

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

**ON VIOLATIONS OF THE BELIEVERS' RIGHTS OF THE UKRAINIAN
ORTHODOX CHURCH**

Dear participants of the meeting!

Since 2015, each OSCE conference on religious rights and freedoms has addressed the topic of violations of the believers' rights of the Ukrainian Orthodox Church. Acting as a head of the UOC Representative Office to European Organizations, I would like to bring to the attention of the participants present at the event, as well as the wide international community, the real state of affairs in Ukraine at the moment.

The Ukrainian legislation conforms to democratic standards. In Ukraine the rule of law is recognized and religious freedoms are guaranteed de jure, yet we could have avoided many difficulties if the implementation of these laws were carried out in practice. Violations of the rights of communities and believers of our confession have not ceased. Let me remind you that since 2015 more than 40 temples of our confession have been seized by force, while the number of attempted takeovers is estimated at hundreds. Acts of church raiding were carried out by radical organizations with considerable support from state authorities of different levels. In a number of conflicts, the police and other state bodies openly took the side of the invaders, supporting them legally and with an administrative resource, and urged our believers to change their religious beliefs to become members of the Kiev Patriarchate. In Katerinovka village of Ternopol region, state power structures committed a mass beating of our faithful with the use of cudgels and impact munitions¹. As a result, severe injuries were inflicted on people who simply wanted to enter the temple that belonged to them. At the moment the church in Katerinovka village is seized and transferred to the confession of the Kiev Patriarchate². In Ptichya village of Rovno region, the temple which is the property of the UOC community was arrested by an odious court decision as evidence in the criminal case. This case was specifically initiated by the authorities in order to

¹<https://spzh.news/en/chelovek-i-cerkovy/35011-unless-filaret-adherents-led-church-raiding-there-wouldn-t-be-temple-seizures>

²<https://publicadvocacynetwork.org/2018/04/10/ptycha-village-case/>

block the use of the temple by the legal owner – our community. The fact of the arrest of the church in the village of Ptichya upon the court decision, initiated by the state authorities, destroys the institution of property in the country, since no one now can be sure of the inviolability of this legal institution, which can be abolished not on the basis of a legal decision but at the whim of radically-minded elements.

In fact, in the period from 2015 up to the present moment, the communities and believers of the UOC have been addressing the police and courts with the demand to ensure the investigation of crimes on numerous facts of persecution, discrimination and violence against believers. Despite the fact that over 20 criminal proceedings have been opened upon such applications, none of them was properly investigated to result in real bringing criminals to justice³.

Facts of violations of the UOC believers' rights are recognized by a number of institutions and organizations having international status, in particular: the Office of the United Nations High Commissioner for Human Rights⁴. According to the Report on the Situation of Human Rights in Ukraine of November 16, 2015 - February 15, 2016 made by the Office of the United Nations High Commissioner for Human Rights:

"119. OHCHR paid attention to the tensions between local communities affiliating themselves to the Ukrainian Orthodox Church (UOC) and the Ukrainian Orthodox Church of the Kiev Patriarchate (UOC KP). Between January 28 and February 1, 2016, OHCHR representatives visited Ternopol and Rovno regions in western Ukraine, which are gripped by such tension. In some rural areas, some people want to go to the UOC KP but the rest are in favor of remaining with the UOC. This situation causes strains, especially in villages where, as a rule, there is only one Orthodox religious building. Some parishioners and priests of both denominations reported to the OHCHR about their concerns due to discrimination and the use of humiliating and provocative rhetoric against them on the basis of their membership in the UOC or UOC-KP. There are also reports of threats of physical violence or coercion aimed at forcing people to change their faith. Such facts are a violation of the unconditional principle of forum internum – freedom of religion or belief.

120. According to local residents, law enforcement agencies and authorities focus their efforts on preventing or counteracting only physical encounters, not paying due attention to other forms of confrontation, intimidation and discrimination. It is a matter of concern that in some villages local residents and outside forces for

³ <https://www.protiktor.com/app/download/6756821863/Ukraine+Orthodox+Report+2016.pdf?t=1530605303>

⁴ http://www.ohchr.org/Documents/Countries/UA/Ukraine_13th_HRMMU_Report_3March2016_ru.pdf

several weeks do not allow believers of both denominations to enter their preferred places of worship and conduct religious services, including baptisms and weddings. In general, the investigation of such cases is either ineffective or not carried out at all."

