

# ANALYSIS OF DRAFT LAWS FOR AMENDMENT AND SUPPLEMENTATION OF THE LAW ON RELIGIONS, 2018

"That you are free is not your achievement but our oversight."

- Felix Dzerzhinsky  
an infamous security officer and a state terrorist  
from the Bolshevik Revolution in Russia in the 20th Century

"Whoever runs, will fight again."

- Tertullian - Christian theologian, 2<sup>nd</sup> Century

Two bills proposed to amend the religious law of 2003 - the Religious Denominations Act<sup>1</sup> (herein LR), were introduced in 2018. The first was a project by GERB, MRF and BSP<sup>2</sup> (here called the "Joint Project" or "JP") on May 4<sup>th</sup>. The other, from the United Patriots<sup>3</sup> (called the "UP"), was introduced on May 9<sup>th</sup>.<sup>4</sup> They were approved by the Parliamentary Commission on Religion and Human Rights on October 4, 2018 and voted in during the first hearing in a session of the National Assembly on October 11<sup>th</sup>. With the Commission report of October 19, 2018, the two bills were combined into a single bill without any significant change in the content of the texts.<sup>5</sup> Within this analysis are taken into account the projects as they were originally submitted. This commentary is fully relevant as a review of the Unified Bill because it is identical to the two initial texts. At the time of drafting this presentation, the final drafting and voting of the amendments to the religious law were still pending.

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<sup>1</sup> Also could be translated as the "Law on Religions." This commentary concerns the proposed amendments of the Bulgarian religious law, introduced in May 2018, and voted at first hearing on Oct. 11, 2018.

<sup>2</sup> These abbreviations refer to the three leading parliamentary parties in the Bulgaria 44<sup>th</sup> National Assembly.

<sup>3</sup> A smaller parliamentary coalition of nationalist parties.

<sup>4</sup> Accordingly, int. No 854-01-34 / 04.05.2018 and int. No 854-01-38 / 09.05.2018 on the inventory of the National Assembly.

<sup>5</sup> The full title of the unified bill is as follows: Bill on Amendment and Supplement to the Religious Denominations Act. A unified bill prepared in accordance with Art. 81, para 2 of the Rules for the Work of the National Assembly on the basis of the adopted at first vote: 1. Bill on amendment and supplement to the Religious Denominations Act; 2. Bill on amendment and supplement to the Religious Denominations Act. Signature: 853-14-10. Date of receipt 19.10.2018. The full text of the unified bill is available through the internet here: <http://parliament.bg/bills/44/853-14-10.pdf>.

## Introduction and Scope

This report gives a relatively brief description of the draft bills regarding: 1) its legislative philosophy, 2) the restrictive nature of the proposed new provisions, and 3) the results of the possible acceptance of the proposals and how the new restrictions will affect the Protestant-evangelical communities.

Overall, our analysis finds that the bills are against the Constitution and a democratic society and are unnecessary. Their stated goal of controlling the threat of terrorism is unfeasible and the imposed restrictions do not comply with current legislation, the Constitution, international law and the principles of a democratic society.<sup>6</sup> The proposed methodology for funding large religious denominations, besides the excessive constraints on the funding of religious communities, can be resolved within existing legislation, thus making no amendment to the religious law necessary.

The activities of all denominations, including the Evangelical-Protestant churches and communities, will be seriously threatened if the projects concerned become applicable.

This presentation addresses only in part the problems of the bills. The arguments set out herein are more than sufficient to motivate the complete rejection of the proposed amendments without entering into a detailed and comprehensive text-by-text argumentation.

## Legislative Philosophy

In line with the trend over the past three years – to propose changes to legislation to restrict freedom of religious belief and its practice in favor of imposing state control over believers – the bills under consideration are entirely in the spirit of this development.

First of all, the bills treat religion as being fundamentally dangerous to the people and the state. There is no other softer way to describe the spirit of both bills. Financial constraints, limitations on expressing the message of religious communities, limitations on the educational and training activity of religions, restrictions and discrimination on the basis of religion in the legal procedures of formation of structures and legal persons, restrictions on accompanying basic civil rights (right of association, right to opinion, political rights of believers, dissemination and gathering of information, meetings indoor without government permit, etc.): the proposals for amendments introduce only restrictions on freedom and more severe penalties for violations of the law.

