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## **Statement of Bishop Victor (Kotsaba), Head of Representative Office of the Ukrainian Orthodox Church at International Organizations at the OSCE Supplementary Meeting on Human**

Bishop of Baryshevka Victor (Kotsaba) (23.06.2017) - <http://bit.ly/2s8j1Hq> - 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 Pohrebyshche 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 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), the US State Department on Religious Freedom in the World over 2015 year, Ukrainian human rights organizations 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.

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 more details please see the report of NGO «Public Advocacy», videos and documents on the following link: [www.protiktor.com/english](http://www.protiktor.com/english)

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

Thank you for your attention! Bishop of Baryshevka Victor (Kotsaba)

Head of the UOC Representative Office at International Organizations

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## **Crimean Jehovah's Witnesses told to renounce their faith or serve in occupiers' army**

By Halya Coynash

KHPG (20.06.2017) - <http://bit.ly/2tnqK1u> - A Crimean member of the Jehovah's Witnesses has been ordered to provide 'proof of change of faith' in order to be eligible for alternative civilian service. Russia is already in grave breach of international humanitarian law by conscripting young men on illegally occupied Ukrainian territory, and is now also applying a form of religious repression which harkens back to the worst Soviet times.

The young man in question received a summons from the Bakhchysarai military recruitment commission for June 14. The document includes a handwritten demand that he present "documents confirming change of religion".

The Jehovah's Witnesses' Russian website reports that the lad had visited the office on June 9 and been offered alternative civilian service. He was told, however, that this was only if he renounce his Jehovah's Witnesses faith. The summons posted on the site is apparently one of two received, with exactly the same wording, and no indication as to which religion he is supposed to 'change' to. It is also reported that Russia has already denied at least one Russian Jehovah's Witness the right to alternative civilian service, citing the Russian Supreme Court's ruling banning the faith.

This ruling on April 20 (by judge Yury Ivanenko) followed an application lodged by Russia's justice ministry, asking for the court to order the dissolution of the Jehovah's Witnesses Administrative Centre and 395 regional branches. Their activities were claimed to be 'extremist' and were suspended pending the Court decision.

The ruling flouts Russia's Constitution and, unless overturned at appeal level on July 17, must inevitably reinstate Soviet-style religious persecution. Many young men are likely to again be forced to go to prison, rather than taking up arms which the Jehovah's Witnesses strictly prohibit.

Russia is openly flouting the UN General Assembly and the Fourth Geneva Convention by conscripting young men from occupied Crimea into the Russian Army. In 2017, for the first time since Russia's invasion, Crimeans will be sent to regions of the Russian Federation. Criminal liability and other measures have also been increased since April 1 against those unwilling to do such 'military service', and at least one young man from Yalta is known to be facing criminal prosecution for refusing to serve in the Russian army.

Article 51 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War states unequivocally that "the Occupying Power may not compel protected persons to serve in its armed or auxiliary forces. No pressure or propaganda which aims at securing voluntary enlistment is permitted".

Article 49 prohibits "individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not". This, of course, applies also to Russia's continuing imprisonment in Russia of Ukrainian political prisoners and its 'deportation' of Crimean Tatars.

Russia's denial that it is occupying Crimea has been rejected by the entire democratic world. The Chief Prosecutor of the International Criminal Court issued a preliminary report on Nov 16, 2016, which found that the situation with Crimea constitutes an international armed conflict between Ukraine and the Russian Federation.

In its Nov 16, 2016 Resolution Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine), the UN General Assembly explicitly condemns Russia's occupation of Crimea and its application of Russian law in the occupied peninsula.

The situation is particularly serious as there is evidence to suggest that conscripts have been sent against their will to fight in Donbas.

The Crimean Human Rights Group has repeatedly warned that Russia's defence ministry is continuing to wage propaganda of military service. On June 12, they held large-scale events in both Simferopol and Sevastopol entitled: 'Military contract service is your choice'. Various entertainment stunts and an exhibition of military technology were used to attract people in direct violation of the Geneva and other international conventions.