I want to emphasize that against the backdrop of these offenses, politicians and civil servants of the highest level continue to address signs of hostile attitude towards our confession to the public, supporting the thesis that the UOC is allegedly an anti-Ukrainian or pro-Russian structure pursuing Moscow's policy. The desire to label believers of the UOC as Moscow agents aims to increase aggression in society and create prerequisites for new forceful seizures and violence against our parishioners.

For example, on March 16, 2018, deputies of the Rovno Regional Council at the 17th session of the 7th convocation adopted Resolution No. 910 on addressing the National Security and Defense Council of Ukraine and the Security Service of Ukraine in view of "anti-Ukrainian activities" of the Ukrainian Orthodox Church in Ukraine with the aim of taking response measures in relation to the believers and religious communities of the UOC⁵.

In the text of the appeal, in particular, it is stated that "... the main strategy of the enemy (the Russian Federation) is to wage the information war, including by means of the so-called brainwashing; the aggressor's main stake is placed on zombification of the believers of Ukraine through the UOC being in canonical unity with the ROC. The anti-state activities of the representatives of the UOC pose a serious challenge to the national security of Ukraine."

A similar appeal on "anti-Ukrainian activities" of the Ukrainian Orthodox Church took place in Ivano-Frankovsk region where deputies of the Ivano-Frankovsk regional council at the plenary session of the 19th session of the 7th convocation of the regional council of 08.12.2017 adopted decision No. 664-19 / 2017 on the appeal to the President of Ukraine, the Verkhovna Rada of Ukraine, the Security Service of Ukraine, the Ministry of Foreign Affairs of Ukraine about "anti-Ukrainian activities" of the UOC, its members of religious communities, clergymen in Ukraine and the alleged cooperation of the UOC with the FSB

⁵http://oblrada.rv.ua/documents/rishennya/7_sklikannya.php?SECTION_ID=171&ELEMENT_ID=16196

special services⁶. The text of the appeal says that "to cover the anti-state activities of the structure of the Russian Orthodox Church on the territory of Ukraine, it appropriated herself the name of the Ukrainian Orthodox Church. This name does not correspond to the anti-Ukrainian content of the ROC and is illegally appropriated. Effective results of anti-Ukrainian activities and negative influence of the UOC MP are confirmed by the escalation of confrontation among believers, the split of Ukrainian society on religious grounds and as a result – difficulty of uniting traditional Ukrainian Churches into a Single Local Church. It is with the indirect assistance of the structures of the UOC MP that a lot of literature of an explicitly anti-Ukrainian slant is published and disseminated in Ukraine ..."

In addition, during the years 2014-2018, deputies of the Ternopol Regional Council bluntly and deliberately discredit the religious confession of the UOC, baselessly accusing one of the main historical religious sanctities of the Ukrainian people – the Holy Assumption Pochaev Lavra – of anti-national activities, calling it "hotbed of anti-Ukrainianism and inter-confessional hostility". Deputies of this body systematically make demands to transfer Lavra to other faiths. In particular, on October 15, 2015, at the 52nd session of the Ternopol Regional Council of the 5th convocation, the above deputies adopted an appeal to President of Ukraine Petro Poroshenko that "... the Lavra (the Holy Assumption Pochaev Lavra), with the assistance of enemy emissaries, purposefully become the center of anti-Ukrainianism, inter-confessional hostility and discord."

In May, 2018, personal data of Chancellor of the UOC Metropolitan Anthony (Pakanich)⁷ of Borispol and Brovary, Head of the Representation of the UOC to European Organizations Bishop Victor (Kotsaba)⁸ of Baryshevka, and Deputy Head of the Department for External Church Relations of the UOC Protopriest Nikolai (Danilevich)⁹ as opponents of the initiative of the President of Ukraine and the Verkhovna Rada of Ukraine to create an autocephalous local church were published on the Mirotvorets ("Peacemaker") website for their allegedly anti-Ukrainian propaganda and inciting interethnic and inter-faith discord with the help of information resources under their control¹⁰.

⁶http://www.orada.if.ua/fileadmin/documents/Rishennja/2015-2020/07_19/664-19.pdf

⁷<https://psb4ukr.org/criminal/pakanich-ivan-ivanovich/>

⁸<https://psb4ukr.org/criminal/kocaba-vladimir-dmitrievich/>

⁹<https://psb4ukr.org/criminal/danilevich-nikolaj-nikolaevich/>

¹⁰<https://www.politnavigator.net/pervye-dva-arkhiereya-upc-mp-protivnika-ukrainskojj-avtokefalii-pomeshheny-v-bazu-dannykh-mirotvorca.html..>

The international community is already familiar to this scandalous Internet resource for violating the rights of journalists of the world's leading media. Earlier, in connection with these facts, Valeriya Lutkovskaya, the Verkhovna Rada of Ukraine's Commissioner for Human Rights, addressed the Security Service of Ukraine and the Head of the National Police of Ukraine with a recommendation to take measures to suppress the illegal collection and dissemination of personal data on the Mirotvorets website and to block access to this site on the territory of Ukraine¹¹. However, such appeals did not lead to effective results; the site continues to function and is used to incite religious hatred in relation to Ukrainian citizens.

