



british chapter of the
international association for

religious freedom

belief with integrity

Newsletter and IARF Peacemaking Commission News
March 2013

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The Purpose

of the International Association for Religious Freedom (IARF) is to work for freedom of belief because it is a precious human right that potentially enables the best within our religious lives, or our search for truth or enlightenment, to flourish. It requires work on three aspects, any of which may constitute the core objective for the IARF membership in any country or region.

- Ø Freedom from oppressive interference or discrimination by the state, government or society's institutions on the grounds of religion or belief.
- Ø Mutual understanding, respect and the promotion of harmony, or at least 'tolerance', between communities or individuals of different religions or beliefs.
- Ø Essential accountability by religious communities to ensure that their own practices uphold the fundamental dignity and human rights of their members and others.

Editor's Thoughts

After a year of little good news 2014 has become a very busy year and a time for changes in British Chapter affairs. As we prepare for the AGM **Rev Richard Boeke** has announced his intention not to stand again as Chairman and **Rev Feargus O'Connor** has resigned from the Hon Secretary seat. New voices and faces will be heard and seen around the committee table which should reflect the changes in our membership, their passions and the way we now work. I may be writing myself out of a job but the Chapter and its new committee need to listen to members, old and new, if it is to maintain the influence which recent events have shown it can still exercise.

However the last two AGMs were poorly attended. This may have been due to the 'slate' process of elections which removes the need to convince electors of the candidates' individual merits and discourages healthy alternatives. Why should we in a country where we have elected mayors, elected police commissioners and have easy access to each other have a committee that congratulates itself by nominating its successor which is then elected unopposed by a tiny percentage of our members? Have we stopped believing in the need to defend human rights like democracy and religious freedom? They are rights which need to be exercised even if the effort leaves us breathless and with headaches.

Even if it is too difficult to be at the AGM, travelling the length of the country is an expensive and tiring affair that not everyone can undertake, members' voices can still be heard. Write or email, when you send your membership payment, and tell the committee what you want discussed at the AGM and the direction you wish to see the British Chapter moving in the future. Additionally start a local group or section of IARF members and friends of religious freedom which if nothing else is a good reason to share a meal with like-minded people.

This issue of the Newsletter contains two featured articles that will provoke many thoughts about the real need for an active IARF BC. The religious and political situation in her homeland discussed by RFYN and IARF vice-president for the Bangladesh Chapter, **Jannatul Maoa** of a nation striving for more than political independence while **Prof. David Baer** of the Texas Lutheran University records the legal and political machinations that work against minority churches in Hungary. Two countries with their own problems but both looking towards us and the British Chapter for strength and support.

Support for Local Sections

Rev Simon Ramsay, the former chair of the British Chapter and a co-chair of the Congress Host Committee, is at present leading the Midland section of the Chapter in a series of meetings, charitable works and active as one of the Vice Chairs of the Congress Host Committee. For the Host Committee he is arranging more musical acts to add to the exciting entertainments and liaising with

young digital artists and filmmakers presenting their works at Congress.

Through his work with the newly formed Midland Section and supplying catering to IARF events in Birmingham, Simon and his partner Abbas were introduced to the young volunteers of the 'Who is Hussein?' committee and their project to supply hot food and drink to Birmingham's homeless throughout the year. Now the homeless of Birmingham eat, once a week, high quality Lebanese food from the menu of the Soul Full restaurant.

RFYN delegates to Congress may expect a warm welcome and the opportunity to build peer based networks for the future. The WIH volunteers drawn from local universities, Birmingham has four and several religious colleges, and Muslim communities are now looking forward to helping at Congress and particularly being involved with other religiously inspired youth organizations in the hospitality package for RFYN delegates.

Local sections are not part of the British Chapter structure but are an effective means for IARF members to share the importance of religious freedom with other religiously motivated groups and individuals. They are also a means of gathering together innovative minds into teams that will invigorate and enlarge the British Chapter.

Question Time

"The world's increasing interconnectedness as the result of digital age, and the challenges of achieving a peaceful global community, has placed a greater onus on dialogue between religions on a wide range of topics other than just theology. This event demonstrated a microcosm of that dialogue amongst faith representatives." - Khojasteh

Organised by British Chapter committee members **Pejman Khojasteh** and **Sr Georgina Long** at the Brahma Kumari's London headquarters, on the 3rd of February, Question Time was a great success and drew a large audience of different faiths and ages. During the discussion there was reference to 'the clash of civilisations' to which **M Amin-Evans** gave a colourful, and often misrepresented, reprisal of **V. Gordon Childe's** original use of the phrase. Childe, an archaeologist, saw the encounter of civilisations as an opportunity for technological exchanges that are ultimately beneficial for humanity rather than simply as conquest or destruction. In such a model IARF and our partners are not merely talking about religion but engaged in the very necessary process of securing the benefits of the encounter between great world-views. Something that may renew our enthusiasm that we might become as enthusiastic and open minded as the question time audience.

"Global Cooperation House were very pleased to be able to facilitate what was an engaging evening. The audience were pro-active and appreciative. Hearing the chosen topics shared eloquently and from the heart was rewarding and our faith commonalities were evident. The value of such occasions with good sharing cannot be underestimated." - Long

Visit to UK of Shk Maytham Al-Salman

Before joining the IARF team in Geneva our new member from Bahrain visited the UK to discuss the human rights situation in Bahrain and the need for peaceful democratic reform to protect the rights of all Bahrain's residents. **Sheikh Dr Maytham Al-Salman** is head of the Bahrain Human Rights Observatory's Religious Freedom section and attended a Catholic school in Bahrain before completing his education at university in Canada. During the campaign for reform of Bahrain, inspired by the hopes for the 'Arab Spring' he was arrested, maltreated and held for seven months without charge for his religious beliefs.

