

Hans-Georg Ziebertz • Gordan Črpić
Editors

Religion and Human Rights

An International Perspective

 Springer

Editors

Hans-Georg Ziebertz
Institute of Practical Theology
Würzburg
Germany

Gordan Črpić
Hrvatsko katolicko sveučilište
Zagreb
Croatia

ISBN 978-3-319-09730-5 ISBN 978-3-319-09731-2 (eBook)
DOI 10.1007/978-3-319-09731-2

Library of Congress Control Number: 2014953839

Springer Cham Heidelberg New York Dordrecht London

© Springer International Publishing Switzerland 2015

This work is subject to copyright. All rights are reserved by the Publisher, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilms or in any other physical way, and transmission or information storage and retrieval, electronic adaptation, computer software, or by similar or dissimilar methodology now known or hereafter developed.

The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.

The publisher, the authors and the editors are safe to assume that the advice and information in this book are believed to be true and accurate at the date of publication. Neither the publisher nor the authors or the editors give a warranty, express or implied, with respect to the material contained herein or for any errors or omissions that may have been made.

Printed on acid-free paper

Springer is part of Springer Science + Business Media (www.springer.com)

Preface

International Research on Religion and Human Rights

After the catastrophes of two world wars, three totalitarian systems, fascism, Nazism and communism, in the world, especially in Western civilization, the idea and awareness of the need for stronger and legally codified protection of human rights has developed to the fullness of realizability. The idea that every human being, by virtue of being a human being, besides any other attributes and categories, has inalienable human rights, and that these must be protected in the legal practice of contemporary societies, developed over a long period of time mainly in the Western cultural milieu. Finally, it came to full bloom on the graves of the glittering bloody twentieth century and slowly began to enter into practice. A strong development of human rights grew out of the ruins of World War II. People can be violent against others and states can be violent against other states, but the lesson of Nazism and Stalinism was that states can exercise violence against their citizens. People can be victims of the violence of their government. The modern face of human rights is that individuals have to be protected against the infringement of the state. Individuals may and can claim a number of freedoms even when this is directed against the superior power of the state.

The history of human rights is much older and dates back to antiquity. Many religions claim that the idea of human rights has been part of their doctrine from the beginning. Christianity refers to Paul's idea in the Letter to the Galatians 3:28: "There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female: for ye are all one in Christ Jesus". In Islam, Mohammed's teaching brought a new perspective on human dignity whereby elements of human rights have been developed hand in hand with the blossoming of Islam. Certainly one cannot trace the modern concept of human rights to any particular religion; throughout history the relationship between religion and human rights has been an ambivalent one and in some cases continues to be so. This is what makes research on this subject so important and relevant.

What we are fundamentally interested in is the relationship between human rights and religiosity today. And this shall be discussed in our study, naturally taking into

Contents

Christianity, Islam, and Human Rights in Bulgaria	1
Simeon Evstatiev, Plamen Makariev and Daniela Kalkandjieva	
Religion and Human Rights in Croatia	19
Gordan Črpić and Željko Tanjić	
Religions and Human Rights in France	31
Régis Dericquebourg	
Georgian Orthodox Church and Human Rights: Challenges to Georgian Society	45
Sophie Zviadadze	
Human Rights and Religion in Germany	61
Alexander Unser and Hans-Georg Ziebertz	
Current Debates About Religion and Human Rights in Greece	85
Nikos Maghioros and Christos N. Tsironis	
Catholic Church, Young People, and Human Rights in Italy	93
Francesco Zaccaria	
Perspectives on Human Rights and Religion in Moldova	103
Svetlana Suveica and Vitalie Spranceana	
Reflections on Human Rights and Religion in Norway	113
Pål Ketil Botvar	
Human Rights and Religion in Palestine	123
Raymond J. Webb	

The Roman Catholic Church and Human Rights in Poland	137
Katarzyna Zielińska	
History and Current Debates on Human Rights and Religion in Serbia ...	151
Milan Podunavac	
Less Religion and More Human Rights in Spain?	161
Lluís Oviedo	
Negative and Positive Freedom of Religion: The Ambiguous Relation of Religion and Human Rights in Sweden.....	173
Anders Sjöborg	
Human Rights from a Tanzanian Perspective	183
Clement Fumbo	
Religion and Human Rights: The Case of Ukraine	195
Viktor Yelensky	

Contributors

Dr. Pål Ketil Botvar KIFO Centre for Church Research, Oslo, Norway

Prof. Dr. Sc. Gordan Črpić Department of Sociology, Catholic University of Croatia, Zagreb, Croatia

Dr. Régis Dericquebourg UFR de psychologie, Université Charles de Gaulle-Lille3, Villeneuve d'Ascq, France

Assoc. Prof. Dr. Simeon Evstatiev Department of Arabic and Semitic Studies, Sofia University St. Kliment Ohridski, Sofia, Bulgaria

Rev. Dr. Clement Fumbo Faculty of Social Sciences, The Open University, Dar es Salaam, Tanzania

Dr. Daniela Kalkandjieva Department of Arabic and Semitic Studies, Sofia University St. Kliment Ohridski, Sofia, Bulgaria

Prof. Dr. Nikos Maghioros Faculty of Theology, Aristotle University of Thessaloniki, Thessaloniki, Greece

Prof. Dr. Plamen Makariev Department of Arabic and Semitic Studies, Sofia University St. Kliment Ohridski, Sofia, Bulgaria

