



# General Assembly

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## Human Rights Council

### Fortieth session

25 February–22 March 2019

Agenda item 4

### 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.

[8 February 2019]

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



## **Signs of religion-based genocide preparation in Ukraine: Believers of the Ukrainian orthodox church as victims of the state power**

From 2015 onwards, radical and nationalist groups in Ukraine have initiated raider seizures of temples and property of the Ukrainian Orthodox Church, which is in canonical unity with the Moscow Patriarchate of the Russian Orthodox Church<sup>1</sup>. Since 2015, in Ukraine, with violations of the rights of believers and with the support of police and state structures, more than 40 temples of the UOC have been seized by force.

Despite the fact that unity with the Moscow Patriarchate is only canonical, doctrinal in nature, and the Ukrainian Orthodox Church consists of Ukrainian citizens, they are accused of “having links with Moscow”, “assisting the aggressor”; they are called “fifth column” and “FSB agents”.

Hate speech sounds not only from the lips of adherents of radical and nationalist groups, but also from the President of Ukraine, the Head of the Verkhovna Rada (Parliament) of Ukraine, as well as government officials of the highest level<sup>2</sup>.

As a result of systemic discrimination over 2015–2018 years, the UOC communities were denied the possibility to conclude and prolong contracts for the use of religious buildings, were not allowed to carry out worship services freely; in addition, there were a number of cases of overt violence against the believers<sup>3</sup>.

In fact, the government and the state-controlled media have created a group of victims from the believers of the UOC, who are now a persecuted community in their own country.

Not only hate rhetoric towards the UOC believers on the part of the President of Ukraine and other senior government officials has become a sign (marker) for the whole of Ukraine, but also the discriminatory bills Nos. 4511, 5309, 4128<sup>4</sup>, submitted to the Ukrainian Parliament, which require communities to change their name and indicate the information about their affiliation with the Moscow Patriarchate. Thus, the Ukrainian authorities are striving to enshrine part of their own fellow citizens as social outcasts and to create prerequisites for a new wave of hatred from the nationalist-minded population.

Despite the constitutional provision on the inadmissibility of state interference in the affairs of the Church (Article 35 of the Constitution), in 2018, the President of Ukraine launched a project in Ukraine to create a so-called Local Church to be independent of Moscow. The project was endorsed by the Ecumenical Patriarch Bartholomew, by whose decision the new church organization was approved, which is called the “Most Holy Church of Ukraine”.

Simultaneously with this decision, two discriminatory bills became law, and the Ministry of Culture of Ukraine obliged more than 12,000 religious organizations to make changes in their statutes and undergo the new state registration<sup>5</sup>. The law sets forth that the statutes of religious organizations shall become null and void unless this illegal and unconstitutional obligation is fulfilled.

In fact, with the adoption of these laws, religious organizations of the UOC lose the right to formalize new property; their legal personality is subject to significant restrictions, legal entities of the UOC cease to be full-fledged and cannot carry out their economic and other activities on a par with other confessions.

Simultaneously with the adoption of discriminatory laws in all regions of Ukraine, a large-scale media campaign was launched in support of the new Local Church, called the “Most

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<sup>1</sup> <https://www.protiktor.com/38hrcsession/all-cases/>

<sup>2</sup> <http://undocs.org/en/A/HRC/38/NGO/13>

<sup>3</sup> [https://publicadvocacynetwork.org/wp-content/uploads/2018/04/Report-of-NGO\\_about-violations-of-rights-of-UOC-1.pdf](https://publicadvocacynetwork.org/wp-content/uploads/2018/04/Report-of-NGO_about-violations-of-rights-of-UOC-1.pdf)

<sup>4</sup> <http://undocs.org/en/A/HRC/39/NGO/6>

<sup>5</sup> <http://spzh.news/en/news/59559-minkulyt-vklyuchil-upc-v-spisok-organizacij-obyazannyh-pomenyaty-svoj-ustav>

Holy Orthodox Church of Ukraine". Once the Tomos (Declaration-Act) on the approval of a new church structure had been granted by Patriarch Bartholomew, the President of Ukraine went on a pre-election tour across the regions of Ukraine, promoting a new ecclesiastic structure and campaigning for the UOC communities to transfer to a new religious organization.

