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

Report of the Special Rapporteur on freedom of religion and belief, Nazila Ghanea, on her visit to Hungary

Comments by the State*

* Reproduced as received, in the language of submission only.



I. General observations

The Government of Hungary was pleased to welcome the visit of the Special Rapporteur on Freedom of Religion or Belief to Hungary in October 2024 and was ready to offer her every necessary and/or requested assistance. The Government of Hungary also recalls the constructive spirit of the various meetings at the competent State institutions where the Special Rapporteur was provided with relevant information for the purpose of the Report on her country visit to Hungary (further: Report).

The Government of Hungary has received on 20th December 2024 the “advance unedited version” of the Report of the country visit conducted by the Special Rapporteur in Hungary. In view of furthering the open and constructive dialogue, the Government of Hungary wishes to share its comments and point out some errors of facts or law in the draft Report itself, based on the contributions provided by the Ministry of Foreign Affairs and Trade, the State Secretariat for Relations with Churches and National Minorities, the Supreme Court (Curia of Hungary)), the Public Prosecutor’s Service and the Office of the Commissioner for Fundamental Rights of Hungary (OCFR).

1. The Government of Hungary notes that the draft Report contains a series of inaccuracies and often does not reflect the information provided by the relevant state authorities, while it focuses on communications received by unspecified other actors, resulting often unbalanced in its approach.
2. It is surprising that the draft Report presents a superficial and sometimes erroneous understanding of the Hungarian legal framework regarding the right to freedom of religion (although freely available sources could have been used for this purpose; even the US „2023 Report on International Religious Freedom: Hungary. Section II. Status of Government Respect for Religious Freedom. Legal Framework” presents a more accurate summary of it).
3. One of the focuses of the draft Report is the critic towards the four-tier system of Churches and religious communities. It has to be noted that the mentioned system had been subject of review by competent national authorities and relevant international fora, resulting in the modifications considered necessary to it. The draft Report’s criticisms seem to be more of a theoretical nature and have been already duly addressed by academies and the judiciary.
4. Another focus of the draft Report is the emphasis on alleged prevalence of hate speech and intolerance present in the Hungarian society. In this regard, the Special Rapporteur was duly informed about the existing legal and institutional framework that is able to ensure protection of the dignity and the rights of everyone, including communities, while balancing the various fundamental rights, including the freedom of expression.
5. Regarding the draft Report’s critical stance on the Hungarian migration and asylum policy, it should be emphasized that the issue of migration belongs to the national competence of a sovereign state. Furthermore, migrants and refugees must be distinguished. Hungary - as the first safe country - helps refugees, such as those fleeing the war in Ukraine; at the same time, we protect our borders against illegal migrants who pass several safe countries before arriving at the Hungarian border. The report also falls short of mentioning Hungary’s efforts to address the root causes of displacement, which a growing number of countries view as the only viable way of handling this issue.
6. It is interesting to note the draft Report’s inconsistency regarding the supposed effects of state funding to Churches and Church-related institutions. On one hand, it declares peremptorily that state funding “compromises church autonomy and mission”, on the other hand considers the eventual loss of government funding as being harmful for Churches (cfr. Paragraphs 35, 38, 39).
7. It is disappointing to note that the draft Report seemingly goes beyond the scope of assessing “freedom of thought, conscience, religion or belief in Hungary in light of its international human rights obligations, identify existing and emerging obstacles to the enjoyment of this right” (cfr. Paragraph 1). Especially with regard to paragraphs dedicated to the integration of Roma people, or the issue of the Central European University, or the person of George Soros. This latter results the person most mentioned in the report itself (5 mentions), while he is not even living in Hungary.

8. Incomprehensibly the draft Report seems to consider the so-called LGBT-etc. issue under the umbrella of religion or belief. It has to be pointed out that in Hungary does not exist any religious organization with this name and that the existing legal and institutional framework protects the rights of every person, independently of his /her sexual orientation and other characteristics. On the other hand the Government of Hungary considers gender ideology (the promotion of which is called by some religious leader as ideological colonization) to be harmful especially for children and therefore has taken the necessary measures to protect them, without prejudice to freedom of conscience and thought.

The Government of Hungary recognizes that ensuring freedom of thought, conscience and religion is a continuous task for every state authority and institution. The relevant legal and institutional framework is developing in Hungary in accordance with our constitutional identity, reflecting the peculiarities arising from the history of the Nation and in continuous dialogue with faith communities. The Government of Hungary appreciates that the UN Special Rapporteur on Freedom of Religion or Belief has made an attempt to understand and evaluate it.

