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In consultative status with the United Nations Economic and Social Council

Written contribution
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, the non-governmental organization in special consultative status with the United Nations
Economic and Social Council, supported by the Public Organization "Public Advocacy", the
non-governmental organization in special consultative status with the United Nations
Economic and Social Council, the religious organization "Ukrainian Orthodox Church", and
the Alliance "Church Against Xenophobia and Discrimination", on the follow-up report of
Ukraine (CCPR/C/UKR/FCO/8)

**"On the mass disappearances of Priests of the Ukrainian Orthodox Church due to
Unlawful mobilization on discriminatory grounds, on the communication of UN experts
to Ukraine regarding violations of the ICCPR"**

Information provided by the Public Institution "For Human Rights" on the basis of the
communication of the UN Special Rapporteurs to the State of Ukraine dated May 14, 2025:

A) regarding the Committee's recommendations to the State of Ukraine on the need to
ensure compliance with international standards on the inadmissibility of discrimination on
any grounds,

B) regarding the Committee's recommendations to the State of Ukraine on the need to
ensure respect for the rights of human rights defenders and journalists, and to ensure freedom
of speech and expression of opinions
(paras. 30, 32, 45, 46, 47, 48).

Given that the State of Ukraine provided information in its follow-up report related to
paragraph 48, we hereby submit information based on the findings of the UN Special
Rapporteurs, outlined in their communications to the State of Ukraine, which address issues
similar to those raised in the UN Committee's report:

We are pleased to inform you that seven UN Special Rapporteurs, in their
Communication to the Government of Ukraine of 14 May 2025, formally recognized the
existence of violations of the rights of UOC believers and provided Ukrainian law enforcement
bodies with a comprehensive interpretation of international legal norms prohibiting the

criminal prosecution of believers and hierarchs of the Ukrainian Orthodox Church for lawful criticism of the authorities or other religious organizations, and for expressing theological views on matters of canonicity.

This interpretation is crucial for defending the rights of our faithful, as Ukrainian security services continue to repress members of the UOC for statements made in defense of their faith, their convictions, and for criticizing the government. There are ongoing arrests and detentions, often for extremely long periods and without objective consideration of the cases by an independent court, based solely on “temporary preventive measures.”

The UN Special Rapporteurs, in their document, presented a convincing expert evaluation of the unlawful expansion of Ukraine’s criminal law provisions by its prosecuting authorities. We encourage you to review these UN documents for a detailed understanding of the processes now unfolding in Ukraine:

- *UN Press Release: “Ukraine: UN experts warn of persecution against Ukrainian Orthodox Church”¹*
- *Communication to the Government of Ukraine, signed by UN mandate-holders²*

Despite the clarity of the conclusions reached by international experts, we regret to report that, instead of complying with international law, the Ukrainian authorities have resorted to new and cruel methods of persecution.

In particular, under legislation adopted in 2025, **deferment from military mobilization has been granted to all religious confessions in Ukraine—except the Ukrainian Orthodox Church.** This is an open act of discrimination, as our clergy and hierarchs no longer enjoy equal legal status with Catholics, Protestants, Muslims, and others, whose ministers freely receive deferment from military service.

Instead, our priests are detained by mobilization officers—often violently—placed in custody in military recruitment centers, and sent to the front as “soldiers,” being denied the right to alternative service on religious grounds. Furthermore, our clergy are explicitly prohibited by law from serving as military chaplains. In practice, this means our priests are being killed at war. There is no doubt that this policy is aimed at the complete—legal and physical—eradication of our faithful.

According to verified media reports³, as well as interviews with relatives and, in some cases, with the victims themselves⁴ – a practice has been established in Ukraine of forcibly detaining

¹ <https://www.ohchr.org/en/press-releases/2025/10/ukraine-un-experts-warn-persecution-against-ukrainian-orthodox-church>

² <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29850>

³ <https://gazeta-misto.te.ua/u-kremenci-mobilizuvaly-nastoyatelya-pochayivskogo-skyta-pafnutiya/>

⁴ https://antikor.info/ru/articles/776405-svjashchennika_iz_kamenskogo_vo_vtoroj_raz_zaderhali_v_ttsk_semjja_govorit_ob_obmane_i_neizvestnom_mestonahohdenii

UOC clergy⁵ and delivering them for compulsory military service to military units, followed by deployment to the front.

