**Eliminating Intolerance and Discrimination Based on Religion or Belief**

**and the Achievement of SDG 16 in Hungary**

***1. Regulation on the right to freedom of conscience and religion in Hungary***

**Constitutional and general legal background**

The Fundamental Law of Hungary grants and guarantees the right to freedom of thought, conscience and religion in an all-encompassing manner (See Annex 1).

The cardinal Act CCVI of 2011 on the right to freedom of conscience and religion, as well as the legal status of churches, denominations and religious communities (Church Act) provides for the right to freedom of conscience and religion in detail. The National Assembly has so far recognized 32 religious communities as established churches. Firstly, it recognized legally those churches whose historical past and considerable social integration in Hungary provided due reasons thereof. Subsequently, it recognized several major internationally significant neo-protestant churches e.g. the Methodists, the Adventists, the Pentecostals, the Mormons, the Salvation Army, as well as the authentic Hungarian representatives of other major world religions like the Muslims, the Buddhists and the Hindu and later declared them as established churches.

Act CXXXII of 2018 has **amended the Church Act** in order to ensure consistency with the Fundamental Law. At the same time, it **responded to the regulatory questions raised by the Constitutional Court and certain international fora (European Court of Human Rights, Venice Commission).** According to the amendments, **the state does not “recognize”, but rather registers churches in court proceedings**, with the exception of established churches in case of which the decision-making and discretionary role of the National Assembly persists (further on the National Assembly will not decide on church status, only on cooperation with churches). Apart from the category of established churches, the amendment creates the legal possibility of court registration for **further church categories: listed churches and registered churches.** In order to ensure the enforcement of the right of religious freedom at community level, it ensures the possibility of creating **religious associations** as a substantive right. The current organizations performing religious activities automatically become religious associations by legal succession.) Besides performing religious activities primarily and considering the length of operation, and compared to the previous regulation a reduced operational period, the following are required for court registration: for a **listed church, for a period of three years at least one thousand persons on an annual average ,** and for **a registered church, for a period of five years at least four thousand persons on an annual average designating 1% of their personal income tax to the church.** (For those religious communities, which do not accept state support – including the 1% personal income tax -, the legislator ensures the possibility of certifying membership register in the interest of church registration by the court.) The recognition of operating as an established church may be requested from the National Assembly by a registered church, however, for this, the church must conclude a comprehensive cooperation agreement with the Government beforehand. **As a fundamental principle,** the amendment sets out **that every community defining itself as a religious community** (even without having a legal personality) **is entitled to all constitutional protection, which is ensured by the Fundamental Law for religious communities in the framework of free practice of religion**. Irrespective of their organizational form, legal status or denomination, the legislative regulation ensures the following for all religious communities primarily performing religious activities: state neutrality, separation of the state and the religious communities, cooperation and its framework between the state and the religious communities, broad autonomy of religious communities (the state cannot establish organizations for supervising and controlling religious communities), free self-determination of religious communities (free choice of organizational form and denomination – including using the “church” denomination), equality of religious communities and prohibition of discrimination.

As regards cooperation between the state and religious communities, **agreements** **may be concluded** **with religious associations, listed churches and registered churches for a definite period of time, pertaining to the performance of public duties as well as to the support of faith-based activities.** The state **may also conclude** legally enacted **comprehensive cooperation agreements with registered churches** **-** based ontheir historical past, social acceptance, as well as their weight, organization and performance of public duties **-**, **based on which they can become established churches**. **In accordance with the amendment, comprehensive agreements are required to be promulgated in a cardinal act. The amendment of the act does not affect the legal status of the present established churches however, agreements may also be concluded with those established churches, which do not have such an agreement yet.**

The amendment **allows for the designation of 1% of the personal income tax for the benefit of all religious communities with legal personality** ("church personal income tax"), which is supplemented by the state for the established and registered churches. When examining the level of social support, **the number of those designating 1% of their personal income tax prior to 1 January 2012** **may also be taken into account in the course of church registration**, which allowed the religious communities concerned to request church registration from the court after the amendment of the act had entered into force **on 15 April 2019.**

**The amendment provided a special, preferential possibility for church registration by the court of those 16 religious communities, which had previously been awaiting the decision of the National Assembly.**

Relating to the amendment of certain acts, in connection with the amendment of the Church Act, as well as the legal status of churches, denominations and religious communities, **Act XXXVI of 2019 also entered into force on 15 April**.

