

## III. BULGARIA

**Population: 8,329,000**

**Religious make-up: 85% Orthodox - 10% Muslim - 1% Catholic**

**Membership OSCE: Original - Helsinki Final Act: Original - Charter of Paris: Original**

**Membership Council of Europe: 07/05/92 - Membership U.N.:14/12/55**

### A. CONSTITUTION

**Constitution adopted on: 12 July 1991**

#### **Article 13**

- (1): There is freedom of religion.
- (2) Religious institutions are separate from the state.
- (3) The Eastern Orthodox religion is the traditional religion of the Republic of Bulgaria.
- (4) Religious communities and institutions or religious convictions may not be used in the pursuit of political objectives.

#### **Article 37**

- (1): Freedom of conscience, freedom of thought, and choice of religion or religious or atheistic views are inviolable. The state encourages tolerance and respect among believers of different faiths as well as between believers and nonbelievers .
- (2) Freedom of conscience and religion may not be detrimental to national security, public order, public health and morality, or the rights and freedoms of other citizens.

#### **Article 44**

(2): No organization shall act to the detriment of the country's sovereignty and national integrity, or the unity of the nation, nor shall it incite racial, national, ethnic, or religious enmity or an encroachment on the rights and freedoms of citizens; no organization shall establish clandestine or paramilitary structures or shall seek to attain its aims through violence.

#### **Article 58**

(2): Religious or other beliefs are not grounds for refusing to fulfill the obligations imposed by the Constitution and laws.

#### **Article 59**

(2) The carrying out of military obligations, and the conditions and procedure for exemption therefrom or for replacing them with alternative service, shall be established by law.

## **B. LEGISLATION**

**Religious Denominations Act 1949 (RDA)**

**Governmental decrees on the Office of Religious Denominations (ORD)**

# **DENOMINATIONS ACT**

## **Chapter One**

### **General Clauses**

**Art. 1.** This Act governs those relations of religious institutions with the state which arise in the exercise of the right to religious denomination.

**Art. 2.** The right to religious denomination is the right of citizens:

1. to freely from their religious beliefs as well as to freely choose their religious denomination;
2. to freely practice their religion.

**Art. 3 (1).** The free choice of religious beliefs and of religious denomination is an absolute, private, unviolable and basic right of every Bulgarian citizen.

(2) Nobody shall be persecuted and have his or her rights restricted on the grounds of his or her religious beliefs; nobody shall be forced to change their beliefs.

(3). Parents may provide religious education to their children in accordance with their own beliefs and religious denomination.

**Art. 4 (1).** Every Bulgarian citizen has the right to freely practice his or her religion through words, prints, or images, either individually or with others.

(2) The right to practice a religion shall not be restricted by the state unless it is:

1. directed against national security, public order, national healthy ethics, or rights and freedoms of other citizens;

2. used for political ends;

3. used for the incitement of racial, ethnic or religious hatred and hostility

**Art. 5 (1).** Individuals professing a common religious belief can freely practice their religion within the limits of the religious community,

(2). Those individuals belonging to a religious community who wish publicly to practice their religion may create a religious institution under the conditions and in accordance to the order set out in this Act.

**Art. 6 (1).** Religious denominations are free. They are equal before the laws of the country.

(2). Religious denominations assist the creation of the moral bases of society and educate it in the spirit of understanding and tolerance in accordance with the spiritual values contained in their doctrine.

(3). The state promotes the maintenance of tolerance and respect among believers of different religions as well as between believers and nonbelievers.

Art. 7 (1). Religious institutions are separate from the state.

(2). The state shall not interfere with the internal organizational life of religious institutions or in their public practice except in accordance to the order set

**Art. 8 (1).** Eastern Orthodoxy is the traditional religious denomination of the Bulgarian nation. Its mouthpiece and its only representative is the Bulgarian Orthodox Church.

(2). State institutions shall support and pay special attention to Eastern Orthodoxy as the traditional religious denomination of the Bulgarian nation.

