



Ukraine's War on Religious Freedom

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February 2025



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Dedicated to the memory of

Kyrylo Ulyanchenko

– defender of the Ukrainian Orthodox

Church and loyal patriot of Ukraine.

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INTRODUCTION

Ukraine is complicit in the wholesale suppression of religious freedom. In January 2023, the Ukrainian government proposed legislation to ban the Ukrainian Orthodox Church (**UOC**), a major Christian denomination with roots dating back to 988. Titled Law 3894, the bill was adopted by Ukraine’s parliament—the Verkhovna Rada—and signed into law by President Volodymyr Zelenskyy in August 2024. The Ukrainian government aims to use Law 3894 to dismantle the UOC, seeking to unite Ukrainian Orthodoxy under a single state-backed church—the Orthodox Church of Ukraine (**OCU**). This represents a profound breach of international law and is contrary to the wishes of the millions who belong to the UOC. At the same time, the Security Service of Ukraine (**SBU**) is arresting and detaining UOC priests on false and spurious grounds. Supporters of the OCU are illegally seizing UOC holy sites, often in violent circumstances and with the tacit support of local authorities, which have become emboldened by the adoption of Law 3894.¹ Ukraine’s active suppression of the UOC demonstrates a callous disregard for democratic norms and the rule of law, and it is wholly unbecoming of a country aspiring to membership of the European Union.

Ukraine’s suppression of the UOC is based in part on the false assertion that the Church supports Russia. However, immediately after Russia’s brutal full-scale invasion of Ukraine, the UOC condemned Russia’s invasion and supported the defence of Ukraine. UOC believers, including clergy, have taken up arms to defend

Ukraine against Russia, while many more raise money and support for their soldiers. In territories of Ukraine that are currently under Russian occupation, UOC members are among the Ukrainians who are persecuted for expressing loyalty to Ukraine. The UOC is a patriotic church and is not an enemy of Ukraine.

Law 3894 is an attack on the religious identity of a significant part of Ukrainian society. Its adoption only serves to stoke and entrench deep social divides. Indeed, the Church of England criticized the law in its draft form as a threat to “Ukraine’s social cohesion at a time when it needs a unified societal response to Russian aggression.”² This warning has now become a reality. The adoption of Law 3894 is creating considerable alarm among the membership of the UOC, and it is already having a chilling effect on religious freedom in Ukraine.

Full enforcement of Law 3894 is set to take effect from May 24, 2025. Consequently, there is a very small window of opportunity to halt the enforcement of Law 3894. Given that the United States is a significant ally of Ukraine, it is incumbent upon the State Department to urge a course correction in Ukraine and to remind our partner of our nation’s historic commitment to religious freedom. We urge US citizens to write to President Donald Trump, Vice President JD Vance, Secretary of State Marco Rubio, as well as your congressional and state representatives, calling for an end to Ukraine’s attack on the UOC.

Amsterdam & Partners LLP, acting on behalf of the Holy Synod of the UOC, is not alone in

calling attention to the situation in Ukraine. As documented in this White Paper, Pope Francis, Human Rights Watch, the US Mission to the OSCE, the World Council of Churches, the Church of England, the Norwegian human rights NGO Forum 18, as well as internationally respected scholars, have condemned Law 3894 and the suppression of the UOC. The United Nations continues to monitor the situation and raise concerns. Significantly, the latest report on human rights in Ukraine issued by the UN Office of the High Commissioner for Human Rights (**UN OHCHR**) stated:

The dissolution of a religious organization is a severe restriction that affects the ability of individuals to practice their religion or belief together with others and threatens the viability of the community as a whole, which requires very serious reasons by way of justification. Ukraine has not demonstrated the necessity and proportionality of this measure.³

The report concludes by recommending that Ukraine amend Law 3894 to fully align it with international human rights law.⁴ To support this effort, it is vital that Ukraine submits Law 3894 to the review of the Venice Commission, the Council of Europe's advisory body on constitutional matters.

This White Paper sets out the deteriorating condition of freedom of religion in Ukraine and is structured as follows. It begins with an overview of the development and adoption of Law 3894. Next, it provides an analysis of Law 3894, illustrating the ways in which it will be enforced against the UOC. Following this, it documents the ways in which Law 3894 breaches international law. It then examines the international community's response, highlighting shared criticisms of Law 3894 and the broader assault on religious freedom. Finally, it provides an update on the detention of priests—with a focus on Metropolitan Feodosii of Cherkasy and Kaniv and Metropolitan Arseniy of Sviatohirsk Lavra—and the seizures of parish and monastic property, actions that are now being carried out in the shadow of Law 3894.

As noted on the title page, this White Paper is dedicated to the memory of Kyrylo Ulyanchenko, a member of the UOC. A graduate of the Sumy Spiritual Seminary, Kyrylo joined the Armed Forces of Ukraine following Russia's full-scale invasion. Disheartened by the persecution of the UOC, he filmed a video at the front in December 2022, calling on the perpetrators to "leave the Church in peace," since the "Church prays for the people and for victory."⁵ Kyrylo was tragically shot dead by Russian combatants in July 2024. He was just twenty-five.⁶

1 For further history and background on Ukraine's attack on religious freedom, see the White Paper published by Amsterdam & Partners LLP in January 2024, titled "Freedom of Religion Under Attack in Ukraine." See also the submissions of April 23, 2024, and December 5, 2024, prepared by the firm for the United States Commission on International Religious Freedom. Each of these documents is available at <https://savetheuoc.com/>

2 Church of England, "War in Ukraine." February 2024. GS 2348. Available at: <https://www.churchofengland.org/sites/default/files/2024-02/gs-2348-war-in-ukraine-final-final.pdf>

3 UN OHCHR. "Report on the Human Rights Situation in Ukraine: 1 September to 30 November 2024," para. 86 (p. 20). Available at <https://www.ohchr.org/en/documents/country-reports/41st-periodic-report-human-rights-situation-ukraine-1-september-30>

4 Ibid., para. 102 (p. 25).

5 Video appeal of Kyrylo Ulyanchenko, calling for an end to the persecution of the UOC, posted on TikTok on December 6, 2022, available at https://www.tiktok.com/@kirill_klirik/video/7174121217589267717.

6 Synodal Informational and Education Department of the UOC. "A graduate of the Sumy Theological Seminary, who spoke in defence of the UOC from the front line, died at the front," July 23, 2024. Available at <https://news.church.ua/2024/07/23/na-fronti-zagynuv-vipusknik-sumskoj-duxovnoji-seminariji-yakij-z-peredovoji-vistupav-na-zaxist-upc/#2024-07-25>

LAW 3894: PURPOSE, DEVELOPMENT AND ADOPTION

Why has Ukraine adopted legislation to ban the UOC? This section seeks to answer this question by examining the circumstances surrounding the introduction of Law 3894 into the Verkhovna Rada followed by an examination of its development and eventual passage into law.

WHY BAN THE UOC?

Ukrainian ministers and government officials have framed the suppression of the UOC as a matter of national security, citing the Church's historical connection with the Russian Orthodox Church (**ROC**). "National security" is explicitly mentioned in Law 3894 as a primary objective of the bill.⁷ However, the claim that the UOC, which has been self-governing since 1990, represents a threat to Ukraine's security is deeply flawed, not least in light of the UOC's decision to disassociate from the ROC and to offer full-throated support for Ukraine's war effort.

In May 2022, following Russia's full-scale invasion, the UOC unilaterally declared its independence and amended its governing statute to remove references to the ROC, building on the rights to self-governance and broad autonomy enjoyed by the UOC since 1990. Since this declaration, no evidence has emerged to suggest that the UOC is taking instructions from the ROC. Instead, the UOC has undertaken a range of changes that underscore its independent status. The Church removed the requirement

of bishops and priests to commemorate Patriarch Kirill of the ROC during the liturgy. It has restored the production of chrism—anointing oil—to Kyiv, after 115 years of being brewed in Moscow, which is a major change in the UOC's religious life. The UOC has also established its own network of parish communities across Europe. Whereas the ROC once served UOC worshippers outside of Ukraine, these new UOC parishes abroad are proof of the UOC's complete separation from the ROC. Furthermore, since the beginning of the full-scale invasion, Metropolitan Onufriy, the leader of the UOC, has publicly prayed for Ukraine's victory. The UOC has also provided significant financial resources in humanitarian aid to support Ukraine, and thousands of its parishioners have served on the front lines in the Ukrainian army.

Significantly, the UOC's Department of External Church Relations publicly denounced the "Russian World," a quasi-religious ideology promoted by the ROC. In a statement issued in March 2024, the Department asserted that "the Ukrainian Orthodox Church does not support and dissociates herself from the ideology of the 'Russian world'. Moreover, the attitude of our Church towards this idea has long been publicly expressed by His Beatitude Metropolitan Onufriy of Kyiv and All Ukraine: 'We do not build any Russian world, we build God's world'."⁸

If the UOC poses no threat to national security, why then has Ukraine adopted legislation

to ban the Church? Public statements from the bill's sponsors and supporters reveal the true motive behind Law 3894: the destruction of the UOC to secure the position of the OCU as Ukraine's sole Orthodox Church. This is a policy that President Zelenskyy has called "spiritual independence" since at least December 2022.⁹

Law 3894 is a blunt instrument aimed at resolving the complex history of Ukrainian Orthodoxy. Instead of allowing several competing Orthodox churches, as has been the case since the collapse of the Soviet Union, the plan is to subsume Ukrainian Orthodoxy under the OCU. This represents excessive governmental intervention into the religious affairs of Ukraine and violates the principle of church-state separation enshrined in the constitution of Ukraine.

