

**INFORMATION PROVIDED BY THE GOVERNMENT OF BULGARIA ON THE INQUIRY
BY THE SPECIAL RAPORTEURS IN THE FIELD OF CULTURAL RIGHTS, ON MINORITY
ISSUES, AND ON FREEDOM OF RELIGION AND BELIEF, CONCERNING THE
ARCHAEOLOGICAL EXCAVATION WORKS NEAR KURSHUM MOSQUE, IN KARLOVO**

The government of the Republic of Bulgaria would like to convey the following information on the archaeological works of the cultural monument “Kurshum mosque” in Karlovo:

On the property: the municipality of Karlovo is the **sole proprietor** of the real estate on General Gurko Str., in Karlovo, with an area of 2,146 m² built-up area and land, including the building of the Kushunlu/Kurshum mosque, on this land. This estate is a public state property by virtue of act N. 2014/03.02.1994 and a public municipal property with acts N. 539/04.01.2001 and N. 1965/29.04.2011.

It should be further taken into consideration that the Kurshum mosque has the status of **immovable architectural cultural value**, under art. 146 (1) of the Cultural Heritage Act. The mosque is an **architectural cultural monument of local significance** since 1976.

As additional information, allow us to inform you that a claim has been made on the property where Kurshum mosque is located by a third party – the “Muslim confession” (located in Sofia). A civil case has been initiated before District Court – Plovdiv, its decision was appealed before the Court of Appeal in Plovdiv and subsequently before the Sofia Court of Appeal. The claim by the “Muslim confession” has been ruled as “unfounded” and currently, the proceedings are suspended. Hence, Karlovo municipality is the sole proprietor of the estate.

On the archaeological excavations: they have been undertaken by the National Institute of Archaeology with Museum to the Bulgarian Academy of Sciences, under the direct supervision of Professor Vaklinova. The archaeological works represent a **salvage archaeological research** and exploration. All excavations began on 10 June 2015 and ended officially of 30 June 2015. The permit for archaeological excavations has been issued in full compliance with the **Cultural Heritage Act and the Ordinance for terrain archaeological research**.

A Commission has adopted the results of the excavations and has noted that the salvage archaeological research and exploration has been conducted **with full respect** to art. 148 of the Cultural Heritage Act.

We would further like to inform you that the **Cultural Heritage Act** regulates the rights of minority groups in this field. It is entirely in line with all international human rights instruments, to which the Republic of Bulgaria is party.

On the rights of the Muslim minority: the **principle of equality and non-discrimination** is regulated by the country’s Constitution and the Penal Code, as well as by a number of other instruments of primary and secondary legislation. **Equality before the law** is a fundamental principle in the Constitution and current legislation of Bulgaria. All citizens are equal before the law without discrimination on grounds of sex, race, ethnicity, nationality, origin, religion or faith, education, beliefs, political affiliation,

personal or public status, disability, age, sexual orientation, family status, property status, or any other grounds provided for by law or international treaties, ratified by Bulgaria.

All manifestations of hate speech have been **criminalised** under the Penal Code. **The penal sanctions provided for offences against national, religious and racial equality demonstrate** that the legislator treats these offences as presenting a high degree of social danger. They are all punished by different terms of deprivation of liberty and public reproach.

We would like to recall that the Protection against Discrimination Act provides for a sound legal basis for the protection against discrimination, including in the field of employment. The Commission for Protection against Discrimination has established a network of Regional Representatives to carry out at the local level activities to raise awareness among vulnerable groups on human rights, the methods of their protection, and dissemination of training materials.

On this note, it should be **stressed** that the Muslim community in **Bulgaria has not been subject to religious hatred**. The Bulgarian society is notable for its **long-standing tradition** of acceptance and equality between all religions. Bulgaria is pursuing a consistent policy aimed at preventing and eliminating any forms of discrimination and creating understanding and tolerance among persons belonging to different ethnic, religious or linguistic groups of the population. The Republic of Bulgaria **has an adequate and solid legal framework** for combating all cases of Hate Crime, Racism, Intolerance and Xenophobia.

The Religious Denominations Act is not restrictive and discriminatory. It is in conformity with UN core instruments on Human Rights: the Universal Declaration of Human Rights (art. 18), the International Convention on Civil and Political Rights (ICCPR, Art. 18), the European Convention on Human Rights, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, etc. In addition, Council of Europe Parliamentary Assembly Resolution 1390 (2004) expressly emphasises that the law represents an important step towards guaranteeing religious rights and freedoms.

There is **no discriminatory treatment** in connection with the construction of places of worship of religious denominations in Bulgaria. Places of worship are constructed according to the standard procedure, provided for in the Spatial Development Act, and are not subject to any special requirements.

Furthermore, Kurshum mosque **has not been used for religious or any purposes for more than 50 years**. The Muslim community in Karlovo uses Yaly mosque for its religious needs.

Finally, there is a **National Council on Religious Communities**, to which the Muslim confession is a qualified member enjoying full rights. The Council has been created with the help of the Confessions Directorate to the Council of Ministers and represents the traditional Bulgarian approach towards religious tolerance and peaceful co-existence.