### **Secular or Atheist State?**

Secondly, the state visible in the proposed amendments to the LR is perceived as dominating in its right to intervene in the affairs of the church (the religious community) while the church (the religious community)

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<sup>6</sup> The European Convention on Human Rights and Fundamental Freedoms (ECHR) in Art. 9 explicitly and in detail guarantees freedom of thought, conscience and religion. We do not comment on the bill's violations of art. 9, as the Alliance Defending Freedom's Memorandum details the contradictions with the ECHR. For access to a Bulgarian translation of the Memorandum on the Internet: <http://svobodazavseki.com/images/pdf/adf-memo-2018-bg.pdf>.

has been banned from refraining from "political" activity (an extremely vague wording). There are government bans on specific ideas on the pretext that there exists "religious radicalism" (§26 and §5 - "Article 7a, item 5" of the UP).

Although not explicitly stated, atheism is obviously perceived as the right ideology to be protected by the means of state power. In this sense, the philosophy of the bills is predominantly atheistic and can therefore be considered anti-democratic.

The dominant role of the state is typical of the ideological atheistic state in which the struggle with religion is the basis of the state's domination of faith, Christianity, believing people, and all religions in general.

In contrast to the atheistic state, the secular state provided for by the Bulgarian Constitution (CBR) balances the interests of the groups in society, who hold different worldviews and ideologies, including by not giving priority to atheism before religion. The secular state acts in favor of non-violence in public debate, for the preservation of internal order and security, and for the protection from external enemies, thus exhausting its functions in religious matters. This balancing function is enshrined in the Bulgarian Constitution - Art. 37 and Art. 11, but the problematic bills do not comply with these basic norms. They provide for government-issued "expert opinions" on religious belief and practice, specialized and strengthened financial control, control over thought and speech, where all these restrictions are supposedly needed to protect the right to religion and national security. Such restrictions on atheistic organizations and opinions are not provided for in any way in this or any other Bulgarian law. The connection between terrorism and atheism is not made evident whereas religious communities are subject to such constraints and to such a connection.

Thirdly, although the lawmakers<sup>7</sup> do not want religion to be used for political purposes, they provide for the funding of large religious denominations, those with more than 1% supporters from the last census, are allocated state money for political parties (§§ 6, 14). Religions are treated by lawmakers as political parties, subsidized by all taxpayers, and thus acquire the characteristics of an appendage of state power and state bureaucracy. Religious denominations are being denied the transcendental and religious nature in their existence, the dimensions of their sacral function are ignored, and are thus transformed into institutions of the profane. The clergy appear to become officials of the state, except that they are employees of the church.

### **Needless Writing of Laws**

Apart from contradicting the Constitution, international law and democratic principles, the proposals do not in any way contribute to filling the gap in any legislation. For the purposes that the lawmakers claim to fulfill with the bill, there are already existing laws that apply to everyone, including religious organizations. In the presence of the Counter-Terrorism Act, the Act on Measures against Financing of Terrorism, the Law on Measures against Money Laundering, the State Agency for National Security Act, the special rules for regulating religion, regardless of the stated intentions for observing the freedom of religion, cannot obscure the goal of introducing discriminatory restrictions on the basis of religion. It is unclear why the

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<sup>7</sup> In this case under the term "lawmakers" we mean those sponsoring the bills.

aforementioned laws, already in force, are considered by lawmakers to be inapplicable with regard to religious denominations so that they feel the need to offer new specialized restrictions on them.

The funding of "big" denominations, including the Bulgarian Orthodox Church, does not require a law on amendments to the LR. The current legislation can address this issue, as it has done till now, within the framework of the State Budget Act or by specific subordinate regulations.

### **Stopping Terrorism by Limiting Human Rights Of Law-Abiding Citizens**

Some of the ideas and texts embedded in the projects are obviously not well thought-through. It remains unclear how lawmakers seek to limit "terrorist activity" on the territory of the country by imposing restrictions on the spiritual activities of law-abiding citizens and their organizations who simply exercise their constitutional rights. Terrorism is a criminal activity. For the prevention and prosecution of this kind of criminal activity there are specialized laws, including the Law for SANS,<sup>8</sup> the Law for Protection Against Terrorism, the Criminal Code and others.

In the motives (explanatory notes) of JP we read that it is intended to introduce strict financial control: "The current rules do not exclude foreign funding which, in view of the international situation and in the spirit of the fight against terrorism, requires direct involvement of the state in this matter." Under the "direct involvement of the state", lawmakers are imposing an impossibly bureaucratic and administrative burden on the funding of religions, whether private or subsidized, as is clear from the project itself (see §6 and §8, newly created paras 2, 3 and 4 of the Civil Code).

