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**Religious Minorities in Ukraine Amidst Russia's Invasion:  
Security, Legal, and Institutional Challenges\***

*Minoranze religiose in Ucraina durante l'invasione russa:  
sfide di sicurezza, giuridiche ed istituzionali*

**ABSTRACT:** Russia's full-scale invasion has posed significant challenges to religious freedom in Ukraine. Nearly 700 religious sites have been destroyed by ongoing Russian airstrikes and shelling targeting civilians across Ukraine. At the same time, Russia continues to suppress religious minorities and terrorize civilians in occupied Ukrainian regions, subjecting believers to persecution, arrests, tortures, and executions. The occupation authorities enforce Russification and the Russian World ideology, promoting the Russian Orthodox Church while suppressing other faiths. The Kremlin has weaponized religion as an instrument of ideological control, transforming Russian religious centers into mouthpieces of propaganda and channels of influence. In response, Ukraine has sought to limit Russian interference in religious affairs, leading to legislative initiatives that have sparked international debate. The country faces challenges in balancing national security with religious freedom, concerning the influence of Russian religious centers and policies on military conscription. The lack of clear provisions for conscientious objection has resulted in the legal

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persecution of believers from minority faiths. Additionally, mass migration and conscription disrupted religious communities, causing colossal displacement and leadership crises. This paper examines the intersection of war, religious policy, and human rights, analyzing how Ukraine navigates threats to its sovereignty while upholding its commitment to religious freedom.

**ABSTRACT:** L'invasione russa su vasta scala ha posto sfide significative alla libertà religiosa in Ucraina. Quasi 700 siti religiosi sono stati distrutti dai continui attacchi aerei e bombardamenti russi contro i civili in tutta l'Ucraina. Allo stesso tempo, la Russia continua a reprimere le minoranze religiose e a terrorizzare i civili nelle regioni ucraine occupate, sottoponendo i credenti a persecuzioni, arresti, torture ed esecuzioni. Le autorità di occupazione impongono la russificazione e l'ideologia del mondo russo, promuovendo la Chiesa ortodossa russa e sopprimendo le altre fedi. Il Cremlino ha trasformato la religione in un'arma di controllo ideologico, trasformando i centri religiosi russi in portavoce della propaganda e canali di influenza. In risposta, l'Ucraina ha cercato di limitare l'interferenza russa nelle questioni religiose, dando vita a iniziative legislative che hanno acceso il dibattito internazionale. Il Paese si trova ad affrontare sfide nel bilanciare la sicurezza nazionale con la libertà religiosa, per quanto riguarda l'influenza dei centri religiosi russi e le politiche sul reclutamento militare. La mancanza di disposizioni chiare sull'obiezione di coscienza ha portato alla persecuzione legale dei credenti di fedi minoritarie. Inoltre, la migrazione di massa e il reclutamento obbligatorio hanno sconvolto le comunità religiose, causando colossali sfollamenti e crisi di leadership. Questo articolo esamina l'intersezione tra guerra, politica religiosa e diritti umani, analizzando come l'Ucraina affronta le minacce alla sua sovranità, pur mantenendo il suo impegno per la libertà religiosa.

**Keywords:** Ukraine, religious freedom, religious-minorities, law and religion, Russian invasion, Russia-Ukraine war

**SUMMARY:** 1. Introduction - 2. Destruction of religious infrastructure due to Russian airstrikes and shelling - 3. Repression and terror against religious minorities in Russian-controlled Ukrainian territories - 4. Legislative initiatives in Ukraine in response to Russia's weaponization of religion - 5. Escalation of the issue of alternative (non-military) service under martial law in Ukraine - 6. The social role of Ukrainian religious communities and the issue of drafting religious leaders into military service - 7. Conclusions.



## 1 - Introduction

Russia's armed aggression has posed significant danger to believers across various denominations in Ukraine, particularly religious minorities. On one hand, the direct consequences of Russian air attacks and shelling on civilian infrastructure and the occupation of eastern and southern regions pose an immediate threat to the lives of most Ukrainians, regardless of their religious identification or lack thereof. By proclaiming “denazification” and demilitarization as the official justification for its full-scale invasion of Ukraine<sup>1</sup>, Russia has systematically terrorized and committed atrocities against the civilian population since February 24, 2022, exhibiting clear signs of genocide, crimes against humanity, and numerous war crimes. In the Ukrainian territories occupied by the Russian army, residents can become targets of the Russian repressive regime only for displaying any signs of Ukrainian identity, such as praying for peace in Ukraine.

Russia is forcibly Russifying the captured regions of Ukraine—rewriting history, falsifying reality through propaganda, imposing the Russian language and the Russian Orthodox Church, and destroying architectural heritage, religious sites, museums, libraries, and memorials dedicated to prominent Ukrainians. Vladimir Putin’s regime is carrying out a brutal policy of Russian chauvinism rooted in the ideology of the “*Russkiy Mir*” (Russian World) in occupied Ukrainian territories<sup>2</sup>. At the same time, Russian propaganda attempts to obscure its war crimes by falsely claiming that the Nazis, allegedly led by a president of Jewish origin, have seized power in Kyiv. As absurd as this claim may seem, Russian disinformation continues to find a receptive audience in the West and, regrettably, is occasionally echoed in American and European media.

On the other hand, Russian military and occupation authorities severely suppress religious freedom and other human rights in the territories they control, often more brutally than in Russia itself. Ukrainian religious leaders and active believers, primarily religious minorities, have faced repression and terror, including intimidation, arbitrary arrests, imprisonment, torture, and even deliberate killings at the hands of the Russian military and officials, as well as local collaborators.

Ukrainian faith-based communities suffer persecution primarily due to religious bias, stereotypes, and hatred. Another key reason for the repression is

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<sup>1</sup> G. FAULCONBRIDGE, V. SOLDATKIN, *Putin vows to fight on in Ukraine until Russia achieves its goals*, in *Reuters*, 14 December 2023 (<https://tinyurl.com/2sfj3bz2>).

<sup>2</sup> I. KOZLOVSKY, *Ideological aspects of Russia’s war against Ukrainian identity*, in *Russian attacks on religious freedom in Ukraine. Research, analytics, recommendations*, Institute for Religious Freedom, Kyiv, 2022, p. 32ss (<https://tinyurl.com/ytvdfkz>).



their refusal to cooperate with the newly established Russian authority on the occupied territories of Ukraine or directly submit to religious authorities in Russia.

Moreover, amid ongoing Russian military offensives on Ukrainian territory, religious leaders and conscientious objectors also face the risk of being drafted into military service in the Ukrainian Defense Forces, as Ukrainian law does not provide exemptions for them during wartime. However, through church-state dialogue, the government has reached a compromise to prevent religious communities from experiencing a leadership crisis.

Additionally, the ongoing hostilities and Russian airstrikes across all regions of Ukraine have triggered a large-scale humanitarian crisis, including mass migration both within the country and abroad. The migration crisis has had a particularly severe impact on religious minorities, some of whom have been entirely dispersed across Ukraine and beyond, losing their centers of representation in the country.

The challenges outlined above will be examined in greater detail in the following sections of this article. When analyzing Ukraine's wartime legislation and its impact on religious minorities, it is crucial to consider the broader context of the conflict. In particular, the legislative initiatives and actions of the Ukrainian government should not be seen as purely theoretical or peacetime measures but rather as essential responses to a survival crisis. The entire country has effectively become a battlefield due to Russia's relentless air attacks with ballistic and cruise missiles, bombs, and explosive-laden drones.

## 2 - Destruction of religious infrastructure due to Russian airstrikes and shelling

Since the beginning of Russia's full-scale invasion of Ukraine on February 24, 2022, nearly 700 religious sites have been damaged or destroyed due to ongoing hostilities<sup>3</sup>. Russian ballistic missiles, drones, and artillery strikes have caused extensive destruction, often targeting civilian infrastructure, including places of worship.

