

## United Nations Special Rapporteur on freedom of religion or belief, Nazila Ghanea

*Preliminary observations and recommendations*

*Budapest, 17 October 2024*

As UN Special Rapporteur on freedom of religion or belief, I am pleased to have had the opportunity to conduct my first official visit to Hungary from 7 October to today, 17 October 2024. This visit to Hungary has taken place upon the invitation of the Government and I wish to express my appreciation for the invitation and the cooperation shown, in particular by the Ministry of Foreign Affairs and Trade. The purpose of this visit has been to assess freedom of thought, conscience, religion or belief in Hungary, identify existing and emerging obstacles to the enjoyment of this right, and make recommendations to addressing them.

I am grateful to have had the opportunity to meet various government officials, including the State Secretary and Deputy State Secretary for Relations with Churches and National Minorites, the State Secretary for the Aid to Persecuted Christians, the Deputy State Secretary for Civil Society, representatives from the Department for Church Relations and representatives of the Ministry of Interior, including the Deputy State Secretary for Social Affairs and representatives of the National Council for Crime Prevention, the National Directorate-General for Aliens Policing, the National Police, the Prison Service, the National Directorate of Hospitals and the Hungarian Educational Authority. I also met the Deputy Speaker of Parliament, judges at the Supreme Court (Curia) and at the Constitutional Court as well as prosecutors. In addition, I met the Commissioner for Fundamental Rights of Hungary, and I had the opportunity to meet the Deputy Mayor of Debrecen and representatives of the Office of the Mayor of Budapest.

During my visit, I also met a wide range of civil society actors, from non-governmental organizations (NGOs), academics and writers; and representatives, leaders and members of religious and belief organizations and communities, and other faith-based actors. I further met with some members of the diplomatic community. I am grateful to all these interlocutors across national and municipal levels, governmental and non-governmental alike, for giving so generously of their time to share of their expertise and insights around this topic. We encountered openness and courtesy in being able to raise our questions regarding the full scope of the freedom of religion or belief landscape.

**Background**

According to the 2022 national census, the population of Hungary is approximately 9.6 million. Hungary’s history often served as the backdrop that was outlined by interlocutors before discussions moved to the current day, whether from government authorities, religion or belief communities, or others from civil society. The Communist era (1949-1989) was depicted as a period with great restrictions on freedom of religion or belief. A number of interlocutors observed some remaining traces of that era in terms of state-religion relations.

Hungary’s Fundamental Law (Constitution), adopted in 2011, guarantees freedom of conscience and religion (Article VII. (1)), stating that individuals have the right to freely choose, change, and practice their religion. This includes the ability to engage in religious ceremonies both publicly and privately. The law also explicitly prohibits discrimination based on religion, ensuring that individuals cannot be targeted or marginalized because of their beliefs. Hungary’s legal system criminalizes any speech that aims to violate the dignity of religious communities or incites hatred against them. This includes punishments ranging from fines to imprisonment for incitement to violence, threats, hate speech, or the public denial of historical atrocities like the Holocaust, and a ban on the public promotion of fascist symbols.[[1]](#footnote-1)

The Fundamental Law asserts the historical role of Christianity in shaping the nation, yet it maintains the principle of the autonomy of ‘churches’ (used to refer to religious organisations). This Law has a provision which obliges the State to cooperate with and grant “privileges” to “established churches” in arenas such as education, health, child protection and other social institutions. (Article VII. (4))

Hungary’s 2011 Church Law marked a major shift in the country’s previous legal approach to religion or belief organizations since 1990. Previously, any group of citizens could establish a religious organization, and some 350 religious or belief groups were recognised. However, the 2011 law stripped those organizations of their legal status, significantly reducing the number of those officially recognized to less than 20, and later to 34 organizations - thereby greatly limiting their legal rights. In 2014, the European Court of Human Rights (ECtHR) ruled that the Hungarian government’s deregistration of churches violated the European Convention on Human Rights, particularly the right to freedom of religion or belief and freedom of association. The ECtHR found that the law unfairly discriminated against certain religious groups by denying them access to state benefits and public funding.[[2]](#footnote-2)

In response to both domestic and international criticism, the Hungarian government amended the Church Law in 2018. These amendments, which took effect in 2019, allowed religious organizations to determine their own internal structures, and permitting all such organizations to receive 1% of voluntary tax donations from the public and a further 1% of voluntary tax donations to charitable institutions and civil society. However, the amendments fell short of addressing the broader concerns about discrimination.