The problems with this practice, which constitutes a gross violation of human rights, are as follows:

1. In Ukraine there exists the legal right to deferment from conscription for all churches, religious denominations, and groups – with the sole exception of the Ukrainian Orthodox Church. Thus, all clergy of all denominations in Ukraine are exempt from mobilization and are not forcibly delivered to military units or sent to the front as ordinary soldiers – except for clergy of the UOC. This practice is enshrined in a normative legal act and constitutes a form of open, undisguised discrimination against the religious group of the UOC. This issue is described in greater detail below.

2. There is a hostile attitude in Ukraine toward representatives of the UOC, portrayed as allegedly supporting the Russian Federation. Ongoing criminal cases against UOC hierarchs, coupled with an information campaign against this Church, create conditions for crimes to be committed against this denomination with impunity. This makes it impossible to expect that the human rights of UOC clergy sent to military units – especially after actual deployment to the front – will be respected.

3. Mobilized UOC clergy are delivered to Territorial Recruitment Centers (TRCs) without their consent, where they are forced to undergo Military Medical Commissions without the right to appeal the decisions of these commissions. Afterwards, they are sent to training centers and military units where they have no possibility of telephone communication, postal correspondence, access to a lawyer, or any form of legal defense. They also have no ability or right to appeal to international bodies that deal with cases of arbitrary detention.

4. Under Ukrainian law, it is prohibited to disclose the location of military units and servicemen. Thus, mobilized UOC clergy cannot inform their lawyers or relatives of their whereabouts in order to arrange legal assistance or other protection.

5. Mobilized UOC clergy are not given the option of alternative military service. Under Ukrainian law, UOC priests are not permitted to serve in the Armed Forces of Ukraine as military chaplains.

6. In cases where clergy refuse to take the military oath for religious reasons, they are prosecuted under criminal law and face imprisonment for up to 10 years.

Proposed review of a typical case of rights violations against a mobilized cleric of the UOC, based on a statement received and verified by us:

“The applicant is a clergyman of the Ukrainian Orthodox Church, serving as rector of a UOC religious organization...

Under current Ukrainian legislation, all clergy of all denominations in Ukraine have the right to deferment from mobilization (reservation), except for UOC clergy. The applicant considers such an exclusion to be discriminatory and a violation of Article 14 and Article 1 of Protocol 12 of the European Convention.

⁵ <https://spzh.eu/en/news/87603-in-chernivtsi-trc-employees-abduct-uoc-priest->

The applicant was forcefully detained by TRC employees and mobilized in an expedited manner, delivered to a military unit, and enlisted with the rank of “private” in a military formation.

At present, the applicant is within a military unit; disclosure of the unit’s location is prohibited under current Ukrainian legislation and constitutes a criminal offense under Article 114-2 of the Criminal Code of Ukraine.

According to the regime in force in the military unit: servicemen are normally prohibited from making telephone calls; temporary access to telephones is possible only with the permission of the command; postal communication from the unit is absent; access to a lawyer is impossible; the arrival of a lawyer to the unit or personal contact with relatives is prohibited; sending the applicant documents for personal signature is impossible. The applicant is held under armed guard and coerced to take the military oath despite the fact that he is a clergyman and, according to his religious beliefs and doctrine, has no right to bear arms or take an oath, having already sworn an oath to God as a priest. Concurrently, he is denied any form of alternative military service not involving weapons.

For his position and refusal to take the oath, the applicant is threatened with execution (death penalty without legal grounds), assignment to an assault unit at the front, infliction of physical harm, or death in some other way.

Unlike other clergy who may serve as chaplains, UOC clergy are prohibited from doing so, since the Ukrainian state regards the UOC as a denomination affiliated with the ROC.