In the meantime, **Government Decree No. 231/2019 (X. 4.) on the implementation of Act CCVI of 2011 on the right to freedom of conscience and religion, as well as the legal status of churches, denominations and religious communities** has been issued.

**Legal status of religious communities**

**Within the category of religious communities,** the organisational framework of exercising the fundamental (constitutional) right to freedom of conscience and religion may be exercised by the **established church**, the **registered church**, the **listed church** and the **religious association**. Their legal status and entitlement are set out in the relevant legislation including the Church Act. (See Annex 3)

***2. The protection of freedom of religion in Hungary (including religion practice of minorities)***

**1. Free religion practice of national and ethnic minorities**

There are 13 recognized national minorities in Hungary, for whom –as well as for other ethnic groups – free religion practice in their mother tongue is guaranteed within the majority historical churches (e.g. Catholic, Reformed, Lutheran) (mainly in German, Romanian and Slovak languages), as well as in the smaller established churches (e.g. Baptist, Pentecostal, etc.). Moreover, several established Orthodox churches are operating in Hungary, which are expressly connected to a nationality (e.g. Serbian, Romanian, Bulgarian, Greek), and the Russian Orthodox Diocese also provides native language services. These churches also receive state support for their activities, which significantly contributes to the maintenance of the cultural identity of the nationality as well. (In addition to the recognized nationalities, for example, Chinese and Korean religion practice is also exercised freely, in mother tongue in Hungary.)

Religious communities in Hungary play an important role in supporting the Roma, in promoting their integration and social inclusion through Roma pastoral care and Roma mission. The Roma pastoral care work of the established churches is intensive both in providing service for the Roma and in the field of the further training of priests and pastors (e.g. Reformed, Roman and Greek Catholic trainings). Within the framework of the Bible school of the National Roma Mission of the Hungarian Pentecostal Church, there is opportunity to attend training courses for developing biblical knowledge and practical skills both for pastors and laymen. The Roma missionary activities of the Greek Catholic Church are particularly significant.

The monastic orders (both women and men) are also doing outstanding work to improve the quality of life of the Roma population, especially by taking care of children and by educating them. The purpose of the operation of the Blessed Ceferino Institute in the Hungarian Catholic Church is to train priests and staff participating in Roma pastoral care work, and to coordinate and assist the work. After the decision of the Hungarian Catholic Episcopal Conference (in 2015), a funeral ceremony book was published in Lovari language, which provides possibility for the clergy to perform certain parts of the ceremony in the language of the grieving community. This is also supported by the religion textbook entitled "The Holy God has descended among us", in which some prayers can be read in the Lovari language as well.

In the autumn of 2011, the Christian Roma Special College Network was launched with 4 colleges; a type of institution unique to Hungary. Their aim is to support the students' studies, educational and personality development, to strengthen the Christian spirited Roma intellectuals, who are committed to assuming community responsibility, as well as to help to experience the Hungarian-Roma dual identity. Currently, there are 7 church-maintained colleges in Hungary: the Jesuit Roma Special College (Budapest), the Christian Roma Special College of Szeged, the Greek Catholic Roma Special College of Miskolc, the Reformed Roma Special College named after István Wáli (Debrecen), the Lutheran Roma Special College (Nyíregyháza), the St. Nicholas Greek Catholic Roma Special College (opened in Debrecen in the summer of 2015) and the Reformed Roma Special College (opened in the autumn of 2016 in Budapest).

An institute of the National Roma Mission of the Hungarian Pentecostal Church: the Roma Methodology and Research Center conducts research, surveys, and pursues professional dialogues, helping this way the social acceptance of the Roma population and the easing of tensions. The Roma Mission Methodological Booklet is regularly published in the cooperation of the Roma mission leaders of the Protestant churches (Reformed, Lutheran, Baptist, Methodist, Pentecostal), through which the Roma missions of the churches intend to step out jointly in front of society for the acceptance of the Roma.