Even though the UOC has separated from the ROC, the UOC and its members have become the victims of state-sponsored discrimination against organizations with cultural, historical, and linguistic heritage that is not deemed sufficiently "Ukrainian." The ban of the UOC is a direct result of the failure of Ukraine's politicians and civil society to implement a pluralist nation-building strategy in the decades after Ukrainian independence.¹⁰ Rather than build an inclusive plural society, Ukraine's political class, with the encouragement of far-right radicals, has adopted a narrowly defined and repressive concept of nationalism.¹¹

According to Nicolai Petro, professor of political science at the University of Rhode Island:

members of the Far Right have entered the state apparatus, violence has become an increasingly accepted means of dealing with one's opponents, be they members of the political opposition, the opposition media, or the opposition Ukrainian Orthodox Church.¹²

Even deputies of the Verkhovna Rada are growing concerned by the threat posed by extremists. In an interview with the Financial

Times, Oleksandr Merezhko, a deputy (member of the Verkhovna Rada) from President Zelenskyy's political party, observed that "the far right in Ukraine is growing. The right wing is a danger to democracy."¹³

In this context, government officials have become emboldened and increasingly outlandish in their denunciations of the UOC. In December 2022, the newly appointed head of the State Service of Ukraine for Ethnopolitics and Freedom of Conscience (**DESS**), Viktor Yelenskyi, stated in an interview with the BBC that the hierarchy of the UOC had "been stabbing Ukraine in the back since 2014," and "poisoning the minds of the faithful with ideologies about the 'Russian world'."¹⁴ Such statements, which were intended to unfairly accuse the UOC of disloyalty, became increasingly prevalent during the development of Law 3894, helping smooth the way for the adoption of the bill.

It is also worth noting that the UOC is not the only casualty of this demand for "spiritual independence". The Romanian Orthodox Church is also being denied the right to form its own religious communities in Western Ukraine. According to one report, "ethnic Romanians, who are Ukraine's second-largest linguistic minority after Russian speakers, have been complaining about several recent "suspicious" incidents, with unidentified perpetrators burning down several churches or threatening members of the clergy."¹⁵ Ukraine's attack on religious freedom is metastasising, and is affecting not just the UOC.

DEVELOPMENT AND ADOPTION OF LAW 3894

Originally titled Draft Law 8371, the law that sets out the legal framework to ban the UOC was first placed onto the agenda of the Verkhovna Rada on January 19, 2023. Mykyta Poturaiev, Chairman of the Verkhovna Rada Committee on

Humanitarian and Information Policy—the committee responsible for the bill—made the law’s purpose clear prior to its first reading: “our goal as government officials is to promote the establishment of a single Orthodox Church in Ukraine. It already exists — this is the OCU.”¹⁶ This statement clearly signalled the government’s intent to interfere in the religious realm and enforce the policy of “spiritual independence.”

The draft law passed its first reading in the Verkhovna Rada on October 19, 2023, with 267 deputies voting in favour of the bill.¹⁷ During the parliamentary debate just prior to the vote, Oleksandr Aliksiychuk, also a deputy from President Zelenskyy’s political party, emphasized that it was the responsibility of deputies to “fulfil the mission to revive the spiritual independence of our nation for the sake of future generations.”¹⁸ Ivan Krulko, a deputy from the *Batkivshchyna* party, was even more explicit in his remarks during the debate:

This law is about cleansing Ukraine finally from pro-Moscow FSB [Russia’s security service] scum who are doing everything here to ensure that Moscow wins. Our task, as the Ukrainian parliament, is not to play semi-tones. There cannot be a Moscow patriarchate, a half-Moscow patriarchate or a former Moscow patriarchate. The Church in Ukraine must be Ukrainian, Ukrainian in essence.¹⁹

Krulko’s incendiary language mirrored the overall tone of the debate surrounding the bill, both inside and outside the parliamentary chamber. For example, in a statement after the first reading, Iryna Herashchenko, a deputy from the European Solidarity party, asserted that “the first step towards driving Moscow priests out of the Ukrainian land has been taken.”²⁰ Such statements were deliberate misrepresentations of the relationship between

the UOC and ROC, intended to unfairly tarnish the reputation of the UOC.

Following the first reading, an updated version of the law, which significantly expanded the provisions of its first iteration, was circulated on March 5, 2024. On the same day, Poturaiev stated that “implementation of the law will help cleanse Ukraine’s religious realm of Russia’s ideology supporters”.²¹ This use of the language of religious cleansing—similar to Krulko’s remarks during the first reading debate—was deeply troubling. It put thousands of loyal Ukrainian priests and parishioners at risk by implying that the UOC had been infiltrated by traitors to Ukraine. Consequently, it perpetuated a narrative that the UOC is a threat that must be systematically eradicated from Ukraine.

The public statements of supporters of the law meant there could also be no doubt about its pernicious intent. Poturaiev confirmed that the bill would result in prohibiting the activities of the UOC, stating that “the activities of the organization [i.e. the UOC] are terminated by the court – it cannot carry out transactions, conduct activities.”²² Poturaiev did not define what he meant by “activities,” opening the way for any acts of religious observance to be included in the ban.

Further amendments to this revised version, issued on May 6 and July 18, 2024, did nothing to mitigate the discriminatory nature of the bill. Notably, none of these new versions of the draft law were made publicly available. This was a calculated attempt by the Verkhovna Rada Committee on Humanitarian and Information Policy to pass the law with minimum oversight and scrutiny, contrary to basic democratic norms.

Although the impetus for Law 3894 initially came from the Verkhovna Rada Committee on Humanitarian and Information Policy and DESS—under Viktor Yelenskyi’s management—its eventual adoption owes much to Petro Poroshenko, Ukraine’s president from 2014 to

2019, and the head of the European Solidarity party. Poroshenko, who was instrumental in establishing the OCU and securing its autocephaly from the Ecumenical Patriarchate during his presidency, agitated for the second reading of the law, using increasingly threatening and intemperate language. This culminated in the events of July 23, 2024, when Poroshenko and deputies from his party stormed the rostrum of the Verkhovna Rada and demanded the second reading of the draft bill. Poroshenko promised to block any other legislative business, stating that “if in the coming days they [i.e. the Rada] do not provide a law on the ban of the Moscow church, there will be no meetings of the Verkhovna Rada.”²³ Such tactics severely infringed Ukraine’s parliamentary process. Poroshenko set a deadline of August 20, 2024, before declaring that:

the fifth column of the Russian Federal Security Service in Ukraine must be eliminated. Those who want to work for the enemy should be banned. Those who love God and Ukraine can join the one autocephalous, conciliar Orthodox Church of Ukraine. It is simple.²⁴

Poroshenko’s intemperate comments reflected the demands of Ukraine’s far right to destroy the UOC, ignoring the reality of the UOC’s separation from the ROC and the threat posed to religious freedom.

On July 29, 2024, Ruslan Stefanchuk, the chairman of the Verkhovna Rada, announced that the bill required further revision, “because there are a lot of legal inaccuracies, which will later affect court processes.”²⁵ Stefanchuk also confirmed that the legislation would be placed on the agenda of the Verkhovna Rada at the end of August 2024, after the summer recess. Poroshenko’s politicking had worked, and the bill was nearing its adoption.

To prepare Ukraine for the second reading of the law, Viktor Yelenskyi, Olena Kovalska—the Deputy Head of the Office of the President—and representatives of the OCU, including Metropolitan Epifaniy, travelled to Istanbul in mid-August to meet the Ecumenical Patriarch. This meeting was intended to show that Patriarch Bartholomew approved the policy direction in Ukraine. Indeed, a press release issued by the presidential administration following the visit claimed that Patriarch Bartholomew supported President Zelenskyy’s initiative on “spiritual independence.”²⁶ By then, this notion of “spiritual independence” had become the leitmotif of the new law, a euphemism for the state-ordered destruction of a 1000-year-old church. In his nightly address to the nation on August 15, 2024, President Zelenskyy highlighted his government’s efforts to “strengthen our independence, including spiritual independence,” urging that this “should be done really quickly.”²⁷

On August 16, 2024, the Committee for Humanitarian and Information Policy approved the final version of the bill. Despite Stefanchuk’s announcement that the law required revision, there were no substantive changes. This definitive version of the law made it crystal clear that the UOC would be subject to termination, for which the law provided several grounds. On the same day that the final version of the bill was approved, President Zelenskyy attended a meeting of the All-Ukrainian Council of Churches and Religious Organisations (**AUCCRO**), at which representatives of the UOC were not invited to attend. Zelenskyy secured AUCCRO’s tacit support for Law 3894, which added a veneer of respectability to the bill.²⁸

The Verkhovna Rada voted overwhelmingly in favour of the law—now titled Law 3894—on August 20, 2024. 265 deputies voted in favour, 29 against, 4 abstained and 24 did not vote.²⁹

During the debate prior to the vote,

Poroshenko asserted that the UOC was now faced with a decision: unite with the OCU or to go with Moscow.³⁰ He left no option for the UOC to pursue its independent course without government interference. Meanwhile, Poturaiev thanked his colleagues for passing the law and stated that “Ukraine has strengthened its true independence in all its aspects.”³¹ No thought was given to the impact of the law on ordinary UOC worshippers, who now faced the prospect of being deprived of their historic church.

