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Enclosed information material is submitted by Human Rights Platform "Uspishna Varta"

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SITUATION WITH THE OBSERVANCE OF THE RIGHT TO FREEDOM OF CONSCIENCE AND CONFESSION IN UKRAINE

Recommendations to the state of Ukraine

In accordance with its international human rights obligations, the state of Ukraine should not only ensure the right to profess its religion and belief, but also take effective measures to ensure that no one is discriminated against on the basis of religion or belief by the state, an institution, or a group of persons or individuals.

In order to ensure the right to freedom of conscience and worldview, enshrined in *Article 35 of the Constitution of Ukraine*, as well as in *Article 18 of the International Covenant on Civil and Political Rights*, **the state of Ukraine should take the following measures:**

- Recognise that government officials interfering in the internal affairs of the church is unacceptable. Stop exerting political and administrative pressure on the priests and believers of the UOC for the purpose of forcing them to accept the project of creating a local church.
- Revise in Parliament laws No. 2662-VIII and No. 2673-VIII, which directly violate Article 35 of the Constitution of Ukraine and the right of citizens to freedom of conscience and worldview.
- Oblige the MCU to grant the status of a legal entity within the statutory deadlines and to ensure the registration of amendments to the charters of legal entities, including those founded by the UOC.
- Stop the process of challenging the MCU's registration of the Kiev Pechersky Lavra (Kiev) and the Svyato-Uspensky Pochayev Lavra (Ternopol region).
- Stop the systematic exertion of pressure by the SBU on the priesthood of the UOC and other religious organisations.
- Guarantee security and law and order during religious community meetings convened for the purpose of deciding on the denomination of temples.
- Protect the parishioners, priesthood, and religious buildings of the UOC, as well as other religious communities, from the acts of vandalism and physical aggression committed by right-wing groups ("C14", "Svoboda", "Right Sector", etc.), and conduct an objective investigation into attacks in previously documented facts.
- Give a proper legal assessment of the hate speech and incitement of sectarian strife that has comes from government officials, representatives of local authorities, and the media in the period 2014-2019.

SITUATION WITH THE OBSERVANCE OF THE RIGHT TO FREEDOM OF CONSCIENCE AND CONFESSION IN UKRAINE

List of abbreviations

UOC – Ukrainian Orthodox Church (canonical)
UOC KP – Ukrainian Orthodox Church Kiev Patriarchate
OCU – Orthodox Church of Ukraine Constantinople Patriarchate
UAOC – Ukrainian Autocephalous Orthodox Church
MCU – Ministry of Culture of Ukraine
MJU – Ministry of Justice of Ukraine
SBU – Security Service of Ukraine
CCU – Criminal Code of Ukraine

I. INTERFERENCE OF THE STATE IN THE RELIGIOUS SPHERE

1. According to the Constitution of Ukraine (Article 35), everyone has the right to freedom of worldview and religion, and the church and religious organisations in Ukraine are separate from the state. No religion can be recognized by the state as mandatory. The Law of Ukraine No. 987 dated April 23rd 1991 on Freedom of Conscience and Religious Organizations does not allow any coercion in determining a citizen’s attitude to religion, refusing to practice religion, or participation in worship and religious ceremonies.

2. Contrary to the provisions of the Constitution and this law, during 2014-2019 the government **actively interfered in the religious sphere and internal issues of religious organisations. Representatives of the government put active political and administrative pressure on the priesthood and parishioners of the largest Orthodox religious organisation¹ - the Ukrainian Orthodox Church (*hereinafter - the UOC*), justifying their actions by referring to the armed conflict in the East of the state and the need to create a local church as a counterweight to Russian influence.** Pressure on the UOC intensified on the eve of the presidential election in March 2019. Former President Petro Poroshenko (who lost the election in April 2019) and his political power used the religious factor and the creation of a local church as a part of his electoral campaign.

3. **The process of creating a new religious organization - the Orthodox Church of Ukraine (*hereinafter - the OCU*) - was actively lobbied by the president and his political force.** On April 19th 2018 the Ukrainian parliament supported the proposal put forward by President Poroshenko to the Ecumenical Patriarch Bartholomew (Constantinople) about the autocephaly of the Ukrainian Orthodox Church. On December 15th 2018, during the “unification Sobor” of the religious organisations “Ukrainian Orthodox Church of the Kiev Patriarchate” (*hereinafter - the UOC KP*) and “Ukrainian Autocephalous Orthodox Church” (*hereinafter - the UAOC*) in Kiev,

¹ At the end of 2018, the UOC had 12,000 parishes and the same number of clergy. As of October 2018 (before the unification Sobor), the Ukrainian Orthodox Church of the Kiev Patriarchate (UOC-KP) had 4807 parishes, and the Ukrainian Autocephalous Orthodox Church (UAOC) had 1073 parishes.

the creation of a single local Orthodox church, which received the name "Orthodox Church of Ukraine" (OCU), was announced. The canonical UOC did not participate in this unification. On January 5th 2019 in Istanbul, Patriarch Bartholomew signed Tomos of Autocephaly for the OCU.

