

Muslim Denomination in Bulgaria
(Grand Mufti's Office in the Republic of Bulgaria)

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WRITTEN STATEMENT TO

Working session 12: Fundamental freedoms I (continued), including freedom of thought, conscience, religion or belief

The commitments adopted by OSCE participating States in 1975 by Helsinki Act have articulated and clarified the importance and relevance of Freedom of Religion and Belief to comprehensive security. The states have, in particular, highlighted the role of Freedom of Religion and Belief in strengthening democratic governance based on the rule of law and respect for human rights and its contribution to creating environments of mutual respect, tolerance and understanding among peoples of different religions, beliefs and cultures. Respect for religious freedom lies at the very heart of security and stability in the OSCE area. But I note with distress that there are already many warning signs which indicate that freedom of religion lies at risk. Recent developments, in particular the idea that religions can endanger peaceful coexistence, have brought the interrelationship between freedom of religion or belief and security into sharp focus.

The Muslim community in Bulgaria is increasingly concerned about the recent islamophobic and abusive political discourse that increases the feeling of insecurity among the Muslims in the country. Security-oriented counter-terrorism measures are having a disproportionate impact on the Muslim community and individuals. Some political parties in Bulgaria take advantage of the current situation in Europe and offer restrictive laws that were not there even during the totalitarian regime and are contrary to fundamental freedoms and in particular the freedom of religion or belief. The recently proposed law drafts and amendments to the Law of Religions in the National Parliament clearly deny certain rights to Muslim community in Bulgaria.

ADOPTION OF LAW DRAFTS AND AMENDMENTS TO THE LAWS

On July 20, 2016 at the National Assembly, the nationalistic political party ATAKA introduced amendments to the Law of the Religions in which Religious organizations and communities are *to be restricted to* use their mother tongue or another language during the implementation of

worship and rituals; to be restricted to receive donations and to get involved in joint activities with other organizations and many other amendments that restrict the freedom of religion.

(National Assembly of the Republic of Bulgaria - Amendments to the Law of the Religions – (No.654-01-95 submitted on 20th July 20 2016 by the Political Party ATAKA and No. 654-01-96 submitted on 21st July 2016 by the coalition of Patriotic Front).¹

The motives of the proposal reads that the state does not interfere with the religious activities of the denominations, yet, at the same time, the very same proposal is full of prohibitions concerning the existence and functioning of the denominations.

All these amendments neither allow Muslims to observe their religious ceremonies in another language except the Bulgarian one, nor can they receive donations, nor can they get involved in joint activities with other organizations.

With reference to the above I would like to remind you that Muslim prayers all over the world are delivered in the original language of the Quran (quotations from the Holy Book in their original). This is the rule and the prayers cannot be recited in another way. Another aspect worth knowing is that the mother tongue of a big portion of the Muslims in Bulgaria is not the Bulgarian language. In this case the prohibition breaks a couple of international conventions, constitutional rights, as well as the freedom of speech and the Act on Discrimination. We consider that the use of mother tongue and other languages during religious ceremonies has been the freedom fought for after a long duration of time of the totalitarian regime during the period of transition of our country to democracy.

The prohibition to receive donations and financial aid deprives the Muslim community and it is put into isolation and destined to extermination. The state aid rendered to the institution is a symbolic one and it is not possible for the institution of the Muslim community in Bulgaria to keep functioning with that aid, so it is doomed to destruction. The people who submitted the amendments to the act are aware of this situation; more likely, all that has been done on purpose.

The prohibition to carry out joint activities with other organizations from foreign countries also breaks major rights of freedom and art. 6 of the Law of the Religions. All this reminds the Muslim denomination of the restrictions imposed during the communist regime in the past. At the same time, we would like you to take into account that these changes refer to other religions apart from Islam.

¹ National Assembly of the Republic of Bulgaria - <http://www.parliament.bg/bg/bills/ID/42281>

Another proposal for amendments is prohibition to use loud speakers (*Amendment to the Law of the Religions – prohibition to use loud speakers: No. 654-01-99 submitted on 28th July 2016 by the Coalition Patriotichen Front /Patriotic Front*)²

The draft act has been proposed because of nationalistic motives aiming to restrict the freedom of religion of the Muslim community in Bulgaria. According to the proposal submitted to the National Assembly the loud speakers on mosques threaten national security.

We should remind you that there are restrictions on the decibels of the loud speakers set in the current valid laws; the Muslim community strictly observes these rules. Further, officers from Sofia Municipality regularly measure the level of noise from the loud speakers to check if the legal provisions are observed.

With reference to that again I would like to give an example. During Holy days and Friday prayers the mosque in Sofia cannot house the visitors and people are forced to deliver their prayers outdoors, on the street. In such cases the loud speakers are most needed because the worshippers who sit outside can hear the liturgy only if loud speakers are used.

