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Law on Religions

Chapter One

General Provisions

Art. 1 This law provides for the right of religion^[1] of all persons under the jurisdiction of the Republic of Bulgaria and its protection, and the legal status of the religious communities and institutions as well, and their relations with the state.

Art. 2 (1) The right of religion is fundamental, absolute, subjective, personal and inviolable.

(2) The right of religion shall include everybody's right freely to form his/her religious persuasions and to choose, change and worship (practice) freely his/her religion^[2] - individually or in collective, in public or in private, by worship, teaching, rites and rituals^[3].

Art. 3 (1) Nobody shall be persecuted or limited in his rights because of his religious beliefs. No limitations or privileges based on affiliation or rejection of affiliation to a religion^[4] are allowed.

(2) Religious convictions shall not be basis for a refusal to fulfil obligations established by the Constitution.

Art. 4 (1) The religions^[5] are free and equal in rights. Religious institutions are separate from the state.

^[1] Veroizpovedanie. This term has the two meanings of religion - 1) faith principles and forms of worship; and 2) organisation on the basis of 1).

^[2] Veroipovedanie.

^[3] This is the term by which the official text of the ICCPR and ECHRFF in Bulgarian translates "observance".

^[4] Veroizpovedanie.

(2) No state interference in the internal organization of the self-administered religious institutions shall be allowed.

(3) The state shall provide conditions for free and unhindered exercise of the rights of religion^[6] assisting with maintenance of tolerance and respect between the believers from the different religions and between believers and non-believers.

(4) No religiously based discrimination shall be allowed.

Chapter Two

Right of Religion

Art. 5 (1) The right of religion shall be exercised through forming and manifestation of religious belief, establishment or participation in a religious community, organization of a community's institutions, accomplishment of religious training and education through dissemination of the respective belief orally, in print, by the use of electronic media, in the form of lectures, seminars, courses, programs, etc.

(2) Religious belief may be manifested through carrying out of the respective religious beliefs through worship, rituals, and customs.

(3) The religious belief is expressed in private when it is accomplished from a specified member of the religious community or in the presence of persons belonging to the community, and in public, when its expression can as well become accessible for people not belonging to the respective religious community.

Art. 6 (1) The right of religion shall include the following rights as well:

- a) establishment and maintenance of religious organizations with structure and ways of representation which are suitable according to the free understanding of its members;
- b) establishment and maintenance of places of worship or religious meetings;
- c) establishment and maintenance of proper charitable or humanitarian institutions;
- d) production, acquisition and use to the extent necessary for the rites and the customs of a religion or belief according to a related with the worship aims;
- e) writing, publishing and dissemination of religious publications;
- f) delivery and reception of religious training in a language according to one's own choice;

^[5] Veroizpovedaniya.

^[6] Veroizpovedaniya.

g) preaching and training of religion or belief in places proper for this purpose according to the community's and institutions, and creation and maintenance of educational establishments that are appropriate according to the communities and institutions, following the requirements of the law;

h) collection and reception of voluntary financial and other support and donations from persons and institutions;

i) observance of the days of rest and respecting religious holidays;

j) establishment and maintenance of relations in the country and abroad with persons and communities on religion and belief issues.

(2) Parents and guardians shall have the right to ensure religious training to their children according to their own convictions.

Art. 7 (1) Freedom of religions shall not be directed against national security, public order, people's health and the morals or the rights and freedoms of persons under the jurisdiction of the republic of Bulgaria or other states. Other grounds for limitations of the right of religion, different from the enumerated, shall not be introduced.

(2) Religious communities and institutions and religious beliefs cannot be used for political purposes.

(3) Rights and freedoms of persons who are members of a religious community shall not be limited by the internal rules, rituals and rites of this community or institution.

(4) Religious communities and institutions shall not attract children and minors under 18 years of age when there is an express refusal of their parents or guardians.

Art. 8 (1) The right of religion shall be limited only with a court decision under the terms of adversary proceedings, if the requirements of Art. 7 are being abused.

(2) The competent court of the first instance in this case shall be Sofia City Court.

Art. 9 Limitation of the right of religion [by a court] may include:

1. Prohibition of dissemination of a certain printed publications;
2. Prohibition of the total publishing activity;
3. Restriction on public manifestations;^[7]
4. Deprivation of registration of educational, health or social enterprises
5. Cancellation of activities for a period of up to six months;
6. Nullifying of the registration of the legal entity of the religion.

^[7] The reference to manifestations here is intended broadly, and is not restricted to demonstrations, ceremonial processions, and the like.

Art. 10 The specific religions are characterized^[8] among themselves with their name, religious beliefs and the natural persons composing their religious communities.