The term "religious radicalism", though defined, remains obscure and contradictory. According to §26 of the UP, these are "dangerous for national security actions, sermons, texts, statements or speeches that: (a) deny the secular character of the state, challenge or replace the rule of law with another right or rely on such ... (b) contradict the Universal Declaration of Human Rights ... (c) pose people against each other on a denominational or religious basis."

The idea of the secular state is drawn to an absolute supremacy that cannot be called into question. Any attempt to discuss or formulate a "denial" of the secular nature of the state is treated as "a danger to national security." We will point out that every preacher who quotes the words of Christ from Matthew 28, "All authority had been given to Me, both in heaven and on earth, go and preach to all nations," as Christ, the Son of God, would be considered to be a "religious figure", and would in practice fall under the constraint of the proposed limitations of speech and thought. The great commission in Matthew 28 to preach salvation through Christ to all nations is a "text and sermon," which could be considered dangerous to national security.

Likewise, the texts and ideas in the Old Testament book, Daniel, that "the supreme ruler is God," and "that God appoints earthly kings and rulers" would be a threat to Bulgaria's national security because it places God as the Supreme Ruler controlling secular power.<sup>9</sup> The same arguments also apply to banning believers from exalting God's supremacy and moral law over secularism. The bill sponsor does not allow the

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<sup>8</sup> State Agency for National Security.

<sup>9</sup> The Bible, Old Testament. Book of Daniel Ch. 2, v. 21, 37, 44.

ideological difference and tension between theological thought and tradition, on the one hand, and on the other, his own sense of supreme power as legislator and an elected member of parliament. It is a historical and legal fact that, in general, if secular laws have not gone through a public and moral corrective filter, they lead to unfair and cruel results. We will point to Nazi and Communist legislation. The functionaries of these regimes have claimed their actions were justified as they were "just enforcing the law." Without going into the complex relationship between secular authority and the theological teachings of the church, we will point to the one-sided and restrictive thinking of the sponsor of the bill.

The prohibition of contradictions of religious views with the Universal Declaration of Human Rights (UDHR) is yet another attempt at free-standing control over the thought and conscience of the people. The UDHR itself, in Art. 18, guarantees the right of everyone to have, confess and disseminate their religious beliefs. Not the religious communities, but the sponsor of the proposed bill contradicts the UDHR.

We comment elsewhere in this report that "opposing people on a religious or faith basis" is also a very stretchy concept. The very preaching of a faith in the presence, or even only with the knowledge (publication on the Internet), of non-followers of the same may be considered as opposition. This would be the case when one of the unbelievers or a believer in a different religion feels offended because of a perceived threat to their faithfulness [to their own religion] that comes from the preacher. Such perceptions happen often, but this vague "insult" does not remove the legally guaranteed freedom of speech and the freedom to preach their convictions.<sup>10</sup>

## Restrictive Nature of Proposed New Provisions

In a Declaration of May 28, 2018,<sup>11</sup> two evangelical-protestant faiths and our human rights' organization, (since then joined by 12 more denominations and over 4,000 individual signatories) have expressed their disapproval of the proposed legislation as limiting the rights of believers and jeopardizing the democratic foundations of Bulgarian society.

The spirit of the proposal is strongly dominated by restrictions on free financial support and funding, registration of legal persons, thought and speech through the control of sermons and preachers, assemblies and religious association - these were summarized in the Declaration. Here are the points of the Declaration with short examples from the criticized bills. Bear in mind that arguments concerning certain points may also apply to other items in the list because of the interweaving of the matter covered by the LR and the changes proposed by the bill sponsors.

### **Revoking freedom of speech and conscience by imposing state control over the worship and teaching of the church**

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<sup>10</sup> This was the motivation of the letter from the authorities to the city of Burgas state schools in 2008 against three denominations considered "non-traditional" - opposing people in a faithful way. The case on this issue is still to be heard by the European Court of Human Rights.

<sup>11</sup> The Declaration was amended on Nov. 1, to reflect the unification of the two bills into one by the Commission on Religions and Human Rights on Oct. 19, 2018. A petition of support and the text in English can be accessed here: [https://www.petitions24.com/declaration\\_in\\_defense\\_of\\_religious\\_freedom\\_in\\_bulgaria](https://www.petitions24.com/declaration_in_defense_of_religious_freedom_in_bulgaria). Last access: Nov. 11, 2018.

