

Budapest, 06 September 2011

European Commission and Council of Europe reply the letter sent by the former democratic opposition in protest of the new law on churches

Vice-President Viviane Reding cites lack of competence; Commissioner Thomas Hammarberg appreciates the open letter's directing his attention to the issue, calls on the Hungarian Government to present its views on the issue.

Both Vice-President of the European Commission Viviane Reding and Council of Europe Commissioner for Human Rights Thomas Hammarberg have responded to the open letter sent by fifteen members of the former Hungarian democratic and human rights opposition. Dated 8 August 2011, the co-signatories appealed simultaneously to the Vice-President European Commission in Brussels and to the Commissioner for Human Rights at the Council of Europe in Strasbourg, with the aim of urging them to investigate the new Hungarian law on churches, which has instituted regulations in defiance of European norms.

„Never before has a Member State of the EU so blatantly dared to go against the principles of freedom of beliefs, equality before the law, and separation of church from state. These are all established fundamental rights in our common Europe,” the co-signatories stressed, adding, „We sincerely hope that, after studying Hungary’s new Church Law, you will start an official inquiry into this violation of the rights that are possessed by all Europeans.”

The letter was signed by Attila Ara-Kovács, György Dalos, Gábor Demszky, Miklós Haraszti, Róza Hodosán, Gábor Iványi, János Kenedi, György Konrád, Ferenc Kőszeg, Bálint Magyar, Imre Mécs, Sándor Radnóti, László Rajk, Sándor Szilágyi, and Gáspár Miklós Tamás. On behalf of the fifteen co-signatories, the letter was posted by László Rajk and he was the one to receive the reply letters.

In her letter of 26 August, Vice-President and Human Rights Commissioner of the European Commission, Viviane Reding asserts, „Respect for religious freedom is a core value of the European Union which, as you underline, is expressed in the Charter of Fundamental Rights of the European Union and in the European Convention on Human Rights.” She adds „However, under the Treaty on European Union and the Treaty on the Functioning of the European Union, the European Commission has no general powers to intervene with the Member States in the area

of fundamental rights.” Vice-President Reding then goes on to list the specific reasons for the lack of competence of the European Commission.

In the first months of 2011, she adopted a similar approach in her rejection to launch an investigation into Hungary's media law. When she was called on by the European Parliament to take action, she let the task over to Neelie Kroes, commissioner for transnational audiovisual services, an area concerned with technical, rather than human rights issues.

Thomas Hammarberg, Commissioner for Human Rights at the Council of Europe, also copied his reply letter of 31 August to the permanent representation of Hungary in Strasbourg. In the introductory passage, he thanks the fifteen for directing his attention to the issue, and he lists the European treaties and court decisions touching upon the human right issues mentioned in the letter of the fifteen. He underlines, „I take any allegation of violation of the aforementioned rights and standards, such as those contained in your open letter, very seriously.”

Then he adds, „Given the complexity and 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.”

The human rights commissioner ends his letter by saying, „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 conducted in the past, I would also count on contributions from civil society representatives such as yourself.”

In early 2011, Thomas Hammarberg conducted an inquiry into the new Hungarian Media Law; he visited the country, and in February he published an Opinion entitled "Hungary should use the Council of Europe's standards to guarantee freedom of expression and media pluralism".

(http://www.coe.int/t/commissioner/news/2011/110225mediahungary_EN.asp)

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