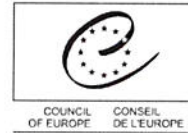




COMMISSIONER FOR HUMAN RIGHTS
COMMISSAIRE AUX DROITS DE L'HOMME



Ref: CommHR/HB/sf 085-2011

Mr László RAJK
Köztigon Építész Stúdió Kft.
Paulay Ede u. 19
1061 Budapest
Hungary

Strasbourg, 31 August 2011

Dear Mr Rajk,

I acknowledge receipt of your letter of 8 August 2011 concerning a new law on churches adopted by the Hungarian Parliament on 12 July 2011. I have read it carefully and would like to thank you and your co-signatories for drawing my attention to this very important issue.

Freedom of thought, conscience and religion, enshrined in Article 9 of the European Convention on Human Rights, has been recognised by the European Court of Human Rights as a pillar of democracy. The sensitivity of the issues involved in this context is underlined by the extensive body of case-law of the Court, including on questions such as the legal personality of religious communities, the organisation of religious education in schools, or the right not to disclose one's religious affiliation. The State's duty of neutrality and impartiality, as defined in the Court's case-law, is incompatible with any power to assess the legitimacy of religious beliefs. Other standards, such as the Guidelines for Review of Legislation Pertaining to Religion or Belief of 2004, prepared by the OSCE/ODIHR Advisory Panel of Experts on Freedom of Religion or Belief in consultation with the Council of Europe's Commission for Democracy Through Law (Venice Commission), are also of relevance.

You state in your open letter that, as a consequence of the new law on churches, more than 100 religious denominations were deprived of their church status and, as a result, of many of their previously acquired rights in Hungary. The criteria which were at the basis of the differential treatment between these religious communities and those which retained their church status may raise questions in the light of the abovementioned international standards and the principle of non-discrimination.

You also enumerate a number of severe legal and procedural obstacles the new law imposes on non-recognised denominations in acceding to church status and the many privileges this status entails. Of particular significance is the parliamentary nature of the decision on recognition, as well as the strict registration requirements you refer to. I also take note of your observations on the way in which the draft law was presented to and adopted by the Hungarian Parliament.

I take any allegation of violation of the aforementioned rights and standards, such as those contained in your open letter, very seriously. This is why I have sought to initiate a dialogue with the Hungarian authorities, inviting them to present me with their views on the new law.

Given the complexity and the sensitive nature of the issues involved, I would like to conduct a careful analysis of the law and its impact on religious freedom in Hungary, with a particular view to the implications for those congregations having lost their church status, before I decide on further steps to take. Should I decide to pursue the evaluation of this law, I hope to be able to do so in an open and constructive dialogue with the Hungarian government. Similarly to other evaluations I have conducted in the past, I would also count on contributions from civil society representatives such as yourself.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Thomas Hammarberg', with a stylized, cursive script.

Thomas Hammarberg

cc: Permanent Representation of Hungary to the Council of Europe