

**HOUSE COMMITTEE ON FOREIGN AFFAIRS
SUBCOMMITTEE ON EUROPE AND EURASIA**

Hearing On

“Eastern Europe: The State of Democracy and Freedom”

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The American Hungarian Federation, founded in 1906 as an umbrella organization representing a broad cross-section of the Hungarian American community, supports democracy, human and minority rights and the rule of law in Central and Eastern Europe. The Federation also supports close and mutually beneficial relations between the United States and Hungary as well as continued American engagement in the region.

Consequently, we applaud the Subcommittee for holding hearings on “Eastern Europe: The State of Democracy and Freedom.” Our statement focuses on three issues: (1) minority rights as the prerequisite to democracy in the multi-national states of Romania and Slovakia; (2) the intolerance of and discrimination against the Hungarian minorities living there; and (3) the need for balanced and informed judgments relating to Hungary.*

BACKGROUND

The United States must remain engaged in the region to help strengthen democratic institutions and the stability that derives from democracy. That goal was among the reasons the United States fought the Cold War. Moreover, a strong, secure and stable NATO will also be in a better position to substantially contribute to the war against terrorists and resist Russia’s attempts to expand its influence in the region.

With the exception of NATO’s enlargement, the United States somewhat quickly lost sight of the economic, moral and spiritual damage left in the wake of close to fifty years of Communism that had been imposed on the region by Soviet bayonets. Free elections were held and therefore nothing more needed to be done, seemed to be the attitude shared by some decision and opinion makers. Thus, for example, Radio Free Europe/Radio Liberty broadcasts to the region were prematurely phased out.

Despite great strides toward freedom, democracy and democratic institution building, there is work to be done, as old impulses die hard.

* Hungary and Slovakia are in Central not Eastern Europe but they are included in our statement because developments there are relevant to this hearing.

An indispensable element of real security in the region involves the respect for group rights, the rule of law, and constitutional democracy, as opposed to illiberal democracy. This important question does not always receive the attention it should. As the tragic events in the nineties demonstrated, a primary cause of tensions and violence in the region is discrimination against and intolerance toward national, ethnic and religious minorities by the majority. A persistent problem in many parts of Central and Eastern Europe is the mistreatment of the Roma and conspicuous anti-Semitism.

A government that fails or refuses to respect minority rights can hardly be deemed to be genuinely democratic, even if it has come to power through the ballot. Moreover, granting legitimate group rights to historical groups would defuse tensions and engender political stability in the Carpathian Basin.

The issue of minority rights has nothing to do with borders or Hungarian irredentism as some erroneously or falsely assert in order to ignore their international legal obligations. It has everything to do with meaningful and enduring stability in Central Europe, however. The Hungarian minorities who live in countries neighboring Hungary (due to the Treaty of Trianon which dismembered the country) seek redress for their grievances strictly through peaceful and democratic means and contribute substantially to sustainable stability in the region. The stability flowing from collective rights is not only of interest to Hungary and Hungarians, but should also be of great interest to the U.S. and NATO.

ROMANIA: ANTI-HUNGARIAN INCIDENTS RISING

More than two decades after the collapse of Communism, Romania has yet to fulfill its promises to its ethnic Hungarians. Although Romania was accepted into NATO and the EU based, in part, on these promises, the irrefutable record demonstrates that its laws and practices fail to conform to European and Western standards relating to human and minority rights. In fact, the number of anti-Hungarian incidents is rising steeply in Transylvania. A few examples of Romania's less than exemplary record will suffice.

Denial of Autonomy. Romanian rightwing extremists are irritated by the request of the Hungarian minority for autonomy in Hungarian majority regions, autonomy that is available in over thirty locations in Europe. Romanian officials virtually treat the legitimate request for autonomy of the Szekelyland as an act of treason.

Rather than grant the minority's legitimate request for autonomy, Romania further seeks to reduce the ability of Hungarians to effectively participate in public affairs, especially in matters affecting them, and to enjoy their culture by considering "redistricting" proposals. Redistricting, under the guise of economic efficiency, would actually Gerrymander and eliminate the Hungarian minority counties.

Foreign Minister, Teodor Basconschi, publicly stated that this is the internal affair of Romania, ignoring that such 'redistricting' would violate Romania's international commitment not to forcibly change the ethnic composition of the region.

