

EUROPEAN LAW CENTRE

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The condition of the religious freedom in Bulgaria

Introduction

Herewith we would like to draw your attention to an incident, which occurred last year in Bulgaria and which is very significant for the condition of the religious freedom in this country, 15 years after its Constitution was established in order to initiate a democratic, law-governed and social state.

“Freedom of conscience, freedom of thought and the choice of religion and of religious or atheistic views shall be inviolable. The state shall assist in maintaining tolerance and respect amongst the believers of different denominations, and amongst believers and non-believers.” - Constitution of Bulgaria, Article 37. (1)

The Bulgarian Constitution, established in 1991, after the fall of the communism clearly gives a positive answer to the question of whether freedom of religion is considered as an important and basic human right. However, the Bulgarian reality continuously places a big question mark about this and other freedoms.

In the summer of 2004, Bulgarian religious freedom advocates, democrats, priests, believers and citizens became witnesses to a grave ‘blasphemy’ in our country – the culmination of the continuous intervention of the state over the past years into church matters whilst it continuously claimed to be secular.

Short pre-history

In 1992 a split within the leadership of the Bulgarian Orthodox Church occurred based on a pending legal dispute about the legitimacy of the leadership of the Church appointed by the communist government but still pretending to remain in power. Bulgarian courts additionally declared the appointment of patriarch Maximus from the communist regime as null and void because of fundamental violations of the procedures.

Despite separation of church and state under the new 1991 Constitution, the new democratic government callously intervened in internal Church matters and appointed an Alternative Synod and patriarch, which worsened the problem. The internal Church conflict remained unresolved for more than 12 years.

Although it is not our intention and not in our competence to comment on the internal problems of the Church or to determine whether the accusations against Maximus were right or wrong, it is obvious that an intervention of the state was out of place.

But the state intervened into church matters and did so more than once.

Ten years later, in 2002, the Bulgarian parliament passed a controversial law on religions, despite the protests of almost any religious group in the country except the Holy Synod of the Bulgarian Orthodox Church lead by patriarch Maximus. The law aimed to remove the split within the Orthodox Church leadership by state interference and in the second place to control more closely religious activities of all other religions. It consolidated the dominant role of the Synod of patriarch Maximus as well as the contradictory text of the Bulgarian Constitution, namely that the Orthodox Christianity is the "traditional religion in Bulgaria".

This was another intervention of the state, which provoked a lot of indignation between national and international religious freedom leaders, as well as several religious denominations. The Council of Europe itself criticised the law.

After the law came into force on 2 January 2003, a relative languor settled, which was broken from time to time by some isolated incidents. Examples for such are police raids in Varna and Pomorie church buildings in occupation of the Alternative Synod, including searching the altars and throwing out the priests although the majority of parishioners was supporting them, also the murder of the priest Stefan Kamburov of Dobrinishte church.

The culmination

Executing an order from the country's chief prosecutor on 21st July 2004, police stormed more than 200 churches in a simultaneous action across the country. Members of the Alternative Synod of the Orthodox Church were expelled from the churches, of which they were in occupation since 1992, in a most abominable and disrespectful way. Some were severely beaten, arrested, their garb torn and their dignity drastically abused. Churches were sealed and guarded by police. Priest (some with 20 years of service in these temples) stayed actually in the streets where they were holding religious services. Through the mass media the government humiliated the dissenters as motivated only by money and lust for property.

Religious freedom advocates, democrats, priests, parishioners and Bulgarian citizens observed in shock the police raids and were rendered speechless.

The action was explained as enforcing the law and restoring the consequences of illegal self-government on the part of the Alternative Synod. In fact, the Bulgarian law does not empower the prosecution and the police to act out of an enforceable act of courts. Consequently, the Attorney General and the police acted under the condition of violent arbitrariness.

This ugly demonstration of brutal force against a religious group questioned seriously the entire democratic development of the country and the potentials of the Bulgarian political elite to produce democracy. Religious freedom advocates and minority religious groups are still confounded with the fear of 'what will come next?' And we still ask ourselves if the state dared to strike at the priests of the Bulgarian Orthodox Church what could happen to minority religious groups in Bulgaria, others than the 'traditional' religion for the country.

Conclusion

The actions of the state were fully contrary to the consecutive position of the European Union, which is that the state have no legitime interest to intervене in the autonomy of the denominations, taking side in an internal church conflict, that the state have no legitime interest to ensure the unity in the leadership of a religion using coercive methods and finally, that pluralism is the fundamental value in a democratic society.

All the above has been repeated again and again in several cases at the European Court of Human Rights, namely *Serif v. Greece*, *Hasan & Chaush v. Bulgaria*, *Metropolitan Church of Bessarabia and Others v. Moldova*, *Supreme Holy Council of the Muslim Community v. Bulgaria*.

Obviously the Bulgarian democracy has still to grow and to define its fundamental values. Meanwhile, we find that everyone who considers that law and democracy should rule the world, should be informed about this unprecedented act of gross violence against religious freedom by a government of a country which pretends to be part of the democratic world.

European Law Centre is a non-governmental organisation, based in Bulgaria. The work of the Centre is mainly concentrated on the academic and judicial aspects of religious rights, protection against discrimination and other human rights matters. The Centre drafted the only liberal law proposal regarding the registration and rights of religions. This was discussed in the 38th and 39th Bulgarian National Assembly. Parts of this law proposal are included in the Confessions Act that was adopted during the 39th Assembly. The Centre has contributed to the development of legislation that protects against discrimination and which was also adopted during the same Assembly. The Centre has brought both national and European court cases for the protection of religious rights. The Centre also organizes seminars, symposiums and other activities.