

Hungary

Written submission by the Hungarian Atheist Association for the UN Universal Periodic Review

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Hungarian Atheist Association

The Hungarian Atheist Association¹ provides a platform for atheists and promotes universal human rights, secular ethics, freedom of expression and rational thought. The Society was established in 2018. It is the only organisation working to promote secular values in Hungary.

Status of freedom of religion and conscience in Hungary

Freedom of and from religion including equality are granted since 1895². Freedom of religion and conscience are enshrined in Art. VII of the Hungarian Basic Law³, and Act CXXV of 2003⁴ forbids any discrimination on religious grounds.

In reality, however, the government systematically gives preference to conservative Christian and faith-based life-stances over secular approaches to policy, contrary to the diverse beliefs held by Hungarian citizens.⁵:

Our main points of criticism can be summarized as:

- 1. Legislation is often based on religious (sometimes creationist) grounds, and discriminates against minorities.**
- 2. The outsourcing of State duties to churches and inequalities in financing compels people to use publicly funded services provided via churches, even if this is contrary to their life-stance.**
- 3. Government politicians and the media regularly repress freedom of expression and slander citizens who do not adhere to the faith-based lifestyle promoted by them.**

1. The Constitution imposes a Christian cultural identity on the country and restricts civil liberties

¹ <http://ateizmus.hu/rolunk>

² Act LVIII of 1895: <https://net.jogtar.hu/ezer-ev-torveny?docid=89500043.TV>

³ English text of the Hungarian constitution:
https://njt.hu/translated/doc/TheFundamentalLawofHungary_20190101_FIN.pdf

⁴ Hungarian legislation is available under www.njt.hu. English and German translation of some major legislation is also available.

⁵ In the latest census (2011), 39% of the population identified as Catholics, 11,6% as Calvinists, 2% as Lutherans, 0,11% as Jewish, 1,7% as other, 18,2% as without affiliation, and 27% did not confess their religion (http://www.ksh.hu/nepszamlalas/tables_regional_00)

The Preamble of the new “Basic Law” introduced in 2011 brings the conflation of national identity with (Catholic and Protestant) Christianity into legislation. Art. VII. (4) obliges the State to cooperate with and to grant privileges to churches, and Art. R (4) states that “The protection of the constitutional identity and Christian culture of Hungary shall be an obligation of every organ of the State”.

The 9th Constitutional Amendment,⁶ passed in December 2020, further restricts the personal and religious freedoms of minors and their parents, “ensuring” an upbringing “that is in accordance with the values based on the constitutional identity and Christian culture of our country.” It also limits the definition of “families” to married couples and parent-children relations, and has gained notoriety for stating that “The mother shall be a woman, the father shall be a man”, and that children have a right “to a self-identity corresponding to their sex at birth.” The explanatory statement refers to the eternal “Order of Creation” being “continuously threatened” as reason for the amendment.

Recommendation 1: Religious freedom does not include the right to push one's religious views on others, and should not be used to undermine the basic rights of others. The State has a duty to uphold religious neutrality when passing legislation.

2. Personal freedoms and social security

The government promotes a creationist view of the genders (presenting “traditional” gender roles as eternal). Heterosexual marriage is conflated with Christian values, and unmarried persons (including same-sex couples) are considered un-Christian and are discriminated against, especially if childless. Benefits to buy residential real estate are only granted to married couples who commit to having children, while social housing is scarce and often unavailable to persons in households without minors.

The government refuses to ratify the Istanbul Convention because it promotes “destructive gender ideologies” and “illegal migration”. Hungary rarely grants asylum, and in the asylum process Christians receive special treatment.⁷ A separate state secretary post is dedicated to the “Aid for persecuted Christians”.

Recommendation 2: Access to social security (including housing) should not be dependent upon an individual’s religion or belief, marital or other personal status.