In turn, the inaction of public authorities and their failure to curb religious hatred towards the UOC leads to public calls to commit crimes against believers of the UOC.

For instance, on March 9, 2018, an open call to shoot priests of the UOC was published on the Mirotvorets website:

"Fire without hesitation" on the priests is what the notorious Mirotvorets (Peacemaker) site encourages to do. "Every Ukrainian soldier should remember: Moscow and pro-Moscow priests are combat units of the Russian aggressor, there is nothing sacred about it and an automatic rifle can be hidden under their cassocks," reads the message posted on the Facebook page of this website.

"When checking – there must be no exceptions and only a more thorough examination. At the slightest threat to life – shoot without a second thought," the authors of the publication urge¹².

Violations of the rights of believers, discrimination and incitement of hostility have become so evident that the Holy Synod of the UOC had to make special decisions on matters relating to state-church relations.

In particular, according to the decision of the Holy Synod of the UOC of May 27, 2017 (Journal No. 11):

¹¹<https://interfax.com.ua/news/political/342857.html>

¹²<http://www.pravoslavie.ru/111345.html>

1. The Ministry of Culture of Ukraine intervened in the work of regional state administrations in order to block the registration of statutes of the religious communities of the Ukrainian Orthodox Church.

2. Such interference of the Ministry of Culture of Ukraine is recognized as unacceptable and concern is raised on this issue.

3. The Holy Synod of the UOC called on representatives of state authorities to stop illegal actions against the Ukrainian Orthodox Church.

By the same decision, the Holy Synod of the UOC ascertained that the adoption of draft laws Nos. 4128 and 4511 could lead to religious animosity, discrimination, violations of freedom of conscience and religion, and urged parliamentarians not to adopt these anti-church and anti-state laws.

Let me remind you that Bill No. 4128 is aimed at destroying the legal structure of the UOC administration, since it is the law, not members of a religious community, is to define the community's membership.

Bill No. 4511, in turn, establishes a special status for religious organizations if their religious center is located in the aggressor state by concluding relevant treaties and re-registering the statutes. The Ministry of Culture of Ukraine is supposed to determine where the religious center of the religious organization is located. Also, it will not be possible to appoint leaders of religious organizations of all levels without coordination with the Ministry of Culture.

And finally, bill No. 5309, according to which a religious organization that is part of a structure or is part of a religious organization, whose governing center is in a state that carried out military aggression against Ukraine, is obliged to indicate in its name the full statutory title of such a religious organization with the possible addition of the words "in Ukraine "and / or designating one's place in the structure of a foreign religious organization. The authors of this bill do not hide the fact that it is adopted with the aim of depriving the religious association of the UOC of its historical name.

Despite the negative assessment of experts and numerous protests of believers, it is two years now that the bills have remained on the agenda of the Ukrainian Parliament, which enables MPs to return to their consideration at any time. We regard this as an attempt to intimidate our faith and completely disregard the

opinion of Ukrainian citizens – believers of our Church who spoke out against these innovations.

It should be mentioned that from 2014 until now the Ministry of Culture of Ukraine has blocked the registration of statutes of dioceses, synodal departments and monasteries of the UOC of Ukraine, for which reason we had to apply to the court to protect our rights. The trial is pending and there are no opportunities, in our opinion, for a productive dialogue in view of the inability of the Ministry of Culture of Ukraine to conduct an unbiased dialogue on the basis of law and respect for the rights of our believers. This problem was also the subject of consideration of the Holy Synod of the UOC dated 20 July, 2016.

A new bout of incitement of religious hostility towards our confession was the opening of criminal proceedings against representatives of Zaporozhye eparchy of the UOC for expressing their views on religious issues. In fact, on January 11, 2018, the Prosecutor's Office of Zaporozhye region began investigating criminal proceedings against certain representatives of Zaporozhye eparchy of the Ukrainian Orthodox Church on deliberate acts aimed at inciting ethnic, religious hatred and enmity due to the refusal of the UOC priest to perform a funeral service for the child, baptized in the UOC-Kiev Patriarchate in the city of Zaporozhye. Investigation into criminal proceedings was assigned to the investigation department of the SBU Directorate in Zaporozhye region¹³.

