

DECLARATION

OPPOSING two bills proposing amendments and additions to the Law on Religion as submitted by the Bulgarian Socialist Party (BSP), the Citizens for European Development of Bulgaria Party (GERB) and the Movement for Rights and Freedoms Party (MRF), on one hand, and by the United Patriots Party, on the other hand.

The first bill was registered under No. 854-01-34/04.05.2018, and the second bill under No. 854-01-35/09.05.2018.

28 May 2018

To:

the People's Assembly
the People's Assembly President
the Commission on Religion and Human Rights (leading)
the Commission on Budget and Finances (participating)
the Commission on Education and Science (participating)
the four parties that submitted the two bills: BSP, GERB, MRF and the United Patriots

Copy to:

the Prime-Minister of the Republic of Bulgaria
the Ombudsman
the President of the Republic of Bulgaria

Dear Ladies and Gentlemen and members of the Parliament,

In consideration of the introduction into the People's Assembly of two bills aiming to amend and supplement the Law on Religion by the parties of BSP, GERB and MRF¹ (registered under No 854-01-34/04.05.2018), on one hand, and the United Patriots (registered under No 854-01-35/09.05.2018), on the other hand, we deem it to be our duty and right to submit a protest declaration for consideration by the Parliament and to make this declaration known to the wider public.

We are deeply concerned about yet another legislative initiative threatening to violate fundamental human rights and freedoms of the people of the Republic of Bulgaria through the proposed bills that will drastically limit freedom of religion. The proposed amendments to the Law once again attempt to introduce severe limitations for religious organizations, including the communities of Evangelical Christians. The amendments will result in unlawful control over churches and religious communities, and in practice this would mean that these communities will be forced to do their activities in violation of the existing laws, and if they decide to obey the laws then they will turn into a bureaucratic appendage of the state authorities.

This is another attempt on the part of the main political parties in Bulgaria, represented in the National Assembly, to introduce restrictive amendments to the Law on Religion.

¹ The three leading political parties Bulgarian Socialist Party, GERB – United Citizens for the European Development of Bulgaria, and MRF – Movement for Rights and Freedoms.

The new bills, which propose amendments and additions to the Law on Religion, violate the European Convention of Human Rights, the Bulgarian Constitution and Bulgarian domestic legislation, while infringing upon international regulations which have been recognized by Bulgaria and which the country has committed to observe, such as the freedoms of conscience, religion, convictions, and other fundamental human rights. Therefore the new bills aim to:

- undo freedom of speech and conscience through the proposal that church services and the teaching of the Church be controlled by the state;
- violate the principle of separation between Church and state through substantial interference of the state and its authorities into the internal and organizational activities of the churches;
- deny the right of freedom of thought and conscience of the believers through imposing the requirement that preachers and church leaders be trained only in educational institutions controlled by the government;
- impose state control over the message and the sermons of the religious communities;
- forbid or severely restrict any missionary and spiritual activity of foreign citizens by introducing the requirement that they first be approved by the Directorate of Religious Affairs;
- prohibit sponsoring of churches and Christian communities by people and organizations from abroad, and impose only governmental financial support or funding from sources in Bulgaria controlled by the state. The new bills aim to limit the amount of monetary gifts given by local believers and supporters. In its essence, this is an extreme intervention of the state into the right to association and the internal life of the churches and the religious communities;
- cancel the right of assembly indoors by prohibiting the use of buildings by religious organizations if these buildings have not been approved by the state [for “religious purposes;”]
- cancel essential political rights of Bulgarian citizens by infringing on the right of churches and their leadership to express their opinion or criticism against the state or its policy, whereby the bills misleadingly claim that this corresponds with the policy of separation between Church and state and with the principle of preventing the use of the Church for political ends;
- make the large-scale discrimination of people on the basis of their religion a legal norm;
- make false connections between Christian (and of any other religion) educational, religious and charitable activities and the need for restrictions on freedom of religion, on one hand, and terrorism, on the other hand, without any grounds for such a link.

The above listed restrictions represent only a small number of grave violations that are to become a part of the existing legislation. The newly introduced bills are totally unnecessary, and they even threaten the constitutional order in the country. New legislation is introduced when there are gaps in the existing laws, and it is a fact that the current Bulgarian legislation

has adequately set the issues which, according to the authors of the bills, have not been suitably set (cf the European Convention on Human Rights, article 9, para 2, article 10, para 2, article 11, para 2; cf also the Bulgarian Criminal Code, chapter 3, part 2).

The proposed legislative amendments constitute a clear threat to the constitutional order in the country because they clearly contradict the European Convention on Human Rights, the Constitution of the Republic of Bulgaria and other domestic and international regulations; these amendments not only violate freedom of religion but also other corresponding fundamental human rights. The new bills' proposals undermine the principles of the free and democratic society that has been established in Bulgaria. They clearly contradict the Law on Protection from Discrimination, esp. its article 4. Although the bills aim to limit basic human rights and freedoms for the sake of protection of national security, they contradict the essential definition of the term and in what constitutes national security (cf the Law on Management and Operation of the System Ensuring National Security, article 2).

We urge the Bulgarian Parliament to prevent the completion of yet another attempt at limiting fundamental human rights, and especially of the freedoms of conscience, convictions, religion, speech and assembly under the disguise of a concern about "combatting terrorism" (cf the reasoning of BSP, GERB and MRF).

Being Bulgarian citizens, we count it unacceptable for our churches and communities, for our beliefs and peaceful and charitable activities to become an object of state interference and control. The believing Bulgarian citizens have not less rights and dignity than the people professing atheistic or other convictions. This is specifically true bearing in mind that the problems that the authors of the bills want to "resolve" cannot be resolved by introducing tyrannical measures: they can be solved by implementing reasonable governance within the framework of the existing democratic legislation.

Deprivation of fundamental rights on the grounds of religion deprives everyone, not only the religious communities. Restrictions of the freedoms of conscience, speech and religion and the limitations of their practical value is a condition for establishing an antidemocratic and totalitarian regime in Bulgaria.

The bill as proposed by the United Patriots is extremely restrictive and as such it is totally unacceptable. The bill of the BSP, GERB and MRF, in its statements on the conditions by which the state can offer funding to the religions in the country– which is the only matter that does not directly contradict the Constitution and is not discriminatory and antireligious – can be well set by a separate regulatory order because it introduces procedures that have already been set in the existing laws.

We rely on the wisdom and the common sense of the Bulgarian authorities. Freedom of religion, convictions and speech and practicing these freedoms are natural and fundamental rights. The rulers in a free and democratic society are called to defend fundamental rights, not to introduce restrictions. This is why in defending freedom of religion and in recognizing the freedoms and the dignity of the Bulgarian people, we urge the members of the Parliament to reject the proposed bills.

Respectfully submitted,

National Alliance “United Churches of God,” including more than 200 Evangelical Christian communities.

Freedom for All, an advocacy and human rights organization.

The Declaration is available on the website of the Bulgarian National Assembly as filed, with other supporting documents at this link:

http://www.parliament.bg/pub/cW/20180612043606Stan_Svoboda.pdf

This document can be accessed online at the following link:

http://www.svobodazavseki.com/images/pdf/2018-05-28_declaration_EN1.pdf