Part 3 of Article 7 of the Law of Ukraine “On Military Chaplaincy Service”⁶:

“A person who belongs to a religious organization recognized as being part of the structure of (or belonging to) a religious organization whose governing center (administration) is located in a state recognized as having committed armed aggression against Ukraine and/or temporarily occupied part of the territory of Ukraine cannot be a military chaplain.”

The principal violation of the applicant’s rights is discrimination against him as a priest compared with priests of other denominations, who under current Ukrainian law have the right to deferment from mobilization (reservation) solely on the basis of their clerical status.

The applicant notes that in Ukraine the deprivation of the UOC’s right to deferment from mobilization is a form of political pressure on the UOC in order to force its clergy to transfer to another denomination – the “Orthodox Church of Ukraine,” created by the Ecumenical Patriarchate of Constantinople.

Thus, the mobilization of UOC clergy has become a form of state violence and coercion to change one’s denomination and religious beliefs – under threat of death at the front or extrajudicial executions in military units.

Legislation establishing the right to deferment from mobilization for all clergy of all denominations in Ukraine – “Criteria for Defining a Religious Organization as Critically Important for the Functioning of the Economy and Ensuring the Life of the Population in a Special Period” (hereinafter – the “Criteria”), approved by Order of the State Service of Ukraine for Ethnopolitics and Freedom of Conscience of 05.02.2025 No. H-21/11 “Certain Issues

⁶ www.protiktor.com/uoccases

Regarding the Reservation of Clergy Liable for Military Service During Mobilization and Wartime” :

The deprivation of all UOC clergy of the right to reservation is implemented in the above legislation as follows:

A) According to the aforementioned Criteria (paragraph 5), the right to deferment (reservation) exists if:

– the statute (charter) of the religious organization remains valid in the part defining its full official name.

However, all UOC religious organizations, pursuant to previously adopted legislation, have been required to change their names to indicate their affiliation with a religious center (the ROC) in a state recognized by Ukraine as an aggressor state (the RF). In cases where such a name change is refused, the statutes of such religious organizations are deemed invalid in terms their names.

See excerpt from the Law of 20.12.2018 No. 2662-VIII [4] :

B) According to the List of Religious Organizations Required to Amend Their Statutes (approved by the Ministry of Culture of Ukraine on 26.01.2019), it was established:

– “2. Religious organizations operating in Ukraine and belonging to (or being part of) such religious associations as: the Russian (Ruthenian) True Orthodox Church (RTOC), the Russian (Ruthenian) Old Believers Church (Priestless Accord), also known as the Ancient Orthodox Pomeranian Church (AOPC), the Ukrainian Orthodox Church (in unity with the Russian Orthodox Church – UOC)..., according to the attached list, shall, within no more than three months, introduce into their statute (charter) the changes provided for in Part 7 of Article 12 of the Law of Ukraine ‘On Freedom of Conscience and Religious Organizations’ and submit them for registration in the prescribed manner.”

Thus, given that the religious organization, of which the applicant is the head and an employee, has not made such changes – considering the requirement to change the name to be a violation of the right to freedom of religion – the applicant has no right to deferment from mobilization under current Ukrainian law, unlike clergy of other denominations who enjoy this right".

Since the adoption of this legislation (February 2025), we have recorded numerous cases of forced detention of UOC clergy, including confinement in militarized structures that have no legal authority to detain, deprive of liberty, or hold individuals in custody under the legislation of Ukraine:

1. On 11 June, in Kremenets city, after the conclusion of a court hearing, Archimandrite Paphnutiy (in the secular world Serhiy Tselyk, b. 1971), abbot of the Pochaiv Holy Spirit Skete, was detained by representatives of the Territorial Recruitment Center and taken to the Ternopil TRC. Reportedly, the mobilization took place immediately after another court hearing in the ongoing case against the Pochaiv Monastery⁷.

