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LEGAL REGULATION OF CHAPLAIN ACTIVITIES IN THE PENITENTIARY SPHERE OF UKRAINE

INTRODUCTION

In the context of European integration vector on state policy development implementation in Ukraine, a systemic transformation of the institutional architecture, regulatory and legal mechanisms, social relations and legal guarantees is currently underway. Within the framework of the negotiation process on Ukraine's membership in the EU, the strategic documents that determine the set of reforms of a candidate country for accession are the Roadmaps. In May 2025, the Cabinet of Ministers of Ukraine approved the Roadmaps in the areas of the rule of law, public administration reform and the functioning of democratic institutions. They are a necessary condition for the opening of negotiations on Ukraine's accession to the EU under the first cluster 'Fundamentals'.

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The Roadmap on the rule of law contains sections on “Justice”, “Fighting corruption”, “Fundamental rights”, as well as “Justice, freedom and security”. Moreover, out of the 16 points of the section on fundamental human rights, one concerns measures that Ukraine undertakes to take to ensure the rights of prisoners and implement international standards in the field of execution and serving sentences, and another one concerns measures to ensure freedom of thought, conscience and religion. This gives rise to two conclusions. The first is about the importance of these issues for positioning the country as a whole as a democratic and reliable partner of the EU. The second is about the existing problems in Ukraine in these areas, because the Roadmap is designed to fill existing gaps and establish a time frame for overcoming them.

Therefore, for the research reflected in this article, these issues were chosen in their combination and complementarity: ensuring the right to freedom of conscience for prisoners and arrested persons through the activities of penitentiary chaplaincy in Ukraine. In addition to the relevance of the issue of chaplaincy in the penitentiary system, it should also be noted that with the beginning of the war, chaplains who provided pastoral care in prisons were actively involved in work in the army. This led to a shortage of clergy in places of punishment. However, now representatives of religious organisations emphasise the need to return to convicts and restore systematic pastoral care for prisoners and staff of the penitentiary system [Heida 2024, 61].

The war also affected the penitentiary system itself. Traditionally, in Ukraine, the “penitentiary system” is understood as a system of bodies, penal institutions, pre-trial detention centres, and higher education institutions with specific training conditions [Karelin 2024, 207]. However, in connection with the full-scale invasion of the Russian Federation, the Ministry of Justice of Ukraine was also tasked with establishing sections for holding prisoners of war in penal institutions and pre-trial detention centres, as well as re-profiling individual penal institutions of the State Penitentiary Service of Ukraine into camps for holding prisoners of war.

Thus, the purpose of the article is to study the legal regulation of chaplaincy activities in the penitentiary sector of Ukraine, identify problematic issues, and provide relevant proposals.

1. HISTORICAL CONTEXT: FORMATION OF THE INSTITUTE OF PRISON CHAPLAINCY

It would be a mistake to claim that the formation of the prison chaplaincy institution in modern Ukraine began “from scratch”. In fact, penitentiary pastoral care has a long history in the territory of the state. However, the goal of our article is still to establish what prison chaplaincy is currently in modern Ukraine, and not what it was at certain stages of the state’s development. Therefore, the focus of the article will be on the formation of legal regulation, which determined the existence of the institution in the version that is presented in modern social relations.

Transformations in the sphere of the rule of law, the judicial system, ensuring human rights and, in particular, freedom of conscience and religion, which have taken place over the past decades, have already resolved many acute issues in this area and laid the foundation for sorting out others in the future.

The history of the development of pastoral care in prisons began in Ukraine in the early 1990s with the adoption of the Law ‘On Freedom of Conscience and Religious Organisations.’¹ This law fixed the possibility of holding religious services and rituals in places of pre-trial detention and serving sentences at the request of citizens held there, or at the initiative of religious organisations. At the same time, the last decade of the twentieth century was characterised by the focus of the church on internal affairs and issues, so active and systematic work in prisons was not carried out. The precursors and prerequisites for the beginning of the systematic work of priests in prisons were cooperation agreements. One of the first examples of organizing cooperation was the signing on November 25, 1999, by the Primate of the Ukrainian Orthodox Church, His Beatitude Metropolitan Volodymyr of Kyiv and All Ukraine, and the head of the newly formed State Department of Ukraine for the Execution of Sentences of the Cooperation Agreement, which defined the main principles of joint activities on spiritual support for people in places of deprivation of liberty [Holoborotko 2017, 9].

¹ On Freedom of Conscience and Religious Organizations, Law of Ukraine No. 987-XII on April 23, 1991, <https://zakon.rada.gov.ua/laws/show/987-12#Text> [accessed: 20.03.2026].

