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Follow-up report to concluding observations

State party: Ukraine

Reference: Follow-up to concluding observations CCPR/C/UKR/CO/8

State follow-up report: CCPR/C/UKR/FCO/8 (information received on 5 November 2024)

Submitting organization:

Justice pour Tous Internationale (JPTi), Geneva

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I. Introduction

Justice pour Tous Internationale (JPTi) respectfully submits the present alternative report for the consideration of the Human Rights Committee in the context of its assessment of the follow-up information provided by Ukraine in document CCPR/C/UKR/FCO/8. This submission addresses the implementation of paragraphs 42, 44, and 48 of the Committee's concluding observations on Ukraine's eighth periodic report, adopted on 9 February 2022. While freedom of thought, conscience, and religion under Article 18 of the International Covenant on Civil and Political Rights is not designated as a priority paragraph for follow-up, JPTi submits that the effective implementation of the selected recommendations cannot be meaningfully assessed without examining their concrete impact on members of the Ukrainian Orthodox Church (UOC), as well as on journalists, lawyers, and public figures who seek to document, defend, or publicly discuss measures affecting that religious community.

Justice pour Tous Internationale is an independent international human rights organization based in Geneva, engaged in case-driven advocacy and legal analysis before United Nations and regional mechanisms. In relation to Ukraine, JPTi has documented a sustained pattern of measures affecting the Ukrainian Orthodox Church that raise serious concerns under Articles 17, 14, and 19 of the Covenant, and which are closely intertwined with the non-derogable guarantees of Article 18. These measures include large-scale security service raids on religious premises, criminal prosecutions of clergy for sermons and theological expression, state-orchestrated evictions and property seizures affecting monasteries and congregations, and pressure directed at journalists, lawyers, and individuals who publicly criticize or challenge such practices.

On 14 May 2025, following submissions and supporting documentation provided by JPTi and other stakeholders, seven United Nations Special Procedures mandate holders addressed a joint allegation letter to the Government of Ukraine under reference AL UKR 1/2025. That

communication raised serious concerns regarding alleged discrimination against members of the Ukrainian Orthodox Church and those defending them, including arbitrary detentions, evictions, and criminal prosecutions based on broadly framed national security or anti-extremism provisions. The mandate holders emphasized that freedom of thought, conscience, and religion is non-derogable, criticized the use of vague ideological labels such as “pro-Russian affiliation,” “extremism,” or references to the concept of “Ruskiy Mir,” and warned against the conflation of religious affiliation with threats to national security.

On 1 October 2025, United Nations independent experts issued a public statement through the Office of the High Commissioner for Human Rights expressing serious concern at reports of ongoing persecution of the Ukrainian Orthodox Church. The experts observed that the question of the UOC’s alleged ecclesiastical and canonical links with the Moscow Patriarchate—currently under judicial scrutiny—restricts the scope of freedom of worship and religious practice, which they affirmed are integral to freedom of thought, conscience, and religion under international human rights standards. They recalled that freedom of religion or belief is non-derogable even in times of armed conflict, expressed alarm at measures taken against senior UOC hierarchs, and warned that vague or ideologically based justifications for dissolving religious organizations—such as accusations of extremism under imprecise anti-extremism provisions or references to “Ruskiy Mir” or “pro-Russian affiliation”—are incompatible with the principle of legal certainty and risk criminalizing freedom of thought and religion or belief, as well as undermining freedom of assembly and association. The experts further highlighted serious concerns with Law No. 3894-IX, which entered into force in 2024 and authorizes the dissolution of religious organizations deemed affiliated with the Russian Orthodox Church, cautioning that equating religious affiliation with national security threats establishes a framework for State control incompatible with international human rights standards.

