

FRANCE: Four churches vandalised over the past week

– In one instance a tabernacle was broken into and its contents strewn on the ground

– Anne-Bénédicte Hoffner

HRWF (12.02.2019) – <https://bit.ly/2WZayC8>– France, over the past week, has witnessed a series of churches being vandalized and in some instances desecrated.

The vandalism took place in Nîmes, Lavaur, Houilles and finally in Dijon on Feb. 9.

In Lavaur and Houilles, the criminals only attacked objects and statues, but in Nimes and Dijon, they opened the tabernacle and threw the eucharist.

On Feb. 9 shortly after its opening, the sexton at Notre Dame Church in Dijon saw the tabernacle and the hosts scattered on the altar, a tablecloth rolled into a corner, a vase broken.

A Mass of reparation was celebrated that afternoon by Bishop Roland Minnerath of Dijon, preceded by a penitential rite, the diocese said in a statement, highlighting the “sadness” of faithful of this parish in the city center.

The series of attacks began Feb. 4 in Houilles, Yvelines. A statue of Mary was found broken in pieces on the ground, in the church of St. Nicholas.

Father Etienne Maroteaux, pastor of the parish of Houilles-Carrières-sur-Seine, again lodged a complaint, having already being subjected to violent attacks during the last two weeks that saw the altar cross thrown to the ground and the chair of

the celebrant wrecked.

The next incident took place on Feb. 5 at the Saint-Alain Cathedral in Lavaur, in the Tarn. The secretary of the parish who came to shut the cathedral found the smoking remains of the tablecloth of the altar of a side chapel, as well the nativity scene that was there, the fire had not spread, reports *La Dépêche du Midi*. A cross was also thrown down and the arm of the crucified Christ statue twisted to look like the famous gesture of the footballer Paul Pogba.

“God will forgive. Not me,” said the city’s mayor Bernard Carayon, whose town hall had just contributed to expensive renovations of the church building.

“I strongly condemn the vandalism of Lavaur Cathedral and I share the outrage aroused by this intolerable act,” said Jean Terlier, deputy of the district, while assuring the Catholic community of his support.

On Feb. 6, the police were called to the church in Nîmes.

The tabernacle was broken into and its contents strewn on the ground. Religious objects were vandalized and a cross was drawn on the wall with excrement, reports the local press.

Investigations are underway to try to find the wrongdoers.

See video on TV Channel France 2:

https://www.francetvinfo.fr/france/vandalisme-plusieurs-eglises-visees-par-des-profanations_3187009.html

Anti-Semitic acts surged by 74 percent from 311 in 2017 to 541 in 2018

<https://www.youtube.com/watch?v=UvuY0TJBPeM>

<https://www.youtube.com/watch?v=aHx6ukPzb3g>

RUSSIA: Dennis Christensen behind bars for 6 years: Outcry of the international community

– Human Rights Without Frontiers calls upon the European Parliament to adopt a resolution denouncing the egregious violations of religious freedom in Russia and to ask for the release of Dennis Christensen

– HRWF (11.02.2019) – HRWF joins the US Commission on International Religious Freedom (USCIRF), the Council of Europe (CoE) and the European Union in demanding Mr Christensen to be released immediately and unconditionally and Jehovah's Witnesses.

Additionally, HRWF urges the European Parliament to adopt a resolution denouncing the egregious violations of religious freedom in Russia.

Council of Europe: Russia monitors express concern at sentencing of Jehovah's Witness for 'extremism'

CoE (07.02.2019) -The co-rapporteurs of the Parliamentary Assembly of the Council of Europe (PACE) for the monitoring of Russia, Telmo Correia (Portugal, EPP/CD) and Angela Smith (United Kingdom, SOC), have expressed serious concern at the conviction and sentencing to six years imprisonment, by the Zheleznodorozhniy District Court, of Dennis Christensen for "organising the activity of an extremist organisation" on the

grounds that he is a practising Jehovah's Witness.

"Mr Christensen's conviction and imprisonment for nothing more than peacefully practising his faith is an unacceptable violation of the right to freedom of religion," said the co-rapporteurs. They emphasised that the European Court of Human Rights has already, on previous occasions, ruled in favour of Jehovah's Witnesses' right to worship without interference from the Russian authorities.

In addition, the co-rapporteurs reiterated concerns expressed by PACE about the abuse and arbitrary application of the so-called "extremism law" by the Russian authorities. They expressed their hope that Mr Christensen's conviction would be overturned without delay by the appeals court and called on the Russian authorities to release him pending an appeal.

Source:

<http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=7366&lang=2&cat=3>

EU: Statement by the Spokesperson of Federica Mogherini on the sentencing of Dennis Christensen

EEAS (06.02.2019) -Today, a Russian court in the city of Oryol sentenced Mr Dennis Christensen, a Danish citizen, to 6 years of imprisonment.

Mr Christensen was arrested in 2017 when Federal Security Service agents raided a peaceful religious meeting of Jehovah's Witnesses in Oryol. He has been convicted on grounds of 'organising extremist activity', which amounts to exercising his right to freedom of religion as a Jehovah's Witness. A number of other criminal cases against Jehovah's Witnesses are also currently pending. No one should be imprisoned for peaceful acts of worship in the expression of their religious beliefs.

The European Union expects Mr Christensen to be released immediately and unconditionally. Jehovah's Witnesses, as with all other religious groups, must be able to peacefully enjoy freedom of assembly without interference, as guaranteed by the Constitution of the Russian Federation, as well as by Russia's international commitments and international human rights standards.

Source:

https://eeas.europa.eu/headquarters/headquarters-homepage/57728/statement-spokesperson-sentencing-dennis-christensen-russia_en

USA: USCIRF condemns Russian conviction of Danish prisoner of conscience Dennis Christensen

USCIRF (07.02.2019) – [Kristina Arriaga](#), Vice Chair of the United States Commission on International Religious Freedom ([USCIRF](#)), today condemned the decision by a Russian court to convict and sentence [Dennis Christensen](#), a Jehovah's Witness, to six years imprisonment on charges of "organizing the activity of an extremist organization.

"Dennis Christensen's conviction represents the continued deterioration of religious freedom in Putin's Russia," said Arriaga, who advocates on behalf of Mr. Christensen as part of USCIRF's [Religious Prisoners of Conscience Project](#). *"Evidently, it's not enough for the state to brand peaceful groups like the Jehovah's Witnesses 'extremist'; it must also imprison their members. Russia must enter the 21st century and respect religious freedom as a fundamental human right."*

In June 2016, following a trend of repression of religious minority communities throughout Russia, a regional court in Oryol, where Mr. Christensen resides, branded the local Jehovah's Witnesses branch an "extremist" group. On May 25, 2017, state security forces disrupted a Jehovah's Witness prayer service, detaining some 70-80 people for several hours

and arresting Mr. Christensen, alongside 15 Russian citizens. Mr. Christensen had appeared in court more than 50 times before being convicted on February 6. He has already spent more than 622 days in Detention Facility No. 1 in the Oryol Region.