In §12 of the JP amended text of the current Act - art. 33, para. 6: "The Religious Affairs Directorate of the Council of Ministers carries out the control of the educational contents and certifies the diplomas issued by the spiritual higher education schools."

While higher education is controlled by the state, and a religion wants to have a higher education institution recognized by the state, the endorsement of the diploma by the government is an understandable and permissible practice. At the same time, state control over the curriculum on religious matters is utterly inappropriate and even unfeasible in view of the lack of competence of state officials on the issues of faith. The formulation also allows state control over other types of, not just higher education, spiritual schools.

Paragraph 2 of the UP is deprived of political rights by another vague wording of what is a "political objective":

"The right to religion cannot be exercised with political ends."

The attempts in §26 of the UP to define legally the notion of "politicization of religion" as well as "religious radicalism" are completely unsuccessful. Lawmakers insist that "political power" be separated from "religion".

A "political purpose" is also the critique of certain state policies and actions, such as the legalization of immoral practices, abortions, or the appointment of a "marriage" between same-sex couples – an activity that is socially significant and criticized by all Christian faiths based on the Bible.

**Violation of the principle of separation of church and state  
through serious interference in the internal and  
organizational activities of the churches  
by the state and its bodies**

Overall, projects are systematically violating this principle. We will point out that in 2004 the Organization for Security and Co-operation in Europe drafted "Guidance on reviewing legislation on religion or belief".<sup>12</sup> Section 2 (F) (1) of the document states: "Interference in internal religious affairs is not allowed through substantive judgment of church structures, imposing bureaucratic demands on priestly appointments, and the like."

The cited bills do not comply with the Guidelines. Here is just one example of illustration. In §9 of JP the following proposals for amendments to the LR texts are made:

"The headquarters of the religious denominations maintain records of the clergy and officers (...) by providing the Directorate on Religions at the Council of Ministers with the opportunity to access the registers."

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<sup>12</sup> It was a joint document between OSCE and the Venetian Commission.

"Every clergyman must be provided with a certificate issued by the central headquarters or by a local department [of the religious denomination] (...) to legitimize himself as a representative of the denomination."

The text represents an unacceptable interference by the state in the relationship of trust and internal rules of representation within a particular religion. The state can monitor the type of ID of a citizen according to the civilian duties of the person concerned. What faith a religious minister confesses and how he testifies to it is not within the authority of the state to decide. Such a requirement would also contradict the constitutional right of everyone not to give information about their own beliefs or the beliefs of another (Article 38 of the Constitution of the Republic of Bulgaria, or CRB). The purpose of Art. 38 of the CRB is to protect people from state persecution for their ideological, political and religious beliefs.

Similar interference is found also in the prohibition for clergy to be any other than Bulgarian citizens, the idea of keeping registers of preachers and employees, in the same provision of §9 JP, as well as the regulation of the election of leading positions in the denominations (§ 5 of the JP).

**Denial of the right to freedom of thought and conscience of believers  
by imposing the requirement for preachers and clergy to be trained only in  
government-controlled educational institutions**

It is unacceptable and unlawful in a democratic society that the state and the government dictate the conscience and message of churches and religious communities. Unfortunately, this is precisely the purpose and the practice offered by the projects concerned. The prohibition on the dissemination of literature, publishing, sermons, and speech that would fall under restrictive norms because of the vague criteria of "politicizing religion" or "religious radicalism" are one example. Another such are the changes set out in §12 of the JP – they only provide for religious denominations, to which more than 1% of the population belongs, to open spiritual schools under the Preschool and School Education Act. The proposal also indicates that the Directorate on Religions control the educational content (§12 of the Ordinance, amendment of Article 33, paragraph 6 of the Religious Law). A third example is the restrictions on the participation of foreigners in sermons and liturgical meetings.

**Imposing state control over messages and sermons of religious communities**

In §5 of the UP we read:

"Art. 7a. (1) Religious communities and institutions shall be obliged to: 1. Appoint for preaching clergy Bulgarian citizens who have completed their school and higher secular and religious education in the Republic of Bulgaria, with the exception of Art. 7, para. 7. "

There is no reason for the state, the relationship with which is based on citizenship, to propose and impose a requirement for secular citizenship on someone who is a member or leader of a religious community or denomination. Criteria for what qualities a leader of a religious community must possess is decided by the community, not by the state. The opposite is interference of the state in the inner life of the religious community. If the state holds the citizenship it controls as a requirement to be a part of a religious

community, then the state could impose any other characteristics under government law, to decide who will attend religious services and who will be the leaders of the religious community.