Members of the British Chapter supported his visit and arranged meetings in Birmingham, supported by BCC Faith Round Table and in London at the British Chapter Committee meeting. Further support included arranging TV appearances, chairing a public meeting at the **Al-Khoei Foundation**, introductions to leading British human rights campaigners and help in preparing a letter for presentation to UN High Commissioner **Ms Navi Pillay**. The letter was subsequently signed for the British Chapter and also by **Sensei Mitsuo Miyake** for the Konko Church, Japan.

The members of the British Chapter will be pleased to read that in actively supporting a just cause the IARF has featured prominently in the media coverage and made many new and influential friends with whom we will work in the future.

Inform Anniversary Conference

The Inform Anniversary Conference on the theme 'Minority Religions: Contemplating the Past and Anticipating the Future' held at the LSE from January 31st to the 2nd of February 2014. The IARF Europe and Middle East Chapter sponsored two delegates **Professor Dr H. David Baer** from the Texas Lutheran University, to present his paper on the legal status of churches in Hungary, and **M Amin Evans** as an observer.

Prof Baer's paper, which is reproduced in full in this newsletter, was followed by an energetic presentation from **Anthony T. Fiscella**, a Unitarian Universalist from the US who is currently working on his doctoral dissertation at Lund University, Sweden. The impact of his topic, 'Communication Breakdown: MOVE, the U.S, Court System and Critical Religion Theory' was a welcome reminder that the academic study of religion and interfaith dialogue often lag behind contemporary thinking about religion. This was proven when he asked the audience if anyone had read Dr Timothy Fitzgerald who's 'Ideology of Religion' was published fourteen years ago. Only he and I had.

Two other refreshing papers worthy of note in a programme packed with highly informative and challenging content were **Dr Amanda van Eck Duymaer van Twist** discussing religion and fraud under the title 'In Good Faith?', a topic which drew wry smiles from many present, and a history of charismatic syncretism and meta-histories which led to the birth of the Nation

of Islam by **Dr Alessandro Amicarrelli** in 'Islam in America: The Moorish Science Temple of America.'

IARF in Geneva

On the 10th of March an international IARF team of more than 40 delegates and researchers led by **Morse Flores** hosted a side-event on the topic of 'The Rise of Religious Intolerance' at the 25th UNHRC meeting in Geneva. The discussions centred on the rise of violence attributed to religious intolerance in various regions of the world where antipathy toward members of religious groups is used to justify targeted hatred, assaults, restrictions and violent attacks on them and their religious institutions.

Speakers included **Sheikh Maytham Al Salman**, Chairman, Bahrain Interfaith Center, Bahrain - Religious Intolerance in Bahrain; **Ms Rubab Mehdi Rizvi**, Chairperson, International Imam Hussain Council - Religious Intolerance in Pakistan; **Mr Arben Sulejmani**, Head of Foreign Affairs, Bektashi World Headquarters, Albania - Religious Intolerance against the Bektashi Community in the Balkan Region; **Dr Mark Barwick**, Policy Adviser, Human Rights, Human Rights Without Frontiers International, Belgium - Religious Intolerance and Ethno-Religious Conflicts in Africa; **Mr Andreas Nufer**, Pastor, Open Church of Heiliggeistkirche of Berne, Switzerland- Good practices of religious tolerance: the Oecumenical Institute of Bossey & the House of Religions in Berne, Switzerland; and moderated by **Drs Wytske Dijkstra** (IARF EME). **Lord Eric Avebury** had also provisionally accepted an invitation to join our party and speak as an IARF delegate but was unable, late in our planning, to travel.

The impact of the IARF team was increased by their making a number of oral interventions in the open sessions of UNHRC. Some of the delegates to UNHRC and members of the team who did not travel will share their experiences and skills with all at the IARF Congress

Diary Date: British Chapter AGM 2014

AGM British Chapter IARF. Croydon Unitarian Church.

Welcome by the Very Rev Jonathan Clark, Bishop of Croydon.

"Faith and Belief – the Difference between Them"
Panel on the 1979 book by Wilfred Cantwell Smith.

"Wilfred Cantwell Smith draws on various religious traditions to address how, why and with what implications our understanding of the terms 'faith' and 'belief' has altered with time."

Humanity – Naturally Good or Evil? Peter Sampson, Chris Hudson, and others.

Lunch followed by Business, Election of new committee, and vote of thanks to out-going chair Richard Boeke.

10 May 2014 – 10 for 10:30 to 3:30 PM.

18 .06.2014, 12:30 – 15:15 IARF British Chapter EC, Bahá'í National Centre, SW7 1PD

Human Rights and Religious Freedom in Bangladesh

Jannatul Maa

What should be the common definition of Human Rights? In the last few days I was looking for such a definition but could not find type of definition which actually provides the specific principle of Human Rights. Among various approaches one of the two main approaches of human rights is the approach of developed countries and the approach of developing countries. The developed countries hold to the belief that personal freedom and security constitute the core of human rights. On the other hand, developing countries argue that elimination of poverty is the most fundamental right for human beings (Harun ur Rashid, 2005, 139). The fact is that, to the child who does not have his today's food, human rights means a dish of white rice with green vegetables. As a member of a developing country like Bangladesh I know many of our youngsters may ask the question what is the actual relation of human rights and religious freedom where we have a great population below poverty line? I know that, it is because I myself thought about the question. Then I tried to find out the answer.