4. The process of creating a new religious organisation was carried out with the direct participation of the former President Poroshenko. Back then, as part of his electoral campaign in January-March 2019, he travelled to the regions of Ukraine to present a document on receiving autocephaly and carried out political actions for self-support in the format of church prayers. This **political activity was accompanied by hate speech against the UOC uttered by the President and senior officials of the State**. Poroshenko stated that the creation of a local church is “a matter of national security and our defence in a hybrid war, because the Kremlin views the Russian Orthodox Church as one of the key instruments of influence in Ukraine”². **The active lobbying by President Poroshenko and the authorities under his control for the establishment of the OCU and the hate speech against the UOC are the unacceptable interference by State officials in the internal affairs of the church**, which is not only separate from the State, but also has the right to maintain its status, including legal and canonical.

II. ADOPTION OF DISCRIMINATORY LEGISLATION

5. In parallel with these processes, the Ukrainian parliament adopted laws **that discriminate against the canonical UOC and violate the equality of faiths before the law**. Thus, on December 20th 2018, Law 2662-VIII³ was adopted. It amends Article 12 of the Law of Ukraine "On Freedom of Conscience and Religious Organisations" *regarding the names of religious organisations (associations) that are a part of the structure of a religious organisation (association), the governing center (control) of which is located outside of Ukraine in a state recognized by law to have carried out military aggression against Ukraine and/or the temporarily occupied part of the territory of Ukraine*. The Russian Federation is recognised in Ukraine as such a state. The new law obliged such religious organisations to indicate this affiliation in their name. According to the law, if a religious organization is not renamed within 3 months, its charter will be repealed in the part of the provisions defining the name.

6. On March 22nd 2019, the Ministry of Culture of Ukraine (*hereinafter - MCU*) announced the completion of the examination of the charters of religious organisations. In accordance with the conclusions of the department, the UOC and a number of Old Believer churches were obliged to change their name to the Russian Orthodox Church and make appropriate changes to their charter. The UOC said that the supreme bodies of church authority and administration are the Sobor, the Council of Bishops, and the Holy Synod, headed by the Metropolitan of Kiev and all Ukraine. Accordingly, it does not legally fall under the requirements of the law stipulating the renaming of religious organisations whose control center is located in the “aggressor state”

² <http://www.president.gov.ua/news/glava-derzhavi-u-gibridnij-vijni-kreml-rozglyadaye-rpc-yak-o-47050>

³ <https://zakon.rada.gov.ua/laws/show/2662-viii>

(Russia). The UOC appealed to the court, declaring that the decision of the MCU⁴ is illegal. The court ruled that the implementation of this order before deciding on the merits of the case concerning its cancellation might lead to **unjustified interference by the state in the sphere of activity of a religious organisation as a legal entity**.

7. On January 17th 2019, the second of the **so-called “Anti-church” laws** - Law No. 2673-VIII “On Amending Certain Laws of Ukraine Regarding the Subordination of Religious Organisations and the Procedure for the State Registration of Religious Organisations with the Status of Legal Entities” – was adopted. The law stipulates a **mechanism for changing the denominational affiliation of churches by amending the charter**. To make a decision on a transition, 2/3 of the votes of members of the religious community are now enough. The law obliges church communities to undergo a re-registration procedure within a year; otherwise their charters will lose their force. After the adoption of this law, religious organisations will be registered only by the state body for religious affairs (MCU) and the corresponding departments of regional state administrations without the participation of the Ministry of Justice of Ukraine (*hereinafter - the MJU*), as was previously stipulated. Since December 2014, the MCU refused to register a number of charters of the religious organisations of the UOC⁵.

DISCRIMINATORY POLICIES AT THE GOVERNMENTAL LEVEL

8. In the autumn of 2018, after the Synod of the UOC refused to take part in the so-called “Unification Sobor” for the creation of a local church, **the MCU began the process of challenging the registration of the two main UOC temple complexes** - the Kiev Pechersky Lavra (Kiev) and the Svyato-Uspensky Pochayev Lavra (Ternopol region)⁶. In the past the official representatives of the authorities and the UOC-KP have repeatedly stated the need to transfer the Lavras to the local church created under the patronage of President Poroshenko. **Such a governmental policy is direct interference in church affairs and is discriminatory in relation to the UOC**.