In 2018, USCIRF again [recommended](#) that Russia be designated a “country of particular concern” (CPC) under the International Religious Freedom Act. In November 2018, the U.S. State Department [placed Russia on a Special Watch list](#) for “engaging in or tolerating severe violations of religious freedom.”

Source:

<https://www.uscirf.gov/news-room/press-releases-statements/uscirf-condemns-russian-conviction-danish-prisoner-conscience>

HRWF Database of FORB Prisoners contains documented cases of

- 29 JW who were in prison last year (some were afterwards put under house arrest but most of them are still detained)
- 7 cases of Said Nursi Followers (Muslim) and 4 cases of Tabligh Jamaat Muslims
- 5 Scientologists

In all, more than 40 peaceful believers were in prison in Russia in 2018. Russia is Nr 3 after China and Iran in Tier 1.

Exclusive video smuggled out

of China: <https://bit.ly/2Tt43W0> – Uyghur children indoctrinated in camps

With one million minority Uyghur Muslims detained for re-education, what becomes of their children? They are locked in “schools” of Han Chinese propaganda

– By Chang Xin –

Bitter Winter (26.01.2019) – <https://bit.ly/2Tt43W0>– The children of the detained Uyghur parents are kept in so-called *Loving Heart* kindergartens and schools in Xinjiang. They undergo full-time supervision and receive their education in Chinese only. Usually, the iron gates of these *Loving Heart* facilities are firmly locked. The walls are surrounded by barbed wire, and access is strictly controlled. There is little chance for these children to go outside. The children only get to see their parents once a month during a monthly video call. According to a teacher of one kindergarten, the children always cry after talking with their parents on video.

“Loving Heart” is a euphemistic name given by the Chinese authorities to conceal the nature of the facilities for outsiders. Such names are common in Xinjiang.

As more than one million Uyghurs are locked up in Xinjiang’s “transformation through education camps,” more and more children are losing parental care. There is even a special name for families with both mother and father in custody: “double-detained families.”

Previously, *Bitter Winter* reported about a shelter house located in the new town area of Qapqal county, in Ili Kazakh Autonomous Prefecture. A “shelter house” is another euphemistic name given by Chinese authorities to facilities housing and indoctrinating children whose parents have been arrested.

This shelter house began operations in August 2018. Unlike ordinary schools, when entering this facility, visitors must register their ID information in a special security room, and personal belongings must pass through a security check.

Heavily-guarded lookout posts, barbed wire on the walls, densely placed surveillance cameras, helmets, and other riot control gear in the first room inside the dormitory building—these seem to tell people that this is not an ordinary school. A map of China is hung in the dorm, and the walls are covered with propaganda slogans, such as “I’m Chinese; I love my country” and “Always follow the Party.” Such displays seem familiar. They are reminiscent of the installations inside transformation through education camps.

The government even allocates a military instructor to provide military training to these young children.

Although there is a full range of facilities in the shelter house, this does not seem to make up for the children’s pain of losing their parents.

According to a teacher at the “shelter house,” as soon as evening comes, the children cry about wanting to go home to see their mom and dad. This is quite a headache for these teachers, who have been forcibly deployed by the government.

A teacher said, “Many teachers have been exhausted. There is no solution. Regardless of whether you are a Han Chinese or an Uyghur, as long as you say something wrong, you will be sent to ‘study’ for an indefinite period of time, leaving your home unattended, and your child sent to this shelter house for

education. The policy for this year is to maintain stability instead of working.”

Emotional distress is not an isolated phenomenon. A teacher who previously worked at a “welfare home” (which is similar in nature to a shelter house) in Bole city told *Bitter Winter* that more than 200 Uyghur children who are housed at that facility had very unstable moods. Some of them even tried to ingest laundry detergent or swallow fish bones to harm themselves. And some asked, “Is this [welfare home] a jail?”

A prison officer in Xinjiang said, “When dealing with the education of the children of ethnic minorities, the government has organized a rigid and isolated education for them. With public security police officers as their teachers, the young Uyghurs are forced to study a uniform Chinese curriculum arranged by the government – they must speak Chinese, eat pork, wear Han clothes, and live according to the Han people’s habits and tradition. They are restricted to this environment, with no chance to contact the outside world. Indoctrinated with such a heavy-handed and mandatory education, these children of ethnic minorities become unconsciously obedient to the Chinese Communist Party government.”

In 2017, similar *Loving Heart* schools and transformation through education camps have appeared in large numbers in Xinjiang. According to sources, in Lop county alone, 11 *Loving Heart* nurseries (for children aged 1 to 3 years) and nine kindergartens (3 to 6 years) have been built. Seven *Loving Heart* full-time nursery classes have been set up in junior and senior middle schools. Among them, Xinhua Kindergarten’s *Loving Heart Full-Time Nursery Class* teaches 150 toddlers aged 1 to 3 years old. *Yudu Loving Heart Kindergarten* teaches over 500 children aged 3 to 6 years old. Lop County No. 3 Elementary School teaches more than 900 children (aged 7 to 16) of “double-detained families.” In Lop county alone, as many as 2,000 children are being held in custody.

As the interview was nearing the end, numerous Uyghur children were being sent to the shelter house in Qapqal county. Among them, the oldest is 17 or 18 years old, and the youngest is only three years old. While waiting to register, the children looked into the distance with complex expressions on their faces. Perhaps this is the last free time they will have before being placed in state indoctrination.

Reported by Chang Xin

The strange shyness of the EU towards China

– by Marco Respinti –

A seminar of scholars and politicians in the European Parliament loses an excellent opportunity to put respect for human rights at the top of priorities –

Bitter Winter (02.02.2019) – <https://bit.ly/2DPRZs0>– In the second half of May, the member states of the European Union (EU) will hold elections to renew the European Parliament (EP), and it is logical that, one after the other, hot topics are surfacing. One of these is undoubtedly the relations that the EU has, and above all will have, with the other giants of the international political scene: for example, China. Especially in a historical moment in which the Asian colossus is overtly expanding its power and its grip through the Belt and Road Initiative in spite of the fact that, although it has been the protagonist of the dizzying and proverbial economic growth, it is now lagging behind in the midst of the recent

slowdown in its manufacturing output, the decline of the renminbi (Chinese yuan) compared to the US dollar, and the clash on tariffs with the United States of America (the effects of which are also felt in the EU).

