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European Association of Jehovah's Witnesses

B U L G A R I A

RELIGIOUS FREEDOM ISSUES

**STATEMENT BY THE
EUROPEAN ASSOCIATION OF
JEHOVAH'S WITNESSES**

**OSCE Human
Dimension
Implementation
Meeting, Warsaw**

16-27 SEPTEMBER 2019

Bulgaria

Jehovah's Witnesses in Bulgaria enjoy freedom to worship and are generally able to carry out their religious activities undisturbed.

In March 2019, the Bulgarian Supreme Court of Cassation (SCC) issued three separate decisions in favour of the Witnesses that protect their civil rights and freedom of worship. Jehovah's Witnesses are grateful to the Bulgarian authorities for these rulings.

However, Jehovah's Witnesses faced problems from some officials and private citizens while publicly sharing their faith with others.

Several municipal authorities have enacted and enforced unconstitutional local ordinances restricting the right to manifest one's faith. But when the Witnesses legally challenged these ordinances, the courts have issued positive decisions to protect freedom of religion.

Some media outlets continue to make slanderous comments about Jehovah's Witnesses, which harms the Witnesses' reputation. However, recent favourable SCC decisions against two media outlets will hopefully curtail media outlets from publicising defamatory reports.

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Abuses and Restrictions of Religious Freedom

RESTRICTIVE LEGISLATION

Amendments to the new Religious Act, which came into force on 1 January 2019, potentially restrict religious freedom. One of the new amendments requires that all religious organisations must register with the Directorate of Religious Denominations the names and contact information of all individuals serving in a ministerial capacity. The Constitution of Bulgaria, European Union law and the European Convention on Human Rights (the Convention) do not permit the State to require persons lawfully residing in the country to notify the authorities of their religious affiliation and activity. The European Court of Human Rights (ECHR) has issued several decisions demonstrating that such interference by the State is a violation of Article 9 of the Convention.

Recent amendments to the new Religious Act are contrary to the Constitution of Bulgaria, the Convention and European law.

Interference With Manifestation of Religious Belief

HARASSMENT OF INDIVIDUALS PEACEFULLY SHARING THEIR FAITH

Several municipal authorities have enacted and enforced unconstitutional local ordinances restricting the right to manifest one's faith. But when the Witnesses legally challenged these ordinances, the courts have issued positive decisions to protect freedom of religion.

1. Kyustendil. On **5 January 2019**, two municipal security officers approached three Witnesses while they were talking to others about their faith using a portable literature cart. The officers asked the Witnesses to show their official permit for the cart, even though a permit is not required by law. Since the Witnesses did not have a permit, the officers seized the cart as their chief officer ordered them to do.

The same Witnesses returned later in the day with another literature cart. Another municipality security officer arrived along with an unidentified man who insulted the Witnesses for their religious beliefs. The Witnesses called the police, but the officers allowed the municipal security officer to seize the second cart with its contents. After the Witnesses filed a complaint with the prosecutor's office, the prosecutor concluded that the Witnesses had not committed a criminal offence and ordered that the carts and literature be returned to them.

2. Targovishte. On **5 April 2019**, three municipality clerks and a police officer approached three female Witnesses who were sharing their faith with others. The officials showed the women a municipal ordinance forbidding "advertising" any religious organisation. The three women were issued a notice for violating the administrative code and were then warned that they would be fined if the municipality ever received another complaint about them.

3. Targovishte. On **27 April 2019**, a man shouted at two female Witnesses while they were sharing their faith with others. He called the police and did not allow the Witnesses to leave until the officers arrived. The Witnesses explained to the officers the purpose of their activity. The officers prepared a written warning to one of the Witnesses for violating public order and threatened that if they received another complaint against her, she would be arrested.

4. Targovishte. On **10 May 2019**, the Head of Department of Inspection No. 272 approached two Witnesses who were using a portable literature cart while they were talking to others about their faith. The official ordered the Witnesses to remove the cart, claiming that they were breaking the law but without specifying which law and requesting them to pay a tax.

Societal Abuses and Discrimination

NEGATIVE MEDIA COMMENTS

1. On **22 March 2019**, *Paragraf 22* posted an online article presenting a negative image of Jehovah's Witnesses.
2. On **1 April 2019**, *Provaton*, an online newspaper, claimed that by renting the local sports hall for a religious meeting, the "sect" Jehovah's Witnesses deprived local children of the opportunity to practise sports.
3. On **23 May 2019**, *Uniconbg* published an article with photographs of Witnesses sharing their beliefs, accusing them of illegally occupying the area where they were carrying out their religious activity.

Meetings With Officials

Representatives of Jehovah's Witnesses are attempting to meet with government officials to discuss how the amended Religious Act may affect the Witnesses in Bulgaria.

Positive Developments

Three recent decisions of the Bulgarian SCC protect Jehovah's Witnesses' freedom of worship and their reputation.

- In 2014, SKAT TV began broadcasting news reports and television programmes slandering Jehovah's Witnesses. On 9 February 2015, Jehovah's Witnesses filed a complaint with the District Court of Burgas, claiming moral damages from SKAT TV and its journalists for these expressions of religious hatred. On **18 March 2019**, the SCC decided in favour of the Witnesses, stating that SKAT TV's statements were defamatory and went beyond the right of freedom of expression, thus constituting unlawful conduct. It ordered SKAT TV to pay material and moral damages and all court costs.
- In November 2012, two newspapers published libellous articles about Jehovah's Witnesses. The Witnesses wrote letters to both newspapers, seeking a formal retraction. One of them, *Vseki Den*, refused to comply with the request. The Witnesses filed a civil lawsuit with the Sofia Regional Court against the owners, New Media Group. After losing the case in all lower level courts, the Witnesses appealed to the SCC. On **26 March 2019**, basing its decision on its previous ruling in the SKAT TV case, the SCC ruled in favour of the Witnesses and awarded non-pecuniary damages.

→ On 17 April 2011, in the city of Burgas, a mob of 60 individuals, primarily from the VMRO political party, attacked Jehovah's Witnesses during the annual observance of the Memorial of Christ's death (the most sacred event for Jehovah's Witnesses) at a local Kingdom Hall (place of worship). Several Witnesses were injured.

Considerable litigation ensued, and the Witnesses eventually filed a claim in the Burgas Regional Court against eight of the perpetrators. The court divided the claim into six different cases, and in 2017, the court decided against the perpetrators, including Georgi Drakaliev, a local VMRO leader. All the cases were upheld on appeal except for the case against Mr Drakaliev.

One of the Witnesses injured in the attack appealed that decision, and on **20 March 2019**, the SCC found Mr Drakaliev guilty because he shared responsibility for the assault as one of the organisers of the protest. The Court ordered him to pay material and moral damages and all court costs.

RELIGIOUS FREEDOM OBJECTIVES

JEHOVAH'S WITNESSES RESPECTFULLY REQUEST THE GOVERNMENT OF BULGARIA TO:

- Educate all prosecutors and judges of ECHR judgments concerning religious freedom and human rights so that they will respect, accept and apply these principles when dealing with religious freedom issues; and
- Enforce media standards prohibiting libel and slander.

Representatives of Jehovah's Witnesses welcome the opportunity to engage in constructive dialogue with representatives of the Bulgaria government.

For more information:

Please contact the Office of Public Information for Jehovah's Witnesses at OPIGov@jw.org.



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