

# RELIGIOUS FREEDOM AND CHURCH-STATE RELATIONS

## BULGARIA

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### **1. Background to History, Religious Demography and the Position of Religion in Society**

The Eastern Orthodox Church is the “traditional” church of the Bulgarians to which the overwhelming majority of the believers belong. It was a preserver of the Bulgarian identity during five centuries of the Ottoman rule, and, as in the other Balkan countries, it was the key element around which the Bulgarian national revival fermented during 18-th and 19-th centuries. Bulgarian Orthodox Church was an autocephalous patriarchate before the Ottoman take over of the Bulgarian lands in the late 14-th century. Under the Ottomans it was subjugated to the Constantinople Patriarchate. As a separate institution within the Ottoman Empire the Bulgarian Orthodox Church was formed in 1870 by a decree of the Sultan as an ethnically based religious community. Two years later it was excommunicated by the Constantinople Synod for “phyletism”, a schism that was lifted only in 1945. After the liberation from the Ottomans as a result of the Russian-Turkish War in 1878 the Bulgarian Orthodox Church took part in the formation of Bulgarian statehood and was instrumental in the propaganda of the “national idea” among Bulgarians abroad. Although the cultural role of the Bulgarian Orthodox Church was not as strong compared to the role of the majority churches in the countries of Central Europe, it was the key institution around which the main elements of the peasant culture developed. Under the Kingdom it held the status of “dominant” church in Bulgaria and was privileged in a number of ways compared to the other denominations. After the Second World War the Orthodox Church was deprived of its dominant status. The clergy suffered some repression from the communist government that came to power. Many of the clergy were accused of collaborating with the previous regime, and were consequently punished. The government was successful in suppressing the church in a variety of ways and effectively forced it into only low-profile activities. After the fall of communism it was able to revive its activities but was seriously hampered by the repeated attempts of the governments to interfere in its internal affairs (see more in Section 6). Nowadays the Orthodox Church continues to be a cradle of Bulgarian nationalism. It sponsors much of public hostility towards non-Orthodox denominations.

The Muslim community is composed of four groups – Turks, the largest ethnic minority in Bulgaria, who are descendants of the Ottoman Turks who conquered Bulgaria in the late 14-th century; Bulgarian-Speaking Muslims (also known as Pomaks) who are Slavs converted into Islam during the Ottoman rule; the Muslim Roma, and the Tatars. The Muslims have always been under the government’s control and suffered discrimination, which was especially severe during the last years of the communist regime when the names of 850 000 Muslims were changed by force. Most of the Muslims are Sunnis of the Hanafites Madhab. Shi’a Muslims, although a relatively big community, have never been recognized separately and officially have always been under the umbrella of the Sunnis.

The Catholics and Protestants, although religious minorities, are traditional communities, who were present in Bulgaria during the Ottoman rule. Both groups are composed mostly from ethnic Bulgarians but Roma are also represented, especially among Protestants. During the first years of communism they suffered

severe persecution when most of their clergy were executed after show-trials and were forced to almost symbolic existence subsequently. After the fall of communism “traditional” Catholic and Protestant denominations resumed activities and some new religious movements appeared.

Different religious communities before the Second World War had different relations to the state and were recognized and incorporated in different ways. Most of them had jurisdiction over personal status and in some cases (e.g. the Muslim courts) - also on distribution of property after divorce. This was abolished soon after the war. The communist government confiscated much of the property of all religious communities.

All denominations at present maintain normal relations with similar communities abroad. Although some of them are internally split, e.g. the Orthodox Church, they do not have canonical problems. Different churches and groups take part in the international activities of their kin groups with different intensity.

The latest census in Bulgaria took place in December 1992 and was taken by the National Institute of Statistics. One of the questions asked was about the “traditional belonging” of people to religious denominations. Atheists and agnostics were not supposed to be registered and the final figures are believed to be biased in favor of the Eastern Orthodox Church as atheists and agnostics were registered en masse as Orthodox Christians as were some adherents to the other denominations. Out of the total population of 8 487 317 in Bulgaria, the distribution of people by religion is as follows:

Eastern Orthodox	- 7 274 592 or 85.71%
Sunni Muslims	- 1 026 758 or 12.10%
Shi’a Muslims	- 83 537 or 0.98%
Catholics	- 53 074 or 0.62%
Protestants	- 21 878 or 0.26%
Armenian Gregorian	- 9 672 or 0.11%
Israelites	- 2 580 or 0.03%
Undeclared	- 8 481 or 0.10%
Other	- 6 450 or 0.08%

Different churches have different ways to count adherents. As some get financial support from the state and others do not, adherence or membership has different meaning as a source of financial support. Obtaining comparable data is further hampered by the fact that adherence has different effect on selecting church leadership, e.g. it has almost no effect in the Catholic Church, a little bit more in the Orthodox Church and a decisive effect in some Protestant churches (e.g. Congregationalists). Protestants claim more than 100 000 members. Catholics too claim more members than registered in the census.

There are 30 churches officially registered under the Denominations Act in Bulgaria as of September 1999. They are:

1. Armenian Apostolic Church
2. Association "Free Evangelical Caucuses"
3. Baha'i Community
4. Bulgarian Church of God
5. Bulgarian Evangelical Church of God
6. Bulgarian Evangelical Church "Good News"
7. Bulgarian Orthodox Church
8. Catholic Church of Bulgaria
9. Christian Church "Cion"
10. Christian Church "God's Might"
11. Christian Evangelical Church "Shalom"
12. Church of Jesus Christ and the Latter-Day Saints
13. Church of the Seventh-Day Adventists – Reform Movement, canonically related to the General Conference of the International Reform Movement
14. Church of the Seventh-Day Adventists – Reform Movement, canonically related to the General Conference of the Seventh-Day Adventists – Reform Movement
15. Evangelical Church "Fiery Faith"
16. Evangelical Methodist Episcopal Church
17. Israelites Denomination of Bulgaria
18. Jehovah's Witnesses of Bulgaria
19. Krishna Consciousness Society
20. Lutheran Church of Bulgaria
21. Muslim Denomination of Bulgaria
22. New Apostolic Church of Bulgaria
23. Open Biblical Brotherhood
24. Spiritual Christian Society "Redemptive Church of Christ"
25. Union of the Bulgarian Pentecostal Churches of Bulgaria
26. Union of the Churches of the Seventh-Day Adventists
27. Union of the Evangelical Baptist Churches of Bulgaria
28. Union of the Evangelical Congregational Churches
29. United Churches of God
30. White Brotherhood Society

The Orthodox Believers, Catholics and Protestants are evenly spread throughout the country in both towns and villages. Muslims are concentrated in Southern and Northeastern Part of Bulgaria, predominantly in the villages. Armenians, Jews, small Protestant denominations and the new religious movements are present predominantly in the big cities.

According to the 1997 survey "Relations of Compatibility and Incompatibility between Christians and Muslims in Bulgaria" traditional Muslims (mainly Turks, Roma and Bulgarian-speaking Muslims) generally report higher religiosity than the traditional Orthodox Christians. 65% of the Christian Bulgarians declare that they

have some belief in God; 37% - that they have some belief in life after death; 9% - that they are deeply religious; 8% - that they go to church regularly. The respective figures for the Turks who are predominantly Muslims are as follows: 83% declare that they have some belief in God; 55% - that they have some belief in life after death; 31% - that they are deeply religious; 16% - that they go to mosque regularly. Bulgarian-speaking Muslims and Roma are somewhere in-between the two groups but much closer to the Turks than to Bulgarians. Traditional Catholics and Protestants, who are mostly Bulgarians, too declare higher religiosity than the traditional Orthodox Christians do.

