



General Assembly

Distr.: General
20 February 2019

English only

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.

[08 February 2019]

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



On violent seizures of religious buildings and forceful changes in the composition of the administrative bodies of the legal entities of the Ukrainian Orthodox Church

We draw the attention of the UN Human Rights Council, representatives of diplomatic missions and international organizations to violations of the right to freedom of religion, as well as to numerous violations of the right to private property of religious organizations of the Ukrainian Orthodox Church.

The current plight of this denomination in Ukraine testifies to the fact that the state policy has taken negative stance towards the Ukrainian Orthodox Church, which is canonically affiliated with the Russian Orthodox Church. Unfortunately, the State of Ukraine, violating precepts of international law and its commitments to protect democracy and human rights in its territory, has embarked on the virtual destruction of the administrative structure of the UOC and is now exerting pressure on the UOC believers to change their religious beliefs and convictions. The reason for this is the refusal of UOC believers to change their historically established status as an autonomous independent Church. As early as in 1990, the status was granted by the Russian Orthodox Church to satisfy the expectations of the Ukrainian faithful, so that the UOC legally and canonically meets all the necessary requirements for a status of “autocephaly”.

Civil servants, whose duty is to protect the rights of Ukrainian citizens, from the President of Ukraine, Parliamentarians and down to law enforcement officers, not only fail to ensure the exercise of rights of believers of the UOC, but instead overtly and publicly implement church reform, fully supporting a newly established religious organization “The Local Church of Ukraine” (LCU) or “The Most Holy Church of Ukraine ” (HCU), created by the Patriarchate of Constantinople at the request of Ukrainian politicians. In connection with the coming presidential and parliamentary elections in Ukraine, which are to be held in 2019, the church affairs became a mainstream issue and one of the main criteria according to which the country was split between the supporters of the state-sponsored LCU and the adherents of the UOC. The fusion of religious issues with the state’s political agenda to confront Moscow led to numerous ungrounded attempts to stigmatize the faithful of the UOC as “supporters of Moscow” and “Moscow’s fifth column”, which might lead to the destruction of what so far has remained of the rule of law and order in the country.

Since 2015, the state’s consistent policy to destroy the denomination of the UOC has led to massive forceful seizures of religious property in Western Ukraine (more than 40 religious buildings were seized from 2015 to 2016). Anti-church draft laws Nos. 5309, 4128, 4511, 9139 were introduced for consideration by the Parliament. In 2019, after the creation of the new state-sponsored church structure (LCU/HCU), a nationwide campaign of discrimination against the UOC in all areas of legal and public life was launched.

Therefore, only in January 2019, we recorded more than 20 illegal seizures of religious buildings, as well as illegal meetings were held on the transfer of UOC religious communities to the jurisdiction of the Local Church of Ukraine led by the Constantinople Patriarchate.

The standard scheme of raider seizures of UOC religious buildings has remained unchanged since 2015. Upon the initiative of either state bodies or local radicals, or both, the so-called “meeting of the territorial community” is held, where the decision is made on the transfer of a private religious structure – the religious organization of the UOC – to another religious jurisdiction – the Local Church of Ukraine. In fact, at such meetings, people who are not even members of the religious community decide the fate of the parish by voting in favor of the transition and draw up relevant documents to support their illegal decision. The state bodies, following major political trend for the persecution of the UOC, “turn a blind eye” to the legal shortcomings of such documents and accept them for implementation as legitimate.

In some cases, raiders forcefully seize churches, by simply breaking into the premises and beating the UOC believers in the presence of the police without any need to change the legal subordination of religious communities. The primary example would be a case with a religious community of Pticha village of Rivne Region. Our organization mentioned this case in one of its submissions within the 39th regular session of the UN HRC (A/HRC/39/NGO/7).

We are obliged to again draw the attention of the Human Rights Council to the case of the beating up of believers of the UOC in Katerinovka village of Ternopil Region (21 September,

2015), when police forces beat more than 15 believers of the UOC causing to them serious injuries, and bore no responsibility for this obvious crime.

