraine [14, p. 51].

These changes are dictated by the needs of national security and have received an ambiguous assessment both in society and among international partners. At the same time, the authorities emphasize that it is not about religion as such, but about a political and security threat due to foreign influence under the guise of religious activity [15, p. 396].

Amendments to the Law were also analyzed at the meeting of the UCCRO. Thus, on October 25, 2016, draft law No. 4128 was discussed, which proposes to amend the Law of Ukraine “On Freedom of Conscience and Religious Organizations” (regarding the change of subordination by religious communities). During the discussion, representatives of all confessions and religious organizations, except for the UOC-KP, once again criticized the mentioned legislative initiative as one that could increase tension in the religious environment of Ukrainian society, and opposed its adoption [1].

Special attention should be paid to the amendments made to the Law after 2014 and especially after 2022, when Russia’s full-scale invasion of Ukraine intensified discussions around security, national identity and religious independence.

In 2018, provisions were introduced that oblige religious organizations affiliated with religious centers in the aggressor state to change their names in order to inform the public about the real center of their management. In 2024, the Law received a new version of Art. 51, which clearly prohibits the activities of religious organizations associated with foreign structures recognized as having committed armed aggression against Ukraine.

Such organizations are recognized as “affiliated” based on:

- subordination structures in official documents;
- entry into a registered hostile religious structure;
- the presence of financial or administrative ties.

Filipovych and Horkusha rightly note that the affiliation of religious organizations with the aggressor country can be organizational, historical, mental, cultural, and linguistic [5, p. 73]. These

innovations are aimed at ensuring national security, but they give rise to risks of excessive centralization of religious policy and formalization of approaches, when the legal qualification of “affiliation” can become an instrument of political pressure.

Human rights organizations have repeatedly called for the creation of an independent mechanism to verify such connections to avoid politically motivated decisions. On the other hand, there was a demand in society for further “decolonization” of the spiritual space, where religious autonomy is considered not only as a matter of faith, but also as an element of state independence.

With the adoption of the Law of Ukraine “On Freedom of Conscience and Religious Organizations” in 1991, the practical formation of a new model of state-church relations, focused on the European principles of secularism, religious pluralism and tolerance, was initiated. In practice, this meant renouncing the state religion and guaranteeing believers the right to freedom of religion without interference from state bodies [14, p. 5].

The rejection of the Soviet model of ideological control over religion was a serious step towards democratization. The legal status of religious organizations was recognized, the possibility was opened for the registration of religious communities, the establishment of religious educational institutions, charitable foundations, publishing houses and the media. The issue of ownership of religious buildings and other property is separately regulated.

A significant achievement was the restitution of religious buildings – the transfer of temples, mosques, synagogues, which were used in Soviet times as clubs, warehouses or museums, back to religious communities. For example, in Lviv, Ivano-Frankivsk, Kyiv, there was a large-scale return of Greek Catholic churches, in Chernivtsi – Romanian Orthodox churches, in Crimea – mosques to the Crimean Tatar community.

Thus, despite the imperfection of the regulatory framework, the Law gave a powerful impetus to the development of spiritual life, opened the way to the multi-confessional identity of Ukraine and laid the foundations for cultural dialogue.

Along with the achievements, the implementation of the Law is accompanied by systemic difficulties, especially at the level of local authorities. One of the most common challenges is the bureaucratization of the procedure for registering religious communities. Despite the fact that the legislation provides for clear deadlines for consideration of documents (up to 30 days), in practice, this process is often delayed for several months or even years. The reasons can range from formal remarks to political or ideological bias on the part of local administrations.

There is also a selective approach to the recognition of the rights of certain faiths. In regions dominated by one church, other communities may face administrative pressure, obstacles in the use of property or obtaining land for the construction of religious buildings. Thus, in some cases, the Orthodox communities of the Kyiv Patriarchate faced refusals to register until 2018, while the UOC-MP had advantages due to its influence on regional elites. A significant array of issues relevant to the Church is resolved “manually”, which necessarily entails manifestations of subjectivism, especially at the regional level [3, p. 301].