Artem Dmytruk, a deputy from the Restoration of Ukraine party, was one of the few to speak in opposition to the bill during the debate. Immediately thereafter, he was forced to flee the country with his family after receiving threats from far-right agitators. He is currently seeking political asylum in the United Kingdom.³²

President Zelenskyy signed the bill into law on August 24, Ukraine’s Independence Day. In a statement to mark the occasion, the President suggested once again that Law 3894 was designed to secure the “spiritual independence” of Ukraine. He also stated that the bill was a “step toward liberation from the devils of Moscow.”³³ With court enforcement of the law set to take effect on May 24, 2025, attention turned to the implementation of Law 3894 against the UOC. The fate of the Church now rests in the hands of DESS, the body tasked with implementing the law.

LAW 3894: KEY PROVISIONS AND ENFORCEMENT

Law 3894 entered into force on September 23, 2024.³⁴ It is a poorly drafted piece of legislation, riddled with vagueness and uncertainty. These flaws create numerous threats to the UOC. Although the law does not explicitly name the Church, it is evident that it has been written to deliberately target the UOC.

Law 3894 establishes a legal mechanism to terminate the UOC, prohibit its activities and seize its property. This will force priests and parishioners of the UOC to worship secretly underground in scenes reminiscent of the 1930s. Significantly, the provisions relating to court enforcement of the termination are set to take effect on May 24, 2025. This gave DESS a nine-month period in which to prepare for the liquidation of the UOC.

In the meantime, supporters of the bill are pressuring the government not to wait until May 24 to take further action against the UOC. On January 14, 2025, Ihor Huz, deputy from the For the Future party, argued that the persecution against the UOC is not significant enough in his home region of Volyn Oblast, stating: “The Moscow Church in Ukraine continues to blackmail, intimidate and humiliate citizens with a pro-Ukrainian stance. If the state remains inactive and this lawlessness by supporters of the Moscow Church continues, the patriotic community of the region is ready to take decisive action and resist the ‘fifth column’ in Volyn.”³⁵

Given the brief remaining window of opportunity before court enforcement begins, it is vital that Law 3894 is submitted to the Venice Commission for its expert review. The opinions of the Venice Commission provide vital analysis of legislation and indicate where there are breaches of international law. These opinions have a profound impact on legislators and can encourage them to withdraw and rewrite offending laws. All diplomatic channels must be used to send Law 3894 to the Venice Commission, while simultaneously calling for a halt on the implementation of the law.

While a detailed analysis of Law 3894 is beyond the scope of this White Paper, this section shall present three of the most concerning grounds for termination of the UOC: (i) termination based on affiliation with a prohibited foreign religious organization; (ii) termination

based on spreading propaganda of the “Russian World”; and (iii) termination based on the criminal convictions of “authorised persons.” If triggered, each ground results in the deprivation of the UOC’s legal personality and property rights.³⁶

TERMINATION BASED ON AFFILIATION WITH A PROHIBITED FOREIGN RELIGIOUS ORGANIZATION

Law 3894 prohibits the “activity” of a religious organization (i.e. a parish or diocese of the UOC) that is “affiliated with a foreign religious organization, the activity of which is prohibited in Ukraine,” (i.e. the ROC).³⁷ Failure to eliminate this “affiliation” results in the liquidation of the relevant UOC entity and the termination of its property rights. The term “activity” is undefined, and may therefore include religious activity, such as acts of common worship.

Critically, this prohibition also extends to the affiliates of any Ukrainian religious organization captured by the law.³⁸ For example, if a UOC diocese or parish is held to be affiliated with the ROC, the activities of the affiliates of that UOC diocese or parish will also be banned. Given that the UOC comprises a network of parish communities and monasteries, each with its own legal identity, the law has been designed to cast a wide net and streamline the process of dissolving the UOC.

Law 3894 provides a list of seven criteria by which to determine whether a UOC entity is “affiliated” with the ROC.³⁹ To determine the affiliation between the two churches, the presence of any one of the following “signs” is sufficient:

- (i) An entity of the UOC is incorporated, directly or indirectly, in the structure of the ROC;
- (ii) The UOC’s statute or official documents or decisions of its governing bodies contain

provisions regarding its incorporation in the ROC;

- (iii) The ROC’s statute, official documents or decisions of its governing bodies contain provisions recognizing the UOC as a part of its structure and the right of the ROC to make decisions on canonical and organizational issues regarding the UOC;
- (iv) The ROC statute, official documents, or decisions of its ruling bodies contain provisions about the mandatory appointment of the UOC’s leaders or authorised representatives to the governing bodies of the ROC. (This criterion does not apply if all the “appointed” leaders or authorised representatives of the UOC publicly and in writing decline their appointment and “have carried out the necessary acts, including preparing relevant notifications and/or other documents to terminate the appointment and sever ties” with the ROC);
- (v) The ROC can influence management decisions or activities of the UOC due to its subordination in canonical or organizational matters to the ROC;
- (vi) The ROC appoints, elects, confirms, approves, or blesses the head of the UOC;
- (vii) The ROC adopts, confirms, approves, blesses, or otherwise permits the statute of the UOC.

Under these criteria, a simple form of documentary connection between the churches, or merely the need for a religious blessing from the ROC, can trigger an adverse determination. There is no requirement to prove that the UOC entity has engaged in criminality or illegal behaviour. Most egregiously, criteria iii to vii relate to documents and actions over which the UOC has absolutely no control and cannot presently challenge. For example, the UOC is in no position to make changes to the ROC’s governing statute. In this scenario, there is nothing

that the UOC can do to comply with the law and thus avoid the threat of termination.

Critically, Law 3894 does not require consideration of the true nature of the current relationship between the UOC and ROC. By focusing solely on documentary evidence, including ROC documents beyond the UOC's control, this approach entirely disregards the substantive steps taken by the UOC to separate from the ROC.

The responsibility for examining the relationship between the UOC and ROC lies with DESS, the government body responsible for religious affairs in Ukraine.⁴⁰ However, Law 3894 provides no safeguards to ensure that DESS carries out its work impartially. Since Viktor Yelenskyi's appointment as its head, DESS has become increasingly biased and compromised. Indeed, a profile published by BBC Ukraine to coincide with his appointment detailed his strong support for the establishment and promotion of the OCU during his time as a deputy of the Verkhovna Rada.⁴¹ This is the man who now controls the fate of the UOC.

An expert examination on the relationship between the UOC and ROC ordered by Yelenskyi shortly after his appointment indicates that DESS will determine that the two churches are affiliated on the flimsiest of pretexts contained in Law 3894. Published on February 1, 2023, this earlier examination concluded that the two churches were affiliated on the basis of a partial analysis of the governing statutes of the UOC and ROC, disregarding the steps taken by the UOC to separate from the ROC.⁴² The composition and conduct of this expert commission, as well as the methodology it employed, was strongly criticized by the UOC and international experts, including Professor Thomas Bremer, a distinguished German theologian. Four of the seven appointed experts were known to favour a ban of the UOC. As noted by Bremer, the commission considered only those facts that suited the outcome DESS

favoured, while frequently misrepresenting other facts concerning the UOC.⁴³

Furthermore, Viktor Yelenskyi's recent public statements show that the outcome of any examination is a foregone conclusion. In an interview with *Ukrainska Pravda* shortly after Law 3894 was adopted, Yelenskyi stated that "we know that the final split did not happen, that de jure the Ukrainian Orthodox Church is part of the Russian Orthodox Church."⁴⁴ Should DESS decide to commission a new expert examination of the relationship between the UOC and ROC, it would merely be a formality, as it is evident that DESS has already decided that the two churches remain closely connected.

Law 3894 provides a process for the termination of the UOC under the ground of affiliation. This involves issuing notices and gives the affected UOC entity a short period to end the affiliation.⁴⁵ Ultimately, if this affiliation cannot be cured, DESS will apply to court to terminate the UOC entity. Termination results in the loss of legal personality and property rights. Religious property will be transferred to other religious organizations, i.e. the OCU.

Although the judicial process for terminating the UOC entity can only begin from May 24, 2025, DESS can commence administrative steps to investigate the UOC and issue notices. However, the right to use state or municipally owned properties can be terminated after DESS has issued a notice that a UOC entity is affiliated with the ROC, even prior to May 24, 2025.⁴⁶ Law 3894 provides no judicial oversight for the termination of these property rights, which seriously undermines the rule of law in Ukraine.

We anticipate that DESS is undertaking preparatory work to start the process of identifying affiliations across the network of UOC parishes, dioceses and monasteries. As noted above, affiliates of UOC entities deemed to be affiliated with the ROC will also face termination. This will accelerate the dismantling of the UOC.

TERMINATION BASED ON PROMOTION OF “RUSSIAN WORLD” IDEOLOGY

Law 3894 prohibits the promotion of “Russian World”—*Russkii mir*—ideology. The provisions related to this prohibition, including the definition of “Russian World” ideology contained in the law, are incredibly vague. This vagueness creates numerous opportunities for the authorities to misuse the law against the UOC. This is despite the fact that the UOC has openly denounced the ROC’s references to “Russian World” to support the war (see section one of this White Paper)

The prohibition on spreading “Russian World” ideology applies to any “religious organization” (i.e. the UOC), its governing or management bodies, as well as any “person” acting “on their behalf by assignment or with permission.” A separate provision in the law states a religious organization can be terminated for “repeated” instances of spreading “Russian World” ideology propaganda.⁴⁷ These provisions raise several problems. Will the law be triggered if the promotion is carried out by a bishop or a priest, or does it also apply to secular employees or laypeople? Should the authorised person have been specifically requested to promote “Russian World” ideology? Furthermore, no detail is provided on what constitutes a repeated instance of spreading the ideology. Could a mere two occurrences trigger termination? The law provides no guidance on these points, and it is entirely at the discretion of DESS to determine how the law will be applied. This is problematic, since as noted above, the work of DESS is thoroughly politicized.

