



Hungarian Helsinki Committee



HUNGARY FACT SHEET 7
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THE NEW CHURCH LAW

1. **The manner of adoption of Act CCVI of 2011 on the Right to Freedom of Conscience and Religion and on the Legal Status of Churches, Religious Denominations and Religious Communities violated the rule of law and reflects the current state of the legislative process in Hungary.** On 19 December 2011, the Constitutional Court annulled a previous version of the Act for failures in the legislative process. The present Act was submitted to Parliament on 21 December, adopted on 30 December, and entered into force on 1 January 2012; thus there was **neither time for a meaningful public debate nor an appropriate period of time allowed for the subjects of the law to adjust to the new provisions before the Act applies.** Both Bills were submitted by MPs instead of the Government.

The legal consequences of the new Church Law

2. **All churches except those listed in the annex of the Act are deprived of their acquired and established rights.** Legal status as a church is **transformed into that of a civil association.** In contrast to the status of a church, a civil association does not enjoy the same rights and privileges with regards to taxation, employment, education, performing religious service in public institutions, disclosure of information, etc. Since the new status is an inferior one, **the Act discriminates between existing denominations.**

3. **A civil association may be recognized as a church by the Parliament;** a majority of two-thirds of the MPs is needed. Application for recognition shall be filed with a parliamentary committee, which requests the opinion of the Hungarian Academy of Sciences and reports of the national security services. The application shall then be submitted to the Parliament. Obviously **there is no right of appeal against the decision. The Hungarian Academy of Sciences declared itself incompetent in this regard;** the parliamentary committee did not submit all the applications which fit the requirements of the Act to the Parliament, and for this reason the members of the opposition chose not to participate in the committee's procedure.

4. The new requirements to obtain legal status as a church consist of the following: a) **signatures of 1 000 citizens;** b) confession of faith and rites; c) **existence for at least 100 years internationally or 20 years in Hungary as a civil association;** d) and the church shall not constitute a risk to national security. However, these **requirements do not bind the Parliament, its decision on granting the status of a church is an arbitrary one.** The lack of normative criteria of recognition **breaches the principle of separation of State and Church.**

5. The legal definition of the concept of "religion" includes arbitrary and content-dependent features ("a worldview which is directed towards the transcendental, which has a system of faith-based principles and its teachings are directed toward existence as a whole, and which embraces the entire human personality and has specific codes of conduct that do not offend morality and human dignity"), hence the Act does **not take a neutral posture towards citizens' beliefs.** The

consequence of this conception is twofold: **it discriminates both between existing religious communities and against all citizens.**

The factual consequences of the new Church Law

6. As a consequence of the entry into force of the new Church Law on 1 January 2012, **more than 300 denominations lost their legal status and either filed a request for re-registration, initiated a procedure to transform into civil associations, or ceased activity.**

7. **In February, re-recognition requests were submitted to Parliament by 84 denominations; of these, 18 were granted and 66 denied.** The rejected denominations must wait for a year to submit a new request.

8. **In addition to the effects of the Church Law, another process threatens the neutrality of public education.** In 2012 the government centralized public education, while the task of school-building maintenance has remained on the shoulders of local municipalities. **Local governments could choose to give their schools, with the right to educate children, to one of the churches instead of the government.** Since churches are entitled to a higher amount of money per children from the central educational budget, the contract is beneficial for both the church and the local government. However, **a school run by a church is not neutral and could cause problems both for the teachers, regarding their freedom of conscience, and for parents and children living in small villages, regarding their need for a public and neutral education** (instead of a religious one). (Since the centralization, the number of Catholic schools increased from 224 to 270 and Lutherans schools increased from 162 to 215.) Furthermore there has been news that the Faith Church has been denied permission to run schools in two cities; however the church continues to educate nearly 3000 children nationwide.