II. Specific comments

Paragraph 8

The Report fails to provide the available data about the religious landscape of Hungary. There are 32 “established Churches”, 16 “registered Churches” and 260 “religious associations”.¹

Paragraphs 21-22-23

The Office of the Commissioner for Fundamental Rights of Hungary (OCFR) points out that criticism of this integration often stems from preconceptions rather than a comprehensive analysis of the legislative changes and the improved outcomes of the new framework. The CFR has addressed these preconceptions extensively with both national and international partners, providing transparent and detailed responses, including in the records available through European Network of National Human Rights Institutions (ENNHRI). The relevant international conventions explicitly allow States Parties to determine the structure of their human rights mechanisms, either by establishing new institutions or by expanding the mandates of existing ones, taking into account the specificities of their national legal systems. Hungary has exercised this right by integrating various rights protection bodies into the Office of the Commissioner for Fundamental Rights of Hungary (OCFR). The experience of the Hungarian Ombudsman system, prior to this integration, highlighted inefficiencies, including overlapping mandates, parallel inquiries, and different findings in cases of shared jurisdiction. Such issues undermined legal certainty and the effectiveness of rights protection. The Fundamental Law of Hungary implemented a streamlined “one commissioner” model to address these concerns. This integration has demonstrated measurable success, enhancing the CFR’s activity to safeguard fundamental rights by unifying responsibilities under a single institutional framework. The CFR is regulated at the highest level of Hungary’s legal hierarchy, as outlined in the Fundamental Law of Hungary, which ensures its independence and mandate. The CFR’s six-year term, renewable once, aligns with international standards.

The extension of the CFR’s mandate has enabled it to take over the functions of the former Equal Treatment Authority and Independent Police Complaints Board, retaining much of their staff and expertise to ensure continuity and operational efficiency. The Office handles cases with no disruption to its operations. The integration has strengthened the CFR’s powers in key areas such as police complaints, enforcement of equal treatment, disability rights, and whistle-blower protection, supported by dedicated resources within specialized departments. Regarding the merger of the Equal Treatment Department, the Office reiterates that it operates strictly within the legal framework of Act CXXV of 2003 (“Ebkvt”), with no changes to the functions of the GDET. The merger was conducted transparently and seamlessly, ensuring uninterrupted operations. The original staff was retained in full, with the exception of a leadership adjustment, wherein the Deputy assumed the role of Head of

¹ Cfr. <https://kormany.hu/miniszterelnokseg/vallasi-kozossegi-nyilvantartasok-kozvetetele>

Department, thereby maintaining expertise and continuity. All stakeholders, including former customers, complainants, and those with active cases, were informed through multiple channels such as online platforms, the Office's website, and formal notifications. Consequently, any claims suggesting a reduction in submissions resulting from the merger are unfounded and lack basis in fact.

Paragraph 51.

Based on reflections received by the Curia of Hungary, we point out that the requirement of equal treatment and the prohibition of unjustified discrimination fully permeate the Hungarian legal system (both in the sense of public and private law). Without claiming to be exhaustive, we refer to the following legal acts as examples:

- *Act CXXV of 2003 on equal treatment and the promotion of equal opportunities,*²
- *Act CXI of 2011 on the Commissioner for Fundamental Rights,*
- *Act CCVI of 2011 on the right to freedom of conscience and religion and the legal status of churches, denominations and religious communities*
- *Act CLXXIX of 2011 on the rights of national minorities,*
- *Act CXC of 2011 on National Public Education,*
- *Act I of 2012 on the Labour Code,*
- *Act XLII of 2015 on the service relationship of the professional staff of bodies performing law enforcement tasks,*
- *Act CL of 2016 on the Code of General Administrative Procedure,*
- *Act CLI of 2017 on Act CLI of 2017 on Tax Administration and the Regulation of Tax Administration,*

Paragraph 27.

"Several interlocutors reported that they felt highly vulnerable given the extent of 'normalised' intolerance in social and traditional media."

According to the reflections received by the Curia of Hungary,) the requirement of equal treatment and the prohibition of unjustified discrimination (as a basic principle) covers all parts of substantive and procedural laws and the living conditions regulated by them, and can be directly invoked before the courts. It should be noted that such issues arise quite rarely in civil cases, and are not even common in employment cases.

Paragraph 29.

With regard to the Church of Scientology, that is, unlike in other countries, officially recognized among the religious associations, it must be emphasized that relevant proceedings were/are ongoing based on general, mandatory laws, e.g. in building authority and data protection cases.

Paragraph 30.

Referring to the Budapest Citadella Statue, or Liberty Statue both as memorial of "the Soviet liberation of Hungary from Nazi occupation", and as a "symbol of freedom and progress to Budapesters" seems to suggest that Soviet liberation brought freedom and progress to Hungary. This unfortunate wording reflects serious misunderstanding of the history of Hungary and might be considered as an attempt to trivialize or justify the genocide or other crimes against humanity committed by the Communist regime (cfr. Section 333 of the Act C of 2012 on the Penal Code³). Apart from this consideration, the Report seems to enter in an

² Official English translation available: <https://njt.hu/translations>

³ Section 333 (1) A person who, in front of a large audience, denies, questions, trivialises or seeks to justify the genocide and other crimes against humanity committed by the national socialist and communist regimes is guilty of a felony and shall be punished by imprisonment for up to three years.

internal political debate about the convenience of a certain type of change to the statute, reaching beyond the scope of the Report itself.

