

Religious Freedom Problems in Hungary: A Case Study of the Church of Scientology

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A “Liquidation” Campaign in Russia



- In 2017, the Supreme Court in Russia confirmed the “liquidation” of the Jehovah’s Witnesses as an “extremist” group. Action was also taken against the Church of Scientology, whose churches were raided and whose leaders in St. Petersburg were arrested

The Crusade Against Extremism



- Russia's main anti-cult organization, the Saint Irenaeus of Lyons Centre, has worked for more than twenty years to promote this notion of "extremism." Its leader, Alexander Dvorkin, became the president of the Justice Ministry's Expert Council for Conducting State Religious Studies Expert Analysis, a key actor in the cases for banning groups and books as "extremist"

Spiritual Security

- Although Dvorkin's extreme methods and his cavalier attacks against (inter alia) the Mormons, the Baha'is, Hinduism, and Islam have often embarrassed the government and the Russian Orthodox Church, he has also been used by circles promoting "spiritual security" as part of the Russian concept of national security



An Official Definition of Spiritual Security



- “Russian Federation’s national security also includes protecting the cultural and spiritual-moral legacy and the historical traditions and standards of public life, and preserving the cultural heritage of all Russia’s peoples. There must be a state policy to maintain the population’s spiritual and moral welfare, prohibit the use of airtime to promote violence or base instincts, and **counter the adverse impact of foreign religious organizations and missionaries.**”

Russian National Security Concept, 2000

Dangerous Exports



- The Russian approach is being exported to “friendly” countries. Dvorkin became the vice-president of the European anti-cult federation FECRIS. As economic support to FECRIS by other countries is drying out, Russian hegemony on European anti-cultism is a concrete possibility. It is also paradoxical, because most European anti-cult organizations are deeply secular, while Dvorkin represents a radical faction of the Russian Orthodox Church

Hungarian “Spiritual Security”?

- Recently, the nationalist ideology of Prime Minister Orbán and its government has put Hungary at odds with the European Union and brought it closer to Russia
- Orbán has adopted the same hostile attitude prevailing in Russia, inter alia, against George Soros's educational institutions, and those advocating more rights for immigrants and refugees, Roma, the LGBT community, and non-traditional religions, justifying all this with the argument that Hungary should protect its identity as “a country fundamentally based on traditional values”



Hungarian Propaganda and Fake News



- On June 5, 2018, *The New York Times* reported about campaigns of fake news, promoted by Orbán's associates to portray Hungary as "a nation under siege by decadent Western values"
- These associates also conducted similar campaign in Macedonia and Slovenia. In the latter country, the aptly named *Skandal24* and other Hungarian-owned purveyors of fake news helped pro-Orbán and pro-Russia Janez Jansa winning the presidential elections of June 3, 2018

Fake News and “Cults”



- Such outlets also spread sensationalist news about sinister “American cults.” Here, Nicole Kidman is portrayed by Skandal24 as part of a family of pedophile Satanists, who assassinate those who would tell the truth about their “cult”

The New Law of 2011

- After the fall of Communism, the Hungarian Parliament passed in 1990 a liberal, Western-style law on religious liberty. As part of the new political climate, it was replaced in 2011 by a new "Religion Law," aimed at restricting the rights and freedoms of religious minorities



Deregistering 200+ Religions

- ▶ The new Religion Law de-registered all but 14 of the more than 350 previously-registered religious groups. Apart from the recognized churches, listed in the Appendix to the 2011 Church Act, all other religious communities previously registered lost their status as “churches.” They could continue their activities as “associations,” with limited legal protection, unless they would be able to obtain a two-third vote of the Parliament reinstating them as “churches”

HUNGARY 2011:
PM Victor Orban de-registered
over 200 small Churches



Refusing Re-Registration



- By February 2012, the Parliament had denied re-registration to 66 of the 84 previously-registered churches that had applied for it, without providing any real explanation why

2013: Constitutional Court

- In February 2013, Hungary's Constitutional Court found that the deregistration of previously registered churches was unconstitutional. The decision repealed parts of the 2011 Religion Law, and fixed the deadline of December 31, 2017 for the Parliament to pass new legislation compatible with the Constitution. To this day, however, no new legislation on religion has been enacted