⁴ <https://spzh.news/ru/news/60992-upc-obzhalujet-v-sude-resheniye-minkulyta-o-prinuditelynom-pereimenovanii>

⁵ From December 2014 to May 2015, 13 charters of religious organisations of the UOC were submitted to the MCU for registration. Oral comments of MCU representatives concerning the charters were taken into account and problems were resolved by July 15th 2015. In March 2016, representatives of the MCU publicly stated that the statutes of religious organisations of the UOC are not registered, as they do not comply with the law. Repeated requests to submit documents with comments concerning the statutes of the UOC were ignored. Without registering the charters of the UOC, the MCU simultaneously registered charters and other documents filed by other faiths, which is discrimination based on religion. On June 5th 2018, the Kiev District Administrative Court ruled that the MCU was inactive regarding the registration of the UOC charters. On December 4th 2018, the Kiev Administrative Court of Appeal upheld the decisions of the court of first instance.

⁶ In November 2018, the MCU demanded to cancel the decision on state registration of the right to use the UOC real estate of the Pochayev Lavra complex and hold the registrar liable. The UOC said that the monastery is still in the use of this denomination. The right of use acquired before 2013 is not subject to mandatory state registration. On November 28th, the Cabinet of Ministers ordered the inclusion of the Pochayev Svyato-Uspensky Lavra into the Kremenets-Pochayev Reserve. On the same day, MCU representatives began an inventory of the property of the Kiev Pechersky Lavra in Kiev.

9. On October 18th 2018, parliament adopted the urgent law introduced by President Poroshenko on transferring a **monument of architectural national importance to the St. Andrew's Church** (Kiev) for the free and permanent use of the Ecumenical Patriarchate for worship, religious rites, ceremonies, and processions. According to lawyers, transferring specific objects owned by the state does not belong to the powers of parliament, as is defined by the Constitution of Ukraine. The management of state property is the constitutional prerogative of the government⁷.

III. TEMPLE CAPTURES AND PHYSICAL VIOLENCE AGAINST BELIEVERS

10. After the so-called “Unification Sobor” in December 2018, and even before the adoption of Law No. 2673-VIII, the first cases of **UOC communities in the small settlements (villages) of the Zhytomyr, Volyn, Ternopol, and Chernovtsi regions (Western and Central Ukraine) being required to transfer to the OCU were recorded**. These attempts, as a rule, were organised by representatives of the local rural authorities and members of right-wing radical organisations. In a number of cases, attempts were made to capture the temples using physical violence against parishioners. The police did not prevent these incidents and did not prosecute the initiators of temple captures. **The adoption of Law No. 2673-VIII made the capture of temples in the Western and Central regions a mass phenomenon. In January 2019, the second wave of UOC temple captures began**⁸.

11. The human rights activists of “Uspishna Varta” recorded 94 conflict situations during the period January-July 2019 that were related to the forceful capture (attempt to seize) of temples of the UOC with the aim of transferring them to the confessional affiliation of the OCU. In February 2019, the UOC reported that 68 communities from the 12,000 existing in Ukraine voluntarily transferred to the OCU after it received autocephaly. There is still a conflict in around 250 communities.

12. Based on the cases that human rights defenders analysed, such “transitions” are accompanied by violent temple captures carried out by radical supporters of the OCU and with administrative pressure exerted by local officials. It was they, and not religious communities, who, as a rule, initiated the holding of meetings to change the confessional affiliation of church parishes. Cases were also recorded where the right-wing groups **“C14”, “Svoboda”, and “Right Sector” took part in the capture of temples**. Communities whose churches were captured are forced to worship at other premises, in most cases – the private houses of priests. The process

⁷ <https://uspishna-varta.com/ru/novyny/peredacha-andreevskoj-cerkvi-konstantinopolskomu-patriarhatu-protivorechit-zakonodatelstvu-i-konstitucii-ukrainy>

⁸ The first wave of captures refers to the period of 2014-2018, when the UOC communities located in Western Ukraine (Rovno, Ternopol, Volyn regions) were repeatedly subjected to mass attacks in order to capture religious buildings (temples) and transfer them to the UOC-KP and UAOC. Ukrainian human rights activists talk about 50 captured UOC temples with a forced change of confession.

of capturing temples is also accompanied by the exertion of administrative pressure and the forcible eviction of priests along with their families from villages⁹.