Prof. Dr Lluís Oviedo Faculty of Theology, Antonianum University, Rome, Italy

Prof. em. Dr. Milan Podunavac Faculty of Political Sciences, University of Belgrade, Belgrade, Serbia

Dr. Anders Sjöborg Faculty of Theology, University of Uppsala, Uppsala, Sweden

Vitalie Spranceana, M.A. Faculty of History and Philosophy, Moldova State University, Chisinau, Moldova

Dr. Svetlana Suveica Faculty of History and Philosophy, Moldova State University, Chisinau, Moldova

Prof. Dr Željko Tanjić Department of Sociology, Catholic University of Croatia, Zagreb, Croatia

Dr. Christos N. Tsironis Faculty of Theology, Aristotle University of Thessaloniki, Thessaloniki, Greece

Alexander Unser, M.A. Faculty of Theology, University of Wuerzburg, Wuerzburg, Germany

Prof. Dr. Raymond J. Webb Department of Pastoral Theology and Canon Law, University of Saint Mary of the Lake, Mundelein, IL, USA

Prof. Dr. Viktor Yelensky Faculty of Theology, Department of Philosophy and Theology, Ukrainian Catholic University, Kiev, Ukraine

Dr. Francesco Zaccaria Apulian Theological Faculty, Bari, Italy

Prof. Dr. Hans-Georg Ziebertz Faculty of Theology, University of Wuerzburg, Wuerzburg, Germany

Dr. Katarzyna Zielińska Institute of Sociology, Jagiellonian University, Kraków, Poland

Dr. Sophie Zviadadze Caucasus Institute for Peace, Democracy and Development, Tbilisi, Georgia

Christianity, Islam, and Human Rights in Bulgaria

Simeon Evstatiev, Plamen Makariev and Daniela Kalkandjieva

Abstract In Bulgaria, as in other post-communist countries of Eastern Europe, the restoration of civil and religious freedoms has often been accompanied by the rediscovery of religious roots. Southeastern Europe is involved in new types of networks of transnational relations, discourses and currents in which the influence of religion is expanding and becoming ever more visible. Within that process, the majority have preferred to return to traditional religious denominations after the fall of the iron curtain. Most Bulgarians are members of the Bulgarian Orthodox Church, but there is also a group of self-identifying ethnic Turks (about 10%).

Today, there are tensions between the Bulgarian Orthodox Church and the state especially concerning issues of education and family and also in dealing with the Muslim community of Bulgaria. The article mentions statistical findings about the relevant denominations in Bulgaria and explains the core problems of the relation between church and state.

Introduction

In Bulgaria, as in other post-communist countries of Eastern Europe, the restoration of civil and religious freedoms has often been accompanied by the rediscovery of religious roots—a process within which the role of the human rights paradigm needs further study. Within the on-going processes of globalization, the rapid transformations and re-negotiations of identities have brought about dynamic changes in the ‘social imaginaries’ (in the sense in which the term is used in Taylor 1993, p. 213) of the cultural understandings shared by the religious communities in many different regions of the world. Indeed, there are multiple identities within every society, each with variations and sometimes conflicting subdivisions by status, class, occupation, profession, generation and gender. However, “for many, religion is the only loyalty that transcends local and immediate bonds”. (Lewis 1998, pp. 5–7)

S. Evstatiev (✉) · P. Makariev · D. Kalkandjieva
Department of Arabic and Semitic Studies, Sofia University St. Kliment Ohridski,
79 Todor Alexandrov Blvd., 1303 Sofia, Bulgaria
e-mail: evstatiev@esr-sofia.org

- Jacon, M. (1 May 2006). Campaign against FGM pays off. *Daily News* (Tanzania), p. 2.
- Kobia, S. (2003). *The courage to hope: The roots for a new vision and the calling of the church in Africa* (p. 35). Geneva: World Council of Churches.
- Legal and Human Rights Centre [LHRC]. (2012). Tanzania Human Rights Report 2011. <http://www.policyforum-tz.org/files/TANZANIAHUMANRIGHTSREPORT2011.pdf>. Accessed 22 May 2014.
- Legal and Human Rights Centre [LHRC]. (2013). Tanzania Human Rights Report 2012. http://www.humanrights.or.tz/downloads/tanzania_human_rights_report_2012.pdf. Accessed 22 May 2014.
- Mbiti, J. S. (1970). *African religions and philosophy*. Garden City: Anchor Books.
- Møller, B. (2006). *Religion and conflict in Africa with a special focus on East Africa*. DIIS Report 2006:6. Danish Institute for International Studies.
- Mwere, E. (1 May 2006). CCT Campaign against FGM bearing Fruits. *This Day* (Tanzania), p. 3.
- Nyerere, J. K. (1967). *Freedom and development*. Dar as Salaam: United Republic of Tanzania, the Government Printer.
- Pew Research Centre [PEW]. (2010). *The Pew forum on religion and public life*. <http://www.pew-forum.org/files/2010/09/Muslim-networks-full-report.pdf>. Accessed 22 May 2014.
- Pirouet, L. (1991). *Christianity worldwide: A.D. 1800 onwards*. London: SPCK.
- Simeon, M. (2010) Review of witchcraft and the law in Tanzania. *International Journal of Sociology and Anthropology*, 1(8), 132–138.
- Tuin, L., & Fumbo, C. (2012) Women rights and religion in Tanzania In J. A. van der Ven & H. G. Ziebertz (Eds.), *Tension within and between religions and human rights* (pp. 203–221). Leiden: Brill.
- Tundu, L., & Curtis, M. (2008). A golden opportunity?: How Tanzania is failing to benefit from gold mining. Dodoma: Christin Council of Tanzania. <http://www.pambazuka.org/images/articles/407/goldenopp.pdf>. Accessed 22 May 2014.
- UNICEF. (2011). Violence against children in Tanzania, findings from a national survey, 2009. http://www.unicef.org/media/files/VIOLENCE_AGAINST_CHILDREN_IN_TANZANIA_REPORT.pdf. Accessed 22 May 2014.
- Van der Ven, J., Dreyer, J, Pieterse, H. J. C. (2004). *Is there a god of human rights? The complex relationship between human rights and religion: A South African case*. Leiden: Brill.