Therefore, it makes a lot of sense to have a seminar like the one organized by the German representatives to the EP, Jo Leinen, a Social Democrat, and Reinhard Butiköfer, of the Greens, respectively, president and vice president of the Delegation of the EP for relations with the People's Republic of China, entitled *Political values in Europe-China relations*. It took place in the Altiero Spinelli building of the EP in Brussels on January 30, and featured Una Aleksandra Bērziņa-Čerenkova from the Latvian Institute of International Affairs in Riga; Alice Ekman from the Institut français des relations internationales in Paris; Mikko Huotari from the Mercator Institute for China Studies in Berlin, Germany; Tamsas Matura, from the Corvinus University in Budapest, Hungary; Miguel Otero Iglesias, from the Elcano Royal Institute in Madrid, Spain; and Tim Nicholas Rühlig, from the Swedish Institute of International Affairs in Stockholm.

Human rights not at the top of the agenda

That said, at the cost of appearing naïve, even very much naïve, one would expect that talks about political and commercial relations among countries cannot disregard the respect for human rights and the fundamental liberties of the person. If it makes sense that two despotic countries find it easy to understand each other politically and economically, it also makes sense to expect that a democratic state demands from its probable or possible political and economic partner to respect at least the standards of democracy that it personally observes. How can one think that a democratic country can deal at political and economic level with another if the latter arbitrarily imprisons, tortures, abuses and even kills its citizens? You do not need to be morally superior to understand that trading with a country where human dignity is

trampled daily is not good for affairs; even cynics get it. In fact, everyone understands how economically risky, not to say detrimental, it is to maintain commercial exchanges – where all is based on trust, compliance with agreements, respect for rules and transparency – with a treacherous and double partner, used to acting outside the law, to lie and to subjugate rather than to benefit its citizens.

Why then (and here is all my intentional naïveté announced above), when it comes to relations between the democratic states of Europe and a totalitarian country like China, are human rights not at the top of the agenda? The seminar of January 30th in Brussels, for example, didn't put them on top of the list.

Raise the stakes

Well, a few words were said, some facts were mentioned, but with the handbrake pulled, stealthily. As if the scholars who intervened knew, consciously or subconsciously, not to push things beyond a certain limit. One could say that this is the way scholars operate since they express themselves differently from activists. True, but only partially. Yes, scholars do their job in a different manner from that of the activists, and rightly so; on the other hand, even scholars are able, if they want to, to put things clearly. Of course, differently from activists, but certainly not in a less straightforward way.

After all, in the Brussels seminar, Mikka Huotari explicitly said that several things happening in China are incompatible with the standards that the EU countries are accustomed to. Una Aleksandra Bērziņa-Čerenkova has specified that Latvians have little sympathy for the model of government that dominates China as well as for the flippant approach that Beijing adopts towards international law. Tamsas Matura reported that, if Hungary looks favorably on China, it is not so for the Czech Republic and Poland, whose societies are

amply impatient towards the “Beijing model”, adding that, in these assessments, it is always necessary to carefully distinguish the attitudes of the governments from the orientations of the citizens. Alice Ekman has opportunely noted that, when dealing with China, one cannot take anything for granted so that each time it’s necessary to make sense of the words defining their meaning. Rights, law, government, and freedom do not have the same meaning in China as in Europe.

But then, if the scholars who spoke at the seminar feel some uneasiness, and somehow reveal it, why can’t we completely turn priorities upside down (I am still intentionally naïve) and make way for respect of human rights and fundamental liberties of a person a binding paradigm of any other yet legitimate political and economic question? Why, in short, can’t we start from those tenets, explicitly saying that as long as China does not change its attitude on human rights and fundamental liberties, there can be no partnership?

Now (and here my naïveté ends), in the globalized world, it is not possible to retreat in some splendid isolation. It is evident that, like it or not, the rest of the world has to come to terms with the Chinese economic power. But it is equally valid that the stakes can be raised, that the chip of respect for human rights can be put on the table. And it is not true that if one did it, China would leave the table: in order to trade, there must always be at least two.

Two kickers

Certain self-censorships are thus inexplicable. To scholars, who do not act in politics, it wouldn’t cost much to speak openly. At the price of seeming idealists, they can afford it because they hold no political office, and if they speak frankly, they may even benefit from it.

For politicians, however, the price may be higher. They have an ideological agenda to follow and have no intention of

affording themselves certain liberties. This is a mischievous statement of mine, but the conclusion of the Brussels seminar on Wednesday has helped to nurture it.

Some thirty minutes prior to the conclusion of the seminar, once the speakers had all given their presentations, Mr. Butiköfer, who acted as the coordinator of the table, opened the Q&A session. He collected all the interventions from the public and then gave back the floor to the speakers. Out of the many questions, two touched the hidden heart of the problem. The first (the first ever) was Ryan Barry's of the Uyghur Congress in Munich, Germany: he asked if the news of the million (at least) Uyghurs that the CCP unlawfully detains for religious and ethnic reasons in the Xinjiang's "transformation through education" camps have had an echo in the European countries reviewed by the speakers. Another question was posed by a Chinese lady who asked if the politicians realized that any consideration on China couldn't ignore the fact that China professes a Communist ideology and practices a Communist ideocracy, which aims at total domination and degradation of people. At this point, two kickers followed.

The first was Mr. Butiköfer's management of the Q&A: he summarized all the audience's questions, inviting the speakers to choose their favorite to answer but omitting the two mentioned above, Uyghurs and Communism. Then, he gave the floor to the speakers in reverse order compared to their first run of interventions; they chose to answer everything but the two above mentioned questions, perhaps because the moderator omitted them. Thus, at time expired, with an attendant who signaled to Mr. Butiköfer that it was time to leave the room to a subsequent event, Mikka Huotari took the floor again. And here is the second kicker: he meritoriously recovered the unanswered question on Uyghurs. But at that point, there was no more time, and the question remained suspended in the void (the one on Communism never reappeared on the horizon).

CHINA: All religions are persecuted in China: the case of Catholics (By B. Cervellera)



Brussels (AsiaNews) – “All religions in China are persecuted”: This is the conclusion of Austrian Member of Parliament, Dr. Josef Weidenholzer, at a conference held yesterday afternoon at the European Parliament in Brussels on the theme “Religious Freedom in China”. The meeting organised by representatives of the People’s Party and the socialists, had several guest

speakers who offered their witness to a packed hall. After a brief introduction by parliamentarians Bas Belder (Dutch) and Christian Dan Preda (Romanian), the following spoke: Bob Fu, founder and director of China Aid; Kuzzat Altay, Uighur exile in the United States; Marco Respinti, director of Bitter Winter; Willy Fautré, director of Human Rights without Frontiers; Fr. Bernardo Cervellera, editor of AsiaNews. From the audience emerged testimonies of Tibetan Buddhists, Taoists, sects, branded by the regime as “evil cults”. Below we publish the intervention of the editor of AsiaNews.

