



# The American Hungarian Federation

*Serving the Community since 1906 - Fidelissimus ad Mortem*

## The Trajectory of Democracy

Hearing before United States Helsinki Commission

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The American Hungarian Federation (Federation), founded in 1906 as an umbrella organization, is an independent, non-partisan entity representing a broad cross-section of the Hungarian American community. From its founding, the Federation has supported liberal democracy, human and minority rights and the rule of law in Central and Eastern Europe (CEE).<sup>1</sup> The Federation also supports good American/Hungarian and trans-Atlantic relations.

The Federation appreciates the Helsinki Commission's efforts to promote democracy and strengthen democratic institutions in Hungary and throughout CEE. We also appreciate the opportunity to submit this statement for the record and hope that it will contribute to that goal.

The statement briefly addresses two issues: (1) the need to distinguish between genuine concern for the state of democracy in Hungary and the use of rhetorical democratic pretexts skirting democratic institutional norms that are being used to wage a political campaign to negate the voting public's clear and overwhelming choice of the current government in the 2010 internationally recognized free and fair elections; and (2) the need to vigorously promote democracy by supporting the rights of religious and national minorities, including the rights of the Hungarian minorities living in countries bordering Hungary.

## JUDGING THE STATE OF DEMOCRACY IN HUNGARY

**Rigorous analysis required.** The Federation applauds efforts free of political bias that are intended to strengthen institutions, transparency in government, the rule of law, and separation of powers in Hungary. It believes that the United States must remain engaged in CEE on a constructive and evenhanded basis to help strengthen democratic institutions and the stability that derives from democracy.

With the exception of NATO's enlargement, attention soon drifted away from CEE after the euphoria following the fall of the Berlin Wall. Some 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.

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<sup>1</sup> Several members of the Federation or their parents fought tyranny during and after World War II and escaped from Hungary to enjoy liberty. For example, the president's father blocked the deportation of the Jews of Budapest in July 1944 and the executive director's mother fought for freedom and was wounded during the 1956 Revolution.

This analysis of CEE was superficial. Despite great strides toward freedom, democracy and democratic institution building throughout the region, there is work to be done, as, for example, is evident from rising anti-Semitism in parts of the region and intolerant attitudes and discriminatory policies directed at the Hungarian minorities in some of the countries neighboring Hungary – an issue that is largely ignored by some who are proponents of the questionable notion that democracy is in serious jeopardy in Hungary.

Putting the internal affairs of democracies established on the western parliamentary model, such as Hungary, under a microscope, however, is unusual and requires rigorous analysis. If the microscope is brought to bear to evaluate the actions of the government, the two questions that always must be asked are as follows: do those actions transgress in any substantial manner the established institutional norms practiced by a consensus of democracies around the world? And do they transgress the democratic norms established within the country being discussed itself?

In engaging in this review, one must distinguish between political questions that may arise about a government's effectiveness or the wisdom of its policies and actions that may have breached in any substantial way institutional norms of democracy as practiced around the world in its various forms.<sup>2</sup>

Examining Hungary from this perspective, the legislative agenda of the current government, while perhaps politically controversial, does not rise to the grave level of putting "Democracy at Risk." There has been robust, critical discussion in Hungary's media about every aspect of the key laws in question that Parliament has passed, no state repression of the opposition's right to publicly criticize and object, and no state efforts to deny the opposition its democratic right to peacefully win over the public to its side in the next elections. In addition, demonstrators have freely expressed their anti-government opinions, while foreign commentators have given interviews, and critical assessments have been published in the Hungarian media. On winning the election, the opposition can and undoubtedly will introduce its own legislative agenda, and if it has enough support in the electorate as Fidesz did, it can enact its own changes to the constitution as well. These are core elements of democracy well in play in Hungary today.

The Federation strongly supports and encourages a robust review of these matters, including a legitimate political debate surrounding the amendments to the constitution relating to the jurisdiction of the Constitutional Court. Has its jurisdiction been unduly limited by the Court's right to review only the

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<sup>2</sup> And what are the democratic norms that are alleged to have been violated and are the judgments applied evenhandedly? For instance, Great Britain's democracy is not challenged because it has adopted the first-by-the post rule – a rule that can result in a majority of voters playing no part in determining the outcome of an election and single party majority governments.

Another example can be found in the conclusion of a study (*Hungarian Media Laws in Europe: An Assessment of the Consistency of Hungary's Media Law with European Practices and Norms*) by the Center for Media Communication Studies, Central European University. The Center, which is critical of Hungary's media law, acknowledges that there are "key deficiencies in a number of other European countries that may inhibit press freedom in ways that also do not conform to European free-press norms." But those other countries are still deemed to be democratic and not subjected to the same intense scrutiny and hostility that Hungary has been since 2010.