The formation of structures for spiritual education in places of deprivation of liberty and their institutionalisation took place already at the beginning of the 21st century. To ensure a tolerant and balanced approach to the joint participation of representatives of different faiths in working with convicts, on February 26, 2002, the Ukrainian Interdenominational Christian Mission “Spiritual and Charitable Care in Places of Deprivation of Freedom” was established, the founders of which were 12 Christian denominations. This organization represents Ukraine in the Prison Fellowship International [Duka and Suprun 2014, 67], and its goal is to promote the improvement of guarantees of convicts’ and prisoners’ right to freedom of religion, to identify prospects for improving spiritual work in places of deprivation of liberty, to develop penitentiary policy in Ukraine, to coordinate the activities of chaplains in the resocialization of prisoners, and to cooperate with the Penitentiary Service of Ukraine. Today, the organisation includes 10 denominations.²

Also, at the same time, special departments for spiritual education in places of deprivation of liberty began to be formed within various churches and denominations. Thus, such a department was formed within the Ukrainian Orthodox Church of the Kyiv Patriarchate on May 14, 2001, and the Department of Pastoral Care of Law Enforcement Agencies of Ukraine under the Patriarchal Curia of the Ukrainian Greek Catholic Church was formed on October 3, 2006.

The institutionalisation of penitentiary pastoral care was also accompanied by the formation of training programs and courses that provided meaningful content for chaplaincy activities in penitentiary institutions. The first training seminar for clergy was held on November 26-30, 2007 at the Bila Tserkva School of Professional Training for Employees of the Penitentiary System [Zdioruk 2017]. Later, this school became the first institution for specialised training of prison chaplains, where a 72-hour course “Legal and Psychological Aspects of Religious Service in Places of Deprivation of Liberty” was introduced to obtain a minimum level of competence in the penal sector. There is no information on the total number of priests who have undergone training in the public domain. However, the conclusion that a sufficiently large number of priests have undergone training can be drawn from

² Official website. PF Ukraine. https://pf-ukraine.com.ua/about/історія_місії/ [accessed: 20.03.2026].

the fact that, according to the Head of the State Department of Ukraine for the Execution of Sentences (2005-2009), as of 2009, about 150 priests had undergone training [Muzychenko 2009], and during 2015-2016, 124 prison chaplains had undergone training at the Bila Tserkva institution, for which they received the relevant certificates [Pakhomov and Suprun 2017, 366].

The development of the institution of prison chaplaincy in Ukraine, of course, had to be based on appropriate legal regulation. In 2015, there were significant changes in legislative regulation, which actually led to the onset of a qualitatively new stage in the involvement of religious organizations in the correction and resocialization of convicts [Zholtani 2018, 60] (this will be discussed in paragraph 3 of the article). These changes were made with the active participation, including church representatives, in the development of legislative initiatives and, accordingly, the openness of the parliament to their support through roundtables and other discussions.³

2. RIGHTS OF PRISONERS AND CONVICTED PERSONS TO FREEDOM OF CONSCIENCE AND RELIGION

The rights of prisoners and convicts to freedom of conscience and religion are enshrined in national legislation in accordance with the requirements of international legal instruments. In particular, the Declaration of Human Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms enshrine the right of every person to freedom of religion.

The International Law Act “Standard Minimum Rules for the Treatment of Prisoners”, adopted by the UN on August 30, 1995, aims at states implementing minimum standards in national legislation. The minimum standards consist of the possibility for each prisoner to fulfil his religious needs by participating in religious ceremonies within the walls of the institution and having at his disposal religious scriptures characteristic of his religion. To this end, in an institution where there is a fairly large number of prison-

³ See Uchast' relihiynykh orhanizatsiy shchodo formuvannya zakonodavchykh initsiatyv u sferi penitentsiarnoyi polityky obhovoreno pid chas 'kruhloho stolu' u Komiteti z pytan' zakonodavchoho zabezpechennya pravookhoronnoyi diyal'nosti. Information Office. 29 May 2012, <https://www.rada.gov.ua/print/62598.html> [accessed: 22.03.2026].

ers belonging to the same denomination, a qualified minister of the relevant cult should be appointed with permission to perform the relevant rites.

The “European Prison Rules”, adopted by the Committee of Ministers of the Council of Europe on 11 January 2006, also stress that the internal regime, as far as possible, must be organised in such a way as to enable prisoners to profess their religion and belief, to attend services or meetings held by representatives of their religious denominations or beliefs who have received appropriate permission. Prisoners may not be compelled to profess a particular religion or belief, to attend religious services and meetings, to participate in religious rites or to consent to visits by representatives of any religions or beliefs which they do not profess.⁴

The provisions of international law have been reflected in Ukrainian national legislation. The Constitution of Ukraine enshrines democratic standards regarding the human right to freedom of conscience and religion and guarantees that convicted persons have the same rights as unconvicted persons, except for restrictions provided for by law and established by a court verdict. This also applies to the right to freedom of religion.