## **2. Country's Obligations under International Law**

According to Art. 5, para. 4 of the Bulgarian Constitution all international treaties which are ratified pursuant to the constitutional procedure and published officially are considered part of the domestic legislation and take precedence over those domestic acts which contradict them. With the Decision No. 7/1992 the Constitutional Court ruled that the international treaties that are ratified and have entered into force, but were not published in the Official Gazette are not part of the domestic legislation, unless they were ratified before the 1991 Constitution had entered into force and their publication was not necessary. The latter do not have precedence over the domestic legislation under Art. 5, para. 4 of the Constitution, but acquire precedence immediately upon publication.

Of all international treaties dealing with religious freedom and discrimination based on religion and belief Bulgaria is a party to the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, the UNESCO Convention against Discrimination in Education, and the ILO Discrimination (Employment and Occupation) Convention.

Bulgaria abides by the reporting procedures established by international treaties to which it is a party although with significant delays. There were no recommendations by treaty bodies. The UN Special Rapporteur on religious intolerance has communicated to the government a number of reports on discrimination based on religion and has indicated these cases in his periodic reports.

Bulgaria adhered to the mechanisms for individual complaints under the Civil and Political Rights Covenant, Racial Discrimination Convention and the European Convention on Human Rights. There were three cases so far declared admissible by the European Commission on Human Rights in Strasbourg – Jehovah's Witnesses v Bulgaria (Suspension of the juridical person status of a religious group - Application No.28629/95), M.M. v Bulgaria (Deprivation of custody over children

after divorce of an adherent of an unpopular religious group - Application No.27496/95) and *Fikri Hasan et al. v Bulgaria* (Government interference in the internal affairs of a church - Application No.30985/96). The first two cases ended with “friendly settlements” while the third is pending before the European Court. Several other cases are pending before the Commission or the Court.

### **3. Constitutional Framework for Religious Freedom and Church-State Relations**

The 1991 Constitution of Bulgaria proclaims religious freedom (Art. 13 (1) and Art. 37.1). It provides for the separation of the religious institutions from the state (Art. 13 (2)) and obliges the state to encourage the maintenance of tolerance and respect between the churches, as well as between believers and non-believers (Art.37 (1)). It also provides for restrictions of freedom of conscience and religion, some of which are rather vague, and others - in clear contradiction with international law. Thus it prohibits “the use of religion for political purposes” (Art.13 (4)) and formation of political parties along religious lines (Art. 11 (4) – “There shall be no political parties on ethnic, racial or religious lines, nor parties which seek the violent seizure of state power.”). It also provides for restrictions of manifestations of the freedom of conscience and religion. Most of these restrictions are the same as in the international law, i.e. public order, health and morals, rights and freedoms of others, with the notable exception of “national security” (Art. 37 (2) – “The freedom of conscience and religion shall not be practised to the detriment of national security, public order, public health and morals, or of the rights and freedoms of others.”). “National security” arguments were invoked on a number of occasions to restrict religious freedom and to impose the supervision of the National Security Service on the activities of some groups. Art. 59 (2) of the Constitution provides for the possibility of substitution of the military service with alternative civilian service, which must be regulated by a special law.

In addition to the above provisions the Constitution establishes the Eastern Orthodox Christianity as the “traditional religion” of Bulgaria (Art.13 (3) – “Eastern Orthodox Christianity shall be considered the traditional religion in the Republic of Bulgaria.”). Although this was initially meant to be nothing more than a mere declaration, there have been repeated subsequent attempts to make this provision a ground for legislative privileges of the Orthodox Church.(See more on its political and cultural role under Section 1).

There are no treaties establishing special relationships between any church and the Bulgarian state. There are no churches whose official status is established by custom.

### **4. Legislation on Religious Freedom and Church-State Relations and its Status**

The main law that is supposed to specify the relationships between the church and the state in Bulgaria and to provide guarantees for religious freedom is still the

1949 Denominations Act. The act, passed shortly after the consolidation of the communist totalitarian regime, is extremely prohibitive. Art. 23 prohibits all religious denominations with centers abroad from establishing missions, religious orders or charitable organizations in Bulgaria. Art. 20 prohibits activities relating to children and young people. Art. 10 prohibits foreigners from holding ecclesiastical positions in Bulgarian churches. Art. 14 gives the Council of Ministers full power over the existence and programming of religious schools. The act establishes a Directorate of Religious Affairs as a special office of the Council of Ministers. The Head of the Directorate has lots of responsibilities: to appoint religious officers abroad (Art. 9); to supervise the communications and documents of all churches, and to stop their publication or distribution (Art. 15); to grant preliminary permission to every church wishing to maintain relations with organizations based abroad (Art. 22); to allow or deny denominations' receipt of donations from abroad (Art. 24). A special provision (Art. 12) gives the Head of the Directorate the right to dismiss religious officers, if they "are breaking the laws, the public order and the good morals, or are working against the democratic structures of the state". No such prohibitions exist and the government does not have such powers in the case of associations formed around deeply held non-religious beliefs (atheists, agnostics, etc.).

In 1992 the Constitutional Court reviewed the Denominations Act with the Decision No.5/1992 and cited seven of its articles as unconstitutional, including Art. 12. It however left the government the right to recognize (or to refuse to recognize) religious leaderships and did not mention a number of other articles that are obviously unconstitutional. The decision blocked to certain extent the ability of the government to interfere into the internal affairs of the churches (see more on this in Section 6). The Court ruled that the law enforcement officials must not apply the cited articles as well as any other unconstitutional provisions and that their unconstitutionality should be established by them upon enforcement. The government however understood Decision No.5 as declaring as unconstitutional of only those seven articles it cited explicitly and continued to enforce most of the rest.

Apart from the Denominations Act there are a number of other laws, decrees and ordinances that regulate restitution of the church property, rehabilitation of repressed on religious grounds, incorporation of religious associations and foundations, broadcasting religious ceremonies, social insurance of clergy, determining days of rest, social services by religious groups, prohibition of religious discrimination, criminal prosecution for incitement of religious hatred, religious education and opening of religious schools, religious propaganda in different institutions etc.

Other bodies that are specifically empowered to supervise and control religious groups are the Special Commission formed with the government Decree No. 20 from 1994 and the District Governors. The Special Commission was established in order to evaluate the registration of the religious groups (see below under Section

5) and, as was explicitly pointed out, “to supervise the activities of the religious denominations”. The members of the Commission were clerks from the Ministry of Justice, the Ministry of Defense, the Ministry of Foreign Affairs, the Ministry of Education, the Interior Ministry, and the Youth and Sports Committee. Decree No. 431 from 19 November 1997 empowers District Governors to, among other things, “coordinate, support and control the activities...of the denominations and the juridical persons with non-profit aim, which behave like a denomination or perform activities that are religious or religious-educational”.

Apart from the Constitution and the international law, the constitutional system of Bulgaria envisages laws (there are no “organic” or “constitutional” laws) and “sub-legal” acts that might be decrees, ordinances, regulations etc. that are issued by different governmental agencies if they are empowered to do so by law or by the Constitution. The Constitution has precedence over international law, the international law – over the laws and the laws – over the “sub legal” acts. Religious freedom and church-state relations in Bulgaria are regulated by all of the above types of norms. According to Decision No.5/1992 the Constitutional Court could only review the constitutionality of acts that entered into force after the adoption of the Constitution in July 1991. The law enforcement agencies are supposed to establish the constitutionality of the older acts (like the Denominations Act) and not enforce them if they are in contradiction with the Constitution. In 1996 the Constitutional Court reversed this decision and agreed to review also acts that were adopted before July 1991.

