

**About this application form**

This application form is a formal legal document and may affect your rights and obligations. Please follow the instructions given in the Notes for filling in the application form. Make sure you fill in all the fields applicable to your situation and provide all relevant documents.

Warning: If your application is incomplete, it will not be accepted (see Rule 47 of the Rules of Court). Please note in particular that Rule 47 § 2 (a) provides that: "All of the information referred to in paragraph 1 (d) to (f) [statement of facts, alleged violations and information about compliance with the admissibility criteria] that is set out in the relevant part of the application form should be sufficient to enable the Court to determine the nature and scope of the application without recourse to any other document."

**Barcode label**

If you have already received a sheet of barcode labels from the European Court of Human Rights, please place one barcode label in the box below.

**Reference number**

If you already have a reference number from the Court in relation to these complaints, please indicate it in the box below.

**A. The applicant (Individual)**

This section refers to applicants who are individual persons only. If the applicant is an organisation, please go to Section B.

1. Surname

2. First name(s)

3. Date of birth

 e.g. 27/09/2012  
D D M M Y Y Y Y

4. Nationality

5. Address

6. Telephone (including international dialling code)

7. Email (if any)

8. Sex

- male  
 female

**B. The applicant (Organisation)**

This section should only be filled in where the applicant is a company, NGO, association or other legal entity.

9. Name

10. Identification number (if any)

11. Date of registration or incorporation (if any)

 e.g. 27/09/2012  
D D M M Y Y Y Y

12. Activity

13. Registered address

14. Telephone (including international dialling code)

15. Email

**C. Representative(s) of the applicant**

If the applicant is not represented, go to Section D.

**Non-lawyer/Organisation official**Please fill in this part of the form if you are representing an applicant but *are not a lawyer*.

In the box below, explain in what capacity you are representing the applicant or state your relationship or official function where you are representing an organisation.

16. Capacity / relationship / function

17. Surname

18. First name(s)

19. Nationality

20. Address

21. Telephone (including international dialling code)

22. Fax

23. Email

**Lawyer**Please fill in this part of the form if you are representing the applicant *as a lawyer*.

24. Surname

Kostov

25. First name(s)

Viktor

26. Nationality

Bulgarian/US

27. Address

28. Telephone (including international dialling code)

+359878198278

29. Fax

+1-646-304-2699

30. Email

adv.kostov@mail.bg

**Authority**

The applicant must authorise any representative to act on his or her behalf by signing the authorisation below (see the Notes for filling in the application form).

I hereby authorise the person indicated to represent me in the proceedings before the European Court of Human Rights, concerning my application lodged under Article 34 of the Convention.

31. Signature of applicant



32. Date

0	4	1	1	2	0	1	5
D	D	M	M	Y	Y	Y	Y

 e.g. 27/09/2012



### About this application form

This application form is a formal legal document and may affect your rights and obligations. Please follow the instructions given in the Notes for filling in the application form. Make sure you fill in all the fields applicable to your situation and provide all relevant documents.

Warning: If your application is incomplete, it will not be accepted (see Rule 47 of the Rules of Court). Please note in particular that Rule 47 § 2 (a) provides that: "All of the information referred to in paragraph 1 (d) to (f) [statement of facts, alleged violations and information about compliance with the admissibility criteria] that is set out in the relevant part of the application form should be sufficient to enable the Court to determine the nature and scope of the application without recourse to any other document."

#### Barcode label

If you have already received a sheet of barcode labels from the European Court of Human Rights, please place one barcode label in the box below.

#### Reference number

If you already have a reference number from the Court in relation to these complaints, please indicate it in the box below.

#### A. The applicant (Individual)

This section refers to applicants who are individual persons only. If the applicant is an organisation, please go to Section B.

1. Surname

2. First name(s)

3. Date of birth

D	D	M	M	Y	Y	Y	Y

 e.g. 27/09/2012

4. Nationality

5. Address

6. Telephone (including international dialling code)

7. Email (if any)

8. Sex

male

female

#### B. The applicant (Organisation)

This section should only be filled in where the applicant is a company, NGO, association or other legal entity.

9. Name

10. Identification number (if any)

11. Date of registration or incorporation (if any)

1	4	0	8	2	0	0	3
D	D	M	M	Y	Y	Y	Y

 e.g. 27/09/2012

12. Activity

13. Registered address

14. Telephone (including international dialling code)

15. Email

**C. Representative(s) of the applicant**

If the applicant is not represented, go to Section D.

**Non-lawyer/Organisation official**Please fill in this part of the form if you are representing an applicant but *are not a lawyer*.

In the box below, explain in what capacity you are representing the applicant or state your relationship or official function where you are representing an organisation.

16. Capacity / relationship / function

Pastor and representative

17. Surname

Tonchev

18. First name(s)

Zhivko

19. Nationality

Bulgarian

20. Address

[REDACTED]

21. Telephone (including international dialling code)

[REDACTED]

22. Fax

[REDACTED]

23. Email

[REDACTED]

**Lawyer**Please fill in this part of the form if you are representing the applicant *as a lawyer*.

24. Surname

Kostov

25. First name(s)

Viktor

26. Nationality

Bulgarian/US

27. Address

[REDACTED]

28. Telephone (including international dialling code)

+359878198278

29. Fax

+1-646-304-2699

30. Email

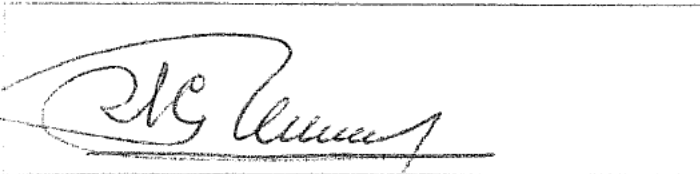
adv.kostov@mail.bg

**Authority**

The applicant must authorise any representative to act on his or her behalf by signing the authorisation below (see the Notes for filling in the application form).

I hereby authorise the person indicated to represent me in the proceedings before the European Court of Human Rights, concerning my application lodged under Article 34 of the Convention.

31. Signature of applicant



32. Date

0	4	1	1	2	0	1	5
D	D	M	M	Y	Y	Y	Y

 e.g. 27/09/2012



**About this application form**

This application form is a formal legal document and may affect your rights and obligations. Please follow the instructions given in the Notes for filling in the application form. Make sure you fill in all the fields applicable to your situation and provide all relevant documents.

Warning: If your application is incomplete, it will not be accepted (*see Rule 47 of the Rules of Court*). Please note in particular that Rule 47 § 2 (a) provides that: "All of the information referred to in paragraph 1 (d) to (f) [*statement of facts, alleged violations and information about compliance with the admissibility criteria*] that is set out in the relevant part of the application form should be sufficient to enable the Court to determine the nature and scope of the application without recourse to any other document."

**Barcode label**

If you have already received a sheet of barcode labels from the European Court of Human Rights, please place one barcode label in the box below.

**Reference number**

If you already have a reference number from the Court in relation to these complaints, please indicate it in the box below.

**A. The applicant (Individual)**

This section refers to applicants who are individual persons only. If the applicant is an organisation, please go to Section B.

1. Surname

2. First name(s)

3. Date of birth

0	5	0	1	1	9	7	1
D	D	M	M	Y	Y	Y	Y

 e.g. 27/09/2012

4. Nationality

5. Address

6. Telephone (including international dialling code)

7. Email (if any)

8. Sex

- male
- female

**B. The applicant (Organisation)**

This section should only be filled in where the applicant is a company, NGO, association or other legal entity.

9. Name

10. Identification number (if any)

11. Date of registration or incorporation (if any)

D	D	M	M	Y	Y	Y	Y

 e.g. 27/09/2012

12. Activity

13. Registered address

14. Telephone (including international dialling code)

15. Email

**C. Representative(s) of the applicant**

If the applicant is not represented, go to Section D.

**Non-lawyer/Organisation official**

Please fill in this part of the form if you are representing an applicant but *are not a lawyer*.

In the box below, explain in what capacity you are representing the applicant or state your relationship or official function where you are representing an organisation.

16. Capacity / relationship / function

17. Surname

18. First name(s)

19. Nationality

20. Address

21. Telephone (including international dialling code)

22. Fax

23. Email

**Lawyer**

Please fill in this part of the form if you are representing the applicant *as a lawyer*.

24. Surname

25. First name(s)

26. Nationality

27. Address

28. Telephone (including international dialling code)

29. Fax


30. Email

**Authority**

The applicant must authorise any representative to act on his or her behalf by signing the authorisation below (see the Notes for filling in the application form).

I hereby authorise the person indicated to represent me in the proceedings before the European Court of Human Rights, concerning my application lodged under Article 34 of the Convention.

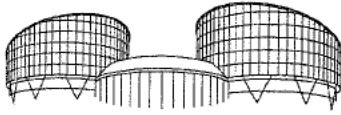
31. Signature of applicant



32. Date

0	4	1	1	2	0	1	5
D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2012



**About this application form**

This application form is a formal legal document and may affect your rights and obligations. Please follow the instructions given in the Notes for filling in the application form. Make sure you fill in all the fields applicable to your situation and provide all relevant documents.

