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Technical assistance and capacity-building

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.

[17 August 2020]

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

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On acts of religious enmity of state agents in Ukraine toward the Ukrainian Orthodox Church

Our human rights organization reiterates the escalation of religious hatred in Ukraine in relation to the believers of the Ukrainian Orthodox Church (UOC) of the Moscow Patriarchate. Unfortunately, despite the change of power in Ukraine, the new politicians were unable to change the vector of attitudes towards the Orthodox Church and to ensure equal treatment of all confessions on the basis of law.

The violations committed against the believers of the UOC in 2015-2019¹ have been not eliminated practically: the seized temples were not returned to the communities, numerous criminal proceedings, opened on the facts of beating believers and attacks on temples, were never transferred to courts, while the perpetrators were not punished.

The appeals of the Holy Synod of the UOC² regarding the facts of persecution of the clergy of this Church by the intelligence services, the refusal of the authorities to register statutes of religious organizations of the UOC, attempts to forcibly rename the UOC into the "Moscow Church" – all these did not receive a proper response from the authorities.

Despite the decrease in the total number of unlawful seizures of the UOC property, aggression towards Orthodox believers remains a problem. Hatred for this confession in society is being constantly heated up, which leads to new conflicts.

For example, at 18:00 on July 14, 2020, the local authorities of Zolochiv held a “veche” [“popular assembly”] against the canonical Church near the house of priest Maxim Yenko, clergyman of the Lviv Eparchy of the UOC, to which the mayor Igor Grinkiv had brought a sledgehammer. The mayor published the “veche” video on his Facebook page³.

He personally moderated the event and called on the participants in the meeting “to act in accordance with the law”, adding that “no one oppresses” the cleric of the UOC.

“We do not want to get there. We ‘stick to our own guns’,” said the official who had brought along a sledgehammer to the house of the clergyman, after which the anthem of Ukraine sounded.

Grinkiv told the audience that the City Council had decided to request Maxim Kozitsky, head of the Lviv Regional State Administration, to prevent the construction of the UOC church “under the guise of a residential building” in Zolochiv city. Allegedly, the “practice of spontaneous construction of temples” of the canonical Church in other localities prompted local authorities to vote for such a decision.

According to him, the City Council ordered that video surveillance be established in Trush Street (the clergyman’s house of the UOC is located there) in order to “ensure the safety of the city’s residents” and record “unlawful actions” of the builder (priest Maxim Yenko).

Grinkiv announced the intention of the City Council to appeal to the President of Ukraine and Members of Parliament of the Verkhovna Rada of Ukraine with a request to ban the activities of the UOC in the country and explained that he had brought a sledgehammer to the clergyman’s house as a “symbol”. The official recalled how earlier, with the help of sledgehammers and hammers, the residents of the city would oppose illegal development.

“We did not wait for a legal solution; we came as a whole community and said ‘no’ to arbitrary construction’. We did not aim to demolish the constructions. Our target was to get across that the law is one for all,” he added.

The mayor of Zolochiv said that “complete interfaith unity reigns in the city”, and informed the audience that he felt like breaking the fence with a hammer, but he did not want to stir up the population to conflict. Then the mayor referred to the reconstruction of the private house of the UOC clergyman as a “provocation”.

¹ A/HRC/42/NGO/19; A/HRC/42/NGO/20; A/HRC/41/NGO/21; A/HRC/41/NGO/22.

² A/HRC/42/NGO/20.

³ <https://www.facebook.com/zolochiv.misto/videos/2806349526276526/>.

“The biggest provocation that happens here is what is behind the fence. It was they who staged a provocation,” Grinkiv emphasized.

He said that the believers of the UOC should have asked the local authorities about the construction of the temple and immediately added that the canonical Church allegedly refused to provide funeral service for Anti-Terrorist Operation (ATO) soldiers and pray for the enemy. The mayor of Zolochiv vowed that unless Father Maxim dismantled the fence, then next time law enforcement officers would not “convince” the residents of the city not to use a sledgehammer.