In addition, the definition of “Russian World” ideology used in the law is nebulous and under-specified.⁴⁸ It includes references to “religious ideas, images and goals,” which have the potential to capture legitimate religious

activities. For example, could academic discussion of Russian religious thought and history fall under this definition, especially ideas suggesting that Kyiv and Moscow have a shared religious history and tradition? Can UOC priests and parishioners venerate Russian saints? The net result of this poorly worded provision is a suppression of legitimate religious practices and the free expression of ideas.

Once DESS concludes that the UOC, one of its entities, or authorised persons are promoting “Russian World” ideology, it can file an administrative lawsuit to terminate the relevant entity and seize its property. Like the process for terminating UOC entities based on an affiliation with the ROC, this judicial process can commence on May 24, 2025.

TERMINATION BASED ON THE CRIMINAL CONVICTIONS OF “AUTHORISED PERSONS.”

Law 3894 provides for the termination of religious organizations based on the conviction of “authorized persons” for committing certain crimes, including controversial provisions in the Criminal Code related to national security and to unlawful speech.⁴⁹

Law 3894 does not define “authorized person” in this provision. This ambiguity means that a crime committed by any UOC bishop, priest, or Church employee against what is deemed to be the national security of Ukraine or under the relevant provisions of the Criminal Code could trigger this ground for termination.

There is a significant threat that the UOC could be terminated on this basis, despite the inherent unfairness of banning an entire church for the actions of a single individual. High-profile clerics have been arrested for speech-related offenses or acts deemed as threats to national security. However, many of these cases are founded on false or dubious

grounds. It is conceivable that DESS might leverage charges against one of these clerics as a pretext to persuade the court to terminate the UOC, which would constitute a grave violation of religious freedom.

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- 7 See Preamble of Law 3894. A copy of the law is available at <https://zakon.rada.gov.ua/laws/show/3894-20#Text>. For an English language translation of Law 3894, see https://www.unifr.ch/orthodoxia/de/assets/public/files/Dokumentation/Anderson/LAW_3894_OF_UKRAINE.pdf. This translation and analysis of the bill was produced by Peter Anderson, whose reports on religious developments in Orthodoxy are made available by the University of Freiburg at <https://www.unifr.ch/orthodoxia/de/dokumentation/anderson/>
 - 8 Synodal Informational and Educational Department of the UOC. “Calls for the destruction of Ukraine and the justification of a military aggression are inconsistent with the Gospel teaching – statement from the UOC Department for External Church Relations”, March 28, 2024. Available at: <https://news.church.ua/2024/03/28/calls-for-the-destruction-of-ukraine-and-the-justification-of-a-military-aggression-are-inconsistent-with-the-gospel-teaching-statement-from-the-uoc-department-for-external-church-relations/?lang=en#2024-04-18>
 - 9 BBC News Ukraina. “Yelenskyi became the curator of the religious sphere. Who is he and how does he relate to the UOC and OCU,” December 19, 2022. Available at <https://www.bbc.com/ukrainian/news-64017822>
 - 10 Volodymyr Ishchenko, “The Minsk Accords and the Political Weakness of the ‘Other Ukraine,’” *Russian Politics*, 8 (2023), 128–46.
 - 11 As Liz Fekete, the Director of the Institute of Race Relations, states, “[Ukraine] has been defined since at least 2014 in ethnic and linguistic terms, thereby eroding the notion of shared citizenship within a liberal political culture that guarantees the rights of ethnic or linguistic minorities.” Liz Fekete, “Civilisational racism, ethnonationalism and the clash of imperialisms in Ukraine,” *Race & Class*, 64(4) (2023), 3–26 (p. 9). Available at <https://doi-org.libproxy.ucl.ac.uk/10.1177/03063968231152093>
 - 12 Nicolai N. Petro, *The Tragedy of Ukraine: What Classical Greek Tragedy Can Teach Us About Conflict Resolution* (Berlin: De Gruyter, 2023), 114–15.
 - 13 Financial Times. “Ukraine Faces its Darkest Hour,” September 30, 2024. Available at <https://www.ft.com/content/2bb20587-9680-40f0-ac2d-5e7312486c75>
 - 14 BBC News Ukraina. “Yelenskyi became the curator of the religious sphere. Who is he and how does he relate to the UOC and OCU,” December 19, 2022. Available at <https://www.bbc.com/ukrainian/news-64017822>
 - 15 Balkan Insight. “Religious Rivalry Threatens Romania-Ukraine’s Close Partnership.” Available at <https://balkaninsight.com/2024/03/21/religious-rivalry-threatens-romania-ukraines-close-partnership/>
 - 16 New Voice. “The Servant of the People also hopes for a Tomos. An associate of the president said that Ukraine and the OCU seek to receive another decree from Bartholomew,” April 7, 2023. Available at <https://nv.ua/ukr/ukraine/politics/mikita-poturayev-rozpozviv-zi-slugi-narodu-koli-vlada-planuye-otrimati-shche-odin-tomos-novini-ukrajini-50316310.html>
 - 17 15 deputies voted against Draft Law 8371. 2 deputies abstained and a further 17 did not participate in the vote on October 29, 2023. <https://itd.rada.gov.ua/billInfo/Bills/CardByRn?regNum=8371&conv=9>
 - 18 Official transcript of session held in the Verkhovna Rada on October 19, 2023, available in Ukrainian at <https://www.rada.gov.ua/meeting/stenogr/show/8203.html>. At 12:37:03 in the transcript.
 - 19 Ibid., at 12:50:14 in the transcript.
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- 21 Ukrinform. "Law banning Russia-affiliated churches set to cleanse Ukraine's religious realm of Russian ideology adherents: MP," March 5, 2024. Available at: <https://www.ukrinform.net/rubric-polytics/3836093-law-banning-russiaaffiliated-churches-set-to-cleanse-ukraines-religious-realm-of-russian-ideology-adherents-mp.html>
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- 25 Ukrainski Novini. "Chairman of the Verkhovna Rada Ruslan Stefanchuk: Ukraine cannot unequivocally hold one-on-one talks with Russia," July 29, 2024. Available at <https://ukranews.com/ua/interview/3122-ruslan-stefanchuk-ukrayina-ne-mozhe-odnoznachno-provodyty-peremovynny-odyn-na-odyn-z-rosiyeyu>
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- 29 <https://itd.rada.gov.ua/billInfo/Bills/CardByRn?regNum=8371&conv=9>
- 30 Official transcript of session held in the Verkhovna Rada on August 20, 2024, available in Ukrainian at <https://www.rada.gov.ua/meeting/stenogr/show/8343.html>. At 12:27:32 in the transcript.
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- 43 A copy of Prof Bremer's expert opinion on the commission's report, dated September 15, 2023, can be found at this link: <https://www.dialogtut.org/maye-uperedzhenyj-harakter-i-spotvoryuye-fakty-teolog-z-nimechchyny-pro-vysnovok-dess/>. An English language version is available here: <https://dialogtut.online/wp-content/uploads/2023/09/review-uoc-report-2.pdf>;
- 44 Ukrainska Pravda, "Yelenskyi: Moscow Patriarchate has demands, like Putin's 'withdraw troops from Zaporizhzhia,'" September 10, 2024. Available at <https://www.pravda.com.ua/articles/2024/09/10/7474244/>
- 45 This process is fully detailed in the submission of December 5, 2024, to the United States Commission on International Religious Freedom prepared by Amsterdam & Partners, available at <https://savetheuoc.com/document-library/>
- 46 See the amendments to Article 16 of the 1991 Law of Ukraine "On Freedom of Conscience and Religious Organizations," contained in Part II of Law 3894.
- 47 See Article 5, Part I of Law 3894 and the amendments to Article 16 of the 1991 Law of Ukraine "On Freedom of Conscience and Religious Organizations," contained in Part II of Law 3894.
- 48 The definition is contained in the amendment in Law 3894 to Article 1 of the 2022 Law of Ukraine "On the Prohibition of Propaganda of the Russian Nazi Totalitarian Regime, Armed Aggression of the Russian Federation as a Terrorist State against Ukraine, Symbols of the Military Invasion of the Russian Nazi Totalitarian Regime in Ukraine." Nb, the "Russian World" has been defined in diverse ways over time by a range of religious figures and experts, and there is no universally agreed definition. Kathy Rousselet, "The Russian Orthodox Church and the Russkii Mir," in *Orthodoxy in Two Manifestations? The Conflict in Ukraine as Expression of a Fault Line in World Orthodoxy*, ed. by Thomas Bremer and others (Peter Lang: Berlin, 2022), 121–44.
- 49 See amendments to Article 16 of the 1991 Law of Ukraine "On Freedom of Conscience and Religious Organizations," contained in Part II of Law 3894.

(I) INCOMPATIBILITY OF LAW 3894 WITH INTERNATIONAL LAW

Law 3894 is riddled with significant flaws that create numerous opportunities for its vexatious use against the UOC. The drafting of the law and the context of its legislative development and adoption leaves no doubt that it is designed to single out the UOC for punitive action. This is a form of targeted discrimination, exacerbated by the absence of safeguards in the bill to ensure its impartial application. The consequences of breaching Law 3894 are high indeed: the liquidation of the UOC, prohibition of its religious activities and the seizure of its property.

