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WRITTEN CONTRIBUTION OF THE CHERKASY AND KANIV EPARCHY OF THE UKRAINIAN ORTHODOX CHURCH

supported by the Public Institution “For Human Rights”, 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 PERSECUTION OF HUMAN RIGHTS DEFENDERS, THE LAW ON THE LIQUIDATION OF THE CHURCH, AND THE GRAVE AND WIDESPREAD VIOLATIONS OF THE RIGHTS OF BELIEVERS IN UKRAINE“

We draw the Committee’s attention to the inaccuracy of the information submitted by Ukraine in its report *on the follow-up report of Ukraine (CCPR/C/UKR/FCO/8)*, as well as to Ukraine’s de facto failure to implement the Committee’s recommendations regarding the provision of equal and non-discriminatory treatment to all religious denominations in Ukraine, the protection of the rights of the faithful of the Ukrainian Orthodox Church, and the guarantee of the right to alternative military service on the basis of religious convictions.

The most acute problems faced by our confession are as follows:

– the adoption in Ukraine of discriminatory legislation depriving our Church of the right to obtain deferments from military mobilization for our clergy. Although all churches and religious denominations in Ukraine have been granted the right to request deferments from military service for their clergy, our priests are being sent to the battlefield, often assigned the lowest rank of “soldier”, and are denied the right to alternative service. Today, our priests are being killed on the front lines; we have become the most discriminated group in the country. We are deprived of our churches

and personal property, prohibited from expressing our convictions, and faced up with criminal proceedings and severe criminal penalties for defending our canonical order;

- the Law “On Military Chaplaincy Service” explicitly prohibits clergy of the Ukrainian Orthodox Church from serving as chaplains;

- Ukraine has adopted a law imposing a complete ban on our Church and mandating its liquidation; at present the state has initiated court proceedings for the forced dissolution of the Kyiv Metropolia of the UOC;

- criminal cases have been opened in Ukraine against hierarchs, journalists, human rights defenders, and believers of the UOC for expressing their convictions. Many clergymen have been imprisoned and sentenced to terms of incarceration for their statements, publications, and reposts on social media, as well as for sermons and theological views.

Please review the following facts:

A)

In accordance with the press release issued by UN experts, **“Ukraine: UN experts warn of persecution against Ukrainian Orthodox Church”**¹:

GENEVA – UN experts today expressed serious concern at reports of ongoing persecution of the Ukrainian Orthodox Church (UOC) in Ukraine.

“We are concerned that the question of the Ukrainian Orthodox Church’s alleged ecclesiastical and canonical links with the Moscow Patriarchate – currently under judicial scrutiny – restricts the scope of freedom of worship and religious practice,” the experts said. “These elements are an integral part of the freedom of thought, conscience and religion as upheld in international standards.”

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

They expressed alarm at the decision of the Ukrainian Government to revoke the citizenship of Metropolitan Onufriy, Primate of the UOC, on national security grounds in July 2025.

On 30 September, an administrative court heard the lawsuit filed by the Ukrainian State Service for Ethnopolitics and Freedom of Conscience (DESS), seeking the dissolution of the Kyiv Metropolis due to its alleged affiliation with the Russian Orthodox Church.

“Freedom of thought, conscience and religion is non-derogable, even in times of armed conflict,” the experts said, as they recalled Article 18 of the International Covenant on Civil and Political Rights (ICCPR) and General Comment No. 22. “Furthermore, national security is not grounds for limiting manifestation of this freedom.”

The experts warned that vague or ideologically-based justifications for the dissolution of religious organisations, such as accusations of extremism under vague anti-extremism provisions or references to the concept of “Russkiy Mir” or “pro-Russian affiliation”, are incompatible with the principle of legal certainty and risk criminalising freedom of thought, and religion or belief, and undermining freedom of assembly and of association.

They highlighted serious concerns with Law 3894-IX, which authorises authorities to dissolve religious organisations that maintain an affiliation with the Russian Orthodox Church. “By equating religious affiliation with threats to national security, this law establishes a framework for State control which is incompatible with international human rights standards,” they said. “National security and anti-extremism legislation should not be used to unduly curtail legitimate religious activity.”

The experts noted ongoing judicial proceedings against senior UOC hierarchs, clergy and human rights defenders, including Metropolitans Arsenii, Pavlo, Feodosii, Longin, Father Yevhen Koshelnik, journalist Dmytro Skvortsov, and lawyer Svitlana Novytska. “These prosecutions appear to amount to collective punishment against members of the UOC and those defending them,” they said.