A separate problem is interfaith conflicts, which are accompanied by raider seizures of churches, physical clashes and legal disputes. Examples of such cases are especially noticeable in the western and central regions after the creation of the OCU. Despite the legislative possibility to change the jurisdiction of the community, the process is accompanied by manipulations, falsification of fees, and double registration.

Another aspect is the influence of local officials on religious life. At the level of regional and district state administrations, there is still an informal ranking of confessions by “desirability” for cooperation. This can manifest itself in giving priority to certain communities when organizing festive events, opening schools, and providing preferential access to the media. Such actions directly contradict the principles of equality of all confessions declared in the Law. The solution of this problem requires the concentration of the main scope of control functions at the level of the central body, and not at the level of local authorities, which will ensure the uniformity of application of the Law throughout the country and prevent a bloc connection between the dominant religious organization in the region and the local ruling elite [3, p. 304].

Thus, the implementation of the Law “On Freedom of Conscience and Religious Organizations” in practice is accompanied by both positive changes in the religious sphere and deep structural contradictions. Solving these problems requires a systematic approach, which provides for both legislative changes and the transformation of administrative practice at the local level.

Despite the prominent role of the Law at the initial stage of state formation, its text and structure retain the features of the transition period. For more than 30 years of the document's validity, society, religious environment, and the international legal system have changed significantly, but several provisions of the Law have remained declarative or outdated.

Firstly, the Law still contains a vague definition of many basic concepts, such as "religion", "religious organization", "preaching hatred", etc. The lack of legal specification creates opportunities for abuse and discrediting by state bodies. For example, not all religious groups are recognized as eligible for registration if they do not meet the "traditional" criteria, although the Law does not formally provide for such a division.

Secondly, the Law does not contain an exhaustive list of rights of religious organizations. The issues of freedom of self-government and participation in chaplaincy remain insufficiently regulated. As for the right to establish theological educational institutions, the Law recognizes such a right, but without detailed regulation [7, p. 6]. Such gaps make it necessary to refer to by-laws or interpretations of officials, which contradicts the principle of legal certainty.

Thirdly, the law does not provide for an effective mechanism for protecting the rights of believers in case of discrimination, unlawful interference or restriction of freedoms. Judicial protection is possible only in the general procedure, without special procedural guarantees. There is also no independent state body or commissioner that should monitor the observance of the religious rights of citizens.

In addition, at the level of the text of the Law itself, the registration procedure is not provided with sufficient procedural guarantees: the Law does not oblige registration authorities to provide reasoned explanations in case of refusal, and the absence of sanctions for violation of the terms of consideration creates additional space for delaying the processes [14, Art. 14]

Another critical point is the lack of attention to human rights issues in new forms of religious self-realization. The law, developed in 1991, does not take into account the growing influence of the Internet, the emergence of virtual religious communities, and new forms of preaching and spiritual mentoring. These phenomena remain outside the legal field, which creates a risk of arbitrary restriction of new religious initiatives.

Thus, the Law needs to be structurally updated – taking into account modern challenges, digital reality, multi-confessional society and experience in international law enforcement.

Despite the presence of a formal reflection of international norms, in practice the implementation of these provisions needs to be improved, in particular in the context of ensuring transparency of registration, objectivity of court decisions and preventing interference of local authorities in religious autonomy.

Ukraine is a party to many international treaties and conventions that regulate the field of human rights. First of all, these are the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the European Convention on Human Rights. All these documents contain a clear provision on freedom of conscience, religion, belief and the prohibition of discrimination on religious grounds.

However, the practice of implementing these obligations in Ukraine often contradicts the declared norms. First, despite the formal equality of confessions, in practice, some communities have a privileged position. In some regions, there is a de facto dominance of one church, which is manifested in receiving benefits, preferences in renting property, and invitations to state events, while other denominations are oppressed.