AsiaNews (24.01.2019) – <https://bit.ly/2G70S0j>– In a meeting on religious freedom in China in the Brussels office of the European Parliament, the testimonies of Protestant Christians, Uighurs, Catholics. The voices of Tibetan Buddhists, Taoists and sects. The intervention offered by the editor of AsiaNews.

On January 14, AsiaNews published [a “Christmas diary” written by a Chinese priest](#), Fr. Stanislaus, who recounts the difficulties experienced by Chinese Catholics in a province of the Northeast. For “security” reasons Christmas Masses must be controlled by the police; young people under the age of 18 cannot take part; the New Year banners of good wishes, which the Chinese hang on their doorstep and with which Christians wish peace and blessings from God, cannot be sold.

On the same day, the foreign ministry spokesperson, Ms. Hua [Chunying], said: “You do not understand China. Do not you know how many Buddhist and Taoist temples and Christian churches in China operate legally? According to the law, Chinese citizens enjoy full religious freedom! We have taken preventive measures against terrorists and extremists, to allow so many ordinary people to fully enjoy normal religious freedom! ”

Perhaps in China all young Catholics under 18 are considered “terrorists”, forbidding them to attend Christmas Mass, Sunday Mass, and catechesis. To allow them to “fully enjoy religious

freedom", in primary and secondary schools of various provinces of China (Anhui, Henan, Inner Mongolia), representatives of the Ministry of Education have forbidden pupils and students to celebrate Christmas (and the Lunar New Year), to exchange gifts or to participate in religious ceremonies; in several provinces (Hebei, Shaanxi, Yunnan) Christmas celebrations and decorations were forbidden in the cities, seen as "an attack on Chinese culture", a submission to Western "spiritual pollution".

Apart from the historical error of considering Christianity as a "religion of the West" (given that Jesus was born in Asia and that Christianity arrived in China in the 7th century from Iraq), it is clear that the Chinese Communist Party is conducting a veritable "religious war" on Christianity and Catholics, all in the name of "security" and "nationalist patriotism".

In the name of security

In the name of security, religious activities are divided into "normal" and "illegal", although there are no differences in rite or execution between the two. What makes a religious activity "normal" is its submission to the control of political authorities: bishops, priests, places of worship registered with the Ministry of Religious Affairs; registered publications; registered pastoral plans; registered times; registered participants. Added to this are the ubiquitous cameras in the parish offices; the permits to ask to meet Chinese or foreign Catholic personnel; the continued presence of the police around or inside the places of worship.

"Illegal" religious activities are those carried out with personnel or in places that are not under control. The Catholics who carry out these activities, defined as "criminals", claim their freedom as guaranteed by the Chinese constitution, but risk arrests, fines, expropriation of buildings, or their destruction.

In 1994, the UN envoy for religious freedom, Abdelfattah Amor, asked China to eliminate this difference between “normal” and “illegal” activities, but this request went unheard.

It should be noted that this division – inserted by the government – creates the so-called official Church (of “normal” activities) and the underground (or unofficial) Church.

The instrument of this division is the Patriotic Association, guarantor of “normality”, whose statutes violate the integrity of the Catholic faith because it wants to build a Church “independent” from the universal Church and the Holy See. Official Church members agree to register as the “lesser evil”; those of the underground Church categorically refuse to register. But both communities suffer violations of religious freedom and risk elimination: the former from a suffocating control; the latter from arrests, disappearances, killings, destruction.

The situation has become even more radical with the launch of the [New Regulations on Religious Activities on February 1, 2018](#).

Under the new regulations the official communities must submit to the control of the dimensions, colors and position of crosses; the height and position of statues; texts posted online, with a ban on the live streaming of all ceremonies. The underground communities do not even have the right to exist.

Activities carried out in unregistered places and with unregistered personnel are subject to heavy fines: between 100 and 300 thousand yuan for “unauthorized” activities (Article 64).

In addition to incurring fines, sites that host “illegal” activities will be closed down, seized and subject to forfeiture in state assets. For several months police and

representatives of the Religious Affairs Bureau have been systematically meeting bishops, priests and lay faithful of the underground communities for “a cup of tea” and “to advise” them to register in the official communities.]

This explains the various “forced vacations” of [Wenzhou bishop Peter Shao Zhumin](#), or [the indoctrination classes](#) of priests in Hebei, Henan, Inner Mongolia, ...

Underground bishops and priests are “advised” to register in the official communities, taking them to “forced vacations” or to “indoctrination classes”.

It is our duty to at least name the victims of this persecution: Msgr. James Su Zhimin, underground bishop of Baoding (Hebei), who has been missing in police custody since 1997; Fr. Liu Honggeng of Baoding, missing since 2015; [Fr. Wei Heping \(also known as Yu Heping\), who died in 2015 in mysterious and suspicious circumstances.](#)

There are also victims in the official Church: [Msgr. Thaddeus Ma Daqin](#), bishop of Shanghai, since 2012 in isolation and under house arrest for having dared to leave the Patriotic Association; [Fr. Liu Jiandong, of Zhengzhou](#) (Henan), expelled from his parish in October 2018 and forbidden to live as a priest, for having dared to organize meetings with young people even under the age of 18.

For all of this, since February 2018 many communities have been forcibly closed, [convents](#) and places of worship destroyed with bulldozers, [including some shrines](#) in Shanxi and Guizhou. It is estimated that in 2018 at least 30 Catholic churches have been closed and destroyed.

But there are also churches (official) that are destroyed in the name of urban expansion – as in [Qianwang and Liangwang \(Shandong\)](#) – and whose land is seized for building development without any compensation.

In the name of nationalist patriotism

Another method of submission and elimination of Catholics is nationalist patriotism, or [“sinicization”](#). According to the dictates of Xi Jinping, the Church must not only assimilate Chinese culture, and express its creed with Chinese categories, but must create theologies, history, works of art according to the dictates of Chinese culture. Again it falls to the Patriotic Association to verify this is being done.

But the race for inculturation has also become iconoclasm with the destruction of works of art from the past (“too Western”) and that of external and internal church decoration, [the demolition of crosses from bell towers, the destruction of domes and facades considered “not Chinese in style”](#). Patriotism obliges communities to hoist the Chinese flag on every religious building, to sing patriotic hymns before services, [to hang a portrait of Xi Jinping even on the altars](#).