Decisions of the church bodies in Bulgaria affect only internal church affairs. Religious courts have jurisdiction only on internal matters of the churches and on their spiritual relationships with believers. None of their acts have the validity of a state act. According to Art. 11 of the Denominations Act the disciplinary punishments imposed by the denominations “are invalid if they contradict the laws, public order and good morals”

## **5. Incorporation and Taxation**

All churches, according to Art.6 of the Denominations Act, are recognized and thus acquire juridical person status by a decision of the Council of Ministers or a Deputy Prime Minister. These decisions are subject to judicial review before the Supreme Administrative Court but several courts refused to interfere in these decisions on the theory that the law gives the government the right to a “free discretion”. There are no religious groups that have corporate status simply by custom. Since February 1994 with the amendments and the introduction of the new Art.133A of the Law on the Persons and the Family all educational, charitable etc. private non-profit associations of religious character are incorporated through the district courts but “with a permission of the Council of Ministers”. The decisions of the latter are subject to judicial review before the Supreme Administrative Court but in this case too a number of courts ruled in favor of the “free discretion” of the government. All the other non-profit associations are incorporated through the

district courts and no approval of any government authority is needed. These differences are remnants of the totalitarian past when religion was the only non-communist ideology officially allowed to exist, which was only possible through tight control. Now this is justified occasionally by the alleged “privileged status” of the groups registered under the Denominations Act.

Under communism only three churches were officially recognized and had juridical person status – the Orthodox Church, the Muslims and the Israelites. After the fall of communism the government recognized and incorporated a number of churches between 1990 and 1993. Lots of private associations functioning *de facto* as churches were incorporated too. Since 1993 the government reversed dramatically its policy, started a campaign against “sects” spreading false rumors, public hatred towards the activities of a number of groups and interfering in a variety of ways (including illegally) into their religious activities (for more details see under Section 6). In February 1994 it adopted the amendments to the Law on the Persons and the Family the main purpose of which was to block the activities of a number of religious groups. The law required all private associations to re-register in a three-month period with the permission of the Council of Ministers. More than 40 groups were refused permission from the government to re-register. They lost their juridical person status and had to hide or join recognized churches to continue their activities. Some sued but most were reluctant. For the most part courts applied their theory of “free discretion” and refused to reverse the decisions of the government. Only the Jehovah’s Witnesses filed a complaint to the European Commission of Human Rights in Strasbourg and in 1997 concluded a “friendly settlement” with the government as a result of which they were recognized as a church in October 1998. With regard to incorporation of groups under the Denominations Act, since 1994 the government is extremely reluctant to register new churches requiring a “denominational specifics” in order to register a new group.

Recognition and incorporation is vital for all religious communities of whatever type. A number of their activities and functions would be hampered without a juridical person status. The juridical person status is needed for possession (including restitution) of any kind of property, concluding of any kind of contracts, hiring of personnel, broadcasting appeals on the national radio and TV, determining of the holidays and days of rest every year by the Council of Ministers, visiting places of detention and prisons and organizing of private religious schools. According to the transitory provisions of the 1994 amendments of the Law on the Persons and the Family those religious associations and foundations that did not receive approval to re-register must cease all activities, including those for which they normally did not need juridical person status.

Churches in Bulgaria can be involved in profit-making activities. The Denominations Act does not prohibit this. In fact many of them, including the two major churches have in their statutes provisions that allow them to form their budgets through profit-making activities (Art. 211.4 of the Statute of the Bulgarian Orthodox Church and Art. 113.4 of the Statute of the Muslim Denomination). However according to Art. 4 (1) of the Law on the Corporate Taxation “juridical

persons that are not traders, including organizations supported by the budget and organizations of denominations, are subject to taxation of their revenues” when they are involved in any type of profit-making activity. There are no differences between religious and non-religious organizations in this regard. Donations to denominations are possible by corporate bodies and individuals and are tax-exempt if they are not more than 5% of the net revenue of the corporate bodies (Art. 23 (3).1 of the Law on the Corporate Taxation) and up to 5% of the income of individuals coming from profit-making activities or from leasing or rent (Art. 28 (1).1 of the Law on the Taxation of the Revenues of Physical Persons). In this regard too there are no differences between religious and non-religious organizations - the latter can receive donations under the same conditions.

## **6. Manifestation of Religion in Worship, Observance, Practice and Teaching**

### *A. Restitution of the church property*

A lot of property had been confiscated from all the churches during the communist regime. This included land, forest, real estate as well as movable property. And the churches affected were those that had established themselves in Bulgaria during the pre-war period. In the case of the land and forests confiscation there were two steps - the first one from 1946 when some amount of land was taken from all owners who had more than 200 decares (300 for Dobrudzha) and the second step from the late 40s and the 50s when almost all land was brought to the cooperatives. The real estates of the churches were confiscated under the general provisions of the “Nationalization Acts” of the late 40s and by separate decisions in the course of the criminal proceedings against officials of some minority churches in the early 50s.

Restitution of property became one of the first issues for the churches immediately after the fall of communism. Between 1990 and 1992 acts on restitution on both land and real estate were passed that enabled some churches to restore some of their confiscated property. When however the Bulgarian Parliament started considering the restitution of ownership of land to its previous owners, it decided to restore only the ownership rights of churches and monasteries in land given to the cooperatives after 1946. Bulgarian Orthodox Church claimed that this amounted to no more than 20% of all expropriated land. Ownership rights though, even for these 20% were restored in most of the cases with great difficulties. So is the situation with the restitution of its real estate. This was due to a number of reasons: the long proceedings before different types of administrative and judicial bodies, schism in the church, lost archives, lack of initiative. The general procedure was used also by the Muslims to restore all their confiscated property, mostly the “vakuf” land and real estate. The schism in the denomination however, caused by the government interference in its internal affairs (see below in this section) complicated and delayed this process.

The Catholic Church too used the general restitution laws to restore some of its property. This was however not enough since a big number of it was confiscated by

a special decree from March 1953 to which the general restitution laws do not refer. That's why in December 1992 a special law for restitution of the property of the Catholic Church was passed. The church however is still not able to restore its entire property due to bureaucratic obstacles.

The pre-war Protestant churches, as well as The Central Israelite Religious Council used the general restitution laws to restore their property that is mainly real estate. In none of the cases these groups were able to restore all their property the legal proceedings are still going on in a number of them. Apart from the cumbersome court procedures, an additional obstacle in the case of the Protestant churches were the internal disputes over leadership in several of them.

### *B. Construction of places of worship*

Churches acquire places of worship through a procedure before the municipal authorities established by the Law on the Arrangement of Populated Territories. There is no difference between churches and non-profit associations in the mechanism for acquiring building permits although this mechanism is excessively bureaucratic and imbued with corruption. According to Art. 57 of the Law on the Arrangement of Populated Territories the Chief Architects of the municipalities issue building permits in one month after a valid request is received. In order to be valid the request must meet a number of legal, infrastructural and architectural conditions.

