



General Assembly

Distr.: General
7 March 2024

English only

Human Rights Council

Fifty-fifth session

26 February–5 April 2024

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.

[26 January 2024]

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



Violations of the Rights of Believers of the Ukrainian Orthodox Church

On December 19, 2023, non-governmental organizations with consultative status at the UN ECOSOC, such as Public Organization "Public Advocacy", VSI Zmogaus Teisiu Apsauga, , as well as religious leaders, including:

Metropolitan Theodosius Snigiriev, human rights defender, ruling bishop of the Cherkasy and Kaniv diocese (Ukrainian Orthodox Church);

Metropolitan Jonathan Yeletskiy, leading bishop of the Diocese of Toulshin and Bratslav (Ukrainian Orthodox Church);

Metropolitan Timotheos (Margaritis) of Bostra, Exarch of the Holy Sepulcher in Cyprus (Orthodox Church of Jerusalem);

Archbishop Theodosius (Hanna) of Sebastia (Orthodox Church of Jerusalem);

Metropolitan of Berlin and Germany, Mark Arndt (first vice-president of the ROCOR Synod of Bishops);

Metropolitan of Lovech, Gabriel Dinev (Bulgarian Orthodox Church);

Archpriest Dmitriy Sidor, human rights defender, rector of the Exaltation of the Cross Cathedral of Uzhgorod (Ukrainian Orthodox Church),

-announced the establishment of a human rights alliance called "Church Against Xenophobia and Discrimination". This new human rights alliance was a response to the violations of the rights of the believers of the Ukrainian Orthodox Church (UOC) in Ukraine (1).

Religious leaders and human rights advocates have called on Ukrainian authorities and President Zelensky to cease the violations of UOC believers' rights. They have also appealed to UN special rapporteurs, the UN High Commissioner for Human Rights, and the UN Human Rights Council with statements detailing the facts of the violations against this religious denomination.

It is noteworthy that UN representatives have repeatedly drawn attention to the critical situation and rights violations against the UOC, including:

- On March 24, 2023, the Office of the UN High Commissioner for Human Rights published (2) a report on religious freedom in Ukraine covering the period from August 1, 2022, to January 31, 2023. The report highlighted legislative initiatives, such as bills No. 8221, No. 8262, and No. 8371 (the so-called "UOC prohibition bills"), and expressed concern about the application of so-called "security measures" by the Security Service of Ukraine (SBU) against the UOC. The report stated that the SBU conducted searches (some labeled as "security measures") in several UOC monasteries, offices, educational institutions, and other properties of the UOC in Kyiv, Rivne, Zhytomyr, Ivano-Frankivsk, Chernivtsi, Dnipropetrovsk, Khmelnytsky, Cherkasy, Volyn, Kherson, Ternopil, Poltava and Zakarpattia regions," the report says. It is noted that some clergy members of the UOC were subjected to polygraph examinations, and at least three charges were brought against them, including "violations of the equality of citizens based on nationality, religion, encroachment on territorial integrity, and inviolability of Ukraine." According to the conclusions, OHCHR is concerned that the actions of the state towards the UOC may have a discriminatory nature. "OHCHR also emphasizes the need to ensure that all individuals facing criminal charges have access to the full range of rights to a fair judicial review," as stated in the document.

- In the report "Update on the Human Rights Situation in Ukraine" for the period February 1 to April 30, 2023, the UN High Commissioner for Human Rights documented a surge in "hate speech" and violence against the Ukrainian Orthodox Church. It mentioned, in particular, "During the month of April 2023, the city and regional councils in Khmelnytskyi, Rivne, and Volyn banned the 'activities of the UOC' in their respective areas, after the regional councils in Lviv, Zhytomyr, Vinnytsia and Ternopil had done the same, even though such bans were beyond their authority. Many local councils also sought to terminate municipal property rental agreements with the UOC." In addition, the UN listed other "measures against the Ukrainian Orthodox Church": searches in religious buildings and other facilities of the UOC, notifications of suspicion to clergy and house arrest of some of them, the situation with the eviction of monks from the Kyiv-Pechersk Lavra. The HRMMU expressed concern that "the cumulative impact of the Government action targeting the UOC could be discriminatory."
- On November 17, 2023, Assistant Secretary-General for Human Rights of the UN High Commissioner's Office Ilze Brands Kehris expressed critical remarks regarding the first reading of the draft law 8371 by the Verkhovna Rada of Ukraine.