## **Chapter Two**

### **Organs of the State for the Interaction with Religious Denominations**

**Art. 9 (1).** The Council of Ministers implements and conducts the state policy in the sphere of religious denominations.

(2). The Council of Ministers:

1. authorizes the status of religious institutions;

2. permits the opening of higher religious schools.

**Art. 10 (1).** The Directorate for Religious Denominations at the Council of Ministers is a special administrative office which regulates the interaction of the state with religious denominations,

(2). The Directorate for Religious Denominations:

1. submits proposals to the Council of Ministers on granting the status of religious institution;
2. assists the Council in its activities regarding the implementation of its legitimate prerogatives,
3. keeps a register of religious institutions;
4. permits the opening of prayer houses of religious institutions and their local branches;
5. permits the opening of religious denomination schools for religious needs, arranges with the correspondent authorities the opening of religious high schools and approves the regulations of the higher religious schools;
6. distributes the state subsidy designated to religious institutions;
7. coordinates of the relationships of the state with religious institutions and the organizations created by these or on the basis of these;
8. supervises the activities of religious institutions and of the organizations created by these or on the basis of these with regard to the observance of this Act.

**Art 11.** Regional governors coordinate, assist and control the activity of mayors and municipal administrations in the sphere of religious denominations.

**Art 12. (1)** Mayors of municipalities make decisions on the registration of local branches of the religious institutions.

(2). Municipal administrations keep a register of the local branches of religious institutions.

## **Chapter Three**

### **Creation of Religious Institutions and Local Branches of Religious Institutions**

**Art. 13 (1).** The individuals of any religious community wishing to publicly practice their religion may found a religious institution.

(2). The status of religious institutions shall be granted by the Council of Ministers

(3). The religious institution arises as a legal person as from the date of the announcement in the State Gazette [‘Darzhaven Vestnik’] of the decision of the Council of Ministers.

**Art. 14 (1).** The founders of a religious institution adopt regulations in which they set out a detailed description of their faith as well as their liturgical and ritual practice\*

(2). The regulations must also govern:

1. the name and seat;
2. the structure;
3. the organs of government and the organs of financial and economic supervision;
4. the property and funding.

**Art. 15 (1).** The status of religious organization may be granted when the faith and the liturgical practice on the basis of which the religious institution has been founded are not directed against national security, public order, national health, ethics, the rights and freedoms of other citizens, the achievement of political goals, or the incitement of racial, ethnic or religious hatred and hostility.

(2). One shall not request the granting of the status of religious institution if such a status has already been granted on the same religious basis.

(3). One shall not request the granting of the status of religious institution when there has already been created another religious institution under the same name.

**Art. 16 (1).** The founders shall submit a written request for the granting of the status of religious institution in which they enclose their founding statement signed by all of them as well as the regulations and the act of election or nomination of their central organs according to the regulations.

(2). Requests shall be submitted through the Directorate of Religious Denominations.

**Art. 17 (1).** The Directorate of Religious Denominations verifies the submitted documents at the latest within a month after the submission of the request and, in case these documents are invalid, sets a term within which such invalidates are to be eliminated.

(2). Within the term of two months after the end of the one-month term, respectively after the elimination of the invalidity under (1) hereof, the Directorate of Religious Denominations shall research the religious basis of the founded religious institutions and the liturgical and ritual practice for which it is being created. On the basis of the result of that research, it submits a proposal to the Council of Ministers for the granting of status of religious denomination or for the refusal to grant such status.

(3). If necessary, the Directorate of Religious Denominations may request the opinion of other state organs, or request information from foreign or international religious organizations regarding the public recognition and the practices of the religious denomination in question. In such cases, the term under (2) hereof may be extended to two months.

**Art. 18.** The Council of Ministers shall issue a judgment on the proposal for the granting of the status of religious institution or for the refusal to grant such status within three months of the submission of the proposal.

**Art. 19 (1).** The Council of Ministers shall refuse to grant the status of religious institution whenever:

1. the belief or the liturgical and ritual practice for which the religious institution in question is being created do not comply with the requirements of Art. 15 (1).

