



Statement of the Legal Department of the Moscow Patriarchate regarding the entry into force of the law of Ukraine No. 3894-IX "On the protection of the constitutional order in the sphere of activity of religious organizations"

In connection with the entry into force of the Law of Ukraine No. 3894-IX from 20.08.24 "On the Protection of the Constitutional Order in the Sphere of Activity of Religious Organizations," the Legal Department of the Moscow Patriarchate reports that this legislative act grossly contradicts the norms and principles of international law.

First and foremost, Law No. 3894-IX introduces an extrajudicial procedure for imposing a ban on the activities of a religious organization. Such a ban has already been imposed by the deputies on the activities of the Russian Orthodox Church on the territory of Ukraine (Article 3 of the law). Thus, the Verkhovna Rada, without a legitimate judicial procedure that involves transparency, the collection and examination of evidence, and the participation and adversarial nature of the parties in a court process, decided to ban the activities of the largest Christian denomination, declaring it "an ideological continuation of the regime of the aggressor state, an accomplice in war crimes and crimes against humanity" (paragraph 1, Article 3 of the law). This unprecedented norm, which humiliates the dignity of millions of believers, has no analogues in either international law or foreign legislation.

It is important to note that the prohibition of the activities of a legal entity is an extreme measure of intervention, which in a democratic society is preceded by warnings, fines, and other measures of administrative sanction. All these measures of influence have been grossly ignored by the Ukrainian legislator, who chose the extreme form of intervention in the life of religious communities.

Law No. 3894-IX contradicts Article 35 of the Constitution of Ukraine, according to which religious organizations are separated from the state. This constitutional principle implies a ban on state interference in the activities of religious associations, as stated in Article 5 of the Law of Ukraine of April 23, 1991, No. 987-XII "On Freedom of Conscience and Religious Organizations."

The principle of "non-interference" primarily means the autonomy of religious organizations in matters of determining their own hierarchical structure, the appointment (election) of governing bodies. The norms of international law explicitly and unambiguously enshrine this right of religious organizations. However, this right is grossly violated by Law No. 3894-IX, which, under threat of liquidation, forces the Ukrainian Orthodox Church [UOC] to change its hierarchical structure based on formal grounds of "affiliation" with the Russian Orthodox Church. Moreover, Section II of the new law introduces a shameful procedure for public oral or written statements by the leaders of religious communities renouncing their original, canonically established hierarchical affiliation.

Law No. 3894-IX supplements the Code of Administrative Procedure of Ukraine with a norm according to which, in the event of the liquidation of a religious organization affiliated with the Russian Orthodox Church, the property owned by it is transferred to the state. At the same time, Article 9 of the Law of Ukraine "On the Lease of State and Communal Property" is supplemented with a norm obliging state bodies to prematurely terminate free use or lease agreements with religious organizations that have

signs of affiliation with the Russian Church. In fact, the new law provides for the nationalization of the property of UOC religious organizations if they refuse to change their hierarchical affiliation.

The norms of Law No. 3894-IX are comparable to the Decree of the Council of People's Commissars of February 5, 1918, "On the Separation of Church from State and School from Church," which deprived religious associations of the rights of a legal entity and declared their property "national property." The adoption of the Decree, which grossly violated the rights of believers, led to a bloody carnage caused by the forced closure of churches, their transfer to representatives of a schismatic group created by the atheist state, and the seizure of church property. It is precisely such consequences that Law No. 3894-IX may lead to.

It should also be noted that the grounds for the liquidation of religious organizations provided for by this law do not withstand criticism. For example, according to Article 5 of the law, a religious organization is subject to liquidation in the event of propaganda of the ideology of the "Russian world," which, in turn, is defined by the new law as a "Russian neocolonial doctrine" aimed, among other things, at "expanding the canonical territory of the Russian Orthodox Church beyond the territory of the Russian Federation." In fact, the legislator considers the dissemination of religious beliefs as grounds for the liquidation of a religious community.

The implementation of the provisions of Law No. 3894-IX is primarily entrusted to the state executive body that implements state policy in the field of religion. This body, by virtue of the provisions of the new law, not only recognizes a religious organization as affiliated with the Russian Church but also coordinates the "relations, connections, and communications" of Ukrainian religious communities with the Moscow Patriarchate. Thus, on the territory of Ukraine, a relic of the Soviet era has been revived – a special state body for religious affairs, which during the times of godlessness and persecution of the Church coordinated the appointment of bishops to sees, censored church publications, and regulated the life of churches up to issuing permits for bell ringing. The revival of such a state body is evidence of the degradation of Ukrainian legislation on freedom of conscience.

In general, by outlawing the Russian Orthodox Church, the Ukrainian authorities come into direct conflict with its entire plenitude, forgetting that it is impossible to ban the activities of the Church as a denomination, since its status is determined primarily by Divine ordinances and only secondarily by state legislation.

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