The Indian Subcontinent is a region where many religions and religious philosophy originated. Among them four important religions are Hinduism, Buddhism, Sikhism and Jainism. Though Islam did not originate here it has a great population who are Muslims. The region where various faiths exist alongside is like an estuary where many rivers have assembled. That is why it is at the same time a very sensitive place, where people can easily be involved in conflicts and clashes on the basis of the variety of their faiths. Several times the earth of this subcontinent was bloodied by the violent behavior of various believer groups. The riots of 1921, 1946, 1992, and 1993 are very prominent among them. Though most of the riots were politically motivated, religious emotion also played an immense role to make people wild. In 1947, we got two new nations which were divided on the basis of religious belief. By studying these restless years of history it can be said that the people of this area easily got motivated in the name of religion. Very recently the occurrence of brutality against Rohingya Muslims in Myanmar is also a sign of politically motivated violence. It is apparent to us that the pious people of this region are very sensitive to the question of their religion. From time to time this emotion is abused and misused by groups of politicians. As for example, in British period, this area was ruled with a divide and rule policy. Most of the cases general people could not understand that their emotions had been misused by some groups. For these reasons, we need to make our people more conscious about what religion says, what we are doing and what we actually need to do. To stop violence in the name of religion our youths should know the actual meaning of human rights, and the importance of religious freedom in establishing human rights properly.

In search of a specific criterion of human rights, we have to take help from the Universal Declaration of Human Rights of 1948.

Article 1 of this greatest declaration holds,

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

Article 2 holds,

“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin.”

The right of religious freedom right was not created by governments, but exists prior to governments and societies. Therefore religious freedom is one of the foundational human rights. To protect this freedom means protecting something common to every human being—the sanctity of the conscience in matters of ultimate truth, worship, ritual and codes of behavior. The Universal Declaration of Human Rights recognizes that every person, in every corner of the globe, has the right to freedom of thought, conscience and religion.

Article 18 is the key text which holds the actual feature of religious freedom.

“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

The Declaration vigorously asserts that individual religious differences must be respected. It embraces the political principle that a key role of government is to protect religious choice, not to mandate religious conformity. No government which fails to protect freedom of religion and conscience is likely to value the other fundamental rights, such as freedom from arbitrary arrest or torture. By the same token, the elevation of religious liberty is a sign of a healthy democracy—one which values not only freedom of conscience, but the other rights necessary to religious freedom, such as free speech and assembly.

Sixty four years ago, on December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. Interestingly, even 48 years back of that, in 1900 The International Association for Religious Freedom, the world's first international interreligious organization was founded. Bangladesh is an active member of this organization. In fact, the essence of religious freedom was formerly in the heart of people of this land. From more than 100 years ago in the lyrics of Bengali baul Lalou (1774-1890) we find the words of religious freedom. He has become an icon of religious tolerance and secularism through his songs. He sings “if you respect human being, you will be the real human, without respect human o fool, you will lose your own root”

In another song he proclaimed:
 "Everyone asks: "Lalan, what's your religion in this world?"
 Lalan answers: "How does religion look?"
 I've never laid eyes on it.
 Some wear malas [Hindu rosaries] around their necks,
 Some tasbis [Muslim rosaries], and so people say
 They've got different religions.
 But do you bear the sign of your religion
 When you come or when you go?"

The point should be noted that, Lalan was a poet of our village land. He sang the song of the people's heart, he did not write his poems in a city drawing room. He walked through villages while singing the song of humanity. Therefore, our people are very much familiar with humanity as well as religious freedom. They did not know the theory but they practiced it through their lifestyles. Following independence from Pakistan in 1971, Bangladesh was established as a secular state in which national identity was based on Bengali language and culture. The first constitution of Bangladesh contained strongly-worded guarantees for freedom of religious belief and practice, as well as equal treatment by the government for citizens regardless of religious affiliation. Unfortunately subsequent military regimes amended the constitution. The affirmation was included in the constitution that "absolute trust and faith in Allah" is to "be the basis for all actions" by the government. Islam was made Bangladesh's state religion in 1988 under the military dictatorship of H.M. Ershad. Recently, an amendment to the constitution passed on June 30, 2011 did not change the position of Islam as the state religion but reaffirmed the country is a secular state. Therefore, the constitution and other laws and policies of our country protect religious freedom. Though the constitution provides for the right to profess, practice, or propagate all religions, subject to law, public order, and morality. Bangladesh's high levels of political violence and instability have provided opportunities for religious and other extremist groups to engage in criminal activities.

Three examples of politically motivated violence are:

1. A group of religious extremists coordinated a wave of hundreds of almost simultaneous bomb attacks, carried out in all but one of Bangladesh's 64 districts on August 17, 2005. These extremists were also implicated in a series of bomb attacks on Bangladesh's judiciary in October-November 2005 which accompanied a demand to substitute sharia law for Bangladesh's secular jurisprudence system. In March 2007, six members of the armed Islamist group Jamaat-ul-Mujahideen Bangladesh (JMB), including JMB leader Sheikh Abdur Rahman and Siddiqui Islam, alias Bangla Bhai, were executed for their involvement in the 2005 bombings

2. On December 29, 2008, a few hours before the general elections, a Buddhist temple and three homes in a minority-dominated part of Fatikchari, CHT were subject to an arson attack, reportedly to intimidate minorities and scare them into nonparticipation on voting day.

3. Bangladesh's small Ahmadi community of about 100,000 was the target of a campaign to designate the Ahmadis as 'non-Muslim heretics'.

(United States Commission on International Religious Freedom (USCIRF)- May 03,2007)

<http://bangladeshwatchdog.blogspot.com/2009/06/bangladesh-dropped-from-religious.html>

These all are the politically motivated incidents where religion has been used as an arm of politicians. But the general people of this land contain the message of equality and religious freedom. Here, I am tempted to give the example of Durga Puja of 2006 and 2007. It is because in these two particular years the people of Bangladesh enjoyed Durga Puja and Eid ul Fitr with great festivity at the same time. Here is some news from those years' daily news paper. In October 17, 2007, a prominent daily newspaper of the country "The Daily Star" holds,

"Hindu devotees are all set to invoke Goddess Durga, daughter of the majestic Himalayas, with the Mahasaptami puja at some 20,000 puja mandaps across the country today...Leaders of Bangladesh Puja Udjapon Parishad and Mahanagar Sarbojoneen Puja Committee said people from all walks of life will gather at puja mandaps mostly from today as the main attraction of the Durga Puja begins from Mahasaptami...Ansars have been deployed at every puja mandap while Rapid Action Battalion, Bangladesh Rifles and police will patrol the puja venues for ensuring security of the visitors."

