

June 28, 2011

The Honorable Hillary Rodham Clinton  
Secretary of State  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

Dear Madame Secretary,

We write as an informal group of individuals who are scholars, religious leaders, human rights advocates and practitioners to express our deep concern about a proposed religion law that could be voted on, and even passed by the Parliamentary Assembly of Hungary, the week of June 27, 2011.

Since we understand you are scheduled to be in Budapest this coming week, we respectfully urge you to raise the issue of this proposed religion law with the Prime Minister, Viktor Orbán, and with leaders of Parliament.

A report published by the INSTITUTE on Religion and Public Policy on June 22, 2011, provided detailed information as to why enactment of this legislation would represent a serious setback for religious freedom in Hungary as the legislation contravenes standards of the OSCE, European Union, Council of Europe, European Court of Human Rights and United Nations by discriminating against minority religious groups.

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.

In response to the Institute’s Report, 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 (ECHR) 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 ECHR 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 ECHR 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 ECHR decisions and UN and OSCE standards. This exclusionary approach would frustrate this 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 you to raise the issue of this proposed religion law with the Hungarian Prime Minister and with leaders of Parliament.

Respectfully,

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