The failings of Law 3894 are not just a matter of domestic concern. The bill violates the freedom of religion and belief guaranteed under Ukraine's international treaty commitments, including Article 18 of the International Covenant on Civil and Political Rights (**ICCPR**) and Article 9 of the European Convention on Human Rights (**ECHR**).⁵⁰

Article 18(1) of the ICCPR provides:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

Article 9(1) of the ECHR provides similar rights, albeit with certain modifications:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

International law sets a high bar for restricting the freedom of religion or belief, not least the ban of an entire religious confession. Under Article 18(3) of the ICCPR, the "freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others." Article 9(2) of the ECHR provides governments the right to regulate the manifestation of religion or belief in similar narrowly defined circumstances, save that any limitation must be "necessary in a democratic society."

Law 3894 fails not just one, but *all* the criteria required for a permissible restriction on the freedom to manifest one's religion or belief, outlined in international law and the jurisprudence of the European Court of Human Rights (**ECtHR**).⁵¹ The bill's restrictions are (i) inadequately prescribed

by law, (ii) are not intended to protect public order and public safety etc., and (iii) are neither necessary nor proportionate. Each of these criteria is considered in turn below.

LAW 3894 IS INADEQUATELY PRESCRIBED BY LAW

For any restriction on the freedom of religion and belief to be “prescribed by law,” it must be foreseeable and accessible. According to *Hasan & Chaush v Bulgaria*:

The law should be both adequately accessible and foreseeable, that is, formulated with sufficient precision to enable the individual – if need be with appropriate advice – to regulate his conduct... For domestic law to meet these requirements it must afford a measure of legal protection against arbitrary interferences by public authorities with the rights safeguarded by the [ECHR]. In matters affecting fundamental rights it would be contrary to the rule of law, one of the basic principles of a democratic society enshrined in the [ECHR], for a legal discretion granted to the executive to be expressed in terms of an unfettered power.⁵²

The failure to provide legal certainty in the drafting of Law 3894, combined with provisions that prevent the Church from regulating its conduct, as detailed in section two of this White Paper, clearly breaches the requirement that restrictions on the freedom of religion or belief must be “prescribed by law.” Furthermore, the failure to include safeguards against bias means that the bill fails to protect against arbitrary state interference with the rights and freedoms of the UOC. Consequently, Law 3894 contains restrictions that have not been adequately prescribed by law.

LAW 3894 IS NOT INTENDED TO PROTECT PUBLIC ORDER AND PUBLIC SAFETY ETC.

Law 3894 is specified to protect “national or public security.” National security is not included in the list of legitimate aims contained in Article 18(3) of the ICCPR and Article 9(2) ECHR.⁵³ Despite championing the bill, even DESS raised concerns about this egregious error just before the adoption of the law:

International law in the field of freedom of conscience does not provide for the regulation of religious freedom for reasons of national security. Not because this or that religious organization cannot threaten such security, but because a number of states have abused and are abusing the very concept of national security. Mountains of legal literature have been written about this. This is emphasized within the framework of the European Union in international acts on the protection of religious freedom, this is stated in the decisions of the European Court of Human Rights.⁵⁴

By drawing attention to this point, DESS unintentionally highlighted the Ukrainian government’s own abuse of the concept of national security in the context of Ukraine’s suppression of the UOC.

LAW 3894 IS NEITHER NECESSARY NOR PROPORTIONATE

Any limitation on the freedom of religion must be necessary to achieve the legitimate aim pursued. Even if Law 3894 had the legitimate aim of protecting public order and safety, the restrictions it imposes on the freedom of religion are neither necessary nor proportionate to

that aim. International law dictates that if a less burdensome method exists to achieve a state objective, it becomes challenging for the state to justify the necessity of a more burdensome approach.⁵⁵

Supporters of the bill point to the arrests of clerics for treason or collaboration as justification for the new law. However, to date, around only forty priests have been arrested out of a total of over 10,000 serving clerics, which is a fraction of 1% of all priests belonging to the UOC. Where there is evidence that a priest has committed treason or has collaborated with the enemy, that priest should be tried in a court of law. Banning the entire UOC based on the wrongdoings of a few clerics is a wholly unnecessary and disproportionate approach. Indeed, it is a collective sanction on all innocent Ukrainians who worship and serve in the UOC. Even recognizing the importance of public order and safety, banning the UOC would have a highly disproportionate impact by depriving the members of the UOC of their places of worship and access to their own clergy at a time when they are needed the most.

Law 3894 threatens the autonomous existence of a religious community and the freedom of individual Ukrainians to worship in their preferred manner, as guaranteed by international law, as well as the 1991 Law of Ukraine “On Freedom of Conscience and Religious Organizations.”⁵⁶ This is an unnecessary and dangerous overreach by the Ukrainian government into the religious affairs of the UOC. The principle of non-interference requires that a government respects a religious organization’s own determination of both its internal structure and its affiliation with international religious organizations. The Ukrainian government is forcing the UOC to do something that is solely within the ecclesiastical competence of the Church—i.e. the reorganization of its canonical structure and status. The UOC has already

taken significant steps to separate from the ROC on its own initiative. It is for the UOC to decide its next steps and how best to preserve the sacred life of the Church for its priests and parishioners. Law 3894 is completely unsuited to resolving delicate theological matters and questions that go to the heart of the UOC’s status as a canonical church. Such complex issues should not be resolved through the blunt-force threat of a ban on the UOC.

Furthermore, the organizational structure of the UOC is not merely a matter of church administration and corporate affairs but is an issue that has profound theological consequences. As Human Rights Watch notes, “requiring the Ukrainian Orthodox Church to sever canonical ties may cast doubt on the legitimacy of its adherents’ religious beliefs, which the European Court of Human Rights has identified as a key element of the right to freedom of religion.”⁵⁷ Many parishioners of the UOC attend the Church precisely because they doubt the validity of the holy orders of the OCU. For them, the UOC *is* the canonical church of Ukraine, and they believe that only the UOC’s holy orders and sacraments are valid. Banning the UOC not only restricts these parishioners’ rights to manifest their religion but also attacks their freedom of thought, conscience and religion by depriving them of a place of worship that they truly believe offers the hope of salvation. Such a restriction is completely antithetical to the international framework and principles of religious freedom. Following this religious prerogative poses no threat nor harm to the state.

Quite clearly, Law 3894 fails all the criteria for a permissible restriction on freedom of religion and belief. For this reason, it is vital that the Venice Commission issue an expert opinion on Law 3894 and for Ukraine to withdraw or halt the implementation of the law.

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- 50 Law 3894 also breaches associated rights to the freedom of assembly and association under Article 21 of the ICCPR and article 11 of the ECHR.
- 51 For a detailed review of the framework for permissible restrictions on freedom of religion or belief under the ECHR, see the legal analysis of Draft Law 8391 published by Amsterdam & Partners LLPS in January 2024. "Legal Analysis of Ukrainian Draft Law 8371". Available at <https://savetheuoc.com/document-library/>
See also the Venice Commission's "Joint Guidelines on the Legal Personality of Religious or Belief Communities, adopted by the Venice Commission at its 99th Plenary Session (13–14 June 2014)," available at [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2014\)023-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2014)023-e) and the ECtHR's "Guide on Article 9 of the European Convention on Human Rights Freedom of thought, conscience and religion. Updated on 31 August 2024," available at <https://ks.echr.coe.int/web/echr-ks/article-9>
- 52 Hasan & Chaush v Bulgaria App no. 30985/96, judgment of 26 October 2000 at §84.
- 53 See ECtHR's "Guide on Article 9 of the European Convention on Human Rights Freedom of thought, conscience and religion. Updated on 31 August 2024," pp. 17–18. Available at <https://ks.echr.coe.int/web/echr-ks/article-9>
- 54 DESS, "Statement of the DESS on the draft law No. 8371: the importance and necessity of eliminating the religious influence of the aggressor country," July 23, 2024. Available at <https://dess.gov.ua/zaiava-dess-shchodo-zakonoproiektu-8371-vazhlyvist-i-neobkhdnist-usunennia-relihiynoho-vplyvu-krainy-ahresora/>
- 55 Case of Jehova's Witnesses of Moscow and Other v. Russia App no. 302/02, judgment of 10 June 2010 at §159.
- 56 See Article 5 of the 1991 Law of Ukraine "On Freedom of Conscience and Religious Organizations," which states that "The state does not interfere in the activities of religious organizations carried out within the framework of the law." See Hasan & Chaush v Bulgaria App no. 30985/96, judgment of 26 October 2000 at §62.

(II) CONDEMNATION AND CRITICISM OF LAW 3894

Amsterdam & Partners LLP is not alone in highlighting the threats posed by Law 3894 to religious freedom in Ukraine. A range of respected international organizations, religious figures and scholars have monitored the bill's development and adoption, identifying serious flaws with the law. By presenting key interventions in chronological order, this section tracks the evolution of international criticism of the law and the emergence of a shared consensus about the bill. Quite simply, the law imposes a collective punishment on innocent Orthodox believers, and it falls far short of the legal norms established by international law.

Concerns about Law 3894 were registered early in the legislative process. Shortly after the first reading of the draft law in October 2023, Ilze Brands Kehris, Assistant Secretary-General for Human Rights at the United Nations, warned that the bill could be in contravention of Article 18 of the ICCPR. As noted above, the rights to freedom of religion under Article 18 can only be restricted in very narrow circumstances. Kehris further noted that the UN Office of the High Commissioner for Human Rights was "monitoring how legislative developments in Ukraine may impact enjoyment of freedom of religion" and that the human rights body had expressed "concern over the cumulative impact of Government actions targeting UOC that could be discriminatory."⁵⁸

Volker Turk, the United Nations High Commissioner for Human Rights, echoed these

concerns. In a speech given in December 2023, Turk noted that "these proposed restrictions to the right to freedom of religion do not appear to comply with international human rights law."⁵⁹ At the same time, the UN OHCHR observed that the restrictions contained in the draft law did not "appear to comply with the tests of necessity and proportionality in article 18(3) of the International Covenant on Civil and Political Rights."⁶⁰ Indeed, as noted in section four of this White Paper, the ban of an entire historic religious denomination is both disproportionate and unnecessary, especially when there are less severe intermediate sanctions available to deal with specific crimes committed by individual priests or parishioners.