Warning: If your application is incomplete, it will not be accepted (see Rule 47 of the Rules of Court). Please note in particular that Rule 47 § 2 (a) provides that: "All of the information referred to in paragraph 1 (d) to (f) [statement of facts, alleged violations and information about compliance with the admissibility criteria] that is set out in the relevant part of the application form should be sufficient to enable the Court to determine the nature and scope of the application without recourse to any other document."

**Barcode label**

If you have already received a sheet of barcode labels from the European Court of Human Rights, please place one barcode label in the box below.

**Reference number**

If you already have a reference number from the Court in relation to these complaints, please indicate it in the box below.

**A. The applicant (Individual)**

This section refers to applicants who are individual persons only. If the applicant is an organisation, please go to Section B.

1. Surname

2. First name(s)

3. Date of birth

D	D	M	M	Y	Y	Y	Y

 e.g. 27/09/2012

4. Nationality

5. Address

6. Telephone (including international dialling code)

7. Email (if any)

8. Sex

- male
- female

**B. The applicant (Organisation)**

This section should only be filled in where the applicant is a company, NGO, association or other legal entity.

9. Name

10. Identification number (if any)

11. Date of registration or incorporation (if any)

2	7	1	0	2	0	0	4
D	D	M	M	Y	Y	Y	Y

 e.g. 27/09/2012

12. Activity

13. Registered address

14. Telephone (including international dialling code)

15. Email

**C. Representative(s) of the applicant**

If the applicant is not represented, go to Section D.

**Non-lawyer/Organisation official**

Please fill in this part of the form if you are representing an applicant but *are not a lawyer*.

In the box below, explain in what capacity you are representing the applicant or state your relationship or official function where you are representing an organisation.

16. Capacity / relationship / function

Pastor, Chair of the Spiritual Council

17. Surname

Kiryakov

18. First name(s)

Radoslav

19. Nationality

Bulgarian

20. Address

[Redacted]

21. Telephone (including international dialling code)

[Redacted]

22. Fax

[Redacted]

23. Email

[Redacted]

**Lawyer**

Please fill in this part of the form if you are representing the applicant *as a lawyer*.

24. Surname

Kostov

25. First name(s)

Kostov

26. Nationality

Bulgarian/US

27. Address

[Redacted]

28. Telephone (including international dialling code)

+359878198278

29. Fax

+1-646-304-2699

30. Email


adv.kostov@mail.bg

**Authority**

The applicant must authorise any representative to act on his or her behalf by signing the authorisation below (see the Notes for filling in the application form).

I hereby authorise the person indicated to represent me in the proceedings before the European Court of Human Rights, concerning my application lodged under Article 34 of the Convention.

31. Signature of applicant



32. Date

0	4	1	1	2	0	1	5
D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2012





### About this application form

This application form is a formal legal document and may affect your rights and obligations. Please follow the instructions given in the Notes for filling in the application form. Make sure you fill in all the fields applicable to your situation and provide all relevant documents.

Warning: If your application is incomplete, it will not be accepted (*see Rule 47 of the Rules of Court*). Please note in particular that Rule 47 § 2 (a) provides that: "All of the information referred to in paragraph 1 (d) to (f) [*statement of facts, alleged violations and information about compliance with the admissibility criteria*] that is set out in the relevant part of the application form should be sufficient to enable the Court to determine the nature and scope of the application without recourse to any other document."

#### Barcode label

If you have already received a sheet of barcode labels from the European Court of Human Rights, please place one barcode label in the box below.

#### Reference number

If you already have a reference number from the Court in relation to these complaints, please indicate it in the box below.

#### A. The applicant (Individual)

This section refers to applicants who are individual persons only. If the applicant is an organisation, please go to Section B.

1. Surname

2. First name(s)

3. Date of birth

1	2	0	3	1	9	4	4	e.g. 27/09/2012
D	D	M	M	Y	Y	Y	Y	

4. Nationality

5. Address

6. Telephone (including international dialling code)

7. Email (if any)

8. Sex

- male  
 female

#### B. The applicant (Organisation)

This section should only be filled in where the applicant is a company, NGO, association or other legal entity.

9. Name

10. Identification number (if any)

11. Date of registration or incorporation (if any)

								e.g. 27/09/2012
D	D	M	M	Y	Y	Y	Y	

12. Activity

13. Registered address

14. Telephone (including international dialling code)

15. Email

**C. Representative(s) of the applicant**

If the applicant is not represented, go to Section D.

**Non-lawyer/Organisation official**

Please fill in this part of the form if you are representing an applicant but *are not a lawyer*.

In the box below, explain in what capacity you are representing the applicant or state your relationship or official function where you are representing an organisation.

16. Capacity / relationship / function

17. Surname

18. First name(s)

19. Nationality

20. Address

21. Telephone (including international dialling code)

22. Fax

23. Email

**Lawyer**

Please fill in this part of the form if you are representing the applicant *as a lawyer*.

24. Surname

25. First name(s)

26. Nationality

27. Address

28. Telephone (including international dialling code)

29. Fax

30. Email

**Authority**

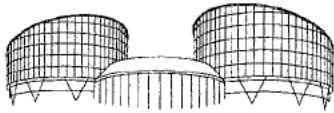
The applicant must authorise any representative to act on his or her behalf by signing the authorisation below (see the Notes for filling in the application form).

I hereby authorise the person indicated to represent me in the proceedings before the European Court of Human Rights, concerning my application lodged under Article 34 of the Convention.

31. Signature of applicant

32. Date

0	4	1	1	2	0	1	5	e.g. 27/09/2012
D	D	M	M	Y	Y	Y	Y	



**About this application form**

This application form is a formal legal document and may affect your rights and obligations. Please follow the instructions given in the Notes for filling in the application form. Make sure you fill in all the fields applicable to your situation and provide all relevant documents.

Warning: If your application is incomplete, it will not be accepted (*see Rule 47 of the Rules of Court*). Please note in particular that Rule 47 § 2 (a) provides that: "All of the information referred to in paragraph 1 (d) to (f) [*statement of facts, alleged violations and information about compliance with the admissibility criteria*] that is set out in the relevant part of the application form should be sufficient to enable the Court to determine the nature and scope of the application without recourse to any other document."

**Barcode label**

If you have already received a sheet of barcode labels from the European Court of Human Rights, please place one barcode label in the box below.

**Reference number**

If you already have a reference number from the Court in relation to these complaints, please indicate it in the box below.

**A. The applicant (Individual)**

This section refers to applicants who are individual persons only. If the applicant is an organisation, please go to Section B.

1. Surname

2. First name(s)

3. Date of birth

D	D	M	M	Y	Y	Y	Y

 e.g. 27/09/2012

4. Nationality

5. Address

6. Telephone (including international dialling code)

7. Email (if any)

8. Sex

- male  
 female

**B. The applicant (Organisation)**

This section should only be filled in where the applicant is a company, NGO, association or other legal entity.

9. Name

10. Identification number (if any)

11. Date of registration or incorporation (if any)

1	3	0	8	2	0	0	3
D	D	M	M	Y	Y	Y	Y

 e.g. 27/09/2012

12. Activity

13. Registered address

14. Telephone (including international dialling code)

15. Email

**C. Representative(s) of the applicant**

If the applicant is not represented, go to Section D.

**Non-lawyer/Organisation official**

Please fill in this part of the form if you are representing an applicant but *are not a lawyer*.

In the box below, explain in what capacity you are representing the applicant or state your relationship or official function where you are representing an organisation.

16. Capacity / relationship / function

Pastor, Chair of the Spiritual Committee

17. Surname

Krustev

18. First name(s)

Stefan Nenkov

19. Nationality

Bulgarian

20. Address

[Redacted]

21. Telephone (including international dialling code)

[Redacted]

22. Fax

[Redacted]

23. Email

[Redacted]

**Lawyer**

Please fill in this part of the form if you are representing the applicant *as a lawyer*.

24. Surname

Kostov

25. First name(s)

Viktor

26. Nationality

Bulgarian/US

27. Address

[Redacted]

28. Telephone (including international dialling code)

+359878198278

29. Fax

+1-646-304-2699

30. Email

adv.kostov@mail.bg

**Authority**

The applicant must authorise any representative to act on his or her behalf by signing the authorisation below (see the Notes for filling in the application form).

I hereby authorise the person indicated to represent me in the proceedings before the European Court of Human Rights, concerning my application lodged under Article 34 of the Convention.