Religion and Human Rights: The Case of Ukraine

Viktor Yelensky

Abstract After the collapse of Communism a good majority of post-Soviet societies perceived Churches as a ‘natural’ defender of human rights and human dignity. Opinion polls suggest that Ukrainians considered Churches as a bulwark of ‘poor and hapless’.

Gradually, in a complicated and nonlinear manner, the Churches and religious organizations of Ukraine succeeded in forming their own human rights agenda. They addressed the faithful and the whole society with issues on human dignity, rights and duties of citizens, civil society, and numerous urgent domestic, international, social and moral issues. Churches in Ukraine put forward valuable civil initiatives, stand for political freedom and justice for all, and loudly expressed their support for political prisoners.

Ukrainian Churches and religious organizations have played a significant role on the Ukrainian EuroMaidan during the winter 2013/2014. Prayer and worship on Maidan legitimized the protests.

Thus, despite Church hierarchies consider it not only possible but also necessary to restrict human rights when these rights transcend doctrinal dictation and devotional duty, Churches and religious organizations have been the efficient agents of democratic transformation and prominent actors of civil society, whose contribution to the process of promoting human rights and liberties is really hard to overestimate

Recent Developments in the Ukraine

Victor Yanukowich won the Presidential office in the free and fair 2009/2010 election. He started his term with violation of the Constitution, political repressions and implementation of the principle outlined by Dictator Franco: ‘To friends—everything, to enemies—the law!’ Criminal cases were initiated against former Prime

V. Yelensky (✉)

Faculty of Theology, Department of Philosophy and Theology,
Ukrainian Catholic University, Kiev, Ukraine
e-mail: vloz@yandex.ru

Minister Julia Tymoshenko (see Ondrej 2013), Minister of the Economy Danylyshyn, Minister of Internal Affairs Lutsenko (democracy 4ukraine), and officials of some ministries and agencies. Most of them, including Tymoshenko and Lutsenko, were arrested. The domestic politics of the new authorities were marked by violation of the rights and guarantees of opposition activity, depriving the opposition of the possibility of equal political competition with the ruling parties, through forcible pressure on the opposition leaders. Although the problem of opposition rights not only reappeared in the home policy agenda but also got an international echo, the authorities took no steps towards a dialogue with the opposition, preferring to act from the position of strength. The authorities turned the judicial system into the submissive tool of political persecution and defense of the interests of top officials and their associates. That situation has already aroused the concern of foreign states and international organizations, indicating the existence of the practice of “selective exercise of justice.” In the present situation bodies of justice cannot guarantee the protection of citizen rights, especially in their disputes with the authorities, and therefore, the principle of the rule of law and equality for all under the law in the country does not work. The politicization of the Ministry of the Interior increased, which gave grounds to refer to it as an “armed detachment of the authorities”. This was accompanied by interference with protests of the opposition forces, public organizations, and ordinary citizens, persecution of the participants in such events, and pressure and attempts to intimidate public figures, known intellectuals, and human rights activists. Politicization trends also affected the activity of the General Prosecutor’s Office and public prosecutor offices in general, not least of all because of changes in the General Prosecutor’s Office leadership. The current authorities, by contrast with their predecessors, exert forcible pressure not only on the opposition forces and their leaders but also on civil society, public activists and ordinary citizens who protest against their actions. Freedom of speech and media in the country is suppressed; the authorities encroach on the citizens’ right to protest publicly and try to gain advantages in political rivalry, using the entrusted powers and capabilities.

From 2010 to 2012, Ukraine weakened its position in all World Indexes. In 2011 the Freedom House special report on Ukraine, *Sounding the Alarm: Protecting Democracy in Ukraine* warned that Ukraine was heading in the wrong direction on a number of fronts: consolidation of power in the executive branch at the expense of democratic development, a more restrictive environment for the media, selective prosecution of opposition figures, worrisome instances of intrusiveness by the Security Service of Ukraine, widely criticized local elections in October 2010, a pliant Parliament, an erosion of basic freedoms of assembly and speech, and widening corruption (Kramer et al. 2011).

And finally, concerning the recent Parliamentary election the message of international observers is clear: an election cannot be regarded as fair if charismatic and appealing opposition figures are arbitrarily disqualified with the help of a pliant judiciary. U.S. Secretary of State Hillary Clinton has called Ukraine’s October 28 2012 parliamentary elections “a step backward” and urged the country’s leadership to curb what she called “the backward slide.” The head of the Organization for

Security and Cooperation in Europe's (OSCE) short-term monitoring mission for the vote said that democratic progress appears to have reversed in Ukraine" (OSCE 2012).