As of early 2024, the Kyiv-based Institute for Religious Freedom reported that at least 630 religious sites had been destroyed, damaged, or looted by Russian forces<sup>4</sup>. In February 2025, a new report by Mission Eurasia indicated

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<sup>3</sup> V. LITNAROVYCH, T. FROLOVA, *Russia Killed 50 Priests and Destroyed 700 Churches During Full-Scale Invasion*, Zelenskyy Says, in UNITED24 Media, 12 December 2024 (<https://tinyurl.com/5n6vmyzj>).

<sup>4</sup> M. VASIN, *The impact of the Russian invasion on faith-based communities in Ukraine*, Institute for Religious Freedom, Kyiv, 2024 (<https://tinyurl.com/ycxs2yf>).



that this number had increased by at least several dozen within just a few months of continued hostilities over the past year. Consequently, the actual number of destroyed religious sites in Ukraine—many of them targeted deliberately—could be significantly higher, mainly when accounting for undocumented damage in areas of ongoing combat.

“Throughout 2024, Russia intensified its airstrikes on civilian infrastructure across various regions of Ukraine and conducted ground offensives in the east. This led to an increase in the number of destroyed and damaged religious sites in Ukraine to at least 650”<sup>5</sup>.

The *Religion on Fire* project team has documented similar levels of destruction to Ukraine's religious infrastructure. According to the report, as of February 2025, at least 643 religious sites had been damaged or destroyed in Ukraine. These include churches, mosques, synagogues, chapels, prayer houses, Kingdom Halls, cemeteries, memorials, and religious educational institutions<sup>6</sup>.

The most severe damage has been recorded in eastern and southern Ukraine, particularly in Donetsk, Luhansk, and Kherson regions, as well as in Kyiv region, where heavy fighting took place till April 2, 2022. The scale of destruction has continued to rise, particularly in the Kharkiv, Zaporizhzhia, Dnipropetrovsk, and Sumy regions, because of further attempts by Russian troops to advance. Additionally, the June 6, 2023, destruction of the Kakhovka hydroelectric dam led to flooding that severely impacted multiple religious buildings, further compounding the humanitarian crisis in Ukraine, including migration<sup>7</sup>.

The Orthodox churches have suffered the most tremendous losses—particularly the Ukrainian Orthodox Church, which is canonically connected with the Moscow Patriarchate, with at least 338 affected sites. Evangelical churches, including Pentecostal, Baptist, and Seventh-day Adventist congregations, have also been heavily affected—more than 200 church buildings<sup>8</sup>. Russian forces wholly destroyed, damaged, or repurposed more

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<sup>5</sup> M. BRYTSYN, M. VASIN, *Faith Under Russian Terror: Analysis of the Religious Situation in Ukraine*, Mission Eurasia, Franklin, 2025, p. 13 (<https://tinyurl.com/yc24nrps>).

<sup>6</sup> *Religion on Fire: Three Years of War in Numbers. Report of Religion on Fire project (February 2022 – February 2025)*, Workshop for the Academic Study of Religions, Kyiv, 2025, p. 3 (<https://tinyurl.com/mrxpdhau>).

<sup>7</sup> M. CARPENTER, *The Destruction of Ukraine's Kakhovka Dam and Hydroelectric Power Plant*, in U.S. Mission to the OSCE, 6 June 2023 (<https://tinyurl.com/txtx2fm6>).

<sup>8</sup> *Religion on Fire*, cit.



than a hundred of the Kingdom Halls of Jehovah's Witnesses<sup>9</sup>. Meanwhile, Russian missile and drone attacks continue to threaten religious sites across Ukraine, even in its westernmost regions located farthest from the frontlines.

The widespread destruction of Ukraine's religious infrastructure has led to several negative consequences. Firstly, tens of thousands of believers have lost the ability to gather for worship and receive spiritual support from religious leaders and fellow adherents. This has been particularly challenging for communities accustomed to participating in liturgical services within sacred places of worship, such as Orthodox and Catholic Christians, Jews, and Muslims. Drawing on their experience of home churches meeting in residential houses, Evangelical believers have been better able to adapt to these challenges.

Secondly, many churches, synagogues, and mosques served as humanitarian hubs, providing critical assistance to local residents and internally displaced persons. Churches and other faith-based communities supplied food, clothing, hygiene products, medicine, and access to banking and medical services for people with disabilities. They also provided heating, communication with family members, and phone charging during blackouts after Russia's airstrikes on the energy infrastructure. Additionally, some religious communities offered temporary shelter at places of worship or supplemental facilities and assisted displaced fellow citizens in finding permanent housing at new places of living.

Thirdly, the deliberate destruction of Ukraine's religious buildings and sacred architectural heritage could be potentially qualified as an act of genocide against the Ukrainian people. While these attacks alone may not constitute genocide, they can serve as evidence of a broader genocidal intent. The International Criminal Tribunal for the former Yugoslavia in the Krstić case has noted that

"where there is physical or biological destruction there are often simultaneous attacks on the cultural and religious property and symbols of the targeted group as well, attacks which may legitimately be considered as evidence of an intent to physically destroy the group"<sup>10</sup>.

Russian dictator Vladimir Putin's claims that Ukraine does not exist as a state or a nation<sup>11</sup> fuel the brutality of Russian forces against all pillars of

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<sup>9</sup> M. VASIN, *The impact of the Russian invasion*, cit., p. 11.

<sup>10</sup> *The Prosecutor v. Radislav Krstić*, IT-98-33-T, Trial Chamber Judgement / ICTY, 2 August 2001.

<sup>11</sup> M. SCHWIRTZ, M. VARENIKOVA, R. GLADSTONE, *Putin Calls Ukrainian Statehood a Fiction. History Suggests Otherwise*, in *The New York Times*, 21 February 2022 (<https://tinyurl.com/49c8xzy3>).



Ukrainian religious, cultural, and ethnic identity, including sacred sites, museums, and libraries. Ukrainian churches have become particular targets of the Russian aggression as centers of social cohesion and national resilience.

Additionally, religious leaders, in multiple independent research, have testified to numerous cases of looting and repurposing of churches and religious educational institutions by Russian forces. Witnesses confirmed the systematic destruction of religious and other Ukrainian-language literature, further underscoring Russia's intent to erase Ukrainian cultural and spiritual identity.

### **3 - Repression and terror against religious minorities in Russian-controlled Ukrainian territories**

Since the full-scale invasion in February 2022, Russia has intensified its repression of religious minorities and other Ukrainian civilians in the newly occupied territories of the Donetsk and Luhansk regions, as well as in southern Ukraine, including the Zaporizhzhia and Kherson regions. Notably, Russia's actions demonstrate a complete disregard for religious freedom and pluralism, as its religious policies have become even more repressive than those of Stalin's regime and Soviet eras. According to the 2025 Mission Eurasia report, *Faith Under Russian Terror*, at least 47 Ukrainian religious leaders have been killed during the last three years of hostilities. However, this figure is likely an underestimate due to ongoing hostilities and the restricted access of international monitoring missions and human rights organizations to Russian-occupied territories.

Furthermore, Russia's policies and the actions of its troops in Ukraine directly contradict its claims of defending morality and family values, despite persistent propaganda efforts aimed at cultivating such a reputation for the Russian leadership in the West. Russia's so-called "special military operation" involves numerous atrocities against civilians, including the execution of residents with their hands tied, arbitrary arrests, illegal imprisonment, and torture. The abduction of tens of thousands of Ukrainian children to Russia and the widespread sexual violence against Ukrainian women are additional manifestations of genocide against the Ukrainian people.

Moreover, the Putin regime actively pursues the militarization of children and youth both in Russia and in the occupied territories of Ukraine, preparing them to replenish the rapidly depleting ranks of the Russian army. At the same time, the occupation authorities prohibit the educational activities of Ukrainian churches among children, closing Sunday (or Saturday) schools and raiding Christian children's camps. The cynicism of Russia's military machine reaches its peak when, after years of exposure to propaganda and erasure of their ethnic identity, Ukrainian children are deployed to the



battlefield to fight in an aggressive war against their motherland. According to the Humanitarian Research Lab at Yale School of Public Health, this policy has already been implemented by Russian administrations in the Crimea, Donetsk, and Luhansk regions, which have been under Russia's occupation since 2014:

"In January 2025, the Center for Countering Disinformation, a Ukrainian state body, reported that children from territories occupied by Russia since 2014 have been enlisted by Russia's military and were killed in combat in 2022.<sup>12</sup>"

Meanwhile, the situation in Russian-occupied territories continues to deteriorate due to the systematic spread of hatred against Ukrainians within Russian society, including among its military personnel. Strikingly, Russian religious leaders have also played a role in the dehumanization of Ukrainians in the eyes of Russian citizens, seeking to remove moral barriers to the annihilation of the entire Ukrainian nation.

