



# 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

## **Joint written statement\* submitted by Public Organization "Public Advocacy", VšĮ "Žmogaus teisių apsauga", non- governmental organizations 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 2023]

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



## **Criminal Cases against the Episcopate of the Ukrainian Orthodox Church, State Decisions on Outlawing the Church and Mass Withdrawal of Land Plots**

In our deep conviction, the international community, which genuinely upholds human rights, needs urgently express concern over the policies pursued by Ukraine towards the Ukrainian Orthodox Church.

In our opinion, particular attention should be paid to the following situations:

### **1. Negative Political Attitude towards the UOC on the Part of State Authorities in Ukraine.**

Since 2015, representatives of the Ukrainian Orthodox Church have been reporting violations of their rights, including at the international level. According to our observations, confirmed, among other things, by the conclusions of international organizations, seizures of churches, violence against UOC believers, unlawful conversions (re-registration) of legal entities of the UOC into other confessions, discriminatory bills, decisions to terminate rights to land plots, prohibitions on registration actions of believers of the UOC stem from a consistent discriminatory policy implemented by both state and non-state actors on the territory of Ukraine.

The incessant information campaign in the media to incite hatred towards the UOC alongside the dissemination in the media of narratives about the “affiliation of the UOC to Moscow” led to the entrenched negative policy towards believers of this denomination at various government levels and among the population.

Such incitement of hostility resulted in the adoption of numerous decisions by state authorities to “ban the UOC” and “terminate land use rights”, even though religious buildings have already been built on these lands in many cases.

Such decisions were worded as appeals to the President of Ukraine and the parliament to “ban the UOC” as a denomination throughout Ukraine, purportedly due to its alleged “pro-Moscow activities and support for the Russian Federation”, as well as its “association with the Russian Orthodox Church”.

Considering the situation at hand, the OHCHR in its periodic report (A/HRC/51/CRP.1) noted:

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.

We draw your attention to the fact that following the publication of the quoted OHCHR’s report, the situation has significantly worsened. State authorities, including at the level of regional councils and city mayor’s offices, not only continued to make decisions “to ban the UOC” but also began to make decisions to terminate the land use rights of specific UOC

communities for land plots previously allocated to them in accordance with the legislation of Ukraine for the construction of churches.

On the one hand, the decisions “to ban the UOC” are definitely populist in nature, as confirmed by the mayors of the cities[1] themselves who made such decisions. Certainly, these decisions have no legal force, since they are typically formulated as appeals to the parliament and the President and do not have legal consequences. However, they do have political, informational, and psychological implications, since they foster a politically hostile trend in society towards the UOC and send a real signal that temples and land plots can be taken away from UOC believers, and their rights can be violated with impunity through other means.

Currently, the situation continues to unfold in the worst scenario. Unlike the decisions “to ban the UOC”, the decisions of state bodies to terminate the rights of specific legal entities of the UOC to their owned land plots are nothing but a property confiscation, carried out in a flagrant open manner with clear discriminatory motives and in violation of the law.

Thus, the decisions to “ban the UOC” and deprive specific legal entities of this denomination of land use rights were adopted by various state bodies:

- Kyiv Regional Council – June 9, 2023;
- Zhytomyr Regional Council – April 27, 2023 (concurrently with the cancellation of the 2017 decision to allocate a land plot for the UOC Monastery of the Athonite Icon of the Mother of God);
- Sumy City Council – April 26, 2023;
- Brovary City Council, which on April 27, 2023 deprived the UOC of the right to use 4 land plots, on which 5 temples of the UOC are located;
- Khmelnytsky City Council, by a decision of April 4, 2023, decided to terminate the land use rights of 12 religious organizations of the UOC, including those that already owned property on these land plots.

Similar decisions were made in Chernivtsi, Volyn, Rivne, Khmelnytsky, Zakarpattia, Vinnytsia, Ternopil, and Cherkasy regions.

By informing the public about these decisions, mayors and other politicians are effectively conducting an aggressive information campaign against the UOC, disregarding whatever legal arguments that there are no legitimate grounds for depriving land use rights or for “banning the activities” of a legal entity lawfully registered in Ukraine as a religious organization.