Russia's occupation of Crimea has generally been accompanied by mounting war propaganda and the deliberate militarization of public awareness. Children are particularly targeted in the campaign of disinformation, stirring up of enmity towards Ukraine and the glorification of war in Crimean schools.

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## **Conflicting reports about Vatican action regarding Ukraine**

PDS (19.05.2017) - <http://bit.ly/2q95hY9>

**RIA Novosti - Ukrainian ambassador summoned to Pope because of "church laws"**  
(19.05.2017) - <http://bit.ly/2r8XHAD>

The Ukrainian ambassador to the Vatican was summoned to the Roman pope because of the controversial draft laws directed against the Ukrainian Orthodox Church of the Moscow patriarchate (UPTsMP), a cleric of the UPTsMP, Archpriest Nikolai Danilevich, reported.

"The Vatican is concerned about the possibility of the adoption of 4128 and 4511 (Laws against the Ukrainian Orthodox Church/ Mpscwp Patriarchate—ed. note). Our Ukrainian ambassador to the Vatican was summoned. The Vatican is completely in agreement with the position expressed by the Roman Catholic Bishop Stanislav Shirokoradiuk on this topic," he wrote in Facebook.

Earlier, the bishop of the Kharkov-Zaorozhe diocese of the Roman Catholic Church in Ukraine, Stanislav Shirokoradiuk, criticized these laws.

Yesterday the Rada planned to discuss two drafts about the status of religious organizations. One of them provides that organizations whose administrative centers are located in a state considered by Ukraine to be "an aggressor state" will be able to appoint metropolitans and bishops only in consultation with the government. The second may give the right to parishioners to change the jurisdiction of religious societies whose centers are functioning in Ukraine and beyond its borders. The UOC/MP considers that the documents are repressive and is concerned that they will legalize the seizures of church buildings.

The parliament did not manage to consider the draft laws on Thursday.

Earlier the Kremlin called any actions that violate the interests of the Russian Orthodox Church in Ukraine impermissible. . .

**RIA Novosti - Kiev denies report about summons of Vatican ambassador because of "church laws"** (19.05.2017) - <http://bit.ly/2r8XHAD>

The meetings of Tatiana Izhevskaja, the Ukrainian ambassador to the Vatican, were working meetings and there was no criticism of the so-called "church draft laws," the publication Ukrainiskaia Pravda reports, citing a representative of the Ministry of Foreign Affairs, Mariana Betsa.

Earlier, a cleric of the Ukrainian Orthodox Church of the Moscow patriarchate, Archpriest Nikolai Danilevich, reported that the Ukrainian ambassador to the Vatican was summoned to the Roman pope because of the controversial draft laws regarding the status of religious organizations that are directed against the UPTsMP.

"The report about the summons of the ambassador does not correspond with reality. Nobody summoned her. She had a number of working meetings in the State Secretariat of the Vatican, where they discussed various issues of domestic and foreign policy. Among them, these draft laws were discussed in these meetings. There was no criticism on the part of the Vatican," Betsa said.

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The Kremlin called any actions violating the interests of the Russian Orthodox Church in Ukraine impermissible.

**Interfax-Religiia - Kremlin declares violation of interests of Russian Church in Ukraine impermissible** (18.05.2017) - <http://bit.ly/2qc94Db>

The press secretary of the president of the RF, Dmitry Peskov, called actions leading to violations of the interests of the Russian Orthodox Church in Ukraine impermissible.

During a discussion with journalists on Thursday, they reminded D. Peskov that consideration of a draft law on the status of the Ukrainian Orthodox Church of the Moscow patriarchate had been postponed in the Verkhovna Rada. In connection with this they asked him how the Kremlin regards this document and whether the Kremlin will intervene in the situation in the event it were to be adopted.

"Certainly this is an extremely painful matter for parishioners of the Russian Orthodox Church and, certainly, we will consider any actions that would violate the interests of the Russian Orthodox Church in Ukraine to be impermissible," D. Peskov said.