In the Russian-occupied territories of Ukraine, authorities have brutally persecuted Ukrainian churches and religious leaders, forcing them to either cooperate or face disappearance. By the end of 2022, occupation administrations banned the activities of the most active churches and faith-based communities, particularly those engaged in outreach and humanitarian aid. Leaders of these banned churches were also prohibited from conducting any religious or public activities.

According to research by Novaya Gazeta Europe, the number of religious communities in four Ukrainian regions annexed by Russia has more than halved—from 1,967 organizations to just 902. While some of this decline is attributed to population displacement and destruction caused by the war, Russian repressive policy against religious minorities appears to be a significant factor:

"If military actions were the sole reason, the decline would have been uniform across all denominations, but this was not the case. The most affected were religious communities, which do not subordinate to the Moscow Patriarchate"<sup>13</sup>.

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<sup>12</sup> P. FARRENKOPF, C. N. HOWARTH, N. A. RAYMOND et al., *Ukraine's Stolen Children: Inside Russia's Network of Re-Education and Militarization*, Humanitarian Research Lab at Yale School of Public Health, New Haven, 16 September 2025 (<https://files-profile.medicine.yale.edu/documents/e6294def-3f80-4d71-9cc7-91f6af70a523>).

<sup>13</sup> *In the occupied regions of Ukraine, the number of religious communities independent of the Moscow Patriarchate has decreased fivefold*, in *Novaya Gazeta Europe*, 2 April 2025 (<https://tinyurl.com/42dyzu2a>).



For instance, the number of Ukrainian Orthodox Church parishes, later incorporated into the Russian Orthodox Church, decreased by 1.4 times, whereas Protestant (Evangelical) communities saw a 3.6-fold reduction. The Catholic Church has been nearly eradicated in the occupied territories, with only one out of 15 Roman Catholic parishes remaining. All 49 Ukrainian Greek Catholic Church parishes ceased to exist due to the Russian occupation. Similarly, the parishes of the Orthodox Church of Ukraine, established in 2018 as autocephalous and independent from Moscow, have been completely eliminated. Overall, the number of religious organizations not affiliated with the Moscow Patriarchate has decreased fivefold in Russian-controlled Ukrainian territories<sup>14</sup>.

Additionally, Jehovah's Witnesses and the Charismatic Evangelical Church "New Generation," which had been operating freely under Ukrainian law, were immediately dissolved and banned from any religious activity following the establishment of Russian control. It happened because these denominations are prohibited in Russia under fabricated charges of extremism<sup>15</sup>.

Clergy and church members from religious minorities who remain in Russian-occupied areas face constant pressure to obtain Russian passports. Some of them were forcibly deported due to their lack of legal status under Russian law, regardless of their birth or permanent residence in the region seized by Russia<sup>16</sup>. In this manner, the Russian authorities targeted religious leaders and active believers perceived as disloyal, resulting in a leadership crisis within most faith-based communities that refused to cooperate with the occupation regime and endorse Russia's authority. Such actions by the Russian troops are separate war crimes according to international humanitarian law<sup>17</sup>.

Moreover, continuing the policy of eradicating Ukrainian identity, on March 20, 2025, Russian dictator Vladimir Putin has issued a decree that appears to all present Ukrainians living in occupied territories with a choice — accept Russian citizenship by September 10 or face punishment and oppression. Ukrainians who refused Russian citizenship faced intimidation, threats, and possible detention by soldiers who roamed the streets checking documents<sup>18</sup>.

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<sup>14</sup> *In the occupied regions of Ukraine*, cit.

<sup>15</sup> 2024 *Annual Report*, U.S. Commission on International Religious Freedom, May 2024, p. 42s (<https://tinyurl.com/4wwans4u>).

<sup>16</sup> **M. BRYTSYN, M. VASIN**, *Faith Under Fire: Navigating Religious Freedom Amidst the War in Ukraine*, Mission Eurasia, Franklin, November 2023, p. 22 (<https://tinyurl.com/47aws29e>).

<sup>17</sup> *Geneva Convention Relative to the Protection of Civilian Persons in Time of War*, Article 49, 12 August 1949, p. 185 (<https://tinyurl.com/3yzrcttb>).

<sup>18</sup> **K. M. DAVIES**, *Putin issued a decree. Now, millions of Ukrainians face an impossible decision*, in *The Kyiv Independent*, April 2, 2025 (<https://tinyurl.com/pew9bpu6>).



The forced imposition of Russian legal frameworks has resulted in widespread violations of religious freedom for local Ukrainian religious communities, primarily religious minorities. Russian authorities require faith-based communities to re-register under Russian law and subordinate to the Russian religious centers directly. However, even the priests of parishes under the Ukrainian Orthodox Church, which is already canonically linked to the Moscow Patriarchate, faced threats and harassment. Those who refused to sever ties with the Kyiv Metropolis and submit to the direct control of the Russian Orthodox Church were subjected to illegal imprisonment and torture. This was the case for Priest Ihor Novosilsky from the Kherson region, who endured 262 days in a Russian prison, suffering ill-treatment and torture for his refusal to renounce the Ukrainian language and his Ukrainian identity<sup>19</sup>.

Religious organizations that failed to re-register under the Russian legislation were declared illegal. However, for religious minorities, the situation is even more challenging if they previously operated under Ukrainian law without state registration or as independent legal entities not affiliated with any religious association. These congregations were stripped of their legal status and the right to conduct religious activities due to the much stricter requirements of Russian law, which prohibits unregistered religious activities and imposes criminal liability for so-called “illegal missionary work.”

Nevertheless, re-registration under Russian legislation does not ensure that confiscated churches and other religious properties will be returned to their communities in the occupied regions of Ukraine. Nor does it ensure the ability to hold public worship services openly and freely. Russian authorities frequently designate closed churches as unclaimed property, seizing religious facilities for use by the occupation administration and repurposing them entirely. In many cases, church leaders are prohibited from retrieving essential equipment, statutory and accounting documents, religious literature, or even personal belongings, which are often seized by Russian military personnel or officials.

Additionally, Russian authorities have confiscated private buildings used for home churches, with raids on gatherings in residential houses leading to searches and arrests. The Russian military and intelligence forces routinely conduct raids on places of worship during services, justifying their actions as “document checks,” “counter-terrorism measures,” or efforts to “combat extremism.” These gatherings are exploited for so-called “filtering” — a process aimed at identifying individuals who oppose the Russian invasion or refuse to obtain Russian citizenship<sup>20</sup>. Any expression of Ukrainian identity, the use of

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<sup>19</sup> *Orthodox priest Igor Novosilskyi: Russian soldiers threatened me in many ways* in <https://youtu.be/2rxikO3J49Q>, 18 February 2024.

<sup>20</sup> **M. BRYTSYN, M. VASIN**, *Faith Under Russian Terror*, cit., p. 21.



the Ukrainian language, or even a prayer for peace in Ukraine can result in arrest and criminal prosecution after such raids or covert surveillance by infiltrated agents.

The Russian military and intelligence services, including the FSB (former KGB), along with state-controlled media and propaganda, actively incite hatred in the occupied territories against Ukrainians who oppose the Russian regime or remain committed to their national identity. The Russian society in general are deeply entrenched in religious intolerance, treating members of non-Russian Orthodox denominations with cruelty and derogatory slurs. For example, they label believers of the Orthodox Church of Ukraine as “traitors,” “schismatics,” and “apostates.” Evangelical Christians are denounced as “sectarians,” “American spies,” “Western agents,” and “extremists.” Crimean Tatar Muslims are offensively branded as “Wahhabis,” “extremists,” and “terrorists.” Greek Catholics are disparaged as “Uniates” and “apostates.” By suppressing religious freedom and freedom of speech, Russian authorities cultivate an atmosphere of fear, distrust, and suspicion among residents, further eroding social cohesion and silencing dissent.

