

DECLARATION

Against attempts for unconstitutional legislative curbing of freedom of belief, speech, assembly and other human rights through two bills amending the Law on Religions introduced by Georgi Kadiev and a group of MPs from the Bulgarian Socialist Party “Left-Wing Bulgaria”

March 18, 2016

To the National Assembly [of Bulgaria]

Chairwoman

Commission on Religions and Human Rights (lead)

Commission on Budget and Finance (participating)

Commission on Education and Science (participating)

Media

Human Rights Commissioner of the Council of Europe

First Vice-President of the European Commission in charge of Better Regulation, Inter-Institutional Relations, the Rule of Law and the Charter of Fundamental Rights

European Commission for Democracy through Law

International human rights organizations

Ladies and Gentlemen, Members of Parliament,

In view of the introduction of two bills amending the Law on Religious Confessions in the National Assembly, on March 1 and March 14, respectively by Georgi Kadiev and a group of MPs from the group of BSP Left Bulgaria, we consider it our duty and right to bring this protest declaration to the attention of the parliament and the public.

The two nearly identical bills require the introduction of mandatory registration of believers by the state, restrict the funding of charitable, educational and liturgical activities, and impose control over the teachings, the ministers, and the free association of the faithful. The restrictions pursued by these bills will not ensure national security or peace in society as the sponsors of the

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bills misleadingly claim. Rather, such restrictions will jeopardize the constitutional order by indiscriminately reducing the rights of all religious communities and believers: the Bulgarian Orthodox Church, Protestant-evangelical churches, the Catholic Church and other religious communities, and will lead to the degradation of democratic freedom in general.

In practice, with their initiatives for amending the Law on Religious Confession the bill-sponsors seek the abrogation of the following constitutional and fundamental human rights enshrined in the Constitution (CRB) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR):

- Abrogation of the right to freedom of thought (Art. 9 ECHR and Art. 37 CRB);
- Abrogation of the right to form beliefs and the non-obligation to give information about one's convictions (Art. 38 CRB);
- Abrogation of the right to freedom of conscience and religion (Art. 9 ECHR Art. 37 CRB);
- Abrogation of the freedom of speech, the press and the media (Art. 40 CRB);
- Abrogation of the right to free expression (Art. 10 ECHR, Art. 39 CRB);
- Abrogation of the freedom to gather and disseminate information (Art. 41 of the CRB; Art. 10 ECHR);
- Abrogation of freedom of assembly indoors without permission from the authorities (Art. 43 of the CRB, Art. 11 ECHR);
- Abrogation of the right to freedom and privacy of correspondence (Art. 34 CRB; cf. Art. 8 ECHR);
- Abrogation of the right to freedom of association (Art. 11 ECHR, Art. 44 CRB).

The bills also: impose a mandatory state ideology - militant atheism – an act forbidden by the Constitution (see. Art. 11 para. 2 of CRB); violate the separation between church and state, according to which the state cannot interfere in the internal life of churches and religious communities (Art. 13 of CRB); violate the basic legal principle of equality before the law and the ban on discrimination based on religion upheld in the CRB, Art. 6, and ECHR, Art. 14.

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The claims of the sponsor of the bill "Kadiev" are that "the bill is a balanced model meant to increase transparency and trust in the institutions of religion." The sponsors of the BSP bill also maintain that they balance national security with the interests of religious communities. Nothing is further from the truth. Both bills are radical, totalitarian projects seeking to destroy the already fragile freedom of conscience and religion in Bulgaria and to impose full control over religious faith and activity. Both bills contradict the democratic principles of governance in the country, as well as the already mentioned superior laws protecting religious freedom in the nation -- CRB and the ECHR. The National Assembly, Christian churches, religious communities and democratically-minded people should not allow these bills to be turned into law.

Both bills are so flawed, so radical and woven with totalitarian anti-religious philosophy based on the outdated ideas of Marxism-Leninism that belief in God is dangerous, that we believe their consideration, and more so – acceptance will be a threat to the constitutional and legal order in the country. The bills should not only be tabled but also condemned as an attempt to restore the state of militant government atheism in Bulgaria - an attempt that would be in violation of the Constitution and the European Convention, and would constitute a real threat to the democratic structure of the Bulgarian society.

In view of the above stated we demand:

1. The tabling and rejection of these bills amending the Law on Religious confession as incompatible with the values of a free democratic society and as stipulating violations of constitutional and fundamental human rights;
2. And that churches and religious communities must not be further subjected to a discriminatory regime and special laws, and that churches and religious communities must be treated under the general terms of the law for non-profit organizations.

Respectfully submitted,

(A list of individuals and organizations supporting the Declaration follows.)

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