The Hungarian government has pursued a pro-natalist family planning policy based on the promotion of the “traditional family” and support for childbirth. Grants are awarded to hospitals that refuse to carry out abortions.⁸

While medical services during pregnancy and birth are free, health insurance does not cover contraceptives. Emergency contraception is available only on prescription, causing delays that lower

⁶ <https://www.parlament.hu/irom41/13647/13647.pdf>

⁷ The treatment of refugees by the Hungarian State has been widely covered, and legal action has been brought against the Hungarian State. <https://asylumineurope.org/reports/country/hungary/detention-asylum-seekers/detention-conditions/conditions-detention-facilities/>. On the asylum process: http://www.bmbah.hu/index.php?option=com_k2&view=item&layout=item&id=521&Itemid=728&lang=en

⁸ <https://humanistfederation.eu/wp-content/uploads/Abortion-Status-Report.pdf>

the drug's effectiveness. Access to voluntary sterilisation is restricted to persons over 40 or with at least three children. Non-married women are excluded from the state-funded assisted reproduction program.

Although abortions have been legal since 1953, they are difficult to access. Abortions are possible only after submitting to two counselling sessions with State officials who have a duty to dissuade the applicant from abortion⁹. Since 2012, medical abortions are not available, meaning that women seeking terminations must undergo a more invasive surgical procedure. In addition, the protection of the foetus from conception was introduced into the new Basic Law of 2011, raising fears that abortion may be criminalised in the future.

Recommendation 3: Neither marital or parental status, age nor the financial situation of the individual should play a role in the access to contraception, abortion, sterilisation, assisted reproduction or any other medical services. Access to emergency contraception and abortion should be regulated according to international best practices in medicine (which includes OTC emergency contraception and medical abortion outside hospitals). Compulsory counselling should be abolished or at least restricted to scientifically sound information, and the right of pregnant persons to self-determination and bodily autonomy must be upheld.

A recently passed Act¹⁰ rules that only married couples are eligible to apply for adoption. In exceptional cases, the minister may permit an adoption by an unmarried person. This effectively bans all non-married persons (including both singles and non-cis-hetero couples, who until now applied as single persons) from adoption. Older, disabled and Roma children often find only non-married persons willing to adopt them, so this regulation prevents the most vulnerable children from finding a family.

Recommendation 4: Marital status (as well as sexual orientation) is not a scientifically sound criterion to establish if a person is suitable as an adoptive parent and should not be used as such.

In 2020, an Act ruled that sex assigned at birth “based on primary sexual characteristics and on chromosomes” may not be changed.¹¹ Applications for legal gender change have *de facto* been refused since 2018.

Recommendation 5: State records of personal data should reflect facts and respect the human rights and dignity of trans- and intersex persons.

3. Privileges of the “churches”

While Act CCVI of 2011 allows any religious association to obtain the privileges of an “established church” based on objective criteria, non-religious organisations are excluded from these prerogatives.¹²

⁹ Act LXXIX of 1992

¹⁰ Act CLXV of 2020 modifying act V of 2013 on the civil code and law XXXI of 1997 on child protection

¹¹ §33 of Act XXX of 2020 amending act I of 2010

¹² Section 7/A (2): “Religious communities shall pursue activities linked to a worldview that is directed towards the transcendental, has a system of faith-based principles, the teachings of which Act CCVI of 2011

Since 2001, taxpayers can offer 1% of their personal income tax to an NGO (including NGOs established by churches) and a second 1% to a church. 133 religious organizations are currently eligible to receive this tax benefit, while non-religious organisations are excluded.¹³

Churches are exempt from the transparency requirements that non-religious NGOs are subject to. They receive state funds under numerous budget headings, but as they do not publish annual financial statements, it is unclear how state funds are spent by the churches.

Recommendation 6: Taxpayers should not be forced to finance religious activities in conflict with their religion and conscience. Churches and religious associations should be subject to the same transparency requirements as regular NGOs.

Secular associations that provide the same public purpose activities as churches are discriminated against financially.

Recommendation 7: The state must ensure that public purpose activities receive equal funding from the State irrespective of whether they are provided by religious or secular organisations.