At the same time Art. 7, para. 7 is also new and is proposed by UP in §4 of the project:

"(7) Bulgarian citizens who have completed their religious studies abroad may participate in worship and perform liturgical rituals after recognizing the learning outcomes under the terms and conditions of the Preschool and School Education Act or the diploma issued under the terms and conditions of the Higher Education Act. "

This text means, especially for evangelical and Protestant believers, that almost no one will be able to qualify as a "pastor" or church leader and "presbyter" without "religious education" in the sense of a school course that issues "recognizable" diplomas by the state. Also, according to Protestant-evangelical understanding, and especially in those Protestant communities that maintain the New Testament belief that all believers are saints and "clergy," such a provision would mean that only those who have completed religious education "may participate in worship."

Also in §5. UP:

"Art. 7a. (1) Religious communities and institutions are obliged to: (...) 4. Not distribute literature or preach ideas that oppose Bulgarian citizens to each other on a religious basis. "

This is perhaps one of the most striking examples of restrictive and problematic provisions against freedom of conscience and speech. The cited provision forbids constitutional activity, protected also by the doctrine of national security, according to which the protection of human rights is at the core of the definition of "national security." Notwithstanding, under the pretext of preserving "national security", the freedoms of religion, speech, information, conscience, and the dissemination of literature and sermons are being restricted. This kind of limitation of basic human rights is unconstitutional, contrary to Art. 11, para. 1-3 of the CRB, as well as Art. 2 of the Law on the Management and Functioning of the National Security Protection System, which defines "national security." (This sort of restriction is one of the reasons we claim that the proposed amendments to the religious law threaten the constitutional order).

Secondly, the ban is based on the vague criterion of "opposing Bulgarian citizens to each other on a religious basis." Due to differences in religious beliefs, including within the same religion (Christianity is, generally, Eastern Orthodox, Protestant and Roman Catholic), any preaching of a different faith or religion may fall under the prohibition of the proposed provision. Every message, every sermon, and every book can fit into this category. Bulgaria is considered to be an "Eastern Orthodox country," and a book that is a Protestant theological treatise can be seen as putting Bulgarian citizens in confrontation to each other on a religious basis. The Bible-based protest against abortion, and the belief that human life is inviolable from conception, is another "politically motivated" use of faith and can also divide Bulgarian citizens on grounds of religion. The examples are countless.

**Any spiritual missionary work is prohibited or strictly limited  
for foreigners by the introduction of explicit approval  
by the Central Directorate of Religions**



In §9 of JP the following proposals for amendments to the LR texts are made:

"Clergy and religious officials can only be Bulgarian citizens. Foreign citizens can be clergy only after prior permission of the Council of Ministers' Directorate on Religions.

The following text is proposed in § 4 of the UP:

"(5) Religious communities and institutions can not include in: (...) 3. Their governing bodies, their administrative and organizational activities, foreigners".

Religion and God are absolute, or at least absolutist and supranational. The fact that a religion has become traditional to a particular nation, such as Eastern Orthodoxy, Protestantism, or Islam, by no means transforms the transcendent, absolute, eternal, and divine Person into a limited ethnic and geo-political reality.

We have commented above on the extremely negative consequences of the intended legal and practical international isolation of religions, and specifically in regards to the evangelical-protestant communities. The current approach to treating religion is comparable to that of the 1949 Communist Law on Religions, whose purpose was the complete isolation of Bulgarian religious denominations from the international community and, above all, from relations with Western partners of the Christian community.

**The sponsorship of churches and Christian denominations from abroad is forbidden and only state funding or financing from controlled sources in Bulgaria is established. There are limited donations from local believers and followers. In essence, it is the ultimate intervention of the state in the right of association (association) and in the internal life of churches and religious communities**

The establishment of a complete financial dependence of the denominations on the government is one of the mechanisms for the elimination of the freedom of religion in the country through the bill in question. The pretext is to tackle international terrorism.

First of all, the *de facto* ban on donations from abroad, on the one hand, and the obligatory imposition of donations from a source from within Bulgaria, which donations are disclosed and monitored by the state, on the other hand, actually equate churches and religious communities with criminal organizations that use money for illegal activity. There is no other reason to impose such an extreme measure that has not been applied to any other organization. The approach that churches are public organizations, such as political parties, has only partial justification in practice and law. This approach should be balanced with the inviolability of faith, the inner life of the church (religion), the inviolability of confession and charity. The money given to the church is not expended for criminal activity, but for spiritual enlightenment, education, and charity.

