



# General Assembly

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## Human Rights Council

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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.

[30 May 2019]

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



## **On violations of the rights of the believers of the Ukrainian Orthodox Church by the actions of the Ecumenical Patriarchate of Constantinople and the responsibility of Patriarch Bartholomew for massive violations of Human Rights in Ukraine**

Our human rights organization, in close cooperation with the OSCE and other international organizations, has been continuously monitoring the observance of rights in the religious sphere in Ukraine since 2015. We directly represent the interests of believers of the Ukrainian Orthodox Church in the law enforcement system of Ukraine.<sup>1</sup> Among other things, we ensure the submission of complaints within the UN special procedures, such as appeals to the UN Special Rapporteur on freedom of religion or belief and Complaints Procedure of the Human Rights Council.<sup>2</sup>

Earlier, we drew the attention of the UN HRC, diplomats and international organizations to the actions of the leadership of the Patriarchate of Constantinople. At the sessions of the UN Human Rights Council we urged Patriarch Bartholomew to refrain from establishing a new religious structure in Ukraine due to the high risk of mass violations of human rights in the Ukrainian society.<sup>3</sup>

There is no doubt that free activities of religious leaders, including the expansion of the jurisdictions of their denominations, should be welcomed by the world community, but only if such actions are intended to spread Christian values and do not lead to violations of human rights and the occurrence of religious conflicts.

Otherwise, when detrimental actions of a religious leader are disguised by good intentions and in fact lead to an escalation of interfaith or inter-confessional conflicts, such actions must be stopped, including by the force of legal remedies and authoritative decisions of international or state bodies that have committed themselves to the protection of the human rights.

Unfortunately, we have to state that the actions of the Ecumenical Patriarch Bartholomew led to an escalation of religious confrontation in Ukraine between those who support the a thousand-years-old Ukrainian Orthodox Church, on the one hand, and those who support the newly created religious structure founded by the Constantinople Patriarchate.

Therefore, after the new church (the Holy Church of Ukraine) has been created in Ukraine, President of Ukraine Poroshenko embarked on his election campaign, forcing clerics and communities of the Ukrainian Orthodox Church to transfer to Constantinople's newly created branch.

In January 2019 only, adherents of the Holy Church of Ukraine (HCU) with the support of the state authorities of Ukraine initiated more than 20 conflicts aimed at violent seizures of the churches of the Ukrainian Orthodox Church.

Unprecedented pressure is being exerted on the clergy and the UOC hierarchy: they are summoned for interrogations and "interviews" to the Security Service of Ukraine<sup>4</sup>, government officials of various ranks force priests to change their jurisdiction and transfer to the HCU<sup>5</sup>, churches are violently seized, in some cases blood has been shed.

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<sup>1</sup> <https://www.protiktor.com/app/download/6756821863/Ukraine+Orthodox+Report+2016.pdf?t=1536927492>.

<sup>2</sup> See our submissions: A/HRC/38/NGO/21, A/HRC/38/NGO/13, A/HRC/38/NGO/15, A/HRC/38/NGO/22, A/HRC/38/NGO/14, A/HRC/39/NGO/3, A/HRC/39/NGO/4, A/HRC/39/NGO/6, A/HRC/39/NGO/7).

<sup>3</sup> See our submission: A/HRC/39/NGO/5.

<sup>4</sup> <https://spzh.news/en/news/59154-duhovenstvo-chernovickoj-jeparkhii-soobshhilo-o-davlenii-sostorony-vlastej>.

<sup>5</sup> <https://spzh.news/en/news/59713-mer-mogilev-podolyskogo-vozglavil-popytku-zahvata-khrama-vinnickoj-oblasti>.

For instance, in the village of Gnezdichnoe a priest of the UOC was beaten by radicals and police officers for refusing to transfer to the structure controlled by Constantinople. The Parliament of Ukraine and President demonstrate surprisingly high cohesion in their discriminating policy towards the UOC. The Parliament of Ukraine adopted a draft law obliging the UOC communities to change their names to include information on their affiliation with the state recognized in Ukraine as the aggressor-state – the Russian Federation. Now, that the law came into force, all legally registered communities of the UOC are demanded to submit documents for amendments to their charters. Otherwise, their charters will lose their force and the communities will lose the rights as legal entities.

The situation has escalated to such an extent that the Holy Synod of the UOC was obliged to take special decisions about the plight of the Ukrainian Orthodox Church:

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

“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 fact, as a result of the actions of the leaders of the Constantinople Patriarchate together with President of Ukraine Petro Poroshenko, a religious war was unleashed within one people, artificially dividing it into two warring groups.

At the same time, the manner in which Patriarchate of Constantinople made decisions on the establishment of the new structure in Ukraine raises many legal questions. In particular, to date, not a single full text of the decisions of the Holy Synod of the Ecumenical Patriarchate on the establishment in Ukraine of the “Most Holy Church of Ukraine” has been published. Likewise, the decisions on the reinstatement of M. Denysenko and M. Maletich in their hierarchical and priestly rank of which they had been previously deprived with the consent of the Patriarchate of Constantinople.

In order to receive the full texts of the decisions of the Holy Synod of the Patriarchate of Constantinople on matters relating to Ukrainian citizens, Ukrainian Orthodox believers and our human rights organization was obliged to send requests to the Patriarch Bartholomew and members of his Synod asking to provide the full texts of their decisions, as well as all the documents that accompanied the decision-making procedure. It is obvious that decisions of this level should not be made in secret, but rather be made available for a comprehensive legal assessment and public discussion.

However, to date we have not received a response from the Ecumenical Patriarchate.

In this regard, we draw the attention of the UN HRC, the diplomatic missions of the participating States, international organizations to the questionable nature of the decisions of the Constantinople Patriarchate to grant autocephaly and the establishment of a new religious structure in Ukraine.

Now, it is crucial to recognize the fact that the decisions of the Constantinople Patriarchate have already entailed massive human rights violations in Ukraine, in the country which has long suffered from the lack of peace, and which is not prepared for the emergence of a new wave of separation, now on religion grounds.

The recent communique of the Holy Synod of the Ecumenical Patriarchate regarding the examination of the appeal of the Macedonian Orthodox Church on the granting of another Tomos<sup>6</sup> raises serious concerns, as it might also lead to mass human rights violations and inflame sectarian strife now in the Balkans.

In connection with the above, we call on the UN HRC and the delegations of the participating States to exert legitimate diplomatic and legal pressure on the state of Ukraine to stop the persecution of believers of the UOC. Moreover, we urge international community to give legal assessment of the actions of the Constantinople Patriarchate and personally Patriarch Bartholomew, whom we consider responsible human rights violations in Ukraine.

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<sup>6</sup> <https://www.romfea.news/the-schismatic-macedonian-church-cherishes-hopes-for-autocephaly/>; <https://www.romfea.gr/epikairota-xronika/22043-aitima-tis-sxismatikis-ekklisias-ton-skopion-tha-ejetasei-to-oikoumeniko-patriarxeio>; <https://spzh.news/ru/news/53701-sinod-na-fanare-obeshhal-reshity-vopros-nepriznannoj-makedonskoj-cerkvi>