

THE INSTITUTE on Religion and Public Policy:

Report on Religious Freedom in the People's Republic of Bulgaria

Executive Summary

(1) The People's Republic of Bulgaria entered the European Union in 2007 and as a result they have to adhere to the human rights standards of the organization. Although the Bulgarian Constitution calls for the freedom of religion, the country still has a ways to go, especially in the area of religious freedom. There have been many cases of religious discrimination mostly by local authorities throughout Bulgaria.

THE INSTITUTE on Religion and Public Policy

(2) Twice nominated for the Nobel Peace Prize, THE INSTITUTE on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. THE INSTITUTE works globally to promote fundamental rights, and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. THE INSTITUTE encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

History of Human Rights in Bulgaria

(3) Since its 2007 accession, Bulgaria has been held to a higher standard of human rights practices because it must adhere to the general practices of the EU. However, the country still lacks laws ensuring that the government cannot interfere with the media and their record on minority rights remains mixed.

(4) The main areas of human rights that need improvement are the rights of children, prison rights, and the rights of the mentally disabled.

(5) The Roma minority also faces widespread discrimination, with no legal protection. Such abuses include the arrest of children, segregated education and health care and restricted access to public services. The ethnic Macedonia minority has similar problems, but is also denied the right to self-identify and create political parties.

Legal Status of Religion

(6) The Constitution of Bulgaria states that "the practicing of any religion shall be unrestricted," however subsequent clauses and law prove that there are several ways in which minority religions are restricted. Article 13, from which the previous quote comes, also specifies several other aspect of Bulgaria's legal classification of religion. It states: "religious institutions shall be separate from the state; Eastern Orthodoxy shall be considered the traditional religion in the Republic of Bulgaria; and religious institutions and communities and religious beliefs shall not be used to political ends." These clauses create a system with a separate church and state, but a traditional, seemingly national, religion.

(7) Article 37 of the Constitution elaborates on religion in Bulgaria and states that all citizens have freedom of conscience, thought and religion. The Constitution recognizes an individual's right to practice whatever religion he or she chooses. It also declares that the state has the responsibility to "assess [the]

maintenance of tolerance and respect among believers and non believers.” The limit of these clauses is when religious practices threaten national security or public order.

(8) Bulgarian law states that “No religiously based discrimination is allowed.” Therefore, any individual or organization that persecutes or discriminates against anyone else because of their religious beliefs will be punished under law.

(9) The 2002 Denominations Act supplements the Constitution lays out for religious freedom. The Act regulates both private and public religious exercises. An event can only be considered public if it is open to people of all faiths. Additionally, article 8 of the Act “allows the courts to punish registered religious organizations for a variety of offences.” The punishments include the banning of activities for 6 months and cancelling of registration.

(10) All religions in Bulgaria, except for the Bulgarian Orthodox Church are required to register. One of the more unusual registration restrictions is that an organization cannot register with the same name as another organization – even if it is breaking from the church. The Council of Ministers Religious Confessions Directorate used to be in charge of the registration process, but now gives expert opinions on the registration process. The process requires religious groups to apply for official registration with the Sofia City Court. If refused, the religious group has the right to appeal the negative registration decision to the Court of Appeals.

(11) Once registered, religious organizations have the right to own property, and worship both inside and outside their houses of worship. In addition, religious organizations have the right to fundraise for themselves, own and run cemeteries, and open hospitals, and educational facilities. These hospitals and educational facilities must comply with state regulations, and cannot give preference when admitting people with different religious affiliations.

(12) The state supports registered religious organizations through subsidies, credits, taxes, and interest rates.

(13) The Bulgarian Parliament’s Anti-Discrimination Commission has attempted set standards in schools regarding headscarves because of two different cases that were brought to it in 2006 and 2007. The Commission ruled that when a school uniform is present then women cannot wear a headscarf because it violates the dress code. However, the second case was thrown out because there were no uniform requirements in the school and the Commission ordered that the headmaster has discretion in the matter. In 2009, the government approved a bill that would out rightly ban the headscarves in all schools. The bill still has to be approved by the Parliament.

Specific Instances of Religious Discrimination

(14) Some branches of nationally registered religious groups have experienced trouble from local authorities who insist that the branch must register locally as well as nationally. This, however, is not required by the 2002 Denominations Act. Instead, the 2002 Denomination Act says that nationally registered organizations are allowed to have local branches so long as they notify the local government. When notifying the local government, religious organization is supposed to register with the Mayor. Assuming the registration has been filed correctly, the religious organization will hear back from the Mayor within three days. However, many municipalities have claimed the law requires full registration with the municipality even though it does not. Jehovah’s Witnesses have previously reported such setbacks of up to two years, and a member of the organization has been stopped from distributing literature by local police.