Christian and Church activity is considered to be "criminal" only in regimes and societies that are militantly atheistic or tyrannical and have imposed a compulsory religion or ideology. Such regimes aim at establishing a unified state ideology with coercion, for which there is an explicit prohibition in the Bulgarian Constitution.

Unfortunately, the general spirit of the bill and the perceptual presumption of lawmakers is that, in essence, every religious activity is on the verge of criminal activity and terrorism and should be strictly controlled. (Explanatory notes to the JP bill: the goal is the termination of foreign funding, which goal "in view of the international situation and in the spirit of the fight against terrorism requires direct involvement of the state." Explanatory notes to the UP: "The proposed amendments and supplement in this project are caused by negative phenomena – religious radicalism and terrorist acts.")

At the same time, Bulgaria is not statistically included even in the first 90 (ninety) countries directly threatened by terrorism. According to the "Global Index of Terrorism for 2017" of the Institute for Economics and Peace, Bulgaria ranks 94<sup>th</sup> in regards to the degree to which terrorism impacts the country.<sup>13</sup> This ranking becomes meaningful when we compare it with the terrorist threat in countries where there are no special laws restricting freedom of religion as a form of combating the terrorist threat: USA (32<sup>nd</sup> place out of 163 countries), UK (35<sup>th</sup> from 163), Sweden (52<sup>nd</sup>), Ireland (64<sup>th</sup>), Finland (76<sup>th</sup>), Denmark (90<sup>th</sup>).

In addition, this same index indicates that the terrorist threat to Bulgaria in recent years is not increasing but decreasing. In 2013, the country ranked 50<sup>th</sup>; for 2014 it was in the 61<sup>st</sup> position, 2015<sup>th</sup> in the 70<sup>th</sup>, and in the 82<sup>nd</sup> position in 2016.

Furthermore, we will note that terrorism is not only "religious." "State terrorism" was a part of the near past of Bulgarian society and its governance model. The Stalinist (Communist) and Nazi (National-Socialist) state apparatuses were part of the perceived models of terror over society by a certain group in the form of a legitimate government. Part of the Stalinist-Communist method of state terror, which also influenced 20th century Bulgarian history, included the destruction of faith in God in order for the utopian society of the atheist brotherhood to exist.

The very fact of this historical past must be a cause for increased sensitivity among lawmakers about the dangers to democracy hidden in such controversial anti-religious state initiatives.

In this case, lawmakers are worried about international terrorism without clearly indicating the origin of the threat and by adopting an anti-religious legislative position that strongly resembles attitudes toward religions during the former atheistic regime. With these facts, we cannot but question the extent to which the lawmakers have had in mind some truly adequate and serious measures that concern Bulgaria in the fight against terrorism, or the perceived threat is just a plausible reason to limit the fundamental rights of the people.

The prevention of international terrorism with the methods of extreme state restrictions on fundamental human rights must give rise to worries not only among believers but also among unbelieving, and democratically thinking people and organizations.

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<sup>13</sup> IEP. Global Terrorism Index 2017: Measuring and Understanding the Impact of Terrorism. P. 10. The information, including in graphic form, is available on the Internet at <http://visionofhumanity.org/indexes/terrorism-index/>. Last access: Oct. 18, 2018.

In particular, in the vast number of Evangelical-Protestant faith communities, churches do not rely on state subsidies, but on donations of sympathizers and related church organizations. Financial constraints and controls will seriously hamper Evangelical-Protestant denominations and churches that rely on the support of their sister-organizations that originate in traditionally Western Protestant nations. It is not the place here to point out the enormous role of the charity and educational activity of the evangelical-protestant beliefs in the history of Bulgaria as a whole, as well as in the last years of the European development of Bulgaria. Internationally, Protestant Christian organizations invest not only spiritually but also economically in the development of the country. Why the activity of these denominations should be linked to international terrorism, as the proposed bills would have it, is logically, legally, and morally inexplicable.

The bills aim to introduce international isolation of religions in Bulgaria (see below), including by ending or severely hindering the material support of the international Christian community.

There are adequate laws for accounting and financial control already in place that apply to religious denominations as well as to other non-profit organizations or commercial companies (accounting laws, tax laws, anti-money laundering laws, etc.). The imposition of special financial prohibitions on the basis of faith and religion is illegal and unconstitutional (see Article 6 of the CRB, and Anti-Discrimination Act).