The issue of October 6, 2008, of the same newspaper holds, "Just after Eid holidays the city is witnessing more festivity especially the Old Dhaka...President of Bangladesh Puja Udjapon Parishad, Professor Nim Chandra Bhowmik, said "Despite the increased expenses of puja materials, the number of mandaps increased in recent times. Better communal harmony is creating a positive environment."Bhowmik however mentioned that there have been a few incidents of vandalism this year as well. Around 22,000 mandaps had already been set up across the country including 165 in Dhaka. Last year the number of mandaps was 20,000. Bangladesh Puja Udjapon Parishad (BPUP) Adviser Major Gen (retd) CR Dutta Beer Uttam at a press conference yesterday said the increase in number of mandaps this year indicates communal unity among people in the country. DPUP leaders demanded that the government ensure

equal rights of people of all faiths, giving Durga puja state status, four-day vacation on this occasion and celebrating Janmashami of Sri Krishna at state level.”

Therefore, Bangladesh has a very suitable platform for establishing religious freedom. Its general people are not obviously arrogant. They are habituated to hear the azan and the tune of ‘shankha’ at the same time. Now, to establish the proper religious freedom our political leaders should take the necessary steps. We have to elevate ourselves from the stage of toleration to the stage of religious freedom.

Sources:

1. P. Barash, David and P. Weibel, Charles, 2002, *Peace and Conflict Studies* by Sage Publications.
2. Rashid, Harun Ur, 2005, *An Introduction to Peace and Conflict Studies*, The University Press Limited
3. Gongopaddhay Shunil, 2008 *Moner Manush* (Bengali) Anondo Publishers.
4. 2011 Report on International Religious Freedom Bangladesh, 30 July 2012, Published by United State Department of State. <http://www.unhcr.org/refworld/docid/502105db69.html>
5. The Daily Star, Prominent daily newspaper of Bangladesh, October 17, 2007 and October 6, 2008 Issues.

Hungary’s New System of Church Recognition: Rule of Law or Rule by Decree?

H. David Baer

In 2011 Hungary enacted a new law on “the Right of Freedom of Conscience and Religion, and on the Legal Status of Churches, Religious Denominations, and Religious Communities” (Act CCVI of 2011) which has had enormous implications for religious freedom. Prior to 2011, religious communities in Hungary were registered and recognized in accordance with a 1990 law which treated all groups equally. Act CCVI, however, abolished the previous practice and replaced it with a tiered system of recognition for religious communities that distinguishes between, on the one hand, “established churches” (bevett egyházak), which receive numerous rights and privileges, and, on the other hand, “organizations conducting religious activity” (vallási tevékenységet végző szervezetek), which receive different and fewer rights and privileges. In order to introduce this new classification system, Act CCVI had to repeal the legal status of numerous groups previously recognized as churches according to the 1990 law. The number of churches deregistered by the new law was approximately 200.

Many countries in Europe have tiered classification systems for religious communities, and a superficial look at Hungary might leave the impression that its religion law resembles that in other European countries. However, Hungary’s tiered system was introduced after the country had established a twenty year legal practice of treating religious groups equally. Introducing a tiered system in Hungary was thus impossible without stripping numerous religious communities of rights they had already secured under law. Furthermore, because the structure of the new religion law depends upon the retroactive withdrawal of rights, the Hungarian government has been unable to preserve the tiered classification system without creating a registration system that is arbitrary and unaccountable, which fails to comply with OSCE/ODIHR-Venice Commission guidelines for legislation pertaining to religion or belief, and which contravenes fundamental democratic principles such as equality under the law and the right to due process.

The challenge of introducing a tiered classification system

Any tiered system for classifying religious communities inevitably raises questions concerning equality under the law. The essential characteristic of a tiered system is that it treats religious communities differently, granting privileges to some groups that it denies to others. But the right of religious freedom, including the right to the group-differentiated expression of religious belief, is held by all persons equally. The question therefore becomes: how can the unequal treatment of different religious groups be reconciled with the legal equality all citizens enjoy under the law?

Although the Hungarian government has not been altogether clear in providing answers to this question, one can, I think, discern in some public comments the outlines of an argument that goes something as follows: The right of religious freedom consists of an essential minimum that is protected by Hungarian law. Extending rights and privileges that go beyond the basic minimum, however, is a matter for political discretion. Thus, if the state wants to distinguish between churches and religious organizations, it can do so provided this differential treatment does not impinge upon the essential minimum guaranteed by the right of religious freedom. In Hungary, the argument goes, religious organizations enjoy the essential minimum; established churches enjoy privileges that go beyond the essential minimum. So Tamás Lukács, chair of a parliamentary committee on human rights and a member of the government coalition party, has stated that no religious community has a “subjective right” to be recognized as a church, even in circumstances in which that community meets the criteria for recognition laid down in the law. This is because, in Lukács’s view, whether or not the government bestows recognition as a church on a religious community is a matter purely for political discretion. Indeed, according to one press report, Lukács told the committee of human rights which he chairs that acquiring church status was not a matter of “right, but of grace.”

Yet even if one grants that the state can differentiate in its treatment of religious groups under some circumstances, the proposition that differences in treatment need no justification whatsoever is preposterous. The state cannot

distinguish between religious communities willy-nilly, favoring some groups over others on the basis of, say, the prime minister's personal preferences. All religious citizens are entitled to equal treatment under the law, and therefore the associations those religious citizens form are also entitled to equal treatment. Differential treatment of religious communities can be justified only as the byproduct, or social outcome, of the equal treatment of their citizens.