**Portal-Credo.Ru - Ukrainian Verkhovna Rada does not plan to consider "church draft laws" that provoked Patriarch Kirill's anger** (18.05.2017) - <http://bit.ly/2q9klF1>

Draft laws regarding the activity of religious organizations will not be considered by the Supreme Soviet of Ukraine, a people's deputy from the fraction "Petro Poroshenko Bloc," Aleksei Goncharenko, told the news agency Interfax-Ukraina.

"The fraction made the decision that these draft laws are not ready for consideration in the hall. Therefore they will not be considered today in the hall," Goncharenko said.

As reported earlier, draft laws No. 4511 (concerning the special status of religious organizations whose administrative centers are located in a state considered by the Ukrainian Verkhovna Rada to be an aggressor) and No. 4128 (concerning the possibility of changing the subordination of a religious community to any religious center) are on the agenda of the parliament for consideration on first reading. Draft law No. 4511 was already rejected last year by the Verkhovna Rada; its initiators prepared a new version of the draft.

Representatives of the UPTsMP will conduct on 18 May a demonstration in front of the Verkhovna Rada building as a sign of protest against adopting these laws. On 16 May, Patriarch Kirill sent to heads of churches and states, the United Nations, and the World Council of Churches an extremely emotional letter demanding intervention in the internal affairs of Ukraine and "prevention" of the consideration of the draft law by the Ukrainian parliament. In particular, the letter linked the adoption of these bills with Russia's observance of the Minsk accords dealing with, inter alia, the ceasefire in the Donbass.

**Appeal of General Secretary of the World Council of Churches to Ukrainian President and Chairman of the Verkhovna Rada**

*In response to the appeal of His Holiness Patriarch of Moscow and all-Rus Kirill, the general secretary of the World Council of churches, Pastor Dr. Olav Fykse Tveit, sent a letter to Ukrainian President P.A. Poroshenko and the chairman of the Verkhovna Rada of Ukraine, A.V. Parubii. The letter says the following:*

Your Excellency!

The commonwealth of the World Council of Churches, the most open and largest ecumenical organization, which counts 348 member churches, representing more than 110

countries and 500 million Christians, is profoundly concerned about the intention of the Ukrainian Verkhovna Rada to include in the agenda of tomorrow's session draft law No. 4218 "On introducing amendments into the Ukrainian law 'On freedom of conscience and religious organizations'" and also draft law No. 4511 "On the special status of religious organizations whose administrative centers are located in a state considered by the Verkhovna Rada to be an aggressor state."

As an ecumenical organization, which in the span of all 70 years of its existence has defended the principle of religious liberty and has opposed any forms of discrimination in all regions of the world, the World Council of Churches considers that the adoption of the aforementioned draft laws would place under threat the principle of freedom of religious confession and the equality of all churches and religious societies in Ukraine, and it may provoke a new wave of tension within Ukrainian society. While highly regarding all efforts of the Ukrainian government for strengthening democracy and improving Ukrainian legislation in order to bring it into line with international standards, we nevertheless are convinced that these two bills run counter to the efforts being made in Ukraine for the development of democracy. We urge that these bills, which are fraught with negative consequences, be withdrawn.

With respect,

Pastor Dr. Olav Fykse Tveit

General Secretary,

World Council of Churches

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## **Both Ukraine and Russia violate religious freedom**

***The Forum for Religious Freedom-Europe (FOREF) and Human Rights Without Frontiers (HRWF), independent and nonpartisan human rights organizations, called on Ukraine and Russia to cease exploiting and repressing religious communities.***

FOREF and HRWF (19.05.2017) - In Ukraine, Bills 4511 and 4128 proposed in the Ukrainian parliament (*Verkhovna Rada*) place Ukrainian Orthodox churches belonging to the Moscow Patriarchate in a special category as religious organizations "whose administrative centers are located in a state recognized ...as an aggressor state." Bill 4128 is aimed at promoting the transformation of such churches into members of the Kiev Patriarchate.