Alongside these actions, clergymen of the UOC began to be summoned for interrogation by the SBU (for example, more than 20 priests of Rovno region were interrogated in cases of treason involving long prison terms<sup>6</sup>), while local authorities received instructions to ensure that the UOC communities could anyway smoothly transfer to the new church structure. As a result, in January-February 2019, a new mass wave of seizures of the UOC temples surged up in Ukraine, which was allegedly disguised as legitimate meetings of believers concerning the transition of communities to a new confession. Although in reality only a small number of the UOC communities decided voluntarily or, as a result of pressure from special services, to move into a new structure, state authorities, using the imperfections in statutes of the UOC communities, with the help of radicals, hold fake meetings of local residents, who are not authorized members of the religious community, and subsequently transfer the UOC religious structures to another denomination without the consent of the believers – owners of the religious organization.

Numerous acts of resistance on the part of believers fail to yield the desired results, since the seizures of temples and forced transfers of communities are carried out with the support of state authorities of all levels, and are also facilitated by the police and special services.

In accordance with the UN Genocide Prevention Methodology Framework of Analysis<sup>7</sup> for Atrocity, developed by the UN, signs of the genocide preparation towards a target group reveal themselves in the systematic incitement of hostility to a certain part of the population through the media, inaction of the authorities towards offenders who commit acts of violence towards the victim group, increased hate marker rhetoric by senior functionaries, as well as a number of other factors.

In relation to the UOC believers, these signs already exist.

We call on all UN officials, UNHCR, UN Special Rapporteurs on freedom of religion or belief, on the protection of human rights defenders, on freedom of speech and justice, the Council of Europe, the European Parliament, PACE, departments and commissions of states that are committed to protecting human rights in the world, as well as international organizations, politicians and political parties, leaders of religious organizations:

- TO STOP THE PREPARATION OF THE GENOCIDE IN RELATION TO THE BELIEVERS OF THE UOC;
- TO OFFICIALLY CALL ON PUBLIC AUTHORITIES OF UKRAINE TO PUT A STOP TO VIOLATIONS OF THE RIGHTS OF BELIEVERS AND ENSURE FULL NON-INTERVENTION OF STATE BODIES IN THE RELIGIOUS LIFE OF THE COUNTRY;
- TO DATE, THERE IS STILL TIME TO PREVENT NEW MASS ATROCITIES AND VIOLATIONS OF THE RIGHTS IN UKRAINE;

For more facts and evidence, video and written documents on the rights violations visit the following website: [www.uoc-victims.net](http://www.uoc-victims.net)

Evidence of violations of the rights of believers of the UOC in the documents of UN HRC regular sessions:

<http://undocs.org/en/A/HRC/38/NGO/13>

<http://undocs.org/en/A/HRC/39/NGO/3>

<http://undocs.org/en/A/HRC/39/NGO/4>

<sup>6</sup> <http://spzh.news/en/news/58067-v-sbu-obvinili-svyashhennikov-upc-v-gosizmene>

<sup>7</sup> <http://www.un.org/en/genocideprevention/publications-and-resources.html>

<http://undocs.org/en/A/HRC/39/NGO/5>

<http://undocs.org/en/A/HRC/39/NGO/6>

<http://undocs.org/en/A/HRC/39/NGO/7>

<http://undocs.org/en/A/HRC/39/NGO/11>

Evidence of violations of the rights of believers of the UOC in the speeches of bishops and other representatives of the UOC at OSCE meetings:

<https://www.osce.org/odihr/325191>

<https://www.osce.org/odihr/394571>

<https://www.osce.org/odihr/341051>

The information set forth in this statement is based on the documents, reports and statements of the official representatives of the Ukrainian Orthodox Church at OSCE meetings and UN sessions, reports within the UN Universal Periodic Review procedure, eyewitness testimonies, as well as reports and documents of the human rights organization in a consultative status with the UN ECOSOC NGO “Public Advocacy” (Website: [www.protiktor.com](http://www.protiktor.com)).

To find out more facts, testimonies and evidence visit our website at: [www.protiktor.com/uocreports](http://www.protiktor.com/uocreports)

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