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## ***OSCE Supplementary Human Dimension Meeting: Freedom of Religion or Belief Vienna June 2017***

European Office of the Church of Scientology for Public Affairs & Human Rights (22.06.2017) - <http://bit.ly/2s84Fae> - The Church of Scientology is duly registered as a nonprofit religious organization in Hungary. The Church has acquired its own property in Budapest, known as Church of Scientology of Budapest (CSB), designed to serve as the Central Eastern European hub for the parishioners of Scientology and also a hub of the Church's internationally acclaimed social betterment programs. The Church's new headquarters in Budapest is located on Vaci Street near Duna Plaza in a 70,000 square foot building that has been completely refit.

In March, 2016, CSB filed an application for a Certificate of Occupancy (COO). It was filed with the 13th District where the CSB new place of worship is located. In May, 2016, the 13th District denied the Church's certificate of occupancy because of incomplete work done on the electrical installation in the building. The Church appealed the decision to the Komarom-Esztergom State Office 2nd Level Building Department (2nd Level) and undertook corrective work to fix and complete the deficiencies while the appeal was pending, which involved doing the following:

- a) Getting the 2nd Level to inspect the building, finding it was safe.
- b) Having the 2nd Level Electrical Department accept additional documentation and handlings to complete the electrical; it then gave an approval of the electrical (which was the basis of the original denial).
- c) Addressing all other points raised at the 2nd Level on the building like putting a covering on the chiller on the roof, and handling a number of administrative errors, resulting in government department approvals.
- d) Closing all the subcontractor records and completing the turnover of the building as requested by the 2nd Level.

CSB then received the last sub-authority permission and fulfilled each and every prerequisite for a permit. The Chief of the 2nd Level then did an inspection of the new Church premises in June 2016, concluding in writing that the building was finished and could be occupied.

But no COO was issued. After hostile public pronouncements against the Church and the new Church building by high level government officials, the 2nd Level refused to issue the COO. Instead, the 2nd Level requested that the Prime Minister's Office transfer the case to another appeal instance.

The Prime Minister's Office approved the request, and the case was transferred to the Csongrad County District Office 2nd Level Department in Szeged. Although the transfer of

the case occurred in September, the transfer of the case file did not occur until 14 December 2016.

The 2nd Level Building Department in Szeged then issued a decision on 5 January 2017. Instead of issuing a COO, the 2nd Level ruled that the May 2016 denial of the permit on electrical installation grounds was correct. In reaching this decision, the 2nd Level ignored all the corrective actions done by CSB subsequent to May 2016, as well as the government's express approval in writing that the corrective actions were approved and the building was ready for occupancy.

Concurrently, a new government Decree, Decree 482/2016 (XII. 28), came into force on 2 January 2017. Articles 30 and 31 of this Decree, designed to end needless red tape in building construction, states that construction permits are no longer needed for the kind of structural remodeling CSB undertook to renovate and refit its building. The Decree also states that it applies to ongoing proceedings.

Subsequently, on 6 January 2017, CSB submitted a new application, 2 noting all the corrective work done and the government approval of that work subsequent to May 2016. In addition, CSB also noted that a COO was no longer necessary in light of the new Decree.

On 17 January 2017, the new application was denied by the 13th District not on the merits but on the grounds that there were no new facts even though the application detailed the new facts. The denial ignored the application of the new Decree. The denial was upheld by the 2nd Level Building Department in Budapest.

Meanwhile, the government also issued a Prohibition Order in October 2016 that notes that a COO is necessary for CSB to occupy its Place of Worship building and it must vacate the premises or face government sanctions (starting with fines and escalating to harsher penalties). The Church appealed the Order and the government denied the appeal in December 2016.

In January 2017, CSB filed an action in the Administrative and Labor Court of Budapest, requesting that the Prohibition Order be stayed and requesting the Court to either order the government to issue the COO or to rule that the new Decree applies to these proceedings and makes the need for a COO moot. In May 2017, the Court granted the Church's request to stay the Prohibition Order until a ruling is issued on the main Certificate of Occupancy case.

### ***A. Official Religious Discrimination***

The Second Level is under the authority of Deputy Prime Minister, Zsolt Semjén, the head of the co-ruling Christian Democratic People's Party (KDNP), and the Chief of Staff of the Prime Minister's Office is Janos Lazar. Mr. Lazar is the official who signed the September transfer order.

In July 2011, speaking about the controversial Hungarian Religion Law, the Deputy Prime Minister declared on TV:

As long as KDNP and I are in the Parliament, Scientology won't be recognized as a religion.

For good measure, the Deputy Prime Minister added that the whole premise for the repressive 2011 Religion Law was to target Scientology 3 and strip away its Church status:

It is not a coincidence that this whole question came up in connection with Scientology. (15 July 2011, Hir TV, Péntek 8).

