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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Joint written statement* submitted by Fundacion para la Mejora de la Vida, la Cultura y la Sociedad, Coordination des Associations et des Particuliers pour la Liberté de Conscience, Fundacion Vida - Grupo Ecologico Verde, non- governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2021]

* Issued as received, in the language(s) of submission only.



Hungary: inappropriately using tax legislation and data protection to harass a well-established minority religion

On 30 August 2018 Mr. Fernand de Varennes (Special Rapporteur on minority issues), Mr. Joseph Cannataci (Special Rapporteur on the right to privacy) and Mr. Ahmed Shaheed (Special Rapporteur on freedom of religion or belief) addressed the Hungarian Government in a letter¹ “concerning discriminatory measures against the Church of Scientology on the basis of religious belief.”²

In that letter there was two major situations described :

1. “The denial of the permission for the Church of Scientology to maintain its headquarters and place of worship in Budapest.”
2. “The criminal investigation of the Church of Scientology” including the seizure of confidential priest-penitent communications.

The letter of the three honorable Special Rapporteurs concluded:

“[...] we would like to express our concern about the repeated denial and unjustified delay on the permission for the Church of Scientology to maintain its headquarters and place of worship in Budapest. We also express serious concern that the criminal investigations carried out against the Church of Scientology, which led to the seizure of several documents including of a private nature and to restrictions on places of worship, may be incompatible with international human rights standards. Such acts constitute serious impediments to religious freedom and to the fulfilment of the rights and freedoms of religious minorities as enshrined in the applicable international human rights standards that Hungary has committed to.”

The questions articulated in the letter by the United Nation’s officials remain unanswered to our knowledge until today.

We would like to call the attention of the Universal Periodic Review that the reported situations and violations of international standards are still today unsolved in Hungary, the Church has not yet received the final Certificate of Occupancy of their central place of worship in Budapest and no explanation for the delay was communicated to them depriving the church and its members of the legal security they are entitled to in regards to their place of worship. As far as the criminal investigations are concerned, for the last four years:

- a) The church and its parishioners are kept in an undue shadowed suspicion of the alleged criminal charges, damaging right to honor and image,
- b) the confidential priest-penitent privileged information of hundreds of parishioners are still with the investigative authorities, negatively and arbitrarily interfering with the privacy of their religious practices, in a prolonged, undue and disproportional affecting their rights.
- c) Additionally, despite the Church receiving an official information from the National Bureau of Investigations about the copying of all data from the computers and telephones seized during the raids by the Special Service of the National Security Authority, this minority Church is being deprived from its property, meaning the hardware of those IT pieces that have not been returned to the Church or the private owners of the devices, despite official request.
- d) When the tax investigative authority wanted to interrogate church officials (May 27, 2021), four board members of different church organizations were humiliated by an unnecessary use of coercive measures (meaning handcuffs with a leash), despite showing full cooperation with the authorities. (After 3,5 years of silence, instead of simple summons, the investigative authority found it necessary to execute dawn raids at nearly 20 Church

¹ Reference number: AL HUN 5/2018, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24008> accessed 20 March 2021.

² Highlight as in the original letter.

officials, and short-term arrest 9 of them, out of whom 4 were handcuffs. The dawn raids did not find any substantial evidence or document in the case, they were only aiming to intimidate church officials.)

e) From investigation documents it was revealed that the investigative authorities are establishing their criminal charges on the allegation that the Church of Scientology “is not” a religious organization and therefore “not” protected by the Article 18 of Universal Declaration of Human Rights, despite the case law of the European Court of Human Rights.³

Therefore, we would like to suggest the following

Recommendations:

ONE. We urge the Hungarian authorities to respect the recommendations of the Special Rapporteur’s report to the United Nations General Assembly on eliminating intolerance and discrimination based on religion or belief and the achievement of sustainable development goal 16

1. “Persons belonging to religious or belief groups who endure disadvantages or deprivations that limit their rights and opportunities relative to others in society constitute those that have been ‘left behind’. Their relative disadvantage is sustained by their exclusion, discrimination and/or entrenched inequalities that impede the ability of persons belonging to these groups from participating in society on an equal basis - accessing the highest standards of education, obtaining land and property, technologies, acquiring wealth, and living healthier, longer, safer lives.

TWO. We urge the Hungarian authorities to respect their commitments to the Universal Declaration of Human Rights:

- Article 12 of the Universal Declaration of Human Rights: “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.
- Article 18 of the Universal Declaration of Human Rights: Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

European Office of the Church of Scientology for Public Affairs and Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.

³ https://www.echr.coe.int/Documents/Guide_Art_9_ENG.pdf (Points 21-22).