

ENGLISH only

Statement
of Bishop Victor (Kotsaba), Head of Representative Office of the Ukrainian Orthodox Church at International Organizations at the OSCE Supplementary Meeting on Human Dimension, 22-23 June 2017, Vienna, Hofburg
Session 1

Dear participants of the meeting!

I represent the Ukrainian Orthodox Church, the largest religious association in Ukraine, which has more than 12,000 religious organizations throughout our country.

Over the recent years discriminatory, unlawful and illegal actions have been carried out with regard to the believers and religious communities of the UOC which violate the right to freedom of religion.

In the period of 2015-2017, 45 temples – religious buildings owned by the UOC religious communities – were subject to raiding, while over 100 temples appeared under threat of such seizures. Officers of the police units, abusing their power, resorted to assault and battery toward our believers in the villages of Ptycha and Katerynivka of Ternopil region, having inflicted severe injuries on elderly people and women. Many religious buildings remain sealed by the authorities up to the present day.

Such violent actions are carried out by members of radical organizations with the participation of interested religious confessions, with connivance – and sometimes even direct support – of local authorities.

For instance, on June 4, 2017 in Kolomyia, Ivano-Frankivsk region, priests of the Ukrainian Greek Catholic Church with the assistance of the "Black Hundred" soldiers tried to take over the Annunciation Cathedral, which is in the legal use of the religious community of the Ukrainian Orthodox Church. Eventually the temple was closed and sealed against the law, while the believers of the UOC religious community got confronted with hostile rhetoric because of their religious affiliation.

Representatives of the local authorities, instead of addressing this conflict in legal terms, held a meeting with the participation of parties to the conflict, not trying, however, to resolve the conflict, but rather looking for the ways to illegally deprive the UOC religious community of their right to use the temple. To date, the police and regulatory authorities are putting pressure on the UOC religious community with a view to depriving them of their title to the temple.

For more than a year, religious strife and hostility towards the Ukrainian Orthodox Church have been deliberately fueled with the involvement of central media.

Despite the fact that our communities and believers have sought and continue to seek legal protection with the bodies of the national legal system – courts, the law enforcement, the Prosecutor's Office, high-rank officials of the state – the situation does not change properly. Offences against the UOC have taken on a systemic character at the moment.

In particular, the Morozovka village council of Pohrebyshe district of Vinnytsia region, by its decision of 24 May 2016, refused the religious community of St. Nicholas Church of the UOC in the privatization of the land plot the church building is located on. The village council justified its refusal by saying that "the temple is subordinated to the Moscow Patriarchate". It should be noted that refusals to grant rights to land, extension of lease agreements for premises, motivated by the fact that a religious organization is within the jurisdiction of the UOC, have been common facts since 2015. This state of affairs is an overt discrimination of our denomination.

Another fact worthy of attention is the endeavors of the village council in Ptycha village, Dubno district, Rivne region, through the illegal procedure of a conventional survey of the local population called a "referendum" by local authorities, **to unlawfully deprive the UOC religious community of its ownership right to the temple** and transfer it to the balance of the

territorial community of the village based on the council decision of 22 March 2017, by means of holding a local referendum. It should be noted that the religious community was granted ownership of the church in 1996, and this right was also confirmed by the decision of the Supreme Commercial Court of Ukraine dated January 26, 2016. Furthermore, holding any local referendums has been prohibited in Ukraine since 2012.

I draw particular attention to the preparation of draft laws Nos. 4128, 4511, 5309, submitted to the Verkhovna Rada of Ukraine, which are discriminatory in relation to the Ukrainian Orthodox Church. Thus, some politicians want to impose a special status on our denomination, oblige it to change the name and sign special agreements with state bodies. The appointment of priests is also supposed to be approved by the relevant state structures. At the same time, the obligation is not prescribed for other confessions. Such rules did not exist even in the times of the USSR, whose authorities used to put a systematic but unofficial pressure on the Church. In view of the above, on May 18, 2017, a prayerful standing, which counted thousands of believers, was held near the Parliament in Kiev against the adoption of these laws. Concerns about the probable adoption of such laws were expressed by the World Council of Churches, several Autocephalous Orthodox Churches (Alexandria, Bulgaria, Czech Lands and Slovakia), as well as the State Secretariat of the Vatican. Nevertheless, these bills are still on the agenda of the Ukrainian Parliament.