The experts urged the Government of Ukraine to review Law 3894-IX and cease trials and administrative measures against clergy, defenders and journalists. “We stand ready

to continue engaging with the authorities to ensure that human rights are upheld even in times of war,” they said.

B)

The deprivation of the UOC’s right to deferment from mobilization in Ukraine 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.

For more details on Ukraine's discriminatory legislation, which deprives the UOC of the right to grant deferments from military service for its clergy, see the human rights organization's statements during the UN Human Rights Council session: A/HRC/60/NGO/262, A/HRC/60/NGO/324

C)

On 14 May 2025 seven UN Special Rapporteurs have addressed a communication to the Government of Ukraine². In this document they reported evidence of violations of the rights of UOC believers, journalists, and lawyers:

“The UOC has reportedly been subject to discrimination against religious communities, including criminal prosecution of its clergy, believers, and individuals who seek to document, report on, or legally defend them. These allegations raise serious concerns regarding the rights to freedom of religion or belief, peaceful assembly and freedom of association, the prohibition against arbitrary detention, and the right to freedom of expression for journalists and human rights defenders who have attempted to bring public attention to these matters.

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

The alleged practices include but are not limited to state-orchestrated or state-approved evictions of UOC clergy and congregations from their churches, monasteries, and other religious properties; and the prosecution of clerics under broadly defined national security or anti-extremism provisions. We have also received reports indicating that this suppression extends to lawyers who represent targeted clergy, journalists who investigate church property seizures, and human rights defenders who publicly condemn restrictive legislation. In some instances, individuals among these groups have reportedly been subjected to intimidation, house arrest, prolonged pretrial detention, or the revocation of citizenship.”

On 20 August 2024, the Verkhovna Rada of Ukraine enacted the *Law on the Protection of the Constitutional Order in the Sphere of Religious Organizations’ Activities*. This legislation reportedly imposes prohibitions on religious entities deemed to be affiliated – canonically, administratively, or spiritually – with foreign religious centers located in countries designated as “aggressor states.” By classifying canonical or historical ties to the Russian Orthodox Church (ROC) as a threat to national security, the law allegedly provides a legal basis for dissolving or banning thousands of Ukrainian Orthodox Church (UOC) parishes.

Traditional worship services have reportedly been disrupted or disbanded, with congregations informed that their continued affiliation with the ROC renders them ineligible to function legally. In certain instances, authorities have allegedly insisted on *re-registration* under a state-approved religious entity, effectively pressuring or compelling parishes to affiliate with the Orthodox Church of Ukraine (OCU) or other denominations recognized by the Government.

According to the information received, it is alleged that multiple senior clergy, priests, and monastics of the Ukrainian Orthodox Church (UOC) have been arrested or placed under restrictive measures on charges such as “justifying aggression,” “inciting religious hatred,” or broader national security offenses. The following cases have been highlighted as particularly concerning:

i. Metropolitan Theodosy (Snihiriov) of Cherkasy and Kaniv.

It is alleged that since November 2022, Metropolitan Theodosy has faced multiple criminal proceedings brought by the Security Service of Ukraine (SBU) under articles

436-2 (“justification of aggression”) and 161 (“violating the equality of citizens”) of the Ukrainian Criminal Code. These charges allegedly stem from his public defense of the UOC’s canonical independence and his refusal to recognize the state-backed Orthodox Church of Ukraine (OCU). On 17 October 2024, during what is described as a forced seizure of St. Michael’s Cathedral in Cherkasy, he reportedly suffered a severe head injury after being beaten by unidentified assailants, while authorities subsequently escalated charges against him rather than pursuing those allegedly responsible for the violence.

ii. Metropolitan Pavlo (Lebid), Abbot of Kyiv-Pechersk Lavra.

It is claimed that on 1 April 2023, Metropolitan Pavlo was charged under articles 161 and 436-2 for “inciting religious hatred” and “justifying aggression,” allegedly based on sermons and private statements supporting the UOC’s traditional ties with the Russian Orthodox Church. Initially placed under round-the-clock house arrest, he was subsequently jailed when the court imposed a high bail, allegedly paid by UOC faithful. Following his release on bail, he was again placed under house arrest, effectively preventing him from attending church services or conducting monastic duties at the Kyiv-Pechersk Lavra.

iii. Metropolitan Arseniy (Yakovenko), Abbot of Sviatohirsk Lavra.