31. Signature of applicant



32. Date

0 | 4 | 1 | 1 | 2 | 0 | 1 | 5 | e.g. 27/09/2012  
D D M M Y Y Y Y

**D. State(s) against which the application is directed**

33. Tick the name(s) of the State(s) against which the application is directed

- |   |  |
|---|--|
| <input type="checkbox"/> ALB - Albania                | <input type="checkbox"/> ITA - Italy                                       |
| <input type="checkbox"/> AND - Andorra                | <input type="checkbox"/> LIE - Liechtenstein                               |
| <input type="checkbox"/> ARM - Armenia                | <input type="checkbox"/> LTU - Lithuania                                   |
| <input type="checkbox"/> AUT - Austria                | <input type="checkbox"/> LUX - Luxembourg                                  |
| <input type="checkbox"/> AZE - Azerbaijan             | <input type="checkbox"/> LVA - Latvia                                      |
| <input type="checkbox"/> BEL - Belgium                | <input type="checkbox"/> MCO - Monaco                                      |
| <input checked="" type="checkbox"/> BGR - Bulgaria    | <input type="checkbox"/> MDA - Republic of Moldova                         |
| <input type="checkbox"/> BIH - Bosnia and Herzegovina | <input type="checkbox"/> MKD - "The former Yugoslav Republic of Macedonia" |
| <input type="checkbox"/> CHE - Switzerland            | <input type="checkbox"/> MLT - Malta                                       |
| <input type="checkbox"/> CYP - Cyprus                 | <input type="checkbox"/> MNE - Montenegro                                  |
| <input type="checkbox"/> CZE - Czech Republic         | <input type="checkbox"/> NLD - Netherlands                                 |
| <input type="checkbox"/> DEU - Germany                | <input type="checkbox"/> NOR - Norway                                      |
| <input type="checkbox"/> DNK - Denmark                | <input type="checkbox"/> POL - Poland                                      |
| <input type="checkbox"/> ESP - Spain                  | <input type="checkbox"/> PRT - Portugal                                    |
| <input type="checkbox"/> EST - Estonia                | <input type="checkbox"/> ROU - Romania                                     |
| <input type="checkbox"/> FIN - Finland                | <input type="checkbox"/> RUS - Russian Federation                          |
| <input type="checkbox"/> FRA - France                 | <input type="checkbox"/> SMR - San Marino                                  |
| <input type="checkbox"/> GBR - United Kingdom         | <input type="checkbox"/> SRB - Serbia                                      |
| <input type="checkbox"/> GEO - Georgia                | <input type="checkbox"/> SVK - Slovak Republic                             |
| <input type="checkbox"/> GRC - Greece                 | <input type="checkbox"/> SVN - Slovenia                                    |
| <input type="checkbox"/> HRV - Croatia                | <input type="checkbox"/> SWE - Sweden                                      |
| <input type="checkbox"/> HUN - Hungary                | <input type="checkbox"/> TUR - Turkey                                      |
| <input type="checkbox"/> IRL - Ireland                | <input type="checkbox"/> UKR - Ukraine                                     |
| <input type="checkbox"/> ISL - Iceland                |  |

**Subject matter of the application**

All the information concerning the facts, complaints and compliance with the requirements of exhaustion of domestic remedies and the six-month time-limit laid down in Article 35 § 1 of the Convention must be set out in this part of the application form (sections E., F. and G.) (Rule 47 § 2 (a)). The applicant may supplement this information by appending further details to the application form. Such additional explanations must not exceed 20 pages (Rule 47 § 2 (b)); this page limit does not include copies of accompanying documents and decisions.

**E. Statement of the facts**

34.

1. The Applicants in this case are Mr. [?] Tonchev and Pastor Radoslav Kiriakov (hereinafter the "Applicants") both of whom are Bulgarian citizens resident in the town of Bourgas, Bulgaria. The Applicants adhere to the religion of Evangelical Christianity and are actively involved as spiritual leaders/community leaders of the evangelical religious community in Bourgas.

The Applicants are, respectively, members of "The United Bulgarian Gospel Church" and the "First Evangelical Church" same being Evangelical Christian congregations situated in Bourgas.

2. On or about the 9th day of April 2008 the Applicants became aware that a document [exhibit marked "letter 6700-131 of April 9, 2008"] had been circulated to public schools in the Bourgas Municipality bearing the signature of the Deputy Mayor of Bourgas, Mrs. Yordanka Ananieva and that of an Police official at the Ministry of the Interior; Mr. Ivan Dimitrov.

3. The letter and the accompanying "information" document, the subject of the Applicants litigation in Bulgaria, have been translated into the English language for the purposes of this application. The original, which is exhibited with this application, is in the Bulgarian Language. The letter and accompanying document are headed "Municipality of Bourgas", the letter was address to the Headmistress/Headmasters of local schools. The precise number of schools to which the offending material was disseminated has not been disclosed to the Applicants.

4. The letter and accompanying document declare that the letter originated from the "The Local Committee against Anti-Social Behaviors among Children and Young People" which said committee operates under the auspices of the Municipality of Bourgas. The letter states that its purpose is to "make inquiries regarding the activities of Christian churches non-traditional in our country". However on closer inspection the letter's principal aim appears to be the dissemination of a document which contains a catalogue of baseless, untrue and discriminatory statements regarding Evangelical Christianity, amongst other denominations.

5. As can be seen from the text of the letter in question, it instructs the schools involved to "explain the indications by which they can distinguish the sects from the Orthodox faith traditional to our country". The accompanying document purports to contain "information" regarding the 'sects' mentioned in the letter. The text of the document ostensibly contains an analysis of certain named religious denominations, however the statements therein are of little instructional value or content, rather they are predominately contrived with the clear purpose of imparting discriminatory and disparaging charges and assertions against the named religious denominations.

6. It is instructive to include the opening paragraph of the "information document" which states as follows;

"In connection with the forthcoming Easter holidays there has been an activation of all the churches non-traditional in our country. It consists of a campaign to attract new members from all ages and social groups. To this end we consider it necessary to draw your attention to the most basic and dangerous sects which, despite their official registration with the Directorate of Confessions at the Council of Ministers, are violating Bulgarian laws, civil rights and social order. For most people it is difficult to distinguish which missionary belongs to which religious sect. We will focus on some of the most popular non-traditional churches, who are using the forthcoming Christian holidays to agitate to their own advantage, attracting new members by manipulation. Initially they will all present themselves as Orthodox Christians and later reveal that in fact this is to do with a different church, "better" and "truer"."

**Statement of the facts (continued)**

35.

7. The document concludes with the following paragraph of text stating:

"It is typical of the sects listed above and other similar religious organisations that they disunite the Bulgarian nation and create antagonisms on religious principles. A feature often encountered is the disregard for national holidays and holy days, erroneously explained as unnecessary worship. In case of doubt you should in the first instance seek a consultation and personal conversation in the family with a parent; with a suitable trustworthy teacher or educational adviser; not least with a police officer."

8. As is readily apparent the said document contained a catalogue of baseless, untrue, abusive and discriminatory statements regarding Evangelical Christianity in Bulgaria. The document purported to describe "all Protestant churches in the country, known among the general public as evangelical churches and people affiliated to them as evangelicals." The document instructed the management of the schools in the Bourgas Municipality to communicate to students the various wrongful, baseless, untrue and discriminatory statements regarding Evangelical Christians which include, inter alia, describing Evangelical Christianity as amongst "the most fundamental and dangerous religious sect[s]." Additionally document contained allegations accusing Evangelical churches in Bulgaria of involvement in illegal and disorderly activity, in particular it was alleged that Evangelical Christians "violate Bulgarian laws, civil rights, and social order."

9. The content of the said document was prima facie discriminatory in so far as it explicitly identified the Evangelical Christian Church, the The Church of Jesus Christ of Latter-day Saints and the Jehovah's Witnesses as "violating Bulgarian laws, civil rights and social order" Evangelical Christianity was explicitly portrayed in a discriminatory, manner, the said document contained various baseless allegations designed to assail the adherents, customs and practice of Evangelical Christianity which includes an obligation on members of the Evangelical community to actively engage non-Evangelicals in discussion concerning the tenants of their religion. The Applicants, in their capacity as prominent members of the Evangelical Christian congregation in Burgas have found the free practice of their faith significantly hampered by the discriminatory, untrue and baseless information regarding their religion as circulated by the officials of the Bourgas Municipality. The document stated Evangelical Christians recruited "new members through manipulation" moreover Evangelical Christians were accused of deceitful conduct; "in the initial contacts they also present themselves to be Orthodox Christians." The document proceeded to castigate the religious practices of the Applicants, it stated that Evangelical Christianity lead to "a danger of contracting mental disorders and deviations" and that "after such a séance [such danger] is highly probable." The document concluded by making the provocative and offensive claim that "the above sects and other religious formations" ... "divide the Bulgarian nation and create antagonisms on religious principles."

10. Such statements as the foregoing are prima facie discriminatory and manifestly untrue. The intention of the document was to differentiate, in a highly negative and prejudicial manner, Evangelical Christianity from other religious beliefs. The obvious intention was to create a chilling effect on the Applicants free exercise of their religious beliefs in the Municipality of Bourgas.

11. The authors, officials employed by the Municipality of Bourgas local authority, designed the document as a calculated effort to, discriminate against and undermine the reputation and free worship of Evangelical Christians in the Bourgas Municipality. The document has impugned the reputation and character of the Applicants as prominent members of the Evangelical community in Bourgas. An aggravating factor was the fact that the contents of the document were to be distributed to children while attending school. The clear intent of the officials of the Bourgas Municipality was to inculcate a sense of fear and loathing regarding the religious practice and motivations of Evangelical Christians in the city of Bourgas. Additionally, the document directly targeted at the ability of adherents to Evangelical Christianity to spread their faith by citing an unnecessary and discriminatory dichotomy between Evangelical Christianity and Orthodoxy Christianity. This was engineered to deliberately and negatively impact the proselytising work of the Applicants, which is a key element of their religious practice as Evangelical Christians.