#### **4 - Legislative initiatives in Ukraine in response to Russia’s weaponization of religion**

The Russian Orthodox Church is positioned as the Kremlin’s primary soft-power instrument to bolster Russia’s international status, deflect criticism of its foreign policy, and justify its aggressive actions abroad, particularly Russia’s imperialistic expansion and intervention in the internal affairs of various sovereign countries—not just Ukraine<sup>21</sup>. Moreover, Putin’s regime has transformed not only the Russian Orthodox Church but also other Russian religious centers (associations) into conduits of the Russian World ideology.

In addition, the Kremlin views religion as a tool for controlling Russian citizens and the inhabitants of occupied territories. This phenomenon evokes historical parallels with the instrumentalization of the Church under Joseph Stalin, when religious institutions were co-opted as tools of state propaganda and mobilization of the people to reinforce the legitimacy and ideological cohesion of the Soviet regime.

“Putin compared the Church’s situation today with that in the Soviet regime, where the Church was useful for propaganda during

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<sup>21</sup> R. C. BLITT, “Putin-Phonia”: Harnessing Russian Orthodoxy to Advance Russia’s Secular Foreign Policy, in P. Mandaville (ed.), *The Geopolitics of Religious Soft Power: How States Use Religion in Foreign Policy*, Oxford University Press, 2023, pp. 42-58.



WWII, but afterwards had to be monitored and used to prevent civil unrest”<sup>22</sup>.

In the mindset of Russian officials, religious freedom is not a fundamental human right, but a privilege selectively granted only to those churches and faith-based communities that demonstrate absolute loyalty to the Kremlin agenda, both internal affairs and geopolitical ambitions.

Religion has become a weapon in the hands of the Russian security services and intelligence (FSB and others). Most Russian religious leaders have given up serving as moral guides for society and have lost their capacity for peacemaking. Russian religious institutions have turned into mouthpieces of state propaganda, instruments for shaping the mindset of people in the occupied territories of Ukraine and other regions within Moscow’s geopolitical interests, and tools for manipulating public opinion in the West.

For example, Salah Mezhiyev, the Supreme Mufti of the Chechen Republic, openly encouraged the killing of Ukrainian civilians during his speech at a roundtable meeting in the State Duma (parliament) of the Russian Federation:

“There [in Ukraine], Nazis, fascists, Satanists, and LGBT communities ... have gathered under American and European flags. ... This is a fight against the globalization of Satanism. This is a war between good and evil. This is the Jihad. Muslims who fall in this battle will be shahid. ... We feel hatred towards these shaitans [in Ukraine]. There should be only one attitude toward them — they need to be beheaded”<sup>23</sup>.

Similarly, Patriarch Kirill has framed the war in Ukraine as a “sacred” struggle, effectively calling for an “Orthodox jihad.” He has even promoted the heretical notion that Russian soldiers who die in combat make a “sacrifice that washes away all sins”<sup>24</sup>, further fueling religious justification for Russia’s military aggression. Russian religious leaders have failed to condemn the war

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<sup>22</sup> E. A. CLARK, *Civil religion and religious freedom in the Russian-Ukrainian conflict*, in *Religion During the Russian Ukrainian Conflict*, Routledge, 2019, P. 23 (<https://tinyurl.com/4r8va4kh>).

<sup>23</sup> Roundtable on the Theme: World Traditional Religions Against the Ideology of Nazism and Fascism in the XXI Century, in <https://bit.ly/3uvj6pB>, 29 March 2022, English translation and clarifications in square brackets added by the author.

<sup>24</sup> Patriarch Kirill Said at His Traditional Sunday Sermon That Death in the War with Ukraine “Washes Away All Sins” and Actually Compared the Mobilized to Jesus Christ in SOTA, 25 September 2022 (<https://t.me/sotaproject/46913>), English translation by the author.



or serve as voices for peace, justice, and truth. Instead, they have increasingly acted as mouthpieces for Kremlin propaganda, seeking to deceive the world about the true causes and consequences of Russia's invasion of Ukraine.

Patriarch Kirill of Moscow widely supports Vladimir Putin's ideological narratives about a unified space of "compatriots" within the former Russian Empire, allegedly linking Russia, Ukraine, and Belarus into a single civilizational entity – the "Russian World" with ruling centers in Moscow.

"Under this view, Ukraine as a state, Ukrainians as a people and an independent Orthodox church serving Ukrainians all have no right to exist — and the imperative to forcibly reconstitute the Russian World therefore justifies the invasion of Ukraine.<sup>25</sup>"

In April 2024, the Parliamentary Assembly of the Council of Europe condemned such rhetoric and emphasized that incitement to commit the crime of aggression, genocide and war crimes is a crime in itself:

"The Assembly calls on all States to treat Patriarch Kirill and the Russian Orthodox hierarchy as an ideological extension of Vladimir Putin's regime complicit in war crimes and crimes against humanity conducted in the name of the Russian Federation and the Russkiy Mir ideology. ... This ideology is being used to destroy the remnants of democracy, to militarize Russian society and to justify external aggression to expand the Russian Federation's borders to include all territories once under Russian domination, including Ukraine"<sup>26</sup>.

Russia's weaponization of religion has posed a challenge to the Ukrainian government and society since the onset of its armed aggression against Ukraine in 2014, which began with the occupation and illegal annexation of Crimea and the initiation of hostilities in parts of the eastern regions. In previous years, the Ukrainian government lacked the political will to implement laws aimed at limiting Moscow's influence on Ukraine's religious sphere.

The 2018 law requiring the renaming of religious organizations subordinated to religious centers in Russia faced significant resistance from the Ukrainian Orthodox Church. Its leadership, bishops, and clergy strongly

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<sup>25</sup> C. WANNER, *How Ukraine is Navigating Russia's Weaponization of Religion*, USIP, 5 November 2024 (<https://www.usip.org/publications/2024/11/how-ukraine-navigating-russias-weaponization-religion>).

<sup>26</sup> Resolution 2540 (2024) "Alexei Navalny's death and the need to counter Vladimir Putin's totalitarian regime and its war on democracy", Parliamentary Assembly of the Council of Europe, 17 April 2024 (<https://pace.coe.int/en/files/33511/html>).



opposed any mention of affiliation with the Russian Orthodox Church in the names of their parishes and dioceses. Despite being upheld by the Constitutional Court of Ukraine, the government has not yet implemented the law<sup>27</sup>.

Similarly, the 2019 law on changing the subordination of religious communities to a religious center did not prove sufficiently effective in achieving its intended goal. While it facilitated the transition of hundreds of Orthodox communities from the Moscow Patriarchate to the newly established, autocephalous Orthodox Church of Ukraine, the scale of these transfers remained insignificant. The Kremlin and pro-Russian bishops actively worked to discredit the Orthodox Church of Ukraine's autocephalous status, discouraging mass defections. Additionally, the law failed to resolve disputes within parishes where members were divided over which religious center to align with.

Nevertheless, following the full-scale invasion in 2022, Ukrainian leadership took more decisive action in response to Russia's exploitation of religion and trust of believers. This shift came as Patriarch Kirill of Moscow and other Russian religious leaders actively engaged in justifying the Russian dictator Putin's attempt to eradicate Ukraine as a state and a nation. Given the existential threat to Ukraine's sovereignty and national identity, the parliament, president, and government spoke with one voice in support of legislation designed to safeguard Ukrainian churches and religious communities from the influence and interference in their internal affairs of the Kremlin through Russian religious centers (associations).

In August 2024, the Ukrainian parliament adopted Law No. 3894-IX banning the Russian Orthodox Church in Ukraine and the Russian World ideology<sup>28</sup>. Moreover, Ukrainian religious associations and communities that fail to sever their ties with Russian religious centers within the designated nine-month grace period risk losing their legal entity status. While the law does not explicitly mention the Ukrainian Orthodox Church (UOC), the government has specifically raised concerns regarding this church, viewing its declaration of separation from the Moscow Patriarchate<sup>29</sup> made on May 27, 2022, as insufficient.