A poignant fact revealing the attitude of the authorities regarding violations committed against our Church is that **the Ministry of Culture has not registered statutes of the UOC religious organizations for over two years**. Under the pretext of incompliance of the statutes with legislation we are forced to change the administrative structure and texts of constituent documents, which is contrary to the norms of the church canonic law. **Therefore, in 2016 the UOC had to take a legal action to seek the protection of its rights in the court. We are currently awaiting a court decision.** However, despite the trial, at the beginning of this year local authorities began to create artificial obstacles by registering statutes of the UOC religious communities in the regions.

International law and the positions of authoritative international organizations confirm such behavior on the part of some representatives of state bodies to be inappropriate. Thus, the report of the Special Rapporteur on Freedom of Religion or Belief of the United Nations for 2014 [1] states in particular: "Human rights violations are possible not only on the part of the state; 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 the faults in the system of human rights protection. The first step in taking safeguards against the violence for the sake of religion is the immediate and unconditional condemnation by all high-ranking representatives of the state of all such acts, wherever they might occur. State agents should play a leading role in eliminating violence, expressing sympathy for the victims, and ensuring support to individuals and groups who fall prey to such violence. Aggressive attacks against members of groups subject to systematic discrimination, being committed in the name of religion, should be deemed as an encroachment on society as a whole."

Reports on the situation of the UOC in Ukraine presented by the Office of the United Nations High Commissioner for Human Rights (p.119-120) [2], the US State Department on Religious Freedom in the World over 2015 year [3], Ukrainian human rights organizations [4] confirm the facts of the offences listed. It's noteworthy that since 2015, representatives of the OSCE mission in Ukraine has organized regular meetings and received information on religious conflicts, participated in mediation and negotiation processes and are clearly aware of the actual stance of the Ukrainian Orthodox Church, as evidenced by reports on their official Internet-resource [5].

The incitement of religious intolerance, as well as further disregard of the violation of the right to freedom of belief and religious activity of the Ukrainian Orthodox Church, in the absence of proper investigation and public condemnation of the facts of violations of the

believers' rights in our Church, will inevitably lead to the weakening of the rule of law and legal order in Ukraine.

At the same time, one cannot but note positive decisions of the judiciary in defense of the UOC rights. In particular, in July 2016, Boryspil City Council, contrary to the Constitution of Ukraine, banned the All-Ukrainian Cross Procession through the city of Boryspil (Kyiv region). This fact was reported by the representatives of the UOC at the ODIHR/OSCE meeting in Warsaw in September 2016. As a result of the judicial appeal, Boryspil Court of Kiev region by its decision of 22.02.2017 recognized the above-mentioned decision of Boryspil City Council unlawful and arbitrary.

I would like to note that representatives of the Ukrainian Orthodox Church regularly inform structures of the international human rights mechanism, including the UN Human Rights Council, special thematic rapporteurs of the United Nations in accordance with the procedures for considering individual applications on violations, as well as by submitting bulletins in the framework of the UN Universal Periodic Review. In 2015 - 2016 years reports and information events were delivered on the subject of violations of the UOC rights within the OSCE / ODIHR Human Dimension Conference and a Supplementary Meeting in Hoffburg; a human rights report containing facts and legal evidence of the position of the Ukrainian Orthodox Church was prepared and disseminated on the issues in question [7]. References to these documents are included in the written version of this application, distributed through the documentation center of this meeting.

In view of the aforesaid, I call to recommend:

- 1) withdraw the draft laws (Nos. 4128, 5411, 5309), directed against the UOC, from the agenda of the Verkhovna Rada of Ukraine;**
- 2) carry out effective investigations into all the facts of flagrant offences against believers of the UOC;**
- 3) stop creating artificial obstacles by registering statutes of religious organizations of the UOC;**
- 4) ensure the return of the illegally seized property to the possession of the UOC;**
- 5) bring to justice the persons guilty of violence and infringement of the law;**
- 6) publicly condemn hate speech and crimes against believers of the Ukrainian Orthodox Church.**

For mor details please see the report of NGO «Public Advocacy», videos and documents on the following link: www.protiktor.com/english

The informational report within the 28th session of the UN Universal Periodic Review: www.protiktor.com/upr.

Thank you for your attention!

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Head of the UOC Representative Office at International Organizations

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