12. In an attempt to seek redress from city officials for the attack on the reputation of the Evangelical Christian community, several Evangelical Pastors, including the Applicants, met with the Mayor of Bourgas during the month of April 2008. They sought, inter alia, a public apology and other measures to correct the abusive and discriminatory statements made in the document circulated to public schools by the two officials who authored the document. However, the Mayor did not offer any constructive proposals to remedy the abuses particularised above.

**Statement of the facts (continued)**

36.

13. On June 22, 2009, Pastor Radoslav Kiriakov, through his legal representatives, sent a letter outlining the violations committed by local authorities against the freedom of conscience and religion of Evangelical Christians in the municipality demanding an apology and compensatory damages. The response received, dated September 24th 2009, signed by the Deputy Mayor Mrs. Ananieva, insisted that the actions of the representatives of the municipality were "justified and lawful".

14. Thereafter the Applicants were compelled to seek relief from the courts. On the 5th of April 2011 the Applicants brought an action in the Administrative Court of Bourgas [court docket №746/2011], seeking the following reliefs:

- i. A declaration that the local municipality authorities had discriminated against the Applicants based on their religious beliefs.
- ii. A direction obliging the local municipal authorities to send a letter to the high schools in the district withdrawing the abusive claims made in the document authored by the Deputy Mayor Mrs. Yordanka Ananieva.
- iii. An undertaking by the local authorities to refrain from any further acts calculated to disrespect the freedom of religion, conscience and belief of citizens.

15. The Administrative Court of Bourgas issued a ruling [exhibited court decision No. 3509] on the 20th day of May 2011 which remitted the Applicants claim for religious discrimination to the Commission for Protection against Discrimination and stayed the claim for non-pecuniary damages pending the provision of "further information" by the Applicants.

16. The Applicants appealed the decision of the Administrative Court of Bourgas to the Supreme Administrative Court. On the 13th of July 2011 the Supreme Administrative Court set aside the above mentioned decision of the Administrative Court of Bourgas, in doing so it instructed the Bourgas court to proceed with the hearing into the complaint as submitted by the Applicants (ruling № 10522). [EXHIBIT]

17. In spite of the foregoing ruling by the Supreme Administrative Court, on the 8th day of September 2011 the Administrative Court of Bourgas again stayed the proceedings (by order No.5612 of 8th of September 2011) instructing the applicants to carry out the same actions requested by the Bourgas court before the Applicants appeal referenced above.

18. Confusingly, on the 5th of October 2011 the Bourgas court decided to repeat in form its decision of the 20th of May 2011 (exhibited as ruling No. 1924/2011) wherein the Bourgas court again refused to deal with the claim of religious discrimination and stayed the claim for monetary compensation for non-pecuniary damages pending a determination of the issue of religious discrimination. The Applicants religious discrimination claim was once again referred to the Commission for Protection against Discrimination (henceforth "the Commission") sitting in Sofia, Bulgaria.

19. The Applicants claim was further delayed when, of its own motion, the Commission rejected the referral of the case and appealed the decision of the Bourgas court to transfer the matter. The Commissions appeal proceeded to the Supreme Administrative Court. On the 21st day of December 2011 the Supreme Administrative Court (ruling No. 16970/21.12.2011) held that the Applicants claim should be heard by the Commission.

20. The Commission eventually issued its decision the 1st day of November 2013, (judgment №268 on Case 18/2012.) The decision held, inter alia, that there was no discrimination committed by Bourgas Municipality against the Applicants. The Commission opined that "immoral proselytism" was, as a matter of fact, conducted by Evangelical Christians. The Commission relied on "complaints to the Interior Ministry" in making these findings. It should be noted that none of the alleged complaints concerned the Applicants. The Commission held that the actions of certain officials in the Municipality of Bourgas did not violate freedom of religion of the Applicants, the Commission proceeded to hold that the actions of the authorities in sending the impugned document to schools was provided for in the law and was justified and proportionate to the alleged legal aim pursued.

21. The Applicants appealed the Commission's decision in accordance with Bulgarian National Law to the Administrative Court of Sofia City. On the 5th day of June 2014 (judgment №3730) the Administrative Court of Sofia City upheld the Commission's decision, stating that the Municipality of Bourgas had not discriminated on the basis of religion. The Sofia court ventured that the Bourgas Municipal authorities have "the right to freedom of expression". 22. The decision of the Administrative Court of Sofia City was duly appealed in accordance with law to the Supreme Administrative Court. After hearing the matter the Supreme Administrative Court issued a short written judgment on the 12th of May 2015 confirming the decisions of the Administrative Court of Sofia City and Commission



**F. Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments**

37. Article invoked

Article 9 – Freedom of thought, conscience and religion.

Explanation

The Court has consistently in its settled case-law held that freedom of thought, conscience and religion, as enshrined in Article 9, is one of the foundations of a “democratic society” within the meaning of the Convention. In so holding, the Court has recognised that a fundamental element in the identity of believers and their conception of life is to be found in their religious observance. Moreover the Court has opined that the freedoms in Article 9 have an equally valid application to other belief systems, as such, the freedoms are a precious asset for atheists, agnostics, sceptics and the unconcerned. The Court has reiterated that the pluralism indissociable from a democratic society, which has been dearly won over the centuries, depends on the protection of freedom of thought, conscience and religion. In this application, it is submitted that the Municipal authorities in Bourgas, Bulgaria have manifestly and egregiously crossed away from a position of neutrality regarding Evangelical Christianity and its practice into making wholly unsubstantiated and grossly derogatory remarks concerning its beliefs and practice. This action, detailed in the factual summary, constitutes a significant violation of the Applicants Article 9 rights. In particular the unwarranted and wrongful dissemination of abusive and discriminatory statements regarding Evangelical Christianity in Bulgaria has had a significant negative impact on the Applicants rights under Article 9. The wrongful dissemination of the untrue information catalogued in the factual summary above, was evidently designed with the sole aim of spreading fear and loathing of the Applicant’s religious beliefs in the community.

---

Article 14 – Prohibition of Discrimination

The jurisprudence of the Court has so far considered that the right under Article 14 not to be discriminated against in the enjoyment of the rights guaranteed under the Convention is violated when States treat differently persons in analogous situations without providing an objective and reasonable justification.

It is respectfully submitted that in the instant application the Applicants, as Evangelical Christians, were subjected to a calculated and discriminatory attack on their beliefs as fabricated in the statements emanating from an official of the Bourgas Municipality, and carrying the imprimatur of the local authorities when distributed to schools in the locality. These statements accused Evangelical Churches in Bulgaria and their adherents (including the Applicants) of being “the most fundamental and dangerous religious sect[s].” Additionally the document contained allegations accusing Evangelical churches in Bulgaria of involvement in illegal and disorderly activity, in particular it was alleged in the letter that Evangelical Christians “violate Bulgarian laws, civil rights, and social order.”

It is manifest that the purpose of the impugned document, from which the above extracts were drawn, was to single out and segregate the Evangelical Christian Community in Bulgaria as, inter alia, dangerous and threatening.

It is submitted that for the purposes of Article 14 the notion of discrimination includes cases where States treat persons or groups in analogous situations differently without providing an objective and reasonable justification. In this application, the Applicants and their co-religious were described as being “dangerous” in comparison to other religious groups in Bulgaria.

On examination of the relevant document from the Bourgas Municipal authorities it is clear that a direct and disparaging comparison is made between Orthodox Christianity and Evangelical Christianity.

Please see “Statement of Alleged Violations and Relevant Arguments” for further arguments illustrating the breaches of Article 9 and Article 14

**G. For each complaint, please confirm that you have used the available effective remedies in the country concerned, including appeals, and also indicate the date when the final decision at domestic level was delivered and received, to show that you have complied with the six-month time-limit.**