Such redistricting is not done in countries that have adopted Western norms and respect basic human rights. Instead, as was done in Spain with the Catalans, the South-Tyrolean minority in Italy and 30 other regions in Europe, autonomy is granted to people, who do not wish to exercise external self-determination, but wish to retain their cultural identity. This planned Gerrymander is a threat to regional stability and acceptable inter-ethnic relations.

Intimidation. On the state-run Romanian railway system, pamphlets are being distributed urging the assassination of László Tőkés, Vice-President of the European Parliament, who earlier was bishop of the Calvinist Church in Transylvania. Bishop Tőkés, a recipient of the Truman-Reagan Medal of Freedom in 2009, is a staunch advocate of autonomy for the Hungarian minority in Romania. The police have yet to arrest any perpetrator of this hate crime and calls to violence.

Romanian politicians from both the governing and opposition parties have publicly advocated that Bishop Tőkés should be deprived of his Romanian citizenship because he helped with the opening of an information office in Brussels of the three counties of Romania that have Hungarian majorities, even though large numbers of regional information offices are active in Brussels.

Confiscated Church Properties Not Returned. Despite H. Res. 191 (2005) urging Romania to “provide equitable, prompt, fair restitution to all religious communities for property confiscated by the former Communist government,” the Romanian restitution committee has met only twice in two years and for the past nine years handled only one-third of all religious property claims.

State Financed Hungarian University Denied. Romania has failed to restore the independent Hungarian state university in Cluj-Napoca/Kolozsvár. While the Babes-Bolyai University has a Hungarian section, it is a far cry from being the multicultural institution it is said to be. The administrators do not even tolerate Hungarian signs on the walls of the university. In fact, two professors were dismissed for placing Hungarian language signs next to Romanian language signs, such as “no smoking.”

Assault on Hungarian Culture and Language. Since 1902 the central square of Kolozsvár/Cluj-Napoca displayed the statue of Matthias Rex, the Renaissance King of Hungary. Recently it was renovated with funding from both the Romanian and Hungarian governments. After rededication, a plaque, without the permit that is required for monuments, was placed by unknown individuals in front of the statue with a historically questionable pronouncement and an anti-Hungarian message. Despite considerable public outcry, the illegal plaque is still there.

Romanian law requires that the names of towns with more than 20% minority population have multi-lingual signs with town names displayed at their entrance. The law does not forbid such signs in case the minority population is lower. Signs, at three entrances to Cluj-Napoca/Kolozsvár, beside the Romanian sign, were placed in several languages, including Hungarian, welcoming travelers to the city. Within two days the non-Romanian signs were removed by unknown perpetrators. The police have not arrested anyone, despite the presence of several recording cameras. Instead, the mayoral office dismissed complaints by remarkably stating that the city has only a Romanian name.

The press has reported that 15 monuments related to the Hungarian minority have been vandalized in Transylvania this year. Again, the perpetrators are at large and the government in Bucharest has not condemned the anti-minority incidents.

Recently several editorials have appeared in the Romanian press commenting on these incidents. In early June, for example, *Evenimentul Zilei* noted that besides playing the ethnic card by bringing up alleged chauvinistic Hungarian attitudes, the political parties are bereft of other ideas to mobilize their voters.

SLOVAKIA: DISCRIMINATION AGAINST HUNGARIANS

The members of the Hungarian minority in Slovakia often face intolerant or discriminatory laws, practices or attitudes.

Discriminatory Language Law. An example of overt discrimination is the language law that took effect on September 1, 2009 in Slovakia and discriminates against ethnic Hungarians who comprise only 11% of the population and live in contiguous areas of southern Slovakia – the geographic location where they and their ancestors have lived for centuries.

The language law threatened the Hungarian minority's culture and infringed on fundamental freedoms. The mere existence of the law, as drafted, caused considerable uncertainty, fear and anxiety among ethnic Hungarians. The result was to chill the use of their mother tongue, precisely why this law was so odious and anti-democratic. There was no place for such a law in 21st century Europe.

The language law was the latest manifestation of the previous Slovak government's intolerance toward its Hungarian minority. Not surprisingly, the Slovak National Party ("SNS") was a member of the ruling coalition. Its chairman Jan Slota is known for his xenophobia: "Hungarians are the cancer of the Slovak nation, without delay we need to remove them from the body of the nation." The Stephen Roth Institute has called the SNS "an extremist nationalist party."