13. The most acute conflicts over the capture of temples and the forced change of the religious affiliation of religious communities were recorded in the **Western regions of Ukraine - Volyn, Rovno, Chernovtsi, and Ternopol regions**. Thus, in the **Volyn region**, conflicts arose over **more than 30 temples** in villages and small towns. As a rule, the captures took place according to identical scenarios: after a village gathering, activists of the OCU blocked the temple, the locks were cut off, and the UOC abbot and community were not allowed into the temple. This situation arose in the village of Krasnovol in the Manevichsky district¹⁰ (January 13th); the villages of Krymno and Bronitsa in the Kamen-Kashirsky district¹¹; the village of Polozhevo in the Shatsky district¹² (January 18th); the villages of Radoshin, Biten (January 22nd), and Stary Koshary (April 24th) in the Kovelsky district; the villages of Kulchin (February 22nd) and Klepachev (March 9th) in the Kivertsy district; the villages of Peski (February 16th), Lobachovka (March 3rd), and Skobelka (March 9th) in the Gorokhov district¹³; the villages of Susval (March 16th) and Dorotishche (June 13th) in the Vladimir-Volynsky district; and others. The police generally didn't intervene in the forceful temple captures¹⁴.

14. An equally tense situation has developed in the **Rovno region**, where supporters of the OCU illegally captured **at least 25 temples**. The most active of these processes took place in the Zdolbunovsky district, where meetings for changing the denominational affiliation of temples and subsequent captures were personally led by the head of the local district administration. We

⁹ For example, on June 22nd 2019, in the village of Podgaytsy, in the Shumsky district, of the Ternopol region, drunk activists of the OCU came to the church house, where the abbot of the captured church lives with his family and two children, and threatened to evict him. According to the parishioners, supporters of the OCU systematically put pressure on the priest of the UOC and demand to vacate the premises, since they already have their own priest.

¹⁰ <https://spzh.news/ru/news/59145-na-volyni-storonniki-pcu-v-s-krasnovolya-zahvatili-khram>

¹¹ <https://spzh.news/ru/news/59329-obshhina-upc-s-krymno-i-bronica-prodolzhayet-protivostojaty-cerkovnym-rejderam>

¹² <https://spzh.news/ru/news/59375-na-volyni-aktivisty-iz-pcu-zahvatili-sobstvennosty-nastojatelya-monastyrya>

¹³ <https://spzh.news/ru/news/60188-storonniki-pcu-srezajut-zamki-s-khrama-upc-v-sele-peski-volynskoj-oblasti>

¹⁴ For example, on January 26th 2019, in the village of Nychegovka in the Manevitsky district, supporters of the OCU staged a brawl on the street to prevent the abbot from entering the temple. A woman's head was beaten. Police watched what was happening, claiming that they had no authority to intervene. Parishioners also suffered during the forceful capture of the temple in the village of Zhidychn in the Kivertsy district (February 22nd 2019). On June 2nd 2019, when an activist of the OCU attempted to capture a temple in the village of Grabovo, a deputy of the local council severely beat the abbot of the local temple.

are talking about temples in the villages of Urvenna¹⁵, Kopytov¹⁶, Busch¹⁷, Novaya Moschanitsa, Buderazh¹⁸, and others. According to eyewitnesses, an official personally participated in the capture of temples, attracting activists from the right-wing radical group "Right Sector" to help. The police did not intervene in the conflicts and just watched these processes. Also, with the participation of right-wing "activists", temples were captured in the villages of Kurozvan and Mnishin in the Goshchansky district, the villages of Tesov and Rozvazh in the Ostrozhsky district¹⁹, the villages of Berestyie and Selets in the Dubrovitsky district²⁰, the village of Malinsk in the Sarnensky district, the village of Pochva in the Dubna district (May 2nd), the villages of Ivanichi (May 30th) and Postoynoye (June 20th) in the Kostopolsky district, and others.

15. In the **Chernovtsi region**, the epicenters of the conflict were the villages of the Vizhnitsky district. Thus, on March 2nd, in the village of Berezhonka, representatives of the OCU and activists from "Right Sector" staged a brawl while trying to "transfer" the temple to the OCU. According to the parishioners, the residents of other villages (about 100-150 people), among whom there were people in balaclavas²¹, tried to capture the temple. A similar situation arose in the village of Berezhnitsa on March 7th-10th²². With the use of physical violence, attempts were repeatedly made to capture the temple in the village of Tovtry in the Zastavnovsky district²³. Conflicts over temples were also recorded in the village of Vlasovtsy (May 26th).

