Moscow Patriarchate's Representation in Strasbourg publishes report on violations of the rights of Orthodox Christians in Europe

On 20 December 2018, the Centre for Monitoring the Rights and Freedom of Orthodox Christians in Europe (CRFO) supported by the Representation of the Russian Orthodox Church in Strasbourg published its annual report for 2017.

The Centre was established in 2014 to monitor on a regular basis violations of the rights and freedoms of Orthodox Christians in Europe. The year 2018 marked the preparation of the 4th report.

The geographical scope of the monitoring aims at 47 member states of the Council of Europe. It entails registering violations of freedoms of conscience, expression and assembly of Orthodox Christians from various Local Churches. As a rule, the Centre focuses on the following violations: defamation, humiliation, hate speech, discrimination, intolerance, hostility, and desecration of the Orthodox shrines, churches, cemeteries and symbols.

The Centre's guiding principle is to ensure that all incidents are presented as objectively and thoroughly as possible. The report is prepared based on open sources accessible online with references and links. The preference, as a rule, is given to primary sources, such as websites of the Local Orthodox Churches, dioceses, parishes, and church-related media.

In 2017 the CRFO revealed 165 violations of the freedoms and rights of Orthodox Christians. Around 66% of collected incidents are from Ukraine, 17% from South East Europe (Albania, Bosnia-Herzegovina, Croatia, Cyprus, Greece, Kosovo, Macedonia, Turkey), and 15% from Russia. Additionally, there is one incident from Poland and one joint incident from Germany and Belgium.

The violations are distributed across all the year with typically around 13 incidents per month. The number of incidents per month rocketed in February and March with 21 and 41 respectively. The violation activity plunged to the lowest point in July and was bottoming out until September (including) with around five incidents per month.

All the collected incidents are presented in four chapters. Each chapter is devoted to the violation of a certain Orthodox Christians' freedom or right that is insured by the European Convention on Human Rights and other international legal instruments.

Most defamation incidents recorded in 2017 came from Ukraine. There, half of the incidents occurred in March. The most prominent defamation was a speech of the leader of the non-canonical Kievan Patriarchate on 21 March 2017 at the Ukrainian parliament. Separate notice should be given to incidents of false denunciation of the Ukrainian Orthodox Church's clergy to the police. In Albania, a deeply offensive book against the Serbian Orthodox Church was published in 2017 and caused wide negative reaction among believers.

Article 9 "Freedom of thought, conscience and religion" of the European Convention on Human Rights imposes a positive obligation on signatory States: to protect religious communities from physical and verbal attacks by third persons. In Ukraine, approximately half of the physical attack cases were triggered by members of non-canonical religious organizations and radical nationalists. Hostile environment towards the Ukrainian Orthodox Church (Moscow Patriarchate) remained in Ukraine during 2017. It should be noted that nearly all cases of church buildings seizures, presented separately in the last chapter of this report, contain also incidents of violence and inhuman treatment. In South East Europe, the most frequent type of incidents in 2017 was insulting graffiti paintings against the Serbs and the Serbian Orthodox Church, also there was one murder of clergy incident.

Incidents presented in Chapter 3 "Discrimination of Orthodox Christians and violation of their freedom of expression" can be grouped into two categories with respect to State's obligation: the obligation not to impede the normal functioning of religious organizations, and to respect for the autonomy of religious organizations. As a matter of fact, the latter two negative obligations are imposed additionally by Article 9 "Freedom of thought, conscience and religion" of the Convention upon signatory States.

Among South East European countries, most incidents of State's impediment of the normal functioning of Orthodox Churches, collected by the Centre in 2017, occurred in Greece. According to Greece's constitution, the Orthodox Church and the government have partnering relationship. The government acts against this constitutional partnership and thus obstructs the functioning of the Greek Orthodox Church. In Albania and in the territory of Kosovo the situation remains tense.

In Ukraine, the main issue that provoked many publications in the media was the refusal of the Ministry of Culture to register the internal statutes of dioceses and monasteries of the canonical Ukrainian Orthodox Church (Moscow Patriarchate). This issue lasted for the whole year and grabbed wide attention from inside and outside of Ukraine. Another group of incidents was connected to the ban to commemorate certain Orthodox saints; besides, some books, monuments and symbols were also banned, because they reminded people about spiritual connections with the Russian tradition.

The State's obligation to respect for the autonomy of religious organizations enshrines the commitment

not to interfere in inter-denominational conflicts. In 2017, violations of the latter obligation were only represented by incidents from Ukraine. The most prominent example of this violation was an attempt to consider two discriminative bills directly against the Ukrainian Orthodox Church (Moscow Patriarchate) at the Parliament: No 4128 and No 4511. In fact, those bills had been attempted and failed to pass during 2016. To recall, bill No 4128 practically proposed to legalize raiding churches, and bill No 4511 requested to impose the control of the interior activity of the Ukrainian Orthodox Church by the secular authorities.

The Ukrainian government was directly and openly interfering in the affairs of the Ukrainian Orthodox Church by attempting to create a unified orthodox church in Ukraine with the help of the Patriarch of Constantinople and by political means, despite Ukraine's international obligations and the State's constitution that affirms secular nature of power. For instance, the President and other representatives of the government were actively interfering in the internal affairs of the Orthodox Church by writing official letters and statements, visiting Istanbul and negotiating on this matter with Patriarch Bartholomew and his representatives.

The last chapter describes incidents that represent impediments to celebrating Orthodox divine services, directly or indirectly. Religious worship is an action that is also protected under Article 9 "Freedom of thought, conscience and religion" of the Convention. Thus, the incidents collected in 2017 by the Centre are further divided into two categories: impediment to an Orthodox service by third parties and hindrance for an Orthodox community to have a church. The typical examples of impediment to an Orthodox service in 2017 were direct obstruction of a church service, illegal usage of a church by third parties, and theft of sacred objects.

In Russia, there was relatively low number of incidents of this type. In Ukraine, the main driver of majority of incidents was the uncanonical religious organization "Kievan Patriarchate" and radical nationalist groups.

A place of worship is an essential element for exercising freedom of religious worship. In 2017, the incidents of impediments for an Orthodox community to have a place of worship were the following types: direct seizure of a church by third party, damage of an existing place of worship, hindering a new church construction (either legally, or physically), and vandalism. In South East Europe, the most frequent incident type was vandalism and desecration of Orthodox cemeteries. The separate mentioning deserves situation in Albania: the desecration of Orthodox churches, monasteries and holy sites, confiscated by the government earlier, continued to be a frequent practice in 2017. In Russia, most incidents were in the form of vandalism and the most frequent engine of an incident was an opposition to construction or restoration of churches by some part of local societies. In Ukraine, the wide spread incident type was the seizure of a church by a non-canonical Christian denomination with the

help of radical nationalists. Physical violence and intimidation were typical methods of the perpetrators in seizing a place of worship.

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