During the election campaign pro-governmental candidates even pressed and bribed Church communities and priests. "We had to deal with large-scale political bribery, including that of priests. We were not familiar with these methods in the past. Our Church emerged from the process wounded and needs treatment because when the Church is used for political purposes, the credibility of its words is undermined and the notion of the Church is distorted," said the Head of the Ukrainian Greek Catholic Church, Patriarch Sviatoslav Shevchuk on November 10, 2012 in the newspaper *Vysokyi Zamok*.

When in the mid of November 2013 Viktor Yanukovych officially announced that Ukraine would not sign the Association Treaty with the European Union the protests against his decision grew to hundreds of thousands of people—in some cases, over a million people attended protests rallies. Revolution of Dignity or EuroMaidan had grown into something far stronger than just an insulted reaction to the stolen 'European dream'. It was about injured human dignity, ousted the thoroughly mired in corruption government and standing up for fundamental rights and freedom. The victory of the Revolution of Dignity had changed situation with human rights in Ukraine crucially. However, the annexation of Crimea and Russian aggression in the Ukrainian South-East heavily contributed to the new hot spots and massive human rights violation. In annexed Crimea harassment and discrimination continued against ethnic Ukrainians, Crimean Tatar and other minorities. In areas under the control of pro-Russian guerillas armed groups terrorize the population, pursuing killings, abductions, torture, ill-treatment and other serious human rights abuses, including destruction of housing and seizure of property. (See, for instance, *Office of the United Nations High Commissioner for Human Rights. Report on the human rights situation in Ukraine 16 September 2014* // http://www.ohchr.org/Documents/Countries/UA/OHCHR_sixth_report_on_Ukraine.pdf)

Specific Problems of Youth Rights

The youth are an extremely vulnerable cohort of the Ukrainian population in terms of social and economic rights. The health of Ukraine's youth is substantially poorer, and mortality significantly higher than in Europe: young Ukrainians die 2.6 times more often than people aged 15–29 in EU countries (Ptoukha 2010, p. 135). Accordingly, life expectancy of Ukrainian youth is lower in comparison with their European peers. In the Ukraine the youth are more engaged in active migration activities than any other age group: they account for about 2/3 of the total migration turnover in the country. Inequalities in access to education grow, especially for rural youth. The education system is not well attuned to the labour market, resulting in difficulties with employment for young graduates and higher levels of unemployment in the age group 15–24 years (IOM 2011). In the 2008–2009 financial crisis

conditions, the highest growth of the youth unemployment rate in Ukraine was recorded in the groups of age 25–29 and age 30–34. The total number of unemployed youth in 2009 was more than 1 million or almost 54% of the total unemployed population.

The Ukrainian labour market offers only unskilled jobs to young people who do not have specialized professional education. Therefore, persons with secondary education, who are mostly young people aged 20–25, account for the highest share of persons doing the most low-skilled jobs. A large number of young people without professional education are engaged in the informal economy sector. For those under the age of 25, this situation predominantly results from the problems attributable to finding the first job (as young people often have no previous work experience), since a significant proportion of unemployed youth are educational institution graduates who have not found employment yet.

Governmental authorities are quite inefficient in answering the problems of youth policy and, additionally, are rather inaccessible for purposes of obtaining the information necessary to help youth solve their own problems. As shown by the results of the survey “Youth of Ukraine”, slightly more than one-third of the respondents characterized state officials as accessible (36%), other respondents were of the opinion that they were inaccessible, with one in every six respondents (16%) stating that governmental authorities were absolutely inaccessible in cases when it was necessary to get some information. Given this situation, young people prefer to address their problems to parents and relatives (indicated by 74% of respondents) or their friends (38%). As a last resort, young people solve their problems by own efforts (40%). A mere 2% of respondents indicated that in the case of any problems they would contact governmental bodies with responsibility for youth issues or other governmental institutions. Understandably, younger respondents tended to vote more frequently against all parties and blocs, or for outsider parties. Apart from the lower electoral activity of the youth, this may be viewed as an evidence of the disbelief of these young people in the ability and sincerity of intentions of all political forces to change the situation in the country for the better. It is understandable also that 45.4% of young respondents questioned in 2010 expressed the wish for work abroad for a certain period. Of these 19.4% want to work only in their specialty and 26.0% in any job.

Religious Demography and Religious Freedom

By the mid-1990s Ukraine appeared to have quickly evolved from a promising new independent country with impressive resources and good European perspectives into a corrupt state which violated business, suppressed media and persecuted journalists. During those times the Ukrainian State undermined its own international reputation, especially the trust of Western partners; simultaneously, apathy and disbelief in the very possibility of change were spread over the various strata of Ukrainian society. Against the background of a deep disappointment in state institutions,

manipulated media, all-the-same political parties and state-controlled trade unions, Churches appeared as most trusted social institutions. During the 2000s, Churches remained the social institutes enjoying the highest trust in society.

However, even in those times when the ruling regime brutally violated basic freedoms and human rights, Ukraine had relatively decent standards in the sphere of religious freedom and enjoyed one of the most liberal Church-State legislative situations over all the post-Soviet space (Yelensky 2005).