However, the above-mentioned response, in our view, remains insufficient.

In particular, the following issues raise particular concerns:

1. In 2023, criminal cases were initiated in Ukraine against the hierarchs of the UOC – Metropolitan Feodosiy (Snigirev) of Cherkasy and Kaniv, Metropolitan Ionafan (Yeletskikh) of Tulchyn and Bratslav, Abbot of the Kyiv-Pechersk Lavra, Pavlo (Lebed), and Metropolitan Longin (Zhar) of Bancheny.

Restrictive measures, such as detention and house arrest, have already been applied to these religious leaders, while Metropolitan Ionafan of Tulchyn and Bratslav has been sentenced to a severe penalty – imprisonment for 5 years by the court of first instance (the appellate court is to review the sentence on December 26, 2023).

After conducting a legal analysis of the charges brought against these religious leaders and reviewing the materials of their criminal cases, we have concluded that these criminal proceedings and accusations are unfounded and indicate organized discrimination against the UOC. Essentially, the listed criminal cases amount to persecution for freedom of speech, the protection of UOC believers, and the expression of religious beliefs based on church canons and doctrine.

It is worth noting that the aforementioned cases against UOC metropolitans were opened on charges of allegedly spreading hostile rhetoric (Article 161 of the Criminal Code of Ukraine). At the same time, state authorities never held accountable those individuals who publicly called for the seizure of UOC temples and the commission of other acts of violence against the followers of this denomination. We are aware of hundreds of statements by UOC believers seeking recourse from crimes committed against them, which were left unattended by law enforcement agencies.

This serves as clear evidence of double standards in justice and confirms the existence of a political agenda to deprive UOC believers of their rights, effectively turning it into a persecuted denomination in Ukraine.

2. The Parliament of Ukraine has passed draft law No. 8371 in the first reading, which envisages a complete ban and de jure liquidation of all legal entities affiliated with the Ukrainian Orthodox Church. This law unprecedentedly violates norms of international law and appears as open discrimination against millions of UOC believers based on religious grounds. If this law is adopted, UOC worshipers will be permanently deprived of their temples, land plots, prayer facilities, as well as the ability to practice their faith in the communities they have established.
3. Mass acts of violence against the UOC persist in Ukraine: forcible seizure of temples, coupled with the inaction and occasionally direct involvement of the police; beating up of believers; authorities deciding to expropriate land from UOC religious organizations; and the government initiating legal actions to reclaim temples previously transferred to the UOC through restitution.

4. On January-February, 2024, the next hearing of the appellate court will take place regarding the criminal case of Metropolitan Ionafan (Yeletskikh) of Tulchyn and Bratslav, who was sentenced to 5 years of imprisonment by the court of first instance. Despite the attention given to this case by the UN mission in Ukraine, there is a high risk of a politically motivated verdict, biased and unfair, in the case. If this occurs, in our opinion, the Ukrainian authorities will demonstrate a complete failure and inability to fulfill their international human rights obligations in their territory.
5. The criminal case against Metropolitan Theodosius (Snigirev) of Cherkasy and Kaniv for alleged hate mongering towards representatives of another denomination is pending. It is essential to consider that on October 9, 2023, Metropolitan Theodosius addressed the UN Human Rights Council during the consideration of the report of the UN High Commissioner for Human Rights on Ukraine (3). As the ruling bishop of the Cherkasy and Kaniv Eparchy of the UOC, he reported on mass seizures of temples in his eparchy and other human rights violations. Currently, the Ukrainian authorities insistently demand a change in his pretrial restriction from house arrest to detention, which, in our view, constitutes persecution of the UN human rights defender for his legitimate international activities in the field of human rights.

By disseminating this statement, we hope for a compassionate response from representatives of the international community, which continues to play a crucial role in terms of influencing the Ukrainian authorities and can provide practical assistance in defending human rights and reducing injustice and arbitrariness worldwide.

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

(1) <https://pressclub.ch/communique/plea-to-free-press-representatives-of-the-un-human-rights-organizations-and-religious-leaders-express-concern-over-mass-violations-of-the-rights-of-the-believers-of-the-ukrainian-orthodox-church/?lang=en>

(2) <https://www.ohchr.org/sites/default/files/documents/countries/ukraine/2023/23-03-24-Ukraine-35th-periodic-report-ENG.pdf>

(3) <https://www.protiktor.com/ua/un-hrc-ukraine/>

Link for evidences and additional resources: www.protiktor.com/uoccases