

## STATEMENT OF OPINION

By Prof. Dr. Plamen Alexandrov Panayotov, member of the academic panel in the competition for assuming the academic position “Associate professor”- academic field 3. Social, economic and legal studies, professional field 3.6. Law, specialty Criminal Law at the Department of Criminal Law Studies at the Faculty of Law at SU “St. Kliment Ohridski”, promulgated in the State Gazette, issue 30/15.04.2022, with applicant chief assistant Dr. Nikoleta Kirilova Kuzmanova

1. Chief assistant Dr. Nikoleta Kirilova Kuzmanova is the only applicant in the competition for the academic position “Associate professor” in criminal law at the faculty of Law at SU “St. Kliment Ohridski”. For the purposes of the competition she has submitted scientific papers which were published after the defence of her dissertation. One of them is her habilitation work – the monograph *Freedom of Religion and Criminal Law* /S.; “East – West” Publishing house, 2022, 252 pages/, 4 articles and 4 studies, one of which is in co-authorship. At the first sitting, which took place on June 6<sup>th</sup> 2022, the academic panel admitted senior assistant Dr Nikoleta Kuzmaniva to participation in the competition since she meets the minimal national requirements for assuming the position “Assistant professor”.
2. Nikoleta Kuzmanova is a master in law from SU “St. Kliment Ohridski”. Since 2000 she has successively been working a s part-time assistant, an assistant and currently – chief assistant in criminal law at the Faculty of Law at SU “St. Kliment Ohriski”. Having defended her dissertation on the topic on *Legal Protection of Citizens’ Political Rights*, in 2014 she was awarded the educational and scientific degree Doctor in law. Since 2010 she has been teaching criminal law at the Vocational Training Centre at the Human Resources Directorate at the “National Security” State Agency. It should be pointed out that chief assistant Dr. Nikoleta Kuzmanova combines successfully her teaching and research career with her practice-related activity. In the period between 2004 and 2021 she was actively engaged in expert and administrative activities, performing different jobs: legislative reviewer, senior expert associate, chief expert associate at the National Assembly; government expert at the Ministry of Justice; advisor and head of the political cabinet of the Minister of Interior; head of the political cabinet of Deputy Prime Minister for Public Order and Security and Minister of Defence. While working as an expert and consultant, she has analyzed a number of bills and has evaluated their compliance with the other laws, the Constitution of the Republic of Bulgaria, international legislation and the EU legislation. Chief assistant Dr Nikoleta Kuzmanova has contributed considerably to the good organisation of the work at the Faculty of Law, as well as for strengthening its image. In the period between 2014 – 2016 she was a scientific secretary and as of 2019 she is a secretary on accreditation issues at the faculty. Further to all other activities chief assistant Dr Nikoleta Kuzmanova has participated with reports in a number of national and international scientific conferences on issues related to criminal and administrative law.

3. The monograph *Freedom of Religion and Criminal Law* is a bona fide, thorough and consistent research. It reflects the author's significant scientific, research and practice-related experience. She sticks to her scientific approach which suggests a discussion of the problems viewed from different aspects – in this case in compliance with the modern achievements both of the Criminal Law Studies and of the human rights sciences, constitutional law, EU legislation and international law. This makes it possible for her to provide convincing methods for their resolution. This is how the importance of criminal law in the general legal framework of freedom of religion stands out. On the one hand, it guaranteed the possibility for exercising it normally. On the other hand, it guarantees the efficiency of the bans and restrictions related to the freedom of religion.

The adopted research approach underlies the topicality and the practical value of the paper. It is of interest for the law-enforcement authorities, for the legislative power, for the academia in the field of law and for a broader audience alike – for all who feel involved and want to contribute for defending the freedom of religion.

The monograph is characterized with a number of specific contributions, some of them being:

- the meaning of the key terms used in the discussed subject matter: “faith”, “religion”, “creed” “denomination” is explained and they are discussed in comparison /p. 17 and the next/;
- the need for compliance of the terminology used in national law with that in international law and the EU legislation is convincingly justified /p. 30 – 32, p. 49 and next, p.61 and next/;
- the essence of freedom of religion as a basic human liberty is clarified / p. 46 and next/;
- the object of crimes against freedom of religion is outlined /p. 83 – 93/;
- the set of crimes against freedom of religion is specified /p.102 – 104/;
- distinction is made between crimes under art. 164, para. 1 of the Criminal Code and the administrative violation under art. 78, para. 1 of the Protection Against Discrimination Act /p. 124 – 127/;
- the specifics of the regime for penalizing crimes against the freedom of religion are outlined / p.163 – 171/;
- on the basis of a thorough analysis, summaries and logically drawn conclusions are made about the legal protection of freedom of religion /p. 171 and next/;
- the possibilities for legal protection against violating bans and restrictions related to freedom of religion are discussed /p. 218 and next/;
- a number of well-founded de lege ferenda suggestions are made / p. 110, p. 130, p. 136, p. 163, p. 175-177, p. 196-198, p. 204, p. 214, p. 239, p. 242-243/.