The content of the right to freedom of religion is disclosed in the basic law “On Freedom of Conscience and Religious Organisations” (1991, as amended), which indicates that this right includes the freedom to have, adopt, and change a religion or belief of one’s choice and the freedom, individually or together with others, to profess any religion or not to profess any, to perform religious cults, to openly express and freely disseminate one’s religious or atheistic beliefs. Freedom of worldview and religion of a person also provides that no measures of coercion may be applied to him to participate in worship, religious rites, ceremonies or religious teaching, since no beliefs or worldview may be determined as mandatory. No coercion of any kind is permitted when a citizen determines his or her attitude towards religion, to profess or refuse to profess religion, to participate or not to participate in religious services, religious rites and ceremonies, or to study religion.

The norms of this same law in part 4 of Article 21 provide for the possibility of holding religious services and rituals also in places of pre-trial de-

⁴ European Prison Rules. Recommendation No. R (2006)2 of the Committee of Ministers to Member States, https://zakon.rada.gov.ua/laws/show/994_032#Text [accessed: 22.03.2026].

tention and serving sentences at the request of citizens who are in them, or at the initiative of religious organisations. In turn, the administration of penal institutions is obliged to take all measures to ensure the spiritual needs of prisoners.

The rights of prisoners and convicts to freedom of conscience and religion are detailed in sectoral laws, since this complex of public legal relations is complex, general regulation is insufficient, yet a greater legal certainty is required [Vasin 2018, 58]. Ukrainian sectoral legislation regulates the rights and freedoms, and therefore guarantees for satisfying religious needs, in certain regulatory acts separately for such categories of persons as: a) pre-trial detainees (arrested) for the duration of the investigation of a criminal case and b) prisoners after a guilty verdict.⁵ To understand the quantitative indicators, it is worth citing official statistics: as of July 1, 2023, a total of 43,640 people were held in penitentiary institutions, of which 16,371 were in pre-trial detention centres (before sentencing), and 27,215 were in penal institutions (prisoners, after the court's sentence was passed).⁶

The legal status of persons *taken into custody* (suspects, accused, defendants) is regulated by the Law of Ukraine "On Pre-trial Detention" (1993, as amended).⁷ According to the provisions of this law, such persons have the right to pastoral care, may perform religious rites individually and use religious literature and objects of religious cult characteristic of their faith, made of low-value materials, if this does not violate the established order, and the rights of other persons are not restricted. The law also stipulates that persons taken into custody have the right to visit with clergymen (chaplains) during their free time from performing investigative actions without limiting the number of visits. In return, the administration of the institution contributes to ensuring the confidentiality of visits, and the secret of

⁵ Some studies identify a third category of people – prison staff [Vasin 2020, 28]. However, the procedure governing the exercise and protection of the right to freedom of conscience of the personnel of such institutions does not contain any specific features as compared to the general regime, nor should it, given that such personnel are not subject to isolation and, consequently, do not require additional safeguards.

⁶ General Overview. Statistics. Official Website of the State Criminal-Executive Service of Ukraine: General Overview, <https://kvs.gov.ua/wp-content/uploads/2023/07/20230701-zagalna-harakterystyka-dkvs.pdf> [accessed: 22.03.2026].

⁷ On Pre-Trial Detention, Law of Ukraine No. 3352-XII on June 30, 1993, <https://zakon.rada.gov.ua/laws/show/3352-12#Text> [accessed: 20.03.2026].

confession is inviolable and protected by law. It is prohibited to publish, record by technical means, or reproduce any information obtained from the confession [Bilash, Karabin, and Cherevko 2023].

The legal status of persons *sentenced* to restriction of liberty and serving sentences in special institutions of the penitentiary system is regulated by the Criminal Executive Code of Ukraine (2003, as amended).⁸ It guarantees convicts the right to exercise the freedom to profess any religion or express beliefs related to their attitude to religion, including the right to free choice and admission of a clergyman to perform religious rites and ceremonies, except for restrictions provided for by law (Article 8). For persons sentenced to deprivation of liberty, the right to hold religious services and religious ceremonies in colonies is established. The Criminal Executive Code also separately recorded that in colonies, the freedom to profess any religion or express beliefs related to their attitude to religion is subject only to those restrictions that are necessary to ensure isolation and public safety (Article 128).

3. INSTITUTE OF PRISON CHAPLAINCY: TERMINOLOGY, LEGAL REGULATION

In 2015, a qualitative “breakthrough” occurred in the regulation of prison pastoral care, with the adoption of the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on the Regulation of the Activities of Clergy (Chaplains) in Bodies and Institutions Under the Administration of the State Penitentiary Service of Ukraine”. The provisions of this Law effectively introduced the institution of chaplains in bodies and institutions of the penitentiary system.

