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## Count Religious Freedom Among the Policy Responses to Putin's Invasion of Ukraine

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Ukrainians are fighting for their lives and freedoms. Putin's expanded invasion of Ukraine is an attack on the full range of freedoms that have come to flourish in Ukraine, including religious freedom. Many Ukrainians are intensely religious: love of God animates their love of country, love of neighbor, and willingness to sacrifice themselves defending them.

Ukraine is home to many religious communities. Religious freedom is the norm where the Ukrainian government has had territorial control. That freedom is now imperiled. Where the Kremlin has occupied or otherwise controlled Ukrainian lands since its 2014 invasion, its perpetrators have targeted various religious faith communities with violent persecution.

I approach the religious landscape of Ukraine as the drafter and former lead staffer for the bipartisan, bicameral *Ukraine Religious Freedom Support Act*. The Religious Freedom Institute has supported it since the bill's original introduction in December 2019 and reintroduction in January 2021. The legislation combats and details the worst religious freedom violations, listed below, in Ukraine from 2014 until the Kremlin's latest onslaught, and the responsibility of Russian government officials for those violations.

Religious freedom violations could expand as the Kremlin's latest attack on Ukraine persists. The U.S. Ambassador at Large for International Religious Freedom, Rashad Hussain, has already reported "damage to the Catholic diocese in Kharkiv, as well as the Babyn Yar in Kyiv [a memorial to, and mass grave site of, the more than 33,000 Jewish people the Nazis killed in the Babyn Yar ravine over two days in September 1941] ... [and] alarming reports of the Kremlin's plans to strike the St. Sophia Cathedral in Kyiv."

The United States, European Union members, and others should continue to monitor the Kremlin's religious freedom violations and include them in their criteria for holding the invasion perpetrators and enablers accountable.

The Ukraine Religious Freedom Support Act would require the President of the United States to consider the Kremlin's "particularly severe violations of religious freedom" in the parts of Ukraine it occupies or otherwise controls when determining whether to designate Russia as a Country of Particular Concern (CPC). The International Religious Freedom Act of 1998 (IRFA) defines "particularly severe violations of religious freedom" as "torture or cruel, inhuman, or degrading treatment or punishment; prolonged detention without charges; causing the disappearance of persons by the abduction or clandestine detention of those persons; or other flagrant denial of the right to life, liberty, or the security of persons." IRFA requires the U.S. president to take one or

more of 15 enumerated actions, or commensurate action, against CPC countries, unless the president exercises IRFA's waiver authority.

The Ukraine Religious Freedom Support Act would codify that "It is the policy of the United States to never recognize the illegal, attempted annexation of Crimea by the Government of Russia or the separation of any portion of Ukrainian territory through the use of military force." Under the Act, it would also be U.S. policy to ban the Russian government officials responsible for these violations from entering or remaining in the United States.

Congress could amend the bill to include any religious freedom violation the Kremlin is responsible for in Ukraine, whether covered by U.S. law or international humanitarian law. Offenses committed during the ongoing Kremlin-led besiegement of its western neighbor should be part of the assessment. Congress could then include the legislation as part of a package of Ukraine measures.

The Ukraine Religious Freedom Support Act continues IRFA's long-standing tradition of bipartisan, bicameral Congressional support for international religious freedom, and reflects recognition by presidential administrations, across both parties over more than 20 years, that defending and advancing religious freedom abroad is an essential aspect of U.S. national security.

The ranking member of the Commission on Security and Cooperation in Europe (U.S. Helsinki Commission), Rep. Joe Wilson (R), sponsored the House version (H.R. 496), and commissioner Rep. Emanuel Cleaver (D) was the lead co-sponsor. Commission ranking member Sen. Roger Wicker (R) sponsored the Senate companion (S. 1310), with commissioner Sen. Jeanne Shaheen (D) as the lead co-sponsor. All of the bill's supporters have seen what happened to religious freedom in parts of Ukraine under Kremlin control.

