

IMPLEMENTATION OF THE HELSINKI ACCORDS

HUMAN RIGHTS AND DEMOCRATIZATION IN HUNGARY



**Prepared by the Staff of the
Commission on Security and Cooperation in Europe
Washington, DC**

December 1993

Commission on Security and Cooperation in Europe
234 Ford House Office Building
Washington, DC 20515

DENNIS DECONCINI, Arizona, *Chairman*
STENY H. HOYER, Maryland, *Co-Chairman*

EDWARD MARKEY, Massachusetts
BILL RICHARDSON, New Mexico
BEN CARDIN, Maryland
FRANK MCCLOSKEY, Indiana
CHRISTOPHER H. SMITH, New Jersey
JOHN EDWARD PORTER, Illinois
FRANK WOLF, Virginia
HAMILTON FISH, JR., New York

FRANK LAUTENBERG, New Jersey
HARRY REID, Nevada
BARBARA MIKULSKI, Maryland
BOB GRAHAM, Florida
ALFONSE M. D'AMATO, New York
ARLEN SPECTER, Pennsylvania
CHARLES GRASSLEY, Iowa
CONNIE MACK, Florida

Executive Branch

VACANCY, *Department of State*
VACANCY, *Department of Defense*
VACANCY, *Department of Commerce*

SAMUEL G. WISE, *Staff Director*
MARY SUE HAFNER, *Deputy Staff Director and General Counsel*
JANE S. FISHER, *Deputy Staff Director*

DAVID M. EVANS, *Senior Advisor*
R. SPENCER OLIVER, *Consultant*

MIKE AMITAY, *Staff Advisor*
BRENDA COLLIER, *Receptionist*
OREST DEYCHAKIWSKY, *Staff Advisor*
JOHN FINERTY, *Staff Advisor*
ROBERT HAND, *Staff Advisor*
HEATHER HURLBURT, *Staff Advisor*
RONALD MCNAMARA, *Staff Advisor*

JEANNE MCNAUGHTON, *Staff Advisor*
TOM MURPHY, *Technical Editor*
MICHAEL OCHS, *Staff Advisor*
JAMES RIDGE, *Press Secretary*
ERIKA B. SCHLAGER, *Counsel for International Law*
VINCA SHOWALTER, *Staff Advisor*
CORINNE ZACCAGNINI, *Administrative Assistant*

FOREWORD

The Commission on Security and Cooperation in Europe (the Helsinki Commission) was established by the U.S. Congress in 1976 to monitor and report on the implementation of the decisions of the Conference on Security and Cooperation in Europe (CSCE), a multi-nation diplomatic process that embraces issues from military security to economic and environmental cooperation to human rights and humanitarian affairs. To this end, the Commission pursues specific concerns at CSCE meetings, holds congressional hearings, leads delegations to CSCE countries, and publishes reports. The Commission has focused special attention on the implementation of human rights agreements by what was once the Soviet Union and the countries of East-Central Europe, as well as reviewing human rights questions raised with the United States.

The Commission's most recent comprehensive report on the implementation of human rights commitments in Eastern Europe was prepared in 1988, at a time when the CSCE community was still immersed in the difficult decades of division characterized by the Cold War. The report which follows, reflecting the sea changes which have occurred since then, is part of a series of reports seeking to bring the Commission's examination of human rights and democratization in this region up to date.

In some of the countries under examination in this series, the human rights situation is now as good as or better than in some Western CSCE states. In such cases, the reports will focus more heavily on the problems associated with transition to democratic government and market economies. Furthermore, given the overall progress being made in a number of former communist states, the Commission will be watching closely to see if there is any need to include them in future implementation reports.

Until fairly recently, the Commission's primary emphasis has been on basic human rights, such as freedom of expression, freedom of religion and freedom of movement. These rights were viewed as the essential first tier of fundamental freedoms which had to be addressed by the former communist countries before their commitment to the broader obligations of the CSCE's human dimension, such as free and fair elections or the rule of law, could be taken seriously.

The collapse of communism in 1989 changed the human rights situation in this region dramatically. With improvements in traditional areas of concern, such as political prisoners, religious repression, and freedom of movement, these issues ceased to be the primary concerns driving the human rights debate within the CSCE process. At the same time, however, the post-communist era ushered in a new set of human rights dilemmas which had been rigidly contained by totalitarian rule. To a great extent, these problems are related to (re-)emergent nationalist passions and ethnic conflict, but are complicated and exacerbated by a lack of well developed democratic political systems and free market economies.