The legislation has been denounced as discriminatory by Patriarch Kirill of Moscow and All Russia, and also by Ukrainian politicians and civil society groups who understand that it constitutes a serious interference into religious affairs by the state, and violates fundamental human rights, freedom of religion principles and legal obligations of Ukraine.

In fact, ever since Russia's illegal annexation of Crimea and military subversion of sections of Eastern Ukraine, Orthodox congregations have been attacked, abused and manipulated by both pro-Russian agitators and Ukrainian groups that oppose them.

**"Discriminating against followers of the Moscow Patriarchate is not justified by Russian aggression in Ukraine,"** according to Dr. Aaron Rhodes, president of FOREF. **"It violates human rights, and alienates citizens,"** he said.



The unfortunate Ukrainian legislation emerged shortly after the Russian Supreme Court issued a ban on the Jehovah's Witnesses, a decision that, if upheld, will make it a serious crime for 170,000 Russian citizens to practice their faith.

The decision has been praised by leading representatives of the Russian Orthodox Church. According to Metropolitan Hilarion of Volokolamsk, head of the Synodal Department for External Church Relations, "This is a sect, totalitarian and harmful...Their doctrine contains a lot of false teachings. They do not believe in Jesus Christ as the God and the Savior. They do not recognize the doctrine of the Trinity. Therefore, they cannot be called Christians."

**"One cannot escape the irony of Russian Orthodox Church officials calling on Ukraine to respect freedom of religion while they support the legal destruction of a religious group with which they have doctrinal differences,"** said Willy Fautre, Executive Director of Human Rights Without Frontiers.

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## Ukraine delays vote on religious bill outraging Russia

AFP (18.05.2017) - <https://yhoo.it/2qVLyiy> - Ukraine's parliament on Thursday postponed a vote on a religious bill that has outraged Russia because it suggests imposing severe restrictions on the Moscow branch of the Orthodox Church.

Russia is particularly concerned about the possible seizure of its churches in Ukraine.

Several thousand worshippers of the Moscow church staged a peaceful protest outside the parliament building in central Kiev ahead of the proposed vote.

Kremlin spokesman Dmitry Peskov also warned on Thursday that "any actions that violate the interests of the Russian Orthodox Church in Ukraine are unacceptable."

The draft legislation assigns a special status to religious organisations whose leadership is based in an "aggressor state".

Kiev and its Western allies accuse Russia of plotting and backing a three-year war in the east of Ukraine that has claimed more than 10,000 lives.

Russia regularly brushes aside the charge despite eyewitness reports from both journalists and foreign monitors of its weapons and troops crossing the border into the Ukrainian war zone.

A member of Ukrainian President Petro Poroshenko's ruling party said lawmakers had failed to gather enough support to vote on the bill Thursday.

"Our faction decided that this legislation was not ready for consideration," Oleksiy Goncharenko told the Interfax-Ukraine news agency.

It was not immediately clear when the draft legislation might be presented to parliament.

The legislation would force the Moscow-based branch of the Ukrainian Orthodox Church to renew its registration with authorities within a three-month period and be placed under supervision.

It calls for Russian-based churches that "systematically violate Ukrainian law" to be stripped of their registration and banned.

The head of the Russian Orthodox Church Patriarch Kirill said this week that the proposed bill "threatens the constitutional rights of millions of Ukrainian believers".

He added that it could also "cause a wave of violence and new seizures of churches, and escalate intercommunal conflict in Ukraine".

Kirill accused Ukraine of illegally seizing more than 40 Moscow patriarchate churches between 2014 and 2016 and warned that the proposed law would make their takeover permanent.

Ukraine is a predominantly Orthodox Christian country where most of the faithful are members of the Kiev-based branch of the church.

Followers of the Moscow patriarchate primarily live in the east while some people in the western and central regions belong to the Greek and Roman Catholic Churches.

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## **On the bill regarding the change of jurisdictional affiliation of religious communities and its criticism**

HRWF (18.05.2017) - In March 2016, the Ukrainian Parliament registered draft law No.4128, which regulates the procedure of changing the affiliation with particular religious centers by religious communities. A heated debate sparked around the bill, just as around a negative opinion on this matter by Chief Scientific Expert Department of the Parliament (HNEU).