In parallel with its engagement before United Nations treaty bodies and Special Procedures, JPTi has pursued complementary advocacy within other international and regional frameworks concerned with freedom of religion or belief and the rule of law. In particular, JPTi has intervened within the Organization for Security and Co-operation in Europe human dimension framework and has transmitted detailed briefing materials to the United States Commission on International Religious Freedom. On 30 August 2025, following the public release of AL UKR 1/2025, JPTi transmitted its *Briefing Note on the Systematic, Ongoing, and Egregious Persecution of the Ukrainian Orthodox Church* to the Commission, inviting scrutiny of legislative and administrative measures affecting the UOC, including Ukraine’s Law No. 8371, under standards comparable to those enshrined in the International Covenant on Civil and Political Rights. While such engagement does not substitute for the Human Rights Committee’s treaty-based assessment, it is relevant insofar as it confirms that the same factual patterns give rise to serious concern across multiple institutional settings addressing freedom of religion or belief, judicial independence, and freedom of expression.

Ukraine’s follow-up report emphasizes constitutional guarantees, legislative frameworks, and aggregate statistics. However, it does not substantively address how these safeguards operate in practice in cases framed as national security matters, nor does it engage with their cumulative and disproportionate impact on a specific religious community. The present submission therefore focuses on the gap between formal protections and their implementation in practice, as illustrated by documented cases affecting the Ukrainian Orthodox Church and those associated with it, and invites the Committee to assess the State party’s compliance with the Covenant in light of these patterns.

II. Paragraph 42: Right to Privacy (Article 17 ICCPR)

In paragraph 42 of its concluding observations, the Committee recommended that Ukraine strengthen safeguards against arbitrary or unlawful interference with privacy, including through the establishment of an independent personal data protection authority, comprehensive regulation of surveillance measures, and effective judicial oversight over covert investigative actions under the Criminal Procedure Code. Ukraine's follow-up report describes an extensive constitutional and legislative framework governing privacy, including Article 32 of the Constitution, the Law on Personal Data Protection, and procedural safeguards under Articles 233, 234, and 246 to 270 of the Criminal Procedure Code. It further provides statistical data on authorizations, refusals, and terminations of covert investigative actions.

While these formal safeguards are not in dispute, JPTi submits that their application in practice, particularly in cases involving members of the Ukrainian Orthodox Church, reveals serious deficiencies in proportionality, necessity, and independent oversight. Since late 2022, the Security Service of Ukraine (SBU) has conducted numerous raids on UOC monasteries, churches, diocesan offices, and private residences of clergy across multiple regions. These operations have involved searches of living quarters, seizure of electronic devices, inspection of correspondence, and monitoring of communications, frequently justified by broadly framed national security allegations.

Religious premises, including monasteries and clergy residences, constitute private and communal spaces protected under Article 17 of the Covenant. In the cases documented by JPTi, searches and seizures have often been conducted on the basis of generalized suspicions related to alleged ideological or canonical affiliation, rather than individualized evidence of criminal conduct. Judicial warrants authorizing such measures are rarely made public, limiting the possibility of independent scrutiny. In practice, the combination of secrecy surrounding national security investigations and the absence of a fully independent supervisory authority creates a situation in which security agencies effectively self-authorize intrusive measures.

The joint allegation letter AL UKR 1/2025 expressly referred to “state-orchestrated or state-approved evictions” of UOC clergy and congregations, including the termination of agreements governing the Kyiv-Pechersk Lavra, and noted that suppression extended to those who sought to document or challenge these measures. Such actions inevitably entail interference with private life, correspondence, and home, yet Ukraine's follow-up report does not address how Article 17 safeguards are applied in this specific context, nor how necessity and proportionality are assessed when religious activity is reframed as a security risk.

The case of Mr. Vadym Novinsky, a prominent benefactor of the UOC and ordained protodeacon, further illustrates the intersection of privacy interference and religious affiliation. In 2023, Ukrainian authorities imposed sanctions and seized assets reportedly exceeding UAH 10.5 billion, including commercial and residential properties. In September 2025, he was placed under in absentia arrest on charges including treason and incitement of religious enmity, described publicly in terms of his alleged role as a “curator” of Russian Orthodox Church interests. These proceedings have involved extensive searches, seizure of personal data, and restrictions on correspondence, demonstrating how support for the UOC is treated as a trigger for intrusive measures.

