Urgent problems of Ukrainian Orthodox Church voiced at OSCE conference

Urgent problems of the Ukrainian Orthodox Church were voiced by the head of the Ukrainian Orthodox Church representation to European organizations, Bishop Victor of Baryshevka, at an OSCE conference, the UOC Information-Education Department reports.

The hierarch called upon the international human rights community to consider a possibility to find and enable legal procedures for examining the law ‘on renaming’ and defending the rights of the faithful of the Ukrainian Orthodox Church in international courts of law.

The OSCE virtual conference on ‘Democratic Law-Making: Ensuring Participation – Supplementary Human Dimension Meeting (SHDM) II 2021’ was held on April 26-27, 2021.

The conference was attended by representatives of the OSCE member countries, Director of the European Commission for Democracy through Law (‘Venice Commission’) Ms Simona Granata-Menghini, and representatives of diplomatic, human rights advocacy and academic circles.

Considering the fact that the subject matter of the conference concerned legislation, Bishop Victor drew

attention of the participants to the fact that Law No. 2662-VIII adopted on December 20, 2018, actually required that the religious organizations of the Ukrainian Orthodox Church should change their historical names, which contradict the norms of international law and European practice. This law manifests the worst traditions of parliamentarism, since it was adopted without any consultation with the community of the faithful and is aimed at the discrimination and infringement on the rights of the Ukrainian Orthodox Church and its numerous believers. Nobody can forcibly deprive religious communities of their canonical and historical name. The obligation to change the already existing status including the name contradicts the foundations of even civil law. which stipulates that law has no retroactive effect, and the norms of the Ukrainian Constitution which prohibits the curtaining of human rights.

Another problem pointed out by Bishop Victor is the fact that since the above-mentioned law was adopted, religious organizations of the Ukrainian Orthodox Church have lost an opportunity to gain and implement their rights because the law does stipulate that the statutes of legal persons, which have not changed their designation, become invalid. Actually, over 12 thousand religious communities of the largest confession in the country have been removed from the state's legal space and deprived of civil legal personality.

Bishop Victor noted that the European Commission for Democracy through Law ('Venice Commission'), in the course of appropriate examinations, could consider whether these legislative acts correspond to international law and European standards. Regrettably, the Ukrainian law in force does not provide for an opportunity for filing an appeal against the parliament acts and the appeal of the Ukrainian people's deputies to recognize the law 'on renaming' as unconstitutional has not been considered by the Ukrainian Constitutional Court.

Taking in account the above, Bishop Victor called the international human rights community to consider a possibility to find and enable legal procedures for examining the law on 'renaming' and defending the rights of the faithful of the Ukrainian Orthodox Church in international courts of law.

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