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BULGARIA: Religious freedom survey, March 2006

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Four years after the controversial Bulgarian Religion Law and nearly two years after prosecutor's office and police officers forcibly expelled followers of the "Alternative" Orthodox Synod, Forum 18 News Service's survey analysis of religious freedom in Bulgaria shows that the situation remains troubled. The July 2004 Alternative Orthodox expulsions had no legal foundation and are being challenged through the European Court of Human Rights. The Alternative Orthodox - and other religious minorities including Protestants and Jehovah's Witnesses – are concerned by religious freedom abuses such as the expulsions, which flow from the privileged position in law and practice of the Bulgarian Orthodox Patriarchate. Religious minorities also complain of restrictions on their activity in parts of Bulgaria. Amongst concerns Forum 18 has found is a widespread belief by local municipal officials that religious communities have to "register" with them to conduct religious activity.

Four years after a controversial new Religion Law and nearly two years after prosecutor's office and police officers forcibly expelled followers of the "Alternative" Orthodox Synod led by Metropolitan Inokenty from the churches they had been using for more than a decade, religious freedom in Bulgaria remains troubled. The Alternative Orthodox have complained to Forum 18 News Service that the July 2004 expulsions were never legally grounded and are still challenging the expulsions through the European Court of Human Rights. They – and many other religious minorities – resent the privileged position in law and practice of the Bulgarian Orthodox Patriarchate, the country's largest faith and complain of some restrictions on their activity in some parts of Bulgaria.

The 2002 Religion Law controversially granted official status to the Bulgarian Orthodox Patriarchate in Article 11, and granted it automatic registration, while all other faiths wanting legal status must register in a Sofia court or local courts. Article 9 allowed the courts to punish religious organisations for a variety of alleged offences by banning their activities for up to six months, banning the publication or distribution of religious publications or cancelling an organisation's registration. Punishments for religious activity prescribed in the law include fines of up to 5,000 leva (21,466 Norwegian kroner, 2,570 Euros or 2,912 US Dollars). Article 38 punishes "any person carrying out religious activity in the name of a religion without representational authority", with second offences attracting a fine of up to 1000 leva.

A challenge to the Religion Law (which had also been criticised by the Council of Europe) failed in the Constitutional Court in July 2003, despite the fact that six judges opposed the Law while only five supported it (see F18News 21 July 2003 http://www.forum18.org/Archive.php?article_id=108).

Although some of the worst aspects of the Law have not been deployed, many members of religious minorities remain unhappy at what they regard as its inadequacies. "The current Law has many missing elements and its provisions are not clear," Pastor Lyudmil Arsov of the Church of Friends, an Assemblies of God congregation in the capital Sofia, told Forum 18 on 15 March. "When churches go to state agencies – for example over buying or renting property, and working in hospitals, schools and prisons – they are refused permission to do what they want because the law is unclear."

But one change brought in by the new law – the transfer of registration from the government's Religious Affairs Directorate (which is under the Council of Ministers) to the courts – has been broadly welcomed. "Registration through the courts is better," Arsov noted, a view shared by many faiths. "The courts are proving to take independent decisions," religious freedom lawyer Lachezar Popov of the Sofia-based Rule of Law Institute told Forum 18 on 1 March.

Religious minorities have also been pleased at the way the courts have on occasion ignored representations by the Religious Affairs Directorate. Courts can request "expert opinions" from the Directorate, as happened when the Ahmadi Muslims lodged their registration application with the court in the south-western town of Blagoevgrad. The Directorate opposed registration and the court rejected the application, but the Ahmadis were able to challenge this successfully. "I am happy to tell you that by the grace of our Lord our jama'at [community] has received registration today," local Ahmadi leader Muhamad Ashraf told Forum 18 on 9 December 2005.

In the immediate aftermath of the launch of the new system, there were complaints in some areas that local courts were selectively rejecting registration applications from faiths the authorities did not like. Pastor Georgi Yalamov from the southern town of Khaskovo told Forum 18 that one Pentecostal congregation he has oversight of in the nearby town of Kurdzhali lodged its

application in 2003. He claims officials removed one document from the application package and the application was then rejected. It was only after the church lodged a challenge through a higher court in Plovdiv that registration was approved, though even then it was not until September 2004, six months after the Plovdiv court ruled in the church's favour, that the registration certificate was issued.

Such problems have reportedly diminished in the last two years. No religious communities reported any other faiths or congregations that have been denied registration by the courts, although one Protestant pastor told Forum 18 that in the 1990s some Protestant congregations that had been unable to gain registration chose to join larger unions that had registration.