Such extremist attitudes contributed to the adoption of the law, even though Slovakia promised to respect the rights of its minorities before being accepted into NATO and the EU. Not only did the law cause considerable internal unease in Slovakia, it threatened much needed unity within NATO by increasing tensions between Slovakia and Hungary – both NATO allies.

International objections to the law included the conclusions by the European Commission for Democracy Through Law (the "Venice Commission"), which criticized provisions of this law as being incompatible with international standards and reminded Slovakia that it was not absolved "of the obligation to comply with the provisions of the international conventions for the protection of national minorities." While this odious law has been modified, it is still on the books and does not reflect a tolerant attitude toward the Hungarians.

Punitive Citizenship Law. Hungary's citizenship law facilitates the acquisition of Hungarian citizenship by ethnic Hungarians living in countries outside of Hungary. Despite the fact that this citizenship law is similar to laws of other countries, including Slovakia, it punishes Hungarians in Slovakia by stripping them of Slovak citizenship if they become dual citizens by applying for Hungarian citizenship.

Lingering Effects of the Benes Decrees. The Slovak Parliament on September 20, 2007 adopted a resolution proposed by extremist Jan Slota ratifying and confirming the Benes decrees. Among the most controversial decrees were the ones which stripped ethnic Hungarians of their citizenship, virtually all of their rights, property (without compensation), dignity, homes and, in some cases, their lives – all on the unjustifiable basis of collective guilt. Old, feeble and disabled retired civil servants were denied their pensions. Hungarian schools were closed and the Hungarian language forbidden even in their churches. Czechoslovakia also pursued a policy of ethnic cleansing in southern Slovakia and sent thousands of Hungarians to camps. The debilitations continue to affect many of the victims of the crimes committed in post-World War II Czechoslovakia.

The concept of collective guilt is abhorrent to Americans and to anyone committed to the rule of law, human rights and democracy. Indeed, the United States did not endorse the principle of collective guilt of Hungarians. The June 12, 1945 memorandum of the American political Mission to Budapest confirms this:

The United States Government would not consider it justified to deal with members of an ethnic group who constitute a minority as criminals against the state and as subject to expulsion from its territory, only because of their ethnic origin.

Nevertheless, as a result of pressure from the victorious powers, including the Soviet Union which favored Czechoslovakia, Hungary was forced to agree to a "population exchange."

The Benes decrees are still on the books and their discriminatory impact remains in effect. Compensation has yet to be paid to those whose properties were summarily and unjustly confiscated and legal redress for the inequities suffered by Hungarians solely because of their nationality are not in sight. Slovakia should provide legal redress to remedy the continuing and discriminatory effects of the Benes Decrees and thereby adopt the values shared by the trans-Atlantic community of nations.

Janos Esterhazy Still Awaits Rehabilitation. Slovakia should rehabilitate Janos Esterhazy who as the leader of the Hungarian Party in Tiso's Fascist Slovakia was the only member of parliament to vote against the deportation of Jews in 1942 and the anti-Semitic laws, which he criticized as not being in accordance with humanitarian principles. Esterhazy died in a Czechoslovak prison after the war but even more than twenty years after the fall of Communism, Slovakia astonishingly refuses to rehabilitate him.

Repeal of the provisions of the Benes Decree that imposed collective guilt on Hungarians and rehabilitation of Esterhazy would constitute long overdue acts of reconciliation and would lead

to improved Hungarian-Slovak relations. They would serve the cause of justice, genuine democracy and the rule of law.

A fundamental change in Western thinking and policy is urgently needed and long overdue. There must be visible support for reasonable measures that are intended to assist Hungarians living as minorities maintain their unique culture in their ancient homeland and to overcome the effects of the various forms of discrimination, persecution, and in some instances violence they have faced. For instance, the U.S. ought to encourage Romania and Slovakia to return communal properties, *e.g.*, churches, that were confiscated by the Communists, to their respective Hungarian minorities and to grant minorities their legitimate demands for autonomy. Indeed, Romania and Slovakia should be publicly and privately encouraged to build tolerant societies by respecting the rights of its Hungarian and other minorities and the rule of law, thereby converting promises into deeds. This would promote genuine democracy in Romania and Slovakia, defuse tensions caused by discrimination and intolerance and promote United States interests in a Europe that is whole, free stable and secure.

