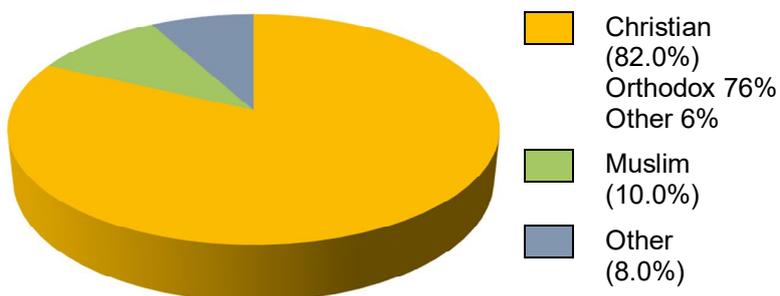


# BULGARIA



Area:	Population:	Political system:	Major Language(s):
110,994 km <sup>2</sup>	7,168,000	Democracy	Bulgarian

## Legal framework on freedom of religion and actual application

Bulgaria declared its independence from the Ottoman Empire in 1908. Bulgaria was a communist state from 1944 to 1989, until the Bulgarian Socialist Party was elected into power in 1990. The current constitution was established in 1991.

The Constitution of the Republic of Bulgaria (last amended in 2007) guarantees freedom of religion and belief, stating that religious practice should be unrestricted and separate from the state (Article 13).<sup>1</sup> It also grants the inviolable right to freedom of conscience, thought, and choice of religious or atheistic belief (Article 37). Freedom of association and expression is also guaranteed, and all citizens shall be equal before the law regardless of their religious belief or denomination.

Article 13 stipulates that "Eastern Orthodox Christianity shall be considered the traditional religion in the Republic of Bulgaria." There is also legislation that gives the Bulgarian Orthodox Church (BOC) privileged status and exempts it from registering with the state, which is required for all other religious groups who want the legal status and ensuing benefits.<sup>2</sup>

The Religious Denominations Act Durzhaven vestnik n.120/29.12.2002 gives further provisions and regulations on the rights to freedom of religion or belief enshrined in the constitution. Under Articles 5 and 6, the freedom to worship and the expression of religious beliefs is protected, although public worship is illegal for unregistered religious groups. Chapter 7 of the law sets out the penalties for violators of the legislation.

The BOC is a legal entity under Article 10 of the law and is not subject to registration. Any other religious group must register to be able to receive legal benefits such as the ability to own property, land, businesses, set up NGOs, provide social, educational or medical services, or publish and distribute religious literature. There are also no restrictions on proselytising for registered religious denominations. As of the latest information from 2015, there were 132 registered religious groups in Bulgaria, in addition to the BOC.<sup>3</sup>

The Council of Ministers is mandated to implement the law, and the Directorate on Religious Denominations, which operates under the Council, oversees the registration process (Article 34 and 35). There is also an independent ombudsman to review cases brought by citizens who believe their rights may have been violated by officials. Despite this, there still seems to be a lack of recourse for members of minority religions who believe their rights have been infringed.

In the European Court of Human Rights (ECHR) case, *Dimitrova v. Bulgaria* (2015), the Swedish Word of Life religious community was denied official recognition.<sup>4</sup> The applicant (representing the Bulgarian branch of the Swedish Word of Life community) had her apartment searched and was questioned several times by the police. She complained under Articles 6 § 1 (right to a fair trial within a reasonable time), 8 (discrimination), 9 (religious freedom), and 11 (freedom of assembly and association), that the authority's actions violated her rights. She also complained under Article 13 in conjunction with 9, that she had no effective domestic remedy to the problem. The Court declared the length of proceedings claim inadmissible but found a violation of Article 9 and a violation of Article 13 taken together with Article 9. The Court agreed that there had been violation of Articles 8 and 11, but there was no need to examine these separately.

Another ECHR case, *Genov v. Bulgaria* (Complaint filed in 2008) addresses issues with registration.<sup>5</sup> Here, the applicant was the president of the Bulgarian branch of the International Society for Krishna Consciousness (a Hindu-based religious movement) who had their application for official recognition denied on the basis of the organisation's name being too similar to another group's. The applicant is appealing the decision under Articles 9 (religious freedom) and 11 (freedom of assembly and association), and the case was pending as of July 2016.