Secondly, Ukraine declares freedom from religion, but the introduction of the subject "Fundamentals of Christian Ethics" in secular educational institutions in some regions has acquired, according to researchers, the character of outright propaganda and dissemination of religious faith in the educational space, which violates the principle of secularity of education [7, p. 7]. This is contrary to Council of Europe standards, which prohibit the imposition of faith or atheism by the state.

Thirdly, the above-mentioned institutional gap becomes especially acute in the international context: human rights and international organizations record violations, but the lack of an internal control mechanism makes it impossible to respond systematically. In particular, Human Rights Watch, in its 2024 report, expresses concern about the disproportionality of restrictions imposed by the new law on religious organizations associated with the aggressor state [6].

Fourthly, certain innovations in Ukrainian legislation, in particular regarding the prohibition of the activities of affiliated religious organizations, require additional justification from the point of view of Ukraine's international legal obligations. This is especially true of the obligation to change the name, disclose the governing structure, or prove independence from religious centers in "hostile" states.



The recommendations of the Council of Europe, the OSCE and other institutions point to the obligation of the state to remain neutral and impartial in relations with different faiths, to prevent favoritism, and to clearly distinguish between state policy and religious issues [11–13].

Recent years have become a test for the Ukrainian legal system in the field of ensuring freedom of conscience. After the beginning of Russia's armed aggression in 2014, and especially since 2022, the issues of national security and the protection of sovereignty have become dominant. In this context, numerous cases have arisen in which religious freedoms have been restricted for security reasons.

First of all, we are talking about the ban on the activities of religious organizations affiliated with centers in the aggressor country, primarily the Moscow Patriarchate. In 2022–2024, norms have been introduced that provide for the study of affiliation, restrictions on the use of property, and changing the names of communities. Some of these steps received support in society, but also caused objections from human rights activists, who point to the possible inconsistency of such measures with the principles of the rule of law.

As L. Filipovych and O. Horkusha note, a religious institution can be both an object and a subject, an object or a factor of national security, contribute to its formation or destroy it [5, p. 77]. At the same time, there is a danger that under the guise of security, rights that are not related to real threats may be restricted, for example, access to churches, worship, and freedom of preaching. The lack of clear criteria for the "danger" of a religious organization creates a risk of abuse.

In addition, the growth of religious tension against the background of the conflict gives rise to the radicalization of some believers. This is manifested in the exclusion of "disloyal" communities, calls for the isolation of certain faiths, and aggressive rhetoric in the media. In such conditions, the state must act with extreme caution, maintaining a balance between the protection of security and the observance of human rights.

All this indicates that the war does not cancel the state's obligation to comply with the Constitution and international law [15, p. 399]. Extraordinary circumstances should not become a reason for arbitrary restrictions on fundamental freedoms.

The updating of the Law of Ukraine "On Freedom of Conscience and Religious Organizations" should take place in the context of legal rapprochement with the European Union and the fulfillment of international obligations. First of all, it is necessary to revise the terminological apparatus of the law, providing a clear definition of the concepts of "religious organization", "religion", "affiliation", "freedom from religion", etc., in accordance with the standards of the Council of Europe and the Venice Commission.

It is necessary to make changes that would clearly fix:

- prohibition of granting privileges or applying restrictions on confessional grounds;
- equal conditions for all religions in terms of access to legal status;
- guarantees of non-interference of the state in the internal affairs of communities.

Yelenskyi convincingly demonstrates that strengthening the mechanisms for identifying and restricting the activities of organizations affiliated with the aggressor country is compatible with the protection of religious freedom in Ukraine [15, p. 404]. It is also necessary to consider the possibility of including a separate section on the principles of proportional restriction of freedom of religion, which will meet the requirements of Art. 9 of the European Convention on Human Rights. This will legitimize security measures only if there is a reasonable need, in accordance with the principles of necessity and minimal interference.

In addition, the Law should contain provisions on the protection of not only religious, but also non-religious identity, taking into account the rights of atheists, agnostics, persons who do not want to participate in any spiritual practice.