A few brief illustrations may serve to illustrate the ways in which equal treatment under the law allows space for certain kinds of differential treatment. Imagine a state that decides to support the religious aspirations of its citizens by providing direct subsidies to the religious communities in and through which citizens pursue those aspirations. Equality under the law means those subsidies need to be accessible in principle to everyone. At the same time, the state might well decide to distribute its subsidies proportionally in ways that provide larger sums to larger communities. It might also reasonably establish a minimum threshold for receiving financial support. But in these cases the differences in subsidy correspond to legitimate social differences among the religious communities. That is, the different treatment arises from a process that begins by treating all citizens equally. To use another example, the state may decide to extend tax exemptions to clergy, property, or activities of religious communities. The principle of equality under the law requires that these exemptions be offered in a neutral way to all religious groups, although again, the extent of the benefits will correspond to the size of a religious community.

In the case of the Hungarian law, however, the different treatment of established churches and religious organizations does not correspond to a principle of proportional equality, nor does it consistently reflect objectively different social circumstances. Established churches receive certain types of direct subsidy, regardless of size or kind of activity, which religious organizations, regardless of size or kind of activity, do not. The salaries of clergy in established churches are tax exempt, but those of clergy in religious organizations are not. Furthermore, the law treats the two groups differently as concerns rights of religious practice. The different rights enjoyed by established churches and religious organizations would therefore seem to arise from differences in the underlying posture the Hungarian state has adopted toward different groups of people. In other words, the state is discriminating against certain of its citizens.

Further evidence of this discriminatory posture can be adduced from the way Act CCVI of 2011 was implemented. Introducing a tiered classification of religious groups into a legal structure where those groups had previously been treated equally proved impossible without disregarding basic rights and legal principles. Hungary's new religion law recognizes 27 established churches. At the time the law went into effect, all other previously recognized churches were stripped of legal personality. As a result, their leases, their contracts with utility companies, and any other legal relationships they had were voided. Deregistered churches were also informed that they needed to secure recognition as a civil organization to avoid having their property liquidated by the state. Given that OSCE/ODIHR guidelines for legislation concerning religion caution against retroactive provisions and re-registration procedures, the problematic character of this deregistration process should be obvious. Even so, I would like to call attention to some distinctive aspects of the Hungarian case.

In Hungary, deregistered communities were essentially compelled to seek legal personality under threat of losing their assets. This would appear to violate OSCE/ODIHR guidelines, which indicate religious communities should not be required to seek legal personality. However, OSCE/ODIHR guidelines also recognize that certain legal benefits properly attach to legal personality. Thus for the Hungarian government to require religious communities to acquire legal personality in order to own property or enter into contracts would seem compatible with European guidelines. The problem is that Hungary's deregistered communities had already entered into legal relationships as churches. Retroactively stripped of rights they had once acquired, they were told to apply for the same rights again as a different kind of entity. Many deregistered religious communities have reported to me that the process of registering as a civil organization required making institutional changes that violated their religious conscience. Although perhaps in a strict sense these groups were free not to apply for legal personality, the choice to exercise that freedom would certainly come with a cost.

As a matter of due process and equal treatment, we should note that the 27 established churches recognized by the law were not required to apply for that status in accordance with the new recognition procedure laid down in the law. If the purpose of Act CCVI was to wipe the slate clean, so to speak, by establishing a completely new procedure for recognizing churches, then all of Hungary's religious communities should have been deregistered and made to apply for the new status according to the new requirements. However, the churches currently recognized received their status as part of the legislation that brought the religion law into effect. Act CCVI of 2011 undid twenty years of established legal practice, but did so unequally, exempting some religious communities from its draconian measures. Once again, therefore, the state adopted a fundamentally unequal posture toward different groups of citizens, discriminating against some of them.

An arbitrary registration procedure

Yet further evidence that Hungary's tiered classification system is discriminatory can be adduced from the legal procedure established by the law for conferring the status of established church. Even if the government's expert on human rights, Tamás Lukács, were right that religious organizations do not have a subjective right to receive church status, the citizens belonging to those religious organizations certainly do have a subjective right to due

process under the law. Thus any justification of Hungary's tiered system must show, at the very least, that the citizens of all religious communities have an equal opportunity under equal circumstances to secure recognition as a church. Judged by the standards of equal treatment and due process, however, Hungary's religion law falls egregiously short.

In many cases, the actual classification of specific religious communities into the categories does not conform clearly to the requirements of the law itself. Some religious communities on the list of established churches do not appear to meet the conditions for recognition, while other communities appearing to meet those conditions have been excluded. The list of established churches therefore appears arbitrary. To demonstrate this, I need only discuss a few of the numerous (and we should add parenthetically, burdensome) conditions for recognition. According to the law, a religious organization applying for church status must demonstrate either (1) that it has been operating internationally for at least 100 years, or (2) that it has been operating in Hungary for 20 years and that its membership reaches 0.1% of the total population. Let us consider this second condition first, particularly the requirement that a religious community's membership reach 0.1% of the population. According to the 2011 census, Hungary's total population is just below 10 million inhabitants (9,937,628). Thus, a religious community with a membership reaching 0.1 percent of the population would have approximately 10,000 members. This number arguably contradicts OSCE/ODIHR guidelines against high membership requirements. Based on the most recent census data, only 6 of the 27 established churches in Hungary have 10,000 members or more. Thus, insofar as the current list was established according to the conditions enunciated in the law, the majority of those groups were recognized not on the basis of condition (2), but because they conform to condition (1).