There were four principal reasons why, for all these years, Ukraine has obtained, and continues to have, good marks for achievements in the realm of religious freedom from the international observers, non-governmental and governmental institutions (particularly, from the US Department of State).

The first reason is the religious configuration of Ukraine. First of all, three Orthodox Churches were constituted in Ukraine, namely the Ukrainian Orthodox Church (UOC) of Moscow Patriarchate (more than two third of all Orthodox parishes); the UOC of Kiev Patriarchate (a fourth of all Orthodox parishes) and the Ukrainian Autocephalous Orthodox Church (7%). The conflict among these Churches is rooted in differing attitudes toward the question of severing links with the Moscow Patriarchate. While one part of Orthodox believers rejects the latter's authority and regards subordination to Moscow as offensive, others accept it totally. The post-1991 evolution of Ukrainian Orthodoxy vividly mirrors its ambivalent nature as both an immense contributor to the creation of Russian imperial identity as well as a guardian of "native Ukrainian," "Cossack" identity. More generally, the split within the Orthodox Church in Ukraine became an adequate reflection of the political and cultural contradictions in Ukrainian society and the conflict of different identities and patterns of historical memory.

The legalization of the 3.5 million Ukrainian Greek Catholic Church after more than 40 years of prohibition and humiliation has also created an explosive knot of contradiction. The very existence of this Church was doubted by the Orthodox hierarchy, while years of being in the catacombs have sparked feelings of triumph, and even revenge from the Greek Catholic side. As a result, a severe struggle between Orthodox and Greek Catholic powers arose in western Ukraine over which church would have a hold on the believers and achieve the dominant position in the distribution of church buildings and property. This struggle, which was accompanied by a physical fray between believers of the conflicting churches in the early 1990s, has already passed the most serious stage of its development but is still far from being fully reconciled.

Roman Catholics (Latin Rite) who have made tremendous gains since the Soviet times, have a distinctly ethnic character. Two-thirds of them are centred in the regions where the greater share of Ukrainian Poles live; a number of Hungarians and Slovak also traditionally have belonged to Roman Catholic communities.

By the beginning of the 2000s Ukraine had become the country with the largest Baptist, Pentecostal and Charismatic communities in Central and Eastern Europe. Their evolution after the fall of Communism involved consistent institutionalization, further diversity of the denominational picture, more precise definition of doctrinal teaching, formulating a "doctrinal minimum", national theology formation,

a rise in the social status of the faithful, active engagement in the social-political and economic processes, and the achievement of a more noticeable place on the religious map of the country.

Thus, several congruous centers of religious power exist in Ukraine. This fact prevents any one of these power centers from dominating over religious minorities or from conducting repressive or even restrictive policy toward them. These power centers function as rivals, addressing their own sector of public opinion and their own corresponding circles of political elite. They create a kind of balance that prevents the establishment of a religious institution that would dominate the others and with which one might identify (*de facto* if not *de jure*) the Ukrainian state (Yelensky 2008).

The second reason is the absence of a strict correlation between denominational and national identity, which also contributes to the dis-establishment of a religious monopoly. Religion is not a core element of the Ukrainian national myth. When we speak about the "True Ukrainian," we do not mean the religious identity as we do when we speak about Poles, Serbs, Georgians, or Croatians. The "Ukrainian Project," which was largely based on the intentions of nineteenth century Galychyna thinkers who believed that western Ukraine should not be Polish, Austrian, Russian, or Moscowfile but instead part of a great Ukrainian nation, meant the deliberate ignoring of religious differences between Catholics and Orthodox. The founding fathers of Ukrainian nationalism considered religion as a stumbling block rather than a reliable resource for nation-building.

The third reason for decent standards of religious freedom in Ukraine is that religious freedom in Ukraine never threatened the government's position as, for instance, the freedom of speech can. Respectively, the Ukrainian government had no reason to seek the destruction of religious freedom and religious human rights about which, in addition, Western Europe and, especially, the USA were so sensitive.

The final reason is the historically high level of tolerance toward other believers. To this very day we are unable to explain the fact that Ukrainians, with a reputation in the West for unrefined emotionalism, now seem to have become so tolerant in the religious sphere. Obviously, the reputation is not wholly deserved. Ukraine's record of inter-ethnic discord is arguably no worse, but no better, than that of most other countries (Motyl 1993). It is evident that dire predictions concerning possible future development of inter-religious and inter-ethnic conflicts in Ukraine after the attaining of state independence were constructed in many cases under the influence of historical reminiscences of the seventeenth and eighteenth centuries rather than on the basis of the social-political and social-psychological analysis of the Ukrainian situation. During the presidential campaign of 2004, the fragile religious balance had to pass the "destabilizing scenario." There were efforts to tear up the country across religious lines. The team for the "single candidate of the government". Some factions viewed religion as a resource to mobilize "us" against "them," and as an effective propaganda and organizational mechanism. But during the days of the Orange revolution (late Nov. 2004-Jan. 2005) this strategy was opposed not by different churches or inter-church mechanisms but by religion as a symbolic space that reached beyond the ordinary and where people request justice from higher powers.

Then it seemed that religion could be a major unifying and nation-building force, not by demarcating religious territories but by freeing politics of cynicism and providing it with values and a moral dimension.

