

HUNGARY

Executive Summary

The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom. In April the National Assembly (Parliament) adopted a new Fundamental Law to replace the previous constitution. It is scheduled to enter into effect on January 1, 2012. The Fundamental Law provides for the freedom of conscience and religion. During the year, Parliament also passed the Act on the Right to Freedom of Conscience and Religion, and on the Legal Status of Churches, Religious Denominations, and Religious Communities (Religion Law) in part to regulate the registration of churches, which changed the criteria for religious organizations to be officially recognized by the state. The new law also goes into effect on January 1, 2012, and could have the effect of creating an overly political process in determining the status of religious organizations.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice, and prominent societal leaders took positive steps to promote religious freedom. Radical political groups, including the radical nationalist Jobbik party in Parliament, which grew in size and number, used anti-Semitic rhetoric, which observers stated worked to promulgate political friction and play on fears of economic uncertainty.

During the year, the U.S. government enhanced its engagement with the country's legislators and government officials and reached out to representatives of local and international nongovernmental organizations (NGOs) in connection with the government's objective to adopt a new religious law to replace the incumbent 1990 legislation on religious freedom. In a message delivered to Prime Minister Viktor Orban in December, Secretary Clinton expressed "deep concern" on behalf of the U.S. government about the newly adopted Religion Law, specifically raising registration procedures and the role played by Parliament in the decision to recognize religious communities. The ambassador routinely raised the new Religion Law directly with senior government officials, including the deputy prime minister and the foreign minister. Additionally, the embassy supported numerous Holocaust education initiatives and roundtable discussions with government partners.

Section I. Religious Demography

Data on religious affiliation is regarded as sensitive information and may not be officially recorded. However, the 2001 national census, the latest survey available, included an optional question on religious affiliation, to which 90 percent of the population responded. According to the replies, the population is 55 percent Roman Catholic, 15 percent Hungarian Reformed Church (Presbyterian), 3 percent Lutheran, and less than 1 percent Jewish. These four groups are considered the country's "historic" religions. Groups that constitute less than 5 percent of the population include Greek Catholics, the Congregation of Faith, five Orthodox Christian religious groups, a broad range of other Christian denominations, seven Buddhist groups, and three Muslim communities. Data protection regulations impeded the collection of official statistics on participation in religious life. The government held another national census during the year, but the results were not yet available.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced those protections. The constitution provides for the free choice or acceptance of a religion or other conscientious convictions, the freedom to practice or abstain from practicing, and the right to exercise or teach one's religion and beliefs in public or in private, either individually or with others, through religious acts and ceremonies or in other ways.

On April 18, the Parliament adopted a new Fundamental Law, which replaces the previous constitution, effective January 1, 2012. The Fundamental Law provides for the freedom of conscience and religion. These rights include the freedom to choose or change religion or any other persuasion, and the freedom for every person to proclaim, profess, or teach his or her religion in public or in private.

Both the constitution and the Fundamental Law separate church and state. The Fundamental Law stipulates that religious organizations shall be autonomous but the state shall cooperate with churches on community goals. Citizens have the right to sue the government for constitutional violations of religious freedom.

Until the end of the year, the 1990 Act on the Freedom of Conscience regulated the activities of, and the benefits enjoyed by, religious communities, as well as established the criteria for legal designation. County courts implemented the registration of religious groups. To register, a group must have been founded by at least 100 individuals and have a charter and elected bodies for administration and representation. The court determined whether the new group complied with constitutional and legal requirements; if so, the court could not reject the registration request. While any group is free to practice its faith, formal registration grants rights, imposes obligations on operating educational and social institutions, and provides access to several forms of state funding. All registered groups have the same rights and obligations. Under these registration rules, over 300 religious groups gained church status since the regime change. On January 1, 2012, the 1990 Act on the Freedom of Conscience will be replaced by a new Religion Law, which requires Parliamentary approval in order for religious groups to qualify for tax benefits and state support as registered “churches.”

The 1990 Act provides registered religious groups with the right to operate municipal schools through a formal transfer agreement with the central government. Municipalities, churches, or school boards can initiate such transfers. Religious groups maintaining public education institutions are entitled to receive a “supplementary subsidy” as well as the general “normative subsidy” provided to educational institutions by the state. A 2010 law on public education altered the system so the national government, rather than the municipality, funds the “supplementary subsidy,” thereby providing additional incentive for municipalities to initiate such a transfer. As of September, a total of 82 kindergartens and schools were transferred to religious group management by local governments. The Roman Catholic Church took over 53 institutions, the Reformed Church 13, the Baptist Church three, the Lutheran Church five, and other religious groups eight.