Worse, recently the Deputy Prime Minister stated to the press that he thinks it is:

Outrageous that the Scientologists could build a Headquarters in Budapest (19 August 2016 Magyar Idők).

Mr. Lazar has also made similar public statements evidencing strong bias against the Scientology religion since at least 2005. In 2011, he also publicly commented about the repressive 2011 Religion Law, stating that one purpose of the Religion Law was "to restrict the activities of Scientologists."

The biased actions of the Building Permit Departments and the biased statements of the key officials over the Second Level directly contravene Article XXIV, Paragraph (1) of the Fundamental Law of Hungary, which provides:

*"Everyone shall have the right to have his or her affairs handled impartially, fairly and within a reasonable time by the authorities. Authorities shall be obliged to give reasons for their decisions, as provided for by an Act".*

Based on this track record of biased statements by the two key officials over the Second Level, it is not surprising that the government is acting in bad faith and engaging in religious discrimination by refusing to issue the COO so that CSB may go about its religious mission by lawfully occupying its Place of Worship without a threat of ever-escalating harsh sanctions.

### ***B. Violation of the Rights of the Church and its Parishioners to Religious Freedom***

The arbitrary and discriminatory actions of the Hungarian government to deny the Church a permit of occupancy even though no legal basis exists to refuse the permit constitutes a violation of the right of the Church and its parishioners to religious freedom.

Article VII, Paragraph (1) of the Fundamental Law stipulates:

*Everyone shall have the right to freedom of thought, conscience and religion. This right shall include the freedom to choose or change one's religion or other belief, and the freedom of everyone to manifest, abstain from manifesting, practice or teach his or her religion or other belief through religious acts, rites or otherwise, either individually or jointly with others, either in public or in private life.*

International human rights law mandates that governments do not interfere with the right of religious entities to obtain an appropriate place in which to worship as detailed in the following human rights records:

- 1981 Declaration of the General Assembly Art. 6 (a): The right to freedom of thought, conscience, religion or belief includes the freedom "To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes."
- Human Rights Council Resolution 6/37 9 (e): The Human Rights Council urges States, "To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction."
- Human Rights Council Resolution 9 (g): The Human Rights Council urges States, "To ensure, in particular, the right of all persons to worship or assemble in

connection with a religion or belief and to establish and maintain places for these purposes [...]."

- Human Rights Committee General Comment 22 Para. 4: "The concept of worship extends to [...] the building of places of worship."

Refusal of authorities to allow religions access to lawfully occupying places of worship amounts to a direct interference with the freedom of religion rights of religious organization and its parishioners.

The European Court of Human Rights has emphasized the paramount importance of the right to obtain a place of worship in a number of cases. (See, e.g., *Association of Solidarity with Jehovah Witnesses and others v. Turkey* (applications no. 36915/10 and 8606/13 [May 24, 2016]).

Likewise, UN Rapporteurs for Religious Freedom have emphasized the right to obtain and operate places of worship in order to manifest religious belief.

See, e.g., E/CN.4/2005/61, paras. 48-52:

#### ***D. Places of worship and other religious buildings or properties***

48. During the period under review, an important number of communications related to situations or cases where either a place of worship or a religious building or property had been attacked or otherwise subjected to other forms of restriction. States to which such a communication has been transmitted are disparate and no region is spared this form of human rights violation. Moreover, the Special Rapporteur notes that in addition to places of worship, different types of buildings or properties that have more than a material signification for the religious community that is attached to it, such as cemeteries, monasteries or community headquarters, have been targeted. Finally, while attacks on such places have usually been committed by non-State actors, other forms of harm or restrictions were usually committed or imposed by State authorities.

50. More generally, as mentioned, inter alia, in paragraph 4 of the Human Rights Committee's General Comment No. 22, the Special Rapporteur insists that places of worship are an essential element of the manifestation of the right to freedom of religion or belief to the extent that the great majority of religious communities or communities of belief need the existence of a place of worship where their members can manifest their faith.

51. Moreover, unlike other forms of violations of the right to freedom of religion or belief, attacks or other forms of restriction on places of worship or other religious sites and shrines in many cases violate the right not only of a single individual, but the rights of a group of individuals forming the community that is attached to the place in question.

There is no question that the refusal to issue CSB a permit to occupy its primary place of worship in Hungary constitutes an egregious violation of the right of CSB and its parishioners to manifest their religious beliefs in violation of OSCE standards and Article 18 of the ICCPR . The Church and its believers have been targets of a sustained campaign by the Hungarian government against the manifestation of their religious beliefs and practices.

#### ***Conclusion***

International legal standards mandate that new religions and their parishioners be treated fairly and in the same way as other religions. These standards also mandate a spirit of tolerance towards minority movements and a responsibility on the part of the Hungarian State to refrain from repressive and discriminatory measures that infringe on the right to freedom of religion.

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