Again, this law amended two relevant laws: 1) the Criminal Executive Code of Ukraine, which regulates the rights of convicts, and 2) the Law “On Pre-trial Detention”, which regulates the rights of arrested persons.

In accordance with the regulatory innovations, a new term was introduced and enshrined in the legislation: “pastoral care of convicts”. It refers to the activities of special clergy (*chaplains*) authorised by religious organi-

⁸ Criminal Executive Code of Ukraine No. 3352-XII on July 11, 2003, <https://zakon.rada.gov.ua/laws/show/en/1129-15#Text> [accessed: 20.03.2026].

sations, aimed at meeting the religious needs of convicts and their spiritual education in penal institutions.

The Criminal Executive Code limits the range of religious organisations that can authorise clergy to carry out chaplaincy activities in penitentiary institutions. Namely, the statutes (regulations) of such organisations must be registered in the manner prescribed by law. What should be noted in this case is that in August 2024, amendments were made to the Law on Freedom of Conscience and Religious Organisations (entered into force on 23 September 2024) regarding the mandatory information that must be contained in the charters of religious organisations. In particular, alongside the name, the charter must specify the type of religious organisation, its religious affiliation, the management bodies and their competencies, the procedures for making decisions, and the methods for resolving property and other disputes in the event of the organisation's termination. These legislative provisions were introduced to promote both the formal legal separation of the Ukrainian Orthodox Church (UOC) and organisational separation from the Russian Orthodox Church. It is evident that this requirement has not been fulfilled by the UOC's religious organisations, nor by most of them, because the necessary changes have not been implemented in the charters [Bilash and Karabin 2025, 70]. Therefore, at present, priests of this church cannot authorise their representatives to carry out chaplaincy activities in penitentiary institutions and will not be able to obtain permission to enter a penal institution.

The Law of Ukraine "On Pre-trial Detention" also enshrines the right of persons taken into custody to meet with clergymen (chaplains) during their free time from investigative actions. However, again, chaplains can be authorised only by those religious organisations whose statutes (regulations) are registered in accordance with the procedure established by law.

Legislative innovations not only called a priest in prison a chaplain, not only regulated their access to arrested and imprisoned persons, but also provided chaplains with a "toolkit" for proper activity. One of the important innovations the establishment of protection for the secrecy of confession. The new law prohibits the publication, recording by technical means and reproduction of any information obtained from confession and its use as evidence during pre-trial inquiry, pre-trial investigation or criminal proceedings. Under no circumstances may anyone question a clergyman, interpreter, or other person on matters related to the confidentiality of confession.

It should be noted that the legal norms that currently regulate the issue of chaplaincy in Ukraine also give rise to separate discussions regarding their application. In particular, the Criminal Executive Code in Article 128-1 stipulates that “The procedure for special training of clergy (chaplains) and granting of powers to carry out measures of pastoral care of convicts shall be approved by the central executive body that implements state policy in the field of execution of criminal sentences.” Such wording has given rise to the opinion that there are gaps in legal regulation, in particular, the lack of by-laws [Spivak 2022, 51; Kyrylyuk 2019, 103], namely: the procedure for special training of clergy (chaplains) and the procedure for granting powers to carry out measures of pastoral care of convicts. However, such opinions are erroneous, since the state should hardly interfere in the training of chaplains and establish rules according to which a religious organisation will delegate priests to provide pastoral care in prisons.

At the same time, the “Rules on Internal Regulations of Penal Institutions,”⁹ approved by the Ministry of Justice in August 2018, detail the procedure for obtaining a permit to visit penal institutions. The Department for the Execution of Criminal Sentences (the interregional territorial body of the Ministry of Justice for the Execution of Criminal Sentences) and the management of the relevant penal institution grant permission to representatives of religious organisations to visit penal institutions and interact with them. It is important that these rules regulate the procedure for granting permits for a one-time or non-systematic visit to the institution and for systematic visits to the institution by a chaplain differently. In particular, when a pass is issued for a specific period (month or quarter), a simplified procedure is established, and a visit schedule is drawn up for that period, which is approved by the head of the penal institution.

Also important and indicative of the state’s efforts to assist in meeting the religious needs of prisoners is the fact that convicts serving sentences in places of the strictest regime (a solitary confinement cell, a disciplinary isolator in correctional institutions, or other separate cells where prisoners are placed for serious violations of the regime) are prohibited from purchasing food and basic necessities, receiving parcels, playing board games, and

⁹ On the Approval of the Internal Regulations of Penal Institutions, Order of the Ministry of Justice of Ukraine No. 2835/5 of 28 August 2018, <https://zakon.rada.gov.ua/laws/show/z1010-18#Text> [accessed: 20.03.2026].

receiving visits (except for visits with lawyers and clergy (chaplains), authorized religious organizations whose statutes (regulations) are registered in accordance with the procedure established by law).

