The New Bulgarian Religious Law: Restrictive and Discriminatory

I. Introduction

Religious freedom deteriorated in a number of Eastern European countries after the initial democratic euphoria following the fall of communism. In several of them, attempts were made to pass restrictive and discriminatory laws regulating church-state relations. Among these countries were Russia, Moldova, Macedonia, Hungary, Romania, Belarus and Bulgaria. Not all of these attempts have been successful. In Romania, at the beginning of 2000 the government, after national and international pressure, withdrew the discriminatory draft Law on the General Status of Religious Denominations that had been sent to parliament for debate in 1999. In Macedonia, the Constitutional Court invalidated several articles of the discriminatory law on Religious Communities and Religious Groups as from 1997, making it thereby to a great extent inoperative.

However, in several other cases the attempts were successful. In September 1997, Russia passed its Law on the Freedom of Conscience and Religious Associations, distinguishing and discriminating between the traditional and the new religious groups. In November 2002, Belarus adopted amendments to its Law on Religious Freedom, Religious Denominations and Religious Organizations, which distinguished and discriminated between religious communities and religious alliances. Religious communities, as opposed to religious alliances, are denied the right to have their own media, to open religious schools and to invite guests from abroad. The law also provides for wide and unfettered discretionary powers of a specialized state administration to deny the registration of religious denominations and to police their activities. Religious denominations in many countries in both Eastern and Western Europe have faced discrimination and unfounded restrictions through arbitrary interpretations and even through the violation of existing legal provisions.

*Dr. Krassimir Kanev is a professor of sociology and human rights at the state universities of Plovdiv and Sofia and Director of the Bulgarian Helsinki Committee.
In December 2002, the Bulgarian parliament passed a new Religious Denominations Act, which replaced the Denominations Act of 1949 and established a new regime for the incorporation of religious associations and governmental control over religious activities.

The adoption of a new religious denominations act became the subject of public debate immediately after the fall of communism in Bulgaria. The real attempts at establishing this act however started as late as 1995. Since then several consecutive governments have tried to adopt a new law but all the drafts were rejected by the religious denominations and were not approved by the parliament. Some of them received unfavourable reviews from experts from the Parliamentary Assembly of the Council of Europe (PACE). After 1994, the Bulgarian authorities undertook a series of repressive measures against what they called 'sects'. Some of these measures were challenged both domestically and before the European Commission of Human Rights (ECommHR) and, as a result, the most flagrant of these abuses were halted.

The Denominations Act of the communist period in Bulgaria allowed for unfettered government interference in the internal affairs of all religious denominations. Religion was the only officially tolerated alternative to the ideological monopoly of the communist party and the communist authorities wanted to make sure that it was under strict control. The law allowed the government to remove religious ministers from office, prohibited religious charitable activities and religious education of the young, while establishing control over any type of religious publication. Repressive and discriminatory as it was, the old act was found suitable by politicians during the first years of democratic change in their efforts to establish control over religious denominations, support and promote the faithful within those denominations and use them for political purposes. Thus, the Bulgarian Orthodox Church was split in 1992 through the combined efforts of both an external and an internal factor.

The external factor was the first non-socialist government of the Union of Democratic Forces, which took power after the September 1991 elections. In March and April

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1 Adopted on 20 December 2002, State Gazette, No.120, from 29 December 2002.
2 Incorporation is the process of obtaining juridical person (corporate) status. It is often confused and mixed with registration but these are two different things although in Eastern Europe incorporation usually goes hand in hand with registration. Registration, however, is possible without incorporation.
5 According to the latest census results from March 2001, 82.6% of Bulgarians declared nominal adherence to the Eastern Orthodox Christianity, 12.2% to Islam, 0.6% to Catholicism and 0.5% to Protestantism. See results at http://www.nsi.bg/Census/Religion.htm.