

*OSCE Review Conference
Warsaw, 30 September – 8 October 2010*

*Working Session 2: Fundamental freedoms I,
including freedom of thought, conscience, religion or belief*

**Written Statement by the Bulgarian delegation
under the procedure “Right to reply”**

Freedom of religion is enshrined in the Bulgarian Constitution (Article 13, Para 1). It stipulates that practicing of any religion shall be unrestricted, and religious institutions shall be separated from the state (Art.13, Para.2), which can not interact and administer the internal organizational life of the religious communities and institutions. This can be done only by themselves under the provision of their statutes and rules. The affiliation of a person to one or another religion or belief depends on the personal conviction only. The right to association on religious ground is enshrined in Article 12 of the Constitution in conjunction with Art. 13.

According to the Religious Denominations Act (Confessions Act), adopted in 2002 and in force from 2 January 2003, the responsibility for registering religious communities, which wish to obtain a legal personality, is conferred on a judicial body, the Sofia City Court. The State promotes and encourages tolerance and respect among adherents to different faiths, as well as between believers and non-believers.

In this regard, it should be noted that the two Judgments of the European Court of 2000 and of 2005, namely “Hassan and Chaush v. Bulgaria” and “The Supreme Holy Council of Muslim Community v. Bulgaria” refer to situations under the **previous** Religious Denomination Act of 1949.

The **new** Religious Denominations Act (2003) is in conformity with core international human rights instruments, including the Universal Declaration of Human Rights (art. 18), the International Convent on Civil and Political Rights (ICCPR, Art. 18), the European Convention on Human Rights, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, etc. In this context, Resolution 1390 (2004) of the Parliamentary Assembly of the Council of Europe expressly emphasized that the law represents an important step towards guaranteeing religious rights and freedoms.

Referring in particular to the current dispute over the legitimacy of the leadership of the Muslim denomination, it shall be noted, that it has been settled by Bulgarian courts of all three instances.

At this point of time, the Government is trying to facilitate talks and to narrow the differences between the contestants, with a view to create the appropriate environment for holding a unification conference.

8 October 2010.