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Human rights situations that require the Council's attention

Written statement* submitted by Public Organization "Public Advocacy", a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[08 February 2019]

* Issued as received, in the language(s) of submission only.



Statements of the Ukrainian Orthodox Church about violations of the rights of believers by Ukraine

The human rights organization Public Advocacy draws the attention of the UN Human Rights Council, representatives of UN Member States, international organizations, as well as the media to official statements and decisions of the Holy Synod of the Ukrainian Orthodox Church, which is in canonical connection with the Moscow Patriarchate, about violations of the rights of believers by the state of Ukraine.

For the first time after the fall of the communist government on the territory of the former Soviet Union, the Orthodox Church is now obliged to declare that persecution of believers in Ukraine has resumed with new intensity penetrating all dimensions of policy and gaining increasingly overt and cruel character. Despite the exhaustion of all national remedies, as well as numerous appeals during 2015-2019 to the UN Special Rapporteur on freedom of religion or belief, UN Human Rights Council and the OSCE religion-based violations in Ukraine continue to bear overt and public nature, becoming a political trend that can lead to an enormous number of new victims.

Since 2015, the Ukrainian Orthodox Church has been forced by the state to break her canonical spiritual connection with the Moscow Patriarchate, which is contrary to the wishes of the majority of believers of the Church. Unfortunately, since 2015 the state of Ukraine not only has failed to guarantee real freedom of religion, but instead has been repeatedly interfering in the internal affairs of the Church, exerting extensive and unlawful pressure by means of administrative instruments, state intelligence services and state-sponsored extremist groups.

The apotheosis of such actions was the adoption by the Parliament of Ukraine of draft law No. 5309, under which all religious communities of the UOC must change their historical names in a way so that it mentions her affiliation with the Russian Orthodox Church, otherwise the Charters of the communities will lose their legal force. Thus, the state authorities of Ukraine seek to emphasize the connection of the UOC with the Russian Federation, which is recognized in Ukraine as the aggressor state. There is no doubt that these actions are aimed at artificially inciting religious hatred against the believers of the Ukrainian Orthodox Church.

Since January 2019, when the Constantinople Patriarchate announced the decision to create a new religious structure in Ukraine – “The Local Orthodox Church (or the Most Holy Orthodox Church”)), President of Ukraine P. Poroshenko has started to openly utilize the church question in his election campaign, demonstrating his negative attitude towards the communities of the UOC and stimulating their forceful transition to a newly created religious structure with the headquarters in Istanbul. This is the reason why the number of violations of the rights of believers of the UOC by the state power and the extremist groups backed by the state has significantly increased in Ukraine.

Since October 2018 mass violations were committed against religious organizations and believers of the Ukrainian Orthodox Church, including by representatives of the state authorities of Ukraine¹. In view of the fact that the violation and restriction of the rights of believers has become part of state policy, the Ukrainian Orthodox Church publicized a number of resolutions, in particular:

In accordance with the minute-book No. 41² of December 07, 2018, the Holy Synod of the Ukrainian Orthodox Church declared that “despite repeated appeals of the Ukrainian Orthodox Church, the state power of Ukraine continues to grossly interfere in the life of the Church.”

According to a note attached to the minute-book No. 41 of December 07, 2018:

¹ https://publicadvocacynetwork.org/wp-content/uploads/2018/04/Report-of-NGO_about-violations-of-rights-of-UOC-1.pdf

² <http://sinod.church.ua/2018/12/07/zhurnali-zasidannya-svyashhennogo-sinodu-ukrajinskoji-pravoslavnoji-cerkvi-vid-7-grudnya-2018-roku/>

“After the Bishops’ Council of the Ukrainian Orthodox Church, which was held on November 13, 2018, the episcopate, the clergy and the faithful of the Ukrainian Orthodox Church have been put under pressure as well as baseless criminal prosecutions are performed.

In particular, the hierarchs of the Ukrainian Orthodox Church are summoned by the Security Service of Ukraine to hold “conversations” as well as are prevented from crossing the state border of Ukraine.

On November 23, 2018, the Ministry of Justice of Ukraine annulled the decision on state registration of the right to use the complex of buildings of the Holy Dormition Pochayiv Lavra by the Pochayiv Lavra.

