



# General Assembly

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## Human Rights Council

### Fifty-second session

27 February–31 March 2023

Agenda item 10

### 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.

[31 January 2023]

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



## **Violations Of The Rights Of Believers In Ukraine and Parliamentary Rally To Outlaw The Ukrainian Orthodox Church**

Starting from the 37th session of the UNHRC, our human rights organization has been submitting written statements about the dire situation of the Ukrainian Orthodox Church.

Since 2014, this denomination, which includes more than 12,000 communities and unites millions of Orthodox Christians in Ukraine, has been subjected to enormous persecution. Hundreds of temples of this Church were seized by force. In many cases, believers were beaten and suffered severe bodily injuries. Repeatedly, such beatings were committed not only by radical elements, but also by law enforcement officers (see the case study in the village of Katerynivka) [1]. Unfortunately, hundreds of police reports filed by victims' representatives remained without effective investigation (see our human rights report) [1].

Considering the causes of these crimes, acts of discrimination and incitement of hatred, we responsibly declare this is due to the political course of the state authorities of Ukraine, aiming to force the religious organizations of the UOC to change their canonical status in favor of the new religious structure. It consists of breakaway groups (UOC-KP and UAOC), which were granted the Tomos of Autocephaly by Patriarch Bartholomew of Constantinople in 2018 and were called the "Orthodox Church of Ukraine" (the alternative name is "holy church of Ukraine").

In particular, the hostile rhetoric of the authorities towards the UOC is a serious problem. The political accusations [2] of the UOC conducting anti-Ukrainian activities, contained in the statements of civil servants, appeals of deputies of different levels, approved by decisions of local self-government bodies [3], are a clear manifestation of hate speech [4] and incitement of intolerance towards the entire confession of the UOC as a whole at the state level.

Thus, during 2022, contrary to the requirements of Ukrainian legislation, local self-government bodies adopted about 80 decisions aimed at banning the activities of religious organizations of the Ukrainian Orthodox Church. The purpose of such appeals is to transmit a signal to society about the "correct attitude" to the UOC.

The decision of the National Security and Defense Council of December 1, 2022 on the introduction of personal sanctions against the metropolitans and clergy of the UOC should be attributed to the same series of actions by the authorities. Subsequently, some clerics were deprived of citizenship in accordance with the Decree of the President of Ukraine. Among other restrictions, the decision to impose sanctions includes a clause whereby legal entities controlled by sanctioned persons cannot rent state property. In addition, a real race has been launched at the level of the Ukrainian parliament to submit bills aimed at the actual liquidation of the UOC.

For example, according to the report of the Chancellor of the UOC for 2022:

"On December 9, 2022, the Committee for the Humanitarian and Information Policy submitted the following bills to the Verkhovna Rada of Ukraine:

1. No. 7403 dated May 24, 2022 aims to deprive religious organizations of the Ukrainian Orthodox Church of the non-profit status;
2. No. 8012 dated September 8, 2022 proposes to transfer the complexes of buildings of the Holy Dormition Pochaiv Lavra and the Holy Dormition Kyiv-Pechersk Lavra to the "Orthodox Church of Ukraine" for free use;
3. No. 8221 dated November 23, 2022 introduces a monopoly on the use of the word "Orthodox" in the name of any organization, except if such an organization is subordinate to the "OCU" or has received permission from it to use the word "Orthodox" in its name;
4. No. 8262 dated December 5, 2022 legalizes the raiding scheme of religious communities of the Ukrainian Orthodox Church, according to which they are illegally seized today, and creates legislative grounds for the raiding of

dioceses, monasteries, brotherhoods and missions of the Ukrainian Orthodox Church."

After these bills received their fair share of criticism on their inconsistency with international law, a new bill 8371 dated January 19, 2023 was recently submitted to the Parliament of Ukraine, which contains an "improved" formula for recognizing the UOC as a confession allegedly controlled from the Russian Federation.

The authors of the bill now consider it sufficient to recognize such control over the fact of a simple reference to the UOC in the Charter of the Russian Orthodox Church, regardless of the attitude of the UOC itself and without taking into account the fact that the UOC cannot in any way influence the content of the Charter of the ROC and cannot remove the items concerning the UOC from this Charter.

It should be noted that by the decision of its governing bodies of May 27, 2022, the UOC excluded from its documents the mention of the Russian Orthodox Church's rights in relation to the UOC. All provisions having to do with organizational and administrative relations were removed.