Furthermore, the Nationalists in the Parliament offered a law to ban the burqa for women (*Law draft to ban the dress covering the face – No.654-01-58, proposed on 24 April 2016 by the Coalition Patriotichen Front /Patriotic Front. Adopted on first reading at the plenary session on 15 June 2016*)³

The politicians make public comments on banning the burqa in all public spaces. These are mostly politicians from the extreme-nationalist party. According to the members of the party there should not be any religious symbols, they should be removed and banned, including the burqa, beard and other symbols. This view is also shared by the Prosecutor General.

The main reasons for these measures is that those women who wear burqas, and men who wear beards are dangerous and viewed as symbols of extremism and terrorism. Reasoning says that this will prevent trampling on the principles of democracy, gender equality and humanism.

Article 1 of the draft says that the law regulates the fully and partial hiding the face of the people in the country. And article 2 explains what is fully and partial coverage. According to the text partial cover is the use of a veil or cloth to close the greater part of the head or face, including hair, ears and more, whatever the name of the dress. This is good evidence that the bill is not to ban the burqa, but to ban of the headscarf, veil and clothing of Muslim women as a whole. This is a clear Islamophobic act and violation of fundamental freedoms.

² National Assembly of the Republic of Bulgaria - <http://www.parliament.bg/bg/bills/ID/42288>

³ National Assembly of the Republic of Bulgaria - <http://www.parliament.bg/bg/bills/ID/42106>

It is to be stressed that there is no burqa tradition in Bulgaria. While the proposed ban, if passed, would affect only a very small number of women, it would force them to make an unenviable choice: Obey the law and deny their faith; Obey their faith and risk criminal charges; Stay at home and become isolated from the community. Moreover, such a prohibition is undertaken by a number of municipalities in the country.

Rather than encouraging tolerance, pluralism and respect, a ban on the burqa simply removes the face veil from the public. Previously, studies conducted in some Western European countries point to an increase in intolerance, even violence, towards women wearing face veils after the introduction of the ban in those countries.

I must emphasize that the Office of the Grand Mufti and the Muslim community in Bulgaria do not support the burqa. But at the same time we do not support prohibitions that limit the freedom of choice of individuals, which are undermining the principles of democracy, individual rights, and humanism.

Our society is tolerant and open-minded enough for a diverse range of religious beliefs and practices, which includes wearing the headscarf, burqa, niqab or face veil etc.

Such a ban is a clear discrimination against a small part of society, which members, including many old women and grandmothers, made their democratic choice. It is also important to emphasize that the tradition of covering the head (fully or partly) with a veil and cover is not something new in the country, but a long standing tradition – they have always dressed this way. This prohibition would mean a forcible change of something traditional for them.

We presume it would also pave the way for other bans, as openly banning headscarves and other religious freedoms that we already see with the draft laws and amendments to the laws. In this connection, it should be recalled that the danger is not what is on the head, but inside it.

Amendments to the Penal Code No.654-01-54, proposed on 7 April 2016 by the Coalition Patriotichen Front / Patriotic Front. Adopted on first reading at the plenary session on 23 June 2016⁴

On 23rd June the Parliament adopted by a large majority at first reading the amendments to the Penal Code despite the reservations of the Muslim community and human rights activists. The expression of “radical islam” was added to the paragraph 1, section 31, article 91 and paragraph 2, article 108. In motives of the proposers it is written that terrorism is because of radical Islam. The word ”Islam” equates with ideologies like fascism and antidemokratizm. The religion must be separated by ideologies as a whole.

⁴ National Assembly of the Republic of Bulgaria - <http://www.parliament.bg/bg/bills/ID/42090>

The Muslim community in Bulgaria is against all kinds of terrorism and radicalism and generally supports such a law and codes. It is necessary for the security and protection of the whole society. But at the same time it offends the feelings of Muslims. It is islamophobic and not acceptable. Thus these amendments allow the abuse of human rights and religious freedoms and open doors for arbitrariness and violation of human rights.

We think that it is wrong to copy other countries, where the situation is quite different, as members of the Nationalists in the Parliament say that such amendment is necessary, because most countries began to make similar laws after being attacked by terrorism. We must take into account the situation and realities in our country before offering any law drafts. Here I would like to add that radicalism and terrorism have no connection with Islam and are alien concepts to our Muslims.

In regard to the proposal for amendments to the above-mentioned laws, the Muslim denomination in Bulgaria has held lots of meetings with the representatives of different political parties at the National Assembly. Despite this all the amendments were accepted by the commissions and some of them were passed at the first reading at the session of the Parliament.

International law recognizes that freedom of conscience and religion belongs to the essential core of natural rights which positive law can never legitimately deny. The acceptance of the religious freedom of other persons and groups is the cornerstone of dialogue and cooperation and guarantee of all other freedoms. If freedom of religion is not respected, inevitably many other freedoms will be eroded as well.