On November 28, 2018, the Cabinet of Ministers of Ukraine cancelled its decree of July 17, 2003 “On exclusion from the Kremenets-Pochayiv State Historical and Architectural Reserve of the buildings of the Holy Dormition Pochayiv Monastery.”

On November 28, 2018, for the first time in 30 years, an inspection was held by a commission of the Ministry of Culture of Ukraine of cultural property located in the Holy Dormition Kyiv-Pechersk Lavra.

November 30, 2018 law enforcement agencies conducted a search on the territory of the subsidiary farm of the Kyiv-Pechersk Lavra in the village of Voronjkiv, Boryspil District, Kyiv Region.

On December 1, 2018, 20 clergymen of the Rivne and Sarnensky Dioceses of the Ukrainian Orthodox Church received invitations for interrogation to the Security Service of Ukraine.

On December 3, 2018, searches were conducted in cathedrals, diocesan offices, churches, and even in private houses of the clergy of the Ukrainian Orthodox Church in cities of Zhytomyr, Ovruch, and Korosten.

On December 5, 2018, 12 clergymen of the Rivne and Sarny eparchies of the Ukrainian Orthodox Church were questioned under criminal proceedings under Art. 111 of the Criminal Code of Ukraine (high treason) and Art. 161 of the Criminal Code of Ukraine (inciting religious hatred).

On December 5, 2018, the Kremenets-Pochayiv Reserve conducted an inspection of the presence of church valuables in the Holy Dormition Pochayiv Monastery.”

In connection with the above, the Holy Synod of the UOC, resolved:

“To state that on the part of the state authorities, baseless criminal prosecutions are carried out and pressure is exerted on the episcopate, clergy and faithful of the Ukrainian Orthodox Church in order to force them to take part in the so-called unifying council [Constituent Assembly on the establishment of a new Local Church]. To consider such actions as violation of the constitutional right of Ukrainian citizens to freedom of religion.”

In accordance with the minute-book No.18³ of September 25, 2018, the Holy Synod of the Ukrainian Orthodox Church resolved:

1. “To consider that the draft laws Nos. 4128 (on the change of subordination of religious communities), 4511 (on the special status of religious organizations), 5309 (on the change of names of religious organizations) are aimed at the legal liquidation of the Ukrainian Orthodox Church by means of its raider seizure through the change of its name, unlawful interference into its management and seizure of its property (shrines, churches and monasteries).

(Note: at the time of submission of this application, draft law No. 5309 has already been adopted by the Parliament of Ukraine and entered into force).

2. The Ukrainian Orthodox Church is a religious association registered and acting in accordance with the legislation of Ukraine, and any coercion to change its name is illegal and qualifies as an interference in the internal affairs of the Church.

³ <http://sinod.church.ua/2018/09/25/zhurnali-zasidannya-svyashhennogo-sinodu-ukrajinskoji-pravoslavnoji-cerkvi-vid-25-veresnya-2018-roku/>

3. To alert that the adoption of the aforementioned draft laws will artificially divide the people and make millions of Ukrainian citizens who are believers of the Ukrainian Orthodox Church strangers in their own country.
4. To call on all those involved in the implementation of these initiatives to abandon these legislative intentions as contradicting the Constitution of Ukraine and are themselves anti-church.”

In connection with the above, we urge the UN Human Rights Committee to immediately consider the issue of violation of the rights of the Ukrainian Orthodox Church, to pay attention to the anti-constitutional actions of the Ukrainian Parliament, which adopts discriminatory laws aimed at inciting religious hatred in society, as well as the actions of President of Ukraine P. Poroshenko, who keeps on interfering in the internal religious affairs of the country's largest Orthodox denomination, contrary to the interests and will of the country's people.

The issues set forth above need immediate intervention from the side of the UN HRC, UN Special Rapporteur on Freedom of Religion or Belief, UN Secretary-General's Special Adviser for the Prevention of Genocide, OSCE, as well as UN member states.

The imminent conflict and the threat to security in Ukraine can still be overcome diplomatically, but this requires concrete and proactive actions.

Facts, testimonies and evidence are available at: www.protiktor.com/uocreports