Registered religious groups have the right to provide religious education in public schools if requested by students or parents. Religious instruction is not part of the curriculum in public schools, but the government permits primary and secondary school students to enroll in extracurricular religious education classes. Optional religious instruction is usually held after the normal school day and taught in school facilities by representatives of various religious groups. While the government makes provisions for minority religious groups to engage in religious education in public schools, the four “historic” groups provided the majority of after-hours religious instruction. Private schools are not obligated to ensure religious education.

On July 11, Parliament adopted the new Religion Law by a two-thirds majority vote. The government stated that the new law was necessary to ensure that “business churches,” created solely to gain financial benefits from the state under the previous law, could no longer operate under “church status” or qualify for state support and tax benefits. The Religion Law is scheduled to enter into force on January 1, 2012. The final version of the law recognized only 14 churches and religious communities--11 Christian and three Jewish congregations--and stipulated that all other religious groups must apply for official recognition through the relevant ministry. Unlike the previous law, under which courts had the authority, the new law authorized a two-thirds majority of Parliament to recognize religious communities as “churches” if the applicant meets criteria stipulated in the law. These criteria include at least 20 years of operation in Hungary and a minimum of 1,000 congregants. According to the law, religious organizations that fail to meet the criteria or subsequently fail to be approved by Parliament would be able to register as associations, but would lose the state support and tax benefits allocated specifically to churches.

Domestic and international human rights groups criticized the new law for depriving over 300 previously registered religious organizations of their recognized status. Numerous religious groups, human rights groups, and individuals challenged the law in the Constitutional Court on several bases, including violations of the principle of separation of church and state, the ban on discrimination, and the rules of parliamentary procedure.

On December 19, the Constitutional Court (CC) annulled the Religion Law on the grounds that it violated parliamentary procedural rules. The CC determined that a final vote made substantial changes to the original bill, whereas parliamentary procedure allowed only minor revisions at that phase of the legislative process. On the same day, Parliament repealed the Religion Law.

On December 30, Parliament adopted a second version of the Religion Law. The new law recognizes the same 14 “churches” as the version that had been annulled by the CC. All other religious groups may apply for recognition to Parliament’s Committee for Human Rights and Religious Affairs if they meet criteria listed in the newer version of the law. Criteria for recognition include at least 100 years of international operation or 20 years of operation in Hungary; at least 1,000 signatures; religious activity as a primary aim; a formal statement of faith and rites; bylaws; a deed of foundation and internal rules; and elected or appointed administrative and representative bodies. Also, activities of a religious organization may not conflict with the Fundamental Law, pose a threat to national

security, or violate basic human rights, such as the right to physical and mental health, and the protection of life and human dignity. According to the law, the committee will request the opinion of the president of the Hungarian Academy of Sciences (MTA) as to whether criteria are met by the applicants. The committee will then submit a legislative proposal to Parliament concerning recognition of the religious communities listed.

All religious organizations registered under the 1990 Freedom of Conscience Act (former Church Law) that are not recognized by Parliament under the new law and failed to submit a request for recognition by December 20, 2011, qualify as associations, effective January 1, 2012. In addition, the law requires these groups to initiate a request to change their legal registration to “association” by February 29, 2012, or, in the alternative, state that they do not intend to continue to operate. The law also states that any religious organization that applied for registration by December 20, 2011 but was not recognized by Parliament by February 29, 2012, qualifies as an association, effective March 1, 2012. These groups are required by the law to initiate a request to change their legal registration to “association” by April 30, 2012. Religious groups that were not recognized may reapply for recognition after a year.

Taxpayers can continue to choose to donate 1 percent of their taxes to any recognized religious group. Religious groups no longer recognized by the state as “churches” will no longer be able to receive these specially designated, non-taxable donations or receive special state support. Religious organizations that become associations may receive similar 1 percent tax allocations designated for civil society organizations and may receive state support for certain public benefit activities. However, only recognized “churches” may use taxpayer donations to pay the salaries of individuals who provide religious services, which are in turn exempt from personal income tax. The law does not forbid the use of the term “church” by an association. According to the government, an association that primarily performs religious activities is entitled to continue using the term “church” in its name.

The version of the law adopted on December 30 also includes a provision that states that land owned by a religious organization that loses status as a recognized church and becomes an association will be retained by the association, since the association is the legal successor to that church.

The new law is scheduled to enter into force on January 1, 2012.