While the data protection rules of the EU and Hungary guarantee the right to have one's data deleted, the Catholic Church refuses to do so despite explicit requests from adults who were baptised as minors and never gave their consent to being registered.

Recommendation 8: The State should ensure that data protection rules are applied to religious organisations, and religious organizations should cancel or anonymize personal data on request in line with GDPR requirements (including the requirement on the accuracy of the data stored).

The issue of sexual abuse of children within the Hungarian Catholic church has largely been ignored. No action was taken when the church appointed a man convicted for sexual abuse of his own son as religious instructor in a state school in Tatabánya, who later abused pupils. Recently, a victim of sexual abuse by a priest decided to come forward to the media, having been dismissed by church authorities after making his first complaint in 2003. He was taken to the police station for questioning for the whole of the national holiday after having wondered whether to approach church leaders in public during the procession on that day.¹⁴

In March 2021, government spokesperson Gergely Gulyás declared that there is no reason to investigate “paedophile acts” within the Catholic church.¹⁵ While the head of the church has announced the appointment of a church official for child protection in his diocese and to introduce a course on child protection into the curriculum for the training of priests, more robust action is needed to ensure children are not abused in future.

relate to existence as a whole, and which embraces the entire human personality through specific codes of conduct (hereinafter “religious activities”).”

¹³ Taxpayers not wishing to offer their taxes to a church are provided with a state fund for education projects as an alternative, however, churches can also receive monies from this fund.

¹⁴ <https://insighthungary.444.hu/2021/02/26/hungarian-catholic-church-leaders-filed-charges-against-a-victim-of-sexual-abuse>

¹⁵ <https://444.hu/2021/03/18/a-kormany-nem-akar-vizsgalatot-az-egyhazi-beluli-szexualis-visszaelesekrol-in-kabb-a-liberalisok-hibaival-foglalkozna>

Recommendation 9: The State has an obligation of due diligence to prevent violence, including sexual abuse, against children and vulnerable persons, including children within religious communities. The government should investigate and prosecute those responsible for child abuse also within the Catholic church.

Religious gatherings have been consistently exempt from COVID-19 gathering restrictions. Prime minister Viktor Orbán himself attended a 250-person funeral in January 2021 (when a maximum of 50 people were allowed to gather). The police refused to press charges on the grounds that this was a religious gathering.

Recommendation 10: Religious communities and gatherings should not be exempt from public measures to protect health and safety.

4. Outsourcing of State duties to churches

Since the present government took office, state duties in education and social services are increasingly outsourced to churches. Homes for elderly persons and for people living with disabilities have come under church control in the last two decades, as only churches have all their costs reimbursed via the central state budget (while municipalities and private providers had to find additional funding sources).

Churches and church-organizations are also recruiting and overseeing foster parents,¹⁶ and the organisation of homelessness services in Budapest.

Funding criteria are not transparent, and institutions maintained by the church do not publish annual financial statements (see above). It is estimated that institutions run by the churches receive at least 1.5 times (for some budget items, 4 times¹⁷) as much as non-religious institutions receive for the same public task.

Recommendation 11: The State should ensure that persons who, in line with their personal beliefs, prefer to use public services offered by non-sectarian providers are able to access such services and do not suffer any disadvantage, such as lower quality of the service due to less favourable funding.

Education:

While State schools are not allowed to discriminate, church schools are free to do so and thereby heavily contribute to segregation across the school system.¹⁸ The exclusion of Roma pupils from disadvantaged backgrounds from Church-run schools as well as Church-run segregated schools for children from disadvantaged families are a form of racial and social discrimination that is perpetuated with the full knowledge and support of the State.¹⁹

¹⁶

https://neveloszuloiprogram.hu/static/dokumentumok/neveloszuloi_halozatok_elerhetosege_2020.05.14_1.pdf

¹⁷ Cf. Balázs Romhányi's analysis (Fiscal Responsibility Institute association):

<https://168.hu/itthon/valami-nagyon-eltorzult-negyszer-tobb-penz-ad-az-allam-az-egyhazi-iskolaknak-mint-a-sajatjainak-5029>

¹⁸ <http://mek.oszk.hu/18200/18263/18263.pdf>

¹⁹ <http://www.errc.org/news/hungary-a-short-history-of-segregation>

The number of church-operated schools has doubled since 2010,²⁰ and in some municipalities, no secular alternative is available.