In particular, in its decision the UOC established:

"The Council of the Ukrainian Orthodox Church (hereinafter – the Council), held on May 27, 2022 in Kyiv, approved the following [6]:

1. The Council condemns war as a violation of God's commandment 'Thou shalt not kill!' (Exodus 20:13) and expresses heartfelt condolences to all those who have suffered in the conflict.
2. The Council appeals to the authorities of Ukraine and the authorities of the Russian Federation to continue the negotiation process and to search for a strong and sensible dialogue that could stop the bloodshed.
3. We disagree with the position of His Holiness Patriarch Kirill of Moscow and All Rus on the war in Ukraine.
4. The Council adopted appropriate amendments to the Statute with regard to the Administration of the Ukrainian Orthodox Church (UOC), all of which testify to the full independence and autonomy of the Ukrainian Orthodox Church."

It's noteworthy that in previous years, we observed an international response to the facts of violations of the rights of UOC believers:

1. On October 30, 2018, the UN Special Rapporteur on Freedom of Religion or Belief and three other UN Special Rapporteurs signed a communication statement to the Government of Ukraine regarding violations of the rights of UOC believers.
2. On November 22, 2019, the UN Human Rights Committee obliged Ukraine not to evict UOC believers from the church building in the Ivano-Frankivsk region.
3. During the 23rd session, the UN Committee on Enforced Disappearances (CED) drew attention to the facts of the disappearance of UOC clerics.
4. According to the Report of the UN High Commissioner for Human Rights on the human rights situation in Ukraine for the period from February 1 to July 31, 2022 [4]:

"124. During the reporting period, local authorities in at least seven territorial communities in Kyiv, Sumy and Lviv regions temporarily suspended the activities of the Ukrainian Orthodox Church (often unofficially referred to as the Ukrainian Orthodox Church of Moscow Patriarchate) for the duration of martial law. Local authorities, for instance the City Council of the Brovary District in Kyiv region, also prohibited meetings, rallies, marches, as well as other mass events of the Ukrainian Orthodox Church for the duration of martial law, without providing a clear justification for the prohibition.

125. This suspension raises concerns as to its compliance with international human rights standards. Authorities did not explain the basis on which such measures were introduced, or how they were deemed necessary and proportional to protect public safety, order, health, morals or the fundamental rights and freedoms of others, as required by article 18(3) of the International Covenant on Civil and Political Rights. Furthermore, as activities of other regional communities and organizations have not been suspended, this unfavourable treatment of the Ukrainian Orthodox Church may amount to a discriminatory measure on the ground of religion or affiliation with a particular religious group.”

5. We also want to refer to the statement of Assistant Secretary-General for Human Rights Ilze Brands Kehris at the meeting of the UN Security Council on January 17, 2023, in which she noted:

“In November and December, the Security Service of Ukraine conducted searches in premises and places of worship of the Ukrainian Orthodox Church... We urge the Ukrainian authorities to ensure that any such searches in premises and places of worship are in full compliance with international law, that fair trial rights are given to those facing criminal charges and that any criminal sanctions are compatible with the rights of freedom of opinion, expression and religion. We are concerned that two draft laws recently tabled in the Parliament – Draft law no. 8221 and Draft law no. 8262 – could undermine the right to freedom of religion or belief.”

In connection with the foregoing, we urge the UNHRC, delegations of the UN member states, representatives of international organizations to take immediate measures to protect the believers of the Ukrainian Orthodox Church from ongoing violations of their rights and prevent the formation of a legal field in Ukraine that does not meet international human rights standards.

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[1][www.protiktor.com//eng/unhrc52session/](http://www.protiktor.com//eng/unhrc52session/)

[2][https://news.church.ua/2021/05/31/statement-representation-uoc-european-international-organizations-certain-issues-related-situation-ukrainian-orthodox-church-context-international-law-osce/?lang=en#\\_ftn11](https://news.church.ua/2021/05/31/statement-representation-uoc-european-international-organizations-certain-issues-related-situation-ukrainian-orthodox-church-context-international-law-osce/?lang=en#_ftn11)

[3][https://news.church.ua/2021/05/31/statement-representation-uoc-european-international-organizations-certain-issues-related-situation-ukrainian-orthodox-church-context-international-law-osce/?lang=en#\\_ftn12](https://news.church.ua/2021/05/31/statement-representation-uoc-european-international-organizations-certain-issues-related-situation-ukrainian-orthodox-church-context-international-law-osce/?lang=en#_ftn12)

[4][https://news.church.ua/2021/05/31/statement-representation-uoc-european-international-organizations-certain-issues-related-situation-ukrainian-orthodox-church-context-international-law-osce/?lang=en#\\_ftn13](https://news.church.ua/2021/05/31/statement-representation-uoc-european-international-organizations-certain-issues-related-situation-ukrainian-orthodox-church-context-international-law-osce/?lang=en#_ftn13)

[5]A/HRC/51/CRP.1

[6]<https://news.church.ua/2022/05/28/resolutions-council-ukrainian-orthodox-church-may-27-2022/?lang=en>