

53RD SESSION OF THE UPR WORKING GROUP (Oct – Nov 2026)

Submission on Hungary

The Weaponization of Data Protection Laws to Violate Freedom of Religion or Belief

By : Coordination des Associations et des Particuliers pour la Liberté de Conscience



CAP Liberté de Conscience is a secular international organization created in France in 1995. We monitor and combat discrimination and violations of the Human Rights.

contact@coordiap.com

117, rue de Charenton 75012 Paris France

<https://freedomofconscience.eu/>

I. Executive Summary

This submission highlights the systematic erosion of Freedom of Religion or Belief (FoRB) in Hungary, specifically through the weaponization of data protection laws to target minority religious communities. While Hungary publicly champions the rights of Christians abroad through its "Hungary Helps" program, domestically, it has created a hostile environment for "non-traditional" religions, most notably the Church of Scientology.

CAP LC is gravely concerned by the Hungarian Data Protection Authority's (NAIH) decision to order the total destruction of religious records held by the Church of Scientology. This measure, recently upheld by the Metropolitan Court of Budapest, effectively bars parishioners from practicing their religion, as the "auditing" process—central to Scientology—requires the maintenance of specific spiritual files. The authorities have failed to prove that any actual harm or data abuse occurred. Indeed, a separate and comprehensive criminal investigation by the National Bureau of Investigation (NNI) concluded after 8 years of investigation in September 2025 without finding a single instance of wrongdoing or data abuse. Yet, rather than returning the seized files, the State transferred them to the NAIH to be destroyed, without even providing the legally guaranteed time for the Church for volunteer-execution.

This submission illustrates a discriminatory pattern where the State applies general laws disproportionately to minority beliefs, disregards the fundamental rights of the actual data subjects (the parishioners), and violates the principles of necessity and proportionality. We urge the international community to recommend that Hungary halt the destruction of these religious files, respect the confidentiality of religious communications, and reform its discriminatory church registration system to ensure compliance with the International Covenant on Civil and Political Rights (ICCPR).

II. Promotion and Protection of Human Rights on the Ground

A. Weaponization of Data Protection Law to Violate Freedom of Religion or Belief

Since 2016, Hungarian authorities have utilized data protection regulations not to protect citizens, but to obstruct the religious practice of Scientologists. This constitutes a clear violation of Article 18 of the ICCPR and Article 18 of the Universal Declaration of Human

Rights (UDHR), which guarantee the right to manifest religion in teaching, practice, and worship.

1. The "Final Solution": Destruction of Religious Records as a Violation of Religious Practice

The conflict escalated following the NAIH's order in March 2024 demanding the destruction of hundreds of parishioner files. The Authority argued that identifying potential "third-party" data within thousands of handwritten religious notes was too burdensome; therefore, the only viable solution was the total destruction of all folders. This approach was tragically upheld by the Metropolitan Court of Budapest on January 7, 2026.

This measure is manifestly disproportionate and constitutes a severe interference in religious autonomy. The State is effectively eradicating the religious history and spiritual progress of the community. The files in question contain notes from spiritual counseling sessions, known in Scientology as "auditing." These records are not merely administrative data; they are essential for the religious progression of the parishioner towards the goal of "total spiritual freedom." By destroying these files, the State is not correcting a data breach; it is preventing the exercise of a religious tenet.

Furthermore, the legal basis for this destruction is flawed. The NAIH admitted in court that it cannot verify the existence or quantity of the alleged "illegal" third-party data without reading every page manually—a task they deemed impossible. Consequently, the State is destroying religious property based on hypothetical or "phantom" violations, applying the legal maxim *Obligatio impossibilium nulla est* (no obligation to perform the impossible) in reverse: punishing the Church for the State's inability to execute a specific order.

2. Disregard for the Rights of Data Subjects and Clergy-Penitent Privilege

Throughout the administrative and judicial proceedings, the actual data subjects—the Scientologists whose spiritual progress depends on these files—have been treated as "non-subjects." The Hungarian courts refused to hear testimony from parishioners regarding whether they felt informed or whether they consented to the data processing. By excluding the individuals most affected by the decision, Hungary has violated the principles of due process and the right to a fair trial.

Parishioners have explicitly requested access to their own files, which were seized by the State, yet they have been denied. In the name of "data protection," the State is holding the private religious confessions of citizens hostage, depriving them of control over their own spiritual lives. The State ignores the universal principle of clergy-penitent privilege (the confidentiality of communications between a believer and their religious minister), treating sacred religious texts as mere structured data files to be incinerated.