According to statistics, as of 2018, 2,583 places of worship were equipped to meet the religious needs of convicts and staff in institutions of the State Penitentiary Service of Ukraine [Chornopyska 2020, 254], and the number of prisoners who attended spiritual and educational events was 12,400, which at that time was about 22.5% of the total number of convicts and persons taken into custody. Unfortunately, there is no current information at the moment.

Currently, an open issue remains, which is actively discussed and defended by representatives of religious organisations, the issue of introducing a full-time chaplaincy in penitentiary institutions.¹⁰ Chaplain priests can currently only operate on a volunteer basis. There is no clear position in society on this issue yet, but the situation when the state takes on the burden of financial support for a priest from one of the religious organisations looks questionable, while voluntary and occasional visits to penitentiary institutions by chaplains of other denominations should usually be preserved and supported even in such a case. Accordingly, the question arises about the feasibility of such a full-time position. Supporters of introducing a full-time chaplaincy note the positive practice of the “5 Minutes with a Chaplain” project as an argument “in favour” for the next change of personnel of a correctional institution who enters service [Spivak 2022, 53]. This tradition was initiated as a result of a joint decision of the Pastoral Council under the Ministry of Justice of Ukraine and the leadership of the North-Eastern Department for the Execution of Criminal Sentences and Probation. However, this practice is more aimed at psychological support of employees, their correct attitude at the beginning of the working day, and not directly at religious practice or the implementation of the religious

¹⁰ Vyaznychne kapelanstvo potrebuye vrehulyuvannya v ukrayins'komu zakonodavstvi. Information Resource of the Ukrainian Greek Catholic Church, 9 June 2021, https://archives.ugcc.ua/news/vyaznichne_kapelanstvo_potrebuie_vregulyuvannya_v_u_krainskomu_zakonodavstvi_93523.html [accessed: 20.03.2026]; Dushpastyrs'ka rada z pytan' relihiynoyi opiky v penitentsiarniy systemi ta Departament vykonannya pokaran' obhovoryuyut' reformy sluzhinnya u v'yaznytsyakh. 29 November 2021, https://www.religion.in.ua/news/ukrainian_news/50240-dushpastirska-rada-z-pitan-relijijnoyi-opiki-v-penitentsiarnij-sistemi-ta-departament-vikonannya-pokaran-obgovoryuyut-reformi-sluzhinnya-u-vyaznytsyakh.html [accessed: 24.03.2026];

needs of employees of penitentiary institutions. Therefore, it is also inappropriate to draw a parallel here.

In addition, in this case, it is impossible to reconcile the legal status of chaplains in the penitentiary system and military chaplains, who are full-time employees of military units and who are awarded officer ranks. Servicemen, especially in times of war, serve in special conditions, regimes, and are deployed in territories and places where satisfying religious needs in the usual way is not possible. Therefore, the state's duty is to create appropriate opportunities for those who wish to do so. And without the involvement of a full-time chaplain who serves alongside the military and follows the military unit wherever it moves, this is not possible. Penal institutions are located in populated areas; their employees, after regular shifts, have time off that they can use, including to satisfy their religious needs. Therefore, the tasks of prison chaplains should be focused mainly on prisoners and convicts.

4. PASTORAL COUNCIL ON ISSUES OF RELIGIOUS CARE IN THE PENITENTIARY SYSTEM OF UKRAINE

The 2015 law, which was mentioned above and which introduced the institution of chaplaincy in the bodies and institutions of the penitentiary system, has also become the basis for the creation of another institution. Thus, the provisions of the law authorised the Ministry of Justice to establish an advisory body to coordinate measures for the pastoral care of convicts, which will include representatives of interested religious centres and departments, the statutes (regulations) of which are registered in accordance with the procedure established by law. At the same time, the provisions of the same law did not establish either the name or the powers of the body.