Paragraphs 31, 35, 38

While in Paragraph 31. the Report complains (erroneously) about a supposed non-equal financial treatment of Churches, in Paragraph 35. it states as it were an established fact or truth that „State funding compromises church autonomy and mission.” The two assertions combined could create the impression that the Report is concerned because some Churches, supposedly not receiving state funds, do not see their “autonomy and mission compromised”... Further in Paragraph 38. the Report refers to the complaints of one of the faith communities saying that the supposed denial of state contributions was “not just an administrative violation but one of religious freedom, as the church is prevented from properly carrying out the charitable work which is inherent to its religious identity”. This seems to contradict the previous statement about the “compromising” effect of State funding for “church autonomy and mission”.

Paragraphs 32, 34, 41

Based on reflections received by the Curia of Hungary) we point out that the gradual system of conditions for different types of religious communities with legal personality contains logically interconnected regulations. The system assumes the increasing period of operation of the given religious community and the increasing degree of demonstrable social support as it progresses. The higher level of legal status of religious communities can be achieved by fulfilling the continuously expanding system of conditions that presuppose the previous legal status. The Hungarian legal system provides every opportunity for the religious communities concerned to turn to court in the event of a claim of infringement. In addition to the Curia’s work of unifying national legal practice, Hungarian judicial activity is also shaped by the case law of other higher courts, such as the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECHR). It should also be noted that the Constitutional Court of Hungary (Alkotmánybíróság, AB) has also addressed the issue of the legal status of churches. Two significant decisions can be mentioned recently: Decisions No. 3193/2020. (VI. 11.) and No. 3194/2020. (VI. 11.).

In its decision 3193/2020. (VI. 11.) the Constitutional Court of Hungary (Alkotmánybíróság, AB) stated, among other things, that:

- “[...] it does not follow from the individual fundamental right of religious freedom that any private individual or community would have a right, based on the Fundamental Law, to have the state cooperate with them in order to achieve community goals.”

- “[...] the state may not differentiate between different religious beliefs on the basis of their supernatural content, but at the same time, with regard to legal institutions where cooperation is established between the state and a religious community, the state shall take into account the religious community’s attitude to secular law and the constitutional value system.”

- “[...] it logically follows that the constitutional protection of religious communities is also equal, regardless of the legal status of the religious community, the number of its members or its participation in community activities. The state may not apply different standards to individual communities with regard to the exercise of religious freedom. State support for religious activities, although related to the exercise of religious freedom, is not a right that would necessarily follow from the Fundamental Law, so a constitutional claim for support for religious activities cannot be formed by reference to the individual fundamental right to religious freedom.”

Also Decision 3194/2020. (VI. 11.) AB states, among other things, that:

- “[...] the Constitutional Court concluded that it does not violate Article VII. Paragraphs (1) and (3) of the Fundamental Law, that Section 7. Paragraph (2) of the Ehtv.[Act CCVI of 2011] recognizes different categories of religious communities, nor that the National Assembly decides on the established church status and cooperation.”

- “[...] it can be stated that the conditions for registration are general, they are laid down by law, and the decision is the responsibility of the court. In view of all this, the Constitutional

Court considers that the creation of different church categories and the attachment of different legal effects to each category does not violate the provision of the Fundamental Law prohibiting discrimination.”

Paragraph 35

The cooperation with the State is clearly a possibility and not an obligation for Churches and faith communities. They may freely choose to refrain from it. Also the transfer of certain State facilities and institutions to Churches is a voluntary process, based on bilateral agreements between the State and the Church concerned. Each of them is free to pursue their spiritual mission, they do not have to perform public duties, and if they do, they do not have to seek state support for it.

Paragraph 36

The Report refers to “human rights concerns and challenges around transparency and accountability” stemming from „extensive state-church funding relationships”. In this regard during the country visit consultations with relevant State authorities it was clearly stated that Church-run public service institutions (schools, health-care and social institutions etc.) are equally subject to the relevant State control and monitoring mechanisms.

Paragraph 38

In fact, MET has never been an established church (since the category did not even exist with the 1990 and the 2011 Church Laws), therefore it did not “lose” it nor can „regain” it. As far as State subsidies are concerned, MET continuously received normative subsidies for its institutions performing public service.

Paragraph 48

Based on reflections received by the Curia of Hungary,) we draw attention to the Hungarian criminal law system, which, as a last resort, orders the sanctioning of particularly serious forms of racism and xenophobia. Sections 216 (1) and (4) and Sections 332 and 333 of Act C of 2012 on the Criminal Code serve to comply with Article 1 of Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.

The judgments of Hungarian courts are, therefore, based on criminal law standards that provide for effective, proportionate and dissuasive penalties against persons who commit or are responsible for crimes related to racism and xenophobia, while respecting the fundamental rights and principles related to freedom of association and freedom of expression.