16. The conflict over the UOC church in the village of Gnezdichnoye in the Zbarazhsky district of the **Ternopol region** continued throughout January-July 2019. On January 13th, the UOC community and supporters of the OCU agreed to serve in the church in turns. However, on February 3rd clashes took place in the village, as a result of which the priest of the UOC was

¹⁵ <https://spzh.news/ru/news/59367-religioznuju-obshhinu-upc-s-urvenna-pereveli-v-pcu-bez-uchastija-prihozhan>

¹⁶ A long-time conflict is taking place over the temple in the village of Kopytov in the Rovno region. On April 13th 2019 "activists" of the OCU captured the temple. During the capture, the "activists" used physical force against the believers of the temple and scoffed at the priest. After the clash, the priest needed medical attention - he had to call an ambulance. According to eyewitnesses, the capture took place with the participation and support of representatives of law enforcement bodies and the SBU; regional level officials led the process. Despite the agreement of the parties on the pending court decision, supporters of the OCU cut the locks and captured the temple.

¹⁷ <https://spzh.news/ru/news/60377-v-bushhe-chinovniki-pod-predlogom-inventarizacii-ne-puskajut-verujushhih-v-khram>

¹⁸ <https://spzh.news/ru/news/60555-v-novoj-moshhanice-verujushhije-zahvachennogo-khrama-upc-sobralisy-na-bogosluzhenije?>

¹⁹ <https://spzh.news/ru/news/60210-pravyj-sektor-vlasty-i-upc-kp-ne-smogli-zahvatity-khram-v-sele-tesov>

²⁰ <https://spzh.news/ru/news/60659-v-s-berestyje-storonniki-pcu-vzlomali-dveri-khrama-upcdlya-inventarizacii>

²¹ <https://spzh.news/ru/news/60544-batyushku-dushili-verujushhije-upc-rasskazali-o-popytke-zahvata-khrama-v-berezhonke>

²² <https://spzh.news/ru/news/60721-v-proshhennoje-voskresenije-aktivisty-pcu-srezali-zamki-na-khrame-v-berezhnice>

²³ <https://spzh.news/ru/news/61191-silovoj-konflikt-v-sele-tovtry-sprovocirovalisluzhiteli-pcu>

beaten up. In the conflict the police sided with the OCU activists²⁴. On March 3rd adherents of the OCU captured the temple, and the believers of the UOC were beaten and kicked out. According to eyewitnesses, 15-20 fighters from the "Right Sector" group took part in the capture of the temple²⁵. They blocked the temple while negotiations were taking place in it. Conflicts over temples in the region were also recorded in the village of Rostoki in the Kremenetsky district²⁶, and in the village of Trebukhovtsy in the Buchatsky district.

17. In the **Chernigov region**, the capture of temples in the village of Olenovka²⁷ and in the village of Kovpyty²⁸ was carried out **with the support of local representatives of the right-wing radical group "C14"**. The UOC community in Olenovka defends its interests in a court that has already adjourned hearings several times²⁹. Human rights activists have reason to believe that right-wing radical groups are putting pressure on the court. Since June 2019, the confrontation over the church in the village of Kruty in the Nezhinsky district, which was initiated by a local activist from the radical right-wing party "Svoboda", continues.

18. UOC temples were captured in the **Zhytomyr region** according to similar scenarios (repeated attacks on the UOC believers during the capture of a temple were recorded in the village of Vorsovka in the Malinsky district) and in the **Vinnitsia region**, where conflicts were recorded in relation to the temples in the village of Brailov in the Zhmerinsky district (January 26th)³⁰ and the villages of Bokhoniki (March 9th)³¹ and Luka-Meleshkovskaya (March 16th, June 30th)³² - both in the Vinnytsky district.

19. In the **Odessa region** temple local officials also initiated captures. Thus, in the village of Puzhaykovo in the Baltsky district, the initiator of the "transfer" of the UOC church to the administration of the newly created OCU was the former chairman of the local district council and a member of the nationalist party "Svoboda"³³. The capture of the temple in the village of

²⁴ <https://uspishna-varta.com/ru/novyny/v-upts-zayavili-ob-izbiyenii-svyashchennika-politseyskimi-na-ternopolshchine>

²⁵ <http://news.church.ua/2019/03/03/pid-kriki-moskalyam-tut-ne-buti-vikidali-viryam-z-xramu-v-s-gnizdichne-pravij-sektor-dopomig-pcu-zavoloditi-xramom-video/>