The Government recognizes and respects religious communities - established churches, religious associations – for their work aimed at helping the social inclusion of the Roma, for contributing to the improvement of the social perception of the Roma and their quality of life, and, of course, for contributing in an exemplary way to the sensibilization and approach-shaping of the majority society, for struggling and acting for the promotion of the rapprochement of people, carried out with faith and prayer. These activities also receive financial support from the Government.

**2. The protection of religion practice under criminal law, infraction law, civil law and immigration law in Hungary**

Religious activities of religious communities (churches and religious associations) are granted enhanced protection under infraction law and criminal law in Hungary (which applies, of course, to the religious practice of minorities, as well). (See Annex)

In addition, Act XC of 2017 on Criminal Procedure also provides for special treatment of certain “categories” of minorities in criminal proceedings. Special treatment is a set of rules that facilitate, support or protect the exercise of criminal procedural rights. Their goal is to ensure that vulnerable persons are able to exercise their rights in the same way as those without such disadvantages, regardless of their procedural position. These include those who are prevented from understanding or being understood, exercising their rights or fulfilling their obligations under the Criminal Procedure Act, or participating effectively in criminal proceedings.

The measures shall ensure that the person concerned, notwithstanding the obstacles arising from the circumstances justifying the special treatment, can properly exercise his or her rights and fulfill the obligations provided for in the Act, and shall facilitate the use of the assistance of the person concerned.

In accordance with the recommendation of the UN Commission on Human Rights, a protocol-based norm – Instruction 30/2019 (VII.18.) on the performance of police tasks related to the handling of hate crimes – was issued in 2019 in order to provide uniform, effective and professional law enforcement responses to hate crimes.

In order to eradicate racism, racial or religious discrimination, xenophobia and related intolerance and to provide an effective, professional and lawful law enforcement response, the criminal justice service relies on prejudice indicators in the detection and investigation of criminal offenses.

The list prepared on the basis of an international sample lists objective facts and circumstances from which it can be concluded that a criminal offense was committed in part or in full on the basis of prejudice. Indicators are also a useful tool in planning investigative actions, as if a preconceived motive is suspected, all indicators should be disclosed, documented and included in the indictment and indictment, thus facilitating the work of the prosecutor's office or court to prove the motivation. Indicators may later become indirect evidence, and full disclosure of the evidence is a legal obligation.

According to the provision of the rule, the police officer is obliged to consider the possible presence of the perpetrator's prejudicial motive in all criminal offenses during the proceedings. If there is a suspicion of prejudice in the background of the offense, the police officer shall take all necessary measures in order to conduct an effective investigation into the subject of the prejudicial motive.

In case of suspicion of hate-motivated incidents, the police officer is obliged to take or initiate measures within his / her area of responsibility in order to neutralize the potentially dangerous situation and to prevent the commission of crimes based on prejudice.

Furthermore, the law enforcement department of the Police pointed out that Section 51 of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals (hereinafter: Harmtv.) states that „third-country nationals may not be turned back or expelled to the territory of a country that fails to satisfy the criteria of safe country of origin or safe third country regarding the person in question, in particular where the third-country national is likely to be subjected to persecution on the grounds of his/her race, religion, nationality, social affiliation or political conviction, nor to the territory or the frontier of a country where there is substantial reason to believe that the expelled third-country national is likely to be subjected to the death penalty, torture or any other form of cruel, inhuman or degrading treatment or punishment (non-refoulement)”.

Based on Section 61 (3) e) of the Harmtv. „third-country nationals placed under detention shall have the right to practice their religion” individually or in a group, for which the necessary equipment and premises shall be available. The detainee has the right to freely choose, express and practice his or her religious or beliefs. During the practice of periodic religious customs (eg Ramadan), the daily agenda changes depending on the number of participants in the practice of religion. The Harmtv. also refers to religious meals, which is provided in every detention facility on the basis of a statement made at the time of the detainees admission. A detainee may, for the purpose of practicing a religion, maintain contact with a cleric, a member of a religious organization professionally performing a religious ceremony, and any other person authorized by the clerical legal person or religious organization under security supervision. During detention, detainees shall not be discriminated against on the grounds of race, color, sex, religion, political or any other opinion, national and social affiliation, birth, social or any other situation.

The Directorate General of Aliens Policing does not keep a register of religious minorities. Religious affiliation of applicants is only registered if it has particular relevance to the case, e.g. to his / her application for asylum. Hungarian legislation does not differentiate on the basis of religious affiliation.