The father of the law, MP Viktor Yelensky, was stuck in Brussels by two terrorist attacks at that time and HRWF talked with him about his draft law. His comments were adequately summarized by RISU (Religious Information Service of Ukraine) as follows:

### ***MP Viktor Yelensky's comments***



"The right to change religious beliefs and religious affiliation is a fundamental human right. As follows from Article 9 of the European Convention on Human Rights and Fundamental Freedoms, they can be changed either alone or collectively with others. Meanwhile, the problems that Ukrainians had faced for a long time in the implementation of this law, became more severe and obvious with the beginning of Russian aggression against

Ukraine. Orthodox believers, being indignant of the Moscow Patriarchate's support of aggression, blatant anti-Ukrainian actions of its hierarchy, showed their desire to leave the Russian Church and join the Ukrainian Orthodox Church – Kyiv Patriarchate.

This is not just a problem of jurisdiction, this is an issue that pertains to the depth of the human conscience.

A priest of UOC (MP), Fr Oleh Shlikhta wrote to his Primate that chanting "many years" to Patriarch Kirill in the parishes where hundreds mourn those killed in the war with Russian mercenaries is a non-canonical action. But it appears difficult for the community to get rid of the Moscow Patriarchate control.

Here is a typical situation. The majority of Orthodox community strives, as Metropolitan Basil Lypkivsky once wrote, to get out from under Moscow." But the priest with his wing men blocked the decision of the community. Hierarchy denounces its former faithful as "splitters devoid of grace" and sets to win churches by court action. The alternate use of a church with brothers and sisters in faith is strictly prohibited. On this occasion there is an instructive letter of the Primate of the Ukrainian Orthodox Church (Moscow Patriarchate) Metropolitan Onufriy that directly encourages clergy to disregard the law on freedom of conscience. Then the specially trained guys in sports pants come to the village, which were euphemistically called "pilgrims" by church propagandists. Accordingly, the "soul-saving mission" consisting in knocking out of the church the believers whose grandparents and great-grandparents had built it and these people renovated, cared for and maintained, was shamelessly named a "pilgrimage." A very specific group of journalists is always present where fighting takes place. It depends on their agility depends whether Patriarch Kirill will make statements today or tomorrow on the "excesses of militant nationalists against the canonical Church."

What does the 4128 draft suggest? First, a religious center's change of affiliation, the right which religious community has under international law and under Ukrainian law, is carried out "by registration of a new version of the statute (regulations) or amendments thereto adopted by consent of a simple majority of those present at the meeting of the religious community members."

And, secondly, the people belonging to the community are in the position to decide on its ecclesial affiliation. The belonging of a person to a religious community, according to the proposed bill, is determined through his identification with this religious community, as evidenced by the participation in the religious life of a particular community. It is clear that a member of a particular religious community cannot be a person who 1) does not identify him/herself as this community member and 2) is not involved in its life.

(...) the state has no right to and is not able to a) determine whether a person is a believer; b) how deep and true is his/her faith; c) determine the person's participation in religious life - one community has compulsory tithing, another weekly attendance at prayer meetings, some other regular confession and more. There are religions where the membership in a religious community provides the person's initiation. There are cases where proximity to the human community and its participation in the authorized activities of the community does not imply full membership. The state does not intervene in all that but leaves to the discretion of the community.

That is, the bill excludes imposing by the state not only a way of expressing individual religious beliefs, but also the organization of its internal structure. Let me remind you that "self-identification" is an entirely legitimate category here. The UN Committee on the Elimination of All Forms of Racial Discrimination determined (1990) that apurtenance of a person to a racial or ethnic group should be based on self-identification.