In addition to an examination of human rights problems, both pre- and post-communism, this series of reports attempts to address new challenges faced by the CSCE community: issues such as removing the injustices communism stamped on societies; establishing processes for free elections, independent judiciaries, and democratic institutions; and resolving the social and political problems which emerge in the process. More egregious abuses, such as the atrocities associated with war crimes and crimes against humanity, are also considered a critical part of the new human rights agenda in the CSCE. Finally, these reports consider the difficulty states face in implementing fundamental CSCE principles, including the equal right of peoples to self-determination, the inviolability of frontiers and the peaceful settlement of disputes, in the unsettled new world order.

In the past few years, the CSCE participating States have placed considerable emphasis on the adoption of new commitments. The many new human rights standards that have been incorporated into CSCE documents are, unquestionably, essential to raise the level of accountability and to help keep the emerging democracies on the paths they have now chosen. At the same time, however, it must not be forgotten that actual implementation of commitments is the bedrock on which the CSCE must ultimately rest. Without implementation in fact, the amassing of new commitments on paper will serve little positive purpose. This series of reports is designed to assess the degree to which implementation has been achieved in the new democracies of East-Central Europe and, by so doing, to measure their true respect for CSCE commitments.

TABLE OF CONTENTS

FOREWORD	iii
INTRODUCTION AND SUMMARY	1
1988-89: Acceleration of Political Reform	2
1990: Election Year	4
TRANSITION TO DEMOCRACY	6
Rule of Law	6
Righting the Wrongs of the Past	6
Human Rights and Fundamental Freedoms	8
INDEPENDENT MEDIA	11
MINORITIES	16
The Minorities Law	16
The Situation of Roma (Gypsies)	17
Xenophobia and Violence Against Foreigners	18
CONCLUSIONS AND OUTLOOK	22
ENDNOTES	24

MAP OF HUNGARY



INTRODUCTION AND SUMMARY

The Helsinki Commission's last comprehensive report on Hungary's implementation of Human Dimension commitments was published in December 1988. At that time, the Hungarian communist regime was pushing ahead of its more repressive neighbors in East-Central Europe, gradually abandoning active ideological indoctrination of Hungarian citizens, tacitly granting legitimacy to competing ideologies, allowing citizens to retreat into private life, and easing the situation of human rights activists.

The historic transition to a multi-party system, which accelerated rapidly over the course of 1989, was markedly peaceful. Roundtable negotiations between the government and the opposition worked to set the terms for the parliamentary elections in March 1990, as well as to curb the influence of the party in the workplace, the military and the judiciary. By the end of the year, some 50 political parties had been registered, of which six had significant national support. The elections of March 1990 demonstrated the clear progress Hungary had made toward democracy. A coalition government led by Prime Minister Jozsef Antall and the Hungarian Democratic Forum (MDF) assumed the reins of power; on the basis of an important agreement between the ruling parties and the opposition, however, Arpad Goncz of the Alliance of Free Democrats (SZDSZ) became president. With democratically elected representatives in place, serious institutional reform got underway.

Since that time, Hungary has generally received high marks for its record on human rights and political stability. The important role played by the Constitutional Court has bolstered respect for the rule of law, and Hungary has so far managed to avoid some of the tensions that have complicated the transition for many of its neighbors: inter-ethnic strife, crippling political infighting, and civil unrest.

At the same time, it is too soon to conclude that the progress Hungary has made is deeply rooted or complete. Ongoing battles over the role, and control, of the media raise serious questions about the sanctity of freedom of expression and opinion. The vocal nationalism and xenophobia of Istvan Csurka -- a prominent figure in the MDF until June 1993 -- and continued, if isolated, incidents of violence and prejudice against Roma (Gypsies) and foreigners challenge the aim of mutual respect and non-discrimination. Finally, tensions within the ruling coalition, between the president and the late prime minister (Jozsef Antall died at the age of 61 on December 12, 1993), and among the opposition, suggest that Hungary's reputation for political stability may be fading, as may the public's taste for swift reform: Current opinion polls show the former communist party at 25 percent, with the ruling MDF at only 8 percent.

Certainly Hungary has made significant strides in democratization in the five years since the Commission's last implementation review. Today's Hungary is judged not in comparison with the communist past, but by the standards of modern Western democracies. This report will examine some of the most pressing challenges that remain -- challenges which, in many cases, are the subject of lively debate and discussion in Hungary itself.