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<sup>27</sup> M. VASIN, *New religious legislation in Ukraine as a response to Russian aggression*, in *Security, religion, and the rule of Law: international perspectives*, Routledge, London and New York, 2024, P. 118 (<https://tinyurl.com/4dx9x3jf>).

<sup>28</sup> The Law of Ukraine On Protection of the Constitutional Order in the Field of Activities of Religious Organizations, 3894-IX, 20 August 2024 (<https://zakon.rada.gov.ua/laws/show/3894-IX>).

<sup>29</sup> Council of UOC strengthens UOC independence, considers making Chrism, expresses disagreement with Patriarch, in *Orthodox Christianity*, 27 May 2022 (<https://orthochristian.com/146405.html>).



According to Viktor Yelenskyi, head of the State Service of Ukraine for Ethnopolitics and Freedom of Conscience, the government expects more decisive actions from the UOC leadership to demonstrate its complete disengagement from the Russian Orthodox Church (ROC). He emphasized that

“this includes leaving the ROC’s structure, withdrawing from its synod, synodal commissions, and the Inter-Council Presence—steps that would ensure the UOC’s complete administrative independence from Moscow”<sup>30</sup>.

This legislative initiative has drawn considerable criticism from international organizations and religious freedom experts. According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), the law introducing mentioned amendments invoked “national (or public) security” as a ground for restrictions on the freedom of religion or belief and the freedom of religious associations. However, neither the International Covenant on Civil and Political Rights nor the European Convention on Human Rights include “national security” among the permissible grounds for such a restriction. The OHCHR report highlighted that the amendments also established disproportionate restrictions on the freedom to manifest one’s religion or belief:

“The dissolution of a religious organization is a severe restriction that affects the ability of individuals to practice their religion or belief together with others and threatens the viability of the community as a whole, which requires very serious reasons by way of justification. Ukraine has not demonstrated the necessity and proportionality of this measure, such as by showing why less restrictive measures, such as measures restricted specifically to individuals responsible for wrongdoing, would not be satisfactory and sufficient”<sup>31</sup>.

Despite this, the Ukrainian government continues to justify its actions as an effort to protect religious freedom in the country from Russia’s abuse and exploitation, reaffirming Ukraine’s commitment to international obligations

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<sup>30</sup> **R. ROMANYUK**, *Yelenskyi: The demands of the Moscow Patriarchate resemble Putin’s rhetoric, such as “withdraw troops from Zaporizhzhia”*, in *Ukrainska Pravda*, 10 September 2024 (<https://www.pravda.com.ua/articles/2024/09/10/7474244/>), English translation by the author.

<sup>31</sup> *Report on the human rights situation in Ukraine. 1 September to 30 November 2024*, The United Nations High Commissioner for Human Rights, 31 December 2024 (<https://tinyurl.com/mr23t4dz>).



and religious pluralism. The primary arguments presented by officials focus on preventing Russia from using Ukrainian churches and faith-based communities as channels for propaganda and the dissemination of the Russian World ideology, given the convergence of Russian religious associations with the state apparatus and intelligence and their dependence on them.

First, the law does not impose an immediate ban on the UOC or any other Ukrainian religious organization. Instead, it establishes conditions for their disentanglement from the influence of Russian religious centers controlled by the Kremlin and FSB. The dissolution of a legal entity for specific dioceses or local congregations may occur only if they openly refuse to sever ties with centers of influence in Russia, meaning their failure to comply with the practical steps outlined in government directives based on the law. Moreover, such a decision will not be made by the government but rather by a court through an open hearing, with the possibility of appealing the court's ruling.

Second, the law is effectively the only legal mechanism available to address the consequences of Russia's religious policies in Ukrainian territories that have been liberated from Russia's control. In this context, the restrictions placed on faith-based communities affiliated with Russian religious centers may serve as a means of countering the expansion of the Russian Orthodox Church and facilitating the reintegration of religious communities that were re-registered under Russian law back under the jurisdiction of Ukrainian religious centers.

However, banning any church or local congregation should be considered a last resort, justified only by compelling evidence that both its leadership and members are engaged in illegal activities like disseminating Russian propaganda, cooperating with Russia, and undermining Ukraine's defense capabilities. In the absence of such evidence, it would be more effective for the Ukrainian government to enforce individual accountability for abuses of religious freedom, aligning with international obligations and democratic practices. For example, if Ukrainian law enforcement authorities were able to prosecute according to the criminal law, secure fair convictions, and imprison those bishops and priests of the UOC who openly hold pro-Russian positions and engage in subversive activities within the country in favor of Russia, it would send a strong message to the entire clergy and all Orthodox believers. This approach would effectively deter the spread of the Russian World ideology and cooperation with Russian authorities while ensuring that the religious freedom of other UOC parishioners, who are not responsible for such abuses, remains protected without restrictions.

Although the UOC cannot be classified as a religious minority — since it continues to have the largest number of parishes and ranks second in terms of adherents — its clergy and believers are increasingly subjected to marginalization and hate speech. This is mainly due to the UOC leadership's ongoing failure to dispel public doubts regarding the severance of institutional



ties with Moscow clearly and convincingly. Other Ukrainian churches that previously had religious centers in Russia have not yet been affected by the new law, primarily because many of them severed those ties before Russia's full-scale invasion.

For instance, the Seventh-day Adventist Church in Ukraine was previously part of the Euro-Asia Division, headquartered in Moscow, which encompassed Russia, Ukraine, Belarus, and other post-Soviet countries. However, in April 2022, Ukrainian Adventists reorganized their affiliation directly under the General Conference of Seventh-day Adventists, headquartered in Maryland, USA<sup>32</sup>.

Similarly, the Kyiv Archdiocese of the Russian Orthodox Old-Rite Church terminated its historical affiliation with the Russian Old Believer Church. In November 2022, it officially restored its historical name—the Old Orthodox Church of Ukraine—and legally formalized its departure from the jurisdiction of the Moscow Metropolis, thereby establishing itself as an independent religious body with its spiritual and administrative center based in Ukraine<sup>33</sup>.

Nevertheless, for Moscow, the adopted law has become an excellent opportunity to attack the Ukrainian government once again and undermine Western military support for Ukraine, primarily from the United States. Russian state media, other propagandists, and hired lobbyists have loudly claimed that the UOC faces a ban due to its canonical and administrative connections with the ROC. Although it remains unclear whether the UOC will ultimately face such a final measure as a termination by a court decision, Kyiv is already experiencing reputational losses. Thus, Russia's interference in the religious sphere remains a challenge for the Ukrainian government, particularly as Ukraine strives to uphold international standards of religious freedom.

## 5 - Escalation of the issue of alternative (non-military) service under martial law in Ukraine

Ukraine's primary task remains ensuring its defense capabilities and ability to repel Russian advances to safeguard its sovereignty. After all, if Ukraine ceases to exist as a state, instead of democratic debates on the limits of government interference in religious affairs, the Ukrainian society risks facing

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<sup>32</sup> *Executive Committee of the Seventh-day Adventist Church votes to attach Ukrainian administrative office to the General Conference*, in *Adventist News Network*, 12 April 2022 (<https://tinyurl.com/3pv9y7n9>).

<sup>33</sup> *How the Old Orthodox Church separated from Moscow*, in *State Service of Ukraine for Ethnic Policy and Freedom of Conscience*, 22 January 2023 (<https://tinyurl.com/4rkzzhae>).



Russia's repressive legislation and the brutal terror of any faith-based communities that inevitably follow the arrival of Russian troops. This challenge has led to Ukraine's strict policy on citizen drafting for military service according to martial law.

So far, neither the parliament nor the government has made progress in addressing the right to alternative (non-military) service because of conscience objections on religious grounds, as guaranteed by Article 35(4) of the Constitution of Ukraine. This issue is particularly important for believers from religious minorities who cannot take up arms due to doctrinal prohibitions. As a result, many religious Ukrainians who refuse military service have faced criminal prosecution, as they are unable to exercise their constitutional right to alternative (non-military) service due to gaps in legislative regulation. Ukraine's Law "On Alternative (Non-Military) Service" (1991) is intended to be applied in peacetime and does not contain procedures applicable under a state of emergency or martial law.

