

LAW OF THE RELIGIONS (Confessions Act 2002)

Promulgated SG. 120/29 Dec 2002, amended SG. 33/21 Apr 2006, amended SG. 59/20 Jul 2007, amended SG. 74/15 Sep 2009

The National Assembly of the Republic of Bulgaria,

ascertaining the right of every person to freedom of conscience and belief, as well as equality before the law, without discrimination of the religious belonging and conviction,

underlining the special and traditional role of the Bulgarian Orthodox Church in the history of Bulgaria in the formation and development of its spirit and culture,

as well as expressing respect for the Christianity, the Islam, the Judaism and the other religions,

believing in the importance of this being supported by the mutual understanding, tolerance and respect on the issues related to the freedom of the conscience and belief, accepted this

Law of the religions

Chapter one.

GENERAL PROVISIONS

Art. 1. This law shall provide the right to religion, its protection, as well as the legal status of the religious communities and institutions and their relations with the state.

Art. 2. (1) The right to religion shall be basic, absolute, subjective, personal and inviolable.

(2) The right to religion shall include the right of everybody to form freely his religious beliefs as well as to choose, change and confess – respectively practice – freely his religion, individually or collectively, publicly or privately, through divine service, education, ceremonies and rituals.

Art. 3. (1) Nobody can be persecuted or restricted in his rights due to religious beliefs. Inadmissible shall be restrictions or privileges, based on affiliation or refusal of affiliation with a religion.

(2) The religious beliefs shall be not ground for refusal of fulfilment of the obligations, established in the Constitution or the law.

Art. 4. (1) The religions shall be free and equal. The religious institutions shall be separated from the state.

(2) Inadmissible shall be state interference in the internal organisation of the religious communities and the religious institutions.

(3) The state shall ensure conditions for free and unhindered exercising of the right to religion, co-operating for maintaining of tolerance and respect between the believers from different religions, as well as between believers and non believers.

(4) Discrimination on religious basis shall not be admitted.

Chapter two.

RIGHT TO RELIGION

Art. 5. (1) The right to religion shall be exercised through formation and expression of religious belief, creating or participation in religious community, organising of institution of the community, implementing religious education and training through dissemination of the respective conviction verbally, with publications, with electronic media, in the form of lectures, seminars, courses, programmes etc.

(2) The religious conviction can be expressed through implementing of respective divine services, rituals and customs.

(3) The religious conviction shall be expressed privately when it is implemented by a member or members of the religious community in the presence only of persons, who belong to it, and publicly – when its expression can become accessible also for people, not belonging to the respective religious community.

Art. 6. (1) The right to religion shall include also the following rights:

1. to be created and maintained religious communities and institutions with structure and way of representation, which are appropriate according to the free conviction of their members;

2. to be established and maintained places for divine service or religious meetings;

3. to be created and maintained appropriate charity or humanitarian institutions;

4. to be produced, acquired and used, according to the extent, compliant to the divine service objectives, the necessary materials and subjects for the ceremonies and the customs of a religion or belief.

5. to be written, published and disseminated religious publications;

6. to be given and received religious education in a language of personal choice;

7. to be preached or taught one religion or belief at places, appropriate according to the communities and the institutions for this purpose, as well a to be created and maintained appropriate according to the communities and the institutions educational establishments, observing the legal requirements;

8. to be collected and received voluntary financial and other grants and donations from separate persons and institutions;

9. to be observed the days for rest and to be respected the religious holidays;

10. to be established and maintained connections in the country and abroad with persons and communities on religious and belief issues.

(2) the parents, the guardians and the trustees shall have right to ensure religious education and training to their children in compliance with their own convictions.

Art. 7. (1) The freedom of religion cannot be directed against the national security, the public order, the public health and the morale or against the rights and the liberties of other persons.

(2) The religious communities and institutions, as well as belief convictions, cannot be used for political objectives.

(3) The right to religion can not be restricted except in the cases of para 1 and 2.

(4) The rights and the liberties of the persons, members of a religious community, cannot be restricted by the internal rules, rituals and ceremonies of this community or institution.

