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Section Registrar
Second Section
European Court of Human Rights
Council of Europe
F-67075 STRASBOURG CEDEX

Case of Magyar Keresztény Mennonita Egyház and Others v. Hungary

(Application nos. 70945/11, 23611/12, 26998/12, 41150/12, 41155/12, 41463/12, 41553/12, 54977/12 and 56581/12) **Judgment (Merits), Strasbourg, 8 April 2014, Final 08/09/2015**

By ANKH Az Örök Élet Egyháza and Others v. Hungary, no. 41553/12.

**Written notification on the execution of the Ruling 11.
in the case of Magyar Keresztény Mennonita Egyház and Others v. Hungary**

As the representative of ... Church (hereinafter Applicant) concerned in case no. 41553/12., I cordially inform the Court of the result of the extended six-month negotiation period for which the Parties were invited by the Court in order to reach an agreement on the execution of the judgment.

1. The negotiation period started on the 9th of September, 2014. After one month, the Applicant contacted the Government on the 9th of October. (Note that the Applicant was still in contact with the Government after the delivery of the non-final judgment, on the 20th of May, 2014, in order to start the negotiations as soon as possible in regards to the continuing nature of the violation and the increasing amount of the claims, but the Government withdrew from this procedure until the judgment became final.)

In his letter from the 22nd of October the Minister of Justice informed the Applicant that the negotiations shall be within the competence of the Ministry of Human Capacities, that the Ministry of Justice would take all necessary steps for the review of the regulation of the Hungarian church law, and promised the latter process to be transparent and public. (According to news reports in November the Minister of Justice also stated that he was preparing a new regulation based on the German model and the bill would be introduced to the parliament in December, but it did not come to pass until recently.¹)

The Ministry of Human Capacities set the date of the first meeting to the 3rd of December. At this meeting the Government had only just started to measure the Applicants' claims by asking them to detail and justify each of the claims year-by-year with documents, calculations and statements. The Applicant complied with this request within the month.

The Government released its first written proposition only one week before the original termination of the negotiation period, on the 2nd of March. The proposition included four items: pecuniary damage, non-pecuniary damage, fees, and interest. The pecuniary damages covered only the allocation of the "religious 1%" of the personal income tax, its budgetary compensation, while the amount the

¹ http://www.hetek.hu/belfold/201411/nemet_mintara_keszulhet_az_uj_egyhazugyi_torveny

Government offered for non-pecuniary damages are lower or far lesser than the claims of the Applicant. Only the part of the proposition related to the fee matched the claim. The letter lacked any reasoning.

In its written answer the Applicant pointed out indignantly that the Government wasted almost the entire period without engaging in any substantive negotiations; failed to provide details on the items of the proposition and the reasoning of the recognition or dismissal of each claim; did not include any kind of proposition for the remedy of the legal status; expressed its willingness to have a partial agreement while at the same time proposing a new round of negotiations within as short of a period of time as possible.

The Government invited the Applicant to a new meeting for the 31st of March, and indicated that the Court had extended the deadline of the negotiation period to the 15th of May. After that meeting, the Government informed the Applicant on the calculation of the amounts of pecuniary and non-pecuniary damages. Regarding the claim relating to the “religious 1%”, the Government applied a kind of trend-analysis, while in the field of the non-pecuniary damages five circumstances were taken into account: the jurisprudence of the Court, the length of the operation of the Applicant as a church, social support gained and the importance within the society enjoyed by the Applicant church, steps taken in order to continue the religious activity, and steps taken in order to maintain and get the status back. Regarding the amount of the pecuniary damages the Applicant continued the negotiations, but made it clear that the support and importance are inconsequential in respect to the non-pecuniary damages, since by deprivation of legal status a newly established church suffers the same violation as a century-old one. Deprivation of legal status amounts to the same violation of freedom of thought, conscience and religion read in the light of the freedom of association for each Applicant. Therefore, there is no basis to differentiate between the Applicants in this regard.

The officer of the Ministry of Human Capacities, on behalf of the Government, made it clear at the first meeting in December that his authorization shall include only remedies regarding the claims that emerged between the 1st of January 2012 and the 31st of December 2014, and shall not include anything related to the issue of the status of the Applicant (or any other churches). This position was based on the Hungarian legal environment, instead of the Court’s judgment (or the Constitutional Court’s decision of 2013). Indeed, the recognition of a religious organization as a church shall be within the competence of the parliament, as well as the modification of this legal environment, while preparing such a modification bill shall be within the competence of the Ministry of Justice. During the negotiations, the representative officer of the Ministry of Justice informed the Applicants that according to the Government’s plans the bill will be introduced to the parliament this September.

2. The proposition of the Government is unacceptable to the Applicant for the following reasons:

- The proposition has no words restoring the lost legal status, and there is no legal regulation in effect in Hungary in conformity with the European Convention of Human Rights;
- The amounts the Government proposed for the pecuniary and/or the non-pecuniary damages don’t even come close to matching the amount of the claims, and the Government was not willing to modify its original proposition. (See the summary of the claims of the Applicant in the Annex 1.)
- The Government did not take the negotiations seriously as described above.

3. On behalf of the Applicant, who have not reached any agreement with the Government, I cordially call the Court to address the issue and fix the just satisfaction. Due to the fact that the Applicant has been suffering harms since 2012, I also call on the Court to fix the amount of the satisfaction as soon as possible and oblige the Government to pay it as quickly as possible.

Budapest, 22 May 2015

Levente Baltay
Counsel for the Applicants