In a number of cases municipalities were either not responding or tried to make as many bureaucratic problems as they could to the requests for building permits. There were also several cases when already started constructions were blocked. In August 1996, in one of the neighborhoods of Plovdiv, Komatevo, the Protestant Christian Church "Emmanuel" constructed a building to be used as a prayer house. Instigated by the Mayor of the district "South", a petition of 2000 signatures was presented against the church to stop the construction. The windows of the building were smashed. Pastor Ivan Nestorov's father was beaten. At the beginning of September, the building was sealed and the mayor of the district "South" asked Pastor Nestorov to hand over the building as a gift to the district "South", so that it could be turned into a polyclinic. Finally, on September 15, 1997 the mayor Dolev confiscated the building by a decree, thus violating on its face a number of provisions of the laws on property that are in force in Bulgaria. In a similar way, during the summer of 1996, in Varna, a media campaign was launched against the construction of a church of Methodists who have a century-long presence in Bulgaria. Subscriptions and all-day protests were organized against the "shameful building" and the "national betrayal". Finally the construction was terminated in July. In January 1996 the District Governor of Haskovo prohibited the construction of a mosque in the village of Zhulti Briag, although a decision to do this was taken by the local Municipal Council. In February, 1996 the commission on constructions and the Chief Architect at the Municipal Council of Vidin refused to give

permission for the construction of the Bulgarian United Church of God in the local Roma district “Nov put” (New Way).

*C. The right of people to adopt or change religion or belief*

Art. 37 of the 1991 Constitution guarantees “the freedom of conscience, the freedom of thought and the choice of religion and of religious or atheistic views”. The Constitutional Court in its Decision No.5/1992 ruled that this freedom includes “the right of free choice of religion”. Proselytism has never been banned in Bulgaria and a motion to ban it with the 1879 Constitution of the Kingdom was explicitly rejected. Nevertheless since 1993 there were a number of incidents with private citizens and hate groups attacking members of some religious groups when they tried to share their religious views with others. The state condoned these practices by not taking sufficient measures to protect members of religious minorities and by not investigating the incidents. Occasionally state officials themselves undertook such attacks.

In August 1993, a campaign of harassment was launched against members of the Krishna Consciousness Society who were living in a house in Filipovtzi, a suburb of Sofia. They were first threatened by local residents and later “Molotov cocktails” and stones were thrown at them. Some neighborhood residents even used firearms in an attempted murder. A petition was signed by approximately 1,500 people demanding local authorities to force the members of the Krishna Consciousness Society to leave Filipovtzi. A local committee organized residents’ protest rally in front of their home. Approximately 1,000 people led by the Mayor took part and shouted: “Out of Bulgaria”, “Go away!” Vekil Vanov, a UDF Member of Parliament and former Minister of Social Welfare, and Stanka Velichkova, a BSP MP, spoke at the rally. Both supported the protestors’ demands, that within 2 weeks the Krishna residents should leave the suburb. The two MPs stated that they would offer an amendment to the Penal Code that provides sanctions against those who violate the rights of members of the Orthodox Church. After the demonstration the Krishna residents agreed to leave Filipovtzi. The Sofia police declared that they are in no position to guarantee their safety. The investigation for the attempted murder ended up several months later with no indictment.

Several other groups faced different types of communal violence at different occasions when trying to manifest their beliefs. During 1994, 1995 and 1996 activists of the Church of Jesus Christ and the Latter Day Saints (the Mormons) were beaten in a number of occasions, when they were caught in proselytizing. For the most part the perpetrators were private individuals but in several occasions policemen were also involved. On June 10, 1994 a group of skinheads attacked a mass of the Bulgarian Church of God in Rouse. Seven people were injured, one of them seriously. The prosecutor’s office started an investigation against “unknown” perpetrators although the latter were well known. The investigation was prolonged for years with no result. In June and September 1994 the prayer halls of the

Bulgarian Church of God and the Seventh Day Adventists in Blagoevgrad were attacked. Windows were broken and hostile warnings were written on the walls. In the end of November 1996 a group of hooligans attempted to put on fire the church of the Seventh Day Adventists in Assenovgrad. The wooden parts of the facade burnt down. In this case too the perpetrators were well known but the police did nothing to bring them to justice. Again in the end of November 1996, another mob accident took place in the same town. Following a hysterical campaign in the local press, two Jehovah's Witnesses brought to court one local journalist with accusations of libel. This "infamy" of theirs caused a wave of religious-motivated violence in the town: the windows were broken of local Witnesses, a not very dense but very militant rally was organized against the plaintiffs as well as against the whole "sect". The National Television aired a report about the rally on the prime time TV news broadcast. All this hysteria which Assenovgrad police helped instead of stopping, burst out against the background of the suicide of the 13 years old girl Diana Zaprianova on 12 November 1996. Her parents as well as many others in town claimed that this tragedy happened because the child had come under the influence of the "evil sect" Jehovah's Witnesses. The prosecutor's investigation subsequently showed no relation between Diana's suicide and the activity of Jehovah's Witnesses in Assenovgrad. This story nevertheless was multiplied by several newspapers, as well as by the TV. In this case, just like in many other, the media created an atmosphere calling to violence and lynching to anybody suspected of "sectarianism".

Police brutality and illegal use of force by law-enforcement officials, a serious problem that became particularly acute for Bulgaria after 1992, affected also members of the religious minorities. Involvement of police in physical violence against members of religious minorities was documented on several occasions after 1994. It was very difficult however to prove the allegations with regard to the circumstances under which these accidents occurred. As in many other cases the prosecutors were very often inclined to cover the crimes. Members of non-registered groups, branded as "sects", were the main targets of such acts. In one well-publicized case in the evening of 27 November 1996 two young Jehovah's Witnesses, the German citizens Richard Leitner and Ralf Armbruster, were cruelly beaten up by policemen in Sofia when they were caught to proselytize in a block of flats inhabited mainly by policemen. The beating went on for several hours on the spot, then the victims were arrested, detained in the Third District Police Office until late at night. Ralf Armbruster was later sent to the Pirogov emergency hospital, and stayed there for two days in the intensive treatment department. Police brutality affected also members of "traditional" minority churches. Thus on June 20, 1997 two Seventh Day Adventists were beaten up in a police station in Petrich after they were caught in selling religious books in the town square. On 16 June 1998 police in Burgas detained four Jehovah's Witnesses for proselytism. Two of them were ill-treated while in custody. Some 20-30 publications of religious literature were confiscated and destroyed.

On a number of occasions the authorities expelled from Bulgaria guests and even permanent residents when they were involved in the activities of unpopular religious groups. The main victims of such abuses were the Word of Life, Jehovah's Witnesses and the Muslims. On April 1, 1993, Pastor Ulf Eckman of the "World of Life" church was refused an entry visa and thus effectively prevented from participation in the "South European Conference of Faith", organized by fellow Bulgarian believers. One hundred members of his church were sent back to Sweden from Sofia Airport. On September 2, 1997 an Austrian citizen, a Jehovah's Witness, was expelled from the country for preaching in Smolian. On September 11 two Bessarabian Bulgarians were handed expulsion order by the police in Kurdzhali for preaching the Jehovah's Witnesses doctrine in the town. During 1998 and 1999 at least four Muslims were expelled from Bulgaria for involvement in the activities of the Muslim community in Bulgaria, even when they were invited by the leadership of this community. In the most drastic case on July 4, 1999 the Ministry of Interior expell from Bulgaria Mr. Daruish al-Nashif, a stateless person, legally residing in the country since 1995 with a family and two children who are Bulgarian citizens. The official reasons were his participation in the seminar of the Muslim community in Narechenski Bani (see below) and his involvement in the teaching of a course in the Kuran in Smolian.

#### *D. Freedom of assembly for religious purposes*

Art. 43 of the Constitution guarantees freedom of peaceful assembly and explicitly provides that "no notice to the municipal authorities shall be required for meetings held indoors". The outdoor assemblies could only be restricted, according to Art. 12 (2) of the Law on Gatherings, Meetings and Manifestations if they are directed against the change by force of the constitutional order or the territorial integrity of the state, if they threaten public order, people's health or violate the rights and freedoms of other citizens. The bans on public meetings are imposed by the local mayor and are subject to prompt judicial review. No juridical person status or any other form of recognition is needed in order to hold indoor or outdoor meetings.

