



General Assembly

Distr.: General
22 August 2019

English only

Human Rights Council

Forty-second session

9–27 September 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.

[19 August 2019]

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



On violations of the rights of believers of the Ukrainian Orthodox Church and possibilities of establishing religious peace

Since 2015 seizures of temples of the Ukrainian Orthodox Church, which is in canonical relation with the Moscow Patriarchate, have been ongoing in Ukraine. Only for the period from 2015 to 2017 years in Ukraine, more than 40 churches of the UOC¹ were seized by force; in 2016, bills were submitted to the Ukrainian Parliament that substantially infringe on the rights of believers of this denomination,² from 2018 to 2019, with the direct support of the authorities and as a result of the influence of ex-president of Ukraine Petro Poroshenko, the persecution of believers of the UOC in Ukraine has become widespread and intense.

Despite mass protests of believers of the UOC, ex-president of Ukraine P. Poroshenko, in the period of 2018-2019, widely used the religious factor both in his election campaign and for the political and administrative support of the project called "Local Orthodox Church", a religious denomination created by the decision of Patriarch Bartholomew of Constantinople contrary to the position of the Russian Orthodox Church, the Serbian Orthodox Church, as well as the position of most hierarchs and leaders of other Local Orthodox Churches.

For instance, according to the Communique of the Holy Assembly of Bishops of the Serbian Orthodox Church, Belgrade, May 9-18, 2019.³

«The biggest problem of the Orthodox Church today is the Church schism in Ukraine and the failed attempt by the Patriarchate of Constantinople in resolving the problem "knee jerk", on its own initiative, without a dialogue with the canonical Church in Ukraine and with the Russian Orthodox Church as a whole and without pan-Slavic counseling. In this regard, the Assembly's present position remains: our Church does not recognize the newly established false-church structure in Ukraine, led by the citizens of Denysenko and Dumenko, and is only and exclusively in liturgical and canonical communion with the canonical Ukrainian Orthodox Church, led by His Beatitude Metropolitan Onufry, and with all the other canonical Orthodox Churches».

Similar are the positions of the hierarchs of other Local Orthodox Churches.⁴ According to the Statement of the Holy Synod of the Ukrainian Orthodox Church on the current situation in Ukrainian and World Orthodoxy dated April 3, 2019.⁵

"We state that the idea of overcoming the church schism in Ukraine by the granting of a Tomos of autocephaly to the non-canonical church groups ("UOC-KP" and "UAOC") has turned out to be a grave error. None of the Local Orthodox Churches has recognised this illegal act perpetrated by the Patriarchate of Constantinople and a large part of the Local Churches, notably, the: Antioch, Russian, Serbian, Cypriot, Albanian, Polish, and Orthodox Churches in the Czech lands and Slovakia, in various forms, have already expressed their disagreement with the decisions made by the Constantinople Patriarchate. Local Churches have also confirmed that they do not recognise the newly established "Orthodox Church of Ukraine" ("OCU") and regard the clerical Cheirotomia in this structure as illegitimate and prohibit its own clergy to have any prayerful contacts and liturgical concelebration with its representatives in any form whatsoever".

An indisputable fact is that following the decision of Patriarch of Bartholomew of Constantinople, the number of seizures of worship buildings of the UOC has only

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

² A/HRC/41/NGO/26; <https://news.church.ua/2018/12/20/the-verkhovna-rada-adopts-a-scandalous-draft-bill-regarding-the-renaming-of-religious-organisations/?lang=en>.

³ http://www.spc.rs/eng/communique_holy_assembly_bishops_2.

⁴ <https://spzh.news/en/news/63560-mitropolity-kiprskoj-cerkvi-razyasnili-svoju-poziciju-po-ukraine>.

⁵ <https://news.church.ua/2019/04/03/statement-of-the-holy-synod-of-the-ukrainian-orthodox-church-on-the-current-situation-in-ukrainian-and-world-orthodoxy/?lang=en>.

increased; in fact, during the first two months after the signing of the Tomos by the Patriarch of Constantinople, more than 30 temples were seized from the Ukrainian Orthodox Church a month.⁶ As a result of large-scale violations of the rights of believers, the Holy Synod of the UOC issued several documents that actually hold the state authorities and Patriarch Bartholomew responsible for mass violations of the rights of believers:⁷

- pursuant to the decision of the Holy Synod of the UOC dated December 7, 2018: “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 unification 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.”
- pursuant to the decision of the Holy Synod of the UOC dated April 3, 2019:

«We ask the state authorities not to interfere in church affairs, and thereby not contribute to the incitement of religious hatred through their actions, and to also cancel the requirements of the Law of Ukraine No. 2673-VIII of 17.01.2019 on the compulsory renaming of the Ukrainian Orthodox Church; as being unconstitutional and contrary to the norms of Ukrainian and international law and basic principles of human rights and freedoms. We also appeal to the government not to facilitate forcible seizures of our Church parishes by illegal re-registration. The Lord gives rulers power not for the creation of discord in society, but for the cultivation of peace, tranquillity and harmony among all citizens of the country».⁸

- On behalf of the Holy Synod of the UOC, the head of the UOC Representation to European International Organizations, Bishop Victor (Kotsaba), made an open statement to the international community on the need to protect the faithful of the UOC.⁹