2. the status of religious institution has already been granted on the same religious basis.

3. another religious institution has already been created under the same name.

(2). The Council of Ministers may refuse to grant the status of religious institution if, before the institution's creation, its founders have performed a public practice of the religion in question.

**Art. 20.** The Directorate of Religious Denominations keeps a register of religious institutions into which shall be inscribed:

1. the decision on granting the status;

2. the name, location of the headquarters, structure of governance and selection of officers according to their regulations;

3. the names of the persons elected or nominated to be officers of the organization.

**Art 21 (1).** Religious institutions can have local branches when this is foreseen in their regulations.

(2). Local branches may be founded by individuals of a religious community wishing to practice publicly their religion according to the regulations of a religious institution founded on the same religious basis.

(3). Local branches acquire the quality of legal persons from the moment of their inscription in the register of local branches.

**Art. 22 (1).** The founders of a local branch submit a written request for its registration in which they enclose the following: a founding statement and a statement that they accept the regulations of the central religious institution of which they are forming a local branch, signed by all of them: a list of officers elected according to the regulations of the central religious institution; a statement by the central religious institution that the local branch is founded on its religious basis, for its liturgical and ritual practice and in accordance to its regulations; a statement by the Directorate of Religious Denominations certifying the registration of the religious institution whose local branch it is.

(2). Such request is to be submitted to the mayor of the municipality on whose territory the headquarters of the local branch are located.

(3). The mayor or an official of the municipal administration, authorized by the mayor, shall review the submitted documents within fourteen days of the submission of the request. If an irregularity is found, he or she shall set a term within which the irregularities in documents are to be eliminated.

(4). Within one month of the end of the term, respectively after the elimination of the invalidity under (3) hereof, the mayor or the official authorized by him shall issue a judgement on the request for registration of the local branch. If necessary, the opinion of the Directorate of Religious Denominations may be requested, in which case the term of the judgement may be extended to one month.

**Art. 23 (1).** The mayor, or the official authorized by the mayor, shall refuse to register a local branch whenever:

1. there is no religious institution created on the religious basis on which the branch is founded;
2. the liturgical services and rituals that it wishes publicly to practice do not correspond to the liturgical and ritual practice of the religious institution on whose religious basis it is founded;
3. there is already a local branch created of the same religious institution with the same seat.

(2). Inscription of a local branch may be refused if before its registration its founders have performed a public practice of the religion.

**Art. 24.** In the municipal administration, a register of the local branches shall be kept into which shall be inscribed:

1. the decision on granting the status;
2. the name, location of headquarters, structure of governance and selection of officers according to their regulations;
3. the names of the person elected or nominated to be officers of the organisation.

**Art. 25 (1).** Changes in the regulations of religious institutions are subject to approval by the Council of Ministers under Art 16-19 when they affect its religious basis and ritual practice or its structure of governance and officers.

(2). Religious institutions and their local branches, within ten days of a change of circumstance from that which was recorded on their registration, shall declare the change for inscription in the respective register,

## **Chapter Four**

### **Relationships of the State With Religious Institutions**

**Art 26 (1).** Every religious institution or its local branch may open prayer houses for its needs.

(2) Prayer houses shall be opened after receiving permission from the Directorate for Religious Denominations.

**Art 27 (1).** Prayer houses may be opened in a building or premise owned or rented by the religious institution.

(2). A prayer house shall not be opened in any part of a building used for habitation.

(3). A prayer house may be located in a public building if it has its own separate entrance.

**Art 28 (1).** Religious institutions may organize a public activity outside their prayer houses under the conditions and according to the order set out in the Meetings and Manifestations Act.

(2). The performance of a public activity under (1) hereof may be forbidden or ordered discontinued, also in the cases set out in Art. 4 (2) of this Act.