(5) The religious communities and institutions cannot include in their activity minor persons except with the explicit consent of their parents or guardians. The under age persons can be included in the activity of the religious communities and institutions except if there is explicit disagreement of their parents or trustees.

Art. 8. (1) The right to religion can be restricted if the requirements of art. 7 are violated by:

1. stopping the dissemination of a printed publication;
2. stopping of publishing activity;
3. restriction of the public appearances;
4. revoking the registration of an education, health or social establishment;
5. ceasing of the activity of the corporate body for a term up to 6 months;
6. revoking of the registration of the corporate body of the religion.

(2) The procedure for restricting shall be constituted upon request of the interested persons or of the prosecutor. The case shall be considered by claim order at the Sofia city court.

(3) The decision of the Sofia city court shall be subject to appeal by the general order.

Art. 9. Each religion shall be characterised with its name and the belief convictions of the individuals, comprising its religious community.

Art. 10. (1) Traditional religion in the Republic of Bulgaria is the East Orthodox. It has historic role for the Bulgarian state and actual significance for its state life. It is expressed and represented by the self ruled Bulgarian East Orthodox Church, which under the name Patriarchate is legal successor of the Bulgarian Exarchate and is member of the One, Holly,

Council and Apostle church. It is lead by the Holly Synod and is represented by the Bulgarian Patriarch, who is also the Bishop of Sofia.

(2) The Bulgarian East Orthodox Church is a corporate body. Its structure and management are determined in its statute.

(3) Para 1 and 2 can not b ground for conceding of privileges or whatever priorities with a law.

Art. 11. (1) The relations of the religious institutions with the state shall be implemented in the official Bulgarian language.

(2) At implementing of the divine service and of the different rituals other language can be used according to the traditions of the religious community.

Art. 12. (1) The religions can open for their needs ceremonial, pray or divine service homes for public religious ceremonies and services in own building or premises or hired by the religious institution or local division. Buildings of the religions shall be built observing the Law of spatial planing and the respective by-law acts, accounting for the peculiar religious symbols in the architectural design.

(2) The religions can organise public activity also out of their pray homes.

Art. 13. The secret of the confession shall be inviolable. No clergyman can be forced to testify or to give information about facts and circumstances, which have become known to him at confession.

Chapter three.

REGISTRATION

Art. 14. The religious communities can acquire statute of corporate body under the conditions and by the order of this law.

Art. 15. (1) (amend. – SG 59/07, in force from 01.03.2008) The registration of the religious communities as corporate bodies shall be implemented by the Sofia city court by the order of chapter forty nine "General Rules" of the Civil Procedure Code.

(2) Inadmissible shall be to exist more than one corporate body as religion with one and the same name and headquarters.

Art. 16. The Sofia city court can require expert statement in connection with the registration of the religious communities from Directorate "Religions" of the Council of Ministers.

Art. 17. The statute of the religion must contain obligatory:

1. the name and the headquarters of the religion;
2. presentation of the belief conviction and the liturgical practice;

3. structure and bodies of the religion;
4. the way of determining of the management bodies, their authorities and the duration of their mandate;
5. the persons, who have right to represent the religion and the way of determining them;
6. the way, in which decisions are taken and the procedures for summoning the sessions of the bodies of the religion;
7. ways of financing and property;
8. the way of termination and liquidation.

Art. 18. The Sofia city court shall keep public register of the religions with status of corporate bodies, in which shall be entered:

1. the court decision for registration;
2. the name and the headquarters;
3. the bodies of management and the representation;
4. the names of the persons, representing the religious institution.

Art. 19. (1) The religions can have local divisions according to their statutes.

(2) The local divisions shall be entered in a register by the mayors of the municipalities according to the settlement, where is their headquarters under the conditions of notifying regime, in 7 days term, on the basis of application by the central management of the religion or a person, authorised by it according to the statute.

(3) The application of para 2 shall include:

1. the court decision of the Sofia city court for registration of the religion and its central management, respectively proxy letter of the person, authorised by the central management;
2. certificate from the central management about the persons, who represent it at the respective municipality, the headquarters and the address of the local division.

(4) The mayor shall notify Directorate "Religions" of the Council of Ministers about the implemented entering in 3 days term after the entering in the register.