In addition, since 2015 communities and believers of the UOC have been regularly sending complaints to the UNHRC, as well as the UN Special Rapporteur on freedom of religion or belief, as a result of which the UN Special Rapporteurs sent a Communication to the Government of Ukraine.¹⁰

Today, newly elected President of Ukraine V. Zelensky leaves some hope that the infringement of the rights of believers can be stopped and the new political power of Ukraine will be able to find a way to fight for human rights and ensure religious peace. In fact, the Cross Procession took place in Ukraine – a peaceful event in which over 300,000 believers of the Ukrainian Orthodox Church took part.¹¹ This significant event took place peacefully unlike the Cross Procession of 2016, when a lot of state authorities made legal decisions to prevent the peaceful procession from entering their cities, while believers were threatened with burning the buses which were to deliver them to this event. Numerous acts of public discrimination and defamation of participants in the Cross Procession of 2016 made it clear to the whole world that the Ukrainian government does not respect human rights and is not able to defend democratic values in its society. With the election of a new government, the Ukrainian people are hoping for a change for the better by having given a high vote of confidence to the newly elected President of Ukraine, Vladimir Zelensky, and his party.

⁶ <https://vzcz.church.ua/to-human-rights-organisations/newsletter/?lang=en>.

⁷ <https://news.church.ua/2019/04/03/statement-of-the-holy-synod-of-the-ukrainian-orthodox-church-on-the-current-situation-in-ukrainian-and-world-orthodoxy/?lang=en>.

⁸ <https://news.church.ua/2019/04/03/statement-of-the-holy-synod-of-the-ukrainian-orthodox-church-on-the-current-situation-in-ukrainian-and-world-orthodoxy/?lang=en>.

⁹ www.hrp.ngo.

¹⁰ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24107>.

¹¹ <https://spzh.news/en/zashhita-very/64085-velikij-krestnyj-khod-upc-i-khody-raskolnikov-kak-prazdnovali-kreshhenije-rusi>.

On the other hand, the previous actions of the authorities, controlled by the political forces responsible for the mass aggression against the UOC believers, had a significant impact on the behavior patterns of civil servants who got used to covering up crimes against the UOC.

Until now, despite the shift in power as a result of the presidential and parliamentary elections, the seizure of the UOC temples continues, as well as the persecution of human rights defenders protecting the UOC.¹² For example, according to paragraph 6 of the Statement of the Holy Synod of UOC: «Of particular concern is the fact of the criminal prosecution of the cleric, Archpriest Viktor Zemlyanoy, of the Rivne Eparchy of the Ukrainian Orthodox Church. For the first time in Ukraine's independence, a priest who protects the rights of believers and freedom of religion is unreasonably prosecuted and accused of incitement to religious hatred».¹³

Acts of overt and egregious violence toward the UOC believers have not ceased:

- On August 11, 2019, in the village of Galuzintsy of the Derazhnia district, Khmelnytsky region, a group of radicals attacked an Orthodox priest and representatives of the local police while trying to seize the church.¹⁴
- On Sunday, August 11, 2019, representatives of the Orthodox Church, under singing "prayers" of their "priests", illegally entered the Holy Protection Church in the village of Bobly of the Turiisk district, Volyn region, and made a fight directly in the church, reports the UOC Information and Education Department.¹⁵

Confrontations are the case in other population centers.

In the present situation, it is possible to put a stop to religious confrontations and ensure stability in the religious life of Ukraine by carrying out the following actions:

- to conduct a fair investigation of criminal cases opened upon statements of believers of the UOC on the facts of the seizure of their temples and other offenses;
- to ensure the return of the seized property to the UOC communities;
- to stop the politically motivated prosecution of the cleric of the UOC, Viktor Zemlyanoy, against whom a criminal case has been opened for the implementation of legal human rights activities;
- to repeal the discriminatory amendments to the Law "On Freedom of Conscience and Religious Organizations" (Law No. 2662-VIII) on the forced renaming of the UOC communities;
- to ensure state registration of the statutes of 13 eparchies and monasteries of the UOC, which has not been carried out by the state of Ukraine for more than 2 years and caused the Kiev Metropolis of the UOC to appeal to the court;
- to prosecute offenders, including radicals, who commit public seizures of the property of the UOC and open acts of violence against its believers.

We draw the attention of the UN Human Rights Council to the need for the international human rights mechanism to respond to the evidence and insistently affirm that the present situation offers a unique opportunity for peacekeeping.

Given that the UN Special Rapporteur on freedom of religion or belief as well as the UN Human Rights Council received numerous complaints filed by the believers and communities of the UOC in connection with specific offenses, the UNHRC has the right and should initiate discussion of the situation with a view to adopting a resolution on the issue of religious peace in Ukraine.

¹² See our submission: A/HRC/41/NGO/19.

¹³ <https://news.church.ua/2019/04/03/statement-of-the-holy-synod-of-the-ukrainian-orthodox-church-on-the-current-situation-in-ukrainian-and-world-orthodoxy/?lang=en>.

¹⁴ <https://spzh.news/en/news/64265-v-galuzincach-vo-vremya-shturma-khrama-radikaly-izbili-svyashhennika-i-policejskih>.

¹⁵ <https://spzh.news/en/news/64267-v-sele-bobly-predstaviteli-pcu-srezali-zamki-na-khrame-i-izbili-verujushhih>.

Making decisions on this issue as well as the attention of international structures to the present specific situation of Ukraine can become effective tools for real protection of human rights.
