

**To OSCE  
OSCE Member-States  
ODIHR  
State of Ukraine  
International Organizations**

**Statement**

**By Head of the Representation of the Ukrainian Orthodox Church to European  
International Organizations, Bishop Victor (Kotsaba), at the OSCE Human Dimension  
Meeting on 11-22.09.2017 in Warsaw.**

*Esteemed Participants of the Meeting!*

The Ukrainian Orthodox Church, being in canonical unity with the Ecumenical Family of Orthodox Churches, is the largest Orthodox religious denomination in Ukraine – it comprises more than 12 000 religious organizations throughout the country.

Since 2015, representatives of our Church have been compelled to regularly announce at OSCE conferences and meetings, dedicated to religious freedoms and human rights protection, about a critical situation due to violations of the rights and freedoms of believers of our confession in Ukraine. For the last three years the situation has not changed for the better, and we cannot affirm that the Ukrainian state bodies ensure equality, non-discrimination and the rule of law with respect to the Ukrainian Orthodox Church. Unfortunately, our hopes that appeals to the national judicial and law enforcement system can provide real protection for our believers have grown into an illusion.

Despite the fact that offenses against the UOC faithful are in some cases overt and flagrant in nature – even in the most resonant cases, the national law enforcement system failed to ensure protection and restoration of the violated rights of victims – members of our confession. For instance, since 2015, in spite of the opened criminal cases, employees of the Ministry of Internal Affairs, responsible for mass and groundless beatings with batons and the use of special means against believers of the religious community of the UOC in Katerinovka village, have not been brought to justice yet. Among their victims are women, youth and the elderly, who received severe injuries. Besides, since 2015, and up to the present moment, the divine services have not been renewed in the temple belonging to the UOC by the right of ownership in Ptichya village of Rovno region. For all five court decisions in this case, confirming the rights of the community to the building of the temple – it was arrested under the criminal proceedings, as if this building is a tool of committing a crime. We believe, and this is confirmed by the information we've got in this case, that the arrest of the temple under criminal proceedings was initiated by the police in order to deprive the UOC of the opportunity to hold divine services in the building and to enable the offenders to carry out further illegal attempts to transfer the temple to supporters of the Kyiv Patriarchate. In a similar situation there are about 40 worship buildings of the UOC, illegally taken away from our religious organizations. By church raiding we mean forcible seizure of these buildings against the wishes of parishioners – members of the UOC communities.

It should be noted that mass raiding is fueled by hate speech and hostile rhetoric in the media, including from high-ranking public officials, which gives the society signals about the impunity of offenses against the UOC. It seems that pressure on the UOC communities and believers makes a part of the state political trend. Aggressive behavior is not curbed and becomes

common; for instance, there are cases when teachers called children "separatists" only because they are parishioners of the Ukrainian Orthodox Church.

It is obvious that such an attitude to the religious organizations and believers of the UOC influences decision-making by local self-governments and state bodies, which begin to fear internal corporate responsibility and punishment for making decisions in favor of the UOC. A case in point – the Ternopol Regional Council starting from 2009 and till the present moment has been refusing the Pochaev Holy Dormition Lavra in issuance of the permit to procure construction materials necessary for the restoration of religious buildings. Judicial decisions were made in favor of the Lavra, an enforcement proceeding has been opened, yet the necessary documents have not been issued. In 2017, at a meeting of the Pochaev City Council, deputy of Ternopol Regional Council V. Gabor arranged a brawl and tore up the minutes of the meeting of this state body in order to prevent the allocation of land to the monastery. The Pochaev City Council appealed to the police with a relevant statement and a criminal proceeding was started.

In addition to mass seizures of churches, arson, and threats toward believers of our denomination, bills Nos. 4128, 4511, 5309 have been submitted to the Parliament of Ukraine, which received a negative assessment by the international community, representatives of the Orthodox Churches, and were recommended for rejection by the Scientific and Expert Department of the Verkhovna Rada of Ukraine as inconsistent with the legislation of Ukraine and the norms of international law. Actually, in accordance with these draft laws, some politicians want to grant a special status to our confession, oblige it to change the name and sign special agreements with state bodies. The appointment of priests is also supposed to be coordinated with the relevant state structures. At the same time, this obligation is not established for other religions. It also suggests that the right to vote at meetings by members of our communities should be transferred to all residents of the village in which the community is registered. Such legislative norms are aimed at stepping up illegal seizures of our temples and increasing pressure on our faith. Despite the fact that on May 18, 2017, a many-thousand prayerful standing of believers against the adoption of these laws was held in Kiev near the walls of the Parliament, and the concern about the possibility of adopting these acts was raised at the World Council of Churches, by a number of Autocephalous Orthodox Churches (Russian, Polish, Serbian, Alexandrian, Bulgarian, Czech lands and Slovakia), other representatives of the family of World Orthodoxy, the State Secretariat of the Vatican – these bills are nevertheless submitted to the Ukrainian Parliament again. The evident unlawfulness of one of the bills (No. 4511) was recognized even by the President of Ukraine, who stated in his annual address to the Verkhovna Rada of Ukraine on September 7, 2017, that he would not sign a bill that foresees the approval of bishops and priests by state bodies. However, the remaining bills were not assessed by the President of Ukraine as unacceptable.

Against a backdrop of the preparation for the adoption of these bills, the position of the Ministry of Culture of Ukraine, which for more than two years has not registered changes in the statutes of religious centers – dioceses, monasteries of our Church, – appears as a coordinated state policy. In view of the non-registration of the statutes of our monasteries and dioceses, the Holy Synod of the UOC adopted a separate decision, and in 2016 the Kiev Metropolitanate of the Ukrainian Orthodox Church appealed to the court to recognize the actions of the Ministry of Culture of Ukraine as illegitimate. However, in violation of all reasonable terms of judicial proceedings, the court's decision has not yet been transferred to our disposal.

