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Report for the  
OSCE Second Supplementary Human Dimension Meeting (SHDM) -  
Freedom of Religion of Belief, Fostering Mutual Respect and Understanding

Vienna, 2 - 3 July 2015

## **HUNGARY: Government Ignores Judgment of the European Court of Human Rights**

**Submitted by the Forum for Religious Freedom – Europe (FOREF)**

**We wish to express our deep concern about policies of the government of Hungary that violate Human Dimension commitments undertaken by the participating States in the Helsinki Final Act and in the Madrid, Vienna, Copenhagen, and Maastricht documents as well as OSCE standards, and ignore the judgment of the ECtHR.**

In April 2014, the European Court of Human Rights ruled that Hungary's law on the status of churches (Act CCVI of 2011) violated the right to religious freedom, because it stripped numerous religious communities of their legal status as churches (*Magyar Keresztény Mennonita Egyház and Others v. Hungary*). After the Grand Chamber rejected a Hungarian appeal, the judgment became final in September 2014. Instead of abiding by the Court's decision, however, the Government of Hungary has failed to implement measures necessary to remedy its breach of the European Convention on Human Rights.

First, the Government of Hungary has not negotiated in good faith with the religious communities whose rights were violated. The Court's decision stipulated that the Hungarian government must compensate the injured religious communities for damages, and it allotted six months to the government to negotiate with the churches the amount of that compensation. However, the Government of Hungary did not initiate negotiations until one week before the negotiation deadline. Not surprisingly, one week proved insufficient to arrive at an agreement with most of the religious communities, and they have been forced to return to the ECtHR for legal remedy.

Second, the Government of Hungary has not amended the church law to correct its deficiencies. The Hungarian religious communities which won their case in Strasbourg have been retroactively stripped of their legal status as churches. Since, according to the Court, that retroactive "deregistration" violates their members' religious freedom, the only way to address this violation is to restore the legal

status of those groups. In fact, Hungary's own Constitutional Court found the deregistration procedure unconstitutional in 2013, but the Government of Hungary has flagrantly ignored that decision. It is also ignoring the judgment of the European Court of Human Rights. Although the Government of Hungary promised new legislation on the status of churches by the end of 2014, as of July 2015 no new legislation has been seen.

### **Recommendations**

In light of the Government of Hungary's dilatory tactics and persistent failure to address violations of the right of religious freedom, FOREF recommends the following:

- (1) That the Government Hungary, in compliance with the ruling of the European Court of Human Rights, promptly settle on appropriate financial reparations with *all of the complainants* in *Magyar Keresztény Mennonita Egyház and Others v. Hungary*.
- (2) That the Government of Hungary, in compliance with the ruling of Hungary's Constitutional Court, place back on the registry of incorporated churches the religious communities unconstitutionally deregistered by Act CCVI of 2011.
- (3) That the Government of Hungary immediately amend Act CCVI of 2011 in a manner to remedy persistent violations of the right of religious freedom in Hungary.

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### **Brief information about FOREF**

The Forum for Religious Freedom Europe is an independent, secular, nongovernmental organization based in Vienna. FOREF was founded in 2005 by the internationally recognized jurist and expert on freedom of religion Professor Christian Bruenner, who served as Dean of the School of Law and Rector of Graz University and also in the Austrian Parliament, and human rights activist Peter Zoehrer.

FOREF's website ([www.religionsfreiheit.at](http://www.religionsfreiheit.at)) was initiated in 1998 and regularly reports to the media, OSCE, US-State Department, Human Rights Without Frontiers and various other human rights organizations on religious freedom violations in Austria and other countries. FOREF has established an international scientific board of experts as well as an interdenominational religious board. Since its establishment, FOREF has achieved a number of important victories in helping victims of religious intolerance to gain respect for their rights and vindicated from injustice, discrimination or persecution. FOREF's Facebook community numbers over 2,000 members.

In 2014, FOREF named international human rights activist Dr. Aaron Rhodes president. Recent actions have included, *inter alia*, a successful campaign against a discriminatory resolution in the Parliamentary Assembly of the Council of Europe; a critical analysis of Hungary's religion law presented to the OSCE; a critical analysis of the decision by the European Court of Human Rights to uphold France's ban on the burqa; a detailed report on actions by German authorities against a minority Christian group; and an analysis of Austria's proposed law on Islam.