The provisional agreement between China and the Holy See, signed on September 22nd 2018, has not changed this situation. It is true that in some ways, the agreement is a conquest because for the first time in modern China history the Pope is recognized as head of the Catholic Church in China.

However, last December, Wang Zuoran, deputy chief of the United Front and former director of the State Administration for Religious Affairs, once again stressed that the principles of independence and self-management will not be eliminated “at any time and under any circumstances”.

In words reportedly shared with one [of these] underground bishop [s], the Pope is said to have referred that if the agreement was not signed, China threatened to illegally ordain 45 bishops “independent” from the Holy See, creating the basis for a real schism. The agreement was therefore blackmail.

In addition, immediately after the signing of the agreement,

in many regions of China the United Front and the Patriotic Association held rallies for priests and bishops explaining to them that “despite the agreement”, they had to work for the implementation of an independent Church. The destruction of crosses, churches, indoctrination sessions, arrests continued just as before the agreement, if not worse.

Four conclusions

1. It is clear that the government and the Chinese Communist Party are engaged in a real religious war to oust the God of Christians and replace Him with the god-Xi Jinping, which implies a total submission to the Communist Party, a condition included in the New Regulations to nurture religion in China. In the name of the sinicization and subjugation religions are distorted until they become simple instruments of collateral support to the Party.
2. What happens to Catholics, also happens to civil society and the business world. In recent years, control of media, social networks, the population, NGOs has grown ... and even in the business world, submission to the Party is required, on fear of kidnappings, arrests and convictions.
3. China ploughs ahead undisturbed trampling on religious rights, civil society and commerce thanks to the indifference of the international community or the servility of many states which in view of possible, rapid economic gains with the Chinese market, turn a blind eye to these violations.
4. The international community and the Chinese government suffer from myopia: they do not realize that religions – not only Catholicism and Protestantism – are spreading ever more rapidly just as esteem for Party politics is diminishing. The result is an erosion of Chinese society and a greater need for political and economic reforms. Ensuring religious freedom for Christian communities and

other faiths could help China to achieve greater cohesion by saving it from chaos.

HUNGARY: New church law worse than the first one

– By Dr H. David Baer, Pastor Gerhard A. and Marion Poehlmann
Professor in Theology, Texas Lutheran
University, dbaer@tlu.edu –

Hungarian Spectrum (28.12.2018) –

<https://bit.ly/2Fy67bt> – Amidst the uproar over Hungary's "slave law" and the law on the judiciary, let us not forget that Parliament also amended the country's church law in that circus session of 11 December 2018. The Orbán regime's record on religious freedom is not too good, and earlier versions of its church law have not fared too well in court. Hungary's Constitutional Court struck down significant portions of the law in 2013, and the European Court of Human Rights later ruled that the law violated the right of religious freedom. The newly passed amendments, which effectively amount to a complete rewrite, are putatively intended to redress the human rights violations occasioned by the previous church law. Unsurprisingly, they fail to do that. Like a television soap opera that runs for years without much happening in the plot, the history of Hungary's church law is full of dramatic episodes that never bring change. Instead of redressing the serious violations of religious freedom caused by the earlier law, the new church law simply repackages them. In an effort to explain what is really going on, I will in what follows (1) retrace briefly the history of the Orbán regime's church law and its impacts; (2) discuss the content and conception of the new law; and (3) identify the enormous discrepancies between the concept of the law and its applications. At the end of the

day, Hungary's newest church law exists as a kind of legal fiction, because the framework of the law is ignored by the transitional provisions which bring the law into effect.

1. History and impact of the first church law

Prior to the electoral landslide that brought Fidesz to power in 2010, churches in Hungary were registered according to a 1990 law that treated all groups equally (churches being the common name in Hungarian for religious communities of any faith). The 1990 law was replaced in 2011 with a radically different law called Act CCVI of 2011. Act CCVI deregistered approximately 250 to 300 churches, while preserving the legal status of a mere fourteen churches. The Act stipulated, further, that in the future only Parliament, through a two-thirds vote, could bestow legal recognition on churches. These draconian measures provoked an international outcry, and responding to pressure, Parliament quickly expanded the list of registered churches to thirtytwo. That, of course, still left hundreds of religious communities without legal status.

A year later, in what at the time appeared a consequential decision, Hungary's Constitutional Court vacated the portions of the law responsible for deregistration. The Court also expressed grave reservations about the power given to Parliament to determine church status. Lastly, the Court indicated that deregistered churches should be placed back on the registry of recognized churches by the appropriate government minister ([AB decision IV/02352/2012](#), points 215-216). The appropriate government minister did not, however, take up the Court's suggestion. Instead, Parliament amended the constitution to allow Parliament to recognize churches. It also amended the church law to create a two-tiered system of recognition for religious communities. The top tier, "recognized" or "incorporated" churches (bevett egyház), enjoyed substantial rights and privileges. The bottom tier, "organizations conducting religious activity" (vallási tevékenységet végző szervezet), had significantly fewer rights. Indeed, they were denied aspects of the right of

religious freedom.

In 2014, the European Court of Human Rights ruled in *Magyar Keresztény Egyház and others v. Hungary* (<https://www.strasbourgconsortium.org/portal.case.php?pageId=10#caseId=953>) that Hungary's church law breached the European Convention by violating the right of religious freedom. The Strasbourg court objected both to the process of recognizing churches through parliamentary vote and to the deregistration procedure. The court also singled out for censure discriminatory provisions in the law related to Hungary's church tax. In Hungary, taxpayers can donate 1% of their income tax to a Recognized Church. Deregistered churches, not being churches, have not been permitted to collect church tax. Since the church tax supports faith-related activities, permitting some religious communities to collect church tax, while preventing others from doing so, amounts to religious discrimination.

The severity of the European Court decision appeared to catch the Hungarians by surprise. Government legal theories notwithstanding, *Magyar Keresztény Egyház v Hungary* made clear that a major overhaul of the church law was needed. A year later, [in 2015 the government submitted a new draft law](#) to Parliament. The bill contained a three-tiered classification system, consisting of Religious Associations (vallási egyesület), Listed Churches (nyilvántartásba vett egyház), and Registered Churches (bejegyzett egyház). Membership in each classification would be determined by courts according to objective criteria. At the same time, the bill included provisions for so-called cooperative agreements between the state and specially selected religious communities.