It is reported that on 24 April 2024, nearly 200 SBU officers raided the Sviatohirsk Lavra, arresting Metropolitan Arseniy under article 114-2 (“disclosure of military positions”). The alleged basis was a sermon in which he asked parishioners to pray for pilgrims encountering hardships at military checkpoints – an act the prosecution recast as undermining state security. Metropolitan Arseniy has since remained in pretrial detention, repeatedly been denied bail despite severe health conditions and the lack of any direct evidence linking his religious remarks to criminal wrongdoing.

iv. Metropolitan Lonhin (Mykhailo Zhar) of Bancheny.

Known for his humanitarian work – including the adoption of over 500 orphans, Metropolitan Lonhin was charged under article 161 for “inciting religious hatred”

following sermons that asserted UOC canonical legitimacy and criticized the OCU's recognition, raising concerns of selective enforcement and retaliatory prosecution.

v. Father Yevhen Koshelnik.

On 24 December 2024, the Kalynivskyi District Court of Vinnytsia Region sentenced Father Koshelnik to five years in prison under article 436-2, interpreting his continued use of Old Slavonic liturgical language and canonical references to the Moscow Patriarchate as “glorification of aggression.” Prosecutors argued that these liturgical practices evidenced a “pro-Russian stance,” transforming routine religious expressions into grounds for criminal liability. Court documents reportedly interpret his continued use of Old Slavonic liturgical language and references to the Moscow Patriarchate as evidence of “glorifying aggression” or “pro-Russian views,” rather than genuine incitement to violence.

3. Confiscation of Church Properties.

i. St. Michael's Cathedral in Cherkasy.

On 17 October 2024, it is reported that approximately one hundred armed individuals forcibly entered and seized this UOC cathedral, allegedly acting with tacit or explicit state support. Witness accounts claim that clergy and worshippers who attempted to resist were physically expelled and subjected to tear gas, resulting in several injuries. Law enforcement officers present at the time reportedly failed to intervene, and, in the aftermath, some UOC believers who defended the cathedral were accused of hooliganism.

iii. Other Locations.

Reports also mention instances where municipal or regional councils revoked long-standing land leases held by UOC communities, purportedly under newly enacted or expanded legal provisions targeting entities deemed to have links with “aggressor states.”

In these and similar episodes, it is alleged that UOC representatives have consistently been denied the opportunity to present counterevidence or challenge the expropriation of their religious properties under fair judicial processes. Some observers assert that local officials have publicized these seizures as a necessary “reassignment” of ecclesiastical assets to state-approved or “patriotic” religious bodies, raising concerns that the confiscations may be aimed at erasing the UOC’s presence in key historical or symbolic sites.

4. Impact on Journalists, Lawyers, and Human Rights Defenders.

According to the information received, it is alleged that individuals who have reported on or legally challenged the ongoing measures against the UOC – journalists investigating forced religious closures, lawyers representing UOC clergy, and human rights defenders publicizing the alleged violations – have also faced harassment and prosecution under similar legal provisions. The following cases have been cited as particularly indicative:

i. Journalist Dmytro Skvortsov.

It is claimed that Mr. Skvortsov was arbitrarily detained for approximately 23 months under charges of “treason,” allegedly linked to his published articles documenting UOC persecution and criticizing certain governmental actions toward religious institutions. According to reports, his detention was repeatedly extended without substantial judicial review, during which he was held in what are described as harsh conditions. Although eventually granted bail in October 2024, he remains subject to ongoing legal proceedings, purportedly facing a potential 15-year sentence.

ii. Human Rights Lawyer Svitlana Novytska.

It is further alleged that on 29 February 2024, Ms. Novytska was arrested on charges of “high treason,” “inciting religious hatred,” and “justifying aggression,” under articles 111, 161, and 436-2 of the Ukrainian Criminal Code. Sources indicate that her prosecution follows her legal defense of UOC clergy, as well as her public advocacy in international fora, including OSCE conferences, where she reportedly highlighted the forced dissolution of UOC communities and the alleged criminalization of dissenting

theological views. Observers claim that she has been detained without bail in Lviv Penitentiary Institution No. 19. Concerns have been raised that her arrest may be intended to discourage other legal professionals from defending UOC clerics or questioning the state's actions.