(5) At the municipal administration a register shall be kept of the local divisions of the religions.

Art. 20. Upon decision of the central management and according to the statute of the respective religion the local divisions can register themselves as corporate bodies at the regional court at their headquarters.

Chapter four.

PROPERTY AND FINANCE

Art. 21. (1) The religions and their divisions, acquired statute of corporate body on the basis of this law, shall have right to their property.

(2) The property of the religions can include right of ownership and limited real rights in rents, profits or dividends from participation in commercial companies immovables, fruits from the management of properties, in this number also rents, profits or dividends from participation in commercial companies or partnerships of commercial companies, right of ownership in chattels, in this number also securities, rights under the Law of copyright and related rights, incomes from state subsidies, grants, wills etc.

(3) The state and the municipalities can concede gratuitously to the religious institutions and their local divisions right to use over state and municipal properties as well as to support them with subsidies, provided in the state or the municipal budget.

Art. 22. The disposal with the properties of the religions shall be provided in their statutes.

Art. 23. (1) The registered religions shall have right for their needs to produce and sell subjects, connected with their liturgical activity, rituals and ceremonies.

(2) The transactions of para 1 shall not be commercial in the sense of the Commercial law.

(3) Pray homes, temples, monasteries, subjects and persons, connected with the liturgical activity, cannot be used for advertising by traders in the sense of the Commercial law without the explicit consent of the respective religion.

Art. 24. The registered religions shall have right to own and maintain for their account graveyard parks.

Art. 25. (1) The state can support and encourage the religions, registered under this law, for implementing of their religious, social, educational and health activity through tax, credit – interest, customs and other financial and economic alleviation under conditions and by order, defined in the respective special laws.

(2) When the religions use preferences of para 1, their annual accounts shall be subject to independent financial audit under the conditions, provided for the non profit corporate bodies, determined for accomplishing activity for public benefit.

(3) (amend. - SG 33/06) Upon establishing violations of the Law the Ministry of Finance shall notify the bodies of the prosecution and of the Agency for state financial inspection about implementing of checks and of the actions, provided in the law.

Art. 26. A religion, acquired statute of corporate body under this law, can create and participate in subjects of the commercial legislation.

Art. 27. (1) After preliminary consent of the respective religious institution non profit corporate bodies can be established for support and promotion of certain religion, which is with the statute of corporate body.

(2) The non profit corporate bodies of para 1 shall not have right to implement activity, which is public practice of religion.

Art. 28. The distribution of the state subsidy for the registered religions shall be implemented with the annual law of the state budget.

Art. 29. The employment legal relations of the clergymen and of the employees of the religious institutions shall be regulated according to the statute of the religious institution, the labour and the social legislation.

Chapter five.

HEALTH, SOCIAL AND EDUCATION ACTIVITIES OF THE RELIGIONS

Art. 30. (1) The religions, registered by the order of this law, can open health, social and education establishments.

(2) Health, social and education establishments of the religions shall be created and act according to the legislation in effect.

Art. 31. (amend. - SG 74/09, in force from 15.09.2009) The Ministry of Health, the Ministry of Labour and Social Policy and the Ministry of Education, Youth and Science shall see to the observing of the state requirements at carrying out the activity of the respective health, social and education establishments of the religions.

Art. 32. The accepting in a health or social establishment can not be put in dependence on the affiliation to the respective religious community.

Art. 33. (1) (amend. - SG 74/09, in force from 15.09.2009) The registered religions can open ecclesiastical schools for their ritual needs in compliance with the Law of the Public Education with permission by the Minister of Education, Youth and Science.

(2) The education, received at the ecclesiastical schools, shall be equalled to the secular in compliance with the Law of public education.

(3) The registered religions can open secondary general education schools under the conditions and by the order, provided in the Law of public education for the private schools.

(4) The admission to the schools of para 1, 2 and 3 shall take place with written application by the parents or the guardians, except the cases, when the student has rounded 18 years.

(5) The education establishments of the registered religions can not hinder the conceding of the obligatory degrees of state education, provided in the Constitution and in the law.