A new four-tiered system of legal recognition of religions or beliefs was introduced and the process for attaining established ‘church’ status continued to be highly restrictive. The Church Law’s four legal categories are now: “established churches,” “registered churches,” “listed churches,” and “religious associations.” (tiered system) Only the top-tier “established churches” enjoy full legal status and the benefits of state support, such as financial assistance for religious activities, tax exemptions, state subsidies and funding for religious schools, hospitals, and social institutions. The established churches receive significant government subsidies for their charitable work and educational institutions, which other religious groups do not. In 2018, for example, the Hungarian government allocated approximately 14 billion HUF (about $50 million US dollars) in state funds to support established churches, while smaller groups were left to rely on private donations and community support.

To achieve this top-tier ‘church’ status, groups must undergo a complex registration process that requires approval from a two-thirds majority vote in Parliament. This has been criticised for politicising the matter of registration that should be based on objective criteria, especially since “comprehensive agreements” of the State with religious organizations rests on this status. These collaborations have raised extensive concerns about unequal treatment among religious groups, as only a select few have secured government partnerships. For example, the Roman Catholic Church, Reformed Church of Hungary or Evangelical Lutheran Church have long-standing agreements with the State, allowing them to run schools and other public institutions, while other religious groups are denied such support.

The criteria for any type of religious registration sets a minimum number of members and a proven historical presence in Hungary, which many smaller or newer religion or belief organisations struggle to meet. A number of smaller religious communities, such as Buddhist, Hindu, and some Jewish groups, have struggled under this system, facing financial difficulties and legal hurdles in maintaining their operations. “Religious associations,” such as Jehovah’s Witnesses, have reported difficulties in accessing public funds for their community activities and maintaining their meeting places. The Church of Scientology has faced raids and legal challenges under Hungary’s data protection laws, and a long delay in permission to maintain its Budapest headquarters.[[3]](#footnote-3)

Religious organizations can also be relegated to lower tiers and lose the related benefits. For example, the Hungarian Evangelical Fellowship (MET), led by pastor Gábor Iványi, lost its “established church” status and has faced severe financial difficulties, including losing government funding for its schools and social institutions such as homeless shelters. Despite appealing to both domestic courts and the ECtHR, the church has yet to regain its standing.

*The scope of the guarantee of freedom of religion or belief for all*

It should be acknowledged that recognition of a broad scope to manifestation of freedom of religion or belief envisaged by Hungary is welcome. This is reflected in the broad range of development assistance offered by the Hungary Helps Programme internationally to religious minorities and the sensitivity to Christian persecution in international fora. These activities can be ‘brought home’ and play out domestically, for example with regard to the offer of international protection on Hungarian territory to those escaping religious persecution and a greater attention to religion and belief minorities in the support of freedom of religion or belief in Hungary.

The ICCPR broadly refers to ‘worship, observance, practice and teaching,’ and general comment 22 of the UN Human Rights Committee interprets it to include “a broad range of acts…including the building of places of worship…customs as the observance of dietary regulations, the wearing of distinctive clothing or head coverings…acts integral to the conduct by religious groups of their basic affairs, such as the freedom to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications.” (paragraph 4). The 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981 UN Declaration) details it further in its article 6.