Condition (1) requires a religious community to have been operating internationally for at least 100 years. The law stipulates further that a religious community must demonstrate international operation by meeting one of three, additional conditions. It must (a) provide "a certificate issued by churches that have church status in at least two countries and have the same confession;" or it must (b) provide "a certificate of membership in an association issued by churches, church associations that operate in at least two countries and have the same confession;" or it must (c) provide "a certificate issued by a world church that has member churches in at least two countries." Condition (b), which provides for membership in international associations, seems to be written with a view toward Protestant churches, which often belong to international ecumenical organizations. Most of those ecumenical organizations are, however, less than 100 years old. The World Methodist Council, for example, was formed in 1931, the Lutheran World Federation in 1947, the World Alliance of Reformed Churches in 1970. Membership in one of these ecumenical organizations, therefore, would not demonstrate 100 years of international operation. Currently in Hungary there exist two separate Methodist churches. The smaller one is legally recognized, the larger is not. One possible explanation for this might be that the smaller church belongs to the World Methodist Council; except the World Methodist Council is less than 100 years old. This Methodist church is also affiliated with the United Methodist Church based in America, but the United Methodist Church was established only in 1968. Meanwhile, the unrecognized Methodist church in Hungary, called the Hungarian Evangelical Fellowship, has recently demonstrated a membership of more than 10,000.

Condition (c) provides for member churches of a world church. The clearest example of this might be the Roman Catholic Church, although the various Orthodox churches recognized in Hungary would probably also qualify under this provision; so also would the Church of Jesus Christ of Latter Day Saints (the Mormons), which is recognized in Hungary. However, other groups which clearly meet this condition are excluded. The Armenian Apostolic Church, which has a presence in Hungary and which is one of the oldest Christian churches in the world, is not on the list of established churches. The Unification Church, present in Hungary, would also qualify under this condition. Admittedly, the Unification Church is not 100 years old, but as we have seen, that did not seem to matter in the case of the Methodist church.

Condition (a) provides for churches with the same confession existing in at least two countries. This condition seems quite similar to condition (c), but perhaps it was written with sister churches in mind, rather than churches with a single international organization and leadership. Perhaps the Seventh-Day Adventists, who are recognized, would fit under this condition, as would the United Methodists - if the United Methodist Church were 100 years old. But again, churches which appear to meet this condition have been denied recognition. For example, a Pentecostal church in Hungary (Isten Gyülekezete Egyesült Pünkösdi Egyház) affiliated with the United Pentecostal Church, International has so far been denied church status, even after producing a signed and notarized certificate from the American leadership of the church, as the law requires. The response of the relevant government minister, Zoltán Balog, has been to request that the United Pentecostal Church, International produce evidence that it is legally recognized in two countries.

On the other hand, several of Hungary's established churches would seem to have trouble meeting any of the conditions just discussed. In calling attention to this, I do not mean to suggest these groups should not have been recognized, I merely wish to point out inconsistencies in the application of the law. One of the most perplexing instances of a recognized church is the Transylvanian Congregation (Erdélyi Gyülekezet). The Transylvanian Congregation is a group that broke away from Hungary's Reformed Church in the 1990's. It may be barely 20 years old, but it almost certainly does not have 10,000 members. Given its unique mission to ethnic Hungarians, the likeli-

hood that the Transylvanian Congregation shares an identical confession with churches recognized in at least two countries also seems low. One is left to wonder, therefore, why this group is included among the established churches, especially when many other religious groups with a greater presence in Hungary have been excluded. The explanation for these inconsistent applications of the law is to be found in one of the law's provisions, according to which a church can only be recognized by a 2/3 majority vote of Parliament. Since nothing binds members of Parliament to respect the conditions for recognition laid down in the law, the list of recognized churches need not conform to those conditions. Indeed, according to Tamás Lukács, Parliament need not recognize a religious community as a church even when it meets all the conditions in the law, because recognition is a matter of political discretion rather than subjective right.

However, everyone has a right to due process. As the Venice Commission noted in its report on Hungary's religion law, a provision that grants Parliament exclusive authority to bestow recognition on religious groups cannot be viewed as complying with the standards of due process of law. Nor can such a provision satisfy the right of effective remedy, which, as the OSCE/ODIHR guidelines remind us, is a right "rooted in general rule-of-law conceptions" and embodied "in a number of international norms." Insofar as Parliament's decision is both arbitrary and final, religious groups unfairly denied recognition have no avenue of legal appeal.

Serious concerns about due process and the right to effective remedy were at the core of a ruling by Hungary's Constitutional Court that struck down significant parts of Act CCVI of 2011. The Court ruled that the recognition procedure carried out under the new law did not afford unrecognized groups due process and legal remedy, and, therefore, the Court restored the legal status of numerous deregistered communities. The response of the Hungarian government was to amend the constitution and the religion law so as explicitly to allow Parliament political discretion in determining which religious groups to recognize as churches. By explicitly granting Parliament a right of discretion, these amendments also give Parliament the constitutional authority to ignore the conditions for recognition laid down in the law. Nor did Parliament choose to change the list of established churches in light of the high court's ruling.

Instead, the Hungarian government responded to concerns about legal remedy by introducing a passage into the religion law that allows religious communities to appeal their rejection by Parliament before the Constitutional Court. That is, a rejected religious community would ask the high court to review Parliament's specific decision to deny it church status. However, since both the Basic Law and the law on religion allow Parliament to exercise political discretion in determining which religious groups to recognize as churches, it is hard to envision a scenario in which the Constitutional Court could ever overturn a decision by Parliament. If Parliament has a constitutional right to enact arbitrary decisions, the Court cannot strike down Parliament's decision for being arbitrary. Rather than provide for legal remedy, the constitutional amendment has effectively removed it.

Conclusion

In seeking to rebut international criticisms of its religion law, the government of Hungary tries to describe its tiered classification of religious communities as a common European model, a system analogous to that in other democratic countries. However, the numerous problems with the law that I have outlined above call this analogy into question. Indeed, most of the problems with the Hungarian law originate in the way its classification system differs from those found elsewhere in Europe. In other European countries, tiered classification systems are the result of historical development, reflecting compromises achieved over time between national histories and a growing acknowledgment of the right of religious freedom. The defining characteristic of Hungary's religion law, by contrast, is its effort to repeal historical developments by revoking rights previously held by Hungary's citizens and reducing the scope of religious freedom. From the point of its inception, to the moment of its implementation, and through its continuing application, Act CCVI of 2011 has been discriminatory in ways that raise justifiable concerns not only about the state of religious freedom in Hungary, but also about the rule of law itself.