Government interference in the right of peaceful assembly of some religious groups however takes place. Disruption of peaceful assemblies by the police became particularly serious problem for the groups that had lost or never got permission for registration as a result of the February 1994 amendments to the Law on the Persons and the Family. Since it required that those groups that had lost their juridical person status must also stop their activities, police found sufficient reason to act whenever it found an "activity" of whatever type - even when the latter was a peaceful assembly behind close doors. They, of course, continued to exist after the refusal of the Council of Ministers to recognize them but were forced to function by hiding their activities from the authorities. Such is, for example, the case with the World of Life, whose meeting places were periodically "discovered" by the police. These "discoveries" were accompanied by a loud propaganda noise in the media.

On February 23, 1995 the police stormed into one of the conference halls of a hotel in Veliko Turnovo and in a private residence in the same city. There it confiscated more than 50 titles of religious literature, audio- and videocassettes with recordings of religious music and sermons. The police organized a press conference on the next day with broad media coverage. At that press conference it demonstrated to the attending journalists an exhibition of the literature seized. On July 20, 1995 the police made a search in the home of one member of the Word of Life in Sofia, seized a large quantity of legally published literature and forced the owner of the flat to sign a protocol by which she committed herself in the future never to gather any members of the group in her home. A similar raid was undertaken on September 27, 1995 in the home of another member of the World of Life. The Unification Church (the Moonies), who are also not recognized, too suffered police abuse of their right of peaceful assembly. On April 6 1997 police raided a private home in Blagoevgrad during their meeting and confiscated books, lectures and photos. In several other incidents in late June and July, 1997 policemen confiscated books, magazines and posters from private homes of members of the Unification Church in Sofia, Plovdiv, Varna, Kiustendil, Assenovgrad, Petrich and Rila. A number of similar cases of the Jehovah's Witnesses marked even harsher attitude to that group by both police and other law-enforcement officials. On all these occasions one of the aims of the police was obviously to intimidate the members of the groups and to discourage them in their attempts to gather together. In one of the recent cases with the Jehovah's Witnesses the mayor of one of the regions of Plovdiv imposed a fine of 500 000 leva (500 DM) on three Witnesses because they had organized a meeting of prayer of the religious community in a private home in the city on 25 April 1998.

Peaceful meetings of churches were seriously hampered by blanket municipal prohibitions on religious activities, by the refusal of local authorities and state agencies to lease halls to such groups or by terminating leasing contracts with them. In May 1993 the Municipal Council of Pernik adopted a regulation that imposed a "moratorium on public events of churches other than those traditional for the country, until the passing of a new act on religious denominations". In October 1993 the Municipal Council of Montana decided not to let clubs, halls and outdoor areas to be used by "non-traditional" religions. The Municipal Council in Sliven issued a similar regulation at the same time. It even went as far as to rule that those who want to have a private meeting at certain place must have the consent of all their neighbors in advance. The "Vassan" community was denied use of the two publicly owned halls in Sofia in the beginning of 1994. This decision and the subsequent suspension of the contract were motivated by "the non-acceptance of the religious belief" of the members of the community. The Bulgarian Church of God in Rouse used to hire a hall for almost 4 years but on August 1, 1994, the city's Municipal Council decided to take the hall under its supervision, thus making its future hiring impossible. In late autumn of 1997 the Bulgarian State Railways in Pernik and Elin Pelin terminated their contracts with the United Church of God for renting halls on the unofficial pretext of it being a "dangerous sect". At the end of December 1997 the local division of the

Pentecostal Church in Burgas was turned out of the hall of the local Philharmonic which it had rented for long time. Some other communities like “Emmanuel” in Plovdiv, “Rema” and “Fiery Faith” in Sofia were also deprived of their halls for long periods of time or completely. In the case of the Jehovah’s Witnesses such denials became a routine all over the country.

Some churches registered under the Denominations Act too were subject to government restrictions of peaceful assembly or became targets of public outrage. On August 28, 1997 policemen from the regional Security Service in Plovdiv confiscated video cassettes with sermons, pamphlets, books and notebooks from seminars in Narechenski Bani, organized by the Muslim Foundation “Irshad” on accusations of “Islamic fundamentalism”. In May 1997 the evangelization organized by several registered churches with a participation of a number of foreign preachers led to nationalistic riots. Patriarch Maxim called the people who gathered in one of Sofia’s biggest halls “traitors of faith and nation”. Several officials, including the Chief Prosecutor, threatened the participants.

#### *E. Establishment and maintenance of charitable and humanitarian institutions*

Religious communities can establish charitable and humanitarian institutions as denomination-based organizations. They are incorporated with the district courts but under Art. 133A of the Law on the Persons and the Family they must have a preliminary approval by the Council of Ministers. No such approval is needed for charities that are not denomination-based. A number of denominations have their own charitable organizations that function unhampered. In 1994 more than 40 associations and foundations, mostly Protestant, were deprived of their juridical person status (see more above under Section 5).

#### *F. Visits to hospitals, prisons and charitable institutions*

Visits of religious groups to hospitals, prisons and charitable institutions are only possible if they are registered in Bulgaria. Art. 44 of the Law on Protection, Rehabilitation and Social Integration of Disabled People provides that religious communities may offer various types of services to disabled people along with other juridical persons and individuals if they are allowed by the Ministry of Labor and Social Welfare. The law does not explicitly provide that these groups must be registered in Bulgaria but in practice the Ministry allows this only to registered groups.

Religious groups may visit also prisons and places for pretrial detention. Art 70b of the Law on the Execution of Sentences allows ministers of all religions to meet prisoners serving prison sentences without the presence of prison authorities. Art. 70c however explicitly provides that this is possible “only for religious communities registered in Bulgaria”. The law also makes possible the appointment of priests from the “traditional religion”, i.e. from the Orthodox Church, as members of the staff of the prisons. This is not allowed for the other religious

communities despite the fact that a substantial number (more than 1/3) of the prisoners are Muslims.

Several religious communities, all registered under the Denominations Act, as well as their charitable organizations visit prisons, some on regular basis. In September 1999 the Ministry of Justice appointed Orthodox priests in every prison of Bulgaria on part-time basis. Applications for visits of some religious groups, even when they are registered as churches (e.g. Hare Krishna) were rejected.

Art. 18 (3) of the new Ordinance No. 2 from 19 April 1999 of the Ministry of Justice on the status of remand prisoners also allows religious communities to visit detainees provided that they have a permission from the police, prosecutors or judges and are registered in Bulgaria. The relevant authorities must issue the permissions for every visit. No such visits are known to have taken place in the detention facilities at all.

#### *G. Practicing the religious customs through use of the requisite articles and materials and through following the required practices*

There are no legal restrictions and there were no reports of any restrictions in practice on making, acquiring and using the articles and materials that religious communities need for the rights and customs of their religion.

According to Art. 7 (1) of the Law on the National Education school is obligatory for all children up to 16 years. Parents who do not send their kids to school are fined. Theoretically, parents can choose between public and licensed private schools but, given the limited choice of private schools and the poor financial situation of most of the Bulgarian families, the exercise of this right is almost impossible in practice.

Religious people who refuse blood transfusion can do this for themselves but not for their children or relatives. Refusal of blood transfusion however can lead to serious health risks in the conditions of poor state of medical care and lack of blood substitutes in the Bulgarian hospitals. During the debate on the recognition of the Jehovah's Witnesses the government repeatedly used the fact that they refuse blood transfusion to justify its denial of recognition. Neither before, nor since their recognition in 1998 as a result of the litigation before the European Commission of Human Rights in Strasbourg however there were cases of refusals of blood transfusion in Bulgaria that led to fatal outcome.

