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**Written contribution of Representation of the Ukrainian Orthodox Church to European International Organizations on disinformation regarding believers of the Ukrainian Orthodox Church and warning signs of hostility and discrimination**

You may wish to become familiar with the case of the spread of mass disinformation in relation to the Ukrainian Orthodox Church, a religious organization numbering more than 12,000 communities and millions of believers in Ukraine. The Fact Sheets attached to this document contain just some of the ample evidence that misinforms the Ukrainian society with a view to inciting religious hatred and turning our believers into targets for attacks and delinquencies.

Given that Ukraine is a State that has embarked on a democratic path and defers to the opinion and reaction of international officials to the developments in the country, I draw your attention to the fact that public responding of UN Special Rapporteurs to the facts set out below can really add to halting the spread of disinformation and stemming the tide of new violations of our believers' rights.

We believe that today, as a UN mandate holder, you have a real opportunity to influence the State of Ukraine both via relevant communications and expressing your stance on the acts of disinformation and discrimination against the UOC, which are taking place in our country.

We would like to share our views on the questions you have posed:

1. What do you believe are the key challenges raised by disinformation? What measures would you recommend to address them?

Spreading disinformation always has a specific goal, especially if it occurs systematically and at the state level. Thus, in Ukraine, our Church is unjustifiably accused of "anti-Ukrainian activity", "ties with Moscow" and is claimed to be supportive of separatists and hostile to Ukraine. This is done with a specific purpose – to form in society the image of our believers as enemies, which will simplify forceful seizure of our shrines and strengthen another religious denomination – the State-sponsored "OCU". In Ukraine, hate speech and misinformation in relation to the UOC is disseminated not just by the media, but by policymakers at the highest level. The documents of official state bodies include misleading accusations of our Church, and a lot of politicians believe that they benefit from discriminating against the UOC by spreading falsehood and fabricated stories about our denomination. In our opinion, counteracting calls for a comprehensive international response which would condemn such actions and attitudes of politicians. But first and foremost, one shouldn't be silent but bring to the ears of international community evaluations, included in the reports of UN officials, which deplore such conduct of civil servants.

2.

- a. What legislative, administrative, policy, regulatory or other measures have Governments taken to counter disinformation online and offline?

Legally, the State could establish liability for libel. Today there is no such responsibility in Ukraine. Therefore, it remains only to respond to each case of spreading disinformation with one's own comments. Litigation for protection regarding the dissemination of inaccurate information is not effective in Ukraine.

- b. What has been the impact of such measures on i) disinformation; ii) freedom of opinion and expression; and iii) other human rights?

Liability for defamation and libel alongside improved procedures for its application could deter offenders. In the case of Ukraine, however, the president, MPs and state bodies are engaged in disinformation. Therefore, in order to remedy this situation, pressure from the international community is necessary, since it is impossible to change the situation for the better from within Ukraine.

- c. What measures have been taken to address any negative impact on human rights?

International criticism, including facts of disinformation and discrimination as negative and condemned by international law in the reports of UN officials and other

international structures would make it possible to protect human rights in the event that hate speech and disinformation become part of state policy.

3. Please share information on measures that you believe have been especially effective to protect the right to freedom of opinion and expression while addressing disinformation on social media platforms.

Social media platforms cannot be given the right to censor, as they do not have the legitimacy of judges and do not have the professional knowledge to apply legal liability. In addition, social media censorship by their administrators is often political in nature. In our view, it is necessary to use traditional procedures such as judicial proceedings while improving their efficiency, for example, by increasing the effectiveness of identification of authors of publications.

4. Please share any suggestions or recommendation you may have for the Special Rapporteur on how to protect and promote the right to freedom of opinion and expression while addressing disinformation.

We recommend that the Special Rapporteur use communications to respond as far as possible to the spread of disinformation that becomes known. For example, we recommend that the Special Rapporteur study the case of disinformation and violations of the rights of believers in the UOC described in the annex to this document and send a communication to the Ukrainian government regarding these facts. For our part, we are ready to provide all the information required for this action, including certificates and other documents. Incorporation of the facts of discriminatory disinformation as a phenomenon that is not covered by the concept of freedom of expression and is a violation of rights, rather than a positive activity, in the reports of the Special Rapporteur would also help protect the right to freedom of opinion and expression. In our view, if the Special Rapporteurs condemn disinformation on the part of Ukrainian politicians in relation to the UOC in their reports, submissions and other documents, as well as public comments, this will really help protect human rights in our country.

Annex:

- *Fact Sheets regarding evidence of disinformation and hate speech in relation to the UOC;*
- *Written statements of NGO Public Advocacy during 42-45 sessions of the UN HRC: A/HRC/45/NGO/112, A/HRC/45/NGO/129;*
- *Report on violations of the UOC rights: <https://www.protiktor.com/eng/all-cases/>;*

- Press release on an official protest of the Ukrainian Orthodox Church against discrimination: <https://www.protiktor.com/eng/press-release-uoc-decisions-of-the-holy-synod/>;

- Publications on the website of the Union of Orthodox Journalists: <https://spzh.news/en>.

+ Victor

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