When the Hungarian legislator establishes a criminal offence and attaches a specific penalty clause to it, he fundamentally assesses the social risk of the given type of crime and its possible adverse consequences, i.e. he decides what objective weight he attributes to each crime. Among the hate, sexual and other crimes listed in the Criminal Code, there are minor [Criminal Code Section 216 (1)] and more serious [Criminal Code Section 197 (2)] crimes, and even life imprisonment [Criminal Code Section 160 (2) c)]. The law enforcement officer must place the given act within the penalty clauses of the crimes criminalized by the Criminal Code, applying the sentencing principles and keeping in mind the purposes of punishment. The Curia ultimately guards over the legality of the classification of a crime and the imposed sentence. The prohibition of the application of law based on analogy is a fundamental principle of Hungarian criminal law, which is based on the principle of legality. This ensures the predictability and foreseeability required by legal certainty in the Hungarian criminal law system as well, and which also permeates the judicial task of classifying crimes and imposing sentences.

Paragraph 49

The Hungarian National Police Headquarters comments as follows:

“Crimes against public peace include incitement against the community according to Section 332 of the Criminal Code, public denial of the crimes of the National Socialist or Communist regimes in violation of Section 333 of the Criminal Code, and offenses punishable under Section 335 of the Criminal Code, committed during the use of the autocratic symbol. In the case of suspicion of committing the above crimes, the tasks of the Police and the procedure to be followed are regulated by ORFK instruction 30/2019 (VII. 18) on the implementation of police tasks related to the handling of hate crimes.

With regard to hate crimes, a national line manager has been appointed from the staff of the Criminal Department of the National Police Headquarters, and at least one regional hate crime line manager has been appointed at the police headquarters of the county (capital) to assist the public order protection staff in the field during the measures.

In order to ensure that hate crimes do not remain in the latency of police action, e-learning training is currently being provided for the staff concerned in the Ministry of Interior's Police Training System on the implementation of police tasks related to the handling of such crimes.”

Paragraph 56

“Hence schools and other educational facilities (kindergartens to universities, academic or vocational) run by churches enjoy far greater funding than non-church run ones.”

The affirmation is unsubstantiated, based on political claims and is not supported by evidence.

Paragraph 57

It must be noted, that providing basic public education is an obligation for the State, therefore it must provide for it also for people who do not wish to go to Church-run schools. Church-run schools cannot "freely choose" among the children they will admit, in many cases they are obliged to admit a certain percentage of children from their district, as well as children with disadvantaged backgrounds or so-called special educational needs. With this in mind, the Report does not reflect reality. Act CXC of 2011 on National Public Education, Section 74. (3) states that in case the public education task are performed through a public education contract concluded with a faith community it does not exempt from the obligation to ensure education for those children whose parents do not want their child to attend a religiously or ideologically committed institutions. Therefore, the local government shall ensure that these parents, children, and students are not subject to a disproportionate burden in exercising their right to participate in religiously or ideologically uncommitted education.

The fact that “the educational institution may operate as an institution committed to a religious or worldview, and accordingly may stipulate the acceptance of a religion or worldview as a prerequisite for the admission of children or students, and may examine this as part of the admission procedure” (cfr. Act CXC of 2011 on National Public Education, Section 31. (2) (a)) is a guarantee of the autonomy of faith communities and of freedom of religion itself. Indeed, Church-run schools are chosen expressly for religious motivations, or at least accepted by the parents as religiously motivated institutions.

Paragraph 58-59

It is not clear how the question of non-discrimination of Roma people is related to the scope of the Report. Further, it is to be noted that in fact there exists “a comprehensive national action plan ... to address anti-Roma discrimination”, adopted in 2014: the Hungarian National Social Inclusion Strategy 2030.

Paragraph 60

It is not clear, how Act XXV of 2017 amending Act CCIV of 2011 on National Higher Education and the case of CEU relates to FoRB and seems to reach beyond the scope of the Report.

Paragraph 86

The OCFR wishes to point out that these claims, as presented in the report, were neither raised nor discussed during the meeting, depriving the OCFR of the opportunity for a substantive and meaningful exchange of views. Further, the OCFR questions the basis for the assertion of a “lack of adequate protection by the Commissioner for Fundamental Rights.”

Paragraph 94

The OCFR points out that these concerns were not raised during the personal meeting, therefore there was no possibility to discuss it in merit. Internationally, the NPM is often attached to the Ombudsman, a widely recognized good practice that enables the Ombudsman to extend beyond traditional functions. The OCFR wishes also to highlight that the experience of the past eight years demonstrates that the NPM has been able to fulfil its mandate effectively under the existing financial structure. The requested expert resources and operational expenses have consistently been covered by the Office’s budget, and this arrangement remains unchanged in 2025.

Paragraph 65.

It is unclear how the issue of abortion is related to FoRB. Nevertheless, the Act LXXIX of 1992 on the Protection of Foetal Life has, indeed, a focus on the protection of life while respecting the dignity of women as well. A thorough reading of the Law could clarify the facts. It seems, as the Report would advocate for abortion instead of FoRB.