Recommendation 12: The state must ensure that all children have access to non-sectarian education services of equally good quality, and the elimination of segregation within education must be prioritized.

Since 2013, religion or ethics classes are mandatory in state schools. When enrolling their children, parents must disclose their religious affiliation. Not all ethics teachers have relevant training, and while the textbooks invite children to discuss various issues, values are presented as given. When religion appears in ethics textbooks, it is rarely presented as topic for critical discourse.²¹

Recommendation 13: The same qualification requirements should apply to ethics teachers as to teachers of other subjects (i.e. a degree in philosophy). Textbooks should be scientifically sound and present values not as norms but as topics open for discussion.

Academic freedom, autonomy of universities

The Hungarian government has systematically undermined liberal, independent educational institutions.. Its actions violate the rights of academic freedom and education.

The expulsion of the Central European University (CEU) received widespread media coverage,²² as well as the fact that the government banned an accredited program in gender studies in 2018.

Academic freedom is usually restricted via funding decisions. In 2019, the Hungarian Academy of Sciences was “restructured”, accompanied by massive budget cuts in line with Minister László Palkovics's stance on the uselessness of fundamental research.²³ Funding for universities is not provided via clear and unbiased criteria, and the state has interfered with study programs accredited by the Hungarian Accreditation Committee.

²⁰ https://dari.oktatas.hu/letoltes_pub/kozerdeku/koznevelési_statistikai_evkonyv_2018_2019.pdf p. 47 ff

²¹ In the textbook for grade 8 (<https://www.tankonyvkatalogus.hu/site/kiadvany/FI-504030801>), Catholic church representatives saving Jews are mentioned, while e.g. supporters in the Vatican helping the escape of nazi criminals are not. Abuse within the Catholic church is mentioned but dismissed as “single cases” with no bearing on the church. In grade 7 (<https://www.tankonyvkatalogus.hu/site/kiadvany/FI-504030701>), the story explaining love in Plato's Symposium is related without mentioning that it deals also with homosexual love. The textbook for grade 11 (https://www.tankonyvkatalogus.hu/site/kiadvany/FI-504031101_1) presents abortion in the context of scientifically unsound statements and presents two NGOs assisting women in carrying their unwanted pregnancy to term, while no space is given to discuss possible reasons for abortion such as the need for bodily integrity, nor the ethics of birth control, procreation and voluntary childlessness.

²² By a slight modification of the relevant legislation, universities from non-EU countries operating in Hungary have been outlawed unless there is an international agreement between the Hungarian government and the state of origin of the university. Although CEU managed to convince the relevant US state authorities to sign an agreement, the Hungarian government was not willing to approve the agreement, so CEU had to leave the country. As a recent development, the Hungarian government has welcomed one of the biggest universities of the People's Republic of China into the country.

²³ <https://www.dw.com/en/hungary-parliament-puts-academy-of-sciences-institutes-under-government-control/a-49440144>

Recommendation 14: Funding for higher education and research should be based on transparent academic criteria. The scientific autonomy of the Hungarian Accreditation Committee must be ensured, and its decisions and experts' opinions must be respected. In all its boards and committees, the representatives of higher education and research must be the majority.

The government has initiated the privatisation of state universities. Private owners of universities can influence the study and research program of their institutions, i.e. academic freedom is at the mercy of those appointed to their supervisory boards.²⁴ The University of Theatre and Film Arts is one of the institutions affected..

Recommendation 15: The academic freedom of teaching and research staff at non-state institutions must be strengthened; foundations owning such institutions must not interfere in academic issues.