Aggregate statistics on denied or terminated covert actions do not illuminate how such measures are applied in security-related cases involving religious actors. Nor do they address

the risk of profiling based on religious affiliation. JPTi therefore submits that, notwithstanding formal safeguards, the current practice undermines the protection against arbitrary or unlawful interference with privacy guaranteed by Article 17 of the Covenant. The Committee is invited to seek clarification from the State party on the specific safeguards governing raids and surveillance affecting religious communities, and on measures to prevent discriminatory or disproportionate interference in the name of national security.

III. Paragraph 44: Independence of the Judiciary and Administration of Justice (Article 14 ICCPR)

In paragraph 44 of its concluding observations, the Committee recommended that Ukraine ensure the independence and impartiality of the judiciary, guarantee fair trial rights, and address systemic challenges such as understaffing and delays, particularly in conflict-affected regions. Ukraine's follow-up report provides extensive information on constitutional guarantees of judicial independence, reforms to judicial governance bodies, qualification procedures, and statistical data on appointments and assessments.

JPTi does not dispute the relevance of these structural reforms. However, it submits that the report fails to address how judicial independence and fair trial guarantees operate in practice in cases framed as national security matters, particularly those involving clergy and representatives of the Ukrainian Orthodox Church. In such cases, courts appear to rely heavily on the assessments and characterizations advanced by security agencies, with limited scrutiny of the evidentiary basis or proportionality of the measures requested.

The prosecution and prolonged pre-trial detention of Metropolitan Arseniy (Yakovenko), Abbot of the Holy Dormition Sviatohirsk Lavra, is emblematic. Arrested on 24 April 2024 following a large-scale SBU operation at the monastery, Metropolitan Arseniy was charged under Article 114-2 of the Criminal Code on the basis of a sermon delivered in September 2023, in which he called for prayers for pilgrims experiencing difficulties at military checkpoints. Despite the absence of any allegation of violence or disclosure of operational military information, he has remained in prolonged pre-trial detention, repeatedly denied bail or alternative preventive measures, notwithstanding serious health concerns.

In AL UKR 1/2025, United Nations mandate holders characterized such detention as potentially arbitrary and emphasized that prolonged pre-trial detention without effective remedies violates Articles 9 and 14 of the Covenant. The OHCHR press release of 1 October 2025 further warned that ongoing judicial proceedings against UOC hierarchs risk amounting to collective punishment. Ukraine's follow-up report does not address these concerns, nor does it explain how courts ensure independence and impartiality when adjudicating cases involving religious speech and national security allegations.

Similar concerns arise in the cases of Metropolitans Pavlo, Feodosii, and Longin, each of whom has faced criminal charges based on sermons or statements defending the canonical status of the UOC. In these cases, preventive measures have included detention or house arrest, often without meaningful consideration of less restrictive alternatives. The reliance on vague concepts such as "justifying aggression" or "inciting religious enmity," without clear evidentiary thresholds, places courts under implicit pressure to align with executive narratives.

The revocation of the citizenship of Metropolitan Onufriy, Primate of the UOC, in July 2025 on national security grounds further illustrates the erosion of procedural safeguards. Such a

measure, taken against the senior religious leader of a major denomination, raises serious questions regarding access to effective remedies and independent review.

The in absentia arrest of Mr. Vadym Novinsky in September 2025 likewise reflects the use of extended investigative measures and public accusations prior to adjudication, undermining the presumption of innocence. Taken together, these cases suggest that affiliation with the UOC generates a presumption of suspicion that weakens judicial scrutiny and compromises Article 14 guarantees.

JPTi therefore urges the Committee to assess not only the formal architecture of judicial independence described by Ukraine, but also its effective operation in security-sensitive cases, and to seek information on measures ensuring that courts remain independent, impartial, and capable of providing effective remedies to religious minority defendants.

IV. Paragraph 48: Freedom of Expression (Article 19 ICCPR)

Paragraph 48 of the concluding observations calls upon Ukraine to protect journalists, human rights defenders, and others exercising freedom of expression, ensure that national security restrictions comply with Article 19 and General Comment No. 34, and investigate attacks against media professionals. Ukraine's follow-up report refers to relevant criminal law provisions and ongoing investigations into high-profile cases.