Moreover, according to Section 2/A. § b) of Government Decree 301/2007 (XI.9.) 2 on the implementation of the Act on Asylum, if the applicant refers to persecution for his / her Christian religion in his asylum application, the Minister responsible for assisting persecuted Christians and implementing the Hungary Helps Program is appointed as special authority. The above legislation provides special protection for those persecuted in their country because of their Christian religion. At the same time, of course, this does not mean that people of other religions do not receive the same effective protection, and there is no distinction between persons granted refugee status on religious grounds, neither by the law nor by the authorities.

***3. The protection of freedom of religion in Hungary, including religion practice of minorities***

1. **The situation of Jewish communities in Hungary, and in connection with this anti-Semitism and government action against anti-Semitism**

In Hungary, the practice of Jewish religion is realized in three established churches (orthodox, neologist, status quo ante) and was formerly realized in two religious associations (progressive communities). (Following the amendment of legal regulations relevant to churches on 15 April, 2019, these latter communities have also been registered as churches by the court.)

The Jewish religious communities, especially those operating as established churches, receive significant state budgetary support for their activities.

**The issue of anti-Semitism**

The specific provision of the **Penal Code** (**Section 333)** applies for example to Holocaust denial as well.

**IHRA definition of anti-Semitism**

In 2019, the Government adopted Government Decree 1039/2019 (II.18.) on promoting the application of the definition of anti-Semitism developed within the framework of the International Holocaust Remembrance Association (IHRA) (hereinafter referred to as Government Decree), and according to its introductory provision the Government agrees that the definition of anti-Semitism developed in the framework of IHRA is appropriately authoritative in the fight against anti-Semitism. Therefore, **in Section 3 of the Government Decree calls on the Minister of Justice to examine the possibility of the application of the definition of anti-Semitism developed within the framework of the IHRA with the involvement of the Thematic Working Group on Freedom of Expression of the Human Rights Working Group, and to submit a report to the Government.** In addition, in Section 4 of the Government Decree, it calls on the Minister of Justice to examine the possibility of incorporating the definition of anti-Semitism developed within the framework of the IHRA as well as Government Decree in Decree 5/1991 (IV. 4.) of the Ministry of Justice on Legal Special Examination, and to submit a report to the Government about it.

1. **The situation of Muslims in Hungary**

In Hungary, free religion practice is fully guaranteed also to people of Muslim religion at both individual and community level. In this context, two Muslim religious communities (the Hungarian Islamic Community and the Muslim Church of Hungary, which co-operate with each other under the name of Hungarian Islamic Council) have also received the highest – established church – status, which can be given to religious communities in Hungary. (In 2013, after a lengthy debate, several German provinces awarded the highest level of privileged public body status to the Islamic communities.)

According to census data, in 2001 3.201 people **and in 2011 5.579 people declared themselves to belong to the Islamic religion.** In 2018, 1158 persons offered 1% of their personal income tax for the benefit of the Hungarian Islamic Community, and 977 persons for the Muslim Church of Hungary. (Considering the latencies, the membership of the Muslim community of Hungary can be estimated to be around ten thousand.)

Muslim established churches are entitled to all rights and state budgetary support related to this status. The Hungarian Islamic Community also performs public duties (is operating a school and social institutions), also with full state support.

In addition to the two established churches, several Muslim civil organizations are operating in Hungary, such as religious associations as well as cultural associations and foundations.

***4. Good practices***

- *Examples of legislative, policy and institutional frameworks and measures protecting minority religious or belief communities against discrimination and violence.*

The Hungarian legal framework is non-discriminatory, guarantees freedom of conscience and religion in a wide-scale manner both at individual and at community level. At the same time, it regulates the legal status of religious communities in a structured way, taking into account the organization, social support, the historical and social role as well as the ability to perform public purpose activities of these communities.