In a report prepared for its General Synod in February 2024, the Church of England issued sharp criticism of the draft law. This significant intervention revealed that the Church had conducted its own detailed research into the state of human rights in Ukraine. The report stated:

While recognising the emergency situation that Ukraine find itself in, many of the amendment's [i.e. the draft law's] key terms are vague, lack definition and are open to discriminatory interpretation in ways that violate international norms on [freedom of religion or belief]. At its most basic, this amendment threatens collective punishment. Arguably, this Draft Law

is unnecessary: where individuals have committed treason or other criminal actions against the interests of the state, then they can be held accountable under existing criminal Ukrainian law through due process.

The report also asserted that the bill “threatens Ukraine’s social cohesion at a time when it needs a unified societal response to Russian aggression. It encourages an ethno-religious nationalism that will be detrimental to Ukraine’s long term Western trajectory.”⁶¹ Given the discriminatory public statements made by Ukrainian politicians in support of the bill, the Church of England’s concerns were well-founded. The ongoing violent seizures of church property, which have persisted since the law’s adoption, further underscore that Law 3894 is exacerbating divisions within Ukrainian society.

After the revised version of the draft law was issued in March 2024, Dmytro Vovk, a visiting professor at the Benjamin N. Cardozo School of Law and head of the Center for the Rule of Law and Religion Studies at Yaroslav Mudryi National Law University in Ukraine, produced an analysis of the bill for Forum 18. This was one of the first published reviews of what was becoming close to the final text of Law 3894. Vovk identified a range of problems with the drafting of the law and opined that the bill “would not implement Ukraine’s legally-binding international obligations to respect and protect the freedoms of religion or belief, expression, and association.”⁶²

In April 2024, then-Senator JD Vance, now the Vice President of the United States, criticised the draft law on the Senate floor. He argued that it would “dispossess large numbers of Christian churches and Christian communities.” He emphasized that even if some churches were too close to Russia, it would still

not be a justification to “deprive an entire religious community of their religious freedom”.⁶³

Significantly, even the legal department of the Verkhovna Rada raised objections to the bill, which were published in a report of May 3, 2024. The legal department identified numerous inconsistencies between the provisions of the draft legislation and the Ukrainian Constitution and international law, including the ECHR and ICCPR.⁶⁴ Even though these objections were raised by the Verkhovna Rada’s own legal department, they were not addressed or corrected in the final version of the law presented for its second and final reading in Ukraine’s parliament.

The adoption of Law 3894 in August 2024 provoked a chorus of international criticism. Religious figures, NGOs and scholars continued to find fault with the bill and condemned it as a gross violation of human rights and international law.

Immediately after the law was adopted, Pope Francis launched a major intervention. He denounced the bill and asserted, “Please, let no Christian Church be abolished directly or indirectly. Churches are not to be touched!”⁶⁵

The World Council of Churches (**WCC**) issued its own criticisms, noting:

Neither the crimes of some individuals, nor the historical affiliations of a particular religious entity, can be a sufficient basis for measures tantamount to collective punishment of a living worshipping religious community in Ukraine. The government of Ukraine is responsible for protecting the rights of all its citizens.⁶⁶

The WCC’s well-founded fears that Law 3894 amounts to a collective sanction were mirrored in a statement issued by the U.S. Mission to the OSCE, which registered concern about the “law’s potential to collectively punish entire religious

communities and blemish Ukraine’s historically robust support for religious freedom.” Like other international organizations, the U.S. Mission also called on the Ukrainian government “to seek independent, international review of the law.”⁶⁷

Following his earlier analysis of the draft law, Vovk produced another detailed review of the adopted bill for Forum 18, this time co-authored by Elizabeth A. Clark, Associate Director of the International Center for Law and Religion Studies at Brigham Young University. Their article made the following critical observations:

The Law does not comply with international standards of freedom of religion or belief. It bans Ukrainian Orthodox Church (UOC) communities for their ecclesiastical, actual, or state-claimed links to the Russian Orthodox Church – Moscow Patriarchate (ROC), without any obligation for the state to prove that these communities or the whole Church are institutionally involved in crimes.

The Law legitimises the large-scale and relatively fast deprivation of legal status of UOC communities. The law is impossible for the UOC to comply with. Among other reasons for this, the Law requires the ROC to remove UOC-related provisions from the ROC charter. This is beyond the powers of the UOC to do, and the ROC is highly unlikely to do this in the foreseeable future. This impossible demand of the Law allows the Ukrainian government to deregister any UOC community at any time.

Even before the deprivation of legal status, these communities will face a real threat of an extrajudicial deprivation of the right to rent state and municipally owned properties, which will eventually stop or restrict their operation.

The Law also significantly increases the role of the state in inter-religious

relations and expands the DESS’s and law enforcement bodies’ powers in monitoring and controlling religious communities and the expression of religious ideas. This will potentially contribute to increasing the number of state prosecutions of UOC priests and believers for criticising state religious policies.⁶⁸

In October 2024, Vovk and Clark participated in an academic symposium dedicated to Law 3894, alongside other leading scholars of religion in Ukraine, including Thomas Bremer, Regina Elsner, and Serhii Bortnyk. Not one of the scholars in attendance offered praise or support for the law; the vast majority criticized its adoption and implementation, raising fears about its impact on the rights of UOC parishioners.⁶⁹

Human Rights Watch issued a major statement on the law on October 30, 2024, stating that the “new law risks severe practical consequences for the Ukrainian Orthodox Church’s congregations and millions of parishioners.” Such consequences “range from restrictions on ownership and operation of religious properties to difficulties in accessing places of worship and heightened risk of security service surveillance and prosecution.” Human Rights Watch also called on the Ukrainian government to “suspend implementation of the law and request the Venice Commission, the Council of Europe’s advisory body on constitutional matters, and the [OSCE] Office for Democratic Institutions and Human Rights to provide expert analysis of the law.”⁷⁰

The UN OHCHR has continued to monitor the law in its periodic reporting on the human rights situation in Ukraine. In an initial assessment published shortly after the adoption of the bill, the UN OHCHR stated:

The Law raises concerns regarding its compliance with international human

rights standards. In particular, it refers to national security as a ground for restrictions on the freedom of religion or belief and the freedom of religious associations. However, neither the ICCPR nor the European Convention on Human Rights include “national security” among the permissible grounds for such a restriction.⁷¹

The UN OHCHR followed this initial statement with a more detailed analysis in a report published at the end of December 2024, stating, as noted in the introduction of the White Paper:

The dissolution of a religious organization is a severe restriction that affects the ability of individuals to practice their religion or belief together with others and threatens the viability of the community as a whole, which requires very serious reasons by way of justification. Ukraine has not demonstrated the necessity and proportionality of this measure.⁷²

The report also criticised Law 3894 for its “vague terms that do not give fair notice of what the law requires”⁷³ It further noted that state entities can cancel leases for municipal property

following a decision by DESS that a UOC entity is affiliated with the ROC, even before a court decision on dissolution. As the report notes:

Since the State owns and leases out historic church buildings across Ukraine, this may result in religious organizations losing access to these premises. In the past, OHCHR has observed that some church buildings had been closed and rendered inaccessible to the community after rental contracts were cancelled, a situation which, particularly in communities with few churches, may limit exercise of freedom of worship and contribute to social tensions.⁷⁴

Ukraine’s Ministry of Foreign Affairs rejected the UN OHCHR’s report and criticised it for “distorting reality.” The official statement also claimed that Law 3894 does not prohibit religious organizations in Ukraine, notwithstanding what is contained in the law.⁷⁵ However, as the wealth of critical commentary presented in this section testifies, Law 3894 is seriously defective and must be withdrawn if Ukraine is to protect the religious rights of the UOC and its priests and parishioners.

57 Human Rights Watch, “Ukraine: New Law Raises Religious Freedom Concerns,” October 30, 2024. Available at <https://www.hrw.org/news/2024/10/30/ukraine-new-law-raises-religious-freedom-concerns>

58 UN OHCHR. “ASG Brands Kehris briefs the Security Council on Ukraine”, November 17, 2023. Available at <https://www.ohchr.org/en/statements-and-speeches/2023/11/asg-brands-kehris-briefs-security-council-ukraine>.