Although written with more care than the original church law, the 2015 bill would not have resolved the human right violations. By establishing three tiers registered by courts, the legislator clearly aimed to redress objections about Parliament's power to determine churches; but at the same time, the bill opened up a backdoor for "cooperative agreements" with the churches it preferred. This backdoor arrangement preserved the discriminatory features of the original law. The 2015 bill also failed to rectify the problem

with the church tax, and it did not remedy the injuries caused by deregistration. Had the bill passed into law, it would have been immediately challenged in court. No opposition political party was willing to lend support, and because Fidesz no longer held a supermajority, the bill failed. After that, the government took no steps to fix the church law until it won a supermajority again in 2018. In 2017, Hungary's Constitutional Court had ruled that preventing religious associations from collecting the church tax was unconstitutional, and it directed Parliament to address the situation by the end of that year. But its ruling, like so many others, was ignored.

Meanwhile, the protracted years with no legal redress were exacting a heavy toll on Hungary's deregistered churches. "Deregistration," in fact, is a euphemism to describe what happened to them. Deregistration did not mean their names were simply removed from a registry of official churches. Deregistration meant they were stripped of legal personality and placed in a legal no-man's land in which they had no rights. According to OSCE/ODIHR Guidelines on the Legal Personality of Religious or Belief Communities, deregistration is an extreme measure, to be taken only as a last resort in response to "grave and repeated violations endangering public order" ([Guidelines 2014](#), paragraph 31). Hungarian deregistration was never targeted against criminal groups; it was a blanket procedure integral to the implementation of the law. Consequently, some deregistered churches were forced to shut down schools or abandon charitable work; others were evicted from rental properties after having their leases abrogated; others were harassed by the tax authority. Most egregious of all, deregistered churches were notified they would face "winding down" procedures, that is, liquidation, unless they applied for legal status as a civil association.

Confronting the existential threat of liquidation, deregistered churches made different choices. Some chose to register as civil associations, although doing so compromised

their religious conscience. Most religions believe their organizational structure is theologically mandated (e.g., bishops, priests, sensei, etc.). Civil associations, however, are required to have a particular organizational structure, with an executive board, a president, and voting rights for members. Thus deregistered churches converting to civil associations were forced to adopt an organizational structure dictated by the state.

Another set of churches chose to challenge deregistration in the courts. Although their claims were vindicated by Hungary's Constitutional Court and the European Court of Human Rights, Orbán's government simply ignored the rulings. Admittedly, the religious organizations that took their case to Strasbourg received financial compensation for losses incurred by deregistration, but the cause of the injury (namely, deregistration) has never been rectified; thus the injury continues. Moreover, the complainants at Strasbourg could only receive compensation for harms incurred up to the time of the ruling. That ruling that was more than four years ago. Despite having won their day in court, a number of deregistered groups have been forced to convert to civil associations anyway.

A third group of deregistered churches refused to restructure as civil associations for reasons of religious conscience, but also lacked the resources and wherewithal to fight deregistration in court. Some unknown percentage of these churches have been forcibly liquidated. According to the US Department of State's [*International Religious Freedom Reports*](#), 73 religious communities in Hungary were "terminated" between 2014 and 2016. The reports provide no information about the reasons for termination, and repeated inquiries by this author with the State Department have not yielded more information. One cannot assume that all 73 terminations involved forcible liquidation. Small churches may also shut down for natural reasons, like the death of a pastor. But neither should one forget that the threat of liquidation was part of the original

implementation of the church law.

Some time ago I was contacted by a human rights lawyer working on an asylum case for a Hungarian refugee. The lawyer's client belonged to a religious community which, for reasons of religious conscience, had refused to restructure as a civil association. As a result, the church was deprived of its place of worship and forcibly liquidated. After verifying the truth of the story by reading the liquidation documents myself, I asked the client if I might make the story public. The client refused, citing fears of retaliation. Like much that is ugly in Hungary, the full story of the country's deregistered religious communities remains hidden from view and untold.

2. The new church law as a legal conception

The new church law introduces a four tiered classification system for religious groups: Religious Associations (vallási egyesület), Listed Churches (nyilvántartásba vett egyház), Registered Churches (bejegyzett egyház), and Recognized Churches (bevett egyház). The rationale for the tiers appears to be based on size. Only ten members are needed to register a Religious Association. Listed Churches need to have received church tax from at least 1000 individuals; Registered Churches need to have received church tax from at least 4000 people. Recognized Churches consists of Registered Churches with which the government has established "comprehensive agreements" bestowing special rights and benefits. Religious communities in the bottom three tiers are accorded a few rights they were denied before. For example, the law grants them autonomy to determine their organizational structure, a provision which, had it been in effect earlier, would probably have prevented the liquidation of numerous deregistered churches. In addition, religious communities from every tier will be allowed to collect the church tax, a clear accommodation to the European Court.

In creating a tiered system, the Hungarian law gives the appearance of being modelled on other tiered systems in Europe, perhaps those in Germany or Austria, which conform to European norms. Those norms require that the state adopt an

impartial and neutral posture toward religion, but do not necessarily preclude differential treatment. According to OSCE/ODIHR Guidelines on the Legal Personality of Religious or Belief Communities, “The State may choose to grant certain privileges to religious or belief communities,” provided that, “they are granted and implemented in a non-discriminatory manner,” and that “there is an objective and reasonable justification for the difference in treatment.” ([Guidelines 2014](#), paragraphs 38, 39, 40). Thus, after a superficial read, the Hungarian church law might appear typical for Central Europe. Closer examination reveals this is anything but the case. The different tiers in the Hungarian law disguise a thoroughly arbitrary treatment of religious communities. As compared to the old, the new law actually expands the role for government discretion in the treatment of religion. In this respect it is arguably more discriminatory than before.

The outsized space for government discretion manifests itself, first, in the manner in which religious groups acquire membership in the top tier. For the bottom three tiers membership is determined by courts in accordance with objective criteria. That might appear to address objections about the power given Parliament to assign church status. However, Parliament’s power remains in relation to the top tier. Recognized Churches consists of Registered Churches that have entered into “comprehensive cooperation agreements” with the state. These “comprehensive agreements” include state subsidy for both “public interest” and “faith-based” activities, and are of unlimited duration. The decision to enter into a “comprehensive agreement” is made by the government, which must refer the “comprehensive agreement” to Parliament for a two-thirds vote, whereupon the church law is amended to include the new church among the list of Recognized Churches (2011. CCVI törvény 9/G § 3, as amended in 2018). The new law thus preserves Parliament’s political prerogatives in relation to Recognized Churches, despite the fact that this top tier constitutes a constitutionally distinct class of

churches with substantially greater rights and privileges than any other tier.

Second, the new law extends government's discretionary power to pick favorites into the lower tiers. The government may now also enter into "agreements" with groups in the bottom tiers. These agreements are not "comprehensive," and thus do not appear to require approval of Parliament. Nevertheless, they can include substantial state subsidies for both "public interest" and "faith-based" activities. This means that even within a single tier the state has discretionary power to treat religious groups differently.