Art. 11, paragraph 1. The traditional religion in the Republic of Bulgaria is the Eastern Orthodox. It plays a historic role in Bulgarian statehood and has actual meaning in the state's life. Its voice and representative is the autocephalous Bulgarian Orthodox Church, which under the name Patriarchy,^[9] is the successor of the Bulgarian Exarchate and is a member of the United,^[10] Holy, Congregational and Apostolic Church. It is led by the Holy Synod and is represented by the Bulgarian Patriarch who is Metropolitan of Sofia.

Paragraph 2. The Bulgarian Orthodox Church is a legal person. Its structure and management are established by its bylaws.

Paragraph 3. Paragraph 1 and 2 cannot be the basis to grant privileges or any advantages [to the Bulgarian Orthodox Church] over other denominations by a law or sub-law [normative administrative act].^[11]

Art. 12. (1) The relations of the religious institutions with the government and the connected documentation are carried out in the official Bulgarian language.

(2) During performance of religious rituals and during worship another language can be used according to the choice of the religious community and according to the tradition of its practice.

Art. 13 (1) Religions^[12] can establish for their needs ritual, houses of prayer or worship for public religious rites and services in facilities owned or rented by the religious institution or local branch. Buildings of the religions^[13] are built observing the Law on Land Use of the Territory and the respective sub-laws [administrative normative acts, taking account [religious needs]^[14].

(2) Religions may organize public activities outside of houses of worship as well.

Art. 14. The secret of confession is inviolable. No cleric shall be forced to testify or to deliver information about facts and circumstances which he came to know during confession.

Chapter Three

Art. 15. Religious communities shall acquire status of a legal person on the conditions and according to the procedures of this law.

^[8] Or "distinguished," "differentiated." The Bulgarian term here is translated literally as "characterized" and has some of the same sense of awkwardness that the word "characterized" has in this context.

^[9] The Bulgarian for "patriarchate."

^[10] The original uses the word "one" as in oneness.

^[11] The implication appears to be that an individual cannot be a member of more than one religion, regardless what the religion itself believes on this issue.

^[12] Religion.

^[13] Religion.

^[14] The text is unclear as to who must take the religious needs, symbols, etc. into account, and in particular, whether state officials are required to accommodate these needs.

Art. 16. Registration of religious communities as a legal person shall be accomplished by the Sofia City Court.

Art. 17. Legal procedures for registration shall be carried out following the procedures of Chapter 46 of Civil Procedure Code.

Art. 18. The Sofia City Court may require expert opinion in relation to the registration of religious communities from the Directorate of Religions.

Art. 19. The statute of a religion must include:

- (1) name and headquarters of the religion;
- (2) short statement of the religious beliefs;
- (3) structure and bodies of the religion;
- (4) the manner of specifying of ruling authorities and the period of their mandate;
- (5) persons who have the right to represent the religion, the manner of their appointment, their change or replacement and the period of their mandate;
- (6) manners of taking decisions and procedures for summoning of sittings of the [supervisory] bodies of the religion;
- (7) internal property relations [within the religion];
- (8) manners of termination and liquidation.

Art. 20. The Sofia City Court shall manage a public register of religions with the status of legal persons, in which are listed :

1. legal resolution for registration by the Court ;
2. name and headquarters;
3. ruling bodies and representation;
4. names of the persons, which are representatives of the religious institution.

Art. 21.^[15](1) Religions can have local branches according to their statute.

(2) Local branches shall be registered by the mayors of the municipalities, according to the place of the [mayor's] headquarters, under the conditions of notification regime, within a 7-days term,^[16] on the basis of an application by the central leadership of the religion or authorised by it person according to the statute.

(3) The application, according to paragraph. 2, shall include:

1. The court decision of the Sofia City Court for the registration of the religion and its central leadership, together with the respective power of attorney to the [local] person authorized by the central leadership.
2. A certificate from the central leadership for persons, who shall represent the central leadership in the respective Municipality, the seat and the address of the local subsection.
- (4) The mayor shall inform the Directorate of Religions of the performed entry within 3 days after the entry in the [local] register is completed.
- (5) The Municipality administration shall maintain a register of local branches of religions.

^[15] The original article 21 from the Working Group Draft was dropped because it merely duplicates the procedures of the Civil Procedure Code referred to in Article 17.

^[16] The idea is that the mayor is obliged to register the local branch within seven days after receiving the notice (including the required application). That is, this is a notice regime, not an approval regime.

Art. 23. If it is possible according to the statute of a respective religion, local branches shall register as legal persons in a regional court, within the jurisdiction of the municipality where its headquarters are located.