Today, the threat of radicalism and terrorism has been accompanied by a rising tide of suspicion and intolerance directed at Muslim communities. Such prejudices and stereotypes must be dispelled. In the current climate of fear and insecurity, it's crucial for officials, media, political and community leaders to use appropriate language both in the national and international arena to prevent the spread of Islamophobia and play in speaking out against islamophobia and religious discrimination and promoting the principles of multiculturalism.

In this regard, terrorism should not be associated with any religion, ethnic group and ideology and the values and delicate matters of faith groups. This will pave the way to national and international stability, peace, security and the rule of law.

To foster a human rights culture we need education, political and community leadership and legislative action. We need to engage – through education, through political debate, through community dialogue – in a national conversation about protecting human rights.

I'da like to stress once again that Muslims in Bulgaria are not strangers, but are local and they love their country and they have always been loyal citizens and genuine patriots. In our country there has been good coexistence between different religious and ethnic groups for centuries. There has never yet been a case of conflict between them, even in the hardest of times in the

past. It has been like that for hundreds of years and it will be like that in the future. Let's make sense to the notorious tolerance of ethnic and religious co-existence with which we love to boast.

I would like to highlight once again that the Muslim community in Bulgaria supports similar laws for the benefit of society and the whole country. But we cannot agree with texts that undermine the dignity of the community and discriminate against one group to draw political dividends. Therefore the aforementioned proposals for adoption of law drafts and amendments to the laws are not patriotic, on the contrary, their target is to kindle feud among the different religions in the country, to wreak havoc and generate fear psychosis among the public. All those are so Islamophobic and dangerous for democracy, stability and the future of the country.

WAQF PROPERTIES (CHARITABLE FOUNDATIONS)

The issue of **restitution of the communal properties of the Muslim community** in Bulgaria is one of the most important issues which remain unsolved after the democratic changes. The Muslim community is the only among the others in the country that failed to regain their inheritance, despite the changes in the legislation after the totalitarian regime. The reasons are mainly legal and administrative obstacles. These properties include buildings, schools, social centers, mosques and farmlands, demised for centuries in favor of all Muslims in Bulgaria but nationalized and expropriated during the different regimes in the country.

In the beginning of the democratic changes in 1990, the Muslim community gained rights for restitution of their community properties by laws, which were nationalized during the Totalitarian rule. However, most of the properties today cannot be returned due to a number of administrative and legal obstacles.

Numerous properties which belonged to the Muslim denomination have been destroyed by means of the “Act on the Territory Arrangement of Settlements” and new buildings have been erected in their places for which we cannot claim. Yet there are lots of properties that exist and it is known that the Muslim community is the owner of the properties but for which it could not receive notary deeds for ownership. Many of the properties were destroyed and obliterated with the Territory Arrangement Act and new properties were built up in their places which we could not claim for. Most of the properties, mainly mosques, buildings and land, are owned by central and local governments and have been declared as National monuments of culture, and transferred to the regional governments. This is why the Muslim community has a number of obstacles in repairing this historical heritage.

The central and local governments neglect the maintenance of the buildings or just do not have funds for this. Most of them go to ruin. Apparently if they are not repaired in a short time, most of them will disappear or survive as totally different type of buildings, as some local

governments started a project in which the mosques are converted into museums or municipality administration buildings.

The Bulgarian local authorities carried out such discriminative and Islamophobic acts against Muslim shrines in some municipalities in the country. This strongly biased attitude of intimidation and harassment displayed by various representatives of the local authorities towards Muslim holy sites, contradicts the democratic principles of our country, violates freedom of conscience and religion, and democratic human rights, while harming and causing grave concern for the Muslim community. The multiplication of similar cases in different locations with a single object of damage, namely mosques, deeply offends the Muslims in Bulgaria. The constantly occurring desecration of our temples and the attempts to change their function is a clear sign of an anti-democratic, Islamophobic and irrational management approach, which overlaps with the habits in the feudal system.

Recent studies ascertained over 3000 communal properties (mosques, schools, office buildings, agricultural land, etc.), most of which have no notarial acts in the registers. Even mosques' ownership is not provable for the lack of legal documents. So there were ongoing cases of restitution only for 28 properties, mainly mosques, until the lawsuits were stopped by judicial authorities due to another reason, namely because of the question of who is the heir of these properties?