#### *H. Dissemination of religious publications*

Art. 20 of the Denominations Act provides that "the establishment of all kinds of organizations with religious and moral goals, as well as the publication of religious books, should abide the basic laws and administrative decisions". Although this article was mentioned as eventually unconstitutional by the Constitutional Court in

Decision No. 5 it is not because of this but because of the provision on the rights of churches to be involved in the education of young people that is also part of Art. 20. On the other hand, Art. 15 of the same act provides that “all governing bodies of religious denominations are obliged to send in due time the messages, the ordinances and other documents, published by them, plus publications of public interest, to the Directorate of Religious Affairs for notification. The head of the Directorate has the power to stop the circulation and execution of those messages, ordinances and other papers and publications of public interest that contradict the laws, public order and good morals.” This provision, which establishes formal censorship, was not however mentioned in the Decision No. 5 as unconstitutional. But it has not been enforced since 1990.

The main targets of confiscation of literature were religious groups that were not recognized or lost their juridical person status as a result of the application of Art. 133A and the transitory provisions of the Law on the Persons and the Family (see above under Section 5). Many such confiscations undertaken by police, sometimes even without a requisite prosecutor’s warrant, took place since 1993. The victims were Jehovah’s Witnesses, members of the Unification Church, members of the Word of Life and other evangelicals, even members of churches registered under the Denominations Act, such as the Seventh-Day Adventists and the Muslims (see above in this section under *Freedom of assembly for religious purposes*).

#### *I. The right of religious communities to teach religion in appropriate places*

Religious communities can organize Sunday schools, courses and private religious schools. No permission from public authority is required to organize Sunday schools, courses, seminars and one-off educational events. A number of churches, including the Orthodox Church, have Sunday schools. In several cases however the authorities closed or disbanded schools or educational events of some religious groups. In June 1994 police disbanded privately organized “Bible school” of the World of Life in Sofia when ordered by the District Prosecutor. This was part of the series of repressive measures undertaken by the government against the group. Other groups, too, suffered similar measures, among them the Jehovah’s Witnesses and the Muslims (see above in this section under *Freedom of assembly for religious purposes*).

The Law on the National Education allows for opening of religious schools as private schools. They can be two types: those that only serve spiritual and administrative purposes of a denomination and those that offer general education in addition to that. Both are opened, according to Art. 30 (1), with a permission of the Minister of Education. The former must supply fewer documents upon application while the latter must prove that they meet the same criteria as the private schools in general, i.e. the national educational standards.

In addition to these, the Denominations Act allows opening of denominational private schools with a ministerial order. The act does not provide for any standards

that are to be met but refers to regulations that are to be issued by the government. These regulations are supposed to be the provisions of the Law on the National Education and the rules and regulations for its application.

The Orthodox Church has two high schools offering general education in addition to the religious. The Theological Faculty of Sofia University, although theoretically, as a part of a state institution, non-denominational, is *de facto* Eastern Orthodox as the predominant subjects studied there indicate.

The Muslims have three private high schools that also have licenses to offer regular high school diplomas. The subjects studied in these schools have to meet state educational high school standards. In addition to that they study several additional subjects – Holy Kuran, interpretations of the Kuran, History of Islam, Arab language, Islamic law (of the Hanafite *madhab*), ethics and others. There is a private High Islamic Institute in Sofia that only has a license to prepare religious leaders.

In July 1999 the Minister of Education issued an order opening a “High Evangelical Theological Institute” in Sofia. It was licensed as a religious institution. So far it managed to consolidate the religious schools of several Protestant denominations and is in a process of consolidating others.

Catholics have no private schools but send students to study abroad. (See also under Section 8 below).

#### *J. Soliciting and receiving financial and other contributions*

Receiving financial contributions from believers is one of the main methods of Bulgarian churches to form their budgets. Many of them require 1/10 of the member’s income as a condition of belonging. Some churches that have kin organizations abroad receive financial and other aid from them as well. According to Art. 13 of the Denominations Act religious denominations have the right to form their budgets as provided for in their statutes but they must submit them to the Directorate of Religious Affairs for notification. According to Art. 24 of the same act they “may receive material help and donations from abroad only with the permission of the Director of Religious Affairs”. This provision too is enforced. None of the above is required from the organizations formed around some deeply held non-religious beliefs (atheists, agnostics, etc.).

#### *K. Training, appointing, electing or designating by succession leaders of religious communities*

Leaders of the different religious communities in Bulgaria are selected in different ways. Catholics have their leaders appointed by the Vatican, the Orthodox Church has a mixed system of election and appointment as do the Muslims and several other churches. Some Protestant churches elect all their leaders.

The right of the churches to appoint, elect or designate by succession their leaders has been a serious problem in Bulgaria under communism but also since 1992. Art. 12 of the Denominations Act gives the government the power to interfere in this process at all levels (see above Section 4 for translation) and some of the post-communist governments used this power for political purposes.

After the elections of October 1991 the government of the non-communist Union of Democratic Forces, formed as a result of the election victory, for the first time after November 1989 relied on the Denominations Act to remove priests from office inside the two biggest denominations in Bulgaria. The clergy dismissed from office were suspected of not following the policy of the government or occupied positions to which others, closer to the government, had aspirations.

With two orders - issued April 3, 1992 and April 13, 1992 the Director of Religious Affairs, using Art. 12 of the Denominations Act, removed from office the Mitropolit of New York Yosif for alleged misuse of church property and for "lack of activity", and the Mitropolit of Plovdiv, Arseniy, for violation of financial book keeping practices, "neglected obligations" and "neglect of Christian traditions". In a letter dated March 9, 1992 to the Holy Synod of the Bulgarian Orthodox Church, the Director announced the election of the Bulgarian Patriarch Maxim invalid, because legitimate elections for churchwardens and parish electors had not been held regularly. In a new letter dated May 25, 1992 to the Holy Synod, the Director declared the whole Synod illegitimate. Based on the rules of "customary law" he appointed a "new staff of the Holy Synod", kept only three of the members of the original Synod, and appointed a new caretaker, Pimen, to replace Patriarch Maxim.

The second largest religion in Bulgaria, the Islam, was attacked in a similar way and for similar reasons. In a letter dated February 10, 1992, the Director of Religious Affairs announced the election of the Chief Mufti, Mr. Nedim Gendzhev, invalid, because of improprieties of the election assembly in the past, and because he did not have the required term in office as a regional mufti at the time of his election. With the same letter, the Chief Mufti was removed from office. In a second letter dated February 21, 1992 all other seven muftis were declared "illegitimate" because of violations of the statute of the Muslim denomination and the Denominations Act during their election. On the basis of "customary law", a "transient council" with three members was appointed to act until the election of regional muftis and a new Chief Mufti could be held.

The affected leaderships challenged some of those acts of the administration before the Supreme Court. Muslim leaders filed a case against the dismissal of the Chief Mufti. The Supreme Court disallowed the claim, stating that the Director of Religious Affairs had acted "according to his competence under the law", i.e. under Art. 12 of the Denominations Act. In the case of the Bulgarian Orthodox Church the Supreme Court disallowed the claim of Patriarch Maxim with a decision of July 2, 1992 declaring him "illegitimate" and acknowledging the right of free discretion of the executive branch in legitimizing church leaderships. Meanwhile the attack against the leadership of the Orthodox Church and the Muslim denomination continued by private groups, apparently

inspired by the government. In March 1992 a pro-governmental group occupied, with the help of the police, the building of the Chief Mufti. The staff of the Chief Mufti was expelled and the leadership appointed by the Director of Religious Affairs - substituted in their place. On May 31, 1992, similar action was taken by a pro-governmental group, but without police support, to occupy the building of the Holy Synod of the Bulgarian Orthodox Church. On August 24, 1992, the local mitropolias in Lovech, Rousse and Plovdiv were also occupied. On October 1, 1992 a pro-governmental group made an attempt to occupy the Sofia Mitropolia. These actions were inspired by a letter of the Chief Prosecutor, Mr. Tatarchev, urging the police to assist what he later called "decommunization of the Bulgarian Church". They were partially successful in Lovech and Rousse, but unsuccessful in Plovdiv, because of the active resistance of the local leadership of the Mitropolia, and in Sofia because the police intervened on the side of the original leadership.

