

Joint Statement
On the Proposed Religion Law before the Parliamentary Assembly of Hungary
“The Right to Freedom of Conscience and Religion,
and the Status of Churches, Religions, and Religious Communities”

July 8, 2011

We are scholars, religious leaders, human rights advocates and practitioners who are deeply concerned about the proposed religion law that is scheduled to be voted on by the Parliamentary Assembly of Hungary on July 11, 2011.

We have read analyses that provide detailed information as to why enactment of this legislation would represent a serious setback for religious freedom in Hungary as it contravenes standards of the European Union, the Council of Europe, the European Convention on Human Rights, the OSCE and the United Nations by discriminating against minority religious groups.

As we understand it, the legislation would “de-register” targeted minority faiths that have been registered as religions in Hungary since the adoption of the 1990 Religion Law, while allowing favored religious organizations to maintain their registered religious status and enjoy all the rights and privileges that flow to religious organizations under the Bill. Over a hundred religious organizations currently registered as such will be retroactively stripped of their status as religious communities and “de-registered” as religious organizations if these provisions become law.

Some proponents of this legislation in Hungary have attempted to justify these discriminatory provisions by arguing that they meet human rights standards because “deregistered” religious organizations may continue to operate as “civil associations performing religious activities.” This argument ignores direct and controlling precedent from the European Court of Human Rights (ECtHR) that a tiered system offering an inferior religious status to minority faiths violates the right to religious freedom and the right to be free from religious discrimination.

In *Religionsgemeinschaft der Zeugen Jehovas and Others v. Austria* (July 2008, Application no. 40825/98), the ECtHR found that the status of a “registered religious community” was inferior to that of a “religious society”, as “religious communities” were subject to more severe State control in respect of their religious doctrine, their rules on membership and the administration of their assets pursuant to the 1998 Religious Communities Act.

The ECtHR concluded that that difference in treatment violated the right to be free from religious discrimination, which is protected by the anti-discrimination clause of Article 14 of the European Convention on Human Rights, taken in conjunction with the right to religious freedom protected by Article 9.

There is no question that the proposed Hungarian law relegates “de-registered” religious communities to an inferior status. Religious organizations that have been “de-registered” may not use the name “Church” and will also lose their status as a religious organization if they are not “re-registered” through burdensome Court proceedings. “Re-registration” can only occur if a

minority religious community meets onerous duration and population requirements showing that it has been organized in Hungary for at least 20 years and has at least 1,000 members.

These requirements represent a transparent attempt to suppress minority religious freedom in complete contravention of ECtHR decisions and UN and OSCE standards. This exclusionary approach would frustrate the policy of “true religious pluralism” and result in arbitrariness and unfair discrimination to exclude new and minority faiths from registration as religious organizations.

For these reasons, we urge the Parliamentary Assembly of Hungary not to enact this legislation.

Respectfully,

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