HUNGARY

Despite the less than exemplary record of countries neighboring Hungary when it comes to the treatment of their Hungarian minorities, Hungary has been inexplicably criticized for taking reasonable measures consistent with international norms and practices, *e.g.*, citizenship, to assist the members of the minorities in their legitimate, justified and democratic efforts to preserve their distinctive culture.

Criticism is directed at the wrong party. But for the lack of respect for the minority rights of members of the Hungarian communities in states neighboring Hungary, the issue of Hungarian minorities would be moot. Intolerance and discrimination targeting any group (including Hungarians) based on ethnicity, nationality or religion is intolerable and should be condemned. Criticism, therefore, should be directed at those who violate minority rights, not at the victims of discrimination or those who speak up on their behalf. Respect for minority rights would not only be consistent with democracy – an important goal for the U.S. also -- it would eliminate the need for Budapest to speak out against discriminatory practices in those countries.

Ever since the current ruling political parties won an outright majority, Hungary has been unfairly criticized for the state of democracy and human rights there. Yet, it was a democratic election with the voters casting their ballots for change given the mismanagement and scandals of the previous Socialist government. And while Hungarian democracy has been restored just two decades ago, the criticism often draws faulty conclusions because it is based on incomplete or erroneous information, at times resembling the politically motivated utterances of the opposition parties.

As an example, the new media law is mentioned by the critics. As Americans steeped in the First Amendment to the United States Constitution, it is our firm conviction that freedom of the press is a cornerstone of democracy and liberty. Our conviction is reinforced by the fact that many of our members or their parents rose up against and fled from Soviet tyranny or Nazi occupation and persecution. At the same time, it is our steadfast conviction that judgments made

about a country whose liberty was denied for over four decades by the force of tanks, secret police and their collaborators in all walks of life, including the media, should be objective, fair, balanced and based on facts and not generalizations and speculation. To date, there is no evidence that any media has been silenced.

Another example raised by the critics is the adoption of the “completely new Constitution.” It was meant to be new. After Communism fell in 1989, the old Stalinist constitution had not been replaced but amended. While the Venice Commission expressed certain particular concerns relative to the new Constitution, it also stated that the Constitution “aims to meet the general features of a modern Constitution within the framework of the Council of Europe. In particular, the Venice Commission welcomes the fact that this new Constitution establishes a constitutional order based on democracy, the rule of law and the protection of fundamental rights as underlying principles.” These and similar conclusions are also important to consider and weigh when judging the Constitution, democracy and freedom.

The new laws, including the most recently enacted Act on the Right to Freedom of Conscience and Religion (which does not appear to interfere with the free exercise of religion), will also be fleshed out by interpretation and so-called cardinal acts. Yet, some critics virtually accuse Hungary of being similar to Belarus or Putin’s Russia. This superficial rush to judgment is not the message the United States ought to be sending to Hungary.

This is especially true because of the widespread perception, as erroneous as it may be, of official U.S. bias favoring the Hungarian left. It is imperative that the U.S. should now address those democratic-minded Hungarians who supported the center right and are bewildered by what they perceive has been an absence of evenhandedness. Unfair criticism is not the answer.

This is not an academic question because even before the fall of the Berlin Wall, many of these voters have been steadfast supporters of a Washington-led NATO, in contrast to former enemies of NATO. There is a chance, however, that if the U.S. fails to dispel the perception of favoritism, these disappointed long-time friends of America may adopt more cynical attitudes and thus weaken the alliance. Such a development would damage U.S. interests, as it is beyond dispute that a successful war against international terrorists requires steadfast and genuine friends, which Hungary has been ever since it regained its independence.

Indeed, the first Orban government assisted NATO in the alliance’s Kosovo campaign, despite considerable danger this posed to the vulnerable Hungarian minority in Vojvodina. Also, by refusing permission to Russia to fly over Hungarian airspace, the Orban government frustrated Russian plans to seize Pristina airport. As a member of NATO, Hungary has been a good, important and strategic U.S. partner in Iraq and Afghanistan. It also recently gave assistance in freeing two American journalists in Libya. Hungarians are supportive of efforts to combat international terrorism and are committed to transatlantic values.

In sum, while change and democratic institution building should be encouraged and debated, they should be done based on facts and in an unbiased and even-handed manner.