⁷ <https://tepravda.te.ua/mobilizuvally-nastoyatelya-monastyrya-v-pochayevi-arhimandryta-pafnutiya/>

2. According to the Odesa Eparchy of the UOC: “On the territory of the Dobroslav community of Odesa district, on 10 June 2025, TRC employees detained a cleric of the Odesa Eparchy, Archpriest Oleksandr Moskovchuk, rector of the Holy Trinity Church in Troyandove village (23 years in the priesthood). Despite his age and poor state of health, as well as the canonical impossibility of taking up arms and the legal impossibility of mobilization, the clergyman was and continues to be forced to sign a military service contract, being threatened and subjected to psychological pressure, and transported between various TRC departments and military units of Odesa and other regions of Ukraine.”⁸

According to the personal account by another UOC priest, Fr. Oleksandr was mobilized when he came to the TRC to update his personal data; under pressure, he was forced to agree to undergo an MMC, which, without adequate examination of his health, declared him fit for service. He was denied the right to alternative service or chaplaincy and was sent to a military unit. During these events, the priest’s health deteriorated; he called an ambulance, and the doctors insisted on hospitalizing him, but TRC staff refused and expelled the doctors from the building. The priest is currently at the front⁹

3. On 19 June 2025, reports emerged of the violent abduction of a UOC priest in the Dnipropetrovsk region. According to media sources, at about 5 a.m., employees of the Kamianske TRC detained Priest Rostyslav Kalynovskyi – a cleric of the Kamianske Eparchy of the UOC – and took him away in an unknown direction. Without any explanation, the clergyman was checked by an MMC, after which he was transferred to the Piatykhvatky TRC. According to available information, Fr. Rostyslav’s mobile phone was confiscated.

It is known that Fr. Rostyslav is in a difficult family situation: his wife is a disabled person, his mother suffers from a severe form of asthma¹⁰. The priest was forcibly taken to a military unit and is now being compelled to take the military oath, despite his desire to exercise his right to deferment on equal terms with clergy of other confessions or to perform alternative service without the use of weapons¹¹.

Another egregious act of lawlessness is the arrest of Metropolitan Arseny (Yakovenko), abbot of the Sviatohirsk Lavra. On 24 April 2024, he was detained and has since been held in custody in violation of Ukrainian law, under a preventive measure that does not establish guilt by court ruling. Every two months, a Ukrainian court extends his detention as a “temporary preventive measure,” despite his grave health condition.

As correctly noted by UN experts in their communication with the Ukrainian Government and in the UN press release, this arrest constitutes **a form of collective and demonstrative punishment** of UOC believers for refusing to comply with the authorities’ demands to change their faith and confessional affiliation.

Between 29 September and 3 November 2025, Metropolitan Arseny was held in custody without a court order—a **clear act of arbitrary detention, which would in any other case**

⁸<https://www.facebook.com/Odesskaja.eparhija/posts/pfbid02GCMiQzjHLuUhCnhDfM2koZkoGTFD2ZdPNtWCyYvK9FSCWGw11QPHvoEnRb7w2C63l?rdid=eGQ79w20gcl0zawR>

⁹ <https://www.youtube.com/watch?v=tA-zpC9n0PQ>

¹⁰ <https://spzh.eu/en/news/86832-trc-employees-abduct-uoc-priest-in-dnipropetrovsk-region>

¹¹ <https://spzh.eu/en/news/87108-mobilized-priest-from-kamianske-refuses-to-take-the-military-oath>

have resulted in his immediate release¹². Yet he was not freed¹³, despite the fact that imprisonment without a court decision constitutes a gross violation of human rights. Consequently, the case of Metropolitan Arseny is clearly political in nature and constitutes a flagrant violation of fundamental human rights by the Ukrainian government.

On 28 October 2025, the court changed the preventive measure to bail, and the hierarchy was released—but that same day he was rearrested by the Security Service of Ukraine on new charges¹⁴. On 3 November 2025, the court again placed him in custody for 60 days as a “temporary measure” without addressing the case on its merits and without the right to bail¹⁵. This demonstrates the ongoing unlawful practice of detention extensions under political pressure.

The new criminal charges against Metropolitan Arseny are based on Article 436-2 of Ukraine’s Criminal Code, which has already been criticized by UN experts as a tool for suppressing dissent and freedom of expression. Its wording is overly broad and is used to convict individuals for reposts on social networks and the expression of ideological views. Under international law, **ideas and convictions cannot be criminalized**, nor can freedom of speech and criticism be restricted.