Interlocutors in Hungary shared that individuals enjoy the freedom to have, adopt and change religion or belief and that religion and belief communities can worship, associate and gather irrespective of whether they are recognised in the four tiers system or not. They also shared a sphere of protection for all in relation to a general sense of physical security and integrity. This is clearly welcome but it does not cover the full scope of the protection of freedom of religion or belief and non-discrimination on the basis of religion or belief. It should also be added that a number of actors felt that the extent of the normalised intolerance in social and traditional media expressed against them made them feel highly vulnerable.

*Non-discrimination*

While the 2018 amendments introduced some positive changes, they did not fully address the discriminatory aspects of the law. The ongoing concerns raised by international human rights organizations and others highlight the need for further reforms to ensure that all religious communities in Hungary can operate without discrimination.

Hungary’s Fundamental Law guarantees rights to everyone without discrimination on the basis of religion (Article XV (2)). The 1981 UN Declaration defines intolerance and discrimination based on religion or belief as “any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis”. (article 2) The Human Rights Committee has gone further in its caselaw to clarify whether distinctions in State funding for different religious organizations constitutes discrimination. In a case relating to school funding for one religious school but not another, it found that “the fact that a distinction is enshrined in the Constitution does not render it reasonable and objective” or render it non-discriminatory.[[4]](#footnote-4) It further found that the historical disadvantage of a religious community is not sufficient and the assessment needed to be carried out at the present time in relation to the specific matter at hand. Any distinctions need to be based on objective and reasonable criteria in order not to lead to discrimination (ICCPR, article 26). The Human Rights Committee observed that the ICCPR “does not oblige States parties to fund schools which are established on a religious basis. However, if a State party chooses to provide public funding to religious schools, it should make this funding available without discrimination.”[[5]](#footnote-5) Since the different funding was not found to be based on reasonable and objective criteria, it was found to be discriminatory.

A number of areas will be explored in the final country report more fully, including in relation to the education sector, health sector, and other social services. Attention will also be given to the need to ensure the enjoyment of freedom of religion or belief to all, in wider society, as well as in institutional settings, in relation to worship, diet, access to religious guidance or chaplaincy in detention.

Issues that will be examined in relation to the education sector will relate to the following:

* Since the reform of the education system in 2013, schools run by “established” churches receive full funding by the State and are allowed to discriminate in their selection of pupils on grounds of religious affiliation, whereas state schools cannot.
* The law stipulates that if 50 per cent of the parents sign a petition and the Ministry of Interior approves it, then public schools can be transferred to any religious group with legal status. The number of schools run by religious organisations since 2014 has doubled and 260,000 children (16%) study in church-run schools. In smaller areas, a religious school may be the only accessible option for students. Since such a school can deny admission due to its ‘selection’, this can result in both lack of access to education and segregation – whether of Roma children,[[6]](#footnote-6) children with other religions or beliefs, or children with disabilities. In its 2020 concluding observations, the Committee on the Right of the Child noted with concern that the allocation of public schools to religious communities, forming church-run schools, can lead to segregation based on religion or belief.[[7]](#footnote-7) Some civil society actors have described this as resulting in discrimination with the full knowledge of the State.
* Before 2010, there were two streams of funding for municipal schools (normative state funding plus funding from municipality) and religious schools were not getting the second municipal stream. The Government opened up a second equivalent stream of funding for religious schools in order to equalise the funding. After 2010, this was continued and the second stream kept increasing, widening the gap between the funding to municipal schools and religious schools, in effect making the latter better funded. As a consequence, church-run schools and other educational facilities enjoy far greater funding, from the kindergarten level to universities, from academic education to vocational training, and 74% of child protection care is church-run.

This human rights enquiry is not to question the quality of commitment or care offered and enjoyed, but questions around inclusion, equal access, transparency and accountability, and the human rights of all concerned from the teaching staff, school management, the freedom of religion or belief of children, and the parent community.

*Funding of religious organizations*

A number of different actors observed that a preferential funding regime to religious organizations is justified as it serves to partially remedy the historical injustice to their communities considering the fact of substantial assets – cultural as well as financial, and even in terms of devastating loss of human life – taken over during the Communist rule and for which there was not a full restitution. Nevertheless, this too would call for a transparent and objective process, rather than, in itself, accounting for the tiered system of religious recognition into perpetuity.