59 UN OHCHR. “Russia should immediately cease its use of force against Ukraine: Turk,” December 19, 2023. Available at: <https://www.ohchr.org/en/statements-and-speeches/2023/12/russia-should-immediately-cease-its-use-force-against-ukraine-turk>

60 UN OHCHR. “Report on the human rights situation in Ukraine: 1 August - 30 November 2023,” and “Report on the human rights situation in Ukraine: 1 February - 31 July 2023,” para. 88 (p. 22). Available at: <https://www.ohchr.org/en/documents/country-reports/report-human-rights-situation-ukraine-1-august-30-november-2023>

61 Church of England. “War in Ukraine.” February 2024. GS 2348. Available at: <https://www.churchofengland.org/sites/default/files/2024-02/gs-2348-war-in-ukraine-final-final.pdf>

- 62 Forum 18, "Ukraine: Latest draft Law targets Ukrainian Orthodox Church for Russian links," March 6, 2024. Available at: https://www.forum18.org/archive.php?article_id=2896
- 63 Radio Free Europe/Radio Liberty. "Ukraine moves to ban Moscow-linked Orthodox Church despite religious freedom concerns," August 18, 2024. Available at <https://www.rferl.org/a/ukraine-russia-church-law-ban/33081315.html>. Full speech available at <https://www.c-span.org/clip/us-senate/user-clip-senator-vance-opposes-aid-to-ukraine-34minvid/5114872>
- 64 Apparatus of the Supreme Council of Ukraine. Main Legal Department. "Remark to the draft law of Ukraine on the protection of national and public security, human rights and freedoms in the sphere of activity of Religious Organizations." Available at <https://savetheuoc.com/document-library/>
- 65 Pope Francis "Angelus, Saint Peter's Square, Sunday, 25 August 2024." Available at <https://www.vatican.va/content/francesco/en/angelus/2024/documents/20240825-angelus.html>
- 66 Council of Churches, "WCC urges caution with new law passed by Ukrainian Rada," August 24, 2024. Available at <https://www.oikoumene.org/news/wcc-urges-caution-with-new-law-passed-by-ukrainian-rada>
- 67 Statement delivered by Ambassador Michael G. Kozak at the Warsaw Human Dimension Conference I Plenary Session 7: Fundamental Freedoms II on October 7, 2024, available at <https://osce.usmission.gov/warsaw-human-dimension-conference-i-plenary-session-7-fundamental-freedoms-ii/>
- 68 Forum 18, "Ukraine: Law banning Ukrainian Orthodox Church about to enter force," September 17, 2024. Available at https://www.forum18.org/archive.php?article_id=2932
- 69 This symposium was hosted by International Centre for Law and Religion Studies and the Orthodox Christianity Studies Center – Fordham University on October 29, 2024. A recording of the event is available at <https://www.youtube.com/watch?v=CiNs3n6vzaU>
- 70 Human Rights Watch. "Ukraine: New Law Raises Religious Freedom Concerns," October 30, 2024. Available at <https://www.hrw.org/news/2024/10/30/ukraine-new-law-raises-religious-freedom-concerns>
- 71 UN OHCHR. "Report on the Human Rights Situation in Ukraine: 1 June to 31 August 31 2024, para. 115 (p. 25). Available at <https://www.ohchr.org/en/documents/country-reports/40th-periodic-report-human-rights-situation-ukraine-treatment-prisoners>
- 72 UN OHCHR. "Report on the Human Rights Situation in Ukraine: 1 September to 30 November 2024," para. 86 (p. 20). Available at <https://www.ohchr.org/en/documents/country-reports/41st-periodic-report-human-rights-situation-ukraine-1-september-30>
- 73 Ibid., para. 87 (p. 20).
- 74 Ibid., para. 88 (p. 21).
- 75 Statement issued by Ministry of Foreign Affairs of Ukraine on January 2, 2025. Available at <https://mfa.gov.ua/news/komentar-mzs-shchodo-neppravdivih-zvinuvachen-oon-v-nibito-obmezhenni-ukrayinoyu-religijnih-svobod>

(III) UKRAINE IS HARASSING, ARRESTING AND DETAINING UOC CLERICS AND SUPPORTERS

While Law 3894 was being developed and adopted, UOC clerics have continued to be arrested on false and spurious grounds, and thousands of UOC churches and monasteries have been seized in highly contested circumstances. The White Paper prepared by Amsterdam & Partners LLP in January 2024, alongside the firm's submissions to the United States Commission on International Religious Freedom, document a number of these egregious and ongoing violations of human rights and religious freedom.⁷⁶ This section presents further details on the arrests of two high-profile clerics—Metropolitan Feodosii and Metropolitan Arseniy—and the recent violent seizure of Metropolitan Feodosii's cathedral in Cherkasy. The information contained in this section is informed by witness statements of parishioners and local lawyers in Ukraine. Significantly, all those interviewed lamented the adoption of Law 3894, which they viewed as providing cover for attacks on clergy and church property.

METROPOLITAN FEODOSII AND THE SEIZURE OF ST. MICHAELS CATHEDRAL

There have been worrying developments in recent months with respect to the arrest and detention of clerics in Ukraine. As documented

by the UN OHCHR, the SBU is offering arrested UOC clerics freedom if they agree to be exchanged for Ukrainian prisoners of war held by Russia.⁷⁷ This illegal offer violates the Third Geneva Convention of 1949 and Article 8 of the Rome Statute of the International Criminal Court.

The SBU has extended this offer several times to Metropolitan Feodosii of Cherkasy and Kaniv. Metropolitan Feodosii is under investigation for inciting national and religious hatred under Article 161, based on comments he made in religious and theological talks over a period of ten years.⁷⁸ Yet there was nothing in these discussions, which were often academic in nature, that amounted to the incitement of hate. Instead, his arrest appears to stem from his full-throated defence of the UOC, which the authorities seek to suppress. Metropolitan Feodosii has had his movements severely restricted, and he has been placed under round-the-clock house arrest several times during the investigation against him. This has prevented him from carrying out his religious duties and ministering to his flock.

At times, Metropolitan Feodosii has been permitted to leave his apartment only to attend court, where he has had to contend with large groups of violent protestors who seek to humiliate him.⁷⁹ Metropolitan Feodosii appeared via

video link at the 56th Session of the UN Human Rights Council in June this year, where he described the scenes that have confronted him:

The court hearings on my criminal case are held in an atmosphere of open public pressure: a rally is held in front of the courthouse every time I or the judges need to get into the courthouse – the protesters block my road, threaten, chant insulting slogans, broke the windshield in my car, several people accompanying me were injured.⁸⁰

The failure of local police to guarantee Metropolitan Feodosii's safety threatens not just his health and safety, but also the ability of the court to discharge its duties. Furthermore, the presence of an angry mob only applies further pressure on a court that has already shown worrying signs of bias and a lack of impartiality.

Prior to one of these hearings, an SBU operative made yet another proposal for him to be swapped with a prisoner of war, using the threat of the protests to persuade him to accept the deal. As a Ukrainian patriot, Metropolitan Feodosii has refused all such proposals.

Metropolitan Feodosii has since come under further attack by violent supporters of the OCU, who stormed and seized his diocesan cathedral in Cherkasy following the adoption of Law 3894. The violent takeover of St Michael's Cathedral on October 17, 2024, is one of the most significant expropriations of UOC property to date.⁸¹ Prior to this illegal seizure, Anatoly Bondarenko, the mayor of Cherkasy, attacked the UOC in interviews and on his social media channels, and he stated during a session of the city council that he hoped that St. Michael's Cathedral would "transition" to the OCU on August 24, 2024, the date of Ukraine's Independence Day and the day that Law 3894 was signed into law.⁸² Although Mayor Bondarenko

did not achieve this aim on that date, the new law gave OCU supporters a pretext to launch a raid on the diocesan cathedral.

In the early hours of October 17, a large group of OCU supporters dressed in military fatigues stormed St Michael's Cathedral during a night liturgy. Although the cathedral is legally the property of the local diocese, the OCU supporters claimed that they had the right to take possession of the church. What followed can only be described as outright thuggery. The raiders tore down the surveillance cameras and physically removed the worshippers from the cathedral. Furniture in the church was smashed and thrown at the UOC congregants. An office was vandalised, from which thousands of dollars and hryvnias were stolen, money which had been set aside to pay for a new church bell, utility bills, salaries, and the restoration of icons in the church. In the morning of the same day, Metropolitan Feodosii returned to the church with worshippers to hold a liturgy and restore order. They were greeted once more by OCU supporters in military gear, who began to beat Metropolitan Feodosii and his congregants. Tear gas was fired in the ensuing melee. Metropolitan Feodosii suffered head injuries, concussion, and chemical burns. Another cleric lost six teeth, while another received severe head injuries. Over 30 parishioners were injured.⁸³ Significantly, the police did nothing to stop the insurgents from violently seizing the cathedral. None of the attackers were arrested or detained. Indeed, in light of Mayor Bondarenko's public statements, the local authorities appear to tacitly approve these actions. Shortly after the takeover, Mayor Bondarenko confirmed that the cathedral will be transferred to municipal ownership, notwithstanding the UOC's legal title to the property.⁸⁴

Monasteries, cathedrals and parish churches are at the centre of the UOC's religious life. They draw together worshippers to attend

liturgies and prayer services. Many cathedrals and monasteries hold the relics of saints, which pious believers venerate. The illegal seizure of these sacred sites displaces UOC priests and parishioners, preventing them from engaging in private and communal acts of devotion in their preferred places of worship. Few members of the UOC transfer to the OCU parish following a seizure. The violent and contested nature of such takeovers, as well as doubts concerning the OCU's canonical validity, prevent many from making the move. Instead, many UOC communities look for secret alternatives. Following the seizure of St Michael's Cathedral, Metropolitan Feodosii instructed his parishioners to worship secretly in "apartments, homes, attics, basements," stating that "we will pray and hold Divine Liturgies underground."⁸⁵ We are witnessing the transformation of the UOC into a church of the catacombs, a phenomenon that many believed was relegated to the Soviet past. As churches continue to be seized, and in light of the adoption of Law 3894, this is the future that awaits the UOC unless the Ukrainian government changes course and ceases its attack on the Church.