The government of Ukraine has failed to address this issue since 2014, when Russia first launched armed aggression and Ukraine initiated military conscription. By now, Ukrainian law does not define the procedure for applying and performing alternative (non-military) service under martial law<sup>34</sup>. Neither the government nor the parliament has introduced legislation to address this gap, resulting in an increase in criminal prosecutions of conscientious objectors in 2022–2025.

In July 2023, following repeated appeals from the Ukrainian Council of Churches and Religious Organizations, the government agreed to establish an interagency working group tasked with coordinating positions and developing a bill to implement the constitutional right of Ukrainian citizens to alternative (non-military) service under martial law<sup>35</sup>. However, the working group never convened due to a lack of interest from the government. To date, the Ukrainian government remains unwilling to reconsider its position on this issue without providing any alternative for conscientious objectors.

In peacetime, this constitutional right was primarily exercised by members of religious minorities—non-Orthodox and non-Catholic believers whose doctrines prohibit the use of weapons. Most of them were Evangelical Christians (Baptists, Pentecostals, Adventists, Charismatics), Jehovah's Witnesses, and Krishna devotees, which the government placed on a special list of religious groups whose members were eligible for alternative (non-military)

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<sup>34</sup> **M. VASIN**, *Alternative (non-military) service: toward reform or continued prosecution*, in *RISU*, 1 September 2015 (<https://tinyurl.com/42w6arfp>).

<sup>35</sup> *The Council of Churches addressed the issues of chaplaincy and alternative (non-military) service during martial law*, in *UCCRO*, 18 July 2023 (<https://vrciro.ua/ua/events/uccro-meeting-in-kyiv-july-2023>).



service<sup>36</sup>. At the same time, neither Ukrainian law nor the Constitution grants this right on the grounds of pacifist non-religious beliefs.

The United Nations Human Rights Committee stressed in its Concluding Observations on Ukraine dated by February 9, 2022:

“Alternatives to military service should be available to all conscientious objectors without discrimination as to the nature of their beliefs justifying the objection (be they religious beliefs or non-religious beliefs grounded in conscience)”<sup>37</sup>.

The United Nations Human Rights Council, and previously the Commission on Human Rights, has noted that conscientious objection to military service comes under Article 18 of the International Covenant on Civil and Political Rights (“Freedom of thought, conscience and religion”). The Council has also recognized

“the right of everyone to have conscientious objection to military service as a legitimate exercise of the right to freedom of thought, conscience and religion”<sup>38</sup>.

The Office of the United Nations High Commissioner for Human Rights has also highlighted in its Conscientious Objection to Military Service guide that Article 18 is “a non-derogable right ... even during times of a public emergency threatening the life of the nation”<sup>39</sup>. The UN Working Group on Arbitrary Detention stated:

“The right to conscientious objection to military service is part of the absolutely protected right to hold a belief under article 18 (1) of the Covenant, which cannot be restricted by States. ... States should refrain from imprisoning individuals solely on the basis of their

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<sup>36</sup> The Cabinet of Ministers of Ukraine approved the “List of Religious Organizations Whose Beliefs Do Not Allow the Use of Weapons” as an annex to Resolution No. 2066 of November 10, 1999 (<https://tinyurl.com/w3xth8rx>).

<sup>37</sup> *Concluding observations on the eighth periodic report of Ukraine*, United Nations Human Rights Committee, CCPR/C/UKR/CO/8, 9 February 2022 (<https://docs.un.org/en/CCPR/C/UKR/CO/8>).

<sup>38</sup> *Resolution adopted by the Human Rights Council on 29 September 2017*, in *United Nation*, 3 October 2017 (<https://tinyurl.com/4j6yhxxb>).

<sup>39</sup> *Conscientious Objection to Military Service*, The Office of the UN High Commissioner for Human Rights, United Nations Publication, New York and Geneva, 2012 (<https://tinyurl.com/5dsavkr4>).



conscientious objection to military service, and should release those that have been so imprisoned”<sup>40</sup>.

Since Russia’s full-scale invasion, Ukrainian police and prosecutor’s offices have increasingly accused, arrested, and imprisoned conscientious objectors who, due to their religious or pacifist beliefs, refuse to take up arms and serve in the Ukrainian army as combatants. As a result, between 2022 and 2025, the number of criminal prosecutions and convictions against conscientious objectors—primarily Evangelical Christians and Jehovah’s Witnesses—significantly increased. These individuals have been sentenced to prison by Ukrainian courts solely for their religious or pacifist objections to the use of weapons and to be drafted into the Ukrainian Defense Forces.

“About 300 conscientious objectors now [in October 2024] face criminal investigations which could lead—if cases reach court and end in convictions—to a 3 to 5 year jail term. Of the 89 cases related to 86 individuals that have already reached trial, courts handed down 9 jail terms (only one conscientious objector is currently in jail), with 11 suspended sentences. Trials in 66 of the 89 known cases that have reached trial are ongoing. Several observers have attributed the surge in new criminal cases to a letter from the General Prosecutor’s Office to local prosecutors in summer 2024 appearing to urge them to take action if local courts acquit conscientious objectors”<sup>41</sup>.

However, according to more recent data, by 2025 the number of individuals who have faced criminal prosecution for refusing conscription on religious grounds has exceeded 500<sup>42</sup>. Previously, conscientious objectors had hoped to defend their constitutional right to alternative (non-military) service in court. However, since mid-2024, judicial practice has increasingly sided with prosecution, particularly in appellate courts. This shift was primarily due to the stance taken by the Supreme Court of Ukraine. In its June 2024 case law review, the Supreme Court stated:

“Refusal to perform military service by a conscript belonging to a religious organization whose doctrine prohibits using weapons is

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<sup>40</sup> *Submission of the UN Working Group on Arbitrary Detention*, in *United Nations, WGAD-HRC50*, May 2022 (<https://tinyurl.com/2rnse96z>).

<sup>41</sup> **F. CORLEY**, *Ukraine: About 300 criminal cases against conscientious objectors*, in *Forum* 18, 30 October 2024 (<https://tinyurl.com/74vh2su>).

<sup>42</sup> **D. GORENKOV**, *Conscientious objectors: between a rock and a hard place*, in *Ukrainian Week*, 15 January 2025 (<https://tinyurl.com/y9b93z xu>).



an evasion of mobilization because the constitutional duty to defend the homeland during military service does not necessarily require the conscript to bear arms. Rather, it encompasses a wide range of activities aimed at protecting the territorial integrity and sovereignty of the state against military aggression by a foreign power. Such activities include equipment repair, construction of fortifications, evacuation of the wounded, transportation of goods, and the performance of other non-combat functions not involving the use of weapons”<sup>43</sup>.

Following the legal opinion of Ukraine’s Supreme Court, Deputy Prosecutor General Ihor Mustetsa circulated an official memorandum to the heads of all regional prosecutor’s offices, outlining the Prosecutor General’s Office’s perspective on the Supreme Court’s interpretation regarding the application of Article 336 of the Criminal Code (refusal to comply with military service during mobilization or in a special period). The memorandum instructed local prosecutors “to take measures regarding the use of this legal position of the Supreme Court in practical activities” and emphasized:

“In cases of inconsistency of the decisions of the first and appeal courts with the legal position of the Supreme Court, an appropriate response should be provided”<sup>44</sup>.

According to Forum 18, this letter from the General Prosecutor's Office led to an increase in the number of criminal cases brought against conscientious objectors since June 2024. At the same time, the courts increasingly cited the decision of the Supreme Court of Ukraine. For example, in February and March of 2025, authorities incarcerated four Jehovah’s Witnesses who had been convicted as conscientious objectors to begin serving their three-year prison sentences. Additionally, at least four other conscientious objectors—two Jehovah’s Witnesses, a Pentecostal, and a Baptist—are set to be imprisoned to serve similar sentences if their appeals are unsuccessful.

