



The American Hungarian Federation

Serving the Community since 1906 - Fidelissimus ad Mortem

SLOVAKIA SHOULD RESPECT THE RIGHTS OF ITS HUNGARIAN AND OTHER MINORITIES

December 2011

The American Hungarian Federation (the "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 continued American engagement in the region.

This statement focuses on two issues: (1) minority rights as the prerequisite to democracy in the multi-national state of Slovakia; and (2) intolerance and discrimination against the Hungarian minorities living there.

MINORITY RIGHTS:

AN INDISPENSABLE ELEMENT OF REAL DEMOCRACY AND SUSTAINABLE SECURITY

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, 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. 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.

An indispensable element of democracy and sustainable security in the region involves the respect for minority 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, conspicuous anti-Semitism and discrimination against Hungarians in, among other places, Slovakia.

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 minority rights to historical groups would defuse tensions and promote political stability and greater cooperation in the Carpathian Basin.

The issue of minority rights has nothing to do with borders or 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 Hungarians, but should also be of great interest to the U.S. and NATO.

SLOVAKIA: ANTI-HUNGARIAN MEASURES AND ATTITUDES

More than two decades after the collapse of Communism, Slovakia has yet to fulfill its promises to its ethnic Hungarians. Although Slovakia 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. The members of the Hungarian minority in Slovakia often face intolerant or discriminatory laws, practices or attitudes. A few examples of Slovakia's less than exemplary record will suffice.

Punitive Citizenship Law. Hungary's citizenship law facilitates the acquisition of Hungarian citizenship by ethnic Hungarians living outside of Hungary, not just in countries neighboring Hungary. Nevertheless, Slovakia passed a punitive citizenship law specifically in response to Hungary's citizenship law. While on its face Slovakia's law deprives dual citizens of Slovak citizenship, the timing of the new law clearly demonstrates that it targets Hungarians. Slovakia's law is not only contrary to European and American practices and norms, it violates Paragraph 2 of Article 5 of the Slovak constitution, which provides that "no one must be deprived of the citizenship of the Slovak Republic against his will."

NOTE: The Case of Oliver Boldoghy. The most recent anti-Hungarian incident involves Slovakia stripping Oliver Boldoghy of his Slovak citizenship after becoming a dual citizen. This decision must be reversed and the citizenship law substantially modified or repealed.

Janos Esterhazy Still Awaits Exoneration. Slovakia should at long last exonerate 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 also personally helped Jews flee Slovakia.

Immediately after the war in 1945, Esterhazy was arrested on the orders of Gustav Husak, a post-war communist leader of Czechoslovakia, for speaking out against the discriminatory anti-Hungarian measures introduced by the government. These measures, rooted in the anti-democratic concept of collective guilt, stripped ethnic Hungarians of their citizenship, virtually all of their rights, property (without compensation), dignity, and, in some cases, their lives. After being handed over to the KGB, Esterhazy was convicted as a "war criminal" by a Soviet court.

In 1947, while Esterhazy was imprisoned in the Soviet Union, the National Court in Slovakia in a perfunctory proceeding, and without any evidence, sentenced him to death *in absentia* on the trumped up charges of being a fascist and having contributed to the dissolution of Czechoslovakia. It is a cruel irony that Esterhazy was wrongly accused of doing exactly what Slovakia would do on its own forty-six years later in the "Velvet Divorce" of 1993 -- dissolving Czechoslovakia. Upon his return from Russia, Esterhazy's sentence was commuted to life in prison. He died in a Czechoslovak prison in 1957 and was buried in an undisclosed mass grave.

While Russia exonerated him on January 21, 1993, acknowledging that he had been "arrested without cause," more than twenty years after the fall of Communism, Slovakia astonishingly refuses to exonerate Esterhazy, an unsung hero of anti-Nazi resistance.

NOTE: ADL Honors Esterhazy for Saving Persecuted Jews. On November 3, 2011, the Anti-Defamation League presented the Jan Karski Courage to Care Award posthumously to Esterhazy.

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 over a millenium.

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 among 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 xenophobic outbursts: "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.

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 originally issued between May 14 and October 27, 1945. 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. In postwar Czechoslovakia 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.

CONCLUSION

Slovakia should be encouraged to build a tolerant society by respecting the human and minority rights of its Hungarian and other minorities and the rule of law, thereby converting promises into deeds. Concrete steps it should be urged to take include:

- Restoration of Oliver Boldoghy's Slovak citizenship
- Repeal of the citizenship law that strips Slovak citizenship of persons seeking dual citizenship
- Exoneration of Janos Esterhazy
- Repeal of the discriminatory provisions of the language law
- Repeal of the multiple Benes Decrees that affected ethnic Hungarians based on collective guilt

These actions would defuse tensions caused by discrimination and intolerance, improve Hungarian/Slovak relations, promote United States interests in a Europe that is whole, free stable and secure, and serve the cause of justice, genuine democracy and the rule of law.

The American Hungarian Federation
Serving the Community Since 1906 - "Fidelissimus ad Mortem"
www.americanhungarianfederation.org