Paragraphs 75-81 (G. Traditional values, family, sexual orientation and gender identity)

It is unclear how the issue relates to FoRB. The section appears politically motivated.

Paragraphs 101-102 (VI.A Anti-Muslim hatred)

The Report opens with an unsubstantiated assertion that “Anti-Muslim hatred/Islamophobia and discrimination against Muslims remain prevalent in Hungarian society” (Paragraph 101).

In this regard again must be recalled that the necessary legal and institutional provisions are in force in Hungary in order to protect the rights and dignity of everyone, and ensure the non-discrimination, regardless of their religion or other so-called protected characteristic.

The Report fails to mention that the Government of Hungary joined two relevant international initiatives to contrast anti-Muslim hatred. Hungary signed the “Joint Statement of the Coordinators, Special Representatives, Envoy and Ambassadors on Combating Anti-Muslim Hatred and Discrimination” in November 2023, and the “Article 18 Alliance Statement on Anti-Muslim Hatred” in November 2024.

Paragraphs 103-108 (VI.B. Antisemitism)

It is commendable that the Report notes the Hungarian Governments zero tolerance policy towards antisemitism. Nevertheless, it seems oversimplifying the complex issue of the presence of antisemitism in Hungarian society. It needs to be underlined that according to surveys and the declarations of the interested organizations Hungary is currently one of the safest countries in Europe for Jewish people. Also in this regard must be emphasized that the necessary legal and institutional provisions are in force in Hungary in order to protect the rights and dignity of everyone, and ensure the non-discrimination, regardless of their religion or other so-called protected characteristic.

It is incomprehensible why does the Report include in this section a reference to the debates regarding policies and attitudes of George Soros which are instead more of a political nature, without relation to FoRB issues (cfr. Paragraph 107).

It is also curious that the Report (Paragraph 108) deals with reported internal debates of faith communities. The Government of Hungary respects the autonomy of the Churches and faith communities therefore has nothing to say in this regard.

Paragraph 109

“The Special Rapporteur was informed that religious associations are exempt from the transparency requirements that non-religious organizations are subject to.”

It must be noted that the Special Rapporteur was also informed that religious organizations and institutions are subject to the same requirements and regulations as similar non-religious organizations and institutions with regard to the use of public funds and the public service activities. The only difference might come from the fact that the State respects the autonomy of religious communities regarding their internal, especially religious life.

Paragraph 110

“Reports noted that discrimination against the non-religious is perpetrated by government officials, public institutions and even the judiciary, and enshrined in law.”

The supposed discrimination “enshrined in law” should be specified and documented by the Report in order to sound credible. In fact, the laws and the judiciary ensure non-discrimination on the basis of religion or belief.

Paragraph 112

“Reportedly, Hungarian atheists and humanists often face discrimination and prosecution for expressing their opinions and beliefs from state entities as well as non-state actors supported by the Government.”

It is an unsubstantiated claim, not supported by evidence in the Report. In fact, the laws and the judiciary ensure non-discrimination for all.

Paragraph 114 (VII. Recommendations)

114. (a): it is already ensured by existing regulations.

114. (b): it is already ensured by existing regulations and institutional framework.

114. (c): it is in fact a constant task to ensure non-discrimination. This goal is ensured by existing regulations and institutional framework. Differentiation between the various categories of Churches does not run counter to this, according to the relevant court decisions.

114. (d): The recommendations presented in the Report appear inconsistent with the information and data provided to the Mandate Holder by the Office of the Commissioner for Fundamental Rights of Hungary during the country visit. The OCFR wishes to point out the inconsistency between the discussions held during the meeting with the Mandate Holder and the content of the Report. This discrepancy raises concerns regarding the accuracy and integrity of the document.

114. (e): the recommendations are already provided for by the existing regulations. Nevertheless, it must be pointed out that the recommendation according to which “Church-schools should offer ethics as an alternative and not merely make their faith classes mandatory” would risk violating the autonomy of Churches.

114. (f): the recommendations are already provided for by the existing regulations.

114. (g): the existing regulations ensure non-discrimination and the necessary transparency.

114. (h): the recommendations are already provided for by the existing regulations.

114. (i): the recommendations are already provided for by the existing regulations.

114. (j): the recommendation seems unclear, yet the existing regulations ensure non-discrimination and protection of human dignity.

114. (k): the Government of Hungary agrees that combating Antisemitism, anti-Muslim hatred, and other intolerance and hatred is a continuous task. Yet, existing regulations and institutional framework ensure this goal in Hungary.

114. (l): the freedom of thought, conscience, religion or belief is ensured to everyone in Hungary by existing regulations, and defended by the proper institutional framework. The

Government of Hungary firmly rejects the unsubstantiated claim that atheists and humanists would face “systemic discrimination in various areas of life”. Similarly, the assertion that atheists and humanists supposedly “constitute some 56% of the population” is to be rejected as a misreading of census data.