Considering the above-mentioned contributions of the habilitation work, without any doubt it can be concluded that it is of significant theoretical and practical importance to clarifying the role of criminal law both in view of guaranteeing practicing the freedom of religion and in terms of guaranteeing the efficiency of the bans and restrictions related to it. The high scientific value of the monograph is due to the wide scope of research methods used, among which the comparative, the historical and legally reasonable stand out. The results achieved are further facilitated by the fact that chief assistant Dr Nikoleta Kuzmanova is familiar with the legislative practice relevant to the issues under consideration, the practice of the Bulgarian Constitutional Court, as well as the practice of national courts, of the European Court of Human Rights and the Court of Justice of the European Union.

4. Chief assistant Dr. Nikoleta Kuzmanova submitted eight other publications for the participation in the competition – *Tendencies in the Interpretative Activity of the General Assembly of the Criminal Bar Association of the Supreme Court of Cassation after 1991* published in *Scientific Readings tribute to Venelin Ganev and Nikola Dolapchiev*. A collection of reports. S., “St. Kliment Ohridski” University Press, 2017, 239 – 247/; *About the Principles of Criminal Law in Interpretative Decision №3/2015 of the General Assembly of the Criminal Bar Association of the Supreme Court of Cassation* published in *Scientific Readings on the topic of “Legal Norms and Legal Principles”*, a collection of reports, S., “St. Kliment Ohridski” University Press, 2017, pp. 296 – 314/; *The Principle of Lawfulness and the Administrative Penalty “Detention at a Division of the MoI- /A collection of reports from a scientific conference “Amendments to the Administrative Violations and Fines Act from 2020”*, S., “St. Kliment Ohridski” University Press, 2022, 124 – 134/; *About Some Criminal Acts in the Criminal Code /Law Journal of New Bulgarian University, XVII.2, 2021, ISSN (Online): 1314-5797, pp. 10-16, <https://law.nbu.bg/bg/publikacii/juridichesko-spisanie-na-nbu-xvii-2-202/>; *About Implementing art. 40, para. 2 of the Constitution of the Republic of Bulgaria* in co-authorship– /in A collection of reports from a National Scientific and Practical Conference “Media in Bulgaria – 30 Years On”, NBU, Department of Law, 2020, p. 101–124; <https://law.nbu.bg/bg/publikacii/mediite-v-bylgariq-30-godini-po-kysno-nacionalna-nauchnoprakticheska-konferenciq/>; *Reasons for Administrative Fines in the Special Part of the Criminal Code (discussion questions) – /A collection of reports from a scientific conference on the topic “50 years Administrative Violations and Fines Act – history, traditions, future”*, S., “St. Kliment Ohridski” University Press, 2020, 272 – 297/; *Object and System of Legal Protection of Freedom of Religion - / Legal World, 2021, № 1, 11-31, “Scope of Legal Protection of the Financial System”– in Legal Thought, 2022, in printing/.**

The publications given above include: a/ the thorough analysis leads to outlining issues related to the interpretative activity conducted by the General Assembly of the Criminal Bar Association of the Supreme Court of Cassation; b/essential theoretical and practice-related questions concerning the criminal and administrative liability are discussed; c/ the meaning of terms with similar essence, used in the Criminal Code to designate some forms of crimes are clarified; d/ key issues related to the limitations imposed on the right

to exercise the freedom to disseminate opinion through the mass media, stipulated in art.40, para. 2 the Constitution of the Republic of Bulgaria are studied; e/ questions concerning the legal protection of the financial system of the country are discussed in detail and with good justification.

5. The overall academic work of chief assistant Dr. Nikoleta Kuzmanova should be given a high positive assessment based on the theoretical and practice-oriented importance of her works stated above. Her work presents novelties in science and are the result of her personal scientific and research activity. In her work she demonstrates ability to identify important social problems, to study them in detail and to suggest powerful methods for resolving them.

In conclusion, based on the above stated observations about the teaching, practical and research activity of chief assistant Dr. Nikoleta Kirilova Kuzmanova, I believe that she meets all requirements for assuming the academic position “Associate professor” in compliance with the Law on the Development of Academic Staff in the Republic of Bulgaria. Therefore I recommend that the academic panel suggests to the Faculty Council of the Faculty of Law at SU “St. Kliment Ohridski” to appoint chief assistant Dr. Nikoleta Kuzmanova an Assistant Professor in criminal law.

Sofia

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