The Holy Synod of the Ukrainian Orthodox Church, at the meeting on March 14, 2018, noted that this criminal proceeding is of political character and aims at intervening in the internal affairs of the Ukrainian Orthodox Church; stated that by such actions a new scheme is introduced in the form of criminal prosecution of the religious community for the fact that it is guided in its activities by the holy canons and rules, according to which the Church cannot meet the needs of persons from other religious communities; stressed that, according to international law, the state has no right to violate the autonomy of the religious community and in any way interfere in its internal affairs, and the religious community independently determines the order and manner of committing or not committing rituals over persons from other religious communities; and considered that this criminal proceeding is subject to termination, since representatives of Zaporozhye eparchy

¹³<https://glavnovosti.com/v-zaporozhe-protiv-upc-vozbudili-ugolovnoe-delo-za-razzhiganie-nenavisti/>

of the Ukrainian Orthodox Church acted in accordance with the legislation of Ukraine and on the basis of the canons of the Holy Orthodox Church¹⁴.

In this regard, the All-Ukrainian Council of Churches and Religious Organizations also expressed its position: "Criminalization of religious figures of any faiths and religious organizations in Ukraine under such circumstances is a violation of the principle of autonomy of religious organizations and unlawful interference in the internal practice of confessions and religious organizations, in particular, in the procedure for the performance of religious sacraments, rituals and sacred acts. The right to the autonomy of religious organizations is guaranteed by the European Convention on Human Rights and is reflected in numerous decisions of the European Court of Human Rights."

According to Article 35 of the Constitution of Ukraine, "The church and religious organizations in Ukraine are separated from the state", but despite this, the issue of the creation of a Single Local Church in Ukraine has become a subject of state interest and political speculations. Given this, on 25 May, 2018, the Holy Synod of the UOC at its session adopted a special address on the issue which states, in particular, "The Primates and Council of Bishops of the Local Orthodox Churches express a wary and negative attitude to the granting of Tomos as a means of overcoming the split in Ukrainian Orthodoxy. In particular, among the Local Churches the general opinion is that schismatic church groups should return to the fold of the canonical Church, which will allow us to discuss issues related to the status of the single canonical Church ... This position of the Local Orthodox Churches of the world coincides with the position of our Church. Since the beginning of the split, the Ukrainian Orthodox Church has consistently advocated the restoration of church unity. However, in our deep conviction, the path to the restoration of church unity and possible autocephalous status should not go through legalization of schism and its substitution of the Church of Christ. In particular, in the statement of the Jubilee Council of the UOC, which was held at the Holy Assumption Kiev-Pechersk Lavra on 8 July 2011, it was stated that "... the restoration of the unity of Ukrainian Orthodoxy must take place according to the canons of the Orthodox Church, without any interference of political forces and by returning those, who have departed, into the bosom of the canonical Ukrainian Orthodox Church (Para 11) ..."

¹⁴<http://pravlife.org/ru/content/svyashchennyi-sinod-upc-ugolovnoe-delo-protiv-predstaviteley-zaporozhskoy-eparhii-dolzhno>

In addition, the bishops of the Ukrainian Orthodox Church – participants in the Bishops' Conference of June 25, 2013 in the Kiev-Pechersk Lavra stated that the existing canonical status is sufficient to ensure that the Ukrainian Orthodox Church fruitfully accomplishes its mission among the citizens of Ukraine. Attempts to change this status will only cause the restriction of rights and freedoms the Ukrainian Orthodox Church is vested with, enjoying the rights of broad autonomy. In addition, these attempts will not cure, but rather deepen the split in both Ukrainian Orthodoxy and in Ukrainian society as a whole.

Thus, the position of the UOC on the establishment of the Single Local Church is based on the canon law and freedom of religion, which is guaranteed by international law and Ukrainian legislation. In contrast, high-level politicians allow themselves to use administrative and diplomatic resources to lobby their own scheme for the creation of a single local church to serve the interests of non-canonical confessions, which are not recognized by Ecumenical Orthodoxy.

Meetings of the President of Ukraine, the head of the Ukrainian Parliament, the Minister of Foreign Affairs of Ukraine, and numerous delegations with Patriarch of Constantinople Bartholomew, without a doubt, bear witness not only to the state interest in the creation of the Single Local Church but also interference in the internal affairs of our religious organization. Without the initiative of politicians, it seems to us, the negotiation process on establishing a single local church would be held in a mode relevant to canonical, secular and international law. Now we are compelled to affirm that our Church is put under direct pressure to force us to accept the SLC model imposed on us, including under the threat of applying discriminatory bills that could lead to a new wave of mass seizure of churches and other violations of rights of believers of the Ukrainian Orthodox Church.