But in any case, the country was divided more than even on the eve of Ukrainian independence. According to the Institute of Sociology, over 6% of Ukrainian citizens admitted that they experienced major conflicts with friends or relatives over the elections and sometimes these conflicts were still not settled. The number of confrontations on the streets and on transport, in shops and establishments providing consumer services to people of other political persuasions significantly increased. The number of people who went a month without such incidents decreased. There was an increased level of xenophobic behavior as well as protest moods. There were more people willing to go out and defend their rights illegally. The state leadership had the urgent task of stitching up the country. But it had neither the full grasp of the problems, nor a merging strategy, nor the will to implement it. This greatly influenced the future developments in the country, including in the religious and social spheres.

The next challenges to the equilibrium of the centers of religious power in Ukraine came after the 2009/2010 Presidential election. Local governments pressured on priests and the community of believers of the Kyivan Patriarchate to join the Moscow Patriarchate. This was a sign of the “new religious policy,” as had the favoritism and friendship with only one church—the Ukrainian Orthodox Church of the Moscow Patriarchate. This was a real delight in some circles of the church, confusion in others, and suspicion in the society. In late 2010, less than 30% of people surveyed by the Razumkov Center believed that “the government treats all religious organizations in Ukraine equally.” Instead, nearly a quarter said that “there is a church, which the government treats better than others,” and another 11.3% believed that “the government is increasing the power of one church.” During 2011–2012 popular perception of the religious freedom in Ukraine has worsened still more. According to the regular Razumkov Center opinion poll at the beginning of 2013 65.4% of respondents claimed that “Ukrainians enjoy freedom of conscience in full” compare to 75.9% in 2010 and as more as 35.2% believed that “there is a church, which the government treats better than others.” At the same time ‘Religious Restriction Index Scores’ had jumped up from 2.6 in the mid-2007 to 4.0 in the mid-2010 (PEW 2009).

Religious Institutions and Human Rights

Religious institutions, which were the biggest voluntary organizations and the only tolerated bearers of non-Marxist worldviews, heavily contributed to deconstruction of the Communist system. During the period of Brezhnev’s stagnation, religion was firmly considered by the thinking public in the USSR as an alternative system of values that could uncompromisingly withstand the official ideology and slogans, the untenability of which became more and more obvious. Noticing the increase of

adult baptisms, the obsession of the intelligentsia with religious literature, the growing popularity of religious broadcasting by foreign radio stations, and the outspoken neglect of the atheistic propaganda and other materials, party officials expressed anxiety over the anti-Communist trend of the religious processes in the country. As a member of the Ukrainian Helsinki Group, Levko Lukyanenko, claimed in 1977, religion became for Ukrainian dissenters and anti-governmental political activists a battlefield for human rights and freedoms.

After the collapse of Communism a good majority of post-Soviet societies perceived Churches as a “natural” defender of human rights and human dignity. Opinion polls suggest that Ukrainians considered Churches as a bulwark of “the poor and hapless”. Up to 75% of the Ukrainian population trusted Churches more than any other social institution. Neither the president, the government, the parliament, nor the military could compete with Churches on the subject of trust in public opinion polls.

Based on the powerful impulse of social “advancement” given to the church in the 1980s, there was a hope that numerous problems, unsolvable by Communist party and Soviet officials, would be solved by unofficial institutions, the most structured among which were religious organizations.

The number of respondents stating during the 1980 opinion polls that religion was helpful for *society* essentially exceeded the number that considered religion as beneficial for *them personally*.

The socially transforming potential of Ukrainian religious institutions was distorted as a result of the above-mentioned conflict between three Ukrainian Orthodox Churches and between the Orthodox Churches and the Ukrainian Greek Catholic Church, banned by Stalin regime and emerging from the catacombs at the end of the 1980s. Each of these Church represents a different center of political, cultural, and ethnic mobilization and one can speak about the presence of a quite definite correlation between declarations of belonging to some particular church and political preference and political behavior.¹

Additionally, when the “Iron Curtain” disappeared, the countries of Central and Eastern Europe were flooded by religious missionaries from outside.² Competition from well-funded, mobile and experienced missionaries became a serious cause of concern to the hierarchy and clergy of the Orthodox and Catholic churches, who repeatedly expressed their fears that the faithful would be lured away, their commu-

¹ It is not surprising that surveys about the political behavior of Ukrainian citizens reveal that adherents of the UOC MP and those who claim to be adherents of Russian Orthodox Church are more likely than others to vote for the Left, even when ethnicity is controlled for. By contrast, the faithful of the Ukrainian independent Orthodox Churches and UGCC are more likely to vote against the Left. Affiliation with one of the previously banned churches has a powerful deterrent effect for left-wing voting (See, among others, Birch 2000).

² The influx was especially dramatic in the late 1980s and early 1990s. An East-West Church and Ministry Survey carried out in 1996 showed that the number of foreign missionaries in the former Soviet Union alone had risen by 31% in just 1 year. According to reports produced in the mid-1990s, there were over 1900 full-time missionaries from North America and South Korea in the country (Schindler et al. 1994).

nities' cultural profiles transformed, and their identity lost. In fact, the ambition to put aside these rivals became one of the most important goals of the some Churches' administrations. The hierarchs constantly appealed to the public, to the local authorities, and to the Ukrainian government for protection against foreign missionaries and for a curb on the so-called sects and cults and sometimes managed to gain support from the Ukrainian top officials. During celebrations of the fifth anniversary of Ukraine's independence, President Leonid Kuchma spoke openly against "active foreign missionary organizations in the Ukrainian religious space." (1996). All this fuelled a series of quite dramatic conflicts, as the Church hierarchy started to insist that the state must restrict, not just the presence and mobility of foreign missionaries on its territory, but also the religious freedoms of members of the religious communities they had founded. However, while almost all post-Soviet countries have adopted repressive approaches to support the monopoly of their traditional religious institutions—with human rights violations and outbreaks of xenophobia and religious intolerance as the consequence—Ukraine has preserved its quite liberal 1991 *Law On Freedom of Conscience and Religious Organizations*.