Leading experts on religious freedom show that the same principle should be applied to determine membership in religious groups. (Anat Scolnicov (2011). *The Right to Religious Freedom in International Law. Between group rights and individual rights*, p.26)

Meanwhile, the Central Scientific Experts Office of the Parliament opposed the capability of religious communities to exercise their fundamental right to submit themselves to the jurisdiction of their own choice, categorically, for the reasons that are not currently understood, but clearly are not of a legal nature. In its opinion, the Central Scientific Experts Office cites the Constitution of Ukraine and concludes that "a person may at any time change their affiliation with a particular religious community." The conclusion is disappointingly banal. But here is the trick! - The bill refers not to a person but a community, which, as we have seen, cannot so easily change its affiliation. After such "innocent" spoofing, the experts of the Central Scientific Experts Office summarize with a sense of accomplishment, "... Thus, there is reason to believe that the matter is out of the scope of legal regulation" If there was a Nobel Prize in law – the experts of the Central Scientific Experts Office would be first in line. They promptly resolved the problem of balance between the individual and group rights, on which legal luminaries of the world are scratching their spears; they relieved the law schools of the need to develop principles to govern conflicts that arise in the public manifestation of religious beliefs; they declared void an issue, which proved to be above the bend of a number of Ukrainian courts: what is the religious community - a private law corporation or an unalienable part of the Church.

To give the legal opinion of the Central Scientific Experts Office a likeness of legitimacy, its experts refer to two cases of the European Court of Human Rights. These things are really important to understand our issue – "**Bessarabia Metropolis vs. Moldova**" (2002) and "**St. Michael parish vs. Ukraine**" (2007). One can hardly imagine how the rulings of the European Court in these cases can not only justify, but even support the arguments of the Central Scientific Experts Office. At least that in the first case, the European Court defended the right of the religious association, which wanted to change the jurisdiction and leave the Moscow Patriarchate for the Romanian Patriarchate and which the Moscow Patriarchate (and subsequently the state of Moldova) accused of schismatic activities, violation of the canon law of the Church, unwillingness to consult with the Moscow Patriarchate (p.B.27), the European Court defended the right of believers (p.67) "to practice their religion together in the bosom of the church, other than Moldovan metropolis [Moscow Patriarchate]."

The case of "St. Michael parish v Ukraine" does not leave the opinion of the Central Scientific Experts Office a chance to exist. First, the decision in this case obliges Ukraine to resolve the problem that the Central Scientific Experts Office declares non-existent and not being subject to legal regulation. Secondly, in this case the European Court stood up in defense of the applicant community, which "indicated that their right to change religious orientation, as guaranteed by Article 9 of the Convention, is violated (p.120). Even more, the Court found that state intervention in the community right to freedom of religion is precisely the refusal to unimpeded change of their jurisdiction (p.123). This interference prevented them from joining the Kyiv Patriarchate as an independent religious group (ibid).

The irresistible desire of the Central Scientific Experts Office to "close question" is surprising, to put it mildly. Despite the fact that Ukraine really has problems with exercising the right of a community to leave the jurisdiction of a religious center, where Ukrainian policy and imperial chauvinism are elevated to the rank of church policy, despite the fact that the Strasbourg Court urges the Ukrainian legislator to resolve the issue, despite the fact that the legal arguments against the bill are not convincing, to put it mildly, the Central Scientific Experts Office recommends to reject it - not even alter, improve or modify, but reject. And, as supposedly "the issue is beyond the scope of legal regulation," we thank you for your attention, good bye.

Meanwhile, the Moscow Patriarchate continues to spread its agitation materials in Ukraine regarding the "holy war against schismatics and Uniates." And I received another letter from the Orthodox - this time from the village of Ryasnyky, Goshchansky district of Rivne region. They ask for help in maintaining their civil position and exercising their constitutional rights."

Source: RISU

([https://risu.org.ua/en/index/expert\\_thought/authors\\_columns/vyelenskyi\\_column/62961/](https://risu.org.ua/en/index/expert_thought/authors_columns/vyelenskyi_column/62961/))

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## **Patriarch Kirill calls for prevention of adoption in Ukraine of laws aimed against Ukrainian Orthodox Church**

Interfax-Religion (17.05.2017) - <http://bit.ly/2qUg8ZG> - Patriarch Kirill of Moscow and All Russia called on the heads of state of the "Normandy four" countries, the Orthodox Churches, Pope Francis, UN Secretary General Antonio Guterres to prevent the planned adoption by the Verkhovna Rada of Ukraine of two laws that are regarded by the Russian Orthodox Church as discriminatory.

