

**Mandates of the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on minority issues**

Ref.: AL HUN 1/2022  
(Please use this reference in your reply)

13 December 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on freedom of religion or belief; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 49/5, 43/4 and 43/8.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged unlawful dismissal by the Budapest City hall of one of its workers, Mr. **Gàspàr Bèkès**, which appears to be related to Mr. Bèkès' legitimate exercise of his rights to freedom of thought, conscience and religion, including his right not to profess any religion and to practise his beliefs as an atheist and a member of a belief minority; his right to freedom of opinion and expression; as well as death threats received by Mr. Gàspàr Bèkès through social media.

According to the information received,

Mr. Gàspàr Bèkès is a founding member of the Hungarian Atheist Association and an Associate of Humanists International and a vocal supporter of secularism and humanism in Hungary. He published numerous newspaper articles and opinion pieces and participated in public debates and discussions to advocate for the promotion of secularism and children's right to freedom of religion or belief. According to the data of the population census held in 2011, atheists represent a belief minority in Hungary (147,386 individuals, declared to be atheists, which represented 1.5% of the population) .

From December 2020 to 2 February 2021, Mr. Bekès worked as strategic environmental expert for the Budapest City Hall.

On 28 January 2021, a Christian portal, [REDACTED], published an article about Mr. Gàspàr Bèkès claiming that he offended religious sensibilities by sharing memes in closed Facebook groups dedicated to political satire.

On 29 January 2021, based on an article written by Mr. Bekès three years prior to his employment, which stated that child baptisms would violate the children's right to freedom of belief, the portal informed that Bèkès called to ban baptism and he was thus a blasphemer.

On 31 January 2021, based on the aforementioned article, the Deputy Prime Minister Zsolt Semjen and the leader of the Christian Democratic Peoples Party publicly demanded Mr. Bekès' termination from his work at the Budapest City Hall. According to the statement released, the Mayor was urged to "immediately remove from office his expert who wants to ban the baptism of

children! This anti-Christian pathological hatred is reminiscent of the darkest era of Rákosi”.

On 1 February 2021, the City Hall issued a public statement taking distance from Mr. Bèkès' declarations, mentioning that Mr. Bèkès had no direct contact with the Mayor and informing that Bèkès had been warned of his obligation to separate his private opinion from his work as a civil servant in the Mayor's Office. In fact, Bèkès received a written warning from the City Hall claiming that he had not made clear that his articles were not written on behalf of the City Hall, and demanding he issue a public apology.

On 2 February 2021, Mr. Bèkès was fired by the City Hall despite the fact that all performance reports recorded at his place of employment had contained positive evaluations. On the same date, Mr. Bèkès published a statement where he strongly criticised the decision of the Budapest City Hall, claiming that it represented a violation of his right to freedom of opinion, expression and conscience.

On 24 May 2021, the first instance Metropolitan Administration and Labor Court of Budapest upheld Mr. Bèkès's appeal against his dismissal by the Budapest City hall, ruling that he was terminated unlawfully. The Court ordered to reinstate Mr. Bèkès in his post and condemned his employer to compensate Mr. Bèkès in full for his loss of earnings.

On 8 June 2021, the Budapest City Hall filed an appeal before the Budapest Court of Appeal against the decision of the first instance Court. For this reason, Mr. Bèkès has not been reinstated in his post pending the decision of the Court of Appeal.

Since January 2021, Mr. Bèkès has received a high number of death threats in his Facebook inbox and in comments under articles published online, including on the aforementioned [REDACTED] portal. The intimidations received have included threats to cut his tongue and pull out his teeth.

On different occasions, Mr. Bekès tried to file reports before the III District Police Station of Budapest concerning the death threats received. The police systematically dismissed them stating that the individuals who threatened him were just upset and they were certainly not seriously thinking about hurting him. Mr. Bekès filed a complaint before the Attorney General's Office against the Police's dismissal of his requests to investigate the authors of the threats. On 12 August 2021, the Chief District Attorney rejected his complaint, stating that the words of the individuals that had threatened Mr. Bekès could not make him feel unsafe.