Media and hate speech

Much has been written on the decline of media freedom in Hungary (state television channels, Népszabadság, Origo.hu, Index.hu, Klubrádió). State television and KESMA²⁵ outlets together with private outlets including online media receiving state funds specialize in anti-atheist and anti-LGBT+ hate speech.²⁶ In February 2021, the Curia ruled that if the existence of opposing views is mentioned, the requirement of balanced presentation is fulfilled, legitimating the practice of not informing about dissenting opinions.²⁷

Hate speech legislation is routinely abused to silence criticism: Charges were pressed against HVG weekly in 2014 for its “nativity scene” depicting politicians over a heap of money that takes the place of Jesus. Persons conflating the abortion pill with the Eucharist²⁸ in a performance in front of the Polish Embassy to demonstrate against abortion restriction in 2016 were accused of violating religious feelings. Legal action was taken in 2020 against caricaturist Gábor Pápai for publishing a satirical drawing of Cecília Müller with Jesus on the cross²⁹. Although these lawsuits were ultimately unsuccessful (that of Gábor Pápai up to now only at first instance³⁰), they discourage criticism and contribute to a climate of self-censorship.

²⁴ <https://hungarytoday.hu/govt-model-change-medical-universities-higher-ed-competitive-mistrust/>

²⁵ https://en.wikipedia.org/wiki/Central_European_Press_and_Media_Foundation

²⁶ <https://www.alkotmanybirosag.hu/kozlemeny/nem-alaptorveny-ellenes-a-kozep-europai-sajto-es-media-alapitvany-bovitesi-szandekat-nemzetstrategiai-jelentosegunek-minosito-kormanyrendelet>

²⁷ <https://kuria-birosag.hu/hu/sajto/mediaszolgalgaltato-eleget-tesz-kiegyensulyozott-tajekoztatas-kovetelmenyek-ha-legalabb>

²⁸ http://real.mtak.hu/95750/1/web_pdf_budapest_report_on_christian_persecution_kicsi-186-196.pdf , https://index.hu/belfold/2019/11/13/budapest_kuria_masodfok_fellebbezes_abortusz_tuntetes/

²⁹ The national chief medical officer faces Christ on the cross and states: “The underlying condition caused the pending”, alluding to the fact that Ms Müller kept stressing the underlying medical conditions of those deceased with COVID-19.

³⁰ <https://hungarytoday.hu/kdnp-lawsuit-blasphemous-caricature-muller-operative/> , https://nepszava.hu/3106671_kronikus-karikatura-also-fokon-pert-nyert-a-nepszava

Individuals critical of the government and its ideology are routinely subjected to harassment and hate campaigns, and legal action under a repressive media law, which lists among the goals of public service broadcasting, the promotion of “respect for the institution of marriage and family values.”³¹

Hungary’s media authority brought legal proceedings RTL Hungary media group for broadcasting an advertisement promoting LGBTI acceptance, claiming that the advertisement was harmful to children.³² Television sports reporters János Hrutka and Viktor Lukács were dismissed after expressing support for “rainbow families” on Facebook.³³

When Péter Szegő criticized the chief medical officer for wearing a cross in public, he became a target of a hate campaign. Gáspár Békés, a member of the Hungarian Atheist Association, was unjustly dismissed from his job at Budapest city hall and became a target of a hate campaign, including death threats,³⁴ for having questioned whether child baptisms were constitutional.

Recommendation 16: The government must uphold freedom of expression and promote a free and independent media landscape. Even unsuccessful lawsuits encourage self-censorship and should be avoided. Persons expressing criticism should be protected against harassment and threats.

³¹ <https://net.jogtar.hu/jogszabaly?docid=a1000185.tv>

³² <https://www.euractiv.com/section/non-discrimination/news/hungarian-media-watchdog-targets-lgbtqi-tv-campaign/>

³³ <https://444.hu/2021/03/23/nem-kozvetit-tobbet-az-mtva-nal-a-sportriporter-aki-lajkolta-gulacsi-peter-a-csalad-az-csalad-posztjat>

³⁴ <https://humanists.international/2021/02/hungarian-atheist-fired-because-of-his-views-on-baptism/>