At present, thanks to the actions of the President of Ukraine, which has legalized a new round of religious confrontation, the risk of gross violations has significantly risen.

In particular, on February 3, in a clash at the church in the village Neszdichnoe of Ternopil Region police officers, along with the radicals, publicly beat up the rector of the church, who tried to stand up for the ownership rights of his religious community¹. Video footage of illegal seizures and beatings of believers is available from open sources on the Internet².

In fact, in all regions of Ukraine, upon the initiative and with the direct support of the state authorities, meetings of residents of localities are organized, where issues are being raised on the transition of communities to the new church structure of LCU.

Only in January 2019, illegal meetings were held in such localities as (for more details see www.protiktor.com/uocreports): villages of Karapchov and Boyanchuk of the Ternopil Region³; village of Vorsovka of Zhytomyr Region⁴; village of Dunaets of Sumy Region⁵; villages of Berestechko, Crimskoe, Bronitsa, Skobelka, Polozhevo, Kutrov, Nichegovka, Radoshin, Maliy Porsk of Volyn Region; villages of Lukashevka, Kotyuzhany, Sosonka, Budnoe, Brailov, Luka-Meleshkovskaya, Voronovitsa, Karsnoselka of Vinnitsa Region; villages of Gnezdichnoe, Rostocky of Ternopil Region; villages of Puzhaykovo, Yaroslavka of Odessa Region; villages of Olenovka, Kovpyta of Chernihiv Region; village of Shandrovets of Lviv Region; village of Urvenna of Rivne Region; village of Pokhovka of Ivano-Frankivsk Region; village of Rudoye Selo of Kyiv Region; town of Kamyshevakh of Luhansk Region. In all these cases, such meetings were accompanied by conflicts and clashes of varying severity, in some cases the churches were either seized or blocked (sealed by the authorities).

The instances of unlawful breaches of contracts between the UOC communities and the state-owned structures on the use of premises have substantially increased. For example, in Odessa, a priest of the UOC was expelled from the church located on the territory of the military academy. The priest related to the media as follows: "... I was no longer allowed to enter the territory of the military academy. I'm left without the church, I have been restoring all the time ..."⁶ A similar incident occurred in the city of Vinnitsa, where the UOC community was forced to leave the premises of the church located in the building of the Higher vocational school of the Ministry of Internal Affairs, which has been in use by the community for more than 15 years. According to the rector of the UOC church priest Victor Parandyuk: "... the dome of the church has been removed, the iconostasis and all church utensils have been packed. Today is the last day of the term given to the community to vacate the premises."⁷

Against the background of impunity of offenders, crimes of great social danger and bearing signs of terrorist activity have been committed against the faithful. Thus, during the divine service in the Cathedral of Sumy, unknown persons threw explosives inside the church⁸.

Baseless pressure on clerics and believers of the UOC in order to force them to transfer to another religious denomination is taking place everywhere. Heads of UOC communities are summoned to law enforcement bodies with a request to provide the constituent documents of the religious community, ownership documents to the church building, land plot, information about the members of the community⁹.

As indicated in the official decision of the Holy Synod of the UOC of December 07, 2018¹⁰:

¹ <https://www.protiktor.com/uocreports/1>

² <https://www.protiktor.com/uocreports>

³ <https://www.protiktor.com/uocreports/2>

⁴ <http://spzh.news/en/news/59141-perehod-v-pcu-v-sele-vorsovka-svyashhennik-v-bolynice-i-opechatannyj-khram>

⁵ <https://www.protiktor.com/uocreports/3>

⁶ <https://www.protiktor.com/uocreports/4>

⁷ <https://www.protiktor.com/uocreports/5>

⁸ <https://www.protiktor.com/uocreports/6>

⁹ <https://www.protiktor.com/uocreports/7>

¹⁰ <https://www.protiktor.com/uocreports/8>

“Directly after the Bishops' Council of the UOC of 13.11.2018, the following actions were initiated by the state authorities:

On a regular basis 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 Pochaiiv 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.”

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>

<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>

and at OSCE meetings:

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

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

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