Decision No 5 of the Constitutional Court to certain extent blocked the efforts of the government to interfere in the internal affairs of the churches in that it explicitly declared such and interference unwarranted and in pointing out the unconstitutionality of Art. 12 of the Denominations Act. The latter had never been applied subsequently. The interference in the internal affairs of the religious groups however continued.

Soon after winning the elections of December 1994, the new government of the Bulgarian Socialist Party (BSP) started on its own initiative to replace leading figures of the Muslim denomination. The new staff of the Directorate of Religious Affairs started endorsing as legitimate local and central leading bodies of the Muslims, composed of individuals trusted by the authorities. The formal motive was the lack of written rules for election of regional muftis that are required by the Statute of the denomination when the election of muftis took place in 1992. The replacement of the district muftis started as early as in January 1995 following orders to the mayors to delete the registration of some muftis. A Supreme Religious Council of the Muslim Denomination, elected at a small conference, which took place on November 3, 1994, was endorsed as the central leading body of the Muslim denomination. That council is chaired by Mr. Nedim Gendzhev. Thus he was restored to power, after his removal in 1992. A new statute, together with the new leadership, was recognized with one and the same act. A large protest demonstration of Muslims was organized in Sofia in September 1995 against that decision. In addition to that, the act of the government was protested before the Supreme Court. With a decision from July 27, 1995 the Supreme Court rejected the protest and in fact confirmed the registration of Gendzhev's leadership on the theory of the "free discretion".

On 14 October 1996 the same court changed its mind and decided that the statute from 1992 was in force and that Mr. Fikri Hasan, the rival Chief Mufti, was regularly elected at an extraordinary conference in March 1996 held in accordance with the 1992 statute. Throughout the rest of 1996 and during 1997 however three consecutive governments refused to recognize his leadership despite the decision of the Supreme Court. The split in the Muslim denomination was finally overcome with the October 1997 conference

when the overwhelming majority of the Muslims elected a new leadership and a new Chief Mufti who was recognized soon after the conference by the government.

The BSP government that came to power after the December 1994 elections applied political criteria also with regard to the recognition of the leadership of the Orthodox Church. Just as in the Muslim denomination the BSP government supported Gendzhev, in the Eastern Orthodox denomination it supported the synod of Maxim. In March 1996 priests from the synod of Maxim forcefully took hold of the candle factory in Sofia, which since 1992 had been managed by the synod of Pimen. The police refused to assist the previous holders to return their property as was ordered by the judiciary, which was unprecedented in the disputes over legitimization.

From 1 to 3 July 1996 in Sofia, a Church and People's Council was held by the synod of Pimen. There a new Holy Synod was elected as well as a new Patriarch - Pimen. However, the then BSP government refused to recognize Pimen's Synod as a governing body of the Bulgarian Orthodox Church. On 13 December the Supreme Court repealed the refusal but refused to express a position on whether the election took place according to the statute of the Orthodox Church. It recommended to the Council of Ministers to give a written answer to the demand of the synod presided by Pimen. On that same day, the Directorate of Religious Affairs, chaired by an interim director, registered a Holy Synod of the Bulgarian Orthodox Church under the presidency of Patriarch Maxim. Thus, there are two legitimate leaderships of the Bulgarian Orthodox Church now. The Ecumenical Patriarch in Istanbul supported in October 1998 the synod of Maxim but for political reasons the present government refuses to recognize it as the only legitimate leadership of the church.

#### *L. Observation of days of rest and celebration of religious holidays*

Four main holidays of the Bulgarian Orthodox Church are also official holidays in Bulgaria. They are non-working days and the workers have the right, in addition to them, to have several weeks of paid holidays. According to Art. 173 (2) of the Labor Code employees who belong to a denomination, different from the Orthodox, have the right to have part of their paid holiday or several days of unpaid holiday during their religious holidays. The employers are obliged to ensure these leaves but, as the law provides, “not more than the number of the days of the Eastern Orthodox holidays” included in the country’s official holidays. Every year the Council of Ministers determines the holidays of the non-Orthodox believers by a decision after a proposal by the respective church leadership as provided for by Art 173 (3) of the Labor Code. For 1999 the following churches, all registered under the Denominations Act, had their holidays determined by Decision No.691 from 21 December 1998: the Muslims, the Israelites, the “White Brotherhood” society, the Church of the Seventh-Day Adventists, the Catholic Church, the Armenian Apostolic Church, the Union of the Evangelical Congregational Churches, the United Churches of God, and the Baha’i Community.

Some believers have difficulties in observing days of rest. Thus, in a number of cases employers denied Seventh-Day Adventists a leave on Saturdays. Conflicts on this basis resulted on several occasions in disciplinary punishments.

There were no complaints of denominations forced or unable to refuse to celebrate holidays and ceremonies that are contrary to their beliefs.

#### *M. Communications with other believers at home and abroad*

There were no complaints of denominations hampered in their communications with groups inside the country. Denominations Act however is particularly prohibitive on denomination's possibilities to maintain relations with kin churches abroad. There are a number of provisions that made such contacts possible only through the government. Under communism these provisions were routinely enforced as one of the methods of control of religion. Most of these provisions however were mentioned as unconstitutional in Decision No.5/1992 of the Constitutional Court (see above under Section 4). At present most of the churches maintain free contacts with churches and groups abroad. In some cases however these contacts were hampered by the government in the context of the persecution of the "sects". Victims of government restrictions were mainly the "outlaw" groups, such as the Word of Life, the Jehovah's Witnesses, the Moonies but also some groups registered under the Denominations Act, such as the Muslims and some evangelicals. (See above under this section 6).

### **7. Restrictions of Religious Freedom**

Restrictions of religious freedom in Bulgaria take place both in the framework of the law and in violation of the existing legislation. The limitations prescribed by law are in certain points at variance with the limitations prescribed by the respective provisions of the international treaties to which Bulgaria is a party. This is the case with several constitutional norms. Art.37 (2) provides for the possible restrictions of religious freedom which are the national security, public order, health, morals, rights and freedoms of others. Compared to the respective provisions of the International Covenant on Civil and Political Rights and the European Convention on Human Rights, the provision of the Bulgarian Constitution allows for restriction of religious freedom on the basis of "national security", something which is not allowed by the two treaties. The Constitution also does not provide that the restriction must be "necessary in a democratic society" as the respective provision (Art. 9) of the European Convention on Human Rights requires. The Constitution prohibits formation of political parties along religious lines (Art. 11 (4)), which is a discriminatory restriction introducing a ground that does not exist in the international law.

In addition to that, the Denominations Act allows for restrictions on a number of vague grounds or on no grounds at all. A number of them were mentioned as unconstitutional in the Decision No.5/1992 of the Constitutional Court. Others however were not mentioned and some of them are enforced or could be enforced. The latter include: the inability of the religious ministers who maintain contacts with foreign organizations to serve in the

Bulgarian churches without the approval of the Director of Religious Affairs (Art.9); the inability of the churches to receive material support and donations from abroad without the approval of the Director of Religious Affairs (Art.24); the inability of the churches to deal with their properties abroad where they have to be represented by the Ministry of Foreign Affairs (Art.25); the inability of the churches to send young people to study abroad without the approval of the Council of Ministers (Art.14).