38. Complaint

Information about remedies used and the date of the final decision

- I. On the 5th of April 2011 the Applicants brought an action against the Municipality of Burgas in the Administrative Court of Burgas [court docket №746/2011], seeking substantive legal remedy for, inter alia, religious discrimination.
- II. The Administrative Court of Burgas issued a ruling [exhibited court decision No. 3509] on the 20th day of May 2011 which remitted the Applicants claim for religious discrimination to the Commission for Protection against Discrimination and stayed the claim for non-pecuniary damages.
- III. The Applicants appealed the decision of the Administrative Court of Burgas to the Supreme Administrative Court. On the 13th of July 2011 the Supreme Administrative Court set aside the above mentioned decision of the Administrative Court of Burgas, in doing so it instructed the Burgas court to proceed with the hearing into the complaint as submitted by the Applicants (ruling № 10522).
- IV. On the 8th day of September 2011 the Administrative Court of Burgas again stayed the proceedings (by order No.5612 of 8th of September 2011) and once more referred the Applicants religious discrimination claim to the Commission for Protection against Discrimination sitting in Sofia, Bulgaria.
- V. The Commission for Protection against Discrimination of its own motion appealed this decision to the Supreme Administrative Court. On the 21st day of December 2011 the Supreme Administrative Court (ruling No. 16970/21.12.2011) held that the Applicants complaint of religious discrimination should be heard by the Commission.
- VI. The Commission issued a ruling on the 1st day of November 2013, (judgment №268 on Case 18/2012.) The decision held, inter alia, that there was no discrimination committed by Burgas Municipality against the Applicants. The Commission opined that "immoral proselytism" was, as a matter of fact, conducted by Evangelical Christians. The Commission relied on "complaints to the Interior Ministry" in making these findings.
- vII. Applicants appealed the Commission's decision in accordance with Bulgarian National Law to the Administrative Court of Sofia City. On the 5th day of June 2014 (judgment №3730) the Administrative Court of Sofia City upheld the Commission's decision. The Sofia court ventured, in dismissing the appeal, that the Borugas Municipal authorities had "the right to freedom of expression of government authorities to disseminate information on religious communities". The Court further held that the offending letter did not concern the applicants because they were "not specifically mentioned by name".
- VIII. The decision of the Administrative Court of Sofia City was duly appealed in accordance with law to the Supreme Administrative Court. After hearing the matter the Supreme Administrative Court issued written judgment on the 12th of May 2015 confirming the decisions of the Administrative Court of Sofia City and Commission for Protection against Discrimination. There are no further domestic routes of appeal for the Applicants.
- IX. The Applicants have exhausted all domestic remedies without satisfaction. The final domestic court issued its decision on the 12th of May 2015.

39. Is or was there an appeal or remedy available to you which you have not used?  Yes  
 No

40. If you answered Yes above, please state which appeal or remedy you have not used and explain why not.

**H. Information concerning other international proceedings (if any)**

41. Have you raised any of these complaints in another procedure of international investigation or settlement?  Yes  
 No

42. If you answered Yes above, please give a concise summary of the procedure (complaints submitted, name of the international body and date and nature of any decisions given).

43. Do you (the applicant) currently have, or have you previously had, any other applications before the Court?  Yes  
 No

44. If you answered Yes above, please write the relevant application number(s) in the box below.

**I. List of accompanying documents**

You should enclose full and legible *copies* of all documents.

No documents will be returned to you. It is thus in your interests to submit copies, not originals.

You **MUST**:

- arrange the documents in order by date and by procedure;
- number the pages consecutively;
- **NOT** staple, bind or tape the documents.

45. In the box below, please list the documents in chronological order with a concise description.

1. The original letter marked "letter 6700-131 of April 9, 2008" from the Deputy Mayor of Bourgas to the local schools – In the Bulgarian language.
2. The translation of the document at (1) above into the English language.
3. The response received, dated September 24th 2009, signed by the Deputy Mayor Mrs. Ananieva, insisting that the actions of the representatives of the municipality were "justified and lawful".
4. Applicants application to the local Administrative Court of Bourgas on the 5th of April 2011 [court docket №746/2011]
5. Administrative Court of Bourgas ruling [court decision No. 3509] dated the 20th day of May 2011
6. Supreme Administrative Court instructions to the Bourgas court to proceed with the hearing into the compliant as submitted by the Applicants (ruling № 10522), dated the 13th day of July 2011.
7. The Commission for Protection against Discrimination issued decision dated the 1st day of November 2013, (judgment №268 on Case 18/2012.)
8. Administrative Court of Sofia City ruling of the 5th day of June 2014 (judgment №3730) upholding the Commission's decision.
9. Supreme Administrative Court judgment dated the 12th of May 2015 upholding the decisions of the Administrative Court of Sofia City and Commission for Protection against Discrimination.

10. PLEASE, SEE!
11. СЪИЗЪК С ПРИЛОЖЕНИЯ - LIST OF ACCOMPANYING DOCUMENTS IN BULGARIAN
- 12.
- 13.
- 14.
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.
- 21.
- 22.
- 23.
- 24.
- 25.

**Any other comments**

Do you have any other comments about your application?

46. Comments

**Declaration and signature**

I hereby declare that, to the best of my knowledge and belief, the information I have given in the present application form is correct.


47. Date

1	1	1	1	2	0	1	5
D	D	M	M	Y	Y	Y	Y

 e.g. 27/09/2012

The applicant(s) or the applicant's representative(s) must sign in the box below.

48. Signature(s)  Applicant(s)  Representative(s) - tick as appropriate



**Confirmation of correspondent**

If there is more than one applicant or more than one representative, please give the name and address of the one person with whom the Court will correspond.

49. Name and address of  Applicant  Representative - tick as appropriate

**The completed application form should be signed and sent by post to:**

The Registrar  
European Court of Human Rights  
Council of Europe  
67075 STRASBOURG CEDEX  
FRANCE

## STATEMENT OF ALLEGED VIOLATIONS OF THE CONVENTION AND OF RELEVANT ARGUEMENTS

### (a) Introduction and Background

1. As more fully particularised in the Statement of Facts submitted in support of this application, the Applicants herein are prominent Evangelical Christians in the city of Bourgas in eastern Bulgaria.
2. The Evangelical Church was subject to a deliberate and discriminatory attack against its beliefs and adherents in April 2008 by means of a highly critical document circulated by certain officials in the employment of the Municipality of Bourgas. As a result of the wrongful actions of these officials, the Applicants were impeded in their ability to manifest their religion.
3. This State-sanctioned document described evangelical Christianity as a "dangerous sect" involved in illegality, and sought to present a contrasting positive impression of the majority Orthodox religion. The effect of public dissemination of a State-sanctioned document of this kind is an overall chilling of religious manifestation both on the part of adherents who are frightened of repercussions and the public in general who are unfairly warned off any interactions.
4. As a result of the matters complained of in the Statement of Facts it is respectfully submitted that the Applicants have suffered a significant impact in their ability to manifest their religious beliefs in public and have been discriminated against in their attempt to exercise their rights under Article 9.
5. As evangelical Christians, the Applicants are members of a minority religion, which has historically experienced persecution in Bulgaria. According to the 2011 Bulgarian Census<sup>1</sup> the Eastern Orthodox faith was the largest religious denomination with 59.4% of respondents

---

<sup>1</sup> National Statistical Institute, "2011 Census Results", Religious Affiliation. Available at <<http://censusresults.nsi.bg/Census/Reports/2/2/R10.aspx>> accessed 9th November 2015.

indicating adherence to that religion, numbering 4,374,135 people. By contrast, the category "Protestant Christianity" accounted for only 64,476 adherents, accounting for 1.1% of responses. Evangelical Christianity is included in the category of "Protestant Christianity". While precise figures are not available, the Applicants estimate by contrast that the Union of Evangelical Congregational Churches in Bulgaria has approximately 5,000 members regularly attending Evangelical Churches distributed across the country.

6. After prolonged proceedings in Bulgaria, as documented within this application, the Applicants were unable to access any adequate remedy for the breaches of their Convention rights. The Applicants therefore respectfully seek a determination from this Court regarding the violations of their Convention rights under Articles 9 and 14.
7. In particular, it will be argued that the dissemination of the document in question was a clear interference with the Applicants' rights under Article 9. Such an interference was unlawful because it was not prescribed by law, was not neutral, pursued no legitimate aim and, alternatively, could not be proportionate to any legitimate aim. Finally, it will be argued that in singling out the evangelical church for disfavourable treatment, the respondent State has violated its obligations under Article 14.

**(b) The Law: Article 9**

8. Article 9 of the Convention guarantees the right to freedom of thought, conscience and religion in these terms:
  1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.
  2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in

the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

9. The rights protected under Article 9 are foundational to a “democratic society” within the meaning of the Convention.<sup>2</sup> The Court has acknowledged that:

It is, in its religious dimension, one of the most vital elements that go to make up the identity of believers and their conception of life, but it is also a precious asset for atheists, agnostics, sceptics and the unconcerned. The pluralism indissociable from a democratic society, which has been dearly won over the centuries, depends on it.<sup>3</sup>

10. The constitutional framework of the Republic of Bulgaria<sup>4</sup> contains some safeguards for religious freedom. In particular, article 13 establishes freedom of religion:

- (1) Religions shall be free.
- (2) Religious institutions shall be separate from the State.
- (3) Eastern Orthodox Christianity shall be considered the traditional religion in the Republic of Bulgaria.
- (4) Religious institutions and communities, and religious beliefs shall not be used for political ends.

11. The provisions of this article can be read in conjunction with article 37 which secures freedom of conscience and obliges the State to assist in the maintenance of tolerance and respect in religious matters. It states that:

(1) Freedom of conscience, Freedom of thought and the choice of religion or of religious or atheistic views shall be inviolable. The State shall assist in the maintenance of tolerance and respect between the adherents of different denominations, and between believers and non-believers.

---

<sup>2</sup> *Kokkinakis v. Greece*, App. No. 14307/88, § 31.

<sup>3</sup> *Ibid.*

<sup>4</sup> Supreme Court of Cassation, “English language translation of the 1991 Constitution of the Republic of Bulgaria” available at <[http://www.vks.bg/english/vksen\\_p04\\_01.htm](http://www.vks.bg/english/vksen_p04_01.htm)> accessed 9th November 2015.