114. (m): existing regulations ensure non-discrimination and protection of human dignity.

114. (n): the Government of Hungary agrees that awareness-raising about various aspects of human rights and capacity-building for countering violations of religion or belief is an important continuous task. Nevertheless, the Government of Hungary firmly rejects the other politically motivated claims expressed in this paragraph as undue interference, stressing once again that existing regulations and institutional framework provide for rule of law and democracy in Hungary.

III. Indications of errors of facts or law in the draft Report

Paragraph 7

“Hungary’s census does not enquire into ethnicity, so its ethnic demography is difficult to ascertain.”

This is factually not true. The 2022 census form did have the following questions:

12.1. Which ethnic group do you belong to? (Answering this question is optional. If you reply, it means you consent to the processing of the data provided.)

12.1. Which ethnic group do you belong to?

12.2. Do you belong to any other ethnicity?

“The German and Roma minority groups are officially designated as ‘national minorities’ by the government.”

This is factually not true. Annex N. 1 to Act CLXXIX of 2011 on the rights of national minorities lists the following groups as officially recognized nationalities: “For the purposes of this Act, the following shall be considered nationalities: Bulgarian, Greek, Croatian, Polish, German, Armenian, Roma, Romanian, Ruthenian, Serbian, Slovak, Slovenian and Ukrainian.”

Paragraph 8

“...in total 56% of all Hungarians declared non-affiliation with organised religion”.

This is inaccurate. The 2022 national census form contained the following question:

“14. What is your religion, denomination? (Answering this question is optional. If you reply, it means you consent to the processing of the data provided.)

Your religion, denomination:

I do not belong to any religion or denomination

I do not wish to answer this question”

40% answered that they did not wish to answer the question. 16% answered that they do not belong to any religion or denomination.⁴ The Report therefore sums two categories that are quite different. There is still an ongoing scientific debate about the interpretation of the position of those who did not wish to answer the question on religion. Yet, the Report seems to close this scientific debate in a quite questionable way.

⁴ Cfr. Tóth Géza dr., A népszámlálások vallási adatainak eredményei térképeken, Központi Statisztikai Hivatal, Budapest 2024., p. 17.; https://www.ksh.hu/docs/hun/xftp/idoszaki/pdf/nepszamlalas_vallas.pdf

Paragraph 15

“Hungary’s legal system ... bans the public promotion of fascist symbols.”

In fact, Art. 333 of the Hungarian Penal Code states: “Anyone who publicly denies, casts doubt on, trivializes, or attempts to justify the fact of genocide or other acts against humanity committed by the National Socialist or Communist regimes is guilty of a felony...”

Paragraph 16

“It obliges the State to cooperate with and grant “privileges” to “established churches” in education, health, child protection and other social institutions. (Article VII.(4))”

This is not correct, as it has been already pointed out during the country visit. The Fundamental Law of Hungary does not oblige the State to cooperate but allows it. A misunderstanding may have come from an incorrect English translation of the Fundamental Law which uses the Hungarian expression “együttműködhetnek”. Further, it does not allow only in relation to the “established Churches” but to all religious communities in general. See Fundamental Law Art. VIII (4): The State and religious communities may cooperate to achieve community goals. At the request of a religious community, the National Assembly shall decide on such a cooperation. The religious communities participating in such cooperation shall operate as established churches. The State shall provide specific privileges to established churches with regard to their participation in the fulfilment of tasks that serve to achieve community goals.”

Paragraph 19

“...the amendments fell short of addressing the broader discrimination concerns.”

The 2019 amendment of the Church Law established a structured regulation based on objective criteria, based on which religious communities (including religious associations and two types of churches) are registered by an independent court. The Parliament is not deciding on Church status, but only on the cooperation with the so-called established churches.

Paragraph 31

“2018 Church Law”

This is only a law modifying the existent “Act CCVI of 2011 on the right to freedom of conscience and religion, and on the legal status of churches, religious denominations and religious communities” (referred to as Ehtv.)

“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, “comprehensive agreements” with the State releasing significant subsidies and funding for religious schools, hospitals, and social institutions.”

In fact the Ehtv. provides that all the four categories of Churches enjoy legal status and can benefit of state supports. State support and cooperation with the state for community goals is not compulsory for the Churches. According to Ehtv. Art. 9.C; Art. 9.D (4)-(5); Art. 9.F; Art. 9.G all Churches of all the four categories can conclude with the State a cooperation agreement in order to pursue community goals and to receive funding for their faith-related activity as well. Furthermore, they can all receive voluntary contributions of the 1% of personal income tax. Therefore, not only the “comprehensive agreements” foreseen for the Established Churches, but also the other agreements concluded with the other faith communities entitle the latter for subsidies and funding for religious schools, hospitals, and social institutions. All faith groups belonging to the four categories can establish their own schools (“Church Schools”) and are entitled to equal financial support (see also Act CXC of 2011 on National Public Education, Art. 2, (3)).

