

BULGARIA: Will Bulgarian courts uphold religious freedom?

JW.ORG (14.02.2017) – <http://bit.ly/2lPg9b0> – On June 4, 2016, Nikolai Stoyanov was standing by a small literature display stand on a public street in Burgas, offering free religious publications of Jehovah's Witnesses to passersby. When police came by at about 7:00 p.m., they charged Nikolai with violating a municipal ordinance and fined him 50 leva (\$27 U.S.). He was one of five Witnesses in Burgas who were charged and fined during May and June for their peaceful religious activity.

Courts Rule That City Councils Ignored Religious Freedom Rights

Nikolai and the four other Witnesses appealed the criminal decrees and fines. In decisions of October and November 2016, the Burgas Regional Court vindicated Nikolai and the other Witnesses and canceled their fines.

In the meantime, Jehovah's Witnesses challenged the constitutionality of the ordinance in Burgas. On October 12, 2016, the Burgas Administrative Court determined that the ordinance that purported to restrict the Witnesses' religious activity violated Bulgaria's constitutional guarantees and its international commitments to religious freedom.

The Burgas City Council was already aware that the restrictive provisions of the Ordinance for Preservation of Public Order violated constitutional rights. In 2013, a nationalist political party had proposed amendments, alleging that some people in the community were complaining about the Witnesses' religious activity. The district governor reviewed the

ordinance and concluded that the amendments were discriminatory and issued an order declaring them unconstitutional. However, the next district governor revoked the order, and the city council passed the amendments. The Ombudsman warned the city council that the new regulations were unlawful, but they remained in effect until the Burgas Regional Court invalidated them.

Similar cases occurred in Kyustendil, where the city council also knowingly adopted amendments to an ordinance that restricted religious freedom and then directed municipal police to enforce those amendments. The Kyustendil Administrative Court overturned six criminal decrees and fines of up to 800 leva (\$439 U.S.) imposed on Witnesses for allegedly illegal religious activity, stating in one of its decisions: "The Applicant is held liable for an act that by its essence represents the exercise of her right to religious freedom guaranteed to her by the Constitution and the LRA [Law of Religious Acts]." On June 24, 2016, the same court granted an application filed by local Witnesses and declared the amendments made to the ordinance to be unconstitutional. * The Kyustendil City Council has appealed the decision to the Supreme Court.

Mixed Reactions to the Right to Manifest Religious Belief

Over the past few years, at least 44 municipalities in Bulgaria have amended ordinances to restrict religious activity of registered religious organizations. When local authorities enforce the restrictive ordinances, the Witnesses face written warnings, citations, fines, threats, and even violence. For example, on March 26, 2016, Marin Tsvetkov, a municipal officer in the city of Vratsa, threatened two female Witnesses, stating that he would have football hooligans assault them. He then seized and damaged some of their religious literature.

Elsewhere, however, open-minded officials and the Bulgarian

courts have upheld religious freedom. On June 2, 2016, three officials approached a group of Jehovah's Witnesses who were using a mobile literature cart in the capital city of Sofia and asked for their permit to do this volunteer work. After reviewing the matter, the officials confirmed that Bulgaria's Constitution guarantees the right to carry out such peaceful activity. In Plovdiv, the country's second-largest city, the city council vetoed a political group's attempt to amend the Ordinance of Public Order and Security so as to prohibit Jehovah's Witnesses as a religion.

What Will Become of the Challenged Ordinances?

Jehovah's Witnesses in Bulgaria are taking steps to challenge all 44 ordinances that purport to restrict the constitutional right to share religious beliefs. Krassimir Velev, a spokesman for the national office of Jehovah's Witnesses, located in Sofia, stated: "Jehovah's Witnesses offer a community service by speaking with people about issues that concern them and sharing satisfying answers from the Bible. Many people welcome our message, but in municipalities that have adopted restrictive ordinances, we are targeted for distributing free printed material or even publicly expressing our religious convictions. When it is reasonable to do so, we defend the precious, divinely-given right to freedom of worship."

Jehovah's Witnesses are grateful that many senior officials and the courts of Bulgaria are acting to uphold the religious liberties that benefit all sectors of society. Time will tell whether the authorities will similarly remedy the other ordinances adopted to restrict religious activity in Bulgaria.

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