While we do not wish to prejudge the accuracy of these allegations, we wish to express our concern at the dismissal of Mr. Bekes by the Budapest City All for the legitimate exercise of his right to freedom of thought, conscience and religion, enshrined in Article 18 of the International Covenant on Civil and Political Rights (ICCPR) and as a member of a religious or belief minority under Article 27 of the ICCPR, which was ratified by Hungary on 17 January 1974. Mr. Bekès's working relationship with the Budapest City Hall appears to have been unilaterally terminated on the basis of allegations that he expressed views deemed to be critical or derogatory

towards a religion. Should this be confirmed, it would amount to a violation of Mr. - Bekès' right to freedom of opinion and expression, protected by Article 18 of the Universal Declaration of Human Rights and Article 19 of the ICCPR.

It is a matter of serious concern that the decision to dismiss Mr. Bekès by the Budapest City Hall, as well as the declarations made by high-level officials calling for his dismissal, may legitimise negative social attitudes towards members of minority religions and beliefs, and encourage and lead to verbal attacks, expressions of hatred and acts of violence against them by individuals holding different religious or political views. This appears to be illustrated by the death and other threats allegedly received by Mr. Bekès, having a chilling effect on the freedom of opinion and expression.

We note with concern that the police appear to have not acted with due diligence, and has not proceeded with an effective and thorough investigation into the death threats that Mr. Bekès has reportedly received. It would be of great concern if the conduct of the police and authorities were based on socially entrenched prejudice against religious or belief minorities. Based on Article 20 ICCPR, States hold the obligation to prohibit any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence as well as to investigate and prosecute any such action.

Finally, we would like to bring to the attention of your Excellency's Government the international standards regarding the protection of rights of persons belonging to minorities, in particular Article 27 of the ICCPR that guarantees minorities, inter alia, the right to practice and profess their own religion. Persons belonging to religious or beliefs minorities can include atheists and others with non-theistic or non-traditional beliefs (A/75/211, par. 53).

In connection with the above-alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any information and comment you may have on the above-mentioned allegations.
2. Please provide information on the factual and legal grounds for the dismissal of Mr. Bekès.
3. Please provide precise explanation why Budapest III District Police Station dismissed Mr. Bekès request for the threats against him to be investigated, as a matter of possible protection, and why the Attorney General's Office rejected his complaint ?
4. Please provide detailed information on the actions taken by the authorities to investigate death threats made against individuals, including public officials for the private expression of their opinions,, including the death threats allegedly received by Mr. Bekès, so as to

punish and to discourage expressions of intolerance which may result in acts of violence. In this context, please also indicate whether any protection measures were taken to safeguard Mr. Bekès's personal safety and life and what these measures consisted of.

4. Please provide precise information about measures taken by your Excellency's Government to ensure that the rights of Mr. Bekès to freedom of thought, conscience and religion and expression, and as a member of a belief minority, are respected and protected in accordance with Hungary's international human rights obligations under the International Covenant on Civil and Political Rights.
5. Please provide information about the steps taken to ensure that persons holding a public office are not discriminated against on the basis of religion or belief and that their right to work is not subject to such discrimination.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Should these allegations be proved accurate, we respectfully recommend that prompt and clear measures be taken to halt the alleged violations against Mr. Bekès rights to freedom of opinion, expression and religious belief, and to his right to work free of discrimination. We would also recommend that that these violations be promptly and independently investigated so as to prevent their recurrence and in the event that that the allegations result to be correct, to ensure the accountability of any person(s) responsible.

While awaiting a reply, we respectfully recommend to Your Excellency's Government to clarify these allegations, and to review any decision that may have led to the lay-off of Mr. Bekès on the discriminatory ground of his alleged beliefs and opinions, against the international human rights obligations that are binding on Hungary.

Please accept, Excellency, the assurances of our highest consideration.

