



ІНСТИТУТ ДУШЕВНОЇ РЕЛІГІЇ
INSTITUTE OF OPEN RELIGION
ИНСТИТУТ ОТКРЫТОЙ РЕЛИГИИ



УКРАЇНЬСЬКА РАДА
ВІЛЬНОДУМЦІВ
І ВІРЮЮЧИХ
*Ukrainian Council of
Freethinkers and Believers*
*Український Совет
Вольнодумців и Верующих*



**Autonomous Advocacy (A=A), Ukrainian Council of Freethinkers and Believers (UCFB),
and Institute of Open Religion (IOR)**

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About A=A. Non-Governmental Civic Organization "Autonomous Advocacy" was founded on 23 August 2016 to implement and protect natural human rights and freedoms in association of called for help independent experienced autonomous advocates and provocateurs who call for help (registered under No. 1462771 in Ukrainian Register of civic associations). Short name of Autonomous Advocacy is A=A, the law of identity. Motto of A=A is "Ad voco pro sui iuris", which in Latin means "to call for own right". Autonomous Advocacy created own legal system for the protection of human rights and freedoms in all legal systems by realizing natural law of Provocatio ad populum (appeal to the people), which means freedom of speech to demand justice and freedom of association to create fair laws and legal relations, according to the universal tradition of direct democracy, which practiced at the Comitia in the ancient Rome, at the Veche in the ancient Kyiv, always and everywhere by people who assembly to make a social contract. Main projects of Autonomous Advocacy is Demonopolization of the Bar, Inexpensive Justice, Freedom of Belief, Overcoming Unreasonable Rejection and Robot Rights. Website: <https://www.facebook.com/suilex/>

About UCFB. Civic Organization "Ukrainian Council of Freethinkers and Believers" was founded on 13 June 2016, aimed to realize and protect human rights and freedoms, personal autonomy and social interests in peaceful evolution and spreading of philosophies, religions, ideas, dialogues, polemics, and registered under No. 1460427 in Ukrainian Register of civic associations. UCFB provide legal consultations for spiritual leaders and published book "New and Rare Religions and Cults" (in Ukrainian). Website: <https://www.facebook.com/vilnorada>

About IOR. Institute of Open Religion is a non-governmental organization, founded on 20 May 2015 and legalized by decree of the Pechersk district department of justice in the Kyiv city No. 449/01-01-11 at 6 June 2015, acting with the next mission: association of believers and clergy of Open Religion (Religious Faith in the Supreme Value of Human, Open Religion or Human Worship is the eternal open-soul religion and contemporary spiritual movement of creating the God by self-believing, self-trueness and self-ownership of every mind of Universe considered as human soul in the center of all fullness of being; considering God as human continuation to infinity, human-worshippers understand the greatest value of human as sacred unity of the human and the eternal universe, and religious studies characterize Open Religion as "a kind of religious pacifism" because of tradition of respect and admission of all religions and philosophies in the world, including humanism and atheism, seeking elements of human worship in every cult) to implement and protect the rights and freedoms, realize public interests relevant to religious beliefs; statement of views and moral values, ethics of Open Religion in social relations and behavior; research and promotion of the Social Doctrine of Open Religion for best religious and social life of believers and religious organizations of Open Religion; informational and legal support of believers in realizing their right alone or together with others to practice open religion, to conduct religious ceremonies, openly to express and freely disseminate their religious beliefs, to form relevant religious organizations, including religious communities without the notification of authorities and the right to replace by alternative (non-military) service of military duty if it is contrary to the religious beliefs of a citizen, held ritual blessing of given to the Human Soul by the God restriction of involving into violence, war, armed units, military activities and personal holy taboo on weapons use; promotion of the idea of amending Ukrainian legislation to remove restrictions for groups of one person compared with groups of 2-10 or more persons in the right to establish religious and other non-governmental organizations as legal entities, the implementation of the right to appeal to the relevant subjects of legislative proposals initiative; protection from discrimination of believers in the Supreme Value of Human and from hate crimes against Open Religion. IOR prepare and promote 2 anti-discriminatory amendments to the legislation and won the lawsuit against Ministry of Culture of Ukraine in the case concerning fail to provide public information about legal grounds of inhibition and discriminatory practices, harmful for small religious groups. Website: <https://facebook.com/oreligion>

1. This submission, prepared in March 2017, dedicated to facts of suppression of personal autonomy and neglecting human rights law in Ukraine. It concerns rule of law, freedom of beliefs, freedom of speech, protection of property, respect for private and family rights. Key indicated problems is discrimination of small religious groups, pacifists and other minorities, economic barriers in access to justice, practices of imposing statism and elitism, for example, controversial monopoly of the Bar, state language monopoly in media, excessive coercion and lack of respect for privacy and property rights in taxation and anti-corruptional politics. Strongest guarantees of personal autonomy were proposed for the protection of human rights and equality before the law.