(2) Freedom of conscience and religion shall not be exercised to the detriment of national security, public order, public health and morals, or of the rights and freedoms of others.

12. The Applicants rely on the clear provisions of the Convention, cited above, to secure their right to the free practice and manifestation of their religious beliefs in Bulgaria.

13. Article 9 protects the freedom of thought, conscience and religion of the individual, but also encompasses protections for religious communities collectively manifesting their faith and beliefs. Further, in order to fully secure these rights, the Court has consistently held that the Convention also demands neutrality on the part of the State in its dealings with religious communities. This neutrality means refraining from judging the legitimacy of different religious beliefs or religions and dealing even-handedly with each group. The Court has repeatedly made clear that “the *autonomous existence* of religious communities is indispensable for pluralism in a democratic society and is thus an issue at the very heart of the protection which Article 9 affords.”<sup>5</sup>

14. This Court held in the case of *Church of Scientology of Moscow v. Russia*<sup>6</sup> that a necessary corollary of the right to freedom of belief and conscience is the ability to be able to manifest those beliefs in public and associate freely without arbitrary State intervention. The Court stated as follows;

While religious freedom is primarily a matter of individual conscience, it also implies, inter alia, freedom to “manifest [one’s] religion” alone and in private or in community with others, in public and within the circle of those whose faith one shares ... The State’s duty of neutrality and impartiality, as defined in the Court’s case-law, is incompatible with any power on the State’s part to assess the legitimacy of religious beliefs.<sup>7</sup>

---

<sup>5</sup> *Metropolitan Church of Bessarabia and Others v. Moldova*, App. No. 45701/99, § 117. Emphasis added. And see n 5, below.

<sup>6</sup> *Church of Scientology of Moscow v Russia*, App. No. 18147/02.

<sup>7</sup> *Ibid*, § 114.

15. Given that the Court has placed respect for different convictions or beliefs as a primary obligation of the State, it must accept that individuals may freely adopt convictions, and possibly subsequently change their minds, while at all times taking care to avoid any interference in the exercise of the rights guaranteed by Article 9. It is further submitted that the right to freedom of religion as guaranteed under the Convention excludes any discretion on the part of the State to determine whether religious beliefs or the means used to express such beliefs are legitimate.<sup>8</sup>

*An essential part of Evangelical Christianity is the sharing of one's faith.*

16. The public sharing of the Gospel is a fundamental tenet of Evangelical Christianity. Members are obliged as a matter of religious observance to actively evangelize others into their faith community.<sup>9</sup> It is evident that the dissemination of the document complained of was specifically targeted at the Applicants' freedom to engage with their fellow citizens in Bourgas and speak on the topic of their religion.

*The state may not interfere with this manifestation without justification*

17. According to the clear terms of the Convention, any interference in the religious rights of citizens can only be justified by reference to a very narrow list of grounds. The interference must be circumscribed by clear provision in law, in pursuance of one (or more) such legitimate aim and be proportionate to the pursuit of that aim.<sup>10</sup>

18. Where the State contemplates an intervention which interferes with the rights guaranteed under Article 9, in particular the ability of a person to manifest their religious belief by meeting with and engaging the public in discussion regarding their faith (which cannot be read in isolation from Article 11), the Court has placed strict limitations on the scope

---

<sup>8</sup> *Serif v. Greece*, App. no. 38178/97, § 52.

<sup>9</sup> Matthew 28:16-20.

<sup>10</sup> As recently restated by the Grand Chamber in *Eweida and others v. United Kingdom*, App. Nos. 48420/10, 59842/10, 61671/10 and 36516/10, § 80.

and nature of lawful State interference. In *Church of Scientology of Moscow v. Russia*<sup>11</sup> the Court sets out the approach as follows:

The State's power to protect its institutions and citizens from associations that might jeopardise them must be used sparingly, as exceptions to the rule of freedom of association are to be construed strictly and only convincing and compelling reasons can justify restrictions on that freedom. Any interference must correspond to a "pressing social need"; thus, the notion "necessary" does not have the flexibility of such expressions as "useful" or "desirable".

19. The standard is thus a high one given the foundational importance of the interest at stake and the narrowly drawn exceptions thereto.

**(c) The documents amount to an interference not "prescribed by law"**

20. The offending material was presented as a warning against the efforts of the Evangelical church to carry out their scripturally mandated mission. It indicated that the Applicants fell within a group of "...*the most basic and dangerous sects.*"

21. As previously stated, the Applicants are called, as part of their religious observance, to attract new members to their church. This perfectly legitimate manifestation of their beliefs has been gravely and deliberately undermined by the actions of the Bourgas authorities in warning off those they may come into contact with under the banner of the State.

22. In the recent case of *Maygar Kerezteny Mennonita Egyház v. Hungary*, the Court explicitly recognised that the manifestation of religious convictions included protection for the act of "bearing witness in words and deeds" in public.<sup>12</sup>

23. It is submitted that State intervention in the instant case is a clear interference in the public manifestation of the beliefs of a religious

---

<sup>11</sup> *Church of Scientology of Moscow v Russia*, App. No. 18147/02, § 75.

<sup>12</sup> App. Nos. 70945/11, 23611/12, 26998/12, 41150/12, 41155/12, 41463/12, 41553/12, 54977/12 and 56581/12 § 71. ["Egyház"]

group. This is undoubtedly the intention of the Bourgas authorities in the instant case, the letter and document disseminated to schools in the Bourgas Municipality was calculated to interfere with the ability of the Applicants and fellow members of their congregations to manifest their faith in public. The emphatic and intemperate language employed by the Bourgas authorities was intended to assail the proselytising efforts of the Evangelical Christian community who were accused of “duping” members of the public to convert. Taken as a whole, the document is a conscious and deliberate attempt to create a wholly unjustified fear of the Applicants’ religious practice.

24. Moreover, this interference has no basis in law. Given the guarantees of freedom of religion contained both within the High Contracting Party’s national Constitution and within commitments under the Convention and other international instruments, it is difficult to see what power any authority subject to those commitments would have to issue such a document cloaked with the seal of officialdom. It is clear that “there must be a measure of legal protection...against arbitrary interferences by public authorities with the rights safeguarded by the Convention”<sup>13</sup> and yet this act appears entirely arbitrary without being grounded in either fact or legal license.

**(d) The State’s interference is unlawful because it was not neutral**

25. In dealing with different religious groups, the State is obliged to do so in an even-handed way. While High Contracting Parties, within the area involving the establishment of relations between religious communities and the State, enjoy a small degree of the margin of appreciation,<sup>14</sup> there can be no such margin which allows the State to abandon its overriding duty to remain neutral and impartial.

---

<sup>13</sup> *Svyato-Mykhaylivska Parafiya v. Ukraine*, App. No. 77703/01, § 128.

<sup>14</sup> *Cf. Serif* at §53.

26. In *Krupko and Others v. Russia*,<sup>15</sup> Judge Pinto De Albuquerque reasoned that a high degree of scrutiny must be applied where a State interferes with religious manifestation according to its own assessment as to the validity of those beliefs. The case concerned the breaking up of a Jehovah Witnesses prayer service in Moscow by armed police:

Article 9 of the Convention excludes any State assessment of the legitimacy of religious beliefs or the ways in which those beliefs are put in practice in the society. The State's neutral role regarding religious beliefs is compatible only with a narrow margin of appreciation for State interference with religious matters. The more the Court has stressed the State's neutrality, the less discretion it has allowed the State. The practical consequence of this principled stance is self-evident: the less discretion the State has, the narrower its margin of appreciation with regard to the believer's speech and conduct ... The State's task is not to change the balance of religious communities under its jurisdiction, but to ensure an ambiance of tolerance for all believers, atheists and agnostics to live their lives according to their intimate religious or non-religious convictions.<sup>16</sup>

27. Similarly, the Court clearly warned in *Egyház* that where there was a factual basis establishing State bias it follows that the State has interfered with Article 9:

Facts demonstrating a failure by the authorities to remain neutral in the exercise of their powers in this domain must lead to the conclusion that the State interfered with the believers' freedom to manifest their religion within the meaning of Article 9 of the Convention. ... Indeed, the State's duty of neutrality and impartiality, as defined in the Court's case law, is incompatible with any power on the State's part to assess the legitimacy of religious beliefs.<sup>17</sup>

28. In relation to the subject matter of this application, it is readily apparent that the Bourgas authorities have departed significantly from a position of neutrality. A consistent theme which is apparent in the letter and

---

<sup>15</sup> *Krupko and Others v. Russia*, App. No. 26587/07, concurring opinion, para. 7.

<sup>16</sup> *Ibid*, para. 8.

<sup>17</sup> *Egyház* at § 73

accompanying document is the manner in which the Bourgas Municipal authorities negatively contrast the “dangerous sects” including in their view Evangelical Christianity, with the traditional Bulgarian faith of Orthodox Christianity.