METROPOLITAN ARSENIY

The SBU has arrested and detained other prominent clerics of the UOC. This includes Metropolitan Arseniy, the head of the Sviatohirsk Lavra, a historic monastery in Eastern Ukraine. He was arrested and detained on April 23, 2024, and his case is being monitored by the UN OHCHR.⁸⁶ Since Metropolitan Arseniy's alleged crime relates to national security, it could be used as a pretext to launch proceedings to terminate the UOC under Law 3894 should he be found guilty.

Metropolitan Arseniy was arrested for the contents of a sermon he preached on September 23, 2023, the date of an important religious

feast at the monastery. He complained about police checkpoints erected in the region, at which pilgrims were subjected to document and mobile phone checks, preventing them from reaching the monastery. In his sermon, Metropolitan Arseniy asserted that the pilgrims had not been "allowed to pray to those saints who are revered for their holiness here on the land of Ukraine" and had consequently been denied the chance "to pray for the protection of our saints of Sviatohirsk, to protect our families, husbands, and sons who went to the front." The monastery uploaded this sermon to its YouTube channel on September 25, 2023.⁸⁷

Seven months later, Metropolitan Arseniy was arrested by the SBU, citing Article 114-2 of the Criminal Code of Ukraine, which prohibits the "dissemination of information on the movement, movement or location of the Armed Forces of Ukraine or other military formations established in accordance with the laws of Ukraine."⁸⁸ Metropolitan Arseniy has not committed this crime, and he has been wrongfully detained. The Armed Forces of Ukraine were not responsible for erecting or manning the checkpoints of which he complained. They were ordinary police checkpoints manned by operatives of the SBU. Therefore, Metropolitan Arseniy did not give away the location of the Armed Forces of Ukraine.

The court has held Metropolitan Arseniy in pre-trial detention since his arrest on April 23, 2024, and has extended his detention, without the right to bail, in breach of the Criminal Procedure Code of Ukraine. Furthermore, Metropolitan Arseniy has suffered from degrading and inhumane treatment. He is detained in Dnipro but was forced this summer to attend court hearings in Sloviansk, a town close to the front lines. This journey took up to 8 hours each way. When the court held hearings on consecutive days, the judge ordered Metropolitan Arseniy to travel back and forth each day,

often resulting in 15 hours on the road without rest or sleep. During the journey, he was handcuffed, not allowed to eat or drink, and deprived of sanitary breaks. The prison vehicle often lacked air-conditioning, and he suffered in summer temperatures above 40°C. Metropolitan Arseniy suffers from several chronic conditions and this inhumane treatment had a significant impact on his health.

During the period of pre-trial detention, Metropolitan Arseniy has been denied access to religious rites related to his belief, and he is desperate to return to the monastery where he has lived for 30 years. In comments given to the UK's *The Independent*, he said: "I pray for this ordeal to end, for my return to Sviatohirsk, the

reconstruction of our monastery, and peace in Ukraine. I pray too for an end to the attack on the Ukrainian Orthodox Church. We Ukrainians must be united."⁸⁹

The Ministry of Culture has launched specious inspections of historic monasteries operated by the UOC with a view to terminating lease agreements and returning these holy places to state control. This includes Sviatohirsk Lavra, Metropolitan Arseniy's monastery.⁹⁰ Indeed, his detention appears to have been strategically planned to facilitate the monastery's seizure from the UOC. The adoption of Law 3894 only supports the state's efforts to take control of a popular monastery, which attracts pilgrims from far and wide.

76 Each of these documents is available at <https://savetheuoc.com/>

77 UN OHCHR. "Treatment of Prisoners of War and Update on the Human Rights Situation in Ukraine 1 June to 31 August 2024." Available at <https://www.ohchr.org/en/documents/country-reports/40th-periodic-report-human-rights-situation-ukraine-treatment-prisoners>

78 Synodal information and educational Department of the UOC, "I do not regret a single word that I said on television or in support of the persecuted clergy - Metropolitan Theodosius of Cherkasy and Kaniv about the opening of a criminal case against him (video)," February 20, 2023. Available at: <https://news.church.ua/2023/02/20/i-do-not-regret-a-single-word-which-i-have-said-on-tv-or-in-support-of-the-persecuted-clergy-metropolitan-theodosius-on-of-cherkasy-and-kaniv-on0the-opening-of-a-criminal-case-against-him/?lang=en#2024-07-12>

79 Videos of this harassment are available at https://www.youtube.com/watch?v=9sHWfEvCRzs&list=PLtlzp0n_w0VZrDoEM-20ANgkYUgge_Aa&index=36 and <https://www.youtube.com/watch?v=Jc2BWAowfho>

80 Official Site of the Cherkasy Eparchy, "Metropolitan Theodosius at the 56th session of the UN Human Rights Council in Geneva (+VIDEO)," June 26, 2024. Available at <https://cherkasy.church.ua/ru/news/mitropolit-feodosij-na-56-j-sessii-spch-oon-v-zheneve-video/>

81 For an official statement on the violent takeover of the cathedral, see Official Site of the Cherkasy Eparchy. "Statement of the Cherkasy and Kaniv Eparchy of the Ukrainian Orthodox Church 'On gross violations of human rights, beatings of UOC believers during the raider seizure of St. Michael's Cathedral in Cherkasy,'" October 19, 2024. Available at <https://cherkasy.church.ua/novosti-uk/zayava-cherkaskoji-i-kanivskoji-jeparxiji-ukrajinskoi-pravoslavnoji-cerkvi-pro-grubi-porushennya-pravlyudini-pobittya-viryana-upc-pid-chas-rejderskogo-zaxoplennya-svyato-mixajlivskogo-kafedralnogo/>

82 Tsentralna Cherkas'skikh Media. "Cherkasy mayor dreams of transferring St Michael's Cathedral to OCU," September 5, 2024. Available at <https://zmi.ck.ua/sotsium/mer-cherkas-mryav-pro-perehd-svyato-mihajlvskogo-kafedralnogo-soboru-do-ptsu.html>

83 Videos of the violent takeover are interspersed in an interview given by Metropolitan Feodosii, published on YouTube: <https://www.youtube.com/watch?v=5ksV4gGTFeo>

84 See video statement of Mayor Bondarenko published on Facebook: <https://www.facebook.com/official.bondarenko/videos/867318835502372/>

85 Speech read by Metropolitan Feodosii following the seizure of St. Michael's Cathedral on October 17, 2024, available at <https://www.youtube.com/watch?v=fgXfLYvf4xA>

86 UN OHCHR. "Report on the Human Rights Situation in Ukraine 1 March to 31 May 2024. Available at <https://www.ohchr.org/en/documents/country-reports/report-human-rights-situation-ukraine-1-march-31-may-2024>

- 87 The recording of the sermon is available here: <https://www.youtube.com/watch?v=C25RRVnEebl>. For an English translation, see <https://savetheuoc.com/metropolitan-arseniy-zelenskyys-prisoner-of-conscience/>
- 88 Part 2 of Article 114-2 of the Criminal Code of Ukraine, available in Ukrainian at <https://zakon.rada.gov.ua/laws/show/2341-14#Text>
- 89 The Independent, "Top Ukraine cleric pleads with Starmer for help over Zelensky's Orthodox church crackdown." Available at <https://www.independent.co.uk/news/uk/politics/starmer-religious-freedom-envoy-ukraine-b2632060.html>
- 90 RISU, "Work on the return of the Pochaev and Svyatogorsk Lavras to the management of the state continues, - Karandeev." Available at https://risu.ua/robo-ta-z-povernennya-v-upravlinnya-derzhavi-pochayivskoyi-ta-svyatogirskoyi-lavr-trivaye--karandyeyev_n149917. DESS. "DESS Seminar "Protection of Freedom of Conscience and Rights of National Minorities (Communities) in the Context of the Start of Negotiations on Ukraine's Accession to the EU," November 8, 2024. Available at <https://dess.gov.ua/narada-seminar-dess-zakhyst-svobody-sovisti-ta-prav-natsionalnykh-menshyn/>

CONCLUSION

Although Ukraine is fighting a war for its survival, its efforts to defend itself must not come at the cost of civil liberties, especially when such abuses imperil its future as a functioning democracy.

Ukraine has enacted a law that will ban an entire church. At the same time, Ukraine is presiding over the wholesale abuse of human rights, seen in the harassment, arrest and detention of UOC clerics and supporters, as well as the theft of their religious property. These acts, which are directed at the destruction of a historic Christian denomination, represent a profound violation of religious freedom.

It is critical that Ukraine's international allies—including the United States—take a lead on this issue. Ukraine must be encouraged to enact a course correction. A future Ukrainian peace depends on ensuring that all citizens have a stake in society and can thereby benefit from the fruits of democratic pluralism.

The current policy being enacted by the government is disenfranchising whole swathes of the Ukrainian population, purely based on their religious affiliation. Law 3894 should be withdrawn, or at the very least, submitted to the Venice Commission for its expert review. At the same time, Ukraine must review the cases of imprisoned UOC priests and secure their release, while also taking measures to protect the property rights of the UOC.

As Kyrylo Ulyanchenko, to whom this White Paper is dedicated, recorded in his video appeal from the front lines, “everything should be calm and peaceful in the Church, and then all will be well.”⁹¹ While he did not live to see peace restored to Ukraine and the UOC, the supporters of the persecuted Church will carry on his fight and demand an end to Ukraine's suppression of religious liberty. This will be a fitting way to memorialise a young patriot of Ukraine and parishioner of the UOC.

91 Video appeal of Kyrylo Ulyanchenko, calling for an end to the persecution of the UOC, posted on TikTok on December 6, 2022, available at https://www.tiktok.com/@kirill_klirik/video/7174121217589267717.