2. Despite Constitution of Ukraine recognizes protection of human rights and freedoms as primary mission of state (article 3) and rule of law (article 8), it is proclaimed by the article 92 that only Ukrainian legislation define rights of human and citizen. It needs amendments recognizing natural and unalienable character of human rights which have autonomous meaning and in scope is general right to personal autonomy as a right to everything which, according to the person's self-conception, is in his or her interest, and freedom to choose legal ways of realizing personal interests.

3. Economic barriers in access to justice imposed by the law "On the Court Fee" from 2012, such as minimal cost for lawsuit in sum of 2/5 of living wage, principles of adding court fees for every claim (commonly proceeding requires several claims on the same matter, so court fee multiply twice or more), discrimination of personal businesses and legal persons in contrast with physical persons 1,5 times to twice larger court fee and removing upper barrier of court fee. Also high raised cost of enforcement of court decisions, for example, to enforce order to take obligatory action costs 4 living wages. Practically cancelled traditional release from court fee in cases concerning protection of consumer rights and compensation for damages caused by illegal actions of officials. New economic barriers in access to justice coming with imposing monopoly of the Bar.

4. Elitism in legal profession imposed by the law "On the Bar and Practice of Law" from 2013 and next amendments to Constitution of Ukraine, adopted in 2016, ruled that only lawyer from one particular national association of lawyers (Ukrainian National Bar Association) can represent person in civil case ("except of insignificant matters") or defend person in criminal case before court. In the legal media there are many publications about usurpation of power, undemocratic governance and corruption in the Ukrainian National Bar Association, authoritarian disciplinary practices such as ethical prosecution and excluding from profession for criticism, permanent conflict between professional authorities and lawyers of Kyiv. There are serious problems with access to legal profession such as high cost of qualification exam and overregulated criteria of participation (not only legal education, but years of legal employment, excluding running own business or legal volunteering and human rights activism, long paid internship or work as an assistant of member of the Bar), and also participation in regular mandatory paid trainings with the imposition of an elitist legal doctrines and ideologies. It is notable that rise of elitist monopoly of the Bar coincided with massive violations of the rights of lawyers, arrests and unjust prosecutions. It is common opinion that the authorities drove the lawyers into the corral and does what they want with them.

5. It is necessary proposition for the equal access to justice in the typical cases of violation of human rights, especially by officials, to reduce or avoid court fees and provide strong

guarantees of legal self-defense in due process, such as personal self-defence or self-defense in association with free chosen advisers, including lawyers not accepted in the Bar. Members of the Bar can participate separately if it is demanded by the law, or court, or person concerned decide so. Also we propose to abolish or decentralize monopoly of the Bar, allow the lawyers to create alternative bar associations with abolishing mandatory participation in Ukrainian National Bar Association.

6. We are deeply concerned that Ukraine didn't realize noted by Human Rights Committee (Res. CCPR/C/UKR/CO/7, 22 August 2013) plans towards an all-volunteer army as of 2017. No improvements take place in problems, noted by the Committee, that the provisions of the Law on Military Service permit conscription remain in force, as does the Law on Alternative (Non-Military) Service, and very few young man accepted to alternative service. Also, Ukraine left unattended concerns of the Committee that no measures appear to have been taken to extend the right of conscientious objection against mandatory military service to persons who hold non-religious beliefs grounded in conscience, as well as beliefs grounded in all religions (art. 18), and recommendations and stresses of the Committee that alternative service arrangements should be accessible to all conscientious objectors without discrimination as to the nature of the beliefs (religious or non-religious beliefs grounded in conscience) justifying the objection, and should be neither punitive nor discriminatory in nature or duration by comparison with military service.

7. There are systematic violations against human rights of pacifist minority in Ukraine. President Petro Poroshenko publicly expresses views that pacifism is a crime and criticism of mobilization is treason against nation. Conscientious objection allowed only for small privileged groups of clergy of particular religious organizations, listed by act of government. There are hundred people prosecuted for avoiding military service. Many pacifists forced to buy decision of military medical commissions about unfitness to military service on the ground of mental disorders. Such pacifists have complications in access to jobs and appointments, such as service in the Bar or in the jury, because military ID is required to obtain demanded mental health certificate.

8. There are systematic violations against human rights of religious minorities, such as oppression of freedom of associations and hate speech in media. Ministry of Culture lobbying legislation about more discretion of officials to deny registering of religious organizations, more strong demands to number of founders (now minimal number is 10, compare to 2 for civic associations and 1 for newspapers and charity funds) and mandatory ideological expertise for registering of religious organizations. By changes of tax code all nonprofit sector, including religious organizations is obliged to specify in statutes that its members can't rich any profits but wage from organizational activity, it is clear violation of autonomy of religious communities. Ministry of Culture even fail to give access to public information on its policies in sphere of regulation of religious life, as well as illegally reject to register statute of Religious organization "Religious Center of Believers in the Supreme Value of Human – The Soul Society"; court decision on the last case Ministry of Justice reject to enforce without paying of sum equal to 4 living wages. Also, regional administration and Security Service of Ukraine in Cherkasy Oblast trying to abolish small religious community "Bozhici" of neo-pagan dark gods worshippers, the wooden temple of this organization was burned in 2014 and arsonists have not been found yet.