It ignores another long-standing legal maxim: *Suum cuique tribuere* (may all get their due or to each what is rightfully theirs.), as it completely disregards the FoRB rights and needs of the parishioners, while trying to "satisfy" the data protection rights in regards of the "phantom" violations.

3. Contradiction with Criminal Investigations

It is imperative to note that the National Bureau of Investigation (NNI) conducted an extensive criminal investigation into the Church's data practices, including a dawn raid in October 2017. This investigation concluded in September 2025. Despite the high-profile nature of the case, the NNI found no evidence of abuse of personal data or other wrongdoing.

Logically, the closure of a criminal investigation due to lack of evidence should have triggered the return of the seized materials. Instead, the NNI transferred custody of the files to the NAIH, which then used them to justify a civil/administrative destruction order. This sequence of events suggests that when criminal charges fail, the State utilizes administrative bodies to achieve the same goal: the harassment and crippling of a minority religious group.

B. Discriminatory Framework of Religious Recognition and Political Targeting

The persecution of Scientologists cannot be viewed in isolation; it is symptomatic of a broader discriminatory legal framework established by the 2011 Church Law (Act CCVI).

1. Politicized Registration and Explicit Targeting

The 2011 Church Law stripped hundreds of religious organizations of their status, creating a four-tiered system where only "established churches" (requiring a two-thirds parliamentary vote) receive full state support. This system has been criticized for placing the power to define "religion" in the hands of politicians rather than an independent judiciary.

Deputy Prime Minister Zsolt Semjen publicly admitted in media interviews in 2015 and 2016 that this law was designed specifically to prevent the Church of Scientology from being recognized, stating it would not happen while his party was in power. This explicit targeting of a specific belief group violates the State's obligation of neutrality and non-discrimination under Article 2 of the ICCPR and Article 2 of the UDHR.

2. Asymmetric Application of the Law

As highlighted by the UN Special Rapporteur on freedom of religion or belief, Nazila Ghanea, in her 2025 report (A/HRC/58/49/Add.1), the Government has targeted the Church of Scientology through raids, denial of occupancy certificates, and the seizure of confidential files. The Special Rapporteur noted that this case raises legitimate concerns about broader discriminatory practices toward minority religions in Hungary.

The State's rhetoric creates a dichotomy between "traditional" (mainly Christian) religions and "new" or "non-traditional" movements. While the government generously funds some established churches and claims to protect religious freedom globally, it denies those same protections to minority communities at home. This dual standard undermines the universality of human rights.

In regards of data protection and privacy the 2011 Church Law is explicitly discriminative as far as the processing of personal data is concerned, as Section 23 declares: "Ecclesiastical legal persons shall process personal data related to religious activities exercised by them in accordance with the internal rules of the registered church or listed church, and may only transfer or disclose them with the consent of the data subject or, in the event of his death, with the consent of his descendent."

This provision is effective only for the top three tiers (churches) and not to religious associations, without any explanation of why the internal rules of such religious communities may not be similarly applied.

C. Early International Warnings: 2018 Communication from UN Special Procedures

The discriminatory measures and harassment described above are not new phenomena. On 30 August 2018, three United Nations Special Rapporteurs jointly raised serious concerns with the Hungarian government regarding the Church of Scientology. The communication (Reference AL HUN 5/2018) was signed by Fernand de Varennes (Special Rapporteur on minority issues), Joseph Cannataci (Special Rapporteur on the right to privacy), and Ahmed Shaheed (Special Rapporteur on freedom of religion or belief).

In this communication, the experts expressed serious concern regarding the repeated denial of occupancy permits for the Church's Budapest headquarters and the seizure of confidential religious documents ("preclear folders") during raids. They specifically requested that the Hungarian Government:

1. Provide comments on the allegations regarding the denial of the place of worship and criminal investigations;
2. Detail the reasons for the denials and delays regarding the Church's headquarters and explain how these measures are compatible with international human rights law;
3. Articulate how the criminal investigations, seizure of private documents, and restrictions on places of worship comply with the rights to privacy and freedom of religion or belief;
4. Provide information on concrete measures undertaken to protect and promote religious freedom and the rights of religious minorities.

Furthermore, the Special Rapporteurs urged the State to take immediate interim measures to halt the alleged violations and prevent their reoccurrence. The continuity of these practices since 2018, despite these early warnings, highlights the persistent nature of the State's targeted actions.