Chapter Four Property and Finances

Art. 24.(1) Religions and their branches, which have acquired status of a legal person, according to the procedures of this law shall have right to their own property.

(2) Property of the religious organizations shall include: right of ownership over a property; limited property rights on real estate; fruits from managing of real estate, including rents; profits or dividends from participation in commercial companies or associations of commercial companies; right of ownership of movable property, including securities; Copyright Law rights; income from state subsidies, donations, testaments and others.

(3) The state and municipalities may lease to religious institutions and their local branches free of charge the right to use state or municipal real estate, as well as to support them with subsidies provided in the governmental or municipal budget.

Art. 24. Disposal of the properties of the religions shall be as provided in their statute.

Art. 25. (1) To meet their needs registered religions shall have a right to produce and sell things, connected to their religious activities, rituals, rites..

(2) Activities covered by paragraph 1 shall not be consider as commercial activity under the terms of the Law on Commerce.

(3) Prayer houses, temples, monasteries, objects and persons, connected to worship activity, shall not be used for the purpose of advertising by merchants according to the meaning of the Law on Commerce, without the express agreement of the respective religion.

Art. 26. Registered religions shall have the right to possess and maintain cemeteries at their own expense.

Art. 27. (1) The state shall support and encourage religions registered under this law for their religious, social, educational and health activity through tax, credit and interest rates, customs and other financial and economical relief under the terms and conditions specified in the respective special laws.

(2) When religions use preferences according to paragraph 1, their yearly accounting reports shall go through an obligatory independent financial audit by registered auditors. In these cases the parts of the verified annual accounting reports referring to the use preferences shall be presented at the Ministry of Finance.

(3) When infringement of the law is detected Ministry of finance informs the prosecutor's offices and of the governmental finance control for execution of checks and activities provided in the law.

Art. 28. A religion, which has acquired of legal personality according to this law, shall be able to establish commercial law entities.

Art. 29. (1) Legal persons with a not-for-profit purpose to support the popularising of a specific religion, which has acquired status of legal person, can be established after a preliminary consent of the referring religious institution.

(2) Legal entities with ideal^[17] purpose according to paragraph 1 have not the right to accomplish activities which represent practice of religion in public. ^[18]

Art. 30. Distribution of the state subsidy for the registered religions is done under the auspices of the law on the state budget.

Art. 31. Labour relations of the clergy and the officers of the religious institution are arranged according the statute of the religious institutions [in conformity with] the labour and social laws.

Chapter V

Hospitals, Social and Educational Establishments of Different Religions

Art. 32. (1) Those religions registered in accordance with this law, can open up hospitals, social and educational establishments.

(2) The hospitals, social and educational establishments of these religions are established and work according to the decree of the common law and a special arrangement of the law found herein.

Art. 33. The Ministry of Health, the Ministry of Labour and Social Care, and the Ministry of Education and Science oversee the observance of the governmental requirements and fulfilment of the activities of the said hospitals, social and educational establishments of different religions.

Art. 34. Religions are not allowed to condition admission into health or social establishments on affiliation with the respective religious community.

Art. 35. (1) Religious institutions, with the approval of the Minister of Education and Science, can open ecclesiastical schools with their own ritual needs in accordance with the law of national education.

(2) The education obtained in these ecclesiastical schools must be equal to the education received in a regular school in accordance with the law of national education.

(3) High schools can be opened by the order and conditions stated in the law for national education for private schools.

^[17] In Bulgarian law, ideal purpose organizations means not-for-profit, and includes both public benefit and mutual benefit organizations.

^[18] This provision prevents registration of a religion as a mere association. Later in this law (paragraph 5 of the transitional provisions) repeals Article 133(a) of the Law on the Persons and Family which provides that "not-for-profit associations and foundations with religious and religious-educational purpose are registered by the court after the consent of the Council of Ministers." The new law on Not-for-Profits provides that organizations with religious activities shall be registered according to a separate law. This excludes the possibility that religious organizations can be registered under the new Not-for-Profit Law. In the current law, there appears to be a repeal of this restriction. In paragraph 6, they replace "religious activities" with "activity which is specific for a religion"--which really effectuates no change.

(4) The prerequisites for a person younger than 18 years of age to attend an establishment of religious education, according to Art. 1., should be a written agreement of allowance from the parents or legal guardian.

(5) Establishments of religious education cannot hinder the right of receiving obligatory degrees of governmental education stated in the constitution and the law.

(6) The establishments of religious education can open universities in accordance with the order of the law of higher education.

(7) Schools of higher ecclesiastical education can be opened by a proposition from the leadership of the establishment of religious education with an approval from the Ministry Council.