(15) In April 2008, the Burgas municipality sent out a letter to all Burgas schools warning students of “the most dangerous” religious organizations. In the letter, authorities claimed that organizations such as Jehovah’s Witnesses, The Church of Jesus Christ of Latter-day Saints (Mormons), and Evangelical and Pentecostal churches, “attracted followers through manipulation, offers of money, clothing, and food, as well as free movie screenings. They further maintained that the activities of these groups threatened the unity of the nation and exposed it to religious confrontations.” This letter led to a raised level of hostility and violent acts directed at these organizations. The denomination of Jehovah’s Witnesses mentioned in the letter filed a complaint with the municipal court, but was dismissed. The letter was read aloud in some classes again just before Christmas break.

(16) In the municipalities of Ruse and Varna, the Mormon community has been banned from distributing materials and entering into conversations about their religion. There have also been reports of hostility from the local authorities in Pleven and Plovdiv. In April 2009, the Mormon community finally received a letter “that cited the Government’s obligations to ensure respect for religious freedom but did not address substantively the specific situation.”

(17) There have been a few instances of discrimination regarding the construction of houses of worship for minority religious groups:

(18) For example, in March 2009, the construction of an Islamic Center (comprising of a mosque, administrative buildings, and a school) was halted by the Supreme Administrative Prosecution Service in Sofia. The construction was first stopped due to embezzlement charges, and now the Supreme Administrative Prosecution Service states that the zoning of the area does not permit the construction of the Islamic Center. The Chief Mufti’s Office rejects both allegations and says that the area has been rezoned many times since the construction was first halted in 2002.

(19) Around the same time, in Burgas, the building of another mosque that would replace a mosque that was demolished by the municipality for illegal construction was banned. Although the municipality had previously approved the construction of this mosque, they claimed that the Islamic community needed a separate permit to build the mosque’s minaret.

(20) In addition, the Jehovah’s Witness community also faced some discrimination when they attempted to build a prayer house in Gabrovo. In this case, they received a permit from the municipality in January 2009, but were told to stop in February after the Orthodox bishop of Veliko Tarnovo led a protest march and petitioned against them. The community took down what they had begun to construct in March, and are still waiting for approval to begin building again. This is not the first time the Jehovah’s Witness community has seen this type of discrimination.

(21) The Jewish-run hospital in Sofia was unable to regain control after relocating. However, in May 2009, the court finally confirmed the relocation of the hospital which put the Jewish community back in charge even though the ownership of the building is still in question.

(22) The European Court of Human rights ruled, on January 22, 2009, that the Government had violated the rights of the clergy of the Alternative Orthodox Synod in 2004 when they forcefully expelled them from their parishes. The court gave the parties three months to negotiate compensation. The Eastern Orthodox Church called the Alternative Orthodox Synod “to repent for what it viewed as illegal occupation of church property and false representation of the denomination.” After three months, the court rejected the Government’s appeal, and gave the parties another three months to negotiate.

(23) The US State Department reported, “In January 2009 the Burgas Free University expelled a student after she refused to take off her headscarf at an exam. The student had already paid tuition and completed

the semester but was required to remove her headscarf in order to take the test. The university cited its internal rules, which prohibit wearing of hats, headscarves, and official uniforms during lectures or exams. In Kurdzhali, a student was refused practical training required for graduation after attending school for four years because of her headscarf.”

(24) There have been reports of societal abuses towards “nontraditional” religious groups. For example, both Mormon and Islamic groups have reported attacks on missionaries, and the desecration of houses of worship. In addition, there has been media coverage that use slanderous or derogatory terms when referring to Mormons, Jehovah’s Witnesses, and Jews.

US Foreign Policy

(25) The US State Department continues to discuss the topic of religious liberty with Bulgaria as part of its overall policy to promote human rights. In addition, the State Department stated that they have made efforts to help Bulgaria. For example, “Embassy officers met with Orthodox leaders and clergy, senior and local Muslim leaders, religious and lay leaders of the Jewish community, and leaders of numerous Protestant and ‘nontraditional’ denominations. Embassy representatives met with various religious groups and government entities regarding the restitution of Jewish properties and with Muslim leaders regarding Islamic extremism and the Muslim leadership dispute.”

Conclusion

(26) Bulgaria is still trying to live up to the European Union’s standards of Human Rights. Although the country has made some progress, there needs to be more progress towards enforcing local authorities to comply with the Constitution’s mandate for religious freedom. Whether it is school uniforms or the construction of houses of worship, Bulgaria must take a stand to stop this religious discrimination and live up to their own Constitution.