One group that has not applied for registration under the new system is the Alternative Orthodox Synod or its parishes. Under the Religion Law they could not do so under the name "Bulgarian Orthodox Church", as another denomination with that name is already registered. Alternative Orthodox leaders say they will not apply to register under any other name. However, one of their priests registered his parish successfully under the name "Ecumenical Church". The court ignored the negative "expert opinion" of the Religious Affairs Directorate, the Sofia-based lawyer Ivan Gruikin, who has worked on religious freedom cases, told Forum 18.

However, much concern continues over the widespread belief by local officials that religious communities also have to "register" with the local municipality to be able to conduct local religious activity. Although this is nowhere stated in the law, officials often use this to suppress activity they do not like. "This parallel system of court and municipality registration is very strange," Pastor Nikolai Nikolov of the Evangelical Pentecostal church in the central town of Nova Zagora told Forum 18 on 14 March. "It is a continuing bad habit from the Communist period."

Even though this local registration is supposed to be "formal" – and responses are supposed to be given within a week – Jehovah's Witness communities in Dimitrovgrad, Veliko Turnovo and Smolen have been waiting for it for more than two years. "The municipalities just don't respond or claim they didn't receive the applications," Jehovah's Witness Lubomir Kuchukov told Forum 18 from Sofia on 17 March. "These are just excuses."

During the 1990s, several municipalities issued local decrees restricting religious activity. Some of these remain in force. But the lawyer Lachezar Popov told Forum 18 that he and his colleagues had successfully challenged a proposed council decision in the Black Sea port of Burgas that would have given the Bulgarian Orthodox Patriarchate priority within 150 metres (yards) of any school in the city.

"The level of freedom at the local level depends on the attitude of local officials," Pastor Zhivko Tonchev of the Good News Church in Burgas told Forum 18 on 15 March. "City officials' attitude to Protestants here in Burgas is now positive." Tonchev, who is also a city councillor, noted that several years ago the Philadelphia Church led by Pastor Stefan Kristev was denied permission to build a church on land it already owned. "He was refused for three years, but when I was elected I was able to convince the council his church was not a dangerous sect. He got permission last year."

Yet Jehovah's Witnesses have for some years continued to face difficulties in Burgas (see F18News 19 August 2003 http://www.forum18.org/Archive.php?article_id=124). Their Kingdom Hall has been repeatedly attacked with stones and lumps of concrete, "especially after attacks in the local press," Kuchukov told Forum 18. He said the police fined the congregation 50 leva (204 Norwegian Kroner, 26 Euros, or 31 US Dollars) in February 2006 for "failing to protect the property". "This is ridiculous," he complained. "Instead of protecting us they are fining us." Elsewhere he said local decrees ban the distribution of religious literature on the streets, with municipal police stopping Jehovah's Witnesses who are conducting missionary activity, asking them to show their identity papers and warning them to stop. In June 2005, one Jehovah's Witness was fined 200 levas in Plovdiv for preaching on the street.

Many Protestants identify as religious freedom blackspots areas with a majority ethnic Turkish population – such as in and around Kurdzhali and Khaskovo in the Rhodope mountains in the south and in the area of Razgrad in the north-east – as well as what many regard as the "Communist-dominated" northern towns, such as Pleven, Vratsa and Vidin. "Local authorities try to put in place special unwritten rules that are more restrictive than the law," complained Pastor Nikolov. "When Christians try to do things in traditionally Muslim areas, the local authorities try to cancel them."

He cited cases in Muslim villages where Protestants have gained permission to rent publicly-owned halls for evangelistic meetings but which have been cancelled after Muslim organisations protested. He said Muslim villagers had on occasion threatened to burn down houses where Christian meetings had been held, while on one occasion in 2005 a mob had beaten a visiting evangelist and tried to destroy his car.

Asked what the police did to uphold the law, Pastor Nikolov laughed. "There is not the same attention to information from each side – they pay more attention to information from the Muslims," he told Forum 18. He said the mainly ethnic-Turkish party, the Movement for Rights and Freedoms – a member of the ruling coalition – has "its people" in the local police. "In such cases investigations are not active."

The lawyer Ivan Gruikin reported that in Turkish-populated regions, officials demand that Christian missionaries show documents

that their religious community is registered. "Officials presume registration is compulsory," he told Forum 18 on 15 March.

Protestant pastor Pavel Hristov, head of the Bulgarian Missionary Network, reported that in the town of Djebel, a church led by pastor Gunai Sherifov failed to apply for a tax declaration in time, so the church was closed down by a local court. "This was a ridiculous case," he told Forum 18. "They simply forgot, but the [ethnic] Turkish authorities were searching for an excuse to move against the church."

Pastor Yamalov in Khaskovo complained that his church had been renting a publicly-owned hall for Sunday services until last year, when the council raised the rent to five times the previous level. "We believe this is because they don't like our church," he told Forum 18. "Six years before that they told us openly they don't like us." He added that in a Turkish-populated village near Khaskovo, when he had asked for permission to buy a plot of land to build a church eight years ago the local mayor had responded that the Muslims could build ten mosques but his church would not be allowed to build.