Particular attention should be paid to the creation of Local Orthodox Church in Ukraine. Obviously, the examination of this issue refers to the sphere of internal religious discretion and the freedom of faith of Orthodox believers. Consequently, it is unacceptable for the state to intervene in this sphere, let alone initiate or artificially accelerate these processes. The canonical

recognition is of exceptional value for the faithful of Ukraine; therefore, politicization of the issue of establishing the Local Church in Ukraine is out of place. In this regard, the adoption by the Verkhovna Rada of Ukraine of addresses to the Patriarch of Constantinople and meetings of state politicians on the creation of Local Church seems to us an unreasonable interference of the state in the internal affairs of Orthodox believers and the canonical foundations of the Orthodox Church.

Representatives of the Ukrainian Orthodox Church continually inform the OSCE about the current situation. Violations of the rights of the UOC believers has become such an obvious fact that the mission staff has kept monitoring conflicts since 2015, meeting with representatives of our communities and authorities, as well as members of the organizations engaged in raiding. This problem is evidenced by the Report on the situation of the UOC in Ukraine of the Office of the United Nations High Commissioner for Human Rights (p.119-120)<sup>1</sup>, the US State Department on Religious Freedom in the World for 2015<sup>2</sup>, as well as Ukrainian human rights organizations<sup>3</sup>.

These days, attempts are carried on to take away the temple from the believers in Kolomyia, Ivano-Frankovsk region. In this conflict, the priests of the Ukrainian Greek Catholic Church, with the support of the "Black Hundred" soldiers, undertook to grab the Annunciation Cathedral, which is in the legal use of the religious community of the Ukrainian Orthodox Church. Afterwards the temple was illegally closed and sealed, and hostile rhetoric was unleashed against the believers of the UOC religious community because of their religious affiliation. The state authorities, instead of bringing the offenders to justice, initiated an inspection on the observance by the community of legislation and organized public hearings, which put pressure on the believers.

On September 7, 2017, in Nikolaev, on the construction site near the recreation center "Korabelny" – the offenders, in the presence of police officers, destroyed the foundation of the church under construction and beat believers in order to impede the exercise of their legal rights. A few weeks before these events, wooden components of the future church had been burnt. Despite the fact that these events lasted for a long time, the police failed to prevent crimes. The incitement of religious intolerance, as well as further disregard for violations of the right to freedom of faith and religious activity of the Ukrainian Orthodox Church, in the absence of proper investigation and public condemnation of infringements of the believers' rights in our Church, will inevitably lead to the weakening of the rule of law and legal order in Ukraine.

We draw the attention of representatives of the OSCE, the state of Ukraine, diplomatic representatives of the states participating in this meeting, that international law and the positions of authoritative international organizations confirm the inadmissibility of such behavior on the part of state bodies. Thus, the Report of the Special Rapporteur on Freedom of Religion or Belief of the United Nations for 2014 states: "Violations of human rights can be the case not only on the part of states, quite often they are committed by non-state actors. Nevertheless, **the responsibility for such acts is borne by the state**, since they can testify to shortcomings in the human rights protection system. The first step to be made by defending against violence in the name of religion is the **immediate and unconditional condemnation by all high-ranking representatives of the state of all such acts, wherever they occur**. State agents must play a leading role in eliminating violence, expressing sympathy for the victims and providing support

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<sup>1</sup>[http://www.ohchr.org/Documents/Countries/UA/Ukraine\\_13th\\_HRMMU\\_Report\\_3March2016\\_ru.pdf](http://www.ohchr.org/Documents/Countries/UA/Ukraine_13th_HRMMU_Report_3March2016_ru.pdf)

<sup>2</sup>[state.gov/j/drl/rls/irf/religiousfreedom/index.htm?dynamic\\_load\\_id=256253&year=2015#wrapper](http://state.gov/j/drl/rls/irf/religiousfreedom/index.htm?dynamic_load_id=256253&year=2015#wrapper)

<sup>3</sup>The Report on violations of the rights and freedoms of religious organisations: Facts, Evidence and Claims Regarding Violations of the Rights of Believers and Religious Organizations of the Ukrainian Orthodox Church in 2014-2016: [www.protiktor.com/english](http://www.protiktor.com/english)

to individuals and groups on whom this violence is directed. Violent attacks on members of groups, subject to systematic discrimination committed in the name of religion, should be understood as an encroachment on society as a whole.”

Owing to the aforesaid, the Ukrainian Orthodox Church:

1. Recommends to the State of Ukraine, by virtue of statements of its civil servants, to publicly condemn actions of radical organizations and offenders who commit overt crimes against religious organizations and believers of our confession.
2. Recommends that the OSCE participating States make recommendations to the State of Ukraine in the UN Universal Periodic Review of the 28th session of the Human Rights Council, which in November 2017 will consider the fulfillment of our country's obligations to provide for human rights. Supplying such recommendations on the above problems will undoubtedly contribute to the protection of human rights and ensure de facto freedom of religion in our country.
3. Calls upon the OSCE, the participating States of this meeting: via counseling and other means of communication, to facilitate the removal of discriminatory bills Nos. 4128, 4511, 5309 from the agenda of the Verkhovna Rada of Ukraine, and to assist in the cessation of offenses against the Ukrainian Orthodox Church.

Thank you for your attention!

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Head of the UOC Representation  
To International Organizations  
11-22.09.2017