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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.

[12 February 2024]

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



Regarding the Communication Statement of the United Nations Special Rapporteurs on Violations of the Rights of Believers of the Ukrainian Orthodox Church

In this statement our organisation expresses its deep gratitude to the UN Special Rapporteur on freedom of religion or belief, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, UN Special Rapporteur on minority issues for their attention to the problem of violations of the rights of believers of the UOC.

In particular, the UN Special Rapporteurs sent a communication statement to Ukraine dated 08 November 2023 under the number AL UKR 1/2023 (1), in which they noted:

«We would like to bring to the attention of your Excellency's Government information we have received concerning limitations to the right to freedom of conscience, religion or belief in Ukraine, including discriminatory measures imposed on the believers and the monastic community of the Ukrainian Orthodox Church (UOC) and prosecution of persons who refuse to perform the compulsory military service based on their conscientious objection to military service.

According to the Information Received:

The Kyiv-Perchersk Lavra is an ensemble of monastic buildings founded in the mid-11th century. It is considered a shrine of Orthodox Christianity and is one of the largest orthodox monasteries in the world, drawing in over thousands of believers regularly. Over time, the monastery, a UNESCO World Heritage site, has become a prominent spiritual and cultural centre. It is considered a religious, educational and administrative centre forming a core element of Ukraine's spiritual heritage. Presently, it provided housing for over 200 UOC monks who perform their ministry on its territory. Until 11 September 2023, it was also used for seminary study of nearly 300 students, and functioned as the administrative centre of the UOC.

On 10 March 2023, the Ministry of Culture and Information Policy (MCIP) announced that the National Preserve "Kyiv-Perchersk Lavra" had informed the UOC monastic community residing in Kyiv-Perchersk Lavra, of the decision to unilaterally terminate Agreement No. 2 dated 19 July 2013. This agreement formalised and allowed the UOC to use part of the premises for free as a monastery. According to the MCIP, the decision to terminate the agreement was taken based on the conclusions of an Interdepartmental Working Group on the Preparation of Proposals and Recommendations for the Organization of the Implementation of Individual Tasks Related to the Activities of Religious Organizations in Ukraine (formed on the basis of Resolution No. 1416 of the Cabinet of Ministers of Ukraine dated 23 December 2022). This Working Group noted several violations by the UOC monastic community and believers of the terms of the Agreement regarding the use of state property.

Accordingly, the monastery was expected to take measures to release buildings and related state property which are on the balance sheet of the Preserve by 29 March 2023. Following the Government's decision to terminate the said Agreement, the UOC clergy supported by their believers, publicly announced their intention to continue occupying the premises despite the termination of the agreement.

Thereafter, on 26 March 2023, the UOC initiated its legal case against MCIP's decision to terminate the said rental agreement.

Shortly following the decision to terminate the agreement, on 11 March 2023, the Minister of Culture and Information Policy via a televised interview had stated that "[n]o one is saying that the life of monks in the Lavra will end after the completion of the revision. But it is an occasion for the monks to decide how they can stay in the Lavra." The Minister thereafter mentions that he spoke with the priests who have transferred from the UOC to the Orthodox Church of Ukraine (OCU). The OCU was established in 2019 when the Ecumenical Patriarch granted autocephaly to Ukraine.

On 30 March 2023, the Cabinet of Ministers voided their decision of July 2013 which approved the transfer of Kyiv-Pechersk Lavra buildings into UOC possession. Following this cabinet decision, the Inventory Commission of the MCIP and National Preserve attempted to enter one of the temples at the Lavra. Their access was obstructed by UOC believers. On 31 March 2023, the Commission attempted to enter the temple for a second time but were rendered unsuccessful as they were blocked by praying UOC believers. Thereafter, the National Preserve Lavra submitted a complaint to court against UOC for lack of access to state-owned buildings.