Therefore, in order to implement the legislative provisions, the Ministry of Justice of Ukraine established the Pastoral Council on Issues of Religious Care in the Penitentiary System of Ukraine in July 2017 and defined its authority.¹¹ According to the Regulations on the Pastoral Council on Issues

¹¹ Minyust zatverdyl polozhennya pro Dushpastyrs'ku radu z pytan' relihiynoyi opiky v penitentsiarniy systemi Ukrayiny. 25 July 2017, https://www.religion.in.ua/news/ukrainian_news/37107-minyust-zatverdiv-polozhennya-pro-dushpastirsku-radu-z-pitan-relijijnoyi-opiki-v-penitentsiarnij-sistemi-kkrayini.html [accessed: 24.03.2026].

of Religious Care in the Penitentiary System of Ukraine, it is a permanent representative interfaith advisory body under the Ministry of Justice of Ukraine, operating on a non-profit basis. Its composition is formed by official representatives of religious centres and departments to coordinate pastoral care of convicts, persons taken into custody, in bodies, institutions for the execution of sentences, as well as pre-trial detention centres of the State Penitentiary Service of Ukraine and the staff of these bodies and institutions.

The main functions of the Pastoral Council are: approval of candidates for the positions of clergymen (chaplains) in bodies and institutions authorized by the governing bodies of Churches (religious organizations) to carry out measures of pastoral care for convicts; restoration (construction, reconstruction) of religious buildings and other premises for worship and religious gatherings at bodies and institutions and organization of their activities; study and analysis of the results of pastoral work with convicts; organization of spiritual, educational and charitable events of interfaith cooperation in bodies and institutions, as well as providing assistance for the education, correction and reintegration into society of former convicts; approval of the procedure for special training of clergymen (chaplains) and granting authority to carry out measures of pastoral care for convicts, persons taken into custody, and staff of bodies and institutions, in agreement with the Ministry of Justice of Ukraine [Korenyuk 2018a, 70; Idem 2018b].

The main form of work of the body is meetings, which are held as needed, but not less than quarterly. Membership in the Pastoral Council is voluntary, and decisions are of a recommendatory nature. This limits its influence on the formation of state policy in the field of penitentiary chaplaincy. However, the activities of the Pastoral Council are an important coordination element, it cooperates with the structural unit of the Ministry of Justice, which is tasked with organizing social and educational work with convicts.

5. PROBATION

An issue that cannot be ignored in the context of prison pastoral care is the role of religious organisations in the probation system. In general, probation at the time of its inception had a religious-missionary nature [Wietfield 2004, 57] and was inextricably linked to the church.

For Ukraine, probation is a new institution introduced in 2015 to combat recidivism. Its content consists of the implementation of supervisory and educational measures applied by court decision to convicted persons, the execution of certain types of criminal punishments not related to deprivation of liberty, and providing the court with information characterising the accused. The main goal of probation is to correct criminals and prevent them from committing new criminal offences by taking appropriate measures against them.

According to Ukrainian regulations, probation can be pre-trial, supervisory, and penitentiary. Accordingly, this institution is closely intertwined with the penitentiary system; there is even an opinion about the expediency of developing a joint act that would regulate the activities of chaplains in the penitentiary system and the probation system “Regulations on the activities of clergy (chaplains) in penal institutions and probation bodies” [Chornopyska 2020, 255].

The central element of supervisory probation is a probation program, which is assigned by a court decision to a person released from serving a sentence on probation [ibid.]. That is, it is when releasing from serving a sentence on probation in accordance with the norms of criminal procedure law that the court indicates in the verdict a list of duties that are assigned to the person related to the implementation of the probation program. In addition, probation is a mechanism for the correction and adaptation of convicts that is implemented during interaction with civil society institutions, in particular, religious organisations [Nikiforova 2019, 125]. Therefore, a probation program can be developed by a probation agency independently or jointly with other entities, in particular, religious organisations. For this purpose, the Law of Ukraine “On Probation” dated 05.02.2015 No. 160-VIII provided for the possibility of probation agencies to interact with relevant organisations when performing their tasks (Article 21 of the law). De facto, this is the only form of interaction that is enshrined in law [Korenyuk 2018b].

However, based on the content of other provisions of the same law, such cooperation can also take place in the form of volunteering. A probation volunteer can be any individual who has reached the age of eighteen, authorised by the probation authority and a volunteer organisation to perform certain tasks related to probation on a voluntary and unpaid basis. Such

volunteers can, of course, also be clergymen (chaplains) in the penitentiary system.

CONCLUSIONS

Chaplaincy activities in the penitentiary system of Ukraine perform an important social and human rights protection function. It contributes not only to the implementation of the fundamental right to freedom of religion, but also to the processes of resocialization, moral support and reduction of the recidivism level.

The institution of prison chaplaincy in Ukraine has historical continuity and has undergone a stage of institutionalisation. From the episodic activity of religious organisations in the 1990s, it evolved into a legally enshrined institution, especially after the changes of 2015, which introduced the concept of pastoral care and defined the legal status of chaplains.

Legislative guarantees for the exercise of religious rights of prisoners are, in our opinion, sufficient and can be limited only for reasons of security and the regime of penal institutions. A significant achievement is the regulatory consolidation of the activities of chaplains and the creation of an institutional framework for their functioning. In particular, the procedure for admission to institutions has been determined, coordination mechanisms have been introduced through the Pastoral Council, and the issue of interaction with the administration of penal institutions has been regulated.

