

27 September 2016



FOREF Europe (Forum for Religious Freedom), **Office:** Seidengasse 28/4, 1070 Vienna, AUSTRIA
President: Dr. Aaron Rhodes, **Executive Director:** Peter Zoehrer
Phone: +43 6645238794, **E-mail:** foref.office@gmail.com, **Website:** foref.eu, **Blog:** www.foref-europe.org

OSCE Human Dimension Implementation Meeting

Warsaw, 27 September 2016

Working session 12: Fundamental freedoms I (continued), including freedom of thought, conscience, religion or belief

HUNGARY: Two years after ruling by ECtHR Church Law Remains Unaltered

Recommendations:

The *Forum for Religious Freedom Europe* (FOREF) calls upon the Government of Hungary

- (1) To introduce legislation to Parliament that will amend Hungary's law on the legal status of churches in a way that harmonizes with Helsinki standards, the European Convention on Human Rights, and the ruling of the ECtHR in *Magyar Keresztény Mennonita Egyház and others v. Hungary*.
- (2) Restore the legal status of churches stripped of legal personality in 2011 through a procedure ruled unconstitutional by Hungary's Constitutional Court and found in breach of the European Convention of Human Rights by the European Court of Human Rights.

Hungary ignores ruling of the European Court of Human Rights

In 2011 Hungary enacted a new law on the legal status of churches (Act CCVI of 2011). The law stripped approximately 200 religious communities of legal personality, and reduced the number of legally recognized churches in Hungary to 14. In February 2012, responding to international pressure, Parliament expanded the number of recognized churches to 31. In February 2013, Hungary's Constitutional Court ruled the deregistration of recognized churches had been unconstitutional. Responding to the Court's decision, Parliament amended the constitution in March 2013. In June and September 2013, Parliament amended Act CCVI to create a two-tiered classification consisting of "religious communities" and "incorporated churches." In September 2013, Parliament also amended the constitution explicitly to grant Parliament the authority to select religious communities for "cooperation" with the state in the service of "public interest activities." In April 2014 the European Court of Human Rights (ECtHR) ruled in *Magyar Keresztény Mennonita Egyház and others v. Hungary* that Hungary had violated articles 9 and 11 of the European Convention on Human Rights (ECHR), a judgment which became final in September 2014. In Fall September 2015 the Government of Hungary made public a new draft of the church law, but ignored suggestions from Hungary's opposition political parties and NGO's intended to improve the bill. In December 2015, the Government of Hungary introduced the bill unaltered to Parliament and failed to secure the necessary $\frac{2}{3}$ majority vote in Parliament to pass. Since failing to pass the bill through Parliament, the Government of Hungary has taken no further steps to amend its church law, nor has it taken steps to address the ongoing violations of the right of religious freedom identified by the ECtHR.

Many deregistered religious communities in Hungary currently exist in a legal no man's land, recognized neither as churches nor as religious associations. As entities without clear legal status they are unable to collect the 1% voluntary church tax, their clergy are denied tax exemptions given to legally recognized churches, and their ability to maintain schools and enter into contracts is severely impaired. The longer their legal status remains unresolved, the harder it becomes for deregistered churches to maintain their institutions, thereby forcing them to function informally in a legal underground. In the absence of a long overdue legal remedy, many small religious communities in Hungary may soon cease to exist.

FOREF urges the Government of Hungary to address the current violations of religious freedom occurring in Hungary without delay, to restore the original legal status of religious groups illegally stripped of legal personality in 2011, and to amend the law on the legal status of churches to accord with Helsinki standards, the European Convention on Human Rights, and the ruling of the European Court of Human Rights.