"Állami kegy az egyházi státusz" *Népszava online* February 10, 2012 (<http://www.nepszava.hu/articles/article.php?id=520174>).

See *Guidelines for Review of Legislation Pertaining to Religion or Belief*, OSCE/ODIHR, adopted by the Venice Commission, June 2004, page, 16. Ibid, page, 17.

Act CVII of 2011, 14. § "The Parliament recognizes a religious organization if c) it has operated for at least ca) a hundred years internationally or cb) twenty years in an organized fashion as a religious community in Hungary and has a membership equalling at least 0.1 percent of the population of Hungary. „14. § A vallási tevékenységet végző szervezetet az Országgyűlés egyházként ismeri el, ha...c) legalább ca) százéves nemzetközi működéssel rendelkezik vagy cb) húsz éve szervezett formában, vallási közösségként működik Magyarországon és Magyarország lakosságának 0,1 százalékát elérő taglétszámmal rendelkezik”.

Guidelines for Review of Legislation Pertaining to Religion or Belief, page, 17.

Act CCVI of 2011, "14/A. § (1) A 14. § c) pont ca) alpontja szerinti nemzetközi működést a) legalább két országban egyházi státusszal rendelkező és azonos hitelveket valló egyházak által kiállított igazolás, b) legalább két országban működő és azonos hitelveket valló egyházak, tágelyházak szövetsége által a szövetségi tagságról kiállított igazolás, vagy c) legalább két országban működő részegyházakat összefogó világ-egyház által kiállított igazolás alapján kell megállapítani."

Opinion 664/2012 *European Commission for Democracy Through Law* (Venice Commission), paragraphs 76-77.

Guidelines for Review of Legislation Pertaining to Religion or Belief, page 13.



34th IARF Congress Birmingham 2014

Karen Armstrong

will address

“Challenges for Religious Freedom in the Digital Age.”

at the Opening Ceremony on Sunday 24 August 2014

In the presence of

Most Rev Mitsuo Miyake

&

Honoured Guests

Three Plenary Sessions

“The coming-online faith world” (Human Rights Defence in the Developing World)

“How (not) to Liberate the World” (‘Digital Utopianism’)

“Educational potential of religious narrative animation” (How can animators help teachers?)

His Grace Bishop Angaelos

General Bishop of Coptic Orthodox Church in the United Kingdom,

Sheikh Maytham Al-Salman

Head of Religious Freedom Unit of IARF member group Bahrain Interfaith Centre.

Professor Kathy R Matsui

Chair of global citizenship studies at Seisen University

Some of the 35 confirmed talks are:

∞**The Faith Factor: How unequal Elections disadvantage Religious Minorities.**∞

∞**Intergeneration solidarity in the digital age**∞**How to express conflicts in belief in the digital age**∞

∞**The Internet – a medium for constructive resilience?**∞

∞**Directions for the future of the Unitarian Universalist History & Heritage Society**∞

∞**The Importance of “The Face To Face” in the Digital Age**∞**Social Media – Use It, Don’t Abuse It**∞
and

Video and Film Screenings

Circle Goups

Visits, Trips and Entertainments†

Lunches & Refreshments

******All supported by our multi-lingual team of volunteers and professional translators!******

24th - 27th August

† The entertainments, visits to places of interest, and third party events bonus programme will commence on 23.08.2014

IARF World Congress 2014 – Draft Program

AUGUST 2014	Venues → Times ↓	Plenaries: Avon Room & Lobby University Centre Breakouts: Breakout rooms, University Centre		St. Francis Hall student chaplaincy
Day (Bank Holiday)		Day 2 ** (Bank Holiday)	Day Tuesday 26 th	Day Wednesday 27 th
	7.0	BREAKFAST		
	8.00- 8.30	Morning worship	Morning worship	Morning worship
RFYN Pre-meeting, Chaplaincy	8.45–10.15 (90 mins)	Session 2 - Plenary	Session 6 - IARF Business Meetings: General Meeting I	Session 10 - IARF Business Meeting: General Meeting II
Council meeting, Chaplaincy			Parallel presentations*	Parallel presentations*
Registration (open till 16:00)	10.1 - 10.4	COFFEE	COFFEE	COFFEE
10.30: Official visits to Acts of Worship	10.45–12.30 (105mins)	Session 3 – Plenary-linked Breakouts (3 in parallel, each 3 speakers)	Session 7 – Stand-alone presentations* (3 in parallel, each 3 speakers)	Session 11 – Plenary 3
Lunch (not provided)	12.30- 13.30 13.30–14.30	LUNCH (provided) Circle Groups	LUNCH (provided) Circle Groups	LUNCH (provided)
14.00–17.00 Session 1 - Opening Ceremony & Reception (17:00) (Barber Institute of Fine Arts)	14.30–16.00 (90 mins)	Session 4 – Stand-alone presentations* (3 in parallel, each 3 speakers)	Session 8 – Plenary 2	Session 12 - Closing ceremony (Barber Institute of Fine Arts)
	16.00	TEA	TEA	
	16.30 – 18.00 (90 mins)	Session 5 – IARF Business Meetings: Chapters / Regions Parallel presentations*	Session 9 – Plenary-linked Breakouts (3 in parallel, each 3 speakers)	

Evening entertainments, various Birmingham venues (Cost Included In Congress Registration)

* 'Stand-alone' and parallel presentations are those not directly related to a plenary topic

Delegate Fees

\$370.00 Standard (Early-bird up to 08 June; thereafter \$390) **\$ 310.00** Student or unwaged participant fee

\$130.00 South Asia, Africa, Middle East & Eastern Europe (Early-bird up to 08 June; thereafter \$150)

Book online, accommodation information and updates at
<http://iarf.net/congress/2014-birmingham/registration-page/>

To get a postal payments form or to use a credit card by phone call Robert at: 0208 574 6694

More information updates and discussions at our FaceBook Pages '[Friends of IARF](#)' and '[34th IARF World Congress](#)'

Circle Groups

Over two days, this long-standing IARF tradition will allow you to meet one another in encounter groups of 10 or fewer, chosen to balance gender, age and faith identity. These encounters begin with self-introductions followed by discussion of your respective faith orientations, and issues around interfaith relations – as well as some conversation on the theme of the event and how it relates to your personal and group lived faith.

