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# **OSCE Human Dimension Implementation Meeting Warsaw, 27 September 2011**

## **Working Session 2 : Freedom of thought, conscience, religion or belief**

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### **Hungary: New discriminatory law on religions**

During the first semester of this year, Hungary had the privilege to chair the European Union but failed to abide by the fundamental rights as enshrined in the European Charter and the European Convention on Human Rights in its dealings with freedom of religion or belief.

On 12 July 2011, the Hungarian Parliament rushed through new legislation entitled "The Right to Freedom of Conscience and Religion and on the Status of Churches, Religions and Religious Communities" ("Religion Law"). In passing this law, the Parliament contemptuously turned its back on European Court of Human Rights decisions and European Union and OSCE standards prohibiting the entire scheme of this draconian legislation.

The Religion Law includes a retroactive provision that violates the Rule of Law and the right to religious freedom. This provision "de-registers" over three hundred minority faiths that have been registered as religions in Hungary since the adoption of the 1990 Religion Law. Only 14 Churches will maintain their registered religious status and the rights and privileges attendant with such status. All other groups will lose their status as religious organizations unless they are "re-registered" through burdensome, oppressive, and discriminatory administrative and legislative proceedings.

The most surprising and objectionable amendment to the bill introduced without adequate debate or reflection just two hours before the bill was passed was the decision to remove a provision providing for judicial proceedings for "re-registration" of religious groups and to substitute a new provision stating that "the competent authority to recognize a religious organization is ... the Parliament, with a two-thirds vote, rather than the courts or a ministry."

This "de-registration" and the requirement of a two-thirds vote by Parliament for "re-registration" are such a shameless flouting of human rights standards that it renders the Law the most oppressive religious registration scheme in Europe.

Likewise, the requirement that an association exist in Hungary for at least 20 years in order to "re-register" represents the Parliament's disdain for Human Rights Court precedent. In *Kimlyya and Others vs. Russia* (Applications nos. 76836/01 and 32782/03, October 2009), the Court found that the refusal to register churches in Russia as religious

organizations because they had not existed for 15 years violated the right to freedom of religion and freedom of association, rendering such rights "illusory and theoretical rather than practical and effective, as required by the Convention." If 15 year duration requirements contravene human rights instruments, how can the Hungarian Parliament pass a new Religion Law with a more onerous duration requirement?

### Recommendations

*Human Rights Without Frontiers* recommends that

- The Hungarian Parliament to revise this law so as to put its legislation in conformity with international standards.
- To the EU Fundamental Rights Agency which has remained silent about this discriminatory law to tackle this issue.

### **Russia: Misuse of the law against extremism**

Russia has adopted a law against extremism that is misused to target minority religious faiths. The interpretation of the law against extremism goes so far that it restricts freedom of expression and access to information, freedom of assembly and of worship, and freedom of religion or belief in general.

Jehovah's Witnesses and Nursi readers are particular targets of "extremism"-related criminal prosecutions, as works they frequently read or use during their religious meetings have been banned by various courts. They have been placed on Russia's Federal List of Extremist Materials maintained by the Justice Ministry. Anyone distributing works from this official black list or storing them with the intention of distributing them is liable to criminal prosecution.

Last but not least, in a new development, prosecutors in Tomsk are seeking through the courts to have the Russian translation of the most important work for Hare Krishna devotees - The Bhagavad-Gita by Swami Prabhupada, the founder of the International Society for Krishna Consciousness - declared "extremist" and placed on the Federal List.

Meanwhile raids continue, including coordinated raids on 25 August on at least 19 homes of members of the Jehovah's Witness community in Taganrog.

On 7 September 2011, three local Jehovah's Witnesses were arrested without charges in the Chuvash Republic. Farid Mannafov, Oleg Marchenko, and Aleksey Nikolayev were escorted by the police to an undisclosed location. Their relatives did not find out until the following day that the three were being held in custody at a temporary detention center. They spent two days in custody. Searches were conducted in the homes of these and other Witness families. Bibles, computers, legal documents, and personal valuables were confiscated. Some searches lasted for more than six hours.

Also on 7 September some of the religious services of Jehovah's Witnesses were disrupted in the Chuvash Republic. In what appears to be a coordinated attack on the Witnesses there, police officers intruded into the Witnesses' places of worship (known as Kingdom Halls) and other premises used by the Witnesses in the cities of Cheboksary, Novocheboksarsk and Kanash. In addition to disrupting the peaceful religious services being held by the Witnesses, those present were searched, forcibly taken to a police station, and fingerprinted against their will. Senior police officers took part in the raids.

### Recommendations

*Human Rights Without Frontiers* recommends to the Russian authorities

- Put a moratorium on the implementation of the 2002 **Law On Fighting Extremist Activity** as it is used and abused to restrict religious freedom, to repress and attempt to ban non-violent religious groups such as Jehovah's Witnesses or Said Nursi readers;
- To revise Article 14 of the 1997 **Law on Freedom of conscience and association** which deals with the banning of the activities of Religious Organizations and their liquidation as several of its provisions are not necessary in a democratic society;
- To establish clear guidelines for the implementation of Article 282 of the Criminal Code (incitement of national, racial or religious enmity) so as to stop the misuse of it in restricting the legitimate activities of religious communities (e.g. teaching the superiority of their doctrine over those of other religions);
- To reconsider cases against individuals and organizations which have been accused of extremism for conducting normal religious activities protected under international norms and laws;
- To put an end to the harassment of Jehovah's Witnesses and Said Nursi's readers (innumerable check ups, banning of their religious literature, accusations of extremism and religious enmity);
- To dissolve the Expert Council for Conducting State-Religious Studies put in place under the Ministry of Justice as its powers have been unduly extended to limit the freedom of "non-traditional" religious movements and its members include activists of the Orthodox Church and anti-sect movements;
- To fully implement the decisions of the European Court.

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## **OSCE meeting in Rome to discuss prevention of hate crimes against Christians**

OSCE (07.09.2011) / HRWF (08.09.2011) - <http://www.hrwf.net> – Representatives of the OSCE's 56 participating States are meeting in Rome on 12 September to discuss ways to prevent and respond to hate crimes against Christians.

The meeting, organized by the OSCE's Lithuanian Chairmanship and the OSCE Office for Democratic Institutions and Human Rights (ODIHR), aims at raising awareness on hate-motivated crimes and incidents targeting Christians and their property across the OSCE region. Participants will also share good practices and develop a set of recommendations on how to prevent and respond to such crimes and incidents, with a special focus on attacks on places of worship.

Speakers at the opening include Evaldas Ignatavicius, Lithuanian Vice-Minister of Foreign Affairs, Ambassador Lamberto Zannier, Secretary General of the OSCE, Ambassador Janez Lenarčič, Director of ODIHR, Archbishop Dominique Mamberti, Secretary for Relations with States of the Holy See, Metropolitan Hilarion of Volokolamsk, Chairman of the Moscow Patriarchate's Department for External Church Relations, and Massimo Introvigne, Personal Representative of the OSCE Chairperson-in-Office on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions.

The full agenda and additional information is available at  
[http://www.osce.org/event/christians\\_2011](http://www.osce.org/event/christians_2011)

For PDF attachments or links to sources of further information, please visit:  
<http://www.osce.org/odihr/82238>

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