(6) The registered religions can open higher school under the conditions and by the order of the Law of the higher education.

(7) Higher ecclesiastical schools shall be opened upon proposal by the management of the registered religions with a permission by the Council of Ministers.

Chapter seven.

DIRECTORATE "RELIGIONS"

Art. 34. The Council of Ministers shall implement the state policy in the field of the right to religion.

Art. 35. Directorate "Religions" shall be a specialised administration of the Council of Ministers, which shall:

1. co-ordinate the relations of the executive power with the religions;
2. support the Council of Ministers in implementing the state policy of maintaining tolerance and respect between the different religions;
3. organise and manage the work of an expert consultative commission for the problems of the religions;
4. give expert conclusions and statements, when this is provided in this law;
5. give statements about request for permission for stay in the country of foreign religious servants, invited by the central management of the registered religions;
6. check signals and complaints of citizens about violation of their rights and liberties or rights and liberties of their close by misuse of the right to religion on behalf of third persons.
7. abide by the observing of the religious rights and liberties by the obliged officials;
8. check signals and appeals about implementing illegal religious activity in connection with art 7 of this law and if necessary notify the bodies of prosecution.
9. make proposals to the Council of Ministers on the draft state budget about the distribution of the state subsidy, designated for the registered religions and ensure the accounting.

Chapter seven.

ADMINISTRATIVE PUNITIVE PROVISIONS

Art. 36. (1) The one, who without representative power implements activity on behalf of a religion, shall be punished with fine from 100 to 300 levs.

(2) When the act of para 1 has been repeated the fine shall be from 500 to 1000 leva.

Art. 37. The one, who hinders the free formation or expression of belief conviction, except the cases of art. 7, shall be punished with fine from 100 to 300 leva.

Art. 38. For violation of the provisions of this law, if the act does not constitute crime, the guilty person shall be punished with fine from 100 to 300 leva. When the act has been done by a corporate body, proprietary sanction shall be imposed in amount from 500 to 5000 leva.

Art. 39. (1) The violations under this law shall be established with acts, compiled by officials of Directorate "Religions" of the Council of Ministers.

(2) The punitive decrees shall be issued by the director of Directorate "Religions" of the Council of Ministers.

Art. 40. The acts for violations and the punitive decrees under this law shall be compiled, issued and appealed by the order, provided in the Law of the administrative breaches and penalties.

Additional provisions

§ 1. In the context of this law:

1. "Religion" is the combination of belief convictions and principles, the religious community and its religious institution.
2. "Religious community" is a voluntary union of individuals for professing of given religion, implementing of divine service, religious ceremonies and rituals.
3. "Religious institution" is the religious community, registered in compliance with the Law of the religions, which has the quality of corporate body, its management bodies and statute.

Transitional and concluding provisions

§ 2. (1) The registered religions under art. 6 of the Law of confessions (revoked with § 8) shall preserve their status of corporate bodies.

(2) In one month term after the law enters into force Directorate "Religions" of the Council of Ministers shall concede to the Sofia city court the register of the registered religions and their statutes.

(3) The court shall enter officially at a closed session the religions, registered under para 1 except the religion of art. 10. In this case the court can not refuse the entering.

(4) The found local divisions of the religions, which are corporate bodies, shall be entered officially by the respective regional court at their headquarters upon application by the central management of the religion. To the application shall be attached certificate for the registration of the religion at the Sofia city court, respectively certificate, issued by the central management of the religion to the person, who represents the local division. The mayors of

the municipalities shall, in one month term after the law enters into force, submit to the regional court the register of the local divisions of the religions.

§ 3. The persons, who by the entering of this law into force have separated from registered religious institution in violation of its statute, approved by the established order, can not use identical name and to use and to dispose with its property.

§ 4. (1) On the basis of a request by a registered religion the director of Directorate "Religions" of the Council of Ministers shall issue certificate about the legal succession between the religion and existed religious, religious – education and social – charity corporate bodies in the period till 1949.

(2) The representatives of the respective religion shall submit the claim to the Sofia city court for establishing of legal succession, presenting the certificate of the director of Directorate "Religions" of para 1.

(3) The court shall take decision, which shall be entered in the register of art. 18.