III. Implementation of Recommendations from the Previous Cycle (UPR 39)

During Hungary's 3rd Cycle review in 2021, several recommendations were made that are directly relevant to the current crisis. An analysis of the situation in 2026 reveals not just a failure to implement, but a significant regression.

1. Freedom of Religion and Association (Recommendations 128.36, 128.86, etc.)

- Previous Recommendations: States recommended Hungary "reform legislation that denies the right to legal recognition" and "combat all forms of discrimination... based on religion or belief."
- Level of Implementation: Not Implemented / Regressed.
- Analysis: Far from reforming the 2011 Church Law to establish objective criteria, Hungary has continued to enforce it punitively. The harassment of the Church of Scientology has intensified significantly since the last review. The period from 2021 to

2026 saw the conclusion of the NNI investigation (which should have exonerated the community) followed immediately by the aggressive NAIH destruction order. The political intent to discriminate, as voiced by Deputy PM Semjen, remains the de facto policy of the State.

2. Data Protection and Privacy (Related to UPR 39 Stakeholder Submissions)

- **Previous Context:** During UPR 39, civil society stakeholders urged Hungary to ensure data protection rules were applied fairly and to respect the rights of data subjects.
- **Level of Implementation:** Violated.
- **Analysis:** The Data Protection Authority (NAIH) has acted in direct contravention of the spirit of data protection. Instead of protecting the privacy of religious citizens, the NAIH has weaponized its mandate to invade religious privacy. By seizing files, denying the owners access to them, and then ordering their destruction based on administrative convenience, the State has violated the privacy rights of the very individuals it claims to protect. The refusal of courts to allow parishioners to intervene represents a denial of legal standing that was likely not anticipated (or at least not addressed) by the recommendations made in 2021.

3. Rule of Law and Judicial Independence (Recommendations 128.11, 128.16)

- **Previous Recommendation:** States urged Hungary to "strengthen the independence of the judiciary" and ensure equal treatment.
- **Level of Implementation:** Not Implemented.
- **Analysis:** The judiciary's handling of the Scientology data case raises serious concerns regarding independence and the equality of arms. The courts consistently accepted every factual assertion of the NAIH without verification, refused to examine the "incriminated" folders to see if they actually contained the alleged illegal data, and barred testimony from the victims. The procedural barring of the Church of Scientology of Europe's intervention due to a holiday deadline—resulting in a denial of legal remedy—further undermines the perception of a fair trial accessible to all.

IV. Recommendations

CAP Liberté de Conscience calls upon the Human Rights Council and the Working Group on the UPR to address the critical deterioration of FoRB in Hungary. The State's actions against the Church of Scientology represent a misuse of secular administrative law to persecute a religious minority, violating the principles of proportionality, necessity, and non-discrimination.

Recommendations to the Government of Hungary:

- **Halt the Destruction of Religious Records:** Immediately suspend the execution of the NAIH decree of March 22, 2024, and the subsequent judgment of the Metropolitan Court of Budapest (January 7, 2026), ordering the destruction of parishioner files. The State must not execute an order based on the impossibility of identifying alleged violations.

- **Return Seized Property:** Order the immediate return of all religious files and folders seized by the NAIH and NNI to the Church of Scientology. Given that the criminal investigation found no wrongdoing, the continued retention of these materials is unlawful.
- **Guarantee Due Process for Data Subjects:** Amend procedural laws to ensure that in cases involving the data of religious communities, the actual data subjects (parishioners) are granted automatic standing to intervene and testify. Courts must be required to examine the actual content of disputed religious materials before ordering their destruction.
- **Respect the Confidentiality of Religious Communications:** Explicitly incorporate protections into the Information Act and data protection regulations to shield confidential religious communications and records from State seizure, respecting the universal principle of the sanctity of religious confessions and counseling.
- **Reform the Church Law (Act CCVI):** Establish an objective, transparent, and non-discriminatory criteria for the recognition of religious organizations, removing the requirement for a two-thirds parliamentary vote which subjects religious freedom to political majority rule. As a first act, extend the scope of Section 23 (religious data processing regulation) to religious associations as well.
- **End Political Stigmatization:** Publicly retract discriminatory statements made by high-ranking officials regarding specific religious groups and ensure that the Data Protection Authority acts independently of political agendas to target minority beliefs.