Such wide ranging discretionary power raises an issue. If the state can discriminate significantly among groups within a single tier, that tier would seem to lose its constitutional justification. To be justified, tiered systems must distinguish between religious communities on the basis of objective characteristics that warrant ascribing them different constitutional status. If groups within a single tier enjoy substantially different privileges, and those privileges are bestowed on the basis of objective characteristics, then the tier no longer classifies groups on the basis of their relevant features. Indeed, the tier no longer corresponds to the legal characteristics of the groups belonging to it.

To make this point clearer: Tiers are a constitutional mechanism for distributing different rights and privileges to different kinds of religious groups. In order to be constitutionally justified, those tiers must not only identify descriptive differences between groups belonging to different tiers (size, for example); they must also identify different rights and privileges enjoyed by each tier. If the rights and privileges enjoyed by the tiers are identical, then the descriptive differences between groups belonging to different tiers are constitutionally irrelevant. In other words, if the differences between tiers do not merit different rights and

privileges, then the tiers themselves are not warranted.

One of the most striking features of the new Hungarian church law is that the bottom three tiers differ hardly at all in terms of rights and privileges. That raises a question about their constitutional justification. Why are there three lower tiers instead of just one? In order to be justified, the bottom three tiers must ascribe different rights and privileges.

Let us, for the moment, adopt a sympathetic approach to the church law. The strongest justification for establishing separate tiers may relate to the church tax. The new law permits religious communities in every tier to collect church tax. However, in Hungary the state contributes to the church tax by adding "supplemental" subsidy on top of donations from taxpayers. According to the law, Religious Associations (the lowest tier) will not receive this "supplemental," while all other tiers will. Since the "supplemental" attaches to the church tax, which explicitly supports religious activity, denying the "supplemental" to one class of believers is religious discrimination. Be that as it may, one might concede that this particular limitation has been written into the law to guard against financial abuse. Because establishing a Religious Association takes only ten people, a group of compatriots could plausibly "found" a religious community, donate 1% of their income tax to it, and collect state subsidy. Although denying "supplemental" to an entire tier may not be the best way to protect against this abuse, let us, for the sake of argument, concede that on this point the legislator has a legitimate intention. Even so, that intention can only justify distinguishing between Religious Associations and one other tier. A rationale for the tiers based on church tax generates two, rather than four categories. If, again for the sake of argument, we temporarily grant that the government has good reasons to create a class of Recognized Churches, that concession only get us three tiers. The distinction

between Listed and Registered Churches cannot be justified on the basis of church tax “supplemental,” since both Listed and Registered Churches receive the “supplemental.”

Another possible rationale for the lower tiers might appeal to differences between the sorts of “agreements” the state can make with religious communities in each tier. According to the law, Religious Associations may enter into agreements for a term of up to five years; Listed Churches may enter agreements for a term up to ten years, and Registered Churches for a term up to fifteen years. This leaves the impression that membership in a higher tier entitles a group to longer, better agreements. But the agreements described in the law need not extend the full length of the term, and, in any case, they can be renewed indefinitely. That means, in practice, that the government could make a five-year agreement with a Religious Association that renews indefinitely, while simultaneously making a three-year agreement with a Registered Church that will never renew. The character of the agreements is determined at the discretion of the government, not by membership in a tier. Hence the different tiers cannot be justified by the framework provided for church-state agreements within each tier.

The most transparent explanation for the multiple tiers, in fact, is that they express an intention to discriminate. The tiers function as a series of hurdles preventing deregistered churches from making a claim on the status of Recognized Church. Strong evidence for this interpretation is found in the law’s arbitrary and inequitable transitional provisions.

3. The new church law as a legal fiction

Insofar as the purpose of the church law is to establish a rational order over Hungary’s religious landscape, we should expect the religious landscape created by the law to match its conception. That is, we should expect the legal classification of religious groups to correspond to the description of the four tiers set down in the law. Nothing, however, could be

further from the truth. A legal scholar studying the text of the church law without empirical knowledge of Hungarian society would learn precisely nothing about Hungary's actual religious landscape. An enormous discrepancy exists between conception and practice, a discrepancy that originates in the law's transitional provisions. The manner set forth in those provisions for implementing the new law completely ignores the law's own constitutional conception.

First, the new law repeats the deregistration procedure ruled unconstitutional by the Constitutional Court. The Court, remember, vacated the portions of the original church law that had deregistered churches. The new law, however, includes a transitional provision stipulating that the churches identified in the vacated portion of the original law shall be classified as Religious Associations (2011. CCVI törvény 33/A § 2, as amended in 2018). This amounts to a second deregistration, in brazen disregard of the Constitutional Court.

Even if, in a willing suspension of disbelief, someone watching this legal theater should pretend that deregistration becomes constitutional on the second try, that person would still need to explain why all the deregistered churches have been placed in the bottom tier when many of them meet the criteria for Listed or Registered Churches. According to the law, every deregistered church seeking to move into a higher tier must apply for admission starting out as a Religious Association. That might not seem overly problematic, given that admission into the next two tiers is determined by courts on the basis of objective criteria. Except that those "objective criteria" include several unfulfillable conditions that render advancement into the higher tiers impossible.

To understand this requires working through a number of perplexing conditions for membership into the middle tiers. To become a Listed Church a religious community must have been operating in Hungary for at least five years or be affiliated

with an international religious organization operating for 100 years. In addition, the religious association *must have received church tax from at least 1000 individuals in three preceding years* (2011. CCVI törvény 9/D § 1a, as amended in 2018). This latter condition, however, cannot be met by any deregistered church, because all deregistered churches have been prevented from collecting church tax since 2011 the ruling of the Constitutional Court, notwithstanding. A similar condition applies to religious communities seeking to become Registered Churches, which need to *have received church tax from at least 4000 individuals in the previous five years* (2011. CCVI törvény 9/E § 1a, as amended in 2018). In short, to move out of the bottom tier into which they have been placed by deregistration, deregistered churches must meet conditions they cannot meet because they have been deregistered.

If meeting this incoherent condition should prove too burdensome, the law does provide deregistered churches another avenue for advancing into the middle tiers. If a deregistered church officially declares that it will not accept financial support, “from budgetary sub-systems, EU funds or programs financed on the basis of international agreements, whether in the context of tender or not, for the purposes of its faith-based activities or public interest activities, and special decisions,” it need not certify receipt of church tax (2011. CCVI törvény 9/D. § 2c, and 9/E. § 2c). In plain English, provided a deregistered church meets the conditions of size and duration of operation, it can move into the higher tiers immediately if only it *abjures every conceivable means of financial support*.