BACKGROUND

1988-89: Acceleration of Political Reform

Hungary's political reforms predated by several years comparable reform efforts in other East European countries, which accounts in part for Hungary's extraordinarily peaceful transition from communism to democracy. Some have argued that, unlike the situation in other countries in the region, Hungary's reform was masterminded by the ruling Hungarian Socialist Workers Party (MSZMP). Yet by the time of the March 1990 elections, the issues at stake underscored the essential role of the opposition in the 1970s and 1980s in setting the agenda for Hungary's journey to democracy. If massive street demonstrations did not force the ruling party to bend, unrelenting discussion of Hungary's present and future among representatives of the democratic opposition and in the *samizdat* press, and its sustained impact on public opinion, did. Over the course of 1988-89, reform-oriented Party leaders had to hustle to get to the right side of the issues, and they consequently found themselves playing the incongruous role of morticians for the ruling party they helped to nurture. By the time of the March 1990 elections, the question was not whether to reject the past, but where to go in the future.

As early as 1983, a new Hungarian election law had called for multiple candidates in 352 national parliamentary seats. Implemented in 1985, this reform permitted a more politicized, unpredictable parliament which was able to defeat the government on certain issues, such as a proposal to tax privately-owned vacation cottages.

Beginning in 1988, the Hungarian communist regime adopted a more liberal approach to the formation of independent groups. Among the first of many such initiatives was the creation in September 1987 of the Hungarian Democratic Forum (MDF), a loose affiliation of intellectuals with strong populist overtones. The Federation of Young Democrats (FIDESZ) was founded in March 1988 to provide an alternative youth organization to the existing Communist Youth League. Also formed in March 1988 was the Network of Free Initiatives, an umbrella-organization designed to connect a number of liberal-social groups. The Network organized debates and demonstrations, offering a more urban and radical alternative to the MDF. In November 1988, the Network transformed itself into a political organization called the Alliance of Free Democrats (SZDSZ).

The existence of such groups transformed dissent in Hungary. Well-organized, and generally considered moderate in their orientation, they held an intellectual appeal that drew considerable sympathy from reformers working within the system. They also provided a forum for a much broader expression of views than had previously been permitted, and their numbers made it somewhat safer to express those views.

For its part, the National Assembly played a leading and sometimes unexpectedly independent role in codifying civil freedoms. Beginning in mid-1988, it drafted and passed myriad pieces of legislation that often outpaced the Party's and government's reform

rhetoric, including laws guaranteeing the rights of association and assembly and the right to strike. By early 1989, censorship of the press and, to a growing degree, radio and television, had been eased considerably.

A turning point in the evolution of Hungarian politics took place at the MSZMP Conference in May 1988, when Karoly Grosz replaced Janos Kadar as Party General Secretary. Eight Politburo members were retired and six new members were added. Among the new members were two outspoken reformers, Rezso Nyers and Imre Pozsgay. Later in the year the youthful, reform-minded economist Miklos Nemeth was named Chairman of the Council of Ministers.

The Party accepted a transition to a multi-party system in principle, and began initiating various reforms. But as demand for political change intensified, the MSZMP found itself, for the first time since the communist takeover of Hungary, scrambling to make concessions to Hungarian citizens in order to retain political dominance. In its extraordinary meeting of February 1989, the Central Committee developed a political strategy for the transition to democratic socialism, which included the establishment of a commission composed of Party and opposition group representatives to discuss proposals for the draft constitution expected in 1990 and the terms of the 1990 parliamentary elections. The opposition refused to participate, however, until certain preconditions were met.

Perhaps the most symbolic testament to the changing times was the regime's decision to launch a reexamination of the 1956 Hungarian revolution. Only one year before, independent groups that had tried to commemorate the anniversary of revolutionary leader Imre Nagy's death had been brutally dispersed by police. Now the Hungarian communist authorities were praising Nagy as a symbol of reform, claiming that his democratic ideas formed a crucial part of current policy. This effort to heal national wounds and to come to terms with the past culminated with the emotional June 16, 1989, reburial of Nagy and his associates. Hundreds of thousands of Hungarians paid homage to the executed leaders of the revolution, while speakers used the occasion to call out for reform. Particularly compelling were the remarks of 26-year old FIDESZ representative Viktor Orban, who, after demanding the removal of Russian troops, stated pointedly:

We are unable to comprehend that those who not so long ago were still reviling in chorus the revolution and its prime minister have suddenly come to realize that they are the continuers of Imre Nagy's reform policies. ... We feel we owe them no gratitude for being allowed to bury our dead after 30 years, nor for the fact that today our political organizations are already able to operate.