"The messages state that, if these drafts are adopted, discriminatory legal practice on a majority of the Orthodox population of Ukraine unprecedented for today's Europe will be legalized. Such restrictive religious legislation was not effective in Ukraine even in the period of the Communist regime, and in the remaining territory of Europe something like that only existed under Nazi rule in Germany," the Russian Orthodox Church said on its website on Wednesday.

There are two bills.

Bill №4511 gives special status to religious organizations "whose administrative centers are located in a state recognized by the Verkhovna Rada as an aggressor state." The Ukrainian Orthodox Church of the Moscow Patriarchate has repeatedly said it sees this document as discriminatory and jeopardizing its communities on the territory of Ukraine.

Bill №4128 gives people belonging to a church community the right to change its charter by voting by simple majority, which the Ukrainian Orthodox Church of the Moscow Patriarchate believes will lead to the legalization of raiding takeovers of its churches and their transfer to the self-proclaimed "Kiev Patriarchate".

The patriarch said these bills contradict the Ukrainian Constitution and current legislation, adding that they have been opposed, specifically, by the main scientific and expert directorate of the Verkhovna Rada, its committee on corruption prevention, and representatives of various religious organizations.

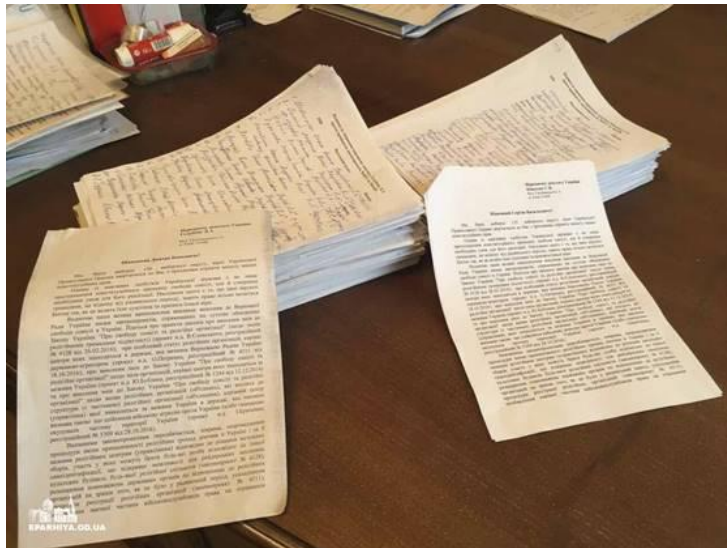
The patriarch said the adoption of these laws "jeopardizes the constitutional rights of millions of Ukrainian believers and is capable of causing a wave of violence and new takeovers of churches and aggravating the civil conflict in Ukraine, putting it into the realm of religion." According to the available information, right-wing radical elements took over 40 churches of the Ukrainian Orthodox Church on the territory of Ukraine in 2014-2016. The formal grounds for such takeovers are so-called referenda conducted by residents of villages who decide on the 'transition' of their communities. The opinion of valid founders and members of the community as a legal entity is not taken into account in such situations," he said.

In closing, he called on the addressees to make every effort to prevent the adoption of these bills, which "may become a glaring example of the trampling on the human rights to freedom of religion."

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## **Ukrainian Orthodox Church/Moscow Patriarchate is preparing a protest rally against Bills 4128 and 4511 throughout Ukraine**

RISU (16.05.2017) - <http://bit.ly/2qUFarZ> - The faithful of the UOC (MP) across Ukraine are protesting against the adoption by Ukrainian Parliament of Bills 4128 and 4511 scheduled for May 18. This was reported by the Information and Education Department of the UOC (MP), having received information from press services of their dioceses.