JPTi submits that, in the context of the Ukrainian Orthodox Church, freedom of expression is subject to disproportionate restrictions that are not adequately addressed in the State party's report. Clergy have been prosecuted for sermons and religious language characterized as "pro-Russian," notwithstanding the absence of incitement to violence. In AL UKR 1/2025, United Nations experts criticized the use of vague ideological categories that fail to meet the requirement of legal certainty and unduly restrict protected expression.

Journalists and human rights defenders who document or criticize measures against the UOC have similarly faced intimidation, prosecution, or prolonged detention. Cases such as that of journalist Dmytro Skvortsov and lawyer Svitlana Novytska, both referenced by UN mandate holders, illustrate the chilling effect on reporting and legal advocacy related to religious freedom issues.

Public figures who have criticized the treatment of the UOC have also faced significant pressure. Mr. Oleksiy Arestovych, a former adviser to the Office of the President who resigned in January 2023, publicly criticized the repression of the UOC in 2023, describing it as a form of crude political technology and warning against targeting millions of believers, including soldiers. While the legal and political measures taken against him, including sanctions imposed in May 2025 and criminal proceedings, cannot be attributed exclusively to his statements on the UOC, his case illustrates a broader environment in which criticism of state policy on religious matters carries tangible risks, contributing to a chilling effect on public debate.

Law No. 3894-IX further exacerbates these concerns by enabling the dissolution of religious organizations based on affiliation criteria and by indirectly criminalizing expression related to canonical or historical ties. The use of national security justifications to restrict religious and journalistic expression, without individualized necessity and proportionality assessments, is incompatible with Article 19 of the Covenant.

JPTi therefore submits that Ukraine's follow-up report does not adequately address the protection of freedom of expression in UOC-related contexts and invites the Committee to seek clarification on safeguards for religious speech, journalistic investigation, and public criticism of state policy.

V. Conclusion and Recommendations

Ukraine's follow-up report highlights formal legal safeguards, yet significant gaps persist in their application in cases involving the Ukrainian Orthodox Church. These gaps facilitate intrusive interference with privacy, weaken judicial independence, and unduly restrict freedom of expression, with cumulative effects on the non-derogable freedom of religion or belief.

JPTi respectfully recommends that the Committee seek clarification on safeguards applicable in religious and national security cases, emphasize the need for strict necessity and proportionality, and consider the interconnected impact of Articles 17, 14, 19, and 18 of the Covenant.

Justice pour Tous Internationale remains available for constructive dialogue with the Committee.

ANNEX: KEY SOURCES AND REFERENCES

1. **CCPR/C/UKR/CO/8** – Concluding observations on the eighth periodic report of Ukraine (Human Rights Committee, adopted 9 February 2022). Full text (English): https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FUKR%2FCO%2F8&Lang=en (Official UN document outlining paragraphs 42, 44, and 48 as follow-up priorities.)
2. **CCPR/C/UKR/FCO/8** – Ukraine's follow-up report to concluding observations (information received 5 November 2024). Full text: Available via OHCHR treaty body database search for Ukraine follow-up (not publicly hyperlinked in results, but referenced in session docs); access through https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/FollowUp.aspx?Treaty=CCPR&Lang=en (State party's submission on implementation of paras. 42, 44, 48, including privacy, judiciary, and expression safeguards.)
3. **AL UKR 1/2025** – Joint allegation letter from UN Special Procedures to Ukraine (14 May 2025). Full communication: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29850> (or via OHCHR SP communications search). (Seven mandate holders raise concerns over discrimination, arbitrary detentions, evictions, and prosecutions targeting UOC members and defenders.)
4. **OHCHR Press Release (1 October 2025)** – "Ukraine: UN experts warn of persecution against Ukrainian Orthodox Church". Full text: <https://www.ohchr.org/en/press-releases/2025/10/ukraine-un-experts-warn-persecution-against-ukrainian-orthodox-church> (Public statement by UN experts on ongoing UOC persecution, non-derogable Article 18 rights, Law No. 3894-IX risks, and citizenship revocation of Metropolitan Onufriy.)