Suffice it to say, the Ukrainian Orthodox churches, and to a substantially lesser extent the Ukrainian Greek Catholic church, condemned "liberalism", "unbounded liberty", "European permissiveness" and demonstrated a hostile attitude to the foreign religious missions and new religious movements. In general, Church spokespersons tend to emphasize duties more than rights and quite often insist on the necessity of eliminating freedoms for "alien" religions and prohibiting such religious groups that, in their opinion, are "sects" or "cults". In particular, our interviews with Orthodox clergymen in 1999–2000 suggested that they en masse thought that 'state interests are more important than individual human rights', 'order in the country is more important than freedom', 'preaching of false teachings is not religious freedom and needs to be limited' (Yelensky 2002). Moreover, influential circles within the Ukrainian Orthodox Church of Moscow Patriarchate persistently emphasize vocal anti-globalism and anti-Westernism and openly oppose Eastern Orthodoxy to Western concepts of human rights and propagate '*The Russian Orthodox Church's Basic Teaching on Human Dignity, Freedom and Rights*' that subordinates human rights to the values and interests of the homeland and says nothing about the protection of the individual from attacks by the state, such as political persecution, political murder, discrimination against minorities or the undermining of democratic proceedings and structures.

One more zone of tensions between Churches and State and between Churches and at least part of society were issues of public morality and sex (e.g. the Churches uncompromisingly oppose abortions and same-sex marriages). Particularly, Churches and religious organizations supported the need for the existence of special legislation that would regulate the moral life of Ukrainians. The special focus and particular concern of such legislation should be adolescents, youth and institutes of marriage and family as stated by the All-Ukrainian Council of Churches at the Parliamentary Hearing "The state of public morality in Ukraine" on November 9 2011.

At the same time, gradually, in a complicated and nonlinear manner, by the beginning of 2000 the Churches and religious organizations of Ukraine succeeded

in forming their own human rights agenda. The strongest role in forging such an agenda rightfully belongs to the All-Ukrainian Council of Churches and Religious Organizations, created in 1996 and uniting representatives of the nineteen largest religious bodies. AUCCRO addressed the faithful and the whole society with statements, appeals, memorandums on human dignity, rights and duties of citizen, on civil society, on the memory of millions murdered by Famine Genocide, on justice, on European values, on numerous urgent domestic, international, social and moral issues.

Churches in Ukraine put forward valuable civil initiatives, stood for political freedom and justice for all, loudly expressed their support for political prisoners and asked that convicted ex-Prime-Minister Tymoshenko be released on bail.

Meanwhile, the most acute contradictions between the Churches and governmental structures on human rights focus on three principal issues. First, Churches insist that the government ignores their claims in the sphere of the rights of religious bodies and individual believers. These unfulfilled rights comprised (but are not limited to) rights to reliable legal support of Church activity and, particularly, in the social realm, to returning Church property nationalized by the Soviets, to religious schooling, religious care in the military, the right to choose the mode of collecting the tax payer's personal data, etc. Secondly, Churches maintain that the government does too little to ensure the right of "little Ukrainians" to dignity and justice, specifically, the rights to fair judicial proceedings, to a fair and well-timed salary, to equality behind the law; and to personal integrity. Church hierarchs stressed that human rights were not only violated by police tortures, selective judicial and child abuses, but also by the poverty of the employed and the great inequality. In order to stand up for civil and political rights more effectively, in pushing for a stronger, more responsible society, and one that was closer to Europe, the Ukrainian Orthodox Church of Moscow Patriarchate, the Ukrainian Orthodox Church of Kiev Patriarchate and the Ukrainian Greek Catholic Church endorsed a civil initiative '*1st December*' (named in reference to the day of Ukraine's 1991 referendum on independence). Additionally, Ukrainian Churches and denominations undoubtedly stood for Ukrainian euro-integration on the eve of the 3rd Eastern Partnership Summit in Vilnius in November 2013. In their Address to the Ukrainian People, the Primate of the Orthodox, Greek Catholic and Roman Catholic Churches, the heads of Baptist and Pentecostal Unions, and Jewish and Muslim leaders stressed, "Today Ukraine is to make a decision on its further development. According to us, the future of Ukraine is naturally predefined by our historical roots namely to be an independent state in a circle of free European nations." (IRF 2013).