Bills No. 4128 and No. 4511, in the opinion of the UOC (MP), are contrary to the Constitution and international law in the field of freedom of religion guarantees.

Now the signatures of UOC (MP) faithful to the MPs are being collected to a call not to vote for these two bills.



The hierarchs of the Ukrainian Orthodox Church (Moscow Patriarchate) from all over Ukraine also turned to MPs with a call to “stop legal arbitrariness and discrimination of the UOC and other churches.”

According to the report of the UOC (MP), more than 52 thousand faithful of the UOC (MP) in Odessa region signed during one day an appeal to MPs of Ukraine from the region, so they did not vote in the Parliament for said anti-clerical laws. The believers are totally against interference in the internal activities of the church by the state.

The collection of signatures with the blessing of Metropolitan Agathangel of Odessa and Izmail (UOC (MP)) began on 14 May and will continue until the evening of May 15, after which all the collected signatures will be submitted to Kyiv, to Ukrainian MPs.

Metropolitan Luka urged the faithful of the Diocese of Zaporizhzhya UOC (MP) to collect signatures against the laws and to accomplish the feat of prayer and fasting in these days. He stressed that by such actions as lobbying anti-clerical laws, some public servants “are trying to involve not only our church but also our entire country into a whirlpool of Ukraine confessional war.”

The Diocese of Zaporizhia of the UOC (MP) urged the faithful to come to the prayer standing on 17 May at 17:00 on Festivalna square in Kyiv.

When addressing his flock, the ruling bishop of Kirovograd diocese of the UOC (MP), Archbishop Ioasaf also noted that “the adoption of these laws brings Ukraine back to the totalitarian Soviet past, when the state controlled the church.” “This is contrary to the fundamental principles of freedom of religion guaranteed by the Constitution of Ukraine and international legislative and regulatory acts adopted by it,” he stressed.

During the Sunday sermon, Bishop Oleksiy of Pervomaisk of the UOC (MP) said the following words to faithful: “Today we are collecting signatures against the anti-clerical laws that the Parliament of Ukraine intends to adopt. Our elected representatives who have betrayed God and his people, want to adopt laws under which everything must belong to state and the authorities could appoint bishops and clergy in churches. “In this regard, he blessed to collect signatures to a petition to MPs of Ukraine until May 18 and daily read their prayer rule and to commit fasting.

### ***RISU note***

We are referring to bill No. 4128 “On freedom of conscience and religious organizations” (on change of religious communities’ subordination), which registered a clear mechanism by which religious communities can change their subordination to a particular parish.

One of the authors of this bill is Victor Yelenskyy, a religious expert, MP of the faction “People's Front”, a member of the Parliamentary Committee on Culture and Spirituality.

“The law provides that a person, regardless of their religion, has the right to switch to another confession. No matter Orthodox or Catholic, this person can become a Buddhist and vice versa. Or, for example, a person attends the church of the Moscow Patriarchate, and wants to attend one if the Kyiv Patriarchate,” says the MP, adding that the right to change faith is enshrined in all documents relating to the freedom of conscience and belief. This right is also enshrined in the Ukrainian law on freedom of conscience, but it is not spelled out how one can perform this transition.”

Thus, the authors stresses, Bill No. 4128 is intended to set some more specific rules.

“This bill was not directed specifically against the Moscow Patriarchate or against Kyiv Patriarchate or against Catholics. But it is clear that we have a lot of communities in Ukraine, where the faithful do not want to belong to the Moscow Patriarchate. When this law was filed the Moscow Patriarchate sided against it as a united front, including Patriarch Kirill in person, his deputies, leadership of the Ukrainian Orthodox Church Moscow Patriarchate, the Opposition Bloc, Mr Novinsky,” Yelensky notes.

Bill No. 4511 is a draft law on the special status of religious organizations, the governing centers of which are located in the state recognized by the Parliament of Ukraine as the aggressor state, which was submitted by MPs of Ukraine Petrenko, Bryhynets, Levus, Vysotsky, Medunytysya, Artyushenko, Timchuk, Tymoshenko and others.

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