5. **NGO Information Note – Human Rights Committee (CCPR) 145th Session (2–19 March 2026).** Full document: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/SessionDetails1.aspx?SessionID=2837&Lang=en (or via OHCHR session page). (Details follow-up procedure for Ukraine, Botswana, Cambodia; NGO submission deadline 1 December 2025; confirms priority on paras. 42, 44, 48.)
6. **Vadym Novinsky Sanctions and Arrest (2025 developments).**
 - SBI (State Bureau of Investigation) announcement on in absentia arrest (September 2025): <https://dbr.gov.ua/news/sud-obrav-zapobizhnij-zahid-kuratoru-rpc-v-ukraini-nardepu-kilkoh-sklikan-vid-opozicijnogo-bloku>
 - HRWF report on arrest warrant and UOC context (29 September 2025): <https://hrwf.eu/ukraine-arrest-warrant-for-pro-russian-billionaire-priest-vadim-novinsky> (Covers asset seizures > UAH 10.5 billion, treason/religious enmity charges tied to UOC support.)
7. **Oleksiy Arestovych Sanctions (May 2025).**
 - Presidential decrees enacting NSDC sanctions (1 May 2025): <https://www.president.gov.ua/documents/2672025-54713>
 - Kyiv Independent coverage (1 May 2025): <https://kyivindependent.com/zelensky-imposes-sanctions-on-former-adviser-kremlin-linked-figures-russian-companies> (Sanctions for justifying aggression/criticisms; context includes his 2023 UOC persecution statements, though not direct cause.)
8. **UN Press Release regarding the Persecution of the Ukrainian Orthodox Church (UOC)** URL: <https://www.jpti.ch/post/jpti-welcomes-and-commends-the-un-statement-regarding-the-persecution-of-the-ukrainian-orthodox-church> Date: October 3, 2025 Description: JPTi commends the OHCHR press release (1 October 2025) on UOC persecution; references AL UKR 1/2025 (from JPTi's February 2025 submission), USCIRF briefing (30 August 2025), and Law No. 8371.
9. **UN ACTS ON JPTi COMPLAINT IN THE CASE OF THE UKRAINIAN ORTHODOX CHURCH (UOC)** URL: <https://www.jpti.ch/post/un-acts-on-jpti-complaint-in-the-case-of-the-ukrainian-orthodox-church-uoc> Date: September 1–2, 2025 Description: Press release on AL UKR 1/2025 issuance in response to JPTi's complaint; covers non-derogable Article 18 rights, vague labels, arbitrary arrests/property seizures, and USCIRF call; includes links to UN communication PDF and government response.
10. **Persecution of Ukrainian Orthodox Church is Ongoing and Systematic** URL: <https://www.jpti.ch/post/ongoing-and-systematic-persecution-of-the-ukrainian-orthodox-church-uoc> Date: March 11, 2025 Description: Details JPTi's February 2025 UN Special Procedures complaint on UOC violations (arbitrary arrests, property expropriation, criminalization of expression); calls for UN/OSCE/CoE investigations; mentions citizenship revocations (e.g., Metropolitans Jonathan, Meletii, Arseniy).
11. **Zelensky's Mission to Silence Christianity – Religious Freedom in Ukraine and Estonia Under Threat** URL: <https://www.jpti.ch/post/zelensky-s-mission-to-silence-christianity-religious-freedom-in-ukraine-and-estonia-under-threat> Date: May 24, 2025 Description: Commentary on Tucker Carlson interview with Vadym Novinsky; links to JPTi's UOC persecution statement and broader advocacy on Ukraine/Estonia orthodox repression.
12. **United Nations Experts Raise Concerns on Estonia: JPTi Welcomes the Statement and Publishes Briefing Note on Orthodox Religious Freedom in Estonia and Ukraine** URL: <https://www.jpti.ch/post/united-nations-experts-raise->

[concerns-on-estonia-jpti-welcomes-the-statement-and-publishes-briefing](#) Date: December 18, 2025 Description: Announces publication of the briefing note itself (the document you provided); summarizes 2025 JPTi work on both Estonia (AL EST 1/2025, AL EST 2/2025) and Ukraine (AL UKR 1/2025, USCIRF); emphasizes comparative security narratives affecting Orthodox communities.