As the UN Special Rapporteurs emphasized in their Communication of 14 May 2025:

Page4:

“In all these instances, the detainees reportedly endured prolonged pretrial detentions or restrictive house-arrest measures, often denied bail and subjected to closed-door hearings. In some cases, courts appear to rely on linguistic ‘expertise’ asserting ‘pro-Russian sympathies’ rather than concrete evidence of criminal intent. The nature of the charges—and the reportedly minimal factual basis beyond theological discussions, sermons, or liturgical practices—suggests that criminal law may be being deployed to curtail the UOC’s influence and those who continue to exercise their faith as aligned with the Russian Orthodox Church [...].”

Page10:

“Annex Reference to international human rights law”: “Article 9 of the ICCPR and article 5 of the ECHR prohibit arbitrary arrest and detention, requiring that any deprivation of liberty follow clear and transparent legal procedures. General comment No. 35 of the Human Rights Committee further clarifies that pretrial detention must remain an exceptional measure and must not serve as a mechanism for political or religious persecution (para. 17). We remind your Excellency’s Government that in accordance with the jurisprudence of the Working Group on Arbitrary Detention, and general comment No. 35, arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR, including

¹² <https://svlavra.church.ua/2025/10/09/apelyacijnij-sud-vidmoviv-u-peredachi-spravi-mitropolita-arseniya-na-rozglyad-inshogo-sudu-zamist-slovnyanskogo/>

¹³ <https://svlavra.church.ua/2025/08/02/mitropolit-arsenij-zalishenij-pid-vartoyu-sud-vidmoviv-u-vsik-klopotannyax-zaxistu/>

¹⁴ <https://svlavra.church.ua/2025/10/29/mitropolita-svyatogirskogo-arseniya-vipustili-pid-zastavu-i-znovu-zatrimali/>

¹⁵ <https://svlavra.church.ua/2025/11/04/sud-postanoviv-uvyazniti-mitropolita-arseniya-v-sizo-bez-prava-vnesennya-zastavi-foto/>

freedom of religion or belief, freedom of expression and freedom of peaceful assembly and of association, is arbitrary. Article 9(3) of the ICCPR states that pretrial detention should be employed only in exceptional circumstances and must be subject to timely judicial review. In Idalov v. Russia (2012), the ECtHR (European Court of Human Rights) ruled that repeatedly extending detention under vaguely worded national security claims violates due process [...].”

Pages 10–11:

“Annex Reference to international human rights law”: “The principle of legal certainty enshrined in article 15 of the ICCPR and article 7 of the ECHR (European Convention on Human Rights) safeguard against retroactive or vaguely defined laws that fail to specify prohibited conduct. The ECtHR has consistently ruled in cases such as Ilascu and Others v. Moldova and Russia (2004) that politically driven accusations leading to detention violate fundamental due process rights. Similarly, in Kudrevičius v. Lithuania (2015) and Perinçek v. Switzerland (2015), the Court reaffirmed that ideological or historical narratives—including contentious ones—cannot be criminalized unless they amount to direct incitement to violence. Consequently, Ukraine’s use of ‘Russkiy Mir’ as a legal pretext to dismantle the UOC raises questions about the compatibility of such measures with established international human rights jurisprudence [...].”

The Ukrainian judiciary, however, has refused to apply international legal norms prohibiting arbitrary detention and the criminalization of theological ideas or opinions. The continued detention of Metropolitan Arseny is yet another example of the cruel treatment of UOC believers in Ukraine and requires urgent international response.

Across the entire range of issues raised in the UN Special Rapporteurs’ Communication, Ukrainian courts and security services **continue to pursue repression against UOC believers**. Moreover, the law “On the Ban of the UOC,” condemned by UN experts, has now been applied de facto against the Kyiv Metropolia. The State Service for Ethnopolitics filed a lawsuit demanding the forced liquidation of the Church’s central administrative structure. This trial is proceeding with no sign of the Ukrainian authorities changing their repressive policy. UOC clergy continue to be mobilized and sent to war as regular soldiers, forced to take up arms against their faith and conscience.

For any additional information, please contact us at the following coordinates:
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