Churches and religious organization of Ukraine appeared to be very active and responsible during the popular upheaval and severe crisis after the governmental refusal to sign the European Union Association Agreement. Responding to the current regime's attacks against peaceful demonstrators the All-Ukrainian Council of Churches and Religious Organizations called on the government to guarantee constitutional rights and freedoms of the citizens, not to use force against peaceful assemblies, to take into account the demands of protesters, and also to conduct impartial investigations into the provocations and violent confrontations and to punish

the perpetrators. The head of the Kyiv Patriarchate, Patriarch Filaret, unconditionally condemned the use of force against protesters and warned authorities that the result of force could only be a radicalization of the protest and the slide of Ukraine into full-scale civil conflict. He stressed also that the Church was with the people. Similarly, the head of the Ukrainian Greek Catholic Church, Archbishop Sviatoslav Shevchuk during the meeting with President Yanukovich (January 24, 2014) emphasized that “we are, have been, and will be with the people. Over the past 2 months, we were not only on Maidan with our people, but I can also say that we have won the right to be there. Today, everyone understands that the presence of the clergy is essential to appeasing the people and the preservation of peaceful protest as such. We strive to serve our people in every way we can. We opened our churches to welcome and warm those in need” (Sviatoslav 2014).

Significantly, a group of priests of the UOC-MP sent a message to all people of good will, in which they declared their desire to have closer ties with Christian Europe and their readiness to oppose all kinds of lawlessness and violence. On Maidan there were many clerics who were constantly with their faithful. They were with them on the barricades, they were willing to stand between protesters and police, to serve, to profess, and to comfort people in the bitter cold and among the flames. They felt that the people need them much more those days than in ‘normal times.’

Thus, despite the fact that Church hierarchies consider it not only possible but also necessary to restrict human rights when these rights transcend doctrinal dictation and devotional duty, Churches and religious organizations have been the efficient agents of democratic transformation and prominent actors of civil society, whose contribution to the process of promoting human rights and liberties is really hard to overestimate.

References

- Birch, S. (2000). *Elections and Democratization in Ukraine*. Basingstoke: Macmillan.
- Democracy 4Ukraine. (2012). Yuriy Lutsenko Case. <http://www.democracy4ukraine.com/the-facts-yuriy-lutsenko-case>. Accessed 22 May 2014
- Global Restrictions on Religion Pew Forum on Religion & Public Life. Washington, DC: Pew Research Center, 2009, pp.12
- Migration in Ukraine: Facts and Figures. September 2011 Kyiv: International Organization for Migration, 2011. Available at: <http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/Ukraine/Migration-in-Ukraine-Facts-and-Figures.pdf>
- Institute for Religious Freedom [IRF]. (11 November 2013). Address of the Churches and the Religious Organizations to the Ukrainian People on EU integration of Ukraine. http://www.irf.in.ua/eng/index.php?option=com_content&view=article&id=385:1&catid=34:ua&Itemid=61. Accessed 1 Feb 2014.
- International Organization for Migration [IOM]. (2011). *Migration in Ukraine: Facts and figures*. Kiev.
- Kramer, D. J., Nurick, R., Wilson, D., & Alterman, E. (2011). Sounding the alarm: Protecting democracy in Ukraine. A Freedom House Report on the State of Democracy and Human Rights in Ukraine. <http://www.freedomhouse.org/sites/default/files/inline-images/98.pdf>. Accessed 22 May 2014.

- Kuchma, Leonid (28 August 1996). Build-up of the active foreign missionary organizations in the Ukrainian religious space. In RABOCHAYA GAZETA (WORKING NEWSPAPER). Kiev.
- Motyl, A. J. (1993). *Dilemmas of independence: Ukraine after totalitarianism*. New York: Council on Foreign Relations Press.
- Office for Democratic Institutions and Human Rights [OSCE]. (2012, October 29). Ukrainian elections marred by lack of level playing field, say international observers. <http://www.osce.org/odihr/elections/96673>. Accessed 22 May 2014.
- Ondrej, D. (2013). *The Tymoshenko case*. European Unity Institute for Security Studies. http://www.iss.europa.eu/uploads/media/Alert_Ukraine.pdf. Accessed 22 May 2014.
- Ptoukha Institute for Demography and Social Studies of the National Academy of Science of Ukraine. (2010). Youth and youth policy in Ukraine: social and demographic aspects. <http://www.unfpa.org.ua/files/articles/1/73/Youth%20and%20Youth%20Policy%20-%20Demo%20Aspects%20%28EN%29.pdf>. Accessed 22 May 2014.
- Schindler, B., Bedford-Adamski, Y., & Elliott, M. (1994) Non-Indigenous protestant missionaries in former communist states of Eurasia. *East-West Church and Ministry Report*, 2(1), 5. <http://www.eastwestreport.org/articles/ew02105.htm>. Accessed 15 Jan 2014.
- Sviatoslav, Patriarch of Ukrainian Greek Catholic Church. (25 January 2014). Address to Yanukovich: “We are, have been, and will be with the people”. http://risu.org.ua/en/index/all_news/state/national_religious_question/55087/. Accessed 1 Feb 2014.
- Yelensky, V. (2002). Religion, church, and state in the post-communist era: The case of Ukraine (with Special References to Orthodoxy and Human Rights Issues). *Brigham Young University Law Review*, 2, 453–488.
- Yelensky, V. (2005). Das Recht der Religionsgemeinschaften in der Ukraine. In I. Döring, W. Lienemann & H.-R. Richter (Eds.), *Das Recht der Religionsgemeinschaften in Mittel-, Ost-, und Südosteuropa* (pp. 519–545). Baden-Baden: Nomos.
- Yelensky, V. (2008). Religious freedom: The case of Ukraine. *The Review of Faith & International*, 6(2), 67–72.