As of December 20, the deadline for applications, a total of 85 religious groups applied for registration to the Ministry of Public Administration and Justice.

Domestic and international observers have criticized the law, claiming that it discriminates among churches and politicizes the recognition of religious groups.

Relations between the state and the Roman Catholic Church are regulated by the 1990, 1994, and 1997 Vatican treaties. These agreements also serve as a framework for regulating state relations with other religious groups.

The criminal code has a provision on the “Violation of the Freedom of Conscience and Religion,” which states that whoever restricts another person by violence or threats, or prevents another person from freely exercising his or her religion by violence or by threats, commits a crime, which is punishable by up to three years in prison. If a person abuses someone because of his or her affiliation with a religious group, the crime is punishable by five years in prison.

The four “historic” religious groups (Roman Catholic, Reformed, Lutheran, and Jewish) continued to receive 93 percent of state financial support provided to religious groups. All registered religious groups also receive advantageous tax treatment.

In addition to taxpayer contributions, the government allocated public funds to registered religious groups. Under present regulations, the state commits to match the amount of the individual taxpayer contributions. During the year, state funding of churches increased by 2.5 billion forints (\$11 million), from 8.2 billion (\$37 million) in 2010 to 10.7 billion forints (\$48 million).

Additional government funding to religious organizations is provided for a range of activities, such as the maintenance of public art collections; support for religious instruction, education, and culture; annual compensation for nonrestituted religious property; and assistance to church personnel serving the smallest villages. In 2011 this financial assistance significantly increased to 34 billion forints (\$154 million) as compared with 23.5 billion forints (\$106 million) in 2010.

The state operates the army chaplain service for the four historic religious groups. Free exercise of religion in the military service, not only in private but also in public, is ensured for every denomination. The Ministry of Defense funds and maintains the chaplain service.

A 1996 Ministry of Justice resolution guarantees the right of a detainee to keep unrestricted contact with the cleric or the representative of his or her church, initiated by either party. Detainees in special security regimes may only participate in individual spiritual care and are excluded from spiritual community programs. Penitentiary institutions guarantee the free practice of religion for the detainees. The public prosecutor or the judge may restrict the practice of religion during the course of criminal proceedings. Similar rules apply for inmates in reformatory institutions for juveniles and in police jails. A 2000 Ministry of Justice resolution permits every registered church or religious community to carry out religious activities in penitentiary institutions in harmony with the needs of the detainees.

Property claims can be settled in four ways. These include direct agreement between the owner (municipality) and the respective religious organization on the transfer of real estate property or by a government resolution on the transfer. Claims may also be settled by financial compensation granted by the government if the religious organization prefers to invest in new construction. Finally, the outstanding property claims may be transferred into an annuity in perpetuity, which can be used exclusively for financing religious and other public activities of the church.

The Congregation of Jewish Communities in Hungary (MAZSIHISZ) concluded an agreement with the government in 1998 waiving its right to the remaining formerly Jewish-owned communal properties that had been confiscated during the Holocaust and/or nationalized after 1948, in exchange for a government bond annuity in perpetuity of 3.5 billion forints (then about \$52 million).

In 2007, the government and the Hungarian Jewish Heritage Foundation (MAZSOK) signed a \$21 million Assistance Contract (negotiated by the World Jewish Restitution Organization) which serves as a five-year down payment for Jewish heirless (and otherwise unclaimed) properties and the “relief and rehabilitation” of Holocaust survivors. According to the agreement, MAZSOK receives the funds and distributes one-third of the amount to survivors in need residing in Hungary. MAZSOK transfers the remaining two-thirds to the Conference on Jewish Material Claims Against Germany (Claims Conference) to assist needy Hungarian survivors living outside of Hungary by providing social services and paying for other necessary expenses mainly related to healthcare.

The government observes the following religious holidays as national holidays: Easter Monday, Whit Monday, All Saints’ Day, and Christmas.

Government Practices

There were no reports of abuses of religious freedom.

The government's level of respect for religious freedom remained consistent during the year. However, many international and domestic observers criticized the government for the new Religion Law, which they claimed would politicize recognition of "churches" and revoke recognized status from more than 300 religious groups.

Religious leaders continued to object to scarce state financing for the maintenance of public art collections and other public services. Many religious group-run art collections were closed or public access was limited in the past few years due to lack of state financial support.

The government continued to facilitate the restitution of religious properties confiscated by the state during the communist era and ensured equal opportunity for all religious organizations to regain control over their former property.

During the year, State Secretary Andras Levente Gal (who became Government Commissioner in December) started broad consultations with MAZSIHISZ about expanding the distribution of the annuity to include Chabad-Lubavitch Hungary (EMIH), the Orthodox Jewish community, and the Reformed Jewish congregations. While MAZSIHISZ criticized the government for interfering into internal matters of the Jewish community, the other groups welcomed Gal's effort to include them in the distribution of state funds. The consultations remained pending at the end of the year.

The government failed to transfer the fourth tranche of \$4.2 million by the end of 2011 as stipulated by the Assistance Contract between the government and MAZSOK, claiming that the Claims Conference had not properly accounted for previous distributions.

The government continued to process petitions under Act XLVII, which allowed compensation claims from individuals whose immediate relatives were killed in the Holocaust or in Soviet forced labor camps; lost their lives between 1939 and 1989 due to politically motivated despotic actions of government authorities; or performed forced labor due to racial, religious, or political discrimination during World War II. More than 97,600 claims were filed by the 2006 deadline. By the end of the year, 99,717 decisions had been issued, out of which 16,898

compensation claims were accepted, and three billion forints (\$14.3 million) were transferred to eligible applicants.

The Constantinople Patriarchy Hungarian Exarchy (the Hungarian branch of the Greek Orthodox Church) continued to contest the restitution of property that the Russian Orthodox Community has occupied since the 1950s. When Hungarian courts dismissed the Greek Orthodox community's claim to the property, the community turned to the European Court of Human Rights. The case was pending at the end of the year.

On March 29, State Secretary Gal stated in a press interview published on the government's Web site that he notified the Holocaust Documentation Center and Memorial Collection (HDKE) that part of the exhibit had to be "reassessed," noting that Hungary had been "stripped of its legal capacity" when German troops occupied the country on March 19, 1944. On April 1, Executive Director of the HDKE Laszlo Harsanyi published an open letter in which he claimed Gal's interview was an attack on the museum and an attempt to absolve the country of its role in the Holocaust. On May 19, the new government-appointed HDKE board of trustees removed Harsanyi from his position. The exhibit had not been changed as of the end of the year.

The government continued to support a seven-day Holocaust education seminar for educators held in November. The seminar was the second element of a three-year educational program aimed at revising Holocaust education in schools.

Improvements and Positive Developments in Respect for Religious Freedom

The Vatican-Hungarian Joint Committee continued its operation aimed at amending the Vatican Treaties and held two sessions during the year. The Hungarian delegation in the joint committee was headed by Deputy Prime Minister Zsolt Semjen. In the December 20 session, all participants agreed to set up a joint ad hoc working group to draft a new treaty.

By the end of the year, the government concluded the 20-year long process of restituting churches for former communal real estate properties confiscated during the Communist era. The government completed a total of 5,518 real estate restitution cases through one of the four methods prescribed by the law. A total of 1,071 properties were restituted by direct agreement between the municipality and the claimant. In 1,328 cases, with a total value of 73 billion forints (\$348 million), the government authorized the transfer of a building to the religious organizations

and compensated the municipalities to relocate the occupants. The government paid financial compensation in 1,349 cases totaling more than 44 billion forints (\$201 million). In 1,770 real estate restitution cases, the state pays an annuity in perpetuity to the affected churches.

In 2010 and 2011, the government paid two billion forints (\$9.5 million) to compensate churches for the total of four billion forints (\$19 million) financial support withheld in previous years as noted in the 2008 State Audit Office (SAO) report on church financing. The government promised to compensate churches for the remaining two billion forints in 2012.

The government continued its effort to expand coordination with Hungarian and international Jewish communities. During the year, State Secretary Andras Levente Gal held four consultations with leaders of Jewish congregations and NGOs on various issues, including the distribution of annuities, Holocaust education in public schools, and the restoration of abandoned Jewish cemeteries.

On July 5, Minister of Defense Csaba Hende announced that the Ludovika Battalion of the Hungarian Defense Forces renovated the graves of the approximately 300 soldiers of Jewish origin who died in combat during the First World War. The ministry allocated 4 million forints (\$19,000) for the renovation, conducted by military officers and officer candidates on a voluntary basis in the Kozma Street Jewish cemetery. The reconstruction work, completed within a few days, was highly praised by the Jewish community.

From June 1-3, the government organized an international conference on Christian-Jewish-Muslim interfaith dialogue in Godollo in conjunction with the Hungarian EU Presidency. The chair of the conference, State Secretary for Church Affairs Laszlo Szaszfalvi, issued a summary of the conference which “confirmed the fundamental importance of religious freedom as an essential element in the spectrum of universal human rights.” According to the summary, “participants of the conference noted with deep concern that the freedom to practice religious belief was severely restricted in many parts of the world and that violence against believers (particularly at present against Christian believers), but also the ongoing expressions of anti-Islamic sentiment and anti-Semitism and discrimination against other religious or ethnic minorities are widespread.”

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice.

During the year, the substantial legislative changes in the legal status of churches failed to provoke intense public reaction. The public remained generally indifferent regarding the dispute of smaller churches with the government over the termination of their former status.

Jewish organizations expressed serious concerns over a perceived increase in the public's tolerance for anti-Semitic remarks in public discourse. Jewish groups continued to characterize education in schools on the Holocaust and the history of Jewish communities in the country as "deficient." State Secretary Gal and Fidesz Caucus Leader Lazar both expressed support for revising the curricula related to Jewish history education. There were no substantial changes introduced to the national curricula during the year.

During the year, leaders of the radical parliamentary party Jobbik and other far-right groups continued to make anti-Semitic statements. On August 4, the leader of the paramilitary group Outlaw Army, Zsolt Tyirityan, gave an inflammatory speech at the far-right Magyar Sziget music festival, during which he spoke about an "ongoing war between races" and stated that "one has to become able to pull the trigger of a machine gun, maybe, when seeing a different skin color." On September 16, the Pest County Police Headquarters opened an investigation into the incident, which remained pending at year's end.

On October 6, Budapest Mayor Istvan Tarlos appointed Gyorgy Dorner director of the Uj Szinhaz theater of Budapest. The mayor also appointed playwright and founding member of the far-right MIEP party, Istvan Csurka, as theater superintendant. MAZSIHISZ and other local and international Jewish organizations and professional groups criticized the mayor's decision, citing Dorner's and Csurka's open affiliation with far-right groups. On October 22, approximately 2,000 people demonstrated outside Uj Szinhaz against the appointments. On December 14, the mayor requested the theater not to employ Csurka.

The weekly radical magazine *Magyar Forum* and the official weekly publication of the far-right Jobbik party, *Barikad*, continued to publish anti-Semitic articles during the year. NGOs reported that the government monitored the content of Web sites with anti-Semitic content to enforce the prohibition against public

display of such symbols as the swastika, the hammer and sickle, the five-pointed red star, and the arrow cross.

During the first ten months of the year, there were 145 reported instances of vandalism of Jewish and Christian properties, 14 in houses of worship, and 139 in cemeteries.

On January 29, three teenagers confessed to vandalizing 75 gravestones in the Jewish cemetery in Marcali on January 23 to “show off their strength to one another.” The 14-15 year-old culprits caused damage estimated at 1.5 million forints (\$7,030). Prime Minister Orbán condemned the vandalism, calling the act offensive to the Jewish community and all Hungarians.

On July 18, the Budapest Metropolitan Court’s Military Panel acquitted 97-year-old Sandor Kepiro, a former officer in the Hungarian gendarmerie, of war crime charges due to lack of sufficient evidence. In 1944, Kepiro was convicted by Hungarian courts for his role in the January 1942 Novi Sad massacre in Serbia, during which more than 1,200 persons were killed, most of them Jews. However, his sentence was never carried out. In 2006, the Simon Wiesenthal Center discovered that Kepiro was living in Budapest, and in 2007, the Prosecutor's Office opened a new case against him. Both the prosecutor and the defendant appealed the July 18 verdict. On September 3, Kepiro died and the appellate court invalidated the verdict on October 21, pursuant to the law on criminal procedure code.

Christian churches and the Jewish community continued to organize events under the auspices of the Christian-Jewish Society, which brings together religious academicians for discussions. During the year, the society organized nine lectures on Judaism, Christianity, and Islam. Religious groups also demonstrated strong willingness to work together across a wide range of areas to achieve common social and political goals.

Section IV. U.S. Government Policy

The U.S. government discussed religious freedom with members of parliament, political party leaders, and representatives of local and international NGOs that addressed matters of religious freedom. The ambassador and other embassy officials met with prominent religious leaders to discuss religious freedom concerns. U.S. embassy officers closely tracked anti-Semitic incidents and regularly consulted with leaders of religious groups to assess the threat.

The embassy continued to speak out against anti-Semitism and hate speech and urged all parties to do the same. Embassy officials regularly discussed with the government the issue of anti-Semitic public incidents organized by extremist groups. Throughout the year, the ambassador and other U.S. embassy officials attended various events to honor Jewish culture and commemorate victims of the Holocaust.