(4) The decision can be appealed by other registered religions by the order of the Civil Procedure Code.

§ 5. (1) Restored shall be the ownership of the religions in expropriated, alienated, confiscated or illegally ceased properties on the grounds, pointed out in the Law of restoration of the ownership in expropriated immovable properties, in the revoked art. 21 of the Law of the confessions, in the Law of restoration of the ownership in some alienated properties under the Law of territorial and urban development, the Law of planned construction of the settlements, the Law of public works of the settlements, the Law of the state properties and the Law of ownership, the Law of ownership and use of the farm land and the Law for restoration of the ownership in the forests and the lands of the forest entirety, which are ownership of the state, the municipalities, the public organisations or their companies or of sole owned companies under art. 61 of the Commercial law and exist really up to the dimensions with which they have been alienated.

(2) The restoration of the ownership shall be implemented by the order of the Law for restoration of the ownership in expropriated immovable properties with the entering of this law into force.

(3) The provisions of this law with the respective references to the other restitution laws shall be applied for the pending cases on disputes, referring to restoration of the ownership of the religions.

(4) The expired acquisition prescription term for properties, the ownership in which is restored under this law, shall not be respected and it shall start from the day the law enters into force.

(5) When the conditions for restoration of the right of ownership of para 1 – 4 do not exist, the religions shall be indemnified by the order of the Law for indemnification of the owners of expropriated properties. The claims for indemnification shall be submitted by the religions in one year term after this law enters into force.

§ 6. In the Law of the persons and family (Prom. SG 182 1949 ; Corr. SG 193 1949 ; Amend. SG 12 1951 ; Amend. SG 12 1952 ; Amend. SG 92 1952 ; Amend. SG 15 1953 ; Corr. SG 16 1953 ; Amend. SG 89 1953 ; Amend. SG 90 1955 ; Amend. SG 90 1956 ; Amend. SG 50 1961 ; Amend. SG 23 1968 ; Amend. SG 36 1979 ; Amend. SG 41 1985 ; Amend. SG 46 1989 ; Amend. SG 20 1990 ; Amend. SG 15 1994 ; Amend. SG 67 1999 ; Amend. SG 81 2000) art. 133a shall be revoked.

§ 7. In the transitional and concluding provisions of the Law of the non profit corporate bodies (prom. SG 81 2000; amend. SG41, 98 2001, SG 25 2002) in § 2, para 1 the words "and religious activity" shall be substituted by "and activity, inherent to religion".

§ 8. This law shall revoke the Law of confessions (prom. SG 48 1949; corr. SG 54 1949; amend. Izv. 1, 13 1951, SG 15 1991, SG 49 1992 – Decision No 5 of the Constitutional Court of 1992, amend. SG 11 1998)

The law was passed by the 39th National Assembly on December 20, 2002 and is affixed with the official seal of the National Assembly.

Transitional and concluding provisions
TO THE CIVIL PROCEDURE CODE

(PROM. – SG 59/07, IN FORCE FROM 01.03.2008)

§ 61. This code shall enter into force from 1 March 2008, except for:

1. Part Seven “Special rules related to proceedings on civil cases subject to application of European Union legislation”
2. paragraph 2, par. 4;
3. paragraph 3 related to revoking of Chapter Thirty Two “a” “Special rules for recognition and admission of fulfillment of decisions of foreign courts and of other foreign bodies” with Art. 307a – 307e and Part Seven “Proceedings for returning a child or exercising the right of personal relations” with Art. 502 – 507;
4. paragraph 4, par. 2;
5. paragraph 24;
6. paragraph 60,

which shall enter into force three days after the promulgation of the Code in the State Gazette.

Concluding provisions
TO THE LAW ON AMENDMENT AND SUPPLEMENTATION OF THE LAW FOR THE
VOCATIONAL EDUCATION AND TRAINING

(PROM. – SG 74/09, IN FORCE FROM 01.10.2009)

§ 48. The Law shall enter into force from the date of its promulgation in the State Gazette, except for § 1, which shall enter into force from the 15th of September 2009 and § 47, which shall enter into force from the 1st of October 2009.