**Art 29 (1).** Every religious institution may open religious schools.

(2). In religious schools for religious needs, individuals who have completed their primary education [up to 8th grade] may be students. Such schools may be opened after receiving permission from the Directorate for Religious Denominations.

(3). Religious high schools for the training of future members of the clergy shall be opened under the conditions and in accordance with the order set out for private schools in the National Education Act. The request for the opening of the school shall be coordinated beforehand with the Directorate for Religious Denominations.

(4). In institutes of higher religious education, individuals who have completed their secondary education [up to 11th grade] may be students. They may be opened after receiving permission from the Council of Ministers and after their regulations have been approved by the Directorate for Religious Denominations.

(5). The certificates for the respective education of the persons graduating a religious school are to be issued by the religious institutions. The schools under (3) hereof issue a diploma of completed secondary education to graduating priests when the education in such schools corresponds to the state educational standards for the secondary level of education.

**Art. 31 (1).** Persons of a religious community that has been granted the status of religious institutions may associate or establish foundations for religious educational activity.

(2). Associations and foundations for religious educational activity shall be registered under the Persons and Family Act after the preliminary consent of the religious institution for the goals of whose activity they are established.

(3). Associations and foundations for religious educational activity may not perform activity that represents the public practice of a religion.

**Art. 32 (1).** Religious institutions may open health and social institutions under the conditions and in accordance with the regulations set out in the legal acts for the creation of the respective type of institution.

(2). The access to a health or social institution of a religious institution shall not be restricted to any individual on the grounds of his or her religious identity.

**Art. 33 (1).** In the relations between the state and religious institutions, as well as in their operational documents and accounting, the official language shall be Bulgarian.

(2). In their relations with believers and in the performance of rituals and liturgical services, religious institutions may use another language.

**Art. 34 (1).** In case of necessity and with the consent of the Directorate for Religious Denominations, religious institutions may be assisted in their activity or in the religious school they have opened, by foreign priests, clerical persons and teachers.

(2). The stay in Bulgaria of the persons mentioned in (2) hereof shall be arranged in accordance with the Foreigners Residence Act of the Republic of Bulgaria.

**Art. 35.** The central governing organs of religious institutions shall inform the Directorate for Religious Denominations of their decisions as well as the decisions made by votes of the membership at national assemblies of the institution in question.

**Art. 36 (1).** The state and municipalities may grant to religious institutions and their local branches the right of use of state and municipal real estate, as well as support them by subsidies foreseen in the state or municipal budget.

(2). Donations made by local individuals and corporate bodies are freed of taxes.

**Art. 37.** The employment relations of priests and other employees of religious institutions shall be arranged in accordance with the labour and social welfare laws.

## Chapter Five

### Deprivation of Status and Dissolution of Religious Institutions and Local Branches

**Art. 38** (1). The status of religious institution may be withdrawn:

1. when the public practice of religion performed by the institution is directed against national security, public order, national health, ethics, rights and freedoms of other citizen, or when the institution uses the faith or its liturgical and ritual practice for political goals, or for the incitement of racial, ethnic or religious hatred and hostility;
2. when an instruction performs the public practice of faith or practices liturgical services and rituals that are not set out in its regulations;
3. in cases of systematic violations of the requirements set out in Chapter Four of this Act on the public activity of religious institutions.

(2). The Council of Ministers issues its decision on the withdrawal of the status of religious institution after considering a list of violations or other reasons. That list is to be written by the Directorate for Religious Denominations, [This is called in Bulgarian a "motivated proposal" by the Directorate.] The religious institution is dissolved from the moment of publication of the decision in the State Gazette.

(3). The issues of the property of the dissolved religious institution as well as the other legal relations concerning its liquidation shall be settled in accordance to its regulations.

**Art. 39** (1). A religious institution may also be dissolved after the request of its founders or its governing organs when this is foreseen in its regulations.

(2). The request of dissolution shall be submitted, through the Directorate for Religious Denominations, to the Council of Ministers. Enclosed with it must be proofs that the issues of the property of the religious institution after its dissolution have been settled beforehand as well as the issues related to its liquidation.

