

Rights and Regulations



QUIZ

Facilitators answer sheet

The following 7 questions and answers are used in the '[Rights and regulations](#)' quiz on page 85, and help participants process learning from a knowledge input on legitimate limitations to freedom of religion or belief. The questions could be used in many other ways – for example with the methodology of '[The Barometer](#)' or '[The traffic lights](#)' exercises.

A handout of the questions can be found at www.forb-learning.org/exercises/rights-and-regulations.

NOTE

Please note that the following legislative proposals were proposed in 2018 by a group of parliamentarians (not the Bulgarian government) and that almost all the proposals were rejected by parliament.

QUESTION 1: **Proposed law: Language requirements**

All worship must be conducted in the Bulgarian language. Would this be a legitimate limitation of freedom of religion or belief?



ANSWER

No. This limitation directly discriminates against those who don't speak the Bulgarian language and undermines their right to gather for worship on the same terms as Bulgarian-speaking people. Discrimination on the basis of language is prohibited under international law.

QUESTION 2: **Proposed law: Financing**

A ban on foreign financing of religious activities. Would this be a legitimate limitation of freedom of religion or belief?



ANSWER

No. Although there may arguably be a legitimate ground to restrict foreign financing in certain circumstances, a blanket ban on all funds from abroad is not a necessary or proportionate limitation. There are other possible solutions.

QUESTION 3: **Proposed law: Theological training**

All preachers must have received their theological training in the country. Would this be a legitimate limitation of freedom of religion or belief?



ANSWER

No. This indirectly discriminates against those religious and faith communities who do not have religious training institutions in the country. They would not be able to train their religious leaders in the country or bring leaders from abroad to serve their community. Indirect discrimination is harder to spot than direct discrimination.



QUESTION 4:

Proposed law: Registration requirements

3000 Bulgarian citizens are required as professing members in order for a denomination to be registered. Would this be a legitimate limitation of freedom of religion or belief?



ANSWER

No. There might be small minority religious communities that are not able to reach the threshold of 3000 people, and therefore are denied the possibility to register and obtain a legal identity. When coupled with regulations that only allow religious activities on premises registered for the purpose, this would also result in restrictions on the right to manifest religious beliefs. It could also undermine the right to freedom of religion or belief for non-citizens (e.g., migrant workers, asylum-seekers, refugees).



QUESTION 5:

Proposed law: Children's participation

Written permission must be provided by both parents for each religious activity that a minor is to be involved in. Would this be a legitimate limitation of freedom of religion or belief?



ANSWER

No. Children are minors until the age of 18. Under article 14 of the Convention on the Rights of the Child, children have the right to freedom of religion or belief, and parents have the right to bring their children up in accordance with their beliefs. This parental responsibility should be exercised in a manner consistent with the child's growing maturity and ability to decide for themselves. The older and more mature a child becomes, the greater freedom they should have to decide for themselves if they want to participate in religious activities.

While parental consent is needed when involving younger children in confessional religious activities, the formulation of this legislation is problematic. Note the requirement for religious communities to obtain permission from BOTH parents for EACH religious activity. Should one parent refuse to sign, religious communities would be required to deny entry to the other parent if they attempt to attend worship with their small child. This may result in the parent being denied the right to manifest their religion or belief. A significant administrative burden is placed on religious communities to check and obtain the necessary permission forms for each activity from both parents.

QUESTION 6:



Proposed law: Unregistered religious activities

A ban on religious activities outside properties registered for the purpose. Would this be a legitimate limitation of freedom of religion or belief?



ANSWER

No. It is illegitimate to make the right to practice religious beliefs in community with others dependent upon registration and governmental approval. For example, this law would make it illegal to hold a prayer group or a theological discussion with non-family members at home, or to gather for worship outdoors.

Authorities can legitimately require religious communities to apply for planning/building permission when building a house of worship, just as they do for other

types of building. In managing planning permission, the authorities must ensure equal treatment of each religious community in law and in practice. Many governments around the world illegitimately restrict religious activities to certain pre-approved places in an attempt to control religious and belief communities.



QUESTION 7:

Proposed law: Audited accounts

All denominations in receipt of government funding must provide annual audited accounts to the Department of Religion. Does this limit freedom of religion or belief?



ANSWER

It depends. Generally speaking, this is a reporting requirement for the receipt of government funding, which is legitimate if it is applied equally to all religious and belief communities receiving government funding. However, care should be taken to ensure the details of the legislation are appropriate and cannot be misused. Legislation should not require the submission of information that could be used to target or curb the activities of a particular group, for example, if the identity details of all members or of all those who give voluntary donations to the group (regardless of the amount).

Source

Adapted from the FORB Learning Platform's online training of the trainers' course, www.forb-learning.org/tot