The Kremlin invaded the Crimea region of Ukraine in February 2014, and has illegally occupied and attempted to annex it ever since. In April 2014, the Kremlin established control over part of the Donbas region in eastern Ukraine with non-state armed groups and other illegal entities that it created, fomented, commanded, and supported. Military and intelligence personnel assisted on-the-ground in Donbas.

As the Ukraine Religious Freedom Support Act reports:

International humanitarian law, including the Geneva Conventions, to which Russia is a signatory, requires Russia to respect and protect the religious freedom of the inhabitants of the territory it occupies or controls, including through organized non-state armed groups and illegal entities it commands and supports, and holds Russia responsible for violations of religious freedom in this territory.

The Act would also provide clear legal basis for holding Kremlin officials responsible for any violations of religious freedom that may be perpetrated in Ukraine, as part of the expansion of their 2014 invasion, in a manner no less stringent than if those violations occurred in Russia.

For religious freedom violations in Russia, the U.S. Secretary of State placed the country on the IRFA-required Special Watch List 2018-2020, and designated it as a CPC in 2021. The U.S.

Commission on International Religious Freedom recommended designating Russia as a CPC in 2001-2002 and 2017-2021. From 2014 onwards, Kremlin officials perpetrated forms of religious persecution in parts of Ukraine that were as bad or worse than those they committed in Russia. The Ukraine Religious Freedom Act states:

According to the Department of State's International Religious Freedom Reports, and other reporting, violations of religious freedom in the Crimea region of Ukraine since Russia invaded and occupied the territory have included abduction, detention and imprisonment, torture, forced psychiatric hospitalizations, fines, restrictions on missionary activities, confiscations of property, including churches and meeting halls, expulsions and obstructions to reentry, denying registration of religious groups, vandalism, fines, and banning peaceful religious groups, and targeted groups have included Muslim Crimean Tatars, the Orthodox Church of Ukraine, formerly the Ukrainian Orthodox Church of the Kyivan Patriarchate, the Ukrainian Greek Catholic Church, Protestant Christians, and Jehovah's Witnesses.

According to the Department of State's International Religious Freedom Reports, violations of religious freedom in the part of the Donbas region of Ukraine controlled by armed groups commanded by Russia have included detention and imprisonment, torture, confiscation of property, including churches and meeting halls, physical assaults and threats of violence, vandalism, fines, restrictions on missionary activities, religious services, ceremonies, gatherings, and literature, and banning of peaceful religious groups, and targeted groups have included the Orthodox Church of Ukraine, formerly the Ukrainian Orthodox Church-Kyiv Patriarchate, the Ukrainian Greek Catholic Church, Protestant Christians, and Jehovah's Witnesses.

These violations contravened Russia's international obligations under binding treaties that it has signed and ratified. Russia also violated solemn written commitments it repeatedly made beginning in 1975 — as a participating State of the Conference and then Organization for Security and Cooperation in Europe — to recognize, respect, and protect religious freedom in its own country and in others.

For eight years, Putin's forces and affiliates brutalized Ukrainians. More than 13,000 Ukrainians died defending their homeland from 2014 until this latest invasion began. It turns out that those clashes with Russian government forces were a foretaste of the current Kremlin bombing and bloodletting.

There is much that citizens in the United States and around the world can do. "Pray for Ukraine — not abstractly for 'the crisis in Ukraine' or 'war in Ukraine' — but explicitly for Ukraine's strength to resist this foreign aggression. Pray for the dignity and freedom of the Ukrainian people, for the resilience of Ukraine's army, and for the conversion of the attackers," as the Metropolitan Archbishop of Philadelphia of the Ukrainian Greek Catholic Church, Borys Gudziak, exhorted.

Support religious institutions responding to the humanitarian crisis inside Ukraine — compounding the more than 854,000 Ukrainians the Kremlin internally displaced starting in 2014 — or more than one million Ukrainians forced to flee their country into neighboring countries as refugees since February 24, 2022. Ukraine's allies, the United States crucial among them, must continue to find and enable ways to stop the Kremlin's killing.

Ukrainians are showing supernatural fortitude. Will we have the determination to be in real solidarity with them? Ukrainian lives and freedoms depend on the answer.

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