2014: European Court of Human Rights



- On April 8, 2014, the European Court of Human Rights ruled in *Magyar Keresztény Mennonita Egyház and others v. Hungary* that the 2011 Religion Law was incompatible with the European Convention on Human Rights. This decision was also ignored by Hungary

The Case of Scientology

Budapest Church of Scientology



- One of the religions registered under the 1990 Religion Law, de-registered under the 2011 Religion Law, and forced to operate as a mere association, was the Church of Scientology

Hungary vs Scientology



- ▶ Deputy Prime Minister Zsolt Semjén stated in 2011 that “as long as I am in the government, Scientology won’t be recognized as a religion.” In 2016, he found “outrageous that the Scientologists could build headquarters in Budapest,” showing that he considered the fight against Scientology a test case of protecting Hungary’s “traditional identity”

Custom-Tailored Laws?

- Both Mr. Semjén and Hungary's Minister of Prime Minister Office, Janos Lazar, publicly stated that the restrictive Hungarian law on religion of 2011 (which obviously affected many other groups, too) had among its aims "to restrict the activities of Scientologists"



Data Protection Action



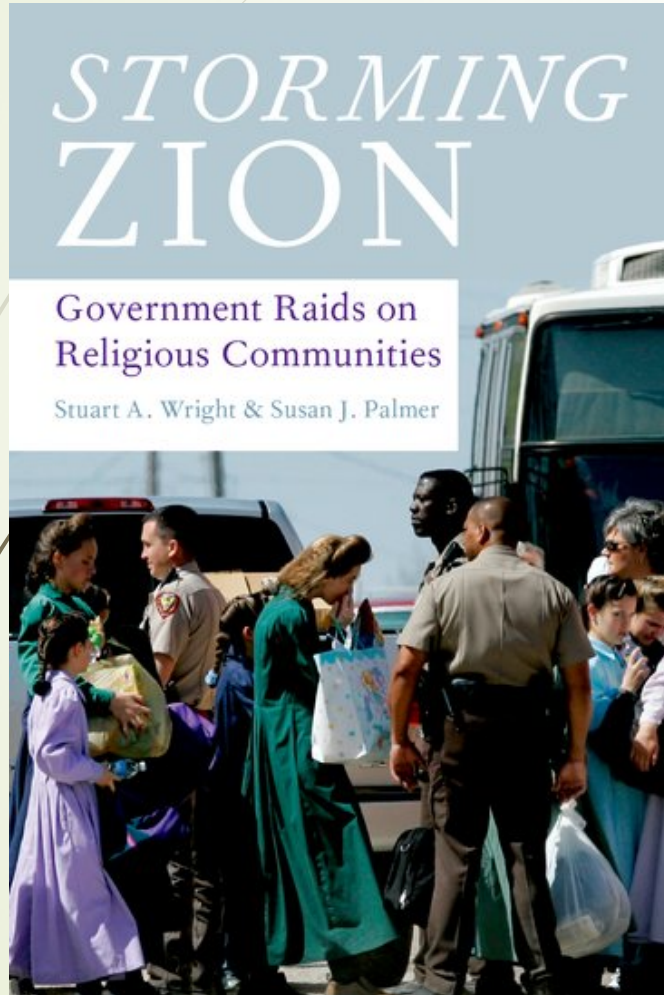
- As happened in other countries, laws not originally intended for controlling religions were used as weapons against Scientology. The first action was started on December 5, 2016 by the Data Protection Authority (DPA) and personally conducted by his chief, Mr. Attila Péterfalvi (whose appointment was deemed by the European Court of Justice in 2014 as contrary to the EU-mandated principle that data protection agencies should be genuinely independent from the governments)

Spectacular Actions

- Two days after the investigation was started, Péterfalvi conducted a raid against the Budapest Church of Scientology, seizing numerous files. Raids were repeated on December 22 and extended to Scientology's mission in Nyiregyhaza, in northeastern Hungary. In the meantime, on October 18, 60 agents of the National Bureau of Investigation (NBI) had raided the Church as part of a follow-up criminal case, and seized a large number of the remaining files



Raids and “Cults”