(3). The religious institution is dissolved from the moment of the publication in the State Gazette of the decision of the Council of Ministers on its dissolution.

**Art. 40** (1). A local branch of a religious institution is to be dissolved in the cases set out in Art. 38 (1) and 39 (1) as well as in the case of dissolution of the religious institution to which the branch in question belongs.

(2). The mayor issues an order to delete the registration of a local branch on the basis of a motivated proposal of the Directorate for Religious Denominations, or, whenever the dissolution comes after the request of the founders or the governing organs of the branch, on the basis of a request by the founders or governing organs to which there shall be enclosed proofs that the issues of the property of the local branch after its dissolution have been settled beforehand in accordance with the regulations of the religious institution as well as the issues related to its liquidation.

(3). The local branch is dissolved from the moment of its deletion from the register of local branches.

**Art. 41**. After the dissolution of a religious institution, the health and social welfare institutions and schools opened by it, as well as the associations and foundations for religious educational activity established with its consent, shall be liquidated. For their liquidation, the corresponding order shall be applied as set out in the special laws.

## Chapter Six

### Administrative Punitive Clauses

**Art. 42** (1). Whoever publicly practices a religion that is not registered, if the action does not constitute a crime, shall be punished by a fine of 500 000 to 1 000 000 leva.

(2). Should the action under (1) hereof be performed by a corporate legal person, such corporate legal person shall be punished by a property penalty of 1 000 000 to 5 000 000 leva.

**Art. 43.** Whoever publicly practices in the name of a religious institution without being authorised to do so shall be punished by a fine of 500 000 to 1 000 000 leva.

**Art. 44.** A religious institution or its local branch performing public practices of faith, liturgical services or rituals not set out in their regulations shall be punished by a property penalty of 1 000 000 to 5 000 000 leva.

**Art. 45.** A religious institution or its local branch violating the requirements set out in Chapter Four of this Act shall be punished by a property penalty of 1 000 000 to 5 000 000 leva.

**Art. 45 (1).** Notices of violations [acts] are to be issued by officials of the Directorate for Religious Denominations or of municipal administrations.

(2). Punitive orders [decrees] are to be issued by the Director of the Directorate for Religious Denominations.

**Art. 46.** The issuing of notices of violations [acts] as well as the issuing of and appeals against punitive orders [decrees] shall be done in accordance to the order set out in the Administrative Violations and Punishments Act.

### **Supplementary Clauses**

Par. 1. The Bulgarian Orthodox Church has the exclusive right to produce and sell church accessories and church candles at prices set by its Holy Synod. (?)

Par. 2. The Bulgarian Orthodox Church may sell its real estate abroad only with the consent of the Directorate for Religious Denominations. In managing its real estate abroad, the Bulgarian Orthodox Church may be assisted by representatives of the Ministry of Foreign Affairs.

### **Transitory and Final Clauses**

Par. 3 (1). Within six months of the date of the entering of this Act into force, the religious denominations recognised under Art. 6 of the abrogated Denominations Act shall bring their regulations into accordance with the new Act and submit them to the Directorate for Religious Denominations.

(2). Within three months of the submission of regulations, the Council of Ministers, after the proposal of the Directorate for Religious Denominations, grants the status of religious institution to religious denominations under (1) hereof if they have fulfilled the requirements under Art. 14 of this Act.

Par. 4. Within three months of the publication of the decision of granting the status of religious organisation to a religious institution, its local branches shall submit to the mayor of the respective municipality a request for re-registration.

Par. 5. This Act abrogates:

1. The Denominations Act (State Gazette, vol. 48 of 1949, amended Journal of Presidium of the National Assembly ['Izvestia...'] vol.1 and 13 of 1951; State Gazette vol. 15 of 1991).

2. Art. 30 of the National Education Act.

3. Art. 133A of the Persons and Family Act.

## **C. CONSCIENTIOUS OBJECTION**

Law on the Fulfilment of Military Obligations by way of Alternative Service 1998