This highly perplexing condition is also thoroughly discriminatory. To require religious groups to forgo economic privileges in order to receive specific legal status violates international norms for religious freedom. According to OSCE/ODIHR guidelines, “measures discriminating against [non-

traditional religions and nonbelievers], such as measures restricting eligibility for government service or according economic privileges to members of the state religion or predominant religion...are not in accordance with the prohibition of discrimination based on religion or belief and the guarantee of equal protection.” ([Guidelines 2014](#), paragraph 41).

Why would a law intended to correct violations of the European Convention include a new, arguably more egregious, violation of that very same Convention? The explanation for this “perplexing condition” supplied by the Hungarian government clearly disassembles:

the legislator specifies additional rules applicable to religious communities with a legal personality that do not wish to receive aid for their faith-based activities or public purpose activities from budgetary sub-systems, EU funds or from programs financed pursuant to an international agreement, whether in the context of a tender or not, on the basis of a special decision. These communities are eligible to be classified under a higher category based on the certified number of their members – a thousand members in the case of Listed and ten thousand members in the case of Registered Churches instead of certifying donations from personal income tax. This allows religious communities that do not wish to cooperate with the state the option of obtaining church status. (Indokolás submitted with the draft law in November 2018).

According to the government, the “perplexing condition” allows Religious Associations that “do not wish” to receive financial support to move into a higher tier. However, nothing about membership in the higher tiers requires churches to receive financial support. The only reason these groups need to demonstrate they have received financial support in the past is because the government established this as a condition (in the form of the church tax) for movement into the upper tiers.

First the church law establishes a condition for entrance into the upper tiers that cannot be met (receipt of the church tax), but, second, the law exempts deregistered churches from the first condition provided they forswear all sources of financial support. Contrary to what the government avers, the “perplexing condition” does not create an opportunity for religious groups that do “not wish” to receive financial support to move into the upper tiers; it *requires* religious groups to renounce financial support in order to move into the upper tiers. Indeed, to move into a higher tier on the terms of the “perplexing condition,” a religious community would need to renounce even manna from heaven.

This combination of conditions is simply too Kafkaesque to be sustained by any authentic legal rationale. The most plausible explanation for the “perplexing condition” is that it was written exclusively with the aim of preventing Gábor Iványi’s church from acquiring status as a Registered Church. The Orbán regime is well known for passing legislation directed against specific groups. It passed “Lex CEU,” for example, to drive the CEU out of Hungary, and passed “Lex NGO” to restrict the activities of NGO’s. In the same way, provisions in the church law are clearly directed against Gábor Iványi’s church, fully meriting the sobriquet Lex Iványi.

Iványi established a reputation as a dissident back in the communist period. Today he is one of Viktor Orbán’s most prominent critics. His church, the Hungarian Evangelical Fellowship, operates numerous schools for Roma and disabled children throughout the country, and also maintains homeless shelters. Hungarian Evangelical Fellowship also appears to be the only deregistered church in Hungary capable of meeting the conditions required of a Registered Church. It has been operating in Hungary for more than 20 years, and demonstrated a membership of 10,000 as recently as 2013. However, since it has been prevented from collecting church tax for more than five years, it cannot certify tax donations. Thus to acquire

status as a Registered Church, Hungarian Evangelical Fellowship would need to renounce all financial support. But, of course, no human organization, not even a church, can operate without financial support. A law that demands religious groups to refuse even manna from heaven is blatantly cynical and unjust.

Furthermore, while the transitional provisions impose impossible burdens on deregistered churches, they exempt currently Recognized Churches from any transitional burdens at all. Recognized Churches simply carry their current legal status over into the new law. This is so even though a majority of Recognized Churches do not appear to meet the conditions necessary to acquire status as a Registered Church. According to data provided by the state tax authority, only thirteen of thirty-two Recognized Churches received church tax from more than 4000 people in 2016. Based on the conditions enumerated in the new law, they would not qualify as Registered Churches unless they can demonstrate 10,000 members. Yet if they do have 10,000 members, why were they not asked to renounce all means of financial support before advancing to the highest tier?

As if this grossly inconsistent application of the law were not enough, the transitional provisions include at least one more whopper. They grant the rights and privileges of a Recognized Church to the Sovereign Military Order of Malta (2011. CCVI törvény 38/A, as amended in 2018). The justification for this stunning provision is completely unclear. Presumably as a Roman Catholic organization, the Order of Malta can receive state subsidies through its affiliation with the Catholic Church. The transitional provision suggests, however, that the state will henceforth treat the Order of Malta as an entity with independent legal personality, as, in effect, a new Recognized Church. Yet because the Order of Malta received this elevated status through a transitional provision, it was exempted from the

conditions laid down in the law for advancing through the tiers. One possible explanation for this exemption might be that, because of the Lex Iványi provision, the Order of Malta would not have been able to move through the tiers successfully. The new church law thus needed a Lex Malta provision to exempt the Order of Malta from the Lex Iványi provision.

Conclusion

To sum up the obvious, Hungary's new church law treats religious communities in a completely arbitrary manner by assigning rights and privileges on the basis of state discretion. The transitional provisions reproduce the legal situation created by the first law, and hence repeat rather than correct the human rights violations identified by the European Court of Human Rights. Churches deregistered in 2012 will be treated as Religious Associations, regardless of their objective characteristics, while churches which kept their legal status in 2012 will continue on as Recognized Churches, regardless of their objective characteristics. The middle tiers enumerated in the law will be empty, and the actual classification of churches in Hungary will bear no resemblance to the legal conception set forth in the law. The church law itself describes a land of make believe, one that disguises the government's enormously arbitrary treatment of religious groups. Like its predecessor, the new church law will certainly be challenged in the courts, and one easily imagines it will again be found to violate the right of religious freedom. Much less clear, however, is whether any of this matters. The Orbán regime has been flaunting European norms and the rule of law for close to a decade. Those in Hungary bearing the brunt of the regime's oppressive tactics may soon lose their war of attrition.

*H. David Baer (dbaer@tlu.edu), Pastor Gerhard A. and Marion Poehlman Professor in Theology at Texas Lutheran University, is the foremost American expert on Hungarian religious freedom (or its lack thereof) over the last 70 years. His book, **The***

Struggle of Hungarian Lutherans under Communism, was the result of research in Hungary between 1995 and 1998. In 2007, as a Fulbright Fellow, he taught for a semester at Károli Gáspár University of the Reformed Church. During the academic year 2013-2014 he returned to Hungary to study the state of religious freedom under Viktor Orbán's regime and, as he puts it, "the unsettling results" of his research were published in a bilingual, English-Hungarian book: **Essays in Defense of Religious Freedom / A vallásszabadság védelmében**.