Chapter six

The Department of Ecclesiastical Matters

Art. 36 The Ministry Council must carry into effect the governmental policy in the area of the rights of religion.

Art. 37. The Directorate of Religion is a specialized administration in the Council of Ministers which:

1. coordinates the relations between the executive power and the establishments of religious education;

2. helps the Ministry Council fulfil the governmental policy of sustaining tolerance and respect between the different establishments of religious education;

3. organizes and leads the work of the expert consultative committee of the establishments of religious education;

4. gives expert conclusions and point of view according to that which is contained in this law;

5. gives a point of view concerning the request of permission for foreign ministers to stay in the country who have been invited by the central leadership of the registered establishments of religious education;

6. checks on calls or complaints from citizens for disturbing their rights or the rights and freedom of their relatives by violating the establishments of religious education from the third party.

7. observes that officials do not violate the order of religious rights and freedom;

8. checks on calls or complaints of religious activity not permitted by the law in accordance with Art. 7. of this law, and when needed , informs the agency of the public prosecutor;

9. makes proposals on distribution of the governmental subsidy directed to the registered establishments of religious education;

Chapter seven

Administrative and penal provisions

Art.38. (1) Any person carrying out religious activity in the name of a religion without representational authority is penalized with a fine from BGN 100 to BGN 300.

(2) When the above mentioned act is repeated, the fee is BGN 500 to BGN 1000.

Art. 39. Any person who violates a situation not included in the written law but is a stumbling block to the free organization or inhibits the expression of religious convictions will be fined BGN 100 to BGN 300.

Art. 40. (1) If the articles of this law are violated but the act is not a criminal offence, the person will be penalized with a fee of BGN 500 to BGN 1,000. If a person holding a juridical position performs the act, sanctions will be levied from BGN 500 to BGN 1,000.

(2) For the least important cases, according to /1/, there will be a fine of BGN 100 to BGN 300.

Art. 41. (1) Violation of this law will be noted with public warrants issued by the officials of the establishments of religious education.

(2) The penal orders of applying a sanction by this law will be issued by the director of the establishment of religious education.

Art. 42. Public Acts and Penal Orders, by this law, will be constituted, issued, and appealed according to the order circumspect in the law of Administrative Violations and Sanctions Act.

Transitional and final provisions

§1. In the sense of this law:

1. Religion is a set of faith principles and convictions upon the basis of which worship rites and rituals are performed, and a religious community and religious institutions are formed.
2. A religious community is a voluntary union of natural persons for the manifestation of a certain religion, performance of worship, religious rituals and ceremonies.
3. A religious institution is a religious community registered in accordance with the Law on Religions which has the capacity of legal personality, ruling bodies, and a statute.

§ 2. (1) Registered establishments of religious education according to Act 6 from the law of the establishment of religious education (State Official Newspaper...) preserve their status of legal entities.

(2) Within a month after the execution, of the law the Directorate of Religion grants to the Sofia City Court the list of registration of the registered establishments of religious education and their regulations and also their standing orders.

(3) The court officially incorporates in the closed-door meetings registered establishments of religious education according to /1/. In this case the court could not refuse an incorporation of the entry of the registration.

(4) The registered local units of the establishments of religious education, existing prior to the validity of the law, which are legal entities are being incorporated officially by the respected district court within their headquarters in a closed-door meeting and by the request of the central leadership of establishments of religious education accompanied with a certificate of this registration of Sofia City Court. Mayors of the Municipalities, within a month of the incorporation of the law, deliver to the district court the registration of the local units of establishments of religious education.

§ 3. Persons who have seceded from the registered religious institution in violation of its By-laws, cannot use an identical name and use or operate its property.

§ 4. (1) According to the request of the registered establishments of religious education the director of the department of Ecclesiastical Matters under the ministry council issues a certificate for the right of ownership between establishments of religious education and pre-existing religious, educational religious, and social welfare legal entities before 1949.

(2) The representatives of the respective establishments of religious education introduce the claim before the Sofia City Court for establishing right of ownership by submitting the certificate to the director of the Department of Ecclesiastical Matters according to /1/.

(3) The Court states its decision, which is being incorporated in the registration according to Act 20.

(4) The decision may be appealed by other registered establishments of religious education, according to the order GPK.

§ 5. Art. 133a of the Law on the Persons and the Family is repealed.

§ 6. § 2, para. 2 of the Law on Legal Persons with Not-for-Profit Purpose is amended by replacing the wording "religious activity" with "activity, pertaining to a religion."^[19]

^[19] "Religiong" here is "Veroiozpovedanie."