Alternative Orthodox members continue to complain of government favouritism shown to the rival – and much bigger – Bulgarian Orthodox Patriarchate led by Patriarch Maksim. One explicit aim of the 2002 Religion Law – indeed, in the view of Krassimir Kanev, head of the Bulgarian Helsinki Committee, it was the "main purpose" of it – was to facilitate the ending of the schism, as the government saw it. In the wake of the expulsion of Alternative Orthodox communities from their churches – reports vary from 100 to 250 such expulsions – in coordinated raids in July 2004 the government declared the schism "ended" (see F18News 23 July 2004 http://www.forum18.org/Archive.php?article_id=370).

Several Bulgarian human rights and religious freedom advocates stated that the government was wrong to take one side in what was an internal split, and saw the expulsions as a dangerous precedent for attacks on other religious communities (see F18News 3 August 2004 http://www.forum18.org/Archive.php?article_id=385).

Many priests who followed the Alternative Synod have now rejoined the Patriarchate. But it is not clear how many did so out of financial necessity, rather than an uncoerced decision, as many have families to support and were deprived of income after being expelled from their churches.

Aleksandr Gospodinov, a Sofia-based Orthodox layman, told Forum 18 last November that most of the 15 to 20 of Sofia's 57 priests had rejoined the Patriarchate. One such was Fr Veselin Arnaudov. "Like most such priests I wrote a letter of repentance to Patriarch Maksim in 2004 and was accepted back," he told Forum 18 from Sofia last September. "All my parishioners said I was absolutely right to seek penitence and return." He argued that the original split had been politically-motivated and that it was wrong for the Orthodox Church to be the "plaything of politicians".

Although the Alternative Orthodox were the victims of the expulsions at the hands of the police, some were subsequently prosecuted for hooliganism or using violence, accusations they reject. One such was Fr Kamen Barakov (despite being detained in handcuffs during the expulsion) but, as he told Forum 18, he was acquitted in court in 2005.

Alternative Orthodox members tried to challenge the expulsions through the Sofia court and the Supreme Court but, Fr Barakov told Forum 18, they refused to accept the cases, arguing that the expulsions followed a lawful decision of the prosecutor's office.

The Alternative Orthodox have lodged 75 cases with the European Court of Human Rights in Strasbourg, arguing that their rights were violated with the expulsions. Lachezar Popov, who is the lawyer in 74 of the cases, told Forum 18 that he is expecting to hear this spring if the Strasbourg court will declare these cases admissible, the first stage of what could be a long legal process.

Among the churches seized from the Alternative Orthodox were some which they had built with their own funds after the split in 1992. Gruikin reported that one of these – St Mina's – was in central Sofia and far from being now open for use by the Patriarchate is closed completely. "No reason has been given for why it is closed," he told Forum 18. "It's just like as it was in the Communist times." One priest, Fr Pyotr Pokrovsky, who was violently expelled from the monastery in Melnik close to the southern border with Greece, complained that even personal property, including his vestments, books and his own clothes, seized in July 2004 were never returned. "I asked the prosecutor's office for these items back – in vain," he told Forum 18 on 14 March.

Even before the July 2004 mass expulsions, the authorities had already expelled by force some Alternative Orthodox from the churches they were using, as happened to Fr Lubomir Popov in the Black Sea port of Varna. "We were driven out of our church in 2003 – we were the first," he told Forum 18 on 15 March. "There was no prosecutor's office or court decision." He insists that in law churches are the property of the parish, not of the bishop.

The surviving Alternative Orthodox parishes now meet in private homes or in the streets and no priests reported any harassment. One such meeting place is in central Sofia where the site of former Communist dictator Georgi Dimitrov used to stand. "The mayor of Sofia, Stefan Sofianski, is well-disposed and allows us to hold our services there," Fr Barakov reported. "The police don't interfere, but they laugh at us that we're there in the rain and the snow. We have the right only to pray."

Fr Popov complained that his community in Varna cannot rent publicly-owned halls for worship services. "They never refused

openly, just said the hall was always occupied by others. Now they would simply say we're not registered so we can't rent." He said that since 2004 colleges and institutions which used to invite him to lecture no longer do so. "The directors all told me that now I don't represent the 'official' Orthodox Church they can't invite me. It's an unwritten rule. They're afraid if they did so they could be punished."