As an illustration of such a media campaign against the UOC, consider a post on the Facebook page of a state authority – the Kamyanets-Podilskyi City Council: “NO TO THE ENEMY CHURCH”:

“Deputies of the Kamyanets-Podilskyi City Council have unanimously adopted three appeals regarding:

- **BAN** on the Moscow Patriarchate across Ukraine;
- **WITHDRAWAL** of the Kamyanets-Podilskyi Eparchy of the UOC-MP from the jurisdiction of the Russian Orthodox Church;
- **RUPTURE OF THE CONTRACTS** for the lease or use by the UOC (MP) of state-owned church buildings.

We also voted ‘for’ 19 projects on the **TERMINATION** of land use by the Moscow church and one – on the **CANCELLATION** of the lease.

Mayor Mykhailo Positko”[2]

Thus, the ongoing seizure of UOC churches, unlawful transfers of UOC communities to other religious denominations, as well as acts of violence against believers of this denomination are a result of an exaggerated information campaign that casts a segment of Ukrainian citizens as an “internal enemy” within a belligerent country. This campaign aims to pressure the

episcopate and believers of the UOC to change their religious affiliation and join the “Orthodox Church of Ukraine”, created by the Ecumenical Patriarchate with the support of former Ukrainian President Petro Poroshenko

## **2. Draft Laws Discriminating against the UOC and Criminal Proceedings against the Episcopate and Clergy of the UOC.**

A continuation of the process described above are the ongoing attempts to pass bills aimed at a complete ban on the Ukrainian Orthodox Church. More detailed information about these bills was presented in our previous statements at the UN HRC sessions: A/HRC/52/NGO/44, A/HRC/52/NGO/157.

Equally significant points of tension are the criminal cases initiated against the episcopate, clergy, and believers of the UOC.

For example, according to the official commentary of the Security Service of Ukraine (SBU), “based on the SBU’s materials, 65 criminal proceedings are being investigated against clergymen, in particular, against bishops of the UOC (MP). So far, the court has already handed down 15 guilty verdicts.”

On August 7, 2023, the Vinnytsia City Court issued a verdict against Metropolitan Jonathan of the UOC, sentencing him to 5 years of imprisonment with property confiscation[3].

Metropolitan Pavel (Lebed), the abbot of the Kyiv-Pechersk Lavra, has been recently released on bail from prison. His case will soon be returned to court for a new verdict [4].

An analysis of the materials available from open sources leads to the conclusion that the main charges against these bishops are based on their statements, including those obtained through the interception of their private telephone conversations by security agencies.

In our view, there is a high risk of courts rendering unjust decisions in such cases, driven by a political agenda to persecute the UOC and its leaders, staging “show” trials to intimidate other believers and coerce them into renouncing their religious beliefs.

Due to these concerns, we call on international organizations, the UN OHCHR, UN special mandate holders, and the UN HRC to monitor these criminal proceedings and the verdicts issued in these cases[5].

We request the UNHRC and special mandate holders to use this statement as a formal complaint within the framework of UN Special Procedures and to respond to it by initiating the appropriate legal procedures.

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[1] <https://news.church.ua/2022/07/02/meri-rozumiyut-shho-rishennya-pro-zaboronu-upc-ce-lishe-politichnij-populizm/#2023-08-12>

[2] <https://www.facebook.com/kpmrada/posts/pfbid0vY5fAt12iVgt2tDy26Gps9S39QcKJXhB6AcSejwE4zBZKDvLM8Mf79nbn2HC8KiEl>

[3] <https://spzh.news/en/news/75327-legal-department-of-uoc-the-verdict-to-metropolitan-jonathan-is-unlawful>

[4] <https://ssu.gov.ua/novyny/komentar-pressluzhby-sbu-shchodo-zapobizhnoho-zakhodu-mytopolytu-pavlu-lebidu>

[5] <https://www.unian.ua/society/prapori-rosiyski-skriz-lyudi-dovolni-sbu-oprilyudnila-rozmovi-mitropolita-pavla-video-12201246.html>