“The Roman Catholic Church, Reformed Church of Hungary and Evangelical Lutheran Church have such long-standing agreements, other minority religious groups are denied such support.”

In fact not only these three Churches have agreements with the State but, among others, do have it the Baptist Church of Hungary, the MAZSIHISZ and the EMIH Jewish communities, the Faith Church (Hit Gyülekezete) and most of the Orthodox Churches present in Hungary.

Paragraph 34

Regarding the remedies for historical injustices suffered by Churches in Hungary “Special Rapporteur notes that this would call for a transparent and objective process, rather than accounting for the tiered system of religious recognition into perpetuity”.

In fact, transparent and objective process of the restitution and compensation of Churches has been established, among others through:

- Act XXXII of 1991 on the settlement of the ownership status of former church properties
- Act CXXIV of 1997 on the financial conditions of the religious and public activities of churches
- Act LXX of 1999 on the promulgation of the Agreement between the Republic of Hungary and the Holy See on the financing of the public service and religious life activities of the Catholic Church in Hungary, as well as on some financial issues, signed in Vatican City on 20 June 1997.

Paragraph 43

As the OCFR points out, the statement according to which the “disbandment led to Special Procedures mandate holders relaying their concern that this could considerably reduce the level of protection against discrimination in an ‘Other Letter’ to the Government, co-signed by this mandate” represents a subjective assertion that does not accurately reflect the current reality or the operational developments since the merger. Such characterizations risk undermining the operational integrity and dedicated efforts of the Office of the Commissioner for Fundamental Rights of Hungary (CFR) and the General Directorate of Equal Treatment (GDET). We firmly assert that these implications are not aligned with the principles of impartial and objective reporting. The Office strictly operates within the legal framework established by Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities (“Ebkvt”), which remains unchanged concerning the functions of the GDET.

The CFR has taken on an expanded mandate, safeguarding a broader range of human rights beyond traditional ombudsman duties. This includes enforcing equal treatment through sanctions, further solidifying his role as a human rights protection in Hungary. Recognized as exemplary within Europe, the Office maintains regular engagement with stakeholders, sharing best practices and adopting international trends to ensure continuous improvement – including its participations in numerous international conferences and webinars. The Office continues to be an engaged member of national and international working groups with expert staff, where this cooperation is further strengthened.

The merger of the GDET into the Office was carried out transparently and has been addressed across various national and international platforms by the CFR and GDET staff. This transition occurred seamlessly, with no operational issues or disruptions. Furthermore, the department continued to employ the same staff as before the merger, except for a single leadership change wherein the former Deputy assumed the role of Head of Department, ensuring continuity and expertise. Additionally, during the ETA merger, all stakeholders—former customers, complainants, and those with active complaints—were informed through multiple channels, including online platforms, the Office’s website, and formal letters, to facilitate a smooth transition. Consequently, the claim that fewer submissions would be received as a result of the merger is unfounded.

Paragraph 44

The OCFR points out that the Special Rapporteur was provided with a comprehensive explanation regarding the functioning of the Commissioner for Fundamental Rights of Hungary (CFR), including his mandate, the structure of the Office, and relevant case statistics. It was clarified during the meeting that while a small number of cases pertain to

religion or belief, such cases represent only a small percentage of the complaints handled annually by the Office. Notably, the majority of complaints in the area of equal treatment pertain to disability, motherhood, and pregnancy-related issues.

According to Section 8(i) of Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities (Equal Treatment Act/Ebktv.), a person's religious or philosophical belief is a protected characteristic. This ensures that any disadvantage experienced on these grounds constitutes a violation of the requirement for equal treatment.

The CFR, through the GDET, inquires all claims of discrimination on religious or philosophical grounds in accordance with the substantive and procedural rules outlined in the Equal Treatment Act. Since the merger of the Equal Treatment Authority with the CFR in 2021, twelve administrative proceedings have involved allegations of discrimination based on religion or belief. These cases have included claims citing Catholicism, Judaism, Scientology, atheism, opposition to vaccination on religious grounds, and dietary practices linked to religious beliefs. Each case was examined, and decisions were issued in line with legal requirements. Of these cases, three were appealed in court, and all were ultimately upheld. One particularly notable case involved an extraordinary appeal before the Curia of Hungary Case Summary:

An individual with atheist convictions filed a complaint regarding the phrasing of a question in the 2022 census questionnaire, alleging discrimination that favoured religious respondents over atheists. The CFR inquires the complaint and determined that the scope of the data collected in the census, as defined by the legislator, focused on religion rather than ideology. The questionnaire included options to select "no religion or denomination" or explicitly declare atheism. The CFR concluded that no disadvantage had occurred and rejected the application.

The complainant challenged the decision in court, but the court dismissed the claim, finding no evidence of disadvantage. On appeal, the Curia of Hungary reaffirmed this decision, emphasizing:

1. The data fields for the census are defined by law and adhere to Regulation (EC) No 763/2008 of the European Parliament and the Council.
2. The census allowed respondents to declare atheism or "no religion," ensuring voluntariness in data collection.
3. The applicant failed to demonstrate a concrete disadvantage under the Equal Treatment Act, relying on generalized claims that did not meet the legal threshold of probability.