Recently, two draft bills were introduced in Bulgaria's Parliament to amend the Law on Religious Denominations. They would give the Directorate of Religious Denominations more power to give opinions on all applications for registration and require more monitoring of revenue from registered faiths. The bills were submitted in March 2016.<sup>6</sup>

## **Incidents**

### **Related to Islam**

There are documented cases where Bulgarian authorities have undertaken projects that the local Muslim community regarded as aimed at destroying their mosques. It was reported that in one case, the ministry of culture planted fast-growing trees around a mosque in order to obscure it. There is serious concern that the trees' large root systems will cause critical damage to the foundation of the mosque. This action was viewed as desecration by the Muslim community.

There are reports of municipalities, such as Sofia, using permits to block construction of a second mosque, which would relieve the overcrowding in the municipality's single mosque.<sup>7</sup>

There is also increasing concern about hate incidents against Muslims and holy sites, including frequent vandalism against places of worship. Mr Valeri Simeonov, co-chair of Parliamentary coalition, used insulting slang words in reference to Muslims and their religion during a speech on 25<sup>th</sup> March 2015.

There are also documented arson attacks on mosques, desecration of buildings with pork offal as well as desecration using racist symbols, swastikas, and Islamophobic expressions. A pig's head was hung on a minaret on the first day of Ramadan in 2015.<sup>8</sup>

The ECHR is currently reviewing the case, *Muslim Board Startsevo v. Bulgaria* (Application filed in 2013), where the applicant organisation complained under Article 9 that its freedom to manifest its religion was breached by municipal authorities continuously preventing it from observing Muslim religious rituals when burying the dead in a cemetery it has owned for over 100 years.<sup>9</sup> The case was pending as of July 2016.

### **Related to Christianity**

Christianity other than the officially recognised churches suffered heavily under Communism. The Catholics and other Christian faiths are slowly coming back as they recover some of the buildings they owned and, with the help of the international community, are repairing them to put them into service.<sup>10</sup> There is still progress to be made concerning the recovery of buildings; the Franciscans never left, and continue providing education and charitable services in remote areas.<sup>11</sup>

## **Related to the other minority groups**

The Jehovah's Witnesses reported numerous incidents in 2015, including zoning permit denial and prohibition from using a lecture hall or prayer house as a place of worship. Additionally, there are reports of police officers failing to intervene and provide protection to Jehovah's Witness in cases of harassment.<sup>12</sup>

## **Prospects for freedom of religion**

There are plans to amend the Religious Denominations Act to make it more stringent on registered religious groups and also new groups that wish to register. This could be especially concerning because the ECHR has already found that the government violated the rights of minority religious groups by denying registration to them.

The general social attitude toward minorities is also worrying considering the current rise of xenophobia; and the increase of social hostility by local communities and governments should be addressed.

There are, however, signs of hope as there is open cooperation and support between Christians and Muslims in some villages.<sup>13</sup>

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<sup>1</sup> <http://www.parliament.bg/en/const/>

<sup>2</sup> <http://www.state.gov/j/drl/rls/irf/2013/eur/222199.htm>

<sup>3</sup> Ibid.

<sup>4</sup> <http://www.strasbourgconsortium.org/common/document.view.php?docId=7035>

<sup>5</sup> <http://www.strasbourgconsortium.org/common/document.view.php?docId=6401>

<sup>6</sup> <http://sofiaglobe.com/2016/03/30/proposed-changes-to-laws-on-religions-in-bulgaria-spark-ire/>

<sup>7</sup> <http://www.osce.org/odihr/187591?download=true>

<sup>8</sup> <http://www.osce.org/odihr/187216?download=true>

<sup>9</sup> <http://www.strasbourgconsortium.org/common/document.view.php?docId=7160>

<sup>10</sup> <http://www.miseast.org/en/mission-east-organisation/new-centre-bulgaria-opened-after-years-work>

<sup>11</sup> [http://www.churchinneed.org/site/News2?page=NewsArticle&id=8929&news\\_iv\\_ctrl=1002](http://www.churchinneed.org/site/News2?page=NewsArticle&id=8929&news_iv_ctrl=1002)

<sup>12</sup> <http://www.osce.org/odihr/187421?download=true>

<sup>13</sup> <http://christiantimes.com/article/muslims-help-christians-rebuild-church-in-bulgaria/54535.htm>