In continuing fall-out from the Orthodox schism, state prosecutors last year lodged cases against two bishops of the Alternative Synod under Article 274 of the Criminal Code, which punishes "unwarrantedly committing an act within the scope of the office of an official which he does not occupy" with a penalty of up to one year's imprisonment. Metropolitan Inokenty (Petrov) faces trial in Sofia on 22 March, while Bishop Gavriil (Galev) faces trial in Blagoevgrad on 28 March. According to the prosecutors' separate cases, seen by Forum 18, the two are accused of "pretending" to be Orthodox Church leaders. The prosecutors in Sofia and Blagoevgrad cite numerous documents the two signed in their positions in the Alternative Synod as evidence of wrongdoing. "These are ridiculous allegations," the two bishops' lawyer Ivan Gruikin told Forum 18 from Sofia on 15 March.

One widely-held complaint is that religious communities now have to pay five per-cent tax on money donated by their members for the work of the community, a tax change made before the 2002 Religion Law which does not apply to other non-profit organisations. "It is very strange. I think it is wrong that we have to pay this tax," Pastor Tonchev told Forum 18 from Burgas. "Church members have already paid income tax on this money, so in effect this is double taxation." He said he would like to see parliament end this tax on religious communities.

Pastor Viktor Virchev, the head of the Assemblies of God, wrote to the Finance Ministry to try to clarify whether religious communities have to pay this tax but, many months later, had still received no response. Forum 18 asked the Finance Ministry in Sofia on 16 March why religious organisations are subject to tax while other non-profit organisations are not. However, as of 17 March it too had received no response.

With the Orthodox Patriarchate as by far the largest single religious community, officials have a strongly-ingrained view that to be Bulgarian is to be Orthodox, a view reinforced by the recognition - in Article 13 of the Bulgarian Constitution - of Eastern Orthodoxy as the country's "traditional" faith. "There is an unequal situation between the Orthodox Church and other religious communities," Pastor Nikolov lamented. With the tenth of the population being ethnic Turks of Muslim background, ethnic Turkish officials presume that all fellow Turks are Muslims and dislike attempts to convert them to other faiths.

One exception to the official view of the primacy of the Orthodox Church is the arrangement made for members of religious communities to take religious holidays off work. A cabinet decision last December allowed non-Orthodox believers - Catholics, Muslims, Protestants, Armenians, Jews, Hare Krishna devotees, Baha'is and Buddhists - to take named religious holidays off work, with provision for Seventh-day Adventists to take four Saturdays off if they are part of their working time.

Minority faiths face frequent verbal attacks from officials. On 25 November 2005 Interior Minister Roumen Petkov declared in parliament that he supported the opinion of Pavel Chernev, a parliamentary deputy of the extreme nationalist Attack party, that the Jehovah's Witnesses had violated articles 108 and 109 of the Criminal Code, which punish those promoting "fascist and anti-democratic ideology". Petkov was sharply criticised by Emil Cohen, director of the Tolerance Foundation in Sofia. "This is nothing but slander," he told Forum 18. He called on Petkov to apologise.

Given that there has been no legal case where a court has ruled that the Jehovah's Witnesses have violated these articles of the Criminal Code, Forum 18 sent written questions to Petkov in January asking why he had made these accusations in parliament, whether he had lodged a case with the prosecutor's office for it to investigate these allegations, what information he had to present to a court to back up these allegations and whether it was not the duty of government officials to treat all individuals and communities in a fair and neutral manner. Despite repeated reminders to the Interior Ministry, Forum 18 has yet to receive a response.

Pastor Nikolov complained to Forum 18 of frequent attacks on minority faiths in the media, both state-owned and private. "It is very rare for them to publish positive material about religious minorities." Several Protestants criticised a programme shown late last year on the private Nova TV, one of the three national channels, which filmed a service in a bookshop in Sofia of a small congregation of Faithful Brethren Protestants using a hidden camera, portraying the church as a dangerous cult. The programme likened the church to the Branch Davidians, an American religious group founded in 1929 by a Bulgarian immigrant and best known for the 1993 siege of their centre in Waco, Texas, which resulted in the deaths of 82 of the group's members.

"It is most disturbing that minority faiths face constant media attacks," Lubomir Kuchukov of the Jehovah's Witnesses told Forum 18. "I suggest to the government that it should intervene to recommend to the media to abandon its prejudice."

Minority faiths complain they have no access to television to broadcast religious services or occasional programmes. Lachezar Popov of the Rule of Law Institute complained to Forum 18 that a Protestant radio station Voice of Peace to be run by the Christian Centre in Sliven had been allocated a licence to broadcast four years ago, but the Committee for radio and TV Frequencies had consistently failed to allocate a frequency. Popov has taken the case to the Supreme Court.

Although religious communities can perform religious services undisturbed, the restrictions on other activity that flow from the

official favouritism towards the Orthodox Patriarchate and suspicion or wariness of other faiths means that religious communities cannot conduct all their religious activities entirely freely.

Further reports of the religious freedom situation in Bulgaria can be found at
<http://www.forum18.org/Archive.php?query=&religion=all&country=40>

A printer-friendly map of Bulgaria is available from
<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=bulgar>

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