Hungary's recently enacted law on religions has been criticized for being restrictive. Maybe it is and further amendments may be in order, but last year's State Department's *Annual Report to the Congress on International Religious Freedom* notes similar restrictions in other European countries while not averring that democracy has been put at risk. The Report, for instance, notes that Austria only has 14 officially recognized religious societies.

procedures used to amend the constitution, not the substantive amendments themselves? How does that limitation compare to the U.S. Supreme Court's jurisdiction concerning modifications to the Constitution and amendments thereto? Does the ability of more officials to take cases to the Court to review laws even in the absence of actual and pending litigation advance the rule of law? Would it have been preferable to submit the amendments to the Venice Commission for review before they were passed by Parliament?

The Federation, however, is concerned with the insinuations that the process itself was somehow not democratic. One can agree or disagree with the outcomes, but to question the institutional integrity of the process ironically strips the credibility of the very democratic procedures at play that could be used to establish *other outcomes by other elected governments as well*.

**Factual accuracy mandated.** In addition to the need for rigorous analysis noted above, factual accuracy is necessary if the criticism is to be credible. For example, in an editorial calling on the EU to be firm with Hungary, the UK *Independent* erroneously stated that if the constitutional amendment were to pass, "coverage of elections campaigns will be restricted to state media only." In fact, no such limitation exists; campaign commercials, not coverage, is limited.

**Partisanship undermines fair review process.** The Federation issues this statement not because it believes that no steps could be taken to strengthen democracy, democratic institutions and Hungary's economy or that no mistakes have been made. It is not suggesting that every critical comment is solely meant to disparage Hungary. Rather it believes that some of the international criticism is not evenhanded or based on facts but on generalizations and speculation, *i.e.*, what might happen as a result of the new laws as opposed to what has happened. Such criticisms often reveal a lack of understanding of Hungary's history and the character of its people who have repeatedly sacrificed and demonstrated their commitment to freedom, as in 1956 when they rose up against Soviet tyranny. Suggestions in furtherance of the vaunted goal of strengthening democracy must be free of even a hint of political partisanship and must be grounded in principles and objective analysis.

## **VIOLATION OF MINORITY RIGHTS SHOULD NOT BE IGNORED**

**Minority rights and democracy.** Ronald S. Lauder, President of the World Jewish Congress, aptly noted, "one of the basic tenets of liberal democracy is that minority rights are protected." And as the late champion of human rights, Congressman Tom Lantos, eloquently reminded us, this protection should extend to all religious, national and ethnic groups, including Hungarians.

The record is dismal on this score. The Federation is deeply concerned about the threat to democracy and human rights arising from discriminatory actions and policies directed at members of the Hungarian minority in some of the countries of CEE. It is deeply concerned about the continuing assaults on ethnic Hungarians in Vojvodina, Serbia. It is deeply concerned that Slovakia has adopted discriminatory language and citizenship laws; refuses to exonerate Janos Esterhazy, an unsung hero of the Holocaust who was the only member of Slovakia's parliament to vote against the deportation of Jews in 1942; and refuses to repeal those provisions of the Benes Decrees that imposed collective guilt on the Hungarians after the Second World War. It is deeply concerned that Romania refuses to grant its Hungarian minority's legitimate request for autonomy; restore the independent Hungarian university in Cluj-Napoca/Kolozsvár; provide restitution to all churches/religious organizations for property confiscated by the previous Communist regime; and proposes redistricting of administrative units that would further reduce the ability

of Hungarians to effectively participate in public affairs, especially in matters affecting them and to enjoy their culture.

**Minority rights enhance security.** These human rights violations also impact security which is as much a function of the stability that is associated with democracy and minority rights as it is a function of military reforms and equipment in the context of multi-ethnic CEE.

This was recognized during the first round of NATO's enlargement. The March 26, 1997 RFE/RL report titled, "Europe: U.S. Senator Outlines Criteria for NATO Expansion," reported that then Senator Biden "said Senators will determine whether the prospective members maintain democratic institutions, respect civil and minority rights and keep their military forces under civilian control before they vote their consent." In his article, "Slovakia and NATO: The Madrid Summit and After," National Defense University Strategic Forum, April 1997, Jeffrey Simon wrote: "In sum, the major stumbling block to Slovakia's candidacy to NATO arises from questions about the most fundamental criterion--the shared democratic values of respect for the rule of law and minority rights." These countries should be held to the same standard now that they are members of NATO and encouraged to build tolerant societies by respecting the right of their Hungarian minorities.

**Lack of respect for minority rights needs to be reviewed.** 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. At the same time, some of the critics who aver that democracy is in danger in Hungary are silent when it comes to minority rights violations affecting Hungarians living in other countries in the region -- violations that can be quantified.

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.

## CONCLUSION

While democratic institution building should be encouraged and debated, they should be done based on facts, and in a fair, unbiased and evenhanded manner. This review process, including criticism, must be bereft of partisanship (or even the appearance of partisanship) and undertaken solely in furtherance of promoting Western values, not political expediency. Finally minority rights must be respected and all forms of intolerance and discrimination, such as anti-Semitism and anti-Hungarian measures, must be condemned and not allowed to undermine democracy in CEE.