²⁶ <https://spzh.news/ru/news/59328-v-s-rostoki-na-ternopolshshine-obshhina-upc-vynuzhdena-sluzhity-na-ulice>

²⁷ <https://uspishna-varta.com/ru/novyny/na-chernigovshchine-aktivisty-gruppirovki-s14-i-svyashchenniki-ptsu-zakhvatili-khram>

²⁸ <https://spzh.news/ru/news/59580-v-s-kovpyta-vlasti-pomogajut-radikalam-zahvatity-svyato-pokrovskij-khram-upc>

²⁹ <https://uspishna-varta.com/ru/novyny/sud-po-delu-o-zakhvate-khrama-upts-v-olenovke-perenesen-na-6-marta>

³⁰ <https://spzh.news/ru/news/59340-na-vinnichine-vlasty-iniciirujet-perevod-v-pcu-dvuh-khramov-upc>

³¹ <https://spzh.news/ru/news/60692-aktivisty-nedelyu-blokirovali-khram-upc-v-bohonikah-a-zatem-srezali-zamki>

³² <https://spzh.news/ru/news/60843-v-s-luka-meleshkovskaja-aktivisty-ne-puskajut-v-khram-arkhijereja-i-verujushhih-upc>

³³ <https://spzh.news/ru/news/59163-v-sele-puzhajkovo-odesskoj-oblasti-svobodovcy-otobrali-khram-upc>

Novoelizavetovka in the Shiryayevsky district (February 24th) was led by the director of the local school and, concurrently, the secretary of the "diocese" of the OCU³⁴.

20. In the **Kiev region**, conflict situations were recorded in the villages of Pogreby³⁵, Morozovka³⁶, and the city of Tarashcha, where supporters of the OCU threatened to capture temples belonging to the religious community of the UOC³⁷. On March 23rd 2019, an attempt was made to forcefully capture the UOC temple in the village of Ivankov, but parishioners managed to prevent it³⁸. On March 28th, a court ordered law enforcement officials to investigate the incident³⁹. On April 3rd the court also ordered law enforcement officers to submit data to the Unified Register of Pre-trial Investigations concerning an attempt to capture the UOC church in the village of Poradovka committed by activists of the OCU with the participation of the head of the local village council⁴⁰.

21. Also, captures of UOC temples in the villages of Shandrovets and Banya Lisovitskaya, in the **Lvov region**⁴¹, in the village of Pokhovka in the Ivano-Frankovsk region, the village of Yasinia in the Khust district of the **Transcarpathian region**⁴², as well as in the village of Baranovka in the Sumy region and the village of Sutkovtsy in the **Khmelnitsky region** were recorded.

22. Judicial disputes over changing the religious affiliation of churches, which were initiated by the religious communities of the UOC, as a rule, drag out for several years. Thus, since 2015, the struggle of the religious community of the UOC in the city of Konstantinovka in the Donetsk region for their rights in connection with the capture of the temple by the representatives of the UOC-KP has been ongoing. From 2015 to 2018 the courts of the first and appeal instances affirmed the rights of the UOC community to the temple. On June 19th 2018 the panel of judges of the Supreme Court decided to cancel the decisions of the courts of previous instances and refused to satisfy the claims of the diocese of the UOC for formal reasons (a person appealed whose interests are not violated by the appealed decision of the paraphial assembly). The case

³⁴ <https://www.facebook.com/watch/?v=391102681675876>

³⁵ <https://spzh.news/ru/news/60859-v-pogrebah-popytka-zahvata-policija-vyvela-vseh-iz-khrama>

³⁶ <https://uspishna-varta.com/ru/novyny/v-kiyevskoy-oblasti-aktivisty-ptsu-i-mestnyye-chinovniki-popytalis-opechatat-khram-upts>

³⁷ <https://spzh.news/ru/news/60645-priverzhency-pcu-ugrozhajut-zahvatity-khram-kanonicheskoy-cerkvi-v-gorode-tarashha>

³⁸ <https://spzh.news/ru/news/61027-verujushhije-ivankova-ne-pozvolili-aktivistam-pcu-zahvatity-svoj-khram>

³⁹ <https://spzh.news/ru/news/61156-sud-obyazal-policiju-rassledovaty-diskriminaciju-prav-verujushhih-v-ivankove>

⁴⁰ <https://spzh.news/ru/news/61258-sud-obyazal-rassledovaty-popytku-zahvata-khrama-upc-v-poradovke>

⁴¹ <https://uspishna-varta.com/ru/novyny/lvovskije-chinovniki-organizovali-zakhvat-khrama-upts>

⁴² <https://spzh.news/ru/news/60209-rejderstvo-na-zakarpatyje-odin-khram-zahvachen-odin-udalososy-otstojaty>

again began to be considered in the court of first instance. Court hearings in this case continue in 2019⁴³.