### **More examples from the bills**

§ 8. Of JP makes a change in Art. 28 of the LR by creating new paragraphs 2, 3 and 4. These paragraphs should be quoted verbatim:

"(2) No funds may be donated by foreign countries and persons for the remuneration of personnel (clergymen and employees of religious institutions)

(3) The donations under para. 1 from foreign countries and foreign natural or legal persons shall be carried out after prior authorization by the "Religious" Directorate of the Council of Ministers.

(4) Religions by the end of the month following each quarter shall provide information to the Council of Ministers' Directorate of Religious Denominations for any donations under par. 1 by a local natural person or legal entity, amounting to more than ... BGN, under the terms and conditions set by the Directorate. "

Donations from abroad are rarely given under a condition to be used for wages or not. Usually such donations are unconditional and are distributed according to the needs of the religious community or the church. Since the purpose of the donation will most likely be determined by the recipient rather than the donor, this would mean that the state will require monitoring all donations in order to determine whether they are used for "wages of clergy". Thus, any donation from abroad, in a minimum or larger amount, will have to be resolved by the "Religions" Directorate.

With § 10 of the UP, new Art. 14a and 14b in LR are added. The provision states that in order to register a religion as a legal entity, it must also attach to the application a "description of sources and method of financing – the form provided must be used". This is yet another extreme bureaucratic and overbearing requirement for newly registered religious denominations, similar to the limitations proposed in §8 of JP.

On the other hand, the establishment of subsidies on the principle of political parties, where the source of information about the members of a given religion is the last census, is also controversial. In the first place, no religious community has no purely Bulgarian origins, as faith is referring to God, to transcendental beliefs and worldview; religions, which generally have supporters and followers beyond national borders, are being treated as merely political and national categories (made dependent on the state and its structures and funding). Politics is an activity aimed at acquiring participation in the power and management of the jurisdiction of Bulgaria. The purpose of faith is clearly expressed in the Evangelical-Protestant tradition: to preach salvation through the Lord Jesus Christ to all nations.<sup>14</sup> This preaching involves "praying for the rulers so we may live in peace and understanding,"<sup>15</sup> but it could also contain reproaches of some practices of governance based on the understanding of Christian morality and justice.<sup>16</sup> It becomes clear that the idea of "depoliticizing the church," if it is brought to the extreme, will lead to deprivation of the basic civil and political rights of those professing faith and religion.

The bill sponsors' legislative and philosophical dislike of religions and their free functioning is reflected in the motives for the UP:

"As a preventive measure against funding from sources that could use religion in Bulgaria for unlawful purposes, it is proposed for each donation or inheritance received from a Bulgarian legal entity or a source abroad the Directorate of Religious Denominations and the National Audit Office to be notified" (UP, Motives, p. 20).

A "preventive measure" that "could use" is a phraseology that unequivocally suggests that the petitioner is interested in pre-limiting the activities of believers and their organizations without any evidence of actual offenses. The presumption is that religious denominations are generally used for "unlawful purposes," and therefore the restrictions against them will be introduced without any factual offenses. Accordingly, the measures are appropriate for this presumption – the reporting of donations for religious denominations will need to be before not one but two state institutions: the Directorate of Religions and the National Audit Office.

It is hard to find a more tyrannical model of legislative thinking than the one demonstrated here. If we can formulate this thinking in one phrase, it would sound this way: "Believers are potential criminals and their churches – potential criminal organizations until the moment we, the state, decide that they are not."

To an extent we can appreciate the logic of the political forces governing the territory of the Republic of Bulgaria to try to protect its national interests by ensuring the loyalty of all. Such loyalty, however, cannot be achieved by profaning the sacred and turning faith in God into a local cause. The violation of fundamental rights enshrined in the Constitution, international law, and the principles of a free democratic society does not help the effort to gain public confidence in the state. With such a narrowing of the idea and the essence of faith, loyalty to the government is rather undermined by the preposterous insistence

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<sup>14</sup> The Bible. Gospel of Matthew, chapter 28, verses 16-18.

<sup>15</sup> The Bible. First Epistle of the Apostle Paul to Timothy, chapter 2, verses 1-4.

<sup>16</sup> Luke, 13:32; Mark 6:18.

that belief in God be subject to discriminatory bureaucratic constraints for which there are no factual or legal grounds.

**Cancellation of the right to in-door meetings through the ban on the use of buildings, not approved for religious purposes**

In §8 of the UP we read:

"(2) Public religious rituals may not be performed in a building or its premises which are not intended for religious activities.