“Documents on the right of ownership and on the reconstruction of the residential building where the priest lives are in order,” said the head of the UOC Legal Department on his Facebook page. “On the territory of the household, in addition to repairs in the rooms, no work is being carried out. A question arises: On what ground did the mayor decide that a church is being built? Indeed, on the territory of the house, there is even no construction equipment, they do not dig trenches under the foundation and do not pour concrete. There is no evidence of a church being under construction. It turns out they only suggested that a church could probably be built on this land. You know, there you can build a store, a car park, a gas station; you can build a lot there, as you might have guessed? The fence is in the wrong place! <...> A trailer stands on a private land plot. Do you know that the owner can put at least 10 trailers on his land plot?”

He said that in Zolochiv, three land plots were allocated for the Ukrainian Greek-Catholic Church (UGCC), two for the Orthodox Church of Ukraine and one for the Roman Catholic Church, “but they want to deprive the UOC priest of his own private housing, and the local residents are divided on a religious ground”.

“They organized a veche. Why not a gathering? Or, maybe, a hangout? Such a form of organizing a meeting of a territorial community as a veche is not provided for by law, therefore, any decisions made at such meetings are illegal and void. <...> They banned the activity of the religious community of the UOC, really? Maybe, they will also declare war on Poland?” added the head of the UOC Legal Department.

The clergyman recalled that a religious community can carry out its activities without registration.

Representatives of the Zolochiv local government show outright hatred for UOC believers, said Bishop Victor (Kotsaba) of Baryshevka, head of the UOC Representation to European and International Organizations.

“Again, we can hear slanderous statements of various persons, including clergymen of other faiths, that the UOC allegedly “does not perform a funeral service for ATO soldiers” and “helps the enemy”. It should be noted that in any civilized country such statements and actions are classified as open manifestations of hatred for a religious group, in this case – the Ukrainian Orthodox Church,” the UOC Information and Education Department cites the words of Bishop Victor.

The bishop reminded the participants of the “veche” against the UOC in Zolochiv that Ukrainian and international laws prohibit “obstructing legitimate actions of the owner regardless of how he/she plans to use the building in his/her ownership”. He also recalled that in Ukraine, which has undertaken a number of obligations to fully protect human rights in its territory, freedom of religion is guaranteed. “No one can forbid a clergyman to worship at home or in other structures at the request of the faithful and in their presence,” Bishop Victor emphasized.

In his opinion, the speech and comments of certain state agents and local authorities of the Lviv region regarding repair and construction work in the private section of the UOC cleric in Zolochiv indicate complete ignorance of the above persons with respect to discrimination and the rule of law provided for by international law.

However, criticism of the actions of the authorities by the media did not lead to any result. Law enforcement agencies were inactive. Eventually, on August 6, 2020, masked activists destroyed the fence of the private house of the UOC cleric, priest Maxim Yoenko, whom the representatives of the UGCC and local authorities unfoundedly accused of illegally building

a church in his yard. According to him, at about 9.30 a.m., 20 masked young men approached the fence and destroyed it with hammers.

On August 6, 2020, the Lviv National Corps published a video statement in which it was announced that the attack on the private house of the UOC cleric, priest Maksim Yoenko, is due to the fact that the Moscow Patriarchate is engaged in "illegal worship" on the site. The video was published on the page of NC "Lvivshchyna" on Facebook.

The activists claim they "disrupted the illegal construction of a Moscow church in Zolochiv," where the UOC, according to them, "holds illegal and undeclared services."

"We will not allow representatives of the Moscow Patriarchate to expand in the Lviv region," activists say⁴.

We request the Human Rights Council to take specific actions to fight human rights violations motivated by religious intolerance in Ukraine.

⁴ <https://spzh.news/en/news/73713-lyvovskij-hackoppyc-pohvastal-napadenijem-na-dom-svyashhennika-upc-v-zolocheve>.