Clearly, the MSZMP's efforts to stay ahead of the curve were faltering.

The first formal negotiations between the opposition and the ruling party began the same month as the historic reburial. Since March 1989, eight organizations, including the

MDF, SZDSZ, and FIDESZ, had been meeting regularly to discuss strategies for mobilizing the public and pressuring for change. Beginning in June 1989, following some important concessions from the ruling party, the united opposition agreed to take part in discussions with the government concerning the pace and direction of political and economic reform.

The so-called "roundtable" talks resulted in a September 18, 1989, accord clearing the way for multiparty elections. SZDSZ and FIDESZ refused to sign the document, however, because they objected to holding direct presidential elections before the multiparty parliamentary elections. The MDF, meanwhile, believed that the scheduling of the presidential election had been a necessary trade-off in order to gain a commitment from the governing party to hold free, multiparty parliamentary elections. In the end, a referendum launched by SZDSZ and FIDESZ was held to settle this and other unresolved questions. With the November 26 vote confirming a slender majority in favor of delaying the selection of the president until the newly-formed parliament could elect him, the journey toward democratic governance began in earnest.

1990: Election Year

Hungary's electoral campaign seemed almost devoid of issues, or at least of issues that would elicit significantly different approaches from the various parties or influence voter allegiances. The foremost concern of the electorate was the poor state of the Hungarian economy and efforts to combat its attendant inflation, and by the weeks before the elections, most of the major non-communist parties had converged on virtually the same position of support for a transition to privatization and a market economy.

As in the area of economic reform, parties found much common ground in their respective approaches to foreign policy. Ultimately, almost all the major parties favored neutrality and withdrawal from or a significant modification in membership in the Warsaw Pact, but they differed widely on the pace Hungary should adopt. All were well aware of the uncertain environment in which Hungary would find itself during its economic and political transition, and seemed content to be cautious in hammering out their foreign policy plans. The parties appeared to speak with one voice on the rights of Hungarian minorities abroad, asserting the Hungarian government's right and responsibility to look out for their welfare.

In the end, style and personalities turned out to be more essential than issues for voters. Just as parties had coalesced around earlier informal associations, so did voters gravitate to the parties where their friends were active and, in the case of some of the "historical" parties, in which they and their forebears had participated before the Second World War, and in the short period of their rule of government between 1945 and 1947. As Free Democrat Gaspar Miklos Tamas coined it, Hungary's politics were "politics by tribe." Much of the pre-election political rhetoric centered on the *bona fides* of each party's opposition roots, and where a politician was coming from was as important as where he or she thought Hungary ought to be going.

In this way, the past played as great a part in the Hungarian elections as present-day personalities or concerns. The last free elections of 1945, the revolution of 1956, and the tentative reforms of 1968 all helped shape the political consciousness of Hungarian voters. The parties themselves were molded in the crucible of the last two years of rapid-fire political change in Hungary: the fall of longtime ruler Janos Kadar in June 1988; the reburial of Imre Nagy one year later; the opposition-government roundtable; successful demonstrations against the Gabcikovo-Nagyharos dam and in support of minority rights abroad; the by-elections of summer and winter 1989, in which the MDF won four clear victories over the ruling MSZMP; the October 1989 split in the MSZMP, in which reformers led the party to change its name to the Hungarian Socialist Party (MSZP), leaving hardliners to continue a rump version of the MSZMP; the SZDSZ victory in the November 1989 referendum; scandals dogging the Socialists, including improper divestment of party property; and Interior Ministry surveillance of opposition parties into 1990. Each of these developments strengthened the opposition's hand and offered clear evidence to Hungary's voters that they could effect real change for perhaps the first time in their lives. Robbed of control over their future time and time again, they went to the polls asking less about what policies parties favored than which candidates could be trusted.

The two-round elections of March-April 1990 saw the overwhelming defeat of the communist regime, and the peaceful transition to a coalition government formed by the MDF and two smaller parties, the Independent Smallholders Party, and the Christian Democratic People's Party. In opposition were SZDSZ, FIDESZ, and the MSZP. The strong roots of Hungary's civil society were evident in the cooperative approach of its citizens to carrying out complex election procedures, and despite some complaints about certain provisions in the election law, nomination procedures and uneven access to the media in the early months of the campaign, voters generally were pleased about the conduct of the elections. MDF leader Jozsef Antall was elected Prime Minister in May, with SZDSZ parliamentarian Arpad Goncz winning the office of President.

