

**SPEECH OF DIRECTOR OF THE NON-GOVERNMENTAL  
ORGANIZATION “INSTITUTE OF LEGAL POLICY AND SOCIAL  
PROTECTION NAMED AFTER IRINA BEREZHNYAYA” ELENA  
BEREZHNYAYA**

**AT THE PLENARY MEETING**

**OSCE Human Dimension Implementation Meeting**

**SEPTEMBER 24, 2019 (3 Pm - 16 Pm)**

**(TOPIC: TOLERANCE AND NON-DISCRIMINATION)**

Our Institute monitors facts of violations and infringement of rights and freedoms in Ukraine since 2014 (in particular, incidents associated with all forms of discrimination).

So, in April 2018, the authorities represented by President Poroshenko (and later by MPs of Verkhovna Rada of Ukraine) sent letters to Patriarch of Constantinople requesting creation of Ukrainian Orthodox Church of Ukraine (hereinafter PCU) on the basis of non-canonical, non-recognized by other Orthodox churches and religious organizations - Ukrainian Orthodox Church of the Kiev Patriarchate (hereinafter UOC-KP) and Ukrainian Autocephalous Orthodox Church (hereinafter UAOC).

In course of preparations to the unification council for creation of a new church authorities exerted pressure on priests of the canonically recognized Ukrainian Orthodox Church (hereinafter referred to as the UOC) demanding to change their affiliation in favor of the newly created church.

For example, in November 2018, the right-wing radicals threatened Bartholomew, the Metropolitan of Rivne and Ostroh Rivne dioceses of the UOC, demanding his participation in creation of the CEC.

In November 2018, supporters of the new church tried to take by storm the residence of Efrem, the Metropolitan of Kryvyi Rih and Nikopol UOC in Dnipropetrovsk region.

Law enforcement agencies had never reacted to the above-described offenses. On December 15, 2018, at the Boryspil Airport (Kiev), State Border Guard officers detained Metropolitan Bartholomew of the Rivne and Ostroh UOC, obliging him to attend the unification council dedicated to creation of the PCU.

On the eve of unification council in November 2018 many senior hierarchs of the UOC were repeatedly called to the Security Service of Ukraine (hereinafter SBU) for “preventive conversations”, where officers actively tried to persuade them to participate in this event.

At mentioned interrogations Bishop Pimen, the Vicar of Rivne diocese of the UOC, and Luka, the Metropolitan of Zaporizhia and Melitopol (as well as other clergymen) sustained psychological pressure.

Both central and local authorities openly hindered conduction of the Procession of the Cross, initiated by the UOC in July 2018 and dedicated to the 1030th anniversary of the Baptism of Russia.

Also on August 14, 2018, on the day of the Depreciation of the Honest Trees of the Holy Life-Giving Cross, the congregation and the clergy of Odessa diocese of the UOC were not allowed to worship in Temple in honor of Saints Cyril and Methodius located at Odessa Military Academy.

On December 15, 2018, in the city of Kiev, some clergy together with President of Ukraine Poroshenko held a unification council dedicated to creation of PCU church.

Meanwhile, in December 2018, the canonical UOC won a legal dispute: Ukrainian court rejected Ministry of Culture of Ukraine's claim on registering each diocese and monastery of the UOC on basis of a separate charter.

Deputies of regional councils of three regions of Western Ukraine at the end of 2018, in their turn, forwarded official appeals to the SBU requesting to check the "anti-Ukrainian activities of the UOC" (that is, not activities of specific clergy, but of the church itself - the centuries-old canonical church, which has more than 20 million followers in Ukraine).

Also in December 2018, MPS of Verkhovna Rada adopted amendments to Law of Ukraine "On Freedom of Conscience and Religious Organizations", stipulating mandatory change of the canonical UOC's name. This is an unacceptable interference of authorities in religious matters.

However, on April 22, 2019, the Kiev District Administrative Court decided to suspend the process of mandatory renaming of Ukrainian Orthodox Church until proper consideration of the case.

On January 6, 2019, in Istanbul (Turkey), at the Fener in the Church of St. George, Patriarch Bartholomew, with participation of President of Ukraine Poroshenko, presented Tomos for the Orthodox Church of Ukraine (Tomos was signed on January 5).

In March 2019, text of the agreement on creation of PCU signed by the state of Ukraine on November 3, 2018 (in person of President Poroshenko) and the Patriarch of Constantinople Bartholomew on, was officially published in Ukraine. This legal act flagrantly violates the law, because President Poroshenko, acting on behalf of Ukraine, well exceeded his authority, as Patriarchate of Constantinople is not a subject of international law. Accordingly, President has no right to sign agreements with him.

Besides that, terms of the agreement stipulated that in exchange for the Tomos Ukraine transfers buildings and premises, as well as other property used by Orthodox communities to the "stavropegia" of Ecumenical Patriarchate in Ukraine.



The document also contains a number of provisions regarding the consistent and focused activities of the state of Ukraine on creation of the PCU in the frameworks prescribed by the Tomos.

On the eve of creation of the PCU in October 2018, Verkhovna Rada adopted a resolution on transfer of an outstanding architectural monument - St. Andrew's Church (city of Kiev) - to patriarch Bartholomew for usage. This decision was taken despite negative expert opinion prepared by the Main Scientific and Expert Directorate of Verkhovna Rada. According to the opinion, transfer of specific state property usage rights never belonged to the scope of authorities of Verkhovna Rada. After receipt of the Tomos Ukraine started witnessing illegal and government-sponsored seizures of churches belonging to the canonical Ukrainian Orthodox Church. Representatives of clergy of this denomination turned into targets of illegal actions.

Despite election of the new President – Zelensky - as well as despite reshuffle in legislative and executive branches of power, we still see no end to illegal seizures of temples and churches of the canonical UOC religious communities.

Based on the foregoing, I ask the organizers of this meeting to add our concerns on religious discrimination in Ukraine to the General Resolution.

All participants who wish to receive the monitoring report on violations of rights and freedoms in Ukraine and on infringement on access to justice in 2014-2019 can contact me after conclusion of the Plenary Meeting.