The Curia of Hungary reaffirmed that the Fundamental Law of Hungary guarantees freedom of thought, conscience, and religion without discrimination. It further clarified that neither religious nor atheist individuals have a fundamental right to require ideological data collection by the State; rather, they are entitled to voluntarily declare such data. The case was fully concluded before the Curia of Hungary on 30 October 2024, with the Court upholding the position of the Office.

Paragraph 49

"Although she also met with the Public Prosecutor's Office, she regrets that she did not receive information on any investigations, prosecutions or convictions for racist hate speech, especially by public figures and politicians."

The Hungarian Public Prosecution Service wishes to point out the following:

"The Prosecution Service carries out its activities in accordance with the principles set out in the recommendations and in compliance with the legislation applicable to it. Prosecutions for criminal offences are based solely on the substantive and procedural criminal law, regardless of whether the perpetrators are public officials, public figures, politicians or not.

Between 2019 and 2023, the prosecution service initiated criminal proceedings in one case for the offence of violation of the freedom of conscience and religion in breach of Article 215 of the Criminal Code, which was terminated on 8 April 2024 in the absence of a criminal

offence. The reason for the lack of statistics on the above offence is that no prosecutions for such offences were carried out in the period indicated.”

Further, the Prosecution Service provides the following data:

Number of registered crimes:

<i>Crime</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>2023</i>
Article 216 Violence against a member of a community	18	10	18	20	26
Article 332 Incitement against a community	1	2	8	1	2
Article 333 Open denial of Nazi crimes and communist crimes	1	5	0	4	3
Article 335 Use of symbols of totalitarianism	15	12	19	28	15

Paragraph 55

“The Special Rapporteur was informed that ‘church schools’ can make (their) faith education class mandatory without offering ethics as an alternative.”

Act CXC of 2011 on National Public Education, Section 32 (1) j) states that in “Church schools” “ethics may be replaced by faith education, provided that the school's pedagogical program for religious education includes the requirements and content specified in the National Basic Education Plan for ethics”. Therefore, the basic ethics education is ensured also in the Church-run schools. On the other hand, these schools are intended for faith-based education, without prejudice for the freedom of citizens to send their children to State schools.

Paragraph 63

“The head of the Hungarian Catholic Church...”

It is not clear from the Report who is the religious leader referenced, since there is no position with this name in Hungary. For the Catholic Church in Hungary the relevant leadership roles are the President of the Hungarian Catholic Bishops’ Conference who presides the Conference itself without having jurisdiction over the other bishops, and the Primate of Hungary and Archbishop of Esztergom-Budapest who has some overall jurisdictional and honorary prerogatives based on historical developments.

Paragraph 74

“The former Special Rapporteur on freedom of religion or belief noted that after the EU pledge to resettle additional refugees, Hungary had announced ‘that they would favour admitting non-Muslim refugees, particularly Christians, citing concerns about ‘cultural cohesion’”

The report of the former Special Rapporteur on freedom of religion or belief here referenced (cfr. A/HRC/49/44, N.51.), contained only a general reference that “several member States, including Cyprus, Czechia, Hungary and Slovakia reportedly announced that they would favour admitting non-Muslim refugees, particularly Christians, citing concerns about cultural cohesion”. Without supporting it with further and concrete evidence it is incorrect to state that “Hungary had announced...”.

Paragraph 75

“Heterosexual marriage is considered Christian, and unmarried persons (including same-sex couples) considered un-Christian.”

This may be a misunderstanding of the teaching of Christian churches. Reference would be needed for the affirmation that “unmarried persons [are] considered un-Christian”.

Paragraph 108

The acronym of the Hungarian Federation of Jewish Communities is misspelled, the correct one being: **MAZSIHISZ**.

Paragraph 111

“As noted, Hungarian legislation enables individuals to make a voluntary contribution of 1% of their personal income tax to a religious community that is recognised for this purpose and a further 1% to an NGO. This results in financial discrimination against non-religious associations that provide the same public service activities.”

In order to avoid financial discrimination against taxpayers who do not wish to offer the voluntary contribution of the 1% of their personal income tax to a religious community, there is every year a “special budget line” indicated as an alternative in this category (additional to the other 1% for CSOs).

Paragraph 114 (l)

“...Advance and ensure the freedom of thought, conscience, religion or belief of atheists and humanists, and their equal enjoyment of all rights including their freedom of opinion and expression, addressing systemic discrimination faced in various areas of life, not least given they constitute some 56% of the population”

The claim that „atheists and humanists” would “constitute some 56% of the population” is a serious misunderstanding of the 2022 census data. 40% did not answer at all the question related to their religious affiliation, and only 16% declared their non-affiliation to any religion or denomination. The quoted sentence conflating the two categories risks undermining the credibility of the Report.

Budapest, 23rd January 2025