Many restrictions were imposed in violation of the Bulgarian law and as such they are at variance with the international law which only allows for restrictions that are prescribed by law. Whether prescribed by law or not, by and large the restrictions imposed on religious freedom in Bulgaria were not necessary in a democratic society.

## **8. Religious Education**

Parents in Bulgaria can provide for the religious education of their children through the functioning Sunday schools, through the private schools of the different denominations or through the public school system. While religious education in the private schools is denominational, the public schools give only very limited possibilities for denominational education. Art. 5 of the Law on the National Education provides that “education is secular”. Article 4 of the Rules and Regulation on the Application of the Law on the National Education further specifies this general and vague principle. It provides: “(1) The secular education does not allow the imposition on students of ideological and religious doctrines. (2) In the secular schools religions are studied in the historical, philosophical and cultural context through the content of the different educational subjects. (3) In the secular schools religions could be studied in the classes planned for the optional subjects.” The act regulating the mechanism for organizing classes planned for the optional subjects is the Ordinance No. 5 of the Ministry of Education from 1994, with a number of subsequent amendments. There Art. 19 provides that the minimum number of students in order to organize classes planned for the optional subjects is 13 and only in exceptional cases and with a special decision of the local Municipal Council the group could be of less, but not less than 7 students. This regulation makes possible the introduction of religious education only for major religious denominations as the members of the smaller ones are scattered. In practice only the Orthodox Christians benefit from it. Religious classes are organized in a number of Bulgarian public schools, mainly in the cities. The instructors may use different textbooks, as with any other optional subjects, but they all must be approved as teaching materials by the Ministry of Education.

## **9. Discrimination Based on Religion or Belief**

Discrimination based on religion or belief is prohibited by Art. 6 (2) of the Constitution and in a number of other laws. It however takes place. With the backlash on religious freedom after late 1993 a number of cases of labor discrimination on religious grounds were documented. In November 1993, R. P., Secretary of the Municipal Council in the town of Velingrad was dismissed because of her affiliation with the local Evangelical Church. On June 15, 1994, K. L., a fine arts teacher in a village near Sofia was dismissed

because she had given the text of the St. John's Gospel, published by the World of Life, to one of her students. On October 23, 1995 the Minister of Education dismissed A. G., Principal of a vocational school in Rouse after she was accused of "tolerating the activities" of several members of the World of Life. As a matter of fact A. G. was accused of not having taken an interest in the religious beliefs of her staff and not having dismissed those of them who had unsuitable religious beliefs. In May 1995 Z. M. was dismissed as a school librarian because of her involvement with the World of Life. The dismissal was following the recommendation of the police, which after an investigation concluded that Z. M.'s remaining as a school librarian was "not expedient". In the summer of 1996 V.C. was dismissed from her job for visiting the regional congress of the Jehovah's Witnesses in Romania.

Since 1994 the Theological Department of the Sofia State University started to ask from all newly enlisted students a certificate of baptism from the Orthodox Church. Students who were married couples had to provide a marriage certificate from the Orthodox Church in order to receive the necessary signatures verifying the completion of their studies. This practice continued also afterwards. This requirement from a state educational institution obviously discriminates those who are not Orthodox but wish to have theological education, moreover that far from all graduates of theology become priests. In the summer of 1996, the application documents of the young men D.B. and K.K. from Sofia were rejected and they could not take part in the contest since, being Protestant, they could not present Orthodox certificates of baptism. In July 1997 the Regional Court in Sofia declared the Rules for Accepting Students in Sofia University to be discriminatory and therefore null and void in their part concerning the requirement of a birth certificate from the Orthodox Church.

In 1995 and 1996, in a number of cases court decisions resulted in serious violations of parental rights of mothers who were members of minority religious groups. These decisions were motivated exclusively by pointing at the membership in some religious community that had been refused registration under Art. 133A of the Law on the Persons and the Family. On February 7, 1995, the Supreme Court confirmed the ruling of the Sofia City Court, depriving of parental rights M. M. from Sofia. The ruling cited as the sole ground the fact that the mother "had fallen under the influence of the sect with an irregular registration - Warriors of Christ" ...and because of that "her behavior threatened the interest of the child who is only four years old." The court ruling does not cite any other reasons related to the mother's qualities as a parent, which would make her inappropriate for raising her child with a view to the boy's best interest. There were several other cases of custody over children like that of M. M. with similar reasons cited by the courts. For the most part the decisions discriminated against Jehovah's Witnesses although members of other religious groups were affected as well.

The government gathered statistical information on people's belonging to religious denominations during the 1992 census, which happened for the first time since many years. There was one question on the "traditional" religious affiliation, which was supposed to be answered on the basis of free self-determination of respondents (See Section 1 for the results). Religious communities generally supported gathering of this

type of information. Religious affiliation is not mentioned in official personal documents, official files etc.

## **10. Conscientious Objection to Compulsory Military Service**

Article 59(2) of the Bulgarian Constitution provides for the possibility of substitution of the compulsory military service with an alternative service for all Bulgarian men liable for military service. This provision, together with Paragraph 3 (3) of the Final Provisions of the Constitution requires that within three years the government pass a law on alternative service. However the Alternative Service Act was passed only in October 1998 and entered into force after January 1, 1999, more than seven years after entering into force of the Constitution. Moreover, criminal prosecution under Art. 361 of the Penal Code of young men who refuse military service on religious grounds started only after 1994, i.e. after the passage of the three-year period. At present more than a dozen conscientious objectors to military service have been convicted in Bulgaria. For the most part they were Jehovah's Witnesses. Among the prosecuted were also members of other religious groups as well as pacifist non-believers. The first sentences were usually fines or suspended prison sentences. Since however evasion from military service is treated by the Bulgarian criminal law as a continuous crime, the person is criminally liable also when he refuses the second time. In this case the sentence is heavier and if it is a prison sentence, it is as a rule effective imprisonment that includes also the term of the previous suspended sentence. This was the case of Deyan Dimitrov from Popovo, a Jehovah's Witness, who got a suspended prison sentence when sentenced for the first time and a ten-month effective sentence in 1996. In November, 1998 Krassimir Savov, a Jehovah's Witness from Plovdiv was sentenced to one year effective imprisonment for refusing military service. This too was his second sentence – the first, suspended one, was pronounced in June 1995.

The Alternative Service Act introduced a civilian service that is supposed to be unrelated to the military and under the supervision of the Ministry of Labor and Social Welfare. The military officials have a limited role in the procedure and judicial review is possible on the refusals of the special commission established with the act to consider applications for alternative service. The act however contains a number of shortcomings, which distance it from the standards of most European countries. It creates a discriminatory regime for those who might opt to make use of the possibility to substitute their military obligations with alternative civilian service. Article 15 provides that alternative service shall be twice as long as the regular military service, which makes it clearly punitive. Article 6 specifies an annual quota for conscientious objectors. It also does not permit them to work in non-profit organisations. Conscientious objectors may switch from alternative service to regular armed service, but not vice versa. Another shortcoming is the provision of Article 29 (2), which forbids people doing alternative service to "conduct religious or atheistic propaganda". Taking into account that now, and probably in the near future, youths will opt for alternative service mainly on religious grounds, this provision could unreasonably restrict their right to freedom of religion. Paragraph 3 of the same article deprives conscientious objectors of the right to trade-union membership whilst doing alternative service.