Nazila Ghanea  
Special Rapporteur on freedom of religion or belief

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Fernand de Varennes  
Special Rapporteur on minority issues

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We refer to article 18 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Hungary on 17 January 1974, which stresses that "Everyone shall have the right to freedom of thought, conscience and religion. These rights shall include freedom [...] either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."

The Human Rights Committee highlighted in General Comment No. 22 paragraph 3 that "Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms belief and religion are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reason". In paragraph 5, the Human Rights Committee observes that the "freedom to have or to adopt a religion or belief necessarily entails the freedom to choose a religion or belief, including the right to replace one's current religion or belief with another or to adopt atheistic views".

Moreover, in paragraph 3 of General Comment No. 22, the Human Rights Committee stressed that article 18 of ICCPR "does not permit any limitations whatsoever on the freedom of thought and conscience [...]" Peaceful expression of one's thought and conscience cannot be restricted unless it has fulfilled stringent tests of legality, proportionality and necessity.

The 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55) states in its Article 2 (1): "[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on grounds of religion or other belief." In Article 4 (1), the General Assembly further states that: "All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms [...]" Furthermore, we would like to refer your Government to Article 4(2) according to which: "All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter".

Article 19 of the ICCPR enshrines the rights to freedom of opinion and expression. The Human Rights Committee has recommended States to take "effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression" (General Comment 34 para. 23). In the same General Comment, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedoms of opinion and expression, including inter

alia ‘political discourse, commentary on one’s own and on public affairs, canvassing, discussion of human rights, journalism’, subject only to admissible restrictions as well as the prohibition of propaganda for hatred and incitement to hatred, violence and discrimination.

Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19 (3), that is, they must be provided by law, pursue a legitimate aim, and be necessary and proportionate. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant.

We would also like to remind your Excellency’s Government that according to Art. 20 of the ICCPR no manifestation of religion or belief may amount to propaganda for war or advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

We would also like to recall that the General Assembly and the Human Rights Council adopted resolutions 76/157 and 49/31 on Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief, urging States to foster a domestic environment of religious tolerance, peace and respect. The Special Rapporteur on freedom of religion or belief stressed that “manifestations of religious intolerance, not least those that lead to discrimination and violence, prevent the full realization of the right to freedom of religion or belief” (see A/72/365 paragraph 72).

We would like to recall the “Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence” (A/HRC/22/17/Add.4). It clarifies State obligations and other stakeholders’ responsibilities under articles 19 and 20 of the ICCPR and sets out a framework of measures via the implementation of legislation, jurisprudence and policies to combat activities that constitute incitement to violence and discrimination on multiple grounds, including religion.

Furthermore, Article 27 of the ICCPR provides that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

The 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities establishes the obligation of States to protect the existence and identity of religious minorities within their territories and to adopt the appropriate measures to achieve this end (article 1), recognizes that persons belonging to religious minorities have the right to profess and practice their own religion without discrimination (article 2) and requires States to ensure that persons belonging to minorities, including religious minorities, may exercise their human rights without discrimination and in full equality before the law (article 4.1).

Furthermore, we wish to refer to Human Rights Council Resolution 49/31 on Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion

or belief, which calls on States to adopt measures to criminalize incitement to imminent violence on the basis of religion or belief (Art. 7f) and to foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion and to contribute openly and on an equal footing to society (Art. 8b).

In relation to the reported death threats against Mr. Bekès, we would like to refer to Human Rights Committee General Comment No. 36, wherein the Committee stated that the obligation upon State parties to respect and ensure the right to life extends to reasonably foreseeable threats, including those emanating from private persons and entities. Following the Committee, State parties must respond “urgently and effectively” in order to protect individuals who find themselves under a specific threat, including by adopting special measures such as the assignment of around-the-clock police protection. States parties may be in violation of article 6 even if such threats and situations do not result in loss of life (CCPR/C/GC/36, paras. 7 and 23). We would like to further bring the attention of your Excellency’s Government to paragraph 4 of the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65 according to which it is incumbent upon States to provide “effective protection through judicial or other means to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats”.