Culture and Pleasure

Mrs Henna Rai of Kaleidoscope Arts has provisionally booked a glittering array of performers to trace the story of music, song and dance through Bhakti, Bollywood and beyond. They include,

*****Indrani Dutta and Co;** Kathak and Sufi dancers and performers;***

*****Salim and Sulaiman Merchant.** Bollywood composers; performance and workshops;***

*****Kumar Shashwat;** North Indian classical;***

*****Krishant Walia;** Sitarist and tabla;*****Shashwati Walia;** North Indian classical vocals and workshops.***

*******And rising British Pakistani singer **Ali Abbas.*****

However in a city where Urdu, Hindi and Arabic words have become part of everyday speech, especially when eating out, there is also a significant linguistic and cultural contribution from the Caribbean which is not being ignored. In addition to events at Black Led Churches an evening of Reggae music is also in the pipeline.

The better news for many Congress delegates is that they will be entitled to free entry to these popular ticketed promotions as an added value bonus for 'early-bird' booking of their congress fees. However for those who book later for Congress there will be discounted tickets available for headline promotions and many free events in the campus bars and cafes for everyone to enjoy.

After and Alongside Congress

25 Aug 'IARF Peace Commission Meeting' (evening) details TBA by **Rev Dr Richard Boeke.**

Following the IARF Congress, **Rev Chris Hudson** is organizing a conference with Peacemakers in Larne and Belfast Northern Ireland. **27-30 or 31 August.** This will be a quite unique opportunity to meet with people who have turned away from the confrontation and violence to which there once seemed no alternative. However, space is limited to about 15 participants. The cost of this conference will be about £350 including the round trip air fare between Birmingham and Belfast.

27 Aug 'Human Rights and Religions Seminar' Early evening at the Al-Mahdi Institute.

28 Aug 'An Excursion into the Countryside.' A visit to places of interest near to Birmingham for those who wish a relaxing day of souvenir hunting and photography after Congress while waiting for their flights home. Cost approx \$28pp including picnic lunch on the banks of the Avon. Details and booking information TBC.

16-22 Nov 'Interfaith Week' in England, Northern Ireland and Wales. See www.interfaithweek.co.uk/ for details of events near you or to register an event.

30 Nov British Arab Federation, '[FEMALE GENITAL MUTILATION - finding answers](#)'
3PM The Main Hall - South and City College Birmingham- Digbeth Campus,
High Street Deritend, Digbeth, Birmingham B5 5SU.

More details and announcements in the 'Birmingham Congress 2014 Newsletter' coming soon!

THE INTERNATIONAL ASSOCIATION OF
LIBERAL RELIGIOUS WOMEN
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THEME

Raising Our Voices for Change
toward a Sustainable World

STUDY GROUP THEMES

1. Religious Freedom Interfaith Dialogue
2. Sustainable Livelihood

(Women's Empowerment)

1. Sustainable Environment
2. Justice, Peace-building & Education

REGISTRATION

Full Participant \$350 € 200
(Student Discount Possible)
Includes lunch for August 21, 22,
23, dinner for August 20, 21, 22
and Refreshments.

COOPERATION

IARF ICUW

Visiting Coventry.

The IALRW Conference programme includes a visit to **St Michael's Cathedral**, Coventry where the modern cathedral stands beside the walls of the earlier building gutted during WW II. However anyone visiting Coventry will find many examples of buildings which survived the blitz and centuries of urban development near to the cathedral.

Holy Trinity church has a fine stucco painting featuring a **Mater Mundi** which survived the reformation, thanks to a timely coat of whitewash, to be rediscovered and restored in the late 20th C. The church also has fine stained glass and a magnificent eagle lectern. The church

and its treasures survived the blitz when the then vicar climbed on to the roof to extinguish a blaze started by incendiary bombs.

Also exhibited for visitors are the excavated medieval undercroft and a great number of objects discovered by archaeologists as the remains were exposed and preserved.

Coventry is within easy reach of Birmingham for IARF delegates by bus or train and for those who also want a very ethical and edible refreshment break the cafe at Methodist Central Hall is only a short walk from the tourist destinations.

International Association for Religious Freedom, British Chapter (IARF-BC)- Subscription form

I wish to apply for/renew my membership for 2013 and (if not already paid) either:

- (a) enclose a cheque to British Chapter IARF for my subscription of £15; or
- (b) have or will pay it directly to British Chapter IARF, sort code 40-09-18, account 02018268.

Payments which cannot be identified will be treated as anonymous donations.
or (please delete as appropriate)

I do not wish to be a member and ask you to remove my name from the membership list
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date 2014

New Members please add address, email and phone number.

Gift Aid form (if not previously completed) details of giver

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Notes

- 1 You can cancel the declaration at any time by notifying the IARF- BC — it will then not apply to donations you make on or after the date of cancellation or such later date as you specify.
- 2 Please notify the IARF-BC if you change your name or address while the declaration is still in force.
- 3 You must pay an amount of Income Tax and/or Capital Gains Tax at least equal to the tax that the IARF-BC reclaims on your declaration in the tax year.
- 4 If in the future your circumstances change and you no longer pay tax on your income and capital gains equal to the tax that the IARF, BC reclaims, you can cancel your declaration (see note 1).
- 5 If you pay tax at the higher rate, you can claim further tax relief in your Self-Assessment tax returns.

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