23. After President Petro Poroshenko's defeat in the election (April 2019), a **conflict arose between the former head of the UOC-KP Filaret and the head of the new OCU Epifany** in the church structure he patronised. Filaret announced the restoration of his church structure and the refusal to recognise Tomos of Autocephaly. On July 31st 2019 the UOC-KP filed a lawsuit against the MCU, which cancelled the registration of this church structure. After these statements, the **"activists" of the Ukrainian Orthodox Church started to capture the temples of the UOC-KP**. Such cases were recorded in Rovno (June 21st), Odessa (June 25th), and several villages in the Kiev region (July).

IV. EXERTION OF PRESSURE BY SECURITY BODIES ON PRIESTHOOD AND BELIEVERS

24. After the UOC refused to take part in the so-called "Unification Sobor" for the creation of a local church (December 15th 2018 in Kiev), **pressure was exerted on the priesthood of this religious organisation by security bodies**. The Security Service of Ukraine (*hereinafter - SBU*) called for the interrogation of representatives of the diocese of the UOC in Zaporozhye and Vinnytsia (November 19th 2018). Priests of the diocese in Rovno were summoned for repeated interrogations by the SBU (November 20th, December 1st and 5th, 2018). The clergy was charged with criminal cases under Article 111 of the CCU ("state treason") and Article 161 of the CCU ("actions aimed at inciting religious hatred").

25. **Searches were conducted in temples and the houses of clergy**. Thus, on November 30th 2018, SBU officers searched the place of residence of the Namestnik of the Kiev Pechersky Lavra, Metropolitan Pavel. Searches were carried out as a part of a case of inciting religious hatred (Article 161 of the CCU)⁴⁴. On December 3rd 2018 the SBU and National Police officers conducted 8 searches in the temples and houses of UOC priests in Kiev, Zhytomyr, Ovruch, and Korosten⁴⁵. On February 13th 2019, at Boryspol airport (Kiev), when entering Ukraine, the bishop of the UOC and abbot of the Tithe Monastery Gideon (Yury Kharon) was detained and deported⁴⁶. The State Border Service said that the bishop was allegedly engaged in anti-Ukrainian propaganda and was an "adherent of the Russian world". It was Bishop Gideon in October 2018 who appealed to the Supreme Court of Ukraine with a claim to invalidate the parliament's decision to support the appeal of President Petro Poroshenko to the Ecumenical Patriarch Bartholomew with a request to give Tomos for Autocephaly to the Orthodox Church in Ukraine.

⁴³ The "Uspishna Varta" human rights group supports the legal defence of community rights. <https://uspishna-varta.com/ru/video/view/51>

⁴⁴ <http://spzh.news/ru/news/57896-namestnik-kijevskoj-lavry-ne-udivlyusy-jesli-budut-obyski-i-pritesnenija>

⁴⁵ <https://uspishna-varta.com/ru/novyny/v-chetyrekh-gorodakh-proshli-obyski-u-svyashchennikov-upts>

⁴⁶ <https://uspishna-varta.com/ru/novyny/yepiskopa-upts-gedeona-ne-pustili-v-ukrainu>

26. Searches were also carried out against journalists and public activists who spoke out in support of the UOC. For example, on March 13th 2019 in Cherkassy, security officials searched the home of a writer who publicly criticized the OCU⁴⁷.

27. The head of the SBU, Vasily Gritsak, at a briefing on February 18th 2019 accused the special services of the Russian Federation of organising attacks against Ukrainian temples. According to him, the agency allegedly has information that *"attacks against religious buildings were organised from the territory of the occupied Donbass ... plans for destabilising the situation on religious grounds are coordinated with the FSB of the Rostov region"*⁴⁸. Earlier, the SBU made statements about Kremlin agents allegedly organising rallies against the provision of Tomos of Autocephaly. On March 27th 2019 the Foreign Intelligence Service of Ukraine announced that the Russian Federation allegedly plans to use the religious factor to destabilise the situation in Ukraine during the elections⁴⁹. However, no evidence or confirmation of the public statements by security authorities was provided.