At the same time, debatable issues remain in the legal regulation, in particular, regarding the special training of chaplains and the (in)possibility of its regulation by law, restrictions on the participation of individual religious organisations in penitentiary pastoral care due to the inconsistency of the provisions of their statutes, the introduction of full-time chaplain positions in penitentiary institutions, etc. In addition, the war and the transformation of the penitentiary system have actualised the problem of staffing the chaplaincy. The reassignment of clergy to the Armed Forces of Ukraine has led to a shortage of chaplains in places of deprivation of liberty, which negatively affects the systematic provision of pastoral care. An important area of development is the expansion of the participation of religious organisations in probation. Ukrainian legislation provides for such interaction,

but it needs to be strengthened in practice, in particular through the development of joint resocialization programs.

REFERENCES

- Bilash, Oleksandr, and Tetyana Karabin. 2025. "Mobilisation Law Status of the Clergy under the Martial Law Legal Regime in Ukraine." *Studia z Prawa Wyznaniowego* 28:61-78. <https://doi.org/10.31743/spw.18848>
- Bilash, Oleksandr, Tetyana Karabin, and Pavlo Cherevko. 2023. "The Seal of Confession under the Legislation of Ukraine". *Kościół i Prawo* 12(1):9-28. <https://doi.org/10.18290/kip2023.1>
- Chornopyska, Victoriya. 2020. "Diyal'nist' relihiynykh orhanizatsiy v ustanovakh penitentsiarnoyi systemy Ukrainy: administratyvno-pravovi harantiyi." *Naukovyy visnyk Uzhhorods'koho Natsional'noho Universytetu. Seriya: Pravo* 62:250-56.
- Duka, Oleh and Mykola Suprun. 2014. "Aktual'ni pytannya spivrobotnytstva ukraiyins'koyi pravoslavnoyi tserkvy ta Derzhavnoyi penitentsiarnoyi sluzhby Ukrainy: mynule y s'ohodennya." *Naukovyy visnyk Instytutu kryminal'no-vykonavchoyi sluzhby* 2:65-71.
- Heida, Olha. 2024. "Mizhnarodni standarty dotrymannya konfesiynykh prava zasudzhennykh." In *Penitentsiarna systema: istoriya, suchasnist', maybutnye. Materialy naukovykh chytan' pam'yati heneral-polkovnyka vnutrishn'oyi sluzhby Shtan'ka Ivana Vasylovycha 3.09.2024*, 57-61. Chernihiv: Penitentsiarna akademiya Ukrainy.
- Holoborotko, Dmytro. 2017. "Zakonodavchi harantiyi prava zasudzhennykh na svobodu svitohlyadu ta virospovidannya v Ukraini (1991-2016)." *Derzhava ta rehiony. Seriya «Pravo»* 1 (55):8-13.
- Karelin, Vladyslav. 2024. "Osoblyvosti reformuvannya penitentsiarnoyi systemy Ukrainy v umovakh pravovoho rezhymu voyennoho stanu." *Yurydychnyy elektronnyy naukovyy zhurnal* 6:206-208. <https://doi.org/10.32782/2524-0374/2024-6/50>
- Korenyuk, Anastasiya. 2018a. "Osnovni formy vzayemodiyi orhaniv probatsiyi z relihiynymy orhanizatsiyamy u zapobihanni retsydyvnykh zlochinam nepovnolitnykh v Ukraini." In *Suchasni problemy pravovoho, ekonomichnoho ta sotsial'noho rozvytku derzhavy. Materialy VII Mizhnarodnoyi naukovo-praktychnoyi konferentsiyi 30.11.2018*, 138-41. Kharkiv: Kharkivs'kyi natsional'nyy universytet vnutrishnikh sprav.
- Korenyuk, Anastasiya. 2018b. "Shlyakhy vdoskonalennya praktychnoyi diyal'nosti orhaniv probatsiyi ta relihiynykh orhanizatsiy u zapobihanni retsydyvnykh zlochinam nepovnolitnykh v Ukraini." *Visnyk Vyshchoyi kvalifikatsiyanoi komisiyi suddiv Ukrainy* 2:26-30.
- Kyrylyuk, Valentyna. 2019. "Osoblyvosti pravovoho rehulyuvannya diyal'nosti svyashchennosluzhyteliv (kapelaniv) v ustanovakh Derzhavnoyi kryminal'no-vykonavchoyi sluzhby Ukrainy ta orhanakh probatsiyi." *Visnyk Penitentsiarnoyi asotsiatsiyi Ukrainy* 2:96-105. <https://doi.org/10.34015/2523-4552.2019.2.09>
- Muzychenko, Yaroslava. 2009. "Do inshoi tiurny." *Ukraina Moloda*, <https://umoloda.kyiv.ua/number/1470/188/51720/> [accessed: 20.03.2026].

