

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES



Contact: Clare Ovey
Tel: 03 88 41 36 45

Date: 11/08/2015

DH-DD(2015)798

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1236 meeting (22-24 September 2015) (DH)

Item reference: Action plan (17/07/2015)

Communication from Hungary concerning the case of Magyar Keresztény Mennonita Egyház and Others against Hungary (Application No. 70945/11).

* * * * *

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1236 réunion (22-24 septembre 2015) (DH)

Référence du point : Plan d'action

Communication de la Hongrie concernant l'affaire Magyar Keresztény Mennonita Egyház et autres contre Hongrie (Requête n° 70945/11) (*anglais uniquement*)

DGI

17 JUL. 2015

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Action Plan of 15 July 2015

Appl. No. 70945/11 and 8 other application

Magyar Keresztény Mennonita Egyház and Others v. Hungary judgment of 08/04/2014

Introductory case summary

Violation of the right to freedom of association read in the light of the right to freedom of religion of the applicant religious communities, who lost their status as registered churches following the entry into force in 2012 of the new Hungarian Church Act (Article 11 read in the light of Article 9). The Court found that “in removing the applicants’ church status altogether rather than applying less stringent measures, in establishing a politically tainted re-registration procedure whose justification as such is open to doubt, and finally, in treating the applicants differently from the incorporated churches not only with regard to the possibilities for cooperation but also with regard to entitlement to benefits for the purposes of faith-related activities, the authorities disregarded their duty of neutrality vis-à-vis the applicant communities” (see § 115 of the judgment).

I. Payment of just satisfaction and individual measures

The Court reserved the main part of the question of the application of Article 41 (on just satisfaction).

Pursuant to the settlement negotiations conducted with the applicants within the deadline set by the Court agreements or partial agreements were concluded with the following applicants and payment to them was made accordingly on the following dates:

Agreements

Applicant	Amount of just satisfaction (HUF)	Date of payment
<i>Fény Gyermekai Magyar Esszéus Egyház</i>	30,470,686	5 June 2015
<i>Árpád Rendjének Jögalapja Tradicionális Egyház</i>	37,518,567	5 June 2015
<i>Budapesti Autonóm Gyülekezet</i> (incl. Mr. T. Görbicz)	39,737,750	11 June 2015
<i>Evangéliumi Szolnoki Gyülekezet Egyház</i> (incl. Mr. P.J. Soós)	37,360,812	18 June 2015
<i>Magyarországi Biblia Szól Egyház</i>	24,534,300	18 June 2015
<i>Magyar Keresztény Mennonita Egyház</i> (incl. Mr. J. Izsák-Bács)	7,360,170	13 July 2015

Partial agreements

Applicant	Amount of just satisfaction (HUF)	Date of payment
<i>Szim Shalom Egyház</i>	19,120,290	6 July 2015
<i>Magyar Reform Zsidó Hitközségek Szövetsége Egyház</i>	11,385,838	6 July 2015
<i>Magyarországi Evangéliumi Testvérközösség</i>	1,245,743,561	13 July 2015

Decision of the Court is awaited on the outstanding issues.

II. General measures

On 6 July 2015, upon the motion of the Budapest Administrative and Labour Court submitted in the framework of the registration proceedings pending before it upon the request of the Budapest Autonóm Gyülekezet, the Constitutional Court found that certain rules governing the conditions of recognition as a church (which have already been amended after the introduction of the present applications to the ECourHR) were unconstitutional (on account of their incompatibility with Articles 9 and 14 of the Convention) and ordered the legislature to bring the relevant rules in line with the requirements of the Convention by 15 October 2015.

Amendment of the rules governing the registration of churches is under consideration in light of the models existing in Member States of the Council of Europe.

The judgment has been published on the website of the Government (see: <http://igazsagugyiinformaciok.kormany.hu/az-emberi-jogok-europai-birosaganak-iteletei>).

III. Conclusions of the respondent state

The Government will inform the Committee of Ministers of any further developments by 31 December 2015.

Budapest, 15 July 2015

Zoltán Tallódi
Agent for the Government of Hungary