28. These actions from the side of security bodies aimed to intimidate the clergy and parishioners of the UOC in order to persuade them to accept the position of the local church. This is evidenced by the fact that no further investigations into public accusations against the clergy of the UOC were conducted. Thus, **in January-July 2019, according to open data of the prosecutor's office, 69 offenses were recorded under Article 161 of the CCU "Violation of the equal rights of citizens depending on their race, nationality, religious beliefs". None of these offences were charged with suspicion.**

V. PHYSICAL VIOLENCE AND ACTS OF VANDALISM COMMITTED BY RIGHT-WING RADICAL GROUPS

29. Against the backdrop of representatives of the authorities and a number of media controlled by the authorities inciting hate speech towards the UOC, in 2018-2019 **facts of systematic violence against representatives of the UOC and acts of vandalism against religious buildings and temples were recorded**⁵⁰. As a rule, representatives of **right-wing parties, groups and volunteer battalions** ("C14", "Azov"/"National Corpus", "Right Sector", "Svoboda", and others) were involved in the attacks. Like in the cases of temple captures, the police did not prevent these acts of violence and did not actually bring the perpetrators to justice.

⁴⁷ <https://uspishna-varta.com/ru/novyny/politsiya-provela-obyski-u-pisatelya-skazochnika-iz-cherkass>

⁴⁸ <https://interfax.com.ua/news/general/566852.html>

⁴⁹ <http://szru.gov.ua/news/news/zagrozi-vtrucanna-rf-u-viborcij-proces-v-ukraini>

⁵⁰ During 2019, temples of the UOC in Uman, the Cherkassy region, in Lvov, and Zhytomyr were desecrated with insulting inscriptions. The right-wing group "C14" claimed responsibility for some of these cases. In Sumy on January 18th 2019, unidentified persons threw an explosive device during an evening service at the Transfiguration Cathedral. None of those present in the cathedral were injured. The UOC church in the village of Zeleny Yar in the Nikolaev region (February 11th) and the Svyato-Voznesensky temple of the UOC in Krivoy Rog in the Dnepropetrovsk region (February 15th) were also set on fire. In Zaporozhye, police detained three people who on February 16th unsuccessfully tried to set fire to the church of St. John the Theologian.

Representatives of the UOC are forced to seek an investigation of these incidents through the courts.

30. After the election of a new president of Ukraine in April 2019, the number of incidents involving attacks carried out by right-wing groups decreased significantly. For example, on July 27th 2019, the **UOC procession** dedicated to the 1031th anniversary of the Baptism of Rus' was held in Kiev, which brought together more than 300,000 believers. Unlike the previous year, the **event took place without significant incidents involving representatives of the authorities or radical right-wing groups issuing threats against its participants**⁵¹. The next day, July 28th, a similar religious procession was held by the newly formed OCU. According to the representatives of this church, about 20,000 people took part in it.

31. In general, **after the change of power in Ukraine in April 2019, there is reason to believe that state policy in the sphere of religion will be more moderate and the level of state interference in church affairs will decrease. At the same time, there remains a significant layer of issues that need to be resolved at the level of state policy: from the abolition of previously adopted discriminatory legislation to the ongoing practices of forcefully capturing UOC churches and posing threats to believers.**

This shadow report was prepared **by the All-Ukrainian Association "Uspishna Varta" ("Successful Guards")**. "Uspishna Varta" is a human rights platform that unites lawyers, public figures, and volunteers to protect the political and civil rights and freedoms of citizens of Ukraine, as well as to provide support for people and organizations that are persecuted for their political beliefs. Our main function is to monitor violations of the rights and freedoms of citizens in Ukraine and to make them public for a prompt response and to defend the affected people and organisations. We collect evidence of violations for the further transfer of these facts to the responsible authorities of Ukraine, and if a reaction does not follow, then they are transmitted to the world community and international organisations.

The UN Economic and Social Council (ECOSOC) at its coordination and management meeting on 23rd July 2019 adopted the recommendation of the Committee on Non-Governmental Organizations (NGOs) to grant special consultative status to AUA "Uspishna Varta".

More information about our initiative can be found on our website. <https://uspishna-varta.com/>
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⁵¹ The procession of the UOC on July 27th 2018 was preceded by a series of actions by representatives of the authorities aimed at disrupting the event. Thus, in the Zhytomyr, Zaporozhye, Sumy, Cherkassy, Kherson, Odessa, Chernovtsi, and Rovno regions, as well as in Ternopol, transport companies denied believers access to the capital on the eve of the procession. In the Chernigov region, representatives of "Svoboda" threatened to burn the buses of local transporters. During the procession of the UOC itself, attempts were made to provoke and discredit the believers. Thus, near the Cabinet of Ministers, two activists of "Bratstvo" tried to carry out a provocation by starting to shout out "Glory to Ukraine!" at the participants of the religious procession. The police quickly detained them.