- Nikiforova, Tetyana. 2019. "Vzayemodiya orhanu probatsiyi ta instytutsiy hromadyans'koho suspil'stva v realizatsiyi zavdan' probatsiyi." *Universytets'ki naukovyi zapysky* 69-70:124-26. <https://doi.org/10.37491/UNZ.69-70.11>
- Pakhomov, Ilya and Mykola Suprun. 2017. "Navchannya pravoslavnykh svyashchenosluzhyteliv (kapelaniv), yaki zdiysnyuyut' dushpastyrs'ku opiku zasudzhennykh ta personalu Derzhavnoyi kryminal'no-vykonavchoyi sluzhby Ukrainy." *Trudy Kyivys'koyi dukhovnoyi akademiyi* 26:361-69.
- Spivak, Vlada. 2022. "Okremi pytannya funktsionuvannya zakonodavstva Ukrainy pro sotsial'ne zabezpechennya kapelaniv u penitentsiarnykh ustanovakh." *Yurydychnyy elektronnyy naukovyy zhurnal* 6:50-55. <https://doi.org/10.32782/2524-0374/2022-6/10>
- Vasin, Maksym. 2018. "Pravovi aspekty vzayemodiyi derzhavy i relihiynykh orhanizatsiy u sferi rozvytku penitentsiarnoho kapelanstva." *Chasopys Kyivys'koho universytetu prava* 3:58-62.
- Vasin, Maksym. 2020. *Tvoje pravo na svobodu virospovidannya. Posibnyk dlya viruyuchykh, relihiynykh hromad ta posadovykh osib orhaniv vlady*. Kyiv: Media svit.
- Wietfield, Dick. 2004. *Vstup do sluzhby probatsiyi*. Kyiv: Atika.
- Zdioruk, Serhii. 2017. "Do zakonodavchoho zabezpechennya kapelans'koyi sluzhby v medychniy i penitentsiarniy systemakh Ukrainy." *Analitichna zapyska viddilu humanitarnoyi bezpeky Natsional'noho instytutu stratehichnykh doslidzhen'*. <https://niss.gov.ua/sites/default/files/2017-12/kapelan-e85ff.pdf> [accessed: 20.03.2026].
- Zholtani, Mykola. 2018. "Relihiyna orhanizatsiya yak uchasyk kryminal'no-vykonavchykh pravovidnosyn." Candidate of Law (PhD) diss., Classic Private University (Zaporizhzhia); Dnipro State University of Internal Affairs (Ukraine).

Legal Regulation of Chaplain Activities in the Penitentiary Sphere of Ukraine

Abstract

The article examines the legal regulation and current state of development of the institution of prison chaplaincy in Ukraine in the context of European integration processes. The emphasis is on the significance of the Roadmaps approved in 2025 as strategic documents that determine the reform of the rule of law and the provision of fundamental human rights. The importance of guaranteeing freedom of conscience and religion for prisoners and convicts as a component of the democratic development of the state is substantiated. The historical prerequisites for the formation of the institution of prison chaplaincy, starting from the 1990s, as well as its institutionalisation in the 21st century, are analysed. The role of religious organisations in the formation of systemic pastoral care and their cooperation with state bodies is highlighted.

Keywords: penitentiary chaplain; rights of prisoners; penal system; probation.

Regulacje prawne działalności kapelana w systemie penitencjarnym Ukrainy**Abstrakt**

W artykule zbadano regulacje prawne oraz współczesny stan rozwoju instytucji kapelana penitencjarnego w Ukrainie w warunkach procesów integracji europejskiej. Szczególną uwagę poświęcono znaczeniu map drogowych, zatwierdzonych w 2025 r., jako dokumentów strategicznych wyznaczających kierunki reform w obszarze praworządności oraz zapewnienia podstawowych praw człowieka. Uzasadniono znaczenie zagwarantowania wolności sumienia i religii osobom pozbawionym wolności oraz skazanym jako elementu demokratycznego rozwoju państwa. Przeanalizowano historyczne uwarunkowania kształtowania się instytucji kapelana więziennego, począwszy od lat 90. XX w., a także jej instytucjonalizację w XXI w. Przedstawiono rolę organizacji religijnych w tworzeniu systemowej opieki duszpasterskiej oraz ich współpracę z organami państwowymi.

Słowa kluczowe: kapelan penitencjarny; prawa osób pozbawionych wolności; system penitencjarny; probacja.

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