On 1 April 2023, one of main hierarchs of the UOC received a notice of suspicion from the Security Service of Ukraine (SBU) under articles 161 and 436-2 – dealing with inciting inter-religious hatred and justifying Russian aggression and his residence was searched. In another case, on 7 August 2023, a prominent religious leader was sentenced to five years of imprisonment and seizure of property for committing multiple conflict related crimes (under articles 109, 110, 161 and 436-2). He is currently being held under house arrest whilst the verdict is being challenged on appeal.

More recently, on 9 August 2023, the Commercial Court of Kyiv ruled that the decision to terminate the 2013 Agreement which formalised and allowed the UOC to use part of the premises for free as a monastery was legitimate. The court further noted that the Kyiv-Perchersk Lavra is a state-owned religious building. Following this decision, on 10 August 2023, state authorities overseeing the Kyiv-Perchersk Lavra stated that the court also ordered that the transfer of cultural heritage objects and relics from the monastery should be completed by the UOC by the end of the year.

These limiting measures and consequent incidents of hate speech and incitement to violence targeting believers and the monastic community of the UOC have materialized amidst assertions, including by Ukrainian authorities, that the UOC did not declare themselves a canonically independent church in their relations with other orthodox communities, most notably, with the Russian Orthodox Church (ROC). The ROC continues to consider UOC as an autonomous church formally belonging to their structure, while the UOC has declared the opposite since 25 February 2022 and formally changed their statutory documents excluding all references to ROC and its leader since May 2022. Further on 12 May 2022, a statement issued by the Holy Synod of the UOC condemned the military aggression of the Russian Federation against Ukraine.

In the aftermath of the developments relating to the Kyiv-Perchersk Lavra, a notable increase in incidents of hate speech and calls to violence against believers of the UOC were recorded from several areas, mainly within the Western regions of Ukraine. For instance, on 28 March 2023, unidentified individuals forcefully broke into the remaining UOC church in Ivano-Frankivsk. This attack involved spraying teargas and forcible removal of believers and clergy from the building. Between 1 February and 31 July 2023, a dozen cases of physical violence and several cases of threats of violence resulting from conflicts between parishioners of different Orthodox Christian communities were documented. On 4 April 2023, Khmelnytskyi city council ruled to terminate all agreements of municipal land possession by UOC. Later that day, Khmelnytskyi region council ruled a similar decision, banning UOC in the entire region. Several city and regional councils also banned “activities of the UOC” in their respective areas.

Other restrictive measures against those connected to the UOC From November 2022, the SBU conducted searches in several monasteries, offices, education facilities and other premises of the UOC in Kyiv, Rivne, Zhytomyr, Ivano-Frankivsk, Chernivtsi, Dnipropetrovsk, Khmelnytskyi, Cherkasy, Volyn, Kherson, Ternopil, Poltava and Zakarpattia regions. In December 2022, the National Security and Defense Council of Ukraine applied personal sanctions against seven members of the UOC leadership. These sanctions included the blocking of personal accounts, withdrawal of licences and permits, bans on renting or acquiring state-owned property, and seizure of awards and acknowledgments issued by the state....

We wish to express our concern about an alleged pattern of harassment against the UOC and its believers, which appears to be related to the legitimate and peaceful exercise of their rights to freedom of religion or belief, to freedom of expression and to freedom of association enshrined in articles 18, 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR) ratified by Ukraine in 1973. In particular, we are concerned about this pattern of intimidation depicted by the abovementioned allegations targeting the UOC monastic community and believers to change their religious affiliation.

This runs counter to the prohibition of coercion enshrined in article 18 of the ICCPR. We are also concerned about the resultant backlash (due to the calls to violence and administrative sanctions imposed on the UOC in general) that may be faced by UOC believers which effectively restrict their right to manifest their religion.“

We inform the participants of this meeting that Ukraine in its reply of 22 January 2024 (2) denies the facts of violations of the rights of the UOC believers. We invite all interested persons to read the refutation of Ukraine's response, which was prepared directly by the UOC believers and published at the link (3)

Ukrainian Orthodox Church, NGO(s) without consultative status, also share the views expressed in this statement.

(1)<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28562>

(2)<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=38094>