[...]

(3) Religious communities and religious institutions shall present, by the end of February each year (...) a list of ritual, prayer and liturgical homes designed to perform their public religious rites. "

The freedom of meeting indoors without government permission is a fundamental principle of the democratic and free society enshrined in Art. 43, para. 3 of the CRB.

The determination of what people, of what convictions to gather in which buildings, and that determination to be subject to state authorization, is only possible under one undemocratic, tyrannical government. That is exactly what the proposed amendments and additions to the LR, cited above, will accomplish.

We repeat that criminal groupings are banned under other normative orders, are subject to operational action and are not suppressed by presumption by abolishing the fundamental rights of people unrelated to such criminal groups.

**The important political rights of Bulgarian citizens are abolished through prohibitions of expressing or criticizing the state or its policies by the churches and their leadership imposed on the pretext of respecting the rule of "separation of the church and the state" and of the non-use of the church for "political goals"**

In §10 of the UP, we read:

"(2) The following shall be attached to the application (for registration of a religion): (...) 3. Declaration by the members of the management that they are adults of Bulgarian citizens and do not participate in the governing bodies of a political party ..."

It is unclear why a declaration by members of the leadership is required that they are adults. Determining adult capacity is a basic legal principle that should not be restated again in every new law. The text restricts people's conscience, thought, and beliefs, with people's beliefs practically disqualifying them from the exercise of political rights. If the argument is that participation in party leadership and religion is a conflict of interest between faith and politics, then why is the legislator not providing for restrictions on participation in the leadership of atheistic organizations and political parties at the same time? The mix of

atheism and politics according to historical precedents in Bulgarian history has led to totalitarianism and tyrannical state control by a regime that obliged everyone to be atheists or be punished if they refused.

**Discrimination (unequal treatment)  
based on religion is made legal**

In general, the restrictive nature of the new legislative initiatives concerning belief in God, religion, and religious expression and activity, is an unequal treatment based on religion, since atheistic and non-religious convictions do not suffer such limitations. Discrimination is widespread because it will be established at the legislative level, it will not be a local initiative or an isolated case. The unequal treatment is unfavorable because for people with religious beliefs and their organizations there is a presumption that they are doing illegal activity in principle and that they are tied to terrorist organizations without any evidence or cause for such an accusation. That is not the case for people with non-religious convictions. Limitations on the right to freedom of thought, information, religion, and association through restrictive rules on registration and funding are inadmissible for a free and democratic society with an established constitutional order of pluralism and the protection of basic human rights.

One additional and concrete example is the disproportionately high fines for established violations of the LR provided for in § 25 of the UP and in excess of 6-12 times the average salary for the country.

**Linking Christian enlightenment, religious and charity work,  
as well as that of other denominations, and the need to restrict freedom of  
religion with terrorism without any justification for such a link**

This problem has already been addressed above.

## Conclusion and Possible Consequences

In general, the proposed amendments to the religious law are disproportionately restrictive of religion and belief, be it Christian, Muslim or otherwise. The lawmakers obviously strive to deprive religious believers and their organizations of the opportunity to participate in public life freely and on a par with non-believers or non-religious people.

The ultimate result of introducing legislation with philosophy, as described above, will be religious communities and clergymen who are an extension to state bureaucracy and express the ideas and opinions of the ruling political elite because of their extreme dependence on the state. Another possible result for those believers and religious communities, who wish to preserve their mental, spiritual, and religious independence, and stay away from state-imposed limitations in their message and faith, will be that they operate at the edge of society, or outside the secular law, while preserving their convictions and conscience.

In practical legal terms, such legislation would be in direct contradiction with the Bulgarian Constitution, the European Convention, international law and the principles of a democratic and free society.

Religious communities, and in particular the Protestant-Evangelical churches, will have a choice between two options: to become an appendage to the state by agreeing to full bureaucratic and financial control over their activities and messages, or to refuse to obey the restrictions which are in violation of the Constitution, international law, and the principles of a democratic society, and thus be subject to administrative and even criminal sanctions; to file and be subject to court cases and administrative proceedings and to live and function on the edge of the law or in violation of it.

In order for the believers not to face such a humiliating choice that is unworthy of a democratic society, the proposed amendments to the LR should be rejected altogether. Questions on the funding of religious denominations can be resolved, as has been the case so far, on the basis of already existing legislation.

*(Note: At the time of drafting this report there is a discussion and vote on the drafts in a plenary session of the National Assembly at second reading.)*

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