One of the most problematic areas remains the procedure for registering religious organizations. It needs to be simplified, digitalized, and transparent. Recommended:

- establish a clear exhaustive list of documents required for registration;
- introduce a single electronic platform for submitting applications;
- provide for automatic liability for violation of the deadlines for consideration of documents.

In addition, it is important to create an independent mechanism for monitoring the observance of religious freedoms, which would not depend on the executive branch. This can be a commission on the rights of religious organizations under the Ombudsman or a special commissioner for freedom of conscience. Such a body could:

- consider citizens' complaints;
- to monitor compliance with the law on the ground;



- publish annual reports on the state of religious freedom in the country.

It is also advisable to introduce a regular interfaith audit of legislation, in particular through the All-Ukrainian Council of Churches and Religious Organizations, which could officially act as an advisory body in the development of legal acts.

One of the key conditions for the proper functioning of the Law is the availability of qualified personnel who can interpret and apply it without prejudice. Therefore, special attention should be paid to the legal education of both employees of state authorities and representatives of religious communities.

Recommended:

- to include modules on human rights in the training programs of civil servants, in particular on freedom of conscience;
- to create specialized methodological manuals for registrars and lawyers working in this area;
- support independent initiatives of public organizations that conduct seminars, trainings and legal advice to religious communities.

It is also necessary to promote educational work among the population in order to form a tolerant attitude to religious diversity and strengthen the culture of interfaith dialogue, because, as V. Dokash and A. Marchishak emphasize, religion performs integration and communicative functions that allow maintaining social and spiritual stability [4, p. 23]. This can be done through:

- state media and social campaigns;
- interreligious forums based on higher educational institutions;
- support for thematic initiatives in schools and communities.

Improving legal literacy will create conditions for reducing conflicts, simplifying law enforcement and building trust in state institutions. This is an important factor in the process of democratization of society and the balanced development of the religious sphere.

## 6. Conclusions

The right to freedom of conscience and religion is one of the cornerstones of a democratic society, which ensures the spiritual autonomy of the individual, creates conditions for the peaceful coexistence of religious communities and protects citizens from any form of discrimination on religious grounds. The Law of Ukraine “On Freedom of Conscience and Religious Organizations” of 1991 played an important role in the transformation of state policy after independence, laying down the basic principles that meet international standards: separation of Church from state, equality of confessions, and non-interference of the authorities in religious affairs.

However, despite its progressiveness for the early 1990s, the law in its current form turns out to be partially outdated. Its structure and terminology do not always correspond to modern social challenges and EU legal standards. The mechanisms for exercising the rights of religious organizations, their protection in case of violations, remain unclear, and modern phenomena related to the digitalization of religious life or forms of new religious initiatives are not spelled out.

The practice of applying the Law demonstrates both successes and problems. Achievements include the dynamic development of the religious environment, the return of religious buildings, the intensification of interfaith dialogue and social service. At the same time, difficulties with the registration of communities, local abuses, bias of officials, selective application of norms and the influence of the political situation on religious politics are common.

Of particular concern is the tendency to restrict religious freedoms under the influence of security considerations, especially in wartime. Although the state has a legitimate right to protect national interests, such measures must be balanced, proportionate and accompanied by effective judicial and public control. The problem lies not only in the presence of restrictions, but also in their legal formalization, transparency of procedures and lack of appeal mechanisms.

Based on the analysis, several recommendations can be formulated: to update the law taking into account European standards, to remove procedural obstacles for religious communities, to introduce independent monitoring of compliance with religious rights, and to increase the legal literacy of both government officials and communities themselves. It is also important to form a long-term strategy of state policy in the field of freedom of conscience with an emphasis on tolerance, institutional neutrality, a human rights approach and partnership with civil society.

Thus, the Law “On Freedom of Conscience and Religious Organizations” remains an important legal instrument, but it needs a comprehensive review. Its modernization is not only a matter of

compliance with international standards, but also a real indicator of Ukraine's readiness for full integration into the European democratic community.

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