

Summary of Declaration of Bulgarian Churches in response to draft changes to Religious Denominations Act 2002 – 25th November 2018

TO

Mr. Boiko Borisov

MINISTER - PRESIDENT OF THE REPUBLIC OF BULGARIA

TO

Ms. Tsveta Karayancheva

PRESIDENT OF THE 44TH NATIONAL ASSEMBLY OF THE REPUBLIC OF BULGARIA

TO

THE CHAIRMAN OF PARLIAMENTARY GROUPS

IN THE 44TH NATIONAL ASSEMBLY OF THE REPUBLIC OF BULGARIA

TO

THE COMMITTEE ON HUMAN RIGHTS AND RIGHTS IN THE 44TH NATIONAL ASSEMBLY OF THE REPUBLIC OF BULGARIA

DECLARATION

of the participants in the National rally and procession, held on 25.11.2018 at the National Assembly, Sofia, represented by the undersigned persons (third rally in Sofia, several rallies so far in Rousse, Dobrich, Silistra, Varna, Bourgas, Plovdiv)

on: the unconstitutional texts of a General Bill amending and supplementing the Law on Religious Denominations, submitted to the National Assembly of the Republic of Bulgaria, the unlawful and unjustifiable limitation of the right of religion in Bulgaria, and the protection of the rights of believers.

We express our profound indignation at the unconstitutional, restrictive and discriminatory texts of a General Bill amending and supplementing the Religious Denominations Act, submitted to the National Assembly of the Republic of Bulgaria. We strongly oppose these texts being adopted as a law by the National Assembly.

This bill violates the following basic human rights and constitutional principles:

- Freedom of religion and a legally recognized opportunity for its free practice

(Article 37 of the Constitution and Article 5, Article 6, Paragraph 1, Items 1 and 6 and Article 7, Paragraph 3 of the Religious Denominations Act)

- Freedom of association, including on the basis of faith, through the establishment of religious institutions

(Article 44 (1) of the Constitution, Article 6 (1) (1) and Article 7 (3) of the IP)

- Equality before the law and inadmissibility of restrictions on rights or privileges based on religion

(Article 6, paragraph 1 of the Constitution)

- The use of mother tongue or non-Bulgarian language, respectively, when carrying out worship services

(Article 36, paragraph 2 of the Constitution and Article 6, paragraph 1, item 6 and Article 11, paragraph 2 of the 3B)

- Ensuring the right to exercise religion of aliens legally residing in the Republic of Bulgaria

(Article 26, paragraph 2, in conjunction with Articles 6, 37, 12 and 44 of the Constitution)

The bill is more totalitarian than the 1949 Communist Conflict Act. We do not understand how it is possible to bring such a bill at all, almost 30 years after the Zhivko regime has fallen since we started building a rule of law in Bulgaria and adopted a new Constitution in compliance with the international instruments for the protection of human rights, adopted by the National Assembly (Universal Declaration of Human Rights, Convention for the Protection of Human Rights and Fundamental Freedoms, International Covenant on Civil and Political Rights).

Apart from that, the bill aims to regulate one of the most delicate matters - the one related to the faith of man and his expression, without first being subjected to a broad and in-depth public discussion - especially with representatives and experts from religious institutions. As a result, the bill demonstrates the lack of knowledge of the specifics and needs of the religious communities registered in Bulgaria who exercise their right to faith in good faith. The texts are not only wickedly restrictive, they are also unfortunate and suggestive of chaos and great difficulty in their

possible application. They state that the state is unacceptably interfering in the activity of both the registered religious denominations and those that will be established even before they are registered with the Sofia City Court. Also, from a legal point of view, there are meaningful contradictions between some texts and inappropriate legal formulation of legal norms. All the above findings and considerations indicate that the importers are unprepared.

It is unacceptable such a poor-quality legislation to regulate such sensitive and important social relations affecting millions of Bulgarian citizens and legally staying foreigners in our country. That is why it is best for the bill to be completely withdrawn or not to be adopted at second reading. It does not improve the existing regulation now in the Religion Act.

The bill is also inappropriate because the approach it uses to restrict freedom and the right to exercise religious denominations in order to stop or not allow the propagation of religious suggestions against national security or public order and citizens' rights is incorrect and ineffective. It is known that people who speculate with their right to religious beliefs by using it to achieve law-prohibited purposes, make this obscure and do not officially register. Therefore, the imposition of obligations for the registration of buildings for religious activities, for permission of the Council of Ministers' Directorate of Religious Affairs for the participation of foreigners in worship, the prior consent of this directorate to receive donations from non-residents, a ban on donations from foreigners for maintenance of clergymen, etc., will not achieve the effect desired by the importers of the bill. And from a legal point of view, it is unconstitutional to limit or deprive "by law" of the rights of all who exercise them in good faith in order to prevent few who speculate with those rights - to exercise them in order to achieve a prohibited by law purpose.

The fight against the use of religious denominations in ways dangerous to national security, public order and citizens' rights should be pursued through the authorities of the Ministry of Interior, the prosecution and the judicial system, based on the Counter-Terrorism Act, the Terrorist Finance Act, The Penal Code, the Code of Criminal Procedure, the MoI Act, and not the Council of Ministers' Directorate of Religious Denominations - through unconstitutional restrictions on bona fide believers.

If you see a need for more effective anti-speculation measures against the right of religion against national security and citizens' rights, then refine the above-mentioned special laws. As regards the need to exercise the right to belief in good faith, the Constitution (Article 37, Paragraph 2) and the Religious Denominations Act (Article 7 (1)) has already stipulated that religion can not be directed against national security, public order, public health and morals or against the rights and freedoms of other

citizens. Every believer is responsible for complying with these provisions. This is quite sufficient in the field of religious denomination. Every believer is responsible for complying with these provisions. This is quite sufficient in the field of religious denomination. Every believer is responsible for complying with these provisions. This is quite sufficient in the field of religious denomination.

For the reasons given, if the bill is adopted as a law, not only will the MPs bring in the fair wrath and disapproval of many Bulgarians who want to practice their faith peacefully and freely; but will also become shameful to the whole world and will create the Constitutional Court or the European Court of Human Rights in Strasbourg.

The above statement was translated in good faith from Bulgarian as published online by Bulgaria's Evangelical Journal <http://www.evangeliskivestnik.net/>