Another issue of serious concern is with the mosque in Sofia, where the things seem dire. Over the years Sofia Municipality has made no sense as a municipal policy to co-operate and facilitate the Muslim community in Sofia regarding their religious duties and rituals, on the contrary the municipality has pursued a discriminative policy and using administrative sanctions against the Grand Mufti's Office. Around 70,000 Muslims currently live in Sofia, who have only one mosque built several centuries ago. Construction of a second religious temple is not permitted by the municipality, although the Muslim community has ground plot for years. It is known that the only available one in the capital city is not enough to house the flow of worshippers. It has a seating capacity of 500-600 people. However, on Fridays more than 700 worshippers enter the mosque and around 250-300 people remain outside. The situation is most striking during both Eids. Every time early in the morning about 2500-3000 Muslim men congregate and unsuccessfully try to hear the sermons, to pray and perform the prayer together with those who are inside for nearly 2 hours. During the winter season or when the weather is very hot and sometimes rainy, visitors often return without having performed their prayers. The mosque is visited by ambassadors, representatives and employees of foreign diplomatic missions who often have to pray outside in the street and we cannot provide them with the necessary comfort and sufficient protection. I believe that these facts which can be checked every Friday are quite eloquent and should be considered whenever the topic for a second mosque is debated. A well-known fact is that in May 2011 congregation were a target for assault by the far right political party. One of the reasons was the prayer outside of the mosque. Thus far the Muslim community

has not received clear and adequate answers so as to justify preventing the construction of the second mosque in the city. It would take an act of congress to talk over the projects of essential with the local administration regarding the Muslim community in the city. Currently a significant part of Muslims pray in temporary shelters in the capital.

Similar is the case with the **permission for administrative and educational center** for the Higher Institute for Islamic Studies in Sofia. This project dates back to 2000 but it has not started yet. It was widely discussed and criticized by statesmen, politicians, media and part of the Bulgarian public which influenced the publicity negatively and caused serious tension on ethnic and religious basis. Many obstacles occurred since we intended the construction of the project. The problems are connected with the construction permit, changing the plans, documentation etc. However, there is no reasonable answer up to the present.

Nevertheless, there are good practices in relations between the Office of the Grand Mufti (Muslim community) and the government. The relationship of the Muslim denomination has always been at a good level in recent years. As an example - a number of mosques of historical value were repaired by the state in the person of the Directorate of Religious Affairs at the Council of Ministers in recent years.

With regard to the stated above our recommendations to the Bulgarian authorities are:

1. We appeal to the Members of Parliament of the Republic of Bulgaria to vote in accordance with their conscience and not to allow the rights of a portion of citizens to be disrespected; in this way they can guarantee the freedom of religion and conscience. To respect human rights and religious freedoms when adopting laws and amendments, which are guaranteed by international treaties and the Constitution;
2. We urge the Constitutional Court to review the decision of parliament about the above mentioned laws and amendments. To observe the constitutional rights of the citizens and to defend democracy and fundamental freedoms in Bulgaria;
3. Take effective measures, including the adoption, in conformity with the constitution and international obligations of Bulgaria, of such laws which can be necessary to provide protection against any acts that constitute incitement to hatred and violation of fundamental rights;
4. If necessary the matter of law drafts and amendments to be referred to the Venice Commission, Council of Europe;

5. Ensure that public officials at all levels, including ministers and politicians, refrain from making statements that incite violence and discrimination;
6. Develop codes of conduct for political representatives to condemn unequivocally all manifestations of hate in public discourse and acts of violence based on bias and refrain from making discriminatory statements;
7. Launch public awareness activities disassociating terrorism and violent extremism with Muslims and Islam;
8. Develop comprehensive education policies and awareness raising strategies to combat discrimination and promote tolerance and mutual understanding. Education must be the essential central plank to every strategy. Overcoming prejudice requires education, community engagement and dialogue;
9. Discriminatory attitudes are often deeply embedded and hard to shake. Overcoming prejudice requires education, community engagement and dialogue, leadership and, laws and policies which reflect – and promote – the principle of non-discrimination.

Recommendations to ODIHR/OSCE:

- The Office of Democratic Institutions and Human Rights/OSCE to monitor the irregularities in the above proposals for amendments to the laws and their voting in the Parliament hall.
- If necessary the matter of law drafts and amendments to be referred to the Venice Commission, Council of Europe;
- Design guidelines and compile examples of good practices to combat manifestations of Islamophobia in political discourse, including the media and political speech;
- Support civil society in monitoring, reporting on and countering discriminatory speech in the media including on the Internet, in particular through monitoring and reporting of Islamophobic speech;
- ODIHR to observe closely the process of combating intolerance and discrimination against Muslims, as well as the Freedom of Religion of Muslim minorities in non-Muslim countries;
- OSCE Ministerial Council to adopt a decision according to which Islamophobia should be a specific form of racism and recognize officially and condemn it. The OSCE to agree on a roadmap to ensure that participating states adopt national strategies to combat

Islamophobia in areas such as employment, education, health, hate crime, criminal justice and legislation etc.

- *Office of the Grand Mufti – The Muslim Community in the Republic of Bulgaria*