Building on the theme of the creation of a Single Local Church not as a matter of religious organizations but as a political project causes negative effects for the society. For example, NGO Public Advocacy, a human rights organization, notes in its statement: "On 2 May 2013, an event was held in the European Parliament on the theme "Ukraine in times of independence: the Orthodox Kiev Patriarchate and challenges of changing society". This event was organized by representatives of the parliamentary faction EPP. During the event, the leader of the Kiev Patriarchate Filaret (M. Denisenko) made a number of statements and comments,

in particular that in Ukraine, by conviction of Filaret (M. Denisenko), after the Tomos has been granted by the Patriarchate of Constantinople there will be one Church, while the Moscow (Church) will be called an exarchate, and the Kiev-Pechersk Lavra will belong to the Ukrainian Orthodox Church (note: of the Kiev Patriarchate). Filaret (M. Denisenko) said, "... We hope that after receiving the Tomos on autocephaly for the Ukrainian Church there will be one Orthodox Church in Ukraine, while the Moscow Church which does not want to unite with this Ukrainian Church will be called not the Ukrainian Church but an exarchate of the Russian Church in Ukraine", "... as for the Lavra, it will belong to the Ukrainian Orthodox Church because this is the Ukrainian Church and it (the Lavra) cannot belong to the Russian Church ...", "Now we can see that Patriarch Bartholomew is determined and he is ready to solemnly proclaim the Tomos on autocephaly, recognize our church, enter into communication with it but he needs support, including your support so that he feels he is not alone in this struggle, because he is a true leader of European Orthodoxy, Orthodoxy being not hostile to Europe, as Moscow interprets it, but Orthodoxy which together with Catholicism and Protestantism constitutes the Christian foundation in Europe."

As NGO Public Advocacy states further on, "Therefore, the rhetoric of the head of the Kiev Patriarchate, which was explicitly and publicly supported by state agents, indicates a real preparation of a negative scenario for the violent transformation of religious confessions in Ukraine. Otherwise, how can one explain the fact that the Kiev-Pechersk Lavra being owned and used by the Ukrainian Orthodox Church is regarded by the head of another faith as its potential possession, yet the state agents do not respond at all to the fact that Ukrainian citizens – believers of another confession – can object to this argument, while such rhetoric in turn fans religious hostility coming from the leader of the religious denomination."

Thus, in Ukraine attempts are made to mix religion with politics, regardless of the wishes of our believers and often contrary to them. The Ukrainian Orthodox Church is not a conductor of information aggression, as our opponents try to present it. There is not a single decision, document or official position of the UOC, which allows us to conclude that we are forming any political agenda in favor of this or that country. The opinions of clergymen and parishioners on political issues remain their private opinions and can be viewed from the legal point of view by state authorities but so far there is no court decision confirming the guilt of any

cleric or official of the UOC for inciting religious hatred or anti-Ukrainian activities.

Proceeding from the foregoing, the Ukrainian authorities must abandon the politicization of the ecclesiastic issue and defend the rights of their people to freedom of religion, safeguarding the believers of the UOC by virtue of law against offenses and hate speech. I think that the state has all the possibilities to do this. I strongly urge the Ukrainian authorities to reconsider their attitude towards the Ukrainian Orthodox Church and to confirm by specific actions their commitment to the protection of religious freedoms.

As a specific action, I propose to the authorities of Ukraine to:

- provide for state registration of 3 diocesan administrations, 2 synodal departments, 8 monasteries of the UOC;
- remove all official and unofficial restrictions on registration and amendment of statutes of the UOC communities in the regions of Ukraine;
- ensure proper and effective investigation of all crime incident reports against believers of the UOC;
- ensure the return of illegally seized churches and other property assets to legitimate owners and proprietors – religious organizations of the UOC;
- refuse to consider and remove from the agenda of the Parliament of Ukraine bills Nos. 4128, 4511, 5309;
- refrain from promoting the creation of the Single Local Church by the forces of the state establishment, thus enabling religious leaders to freely and independently resolve issues relating to the Church;
- curb hate speech towards believers of any faith in speeches of civil servants and decisions of state authorities, since such rhetoric leads to increased aggression in society and creates prerequisites for committing mass crimes.

I kindly request the OSCE Participating States and the international community not only to take into account the above facts but also to practically carry out specific actions, aimed at protecting the rights and freedoms of believers and religious communities of the Ukrainian Orthodox Church, which constitute a significant part of the population of Ukraine.