29. The foregoing constitutes a value judgment on the part of the Bourgas authorities concerning the legitimacy or desirability of one religious faith over another. It is apparent that the Bourgas authorities regard Evangelical Christianity as a “foreign” faith which is not traditional to Bulgaria. The pejorative and derogatory manner in which Evangelical Christianity is juxtaposed with Orthodox Christianity is clearly intended to establish in the mind of a reader that Evangelical Christianity is a dangerous intruder sowing dissent and intent on duping young people into converting whereas Orthodox Christianity is traditional to Bulgaria and deeply rooted in uniting the Bulgarian nation. It is submitted that the language in the leaflet establishes a State bias against the evangelical church.

30. This Court has recognized the reality that any official State endorsement can be very advantageous to a religious community but that any criticism or disfavoured treatment can have a particularly weighty effect on the ability of a community to fully exercise the full range of its rights.

31. In *Egyház*, the Court was seized with the refusal of a State to recognise and formally register a religious community. The judgment requires States to avoid implicit criticism or evaluation of a religion where legal registration or recognition is concerned given the effect this can have on public perception of the group concerned. The Court explains that this is *a fortiori* the case in relation to smaller communities where there is an increased risk of amplifying prejudices:

The distinctions in the legal status granted to religious communities must not portray those adherents in an unfavourable light in public opinion, the latter being sensitive to the official evaluation of a

religion – and of the church incarnating it – afforded by the State in public life. In the traditions of numerous countries, the denomination as a church and its State recognition are the key to social reputation, without which the religious community may be seen as a suspicious sect. In other words, the nonrecognition of a religious community as a church may amplify prejudices against the adherents of such, often smaller communities, especially in case of religions with new or unusual teachings.<sup>18</sup>

32. It is submitted that the duty of impartiality which is engaged when legally registering or recognising a religion is similarly engaged where public comment by emanations of the State are concerned.<sup>19</sup> Furthermore, if the State is required to express its weighty and influential voice most carefully even as regards groups which are not registered, then this must be even more so the case where the community in question is in fact properly registered in accordance with local law. In the instant case the evangelical community in Bulgaria is registered and recognised by the State in full compliance with national law.

33. The officials acting under aegis of the Municipality of Bourgas set out to amplify prejudices in the Bourgas Municipality against the Applicants and their fellow evangelical Christians. This conduct cannot be reconciled with the duty on the State.

34. The jurisprudence of this court makes it clear that the stamp of State approval or disapproval may not only give the perception of inferiority or superiority but may do so in a way that violates the right to manifest one's religion:

The Court cannot overlook the risk that the adherent of a religion may feel no more than tolerated – but not welcome – if the State refuses to recognise and support his or her religious organisation, whilst extending the same to other denominations. This is so because the collective practice of religion in the form dictated by the tenets of that religion can be

---

<sup>18</sup> *Egyház* at § 92.

<sup>19</sup> See below, *Förderkreis E.V.* at para 48.

quintessential for the unhampered exercise of the right to freedom of religion. *In the Court's eyes, such a situation of perceived inferiority goes to the freedom of manifesting one's religion.*<sup>20</sup>

35. It is inconceivable that the Bourgas authorities were not fully aware of the likely consequences for the Applicants of their strongly worded stamp of disapproval. In fact, it would appear those consequences were the sole reason for the dissemination of the documents which contained no information of real value given that it is impossible to discern any other. It is obvious that the sole intent of the letter and document was to generate an atmosphere of hostility against the Applicants and their fellow evangelical Christians in the Bourgas Municipality which unjustifiably hindered their right to manifest their evangelical beliefs through evangelism.

36. The obligation to maintain state neutrality is not suspended where ensuring the free exercise of the Article 9 rights by one religious group may create tension with or inconvenience another. Whilst it is clear that the recognition of a plurality of religious views may lead to tension within a community, rather than seeking to eliminate the tension, the role of the state is to seek to promote conditions whereby all groups can co-exist and maximize Convention rights:

It is true that the Government argued that, in the particular circumstances of the case, the authorities had to intervene in order to avoid the creation of tension among the Muslims in Rodopi and between the Muslims and the Christians of the area as well as Greece and Turkey. Although the Court recognises that it is possible that tension is created in situations where a religious or any other community becomes divided, it considers that this is one of the unavoidable consequences of pluralism. The role of the authorities in such circumstances is not to remove the cause of tension by eliminating pluralism, but to ensure that the competing groups tolerate each other.<sup>21</sup>

---

<sup>20</sup> § 94. Emphasis added.

<sup>21</sup> *Serif* at § 53.



37. This obligation on the State to foster an atmosphere in which diverse religious groups can freely exercise their rights stands in marked contrast to the actual conduct of the Bourgas Municipal Authorities in the instant case. The offending document appears to be focused on creating an atmosphere of suspicion and tension, where the very fundamental beliefs of the Applicants are open to the charge of being (i) dangerous; (ii) a threat to national unity; and (iii) illegal.

**(e) The State's intervention is unlawful because it pursues no legitimate aim**

38. This Court has consistently warned that an interference in the religious rights of citizens must be circumscribed by clear provision in law, necessity and in pursuance of a legitimate aim. Where the State purports to intervene in religious practice with the aim of 'protecting' citizens, such an intervention must be used sparingly and correspond to a pressing social need.

39. In relation to the instant case, even the appearance of a "legitimate aim" is entirely absent in the facts under consideration. The Bourgas authorities have made a series of thinly veiled accusations against the Evangelical Church in a document which masquerades as an informational document. However the principal objection in the document appears to rest with the religious practice of the Applicants in seeking to share their faith with those outside their religion. This is not a legitimate concern of the State absent some overriding illegality – which is patently not present in this case.

40. It is therefore respectfully submitted that the intervention of the Bourgas authorities cannot be justified as it was not pursued to further a "pressing social need" and was therefore *prima facie* an unjustified interference with the rights of a minority religious community in general, and the Applicants in particular.

*The apparent aim disclosed by the Bourgas Authorities*

41. The letter and document at the core of this application, and circulated by the Bourgas authorities, state that evangelical Christianity is in essence a threat to national unity. On a generous reading, the aim of the offending document appears to be a form of warning to the people of Bourgas to avoid being “duped” into becoming evangelical Christians in order to promote national unity.
42. Neither of the purported aims outlined above fall within the tightly constrained grounds for an interference permitted by the Convention under Article 9(2). In particular, there is no evidential basis to believe the group, as a numerically small, non-violent and appropriately registered religious organisation, would endanger public safety, order or health. Similarly, rather than seeking to protect morality or the rights and freedoms of others, the State had simply formed a bias against a group which sought to compete in the marketplace of ideas which should be present in a Convention-compliant pluralistic society.
43. In the instant case, rather than even a façade of contributing to an “ambiance of tolerance” within the wider community, the State has employed tactics aimed at the precisely the opposite. The rhetoric and phraseology employed in the letter and document disseminated by the Bourgas Municipal authorities was highly pejorative and calculated to create fear and concern towards, and on the part of, the Applicants and their fellow believers as opposed to promoting tolerance or providing information.
44. The Bourgas Municipal authorities have trespassed from a position of neutrality to a position of making fundamentally misconceived value judgments concerning the religious practice and belief system of Evangelical Christianity. Thus the aim of the letter and document (to discourage the public from being converted by the Applicants and their fellow Evangelical Christians) is in no way legitimate and is fundamentally at odds with the clear Convention rights of the Applicants.

45. The prejudicial comments contained within the documents come into even starker contrast with the privileged position of the Orthodox Church. Readers are warned that evangelical Christians “do not honour our saints”, in an attempt to position the Applicants as outsiders who do not conform to a dominant ideology. In conclusion, the Bourgas authority’s letter is not a dispassionate comparative study of different religions, but an alarmist and inflammatory document designed to create fear and mistrust surrounding the applicants and their religious practices such as to inhibit their full practice thereof. It pursues a wholly illegitimate aim.

**(f) The State’s interference is unlawful because it is not proportionate to any legitimate aim**

46. Notwithstanding the submissions made above, the interference of the authorities in question cannot be proportionate to any legitimate aim.

47. Under Article 9(2), any interference must be “necessary in a democratic society.” The notion of “necessary” does not have the flexibility of such expressions as “useful” or “desirable.”<sup>22</sup>

48. The case of *Kokkinakis v. Greece*<sup>23</sup> involved a claim by a Greek national who had been prosecuted under Greece’s anti-proselytism laws. The Court accepted that “bearing Christian witness” is not only a manifestation of religion as protected under Article 9 but that it is “an essential mission and a responsibility of every Christian and every Church.”<sup>24</sup>

49. In that case, the Court found that the conviction was not proportionate to the aim pursued, a decision grounded partly in the State’s vague allusions to the “unrespectability” of the evangelistic activity in question. The actions of the present Respondent State rise to a similarly invasive level here insofar as the Applicants are accused of

---

<sup>22</sup> *Svyato-Mykhaylivska Parafiya v. Ukraine*, App. No. 77703/01, § 116.

<sup>23</sup> App. No. 14307/88.

<sup>24</sup> Quoting, with approval, a 1956 report of the World Council of Churches.

illegality in broad terms and in a medium intended for public dissemination.