As an example, in November 2023, Dmytro Zelinsky, a Seventh-day Adventist, began serving a three-year prison sentence for evading military conscription during mobilization, having been convicted under Article 336 of the Criminal Code. In the autumn of 2024, he petitioned the Constitutional Court of Ukraine to assess the constitutionality of Article 1 of the Law of Ukraine “On Alternative (Non-Military) Service” in light of Article 35(4) of the

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<sup>43</sup> *Review of Case Law by the Criminal Cassation Court within the Supreme Court (Recent Jurisprudence)*, Supreme Court, Kyiv, June 2024, p. 29 (<https://tinyurl.com/24vc5sta>), English translation by the author.

<sup>44</sup> **F. CORLEY**, *Ukraine: About 300 criminal cases*, cit.



Constitution of Ukraine, which guarantees the right to conscientious objection. On October 23, 2024, the Second Senate of the Constitutional Court—a panel of six justices—held its initial deliberations in the case.<sup>45</sup> The Court's forthcoming decision may represent a significant step toward revising the scope of the law, which currently applies solely to the regular peacetime conscription of individuals aged 18–25 for fixed-term military service.

The legal opinion of the Venice Commission, which published an *amicus curiae* brief on the issue of alternative (non-military) service on March 18, 2025, in response to a request from the Constitutional Court of Ukraine, offers hope for positive changes in Ukraine's policy, advocating for a more balanced approach.

“The Venice Commission considers that the very nature of conscientious objection implies that it cannot be fully excluded in time of war, albeit States have a limited margin of appreciation, especially in case of a general mobilization. However, it appears to the Venice Commission that under no circumstances may a conscientious objector to military service be obliged to bear or use arms, even in self-defense of the country”<sup>46</sup>.

The following day, on March 19, 2025, the Kyiv District Court of Kharkiv acquitted a member of the Baptist church who had been accused of evading military service under martial law. The court emphasized, referencing the argumentation of the Venice Commission, that refusal to serve on the grounds of conscience, supported by evidence in the case, constitutes a lawful exercise of the constitutional right rather than a criminal offense<sup>47</sup>.

Despite the Venice Commission's opinion, a significant shift in judicial practice on this issue occurred just a month later, when on January 15, 2025, the Supreme Court of Ukraine published its ruling in response to a cassation appeal filed by a Jehovah's Witness. The applicant sought to defend his constitutional right to perform alternative (non-military) service under martial law. Instead, the Supreme Court upheld his conviction, sentencing him to three years of

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<sup>45</sup> A. NEKOLIAK, *As Ukraine Struggles for Troops, Its Constitutional Court Considers the Rights of Conscientious Objectors*, in *Just Security*, 12 November 2024 (<https://tinyurl.com/4b5p65np>).

<sup>46</sup> *Amicus curiae brief on alternative (non-military) service in Ukraine, adopted by the Venice Commission at its 142nd Plenary Session (Venice, 14-15 March 2025)*, European Commission for Democracy through Law (Venice Commission), Strasbourg, 18 March 2025 (<https://tinyurl.com/5ea3xrx4>).

<sup>47</sup> *Judgment in the Name of Ukraine in Criminal Case No. 953/9807/24*, Kyiv District Court of Kharkiv, Kharkiv, March 19, 2025 (<https://tinyurl.com/d5fptej>).



imprisonment for refusing to comply with mobilization into the Ukrainian army. The Supreme Court stated in its ruling:

“Ukraine has introduced alternatives to military service in peacetime, and citizens of Ukraine can freely exercise this right. However, during wartime, under conditions of mobilization and defensive warfare, the duty to defend Ukraine—aggressively attacked by the Russian Federation—is imposed on all citizens of Ukraine regardless of their religious beliefs. The Supreme Court holds that conscription during mobilization may involve fulfilling military duties not only in combat but also through other types of service (such as constructing fortifications, evacuating the wounded, repairing military equipment, and other tasks).<sup>48</sup>”

While it is reasonable to acknowledge the Supreme Court’s position that Ukraine faces an existential threat requiring extraordinary measures to protect the state and the Ukrainian nation amid Russia’s ongoing genocidal campaign, the Court fails to account for the practical consequences of conscripting conscientious objectors. In practice, once drafted, such individuals are required to obey military orders, and commanders often disregard assurances that they will serve exclusively in non-combat roles. Consequently, conscientious objectors are frequently assigned to combat duties when urgent frontline needs arise, as there are no legal mechanisms in place to guarantee their non-combatant status after conscription and transfer to a military unit. Recent criminal cases further demonstrate that conscripted conscientious objectors are subsequently prosecuted and sentenced to even longer prison terms for disobeying military orders based on their religious convictions.

The core problem lies in the absence of legal regulations in Ukraine that would allow conscientious objectors to fulfill alternative defense-related duties under martial law that do not involve the use of weapons. By now, in the case of being forcibly conscripted into the military, commanders often compel conscientious objectors to perform combat duties alongside other soldiers, disregarding their convictions against the use of arms.

For instance, when Baptist Serhii Semchuk was mobilized, a military recruitment officer informed him that he could serve in the military without firearms. However, in May 2024, a court convicted him on criminal charges under Article 402(4) of the Criminal Code of Ukraine (“Disobedience committed under martial law or in a combat situation”) for refusing—on conscientious grounds—to bear arms as a soldier. In September 2024, the

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<sup>48</sup> *Resolution of the Supreme Court of Ukraine* dated 15 April 2025, in case No. 573/406/24 (<https://reyestr.court.gov.ua/Review/126906863>).



Kharkiv Appeal Court rejected his appeal, and then the Supreme Court declined to accept his cassation appeal in the last instance. As result, in late January 2025, law enforcement authorities took Baptist Serhii Semchuk from his workplace to begin serving his 5-year prison sentence<sup>49</sup>.

Following the Supreme Court's ruling in April 2025, an increasing number of conscientious objectors are being prosecuted under Article 336 and Article 402(4) of the Criminal Code of Ukraine. This accusation is applied to individuals who are in the military or sometimes even if they are not. The punishment under Article 402(4) ranges from five to ten years of imprisonment, which is notably more severe than that prescribed by Article 336, providing for a term of three to five years<sup>50</sup>.

On October 27, 2025, the Supreme Court of Ukraine expanded the reasoning behind its position, arguing that it is lawful to restrict the constitutional right to alternative (non-military) service during martial law. The Court provided additional explanations while reviewing the case of another Jehovah's Witness, Vitalii Kriushenko, who was also convicted under Article 336 of the Criminal Code of Ukraine and sentenced to three years of imprisonment. According to the Supreme Court:

"The national legislation meets the criteria of accessibility and clarity. It also leaves no doubt that the impossibility for a person liable for military service to refuse conscription during mobilization represents a deliberate and consistent choice of the legislator. The Supreme Court further holds that the inability to refuse military service on the grounds of personal convictions also pursues a legitimate aim in the current situation of the state.<sup>51</sup>"

Observing these rulings of the Supreme Court of Ukraine, the Venice Commission's legal opinion alone has proven insufficient to ensure consistent and fair judicial practice or to prompt the necessary legislative reform to protect the rights of conscientious objectors in Ukraine. It is time for the Constitutional Court of Ukraine to step in and issue a balanced ruling on the matter of alternative (non-military) service during wartime, establishing a clear legal framework that guides both the judiciary and the legislature.

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<sup>49</sup> **F. CORLEY**, *Ukraine: Conscientious objectors prosecuted, jailed as "disobedient" soldiers*, in *Forum* 18, 10 March 2025 (<https://tinyurl.com/yfzjv7r>).

<sup>50</sup> *The Criminal Code of Ukraine*, 2001 (<https://zakon.rada.gov.ua/laws/show/2341-14>).

<sup>51</sup> *Resolution of the Supreme Court of Ukraine* dated 27 October 2025, in case No. 573/838/24 (<https://reyestr.court.gov.ua/Review/131495382>).