- Susan Palmer and Stuart Wright in their 2016 book *Storming Zion* discuss raids against groups labeled as “cults” in various countries, invariably carried out by a disproportionate number of agents, mostly for the benefit of the invited media
- Most raids had meager results in terms of collecting evidence, and are best interpreted as a sort of pedagogical baroque theater. Those hostile to “cults” are reassured, and those attracted to alternative spiritualities are intimidated by a powerful public statement that “cults” would not be tolerated

Protecting the Privacy by Destroying It



- After the seizures, DPA chief Péterfalvi held a press conference and personally read to the media private confessions of parishioners of Scientology to their auditors. As Belgian law professor Jos Dumortier commented, "the individual privacy and personal data protection rights of the parishioners were damaged as never before by an authority which has been established precisely to protect those privacy rights"

Anti-Cult Expertise

- Another extraordinary feature of the DPA action was that an anti-cult clinical psychologist, Noémi Császár-Nagy, was appointed as an expert to confirm that the auditing files collected by Scientology about its members were tools for a larger operation of mental manipulation. Whether Scientology is a “cult” engaged in “mind control” seems to go well beyond the very technical scope of data protection laws



Data Protection Decision



- On the other hand, the DPA *needed* the anti-cult expertise, as evidenced in its decision of October 13, 2017. Scientology was found guilty of breaching data protection laws because it kept files on the auditing of its parishioners, including sensitive personal information
- If Scientology is a religion, this should be covered by a religious liberty exception. Only by claiming that Scientology is not a religion, but an “unauthorized form of psychotherapy” or a “cult,” was DPA able to conclude against the Church, and instigate a criminal action that started immediately after its decision, with yet another raid

Enter the Tax Office

- On October 19, 2017, when the police was concluding its raid on the criminal data protection case, fifty agents of the Tax Office showed up to conduct yet another raid against the Budapest Church of Scientology, which was repeated another three times and extended to twelve Scientology missions throughout Hungary



Misusing Tax Law



- Obviously, tax offices have a duty to fight tax evasion. On the other hand, the European Court of Human Rights found in several different cases – concerning the Jehovah's Witnesses, the Aumist Religion of the Mandarom, and the Evangelical Missionary Church – that the misuse of tax laws to restrict the activities of groups labeled as “cults” is a gross violation of religious liberty

A Question of Electricity



- In 2016, Scientology was denied a certificate of occupancy (COO) for its new Budapest headquarters because of problems with the electrical system. The Church both appealed the decision and undertook corrective work. Although the State Office had confirmed that this work was adequate, the Prime Minister's Office transferred the appeal to the Southern city of Szeged, where it was denied. A new appeal, based on the fact that a new law no longer required this kind of COO, was also denied



An Independent Judiciary

- On February 22, 2018, the Central District Court of Buda declared the raid of the NBI (National Bureau of Investigation), conducted as part of the criminal investigation, “illegal: and “disproportionate,” and ordered all seized material to be returned to Scientology
- The decision shows an important difference between Russia and Hungary: unlike Russia, Hungary has an independent judiciary
- However, administrative authorities and administrative courts appear to be much more subservient to the government



Deconstructing the Ideology

- Doctrines of “spiritual security” have no place in the European Union, and are also incompatible with international conventions on human rights and religious liberty that Hungary has executed and ratified. Religions should be able to compete freely and to proselyte, without undue state restrictions. Non-traditional religions cannot be discriminated because they do not fit within the boundaries of a nationalist/traditionalist ideology

A Sustained Effort



- Coming back to Hungary, it is difficult to escape the conclusion that the concomitancy of the actions based on data protection, taxes, and electrical issues is not a coincidence. It is an expression of the publicly stated official hostility to Scientology, against which Scientologists protested twice in the streets of Budapest in 2017
- Like in Russia, and in part under Russian influence, Scientology is perceived as foreign to national identity

Promoting a Dialogue

- At the same time, I believe that a dialogue should be promoted, reassuring nations that went through the tragic experience of Communism, that nobody wants to impose to them a secular model dismissing traditional identities or religions as irrelevant. Creative solutions exist, guaranteeing both the recognition that certain religions are uniquely part of the history of their countries and the liberty mandated by the international convention for the religious minorities





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