50. This Court was faced with a case with facts analogous to the instant case in *Leela Förderkreis E.V. and others v. Germany*.<sup>25</sup> The case was brought by a religious meditative association which had been described by German authorities during an “information and education campaign” as a “sect”, “destructive”, a “pseudo-religion” and it had been stated that they manipulated members.

51. This Court was content to proceed on the basis that the “Government’s statements ... constituted an interference with the applicant associations’ right to manifest their religion...”<sup>26</sup>

52. On the question of proportionality, the Court exhibited a deference to the prior decision of the Federal Constitution Court. It had been decided that the use of “sect”, although pejorative, could be justified given its general usage in Germany at that time. However, in relation to the use of “destructive”, “pseudo religious” and the allegation that the movement manipulated its members, these had been prohibited “as infringing the principle of religious neutrality.” It was further noted that the German government, in any event, had determined not to use the word “sect” in this context in the future. Given these concrete rulings, this Court did not find a violation.

53. Conversely, in this case, the Applicants arrive at this Court having found no relief at a national level in respect of identical, and in some instances, even more pejorative language.

54. The factual similarities make the *Förderkreis E.V.* judgment impossible to ignore and a compelling precedent which should be followed given the continued validity of the reasoning contained therein, and the

---

<sup>25</sup> App. No. 58911/00.

<sup>26</sup> *Ibid.*, § 84.

interest in maintaining clarity and consistency in the case law of the Court.

**(g) Discrimination under Article 14**

55. Article 14 of the Convention enshrines the prohibition of discrimination.<sup>27</sup> It states that:

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

56. Article 14 has no independent existence and, as is apparent from its text, is only applicable within the ambit of the other rights and freedoms safeguarded within the substantive provisions of the Convention. That said, it is not necessary for there to have been, in fact, a violation of the substantive right to make out a claim under Article 14. Further, the reach of Article 14 has generally been interpreted even more broadly than the scope of the substantive rights.<sup>28</sup>

57. Notwithstanding whether the conduct complained of violated the Article 9 rights of the Applicants for the reasons set out above, it is further alleged that the fact this difference in treatment occurred solely by reason of their religious convictions also supports a finding of violation in respect of Article 14 taken in conjunction with Article 9.

58. The approach of this Court has been to examine whether or not a State has treated persons or groups in analogous situations differently without providing an objective and reasonable justification. According to this Court's case-law, a difference of treatment is discriminatory for

---

<sup>27</sup> Bulgaria has not signed nor ratified Protocol No. 12 (CETS No. 177).

<sup>28</sup> See for example *Sidabras and Džiautas v. Lithuania* (App. Nos. 55480/00 and 59330/00) in which the applicants complained their right to respect for private life was subject to interference by virtue of a State bar on their access to certain kinds of employment. Although there is no right to work in the Convention, the Court found this fell within the ambit of Article 8 and could therefore be considered under Article 14.

the purposes of Article 14 if it “has no objective and reasonable justification”, that is if it does not pursue a “legitimate aim” or if there is not a “reasonable relationship of proportionality between the means employed and the aim sought to be realised”.<sup>29</sup>

The Court has so far considered that the right under Article 14 not to be discriminated against in the enjoyment of the rights guaranteed under the Convention is violated when States treat differently persons in analogous situations without providing an objective and reasonable justification.<sup>30</sup>

59. Where this differential treatment is based on a *suspect* ground, it must be justified by “very weighty reasons”, a higher standard, and be *necessary*. Religion is specifically enumerated in the text of the Article and has been advanced before the Court as a suspect ground,<sup>31</sup> a contention which was accepted in *Hoffmann v. Austria*:

Notwithstanding any possible arguments to the contrary, a distinction based essentially on a difference in religion alone is not acceptable.<sup>32</sup>

60. Similarly, the Court held in *Vojnity v. Hungary*:

[I]n the light of the importance of the rights enshrined in Article 9 of the Convention in guaranteeing the individual’s self-fulfilment [a difference in] treatment will only be compatible with the Convention if very weighty reasons exist.<sup>33</sup>

61. Once the Applicants have shown there has been a difference in treatment then the onus shifts to the respondent State to show the difference in treatment can be justified.<sup>34</sup> Whether under the stricter standard for scrutiny or even under the lower test, the High Contracting Party cannot discharge its burden of proof.

---

<sup>29</sup> See, for example, *Karlheinz Schmidt v. Germany*, App. No. 13580/88, § 24.

<sup>30</sup> *Thlimmenos v. Greece*, App. No. 34369/97, § 44.

<sup>31</sup> See, for example, *Ladele v. United Kingdom* [GC], App. No. 51671/10, § 71.

<sup>32</sup> *Hoffmann v. Austria*, App. No. 12875/87, § 36. See generally, Erica Howard, “Law and the Wearing of Religious Symbols: European Bans on the Wearing of religious symbols in education” *Routledge* (2012), pp. 114-117.

<sup>33</sup> *Vojnity v. Hungary*, App. No. 29617/07, 12 February 2013, § 36.

<sup>34</sup> *Timishev v. Russia*, App. Nos. 55762/00 and 55974/00, § 57.

62. The case of *Savez crkava "Riječ života" and Others v. Croatia*<sup>35</sup> concerned the conclusion of special agreements between the State and certain religious communities. While the Court held that establishing a special regime in favour of certain communities did not *in itself* contravene Articles 9 and 14 of the Convention, there had *in fact* been a violation where the State applied numerical and historical qualifying criteria with no objective and reasonable justification.

63. The Court considered that to be a case involving "privileges" granted beyond the bare rights found in Article 9 but that the State was still then bound to establish a non-discriminatory framework. Further, that case involved at least an attempted justification by the respondent State (the measures were aimed at preserving "historical religious communities of the European cultural circle"). The Court nonetheless found a violation:

However, the Government provided no explanation as to why the applicant churches ... were not qualified as "historical religious communities of the European cultural circle" by the Religious Communities Commission. Therefore, it has to be concluded ... that the criteria set forth in the Government's Instruction of 23 December 2004 were not applied on an equal basis to all religious communities.

The foregoing considerations are sufficient to enable the Court to conclude that the difference in treatment between the applicant churches and those religious communities which had concluded agreements ... did not have any "objective and reasonable justification".

There has accordingly been a violation of Article 14 of the Convention taken in conjunction with Article 9.<sup>36</sup>

64. By contrast, the instant case involves fundamental rights explicitly protected under Article 9. Furthermore, there is no readily apparent

---

<sup>35</sup> *Savez crkava "Riječ života" and Others v. Croatia*, App. No. 7798/08.

<sup>36</sup> *Ibid.*, §§ 91-93.

objective or reasonable justification for the explicit differentiation of Evangelical Christianity from other religious denominations and, in particular, the Orthodox Church. The documents exhibited from the Bourgas Municipal authorities are explicitly derogatory and disparaging in their content. There is a conspicuous absence of balanced or impartial information therein.

**(h) Conclusion**

65. The consistent jurisprudence of the Court holds that the State may not interfere with the manifestation of religious belief absent justification, as set out above. Given the obvious interference and the clear absence of a legitimate aim or any hint of proportionality, it is respectfully submitted that the High Contracting Party has violated the Applicants' rights under Article 9.

66. It is noteworthy that the High Contracting Party has, in the past, been on the receiving end of very clear and unambiguous statements from the Grand Chamber of this Court regarding the requirement of a State to remain neutral in dealing with various religious groups which should be afforded opportunity to co-exist in a pluralist democracy.<sup>37</sup> Furthermore, this Court has been consistent and clear in proscribing conduct by State authorities where they wrongfully seek to take sides or determine the legitimacy or veracity of particular beliefs. The instant case is a very clear example of a State authority determining that certain beliefs are, in their misconceived view, illegitimate and misappropriating the machinery of the State to promulgate this view, to the detriment of the Applicants.

67. The foregoing actions of the Bourgas authorities are without a basis in either law or fact. The Bourgas authorities completely abandoned their obligation of neutrality and impartiality; furthermore they abrogated their duty to respect the Article 9 rights of the evangelical Christian

---

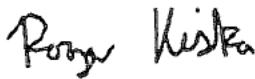
<sup>37</sup> See above, *Hasan and Chaush v. Bulgaria*.



community, in common with all other religious communities. Furthermore, in so doing, the respondent government treated the Applicants differently to the leaders of other religions with no justification such as violates Article 14.

68. For the forgoing reasons, the Applicants herein invite this Court to find the High Contracting Party in breach of Article 9; and in breach of Article 14 read in conjunction with Article 9 arising from the matters complained of in the Statement of Facts grounding this application.

For the Applicants:



---

Roger Kiska  
Senior Counsel, Deputy Director  
ADF International  
Landesgerichtsstraße 18/10  
1010, Wien  
Austria



---

Viktor Kostov, Ph.D.  
Attorney at Law

[REDACTED]  
Sofia, 1618  
Bulgaria



---

Robert Clarke  
Legal Counsel  
ADF International  
Landesgerichtsstraße 18/10  
1010, Wien  
Austria



---

Lorcan Price  
Legal Counsel  
ADF International  
Landesgerichtsstraße 18/10  
1010, Wien  
Austria