9. We are deeply concerned that Ukrainian government continues to violate rights of individuals to determine the form of their own religious association, as well as rights to

autonomy of the religious groups, their being able to decide independently on the structure and its form of management, and don't resolve problems with religious freedom nor comply obligations, noted in para. 86-91 of decision of European Court of Human Rights in the case of Svyato-Mykhaylivska Parafiya v. Ukraine no. 77703/01 by 14 June 2007.

10. All people with unpopular beliefs in Ukraine is potential targets of violence, the state fail to protect their dignity and life. Last years there are many killings and attacks on known public persons that remain without proper investigation. It is result of elitary supported activities of aggressive groups, dedicated to imposing national and ecological values by violence.

11. New taxation rules from 2017 violated property rights because individual businesses imposed to pay social charge even if they don't rich any profits. There are many publications in media about unreasonably high taxes and tariffs, unbearable for the most of people living in poverty, and restrictive regulations on small businesses. Local government of Kyiv placed inscriptions everywhere that trade and advertising is banned and demolishes without a court decision thousands of trays, shops and markets, simultaneously ignition (probably, arson) in couple of city markets stay without proper investigation. Also, new rules of state procurements give officials more discretion to Weed out participants for alleged (supposed to be anti-corruption) reasons, which destroys market competition, and even, for example, take criminal charge against private entrepreneurs participating in the tender for not telling that they were once the founders of one firm, which allegedly makes them related persons and excludes participation in the tender. Moratorium on the sale of land also violates right to protect of property. The national bank massively restricts the autonomy of banks, closes banks, forces banks to spy on currency operations and report to the tax authorities.

12. There are many violations of privacy in the state politics aimed to fight corruption, also media covering of anti-corruption policies commonly damages human dignity of almost all public persons, labeling them as greed and corrupt people. Unreasonable wide circle of persons (for example, including members of jury in courts) must fill and publish mandatory e-declarations of property and income on unreasonable wide scope of matters, covering 40 pages (!), compare with mandatory declaration of interests for European Commission representatives on 4 pages.

13. Ministry of Science and Education deprive universities of autonomy and imposing elitism in education, for example, it is mandatory to have publications indexed in commercial bases Scopus or Web of Science to become assistant professor or professor, despite to lack access and high cost of such publications. In the communities of Ukrainian intellectuals moral values of altruism and social solidarity pushed out by elitist ambitions to suppress personal autonomy of all people, to deprive nation economical and cultural choice for the more comfort life of elite; they say even in public lectures that only 5% of people is "deserving".

14. There are high (practically, monopolistic) Ukrainian language quota in informational relations, especially in education and media (for example, television, repressively reviewed by license agency), imposed by legislation, depriving people personal autonomy of choosing of speaking language. Some philologists and populist politicians advocated total compulsory use of Ukrainian language to abandon the communist colonial legacy, despite some of them was members of communist party. Trying to establish monopoly of the state in the sphere of language continue today, and supporters of such politics ignoring risks of mass violation of human rights and deepening the social alienation, don't pay attention to European Court of

Human Rights judgment in the case "relating to certain aspects of the laws on the use of languages in education in Belgium" 23 July 1968, found the violation of human rights for education and for non-discrimination in restraining children to access the French-language schools due to politics of Belgian Government of "establishment Dutch-speaking élite" with fighting "phenomenon of active francisation"; contemporary trying to forge "true Ukrainian-speaking elite" is similar.

15. Elitism destroying democracy of participation. For example, NGO advisory boards at Ukrainian government bodies suppressed by manipulative disciplinary regulations and totally deprived of autonomy, filled with dependent representatives. Despite new legislation provides online petitions, there are unreasonably high numbers of signatures to reach answer. According to Article 23-1 of Law of Ukraine "On the petitions of citizens", every online petition must be censored and after censorship published to start collecting signatures, and courts reject lawsuits against censorship, that clearly violate rights for freedom of expression and for fair trial.

16. So deep problems with realizing of human rights in Ukraine can't be resolved only by recommendations of international experts. First of all we need growth of legal culture of people, spreading economical and social skills that can't provided by any national or international authority but can reached only in practical enjoying of freedom. That's why we think that the first proposition to solve described problems is to amend Constitution of Ukraine recognizing natural and unalienable character of human rights which have autonomous meaning and in scope is general right to personal autonomy as a right to everything which, according to the person's self-conception, is in his or her interest, and freedom to choose legal ways of realizing personal interests. Legal knowledge is the power taken by practical experience, not by teaching of authorities. United Nations can only encourage Ukrainian people to develop liberal egalitarian values of human rights and personal autonomy.