In September-October 1990, voters went to the polls for the fifth and sixth time that year to elect municipal assemblies and local officials. Despite disappointingly low voter turnout, the carrying-out of free and fair local contests concluded Hungary's transformation from a centralized system to one that was representative at all levels.

TRANSITION TO DEMOCRACY

Observers generally agree that Hungary has made steady and commendable progress toward democracy and respect for the rule of law since the multiparty elections of 1990. While certain problems remain, and have in some cases been aggravated in recent months, Hungary has earned its reputation as a leader in the region in terms of consolidating democratic and human rights advances. Because of Hungary's strong overall performance, however, lingering concerns in critical areas such as independence of the media or freedom of expression and religion are particularly disturbing. Many of these issues are the focus of strong and healthy debate in Hungary today, as the country moves toward new national elections in 1994.

Rule of Law

The basic conditions exist in Hungary for a state built on the rule of law. The present constitution, a heavily amended version of the 1949 communist constitution, declares that the "Hungarian Republic recognizes the inalienable and inviolable basic rights of man and it is the foremost responsibility of the state to ensure the observance of those rights."

The judiciary is composed of the Constitutional Court and the judicial system, headed by the Supreme Court. As established by the constitution, the judiciary is distinct from the other branches of government; the constitution also stipulates that judges cannot be members of any party or engage in political activities. The 10-member Constitutional Court is mandated to review the constitutionality of laws and to invalidate laws or regulations found unconstitutional. The ruling of the Court is not subject to appeal, and the parliament is required to amend any law or bill the court has judged unconstitutional. As with judges, members of the Constitutional Court may not be members of a political party or engage in political activities.

The president of the republic acts as the head of state, but the powers of the office are limited. The president is elected by the parliament rather than a direct popular vote. While the president cannot veto legislation, he or she can request that a bill be reconsidered or reviewed by the Constitutional Court. President Goncz has used this prerogative on a number of occasions.

Compared to the executive and the judiciary, the legislative branch has broad powers. The parliament has control over the government; it elects the prime minister and approves his or her program. According to the constitution, "the right of legislation is vested in the parliament."

Righting the Wrongs of the Past

As in many other countries undergoing the transition from communism to democracy, the question of righting the wrongs of the past -- of seeking restitution, retribution, or

revenge for crimes committed under the former regime -- has proved a complex, divisive and emotional issue for the new authorities and the public at large.

In November 1991, the Hungarian parliament passed a bill (known as Zetenyi-Takacs, after its sponsors) that extended the statute of limitations to allow criminal prosecution of individuals who had committed capital offenses in the name of communism between December 1944 and May 1990. Sponsors of the legislation suggested that perhaps 100 people could be tried, though others estimated as many as tens of thousands. Opponents warned of the dangers of a political witch-hunt, and worried that the trials could expend valuable resources and time at a point when Hungary had greater priorities to attend to.

President Goncz, himself a former dissident who had spent years in jail under the communist regime, forwarded the law to the Constitutional Court for consideration. In the spring of 1992, the Court ruled that the law was unconstitutional, explaining that retroactively waiving the statute of limitations transgressed constitutional guidelines and that "the vague and uncertain wording of the law violates the requirement to prevent arbitrary enforcement of the law."

In November 1992, the government submitted its own draft legislation to the parliament. The government package, rather than creating new legislation, tried to show how existing Hungarian law adopted in 1945 and the Geneva Conventions governing crimes against civilians during wartime could be applied to prosecute officials alleged to have murdered, tortured, or otherwise abused the anti-communist freedom fighters of 1956. At the same time, Deputy Zetenyi (one of the authors of the original law) submitted a second bill dealing more generally with crimes committed under the communist regime. Both pieces of legislation were adopted by the parliament in February 1993. Once again, President Goncz asked the opinion of the Constitutional Court before signing them.

In June 1993, the Court ruled that the revised Zetenyi law was again unconstitutional on the grounds that prosecution after the expiration of the statute of limitations violated the rule of law. In October 1993, however, it approved the government's version, concluding that under international law, Hungary was not bound by the domestic statute of limitations for certain crimes, such as war crimes and violations of the Geneva Convention. On October 19, the Chief Prosecutor ordered an investigation into shootings that occurred during the 1956 revolution that had claimed the lives of innocent civilians