## **6 - The social role of Ukrainian religious communities and the issue of drafting religious leaders into military service**

The Law of Ukraine “On Mobilization Preparation and Mobilization” (1993) does not provide exemptions from military conscription for priests, rabbis, imams, or other religious leaders who are explicitly prohibited from bearing arms as a condition for fulfilling their religious duties following the stricter requirements of most sacred texts. The lack of legal regulation in this area became especially pronounced following Russia's full-scale invasion. On February 24, 2022, martial law was declared in Ukraine, and a nationwide mobilization was initiated for the Forces of Defense. Month by month, the issue of conscripting religious leaders and clergy became increasingly urgent, as local bishops and clergy had no legal right to avoid conscription. Their only recourse was to hope for an understanding with military recruitment center officers to secure temporary deferment from military service on a case-by-case basis.

Religious leaders and clergy from various faith-based communities provided pastoral care and social aid not only for their congregants but also for other residents and thousands of internally displaced persons, regardless of their faith, denominational affiliation, or lack of religious beliefs. Many religious buildings became centers for temporary shelter and humanitarian aid for those in need, as well as for supporting the Forces of Defense at the frontlines and caring for wounded defenders. Additionally, religious leaders and clergy played a crucial role in supporting the mental health, emotional well-being, and resistance capability of Ukrainians, considering the terrorist nature of Russian aggression, which daily affects the civilian population, residential houses, and critical infrastructure like energy facilities, hospitals, food warehouses, logistics centers, maternity hospitals, and schools.

Given the key role of religious leaders and clergy in supporting the fellow citizens, since March 2022, the Ukrainian Council of Churches and Religious Organizations (UCCRO) has consistently advocated with the government and parliament to prevent a leadership crisis within faith-based communities. In recent years, this challenge has become particularly acute as military recruitment centers were able to quickly organize the conscription and deployment of military-aged Ukrainians, regardless of their clerical status or position within religious organizations, due to the increasing demand for new combatants amid prolonged and intense hostilities. This situation posed a risk to the continuation of many humanitarian and volunteer initiatives run by local faith-based communities, which relied on the leadership of bishops, priests, pastors, rabbis, muftis, and other clergy. One of the UCCRO's appeals stated:

“The important pastoral and large-scale humanitarian work must not be disrupted by the mobilization of key individuals involved in this process—leaders and clergy of religious organizations.



Through their service, religious communities of various denominations significantly strengthen our country's defense capabilities and mitigate humanitarian disasters in some areas of Ukraine. This includes establishing humanitarian corridors and facilitating the delivery of humanitarian aid from fellow believers abroad"<sup>52</sup>.

As an urgent measure, the UCCRO requested the government to adopt a decree that would include religious leaders and clergy in the list of individuals exempt from conscription during wartime mobilization. Additionally, religious leaders proposed developing a bill to amend Article 23 of the Law of Ukraine "On Mobilization Preparation and Mobilization," aiming to formalize the socially important status of religious leaders and clergy at the legislative level.

As a result of ongoing church-state dialogue and numerous negotiations, the government decided to allow the option of reserving clergy during mobilization and wartime, ensuring they retained their positions in religious organizations and avoided conscription. On December 26, 2024, the Cabinet of Ministers of Ukraine adopted amendments to the decree regulating the implementation of the Law "On Mobilization Preparation and Mobilization." Religious organizations were granted the status of institutions critical to the functioning of the economy and the well-being of Ukrainian society<sup>53</sup>.

The government changes stipulate that all clergy members who are subject to military service and are listed in the positions designated by the State Service of Ukraine for Ethnopolitics and Freedom of Conscience are eligible for reservation with a deferment from conscription. Additionally, religious organizations are not subject to restrictions regarding the number of clergy members reserved or their salary levels, as is the case for other strategic enterprises and organizations. The reservation or its cancellation for clergy will be carried out electronically through the government software. The deferment from conscription to the military will be annulled if the clergy member leaves a designated position in the religious organization.

This government decision was a significant relief for religious minorities, which often lack a large pool of educated spiritual leaders capable of guiding religious communities and meeting the spiritual needs of their fellow believers amidst the war. However, even nationwide churches kept hope for these changes, as large-scale social work, volunteer initiatives, and contacts

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<sup>52</sup> Quoted from a document in the archive of the Ukrainian Council of Churches and Religious Organizations. English translation by the author.

<sup>53</sup> *The government allowed the reservation of clergy considering the specific characteristics of religious organizations*, in *Institute for Religious Freedom*, Kyiv, 31 December 2024 (<https://irf.in.ua/p/157>).



with foreign donors were often facilitated through the personal connections of leaders of the local religious communities. Thus, after more than two years of advocacy efforts, the UCCRO convinced the government that faith-based communities play a crucial role in strengthening the Ukrainian people's resilience and defense capabilities.

## 7 - Conclusions

The ongoing full-scale invasion by Russia presents an existential threat to Ukraine as a sovereign state and a nation—it has significantly affected faith-based communities, primarily religious minorities. The daily airstrikes and shelling targeting residential houses and critical civil infrastructure, as well as the deliberate destruction of Ukraine's religious buildings and sacred architectural heritage, serve as evidence of Russia's genocidal intent underlying its invasion. In contrast to the initial Russian military aggression from 2014 through 2022, the ongoing war has left no region of Ukraine where civilians can feel safe. The abduction of Ukrainian children and their militarization—indoctrinating them as future soldiers of the Russian army to fight against their motherland—is another side of the crime of genocide.

Despite Vladimir Putin's statements about his intention to protect Russian-speaking Orthodox Christians in Ukraine, they have suffered the most from the Russian terror against civilians and religious sites in Ukraine. In fact, the Russian dictator harbors a deep hatred for anything Ukrainian and dreams of resurrecting the Russian Empire modeled after the Soviet Union<sup>54</sup>. However, the chauvinistic ideology of the "Russian World" does not allow for the existence of the Ukrainian nation. For this reason, Russian military and occupying administrations are implementing violent Russification and eradicating any manifestations of Ukrainian identity and dissent. The Russian Orthodox Church is assigned the role of the dominant and state-building religion. With this aim, the Putin regime systematically persecutes religious minorities, eradicating religious pluralism in the occupied territories of Ukraine.

Ukraine's leadership is compelled to strengthen the country's defense capabilities to respond to the threat of state destruction and to halt the ongoing annihilation of Ukrainians perpetrated by the Russian military for the fourth consecutive year. The Ukrainian government hesitates in adopting legislative changes to implement an alternative (non-military) service under martial law for conscientious objectors from minority denominations whose doctrines

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<sup>54</sup> **M. VASIN**, *Religion as a Key Front of Russian Aggression Against Ukraine*, in *War in Ukraine: Theological, Ethical and Historical Reflections*, Aschendorff Verlag, Münster, 2025, P. 126 (<https://tinyurl.com/36ysmym7>).



prohibit the use of weapons and military service. Furthermore, the Supreme Court refrains from deviating from the government's policy in this area, arguing that the forced conscription of conscientious objectors into military service has a legitimate purpose under martial law. This issue is particularly pressing for religious minorities, many of whom already face a shortage not only of places of worship but also of educated spiritual leaders.

The leadership crisis also arises as a consequence of internal and external migration of Ukrainians and the conscription of priesthood to the Forces of Defense. The lack of clergy capable of teaching from the Holy Scriptures and providing pastoral care, as well as the shortage of active parishioners who could serve in elected governing bodies of faith-based communities or associations, has primarily affected religious minorities, whose adherents have significantly diminished in number. As a result, small faith-based minority communities are gradually disappearing from the religious landscape of Ukraine. At best, believers maintain contact, study the Scriptures, and hold worship online—provided their spiritual leader has not been conscripted into the Ukrainian army.

Recently, the Ukrainian government has taken initial steps to provide legal protection to faith-based communities and their leaders during wartime, ensuring their continued spiritual and social service to society. However, given the prolonged nature of the war, addressing other challenges faced by religious minorities has become more pressing, especially the need to establish a legal framework for implementing alternative (non-military) service under martial law. Furthermore, due to the extensive destruction of religious infrastructure and mass internal migration, religious minorities in Ukraine require additional support in the restoration and establishment of places of worship.