*- Examples of state legislative, institutional and policy measures to address past injustices, including violence and discrimination, against religious or belief minorities and to provide redress and reparations (or examples of State failure to address such injustices).*

Act XXXII of 1991 on the Settlement of the Ownership of Former Church Properties provided churches with an opportunity to claim their built-in former properties, which had been nationalized without compensation after 1 January, 1948 (during the communist dictatorship) and which had been used for faith-based, educational-upbringing, social-health or cultural purposes prior to nationalization, and were also owned by the state or local government when the law came into force. The settlement of real estates was completed in 2011, in total several thousand former church properties were settled, at a price which at that time worth more than 180 billion HUF. This made it possible for churches, after the communist dictatorship, not only to deepen their faith-based activities, but also to play a more significant role in performing public duty activities (education, upbringing, social-charitable sphere) in accordance with the needs of citizens. Property restitution comprised all affected (11) churches, besides the large historical churches (Catholic, Reformed, Lutheran churches, Jewish communities), the smaller Protestant churches, or the nationality Orthodox churches. For all churches, claims were settled according to the same principles, and satisfying the claims of smaller churches with fewer property claims had even been given preference.

*- Specific policies and initiatives promoting effective participation of religious or belief communities in public life, including through responsive, inclusive and representative decision-making processes at all levels.*

Under the Fundamental Law of Hungary, the state and religious communities operate separately, the state may not operate or establish any organ for controlling and supervising them, but they may cooperate in order to achieve community goals. Religious communities can participate in the value-creating service for society. Owing also to this, religious communities in Hungary can maintain a wide range of institutions performing public duties with state budgetary support (e.g. public education, social, charitable, child protection, health care, etc.). There is a structured contact and dialogue with religious communities on the part of various government organs, most notably the State Secretariat for Church and Nationality Relations of the Prime Minister's Office. The religious community with legal personality shall be given the possibility of expressing opinions on draft laws and legislative concepts.

*- Adequacy and effectiveness of law enforcement training in monitoring, combatting, reporting and responding to discrimination and hate crimes involving religion or belief.*

In order to deal effectively with hate crimes, the Hungarian police set up an independent hate crime expert/adviser system in January 2012. Within this framework, a mentor and guidance system has been established at the national level. In 2019, trainings were conducted for the law enforcement and criminal personnel on the list and use of the prejudice indicator, and on the characteristics of hate crimes.

It cooperates with the Working Group against Hate Crimes, which was established in 2012 by Hungarian NGOs with the aim of working together to combat hate crimes more effectively. The cooperation is carried out through case studies, which take place once or twice a year.

*- Specific measures to promote interfaith dialogue and religious pluralism in school curricula.*

The MHC public education department is responsible for the requested description of curricula. In grades 1 to 8 of state schools ethics education is mandatory, which can convey these issues to the pupils in an appropriate way. As an alternative, parents can choose for their children religious and moral education organized by established churches. (Almost half of the pupils take part in religious and moral education.) In addition, all religious communities have the possibility to organise the so-called optional religious education within schools – in addition to school lessons.

Promoting interfaith dialogue is of paramount importance to the Government of Hungary. To this end, the Government has been organizing interfaith dialogue conferences in the area of Tihany Abbey for many years, together with UNICEF, in the field of social responsibility and the protection of creation. In addition to Christian churches and Jewish communities, other religious communities regularly participate in these conferences, for example Muslims and Krishna-conscious believers.

***Hungary’s Best Practice to Advance Reconciliation, Justice, Interreligious Peace and Prosperity***

Helping communities discriminated or persecuted for their faith is a major test for members of the international community and primarily an indication of commitment to upholding human rights and fundamental freedoms. In recent years, Hungary has been striving to advance international religious freedom and to support discriminated, persecuted and beleaguered faith communities around the world. Its guiding principle is to provide help at the place where it is needed, extending humanitarian and development aid directly to faith communities that have experienced intolerance and humanitarian need based on their religion.

The *Hungary Helps Program*, the Hungarian Government’s international humanitarian and development framework program launched in 2017, has as its core objective the aiding of particularly vulnerable and fragile communities through the provision of all that is required for them to remain in or to return to their homelands. A supplementary goal is to help local communities in acquiring the ability to help themselves and other religious communities living beside them in the spirit of interfaith peace and cooperation. Our humanitarian model rests on working preferably but not exclusively with local religious community leaders and faith-based organizations that are most aware of the challenges and perils faced by their people, and who are so often excluded from humanitarian aid on grounds of religious neutrality. (See some concrete major projects in Annex 2.)