In addressing the alleged systemic violations committed against the Ukrainian Orthodox Church (UOC), its clergy, believers, journalists, and human rights defenders, it is necessary to consider the fundamental provisions of international and regional human rights law. Ukraine, as a State Party to the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR), bears the obligation to safeguard religious freedom and freedom of expression as well as of peaceful assembly and of association protect against discrimination, ensure due process, and shield individuals from arbitrary detention and unlawful expropriation. However, the information received indicates that the Ukrainian government has reportedly undertaken a campaign of state-led religious persecution that contravenes these legal standards and necessitates urgent international scrutiny and intervention.

Under article 18 of the ICCPR and article 9 of the ECHR, every individual has the right to manifest religious beliefs in worship, observance, practice, and teaching, either alone or in community with others. These provisions further establish that no state may coerce individuals or religious communities into altering their faith or affiliating with a different religious body. The European Court of Human Rights (ECtHR), in cases such as *Metropolitan Church of Bessarabia v. Moldova* (2001), has emphasized that states may not interfere in religious disputes or force religious communities to alter their spiritual affiliations on the basis of political or ideological considerations.

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.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee stated that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output. The Committee further asserted that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23).“

D)

In conclusion, we cannot remain silent about the violent seizure of the Cathedral in Cherkasy on October 17 of last year – the largest Orthodox church in Ukraine, – as well as the surrounding complex of church buildings, including the diocesan administration office. Shocking video footage of this terrorist raid by men in military uniforms has circulated across the globe. The Cathedral, both de jure and de facto, remains the registered legal property of the Cherkasy Eparchy of the UOC. It was built with funds from our eparchy, and in full accordance with Ukrainian law, title to the Cathedral and its associated buildings was registered, along with a State Act granting permanent use of the land.

And yet, despite the fact that UOC are the sole legal owner of the church complex in Cherkasy, the Cathedral was seized on the second attempt by men in military uniform. According to information available to us, the raid involved active personnel from the

Security Service of Ukraine (SBU), the Armed Forces of Ukraine, and the Territorial Recruitment Centers, who were mobilized by local authorities specifically to carry out this operation against our faithful – most of whom were women, the elderly, and children.

Weapons were used during the raid. Shots were fired. Despite attempts to defend the Cathedral, those in uniform beat UOC's believers and forcibly expelled them from the shrine. Metropolitan Theodosy (Snihiriov) was struck on the head with a heavy object, resulting in a concussion. After reviewing video footage, it became clear that it was only his klobuk – the monastic head covering – that saved him from a fatal blow by absorbing most of the impact. Other priests and parishioners were beaten, suffering broken heads, arms, legs, teeth, and serious injuries.

Police were present but did not intervene. Instead, criminal cases were later opened against our parishioners. The attackers stole more than \$60,000 from the Cathedral's donation box – funds we had raised to purchase a church bell. Icons and other valuables were looted. All documents of the diocesan office were taken – archives, official seals, electronic records. Families of priests, including eight small children, were evicted from the church residence and thrown out onto the street.

Together with the raiders, clergy of the church under Patriarch Bartholomew entered the Cathedral, filmed videos from Metropolitan Theodosy's seized office, and posted them on social media. The perpetrators did not hide their identities.

It is also telling that the mayor of Cherkasy publicly called for the raid of the Cathedral, and the media later falsely reported the incident as a “voluntary transition” of the Cathedral to the OCU.

E)

Concluding remarks:

Thus, the information presented above demonstrates a significant discrepancy between the findings of international UN experts, the information continually submitted to the

UN level by human rights organizations and by victims of violations committed by the State of Ukraine, and the information provided by the State of Ukraine during the current session of the Committee.

We draw your attention to the fact that violations of the UOC believers' rights are systematic and severe, especially following the deprivation of UOC clergy of the right to deferment from military mobilization and the practice of sending exclusively this group of clergymen to the front without the possibility of performing alternative service that foresees indirect participation in hostilities as combatants. As a result, UOC priests are being killed on the front lines as ordinary soldiers, often without proper training in military centers and offering no resistance due to their religious convictions regarding the inadmissibility of killing or inflicting harm upon the life and health of others.

We respectfully request that this information be taken into account during the Committee's procedures and that all possible measures be undertaken to assist in bringing an end to the grave violations of human rights in Ukraine.

For any additional information, please contact us at the following coordinates:
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This document may be published on the Committee's session information resources.

THE CHERKASY AND KANIV EPARCHY OF THE UKRAINIAN ORTHODOX CHURCH

Supported by:

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