In addition to discrimination concerns, there were also further objections to the tiered system. These can be clustered around solidarity, autonomy and mission. One objection was that it prevented solidarity between religious communities - both between the higher and lower tiers. A further concern was that it created division between different denominations or communities of the same religion, some of which may be recognised higher or lower in the tiers, or the recognised and non-recognised. A further set of objections related to church autonomy and mission in light of State funding. Whilst some religious actors welcomed the state funding for religious schools, hospitals, and social institutions – and the transfer of many of these facilities to becoming church-run – others deeply regretted it for entangling them in complex professional services for which they were not the best equipped, distracting religious communities from their core spiritual missions and independent voice, or for compromising their independence from the State and their perceived neutrality. Other civil society actors pointed out the human rights consequences on others when a state-run service facility is transferred to a church-run facility; to those who held other beliefs, to minority religions and beliefs including humanists and atheists, and to those who wanted to see the resources used to strengthen the role and accountability of the State or municipalities for those services. In short, and regardless of the intentions, the extensive state-church funding relationships can set up patrimonial relationships that lead to the challenges mentioned as well as those around transparency and accountability.

All in all, there was a call for greater oversight of financial flows, neutrality and transparency in open tenders for the running of such services and in the reconstruction of cultural sites that were opened up to all and were free of politicisation and any arbitrariness.

*Religious or belief intolerance, and hate speech*

The prevalence of hate speech in Hungarian society was brought up and acknowledged by a range of actors. These stretched from hate speech attacking Roma, LGBTIQ+, the unemployed and the poor, and a range of minorities who were repeatedly demonised in the media. Hungary has declared a zero-tolerance policy on antisemitism, yet surveys and data evidence that it remains widely prevalent across the country, sometimes as coded hate speech. This has driven some Jews to not wear Jewish symbols in everyday life because of safety concerns. Regrettably the pattern of stigmatizing anti-Muslim rhetoric has also stemmed from high-level officials and much of it has linked strong anti-migrant rhetoric with anti-Muslim hatred. While physical assaults were rare, verbal insults in particular against women wearing headscarves, or those overlapping with race and foreignness, remained frequent.

*Conclusion*

These are my preliminary findings, and I will submit my report, containing my full observations and recommendations from my visit to Hungary to the UN Human Rights Council in March 2025. The report will situate freedom of religion or belief against the broader backdrop of human rights and civil society yet centre on the state-religion relationships. It will examine the human impacts of the practice of the state-religion or belief approach across the country for different segments of the population and at different stages of life, address the question of discrimination and countering hate speech, and offer recommendations.

I count on the continued cooperation of the relevant authorities in my follow up and stand ready to be of any assistance in advancing these objectives.

Thank you.

1. Fundamental Law of Hungary (2011): Available at https://njt.hu/jogszabaly/en/2011-4301-02-00. [↑](#footnote-ref-1)
2. European Court of Human Rights, "Judgment in Magyar Keresztény Mennonita Egyház and Others v. Hungary" (2014): Full judgment available on the ECHR website https://hudoc.echr.coe.int/eng?i=001-142196#{%22itemid%22:[%22001-142196%22]}. [↑](#footnote-ref-2)
3. HUN 5/2018 [↑](#footnote-ref-3)
4. Waldman v Canada, CCPR/C/67/D/694/1996 (1999), para. 10.4 [↑](#footnote-ref-4)
5. Ibid, para. 10.6 [↑](#footnote-ref-5)
6. In 2019, the CERD Committee expressed concern about persistent discrimination, segregation and extreme poverty faced by the Roma, CERD/C/HUN/CO/18-25 para 20. [↑](#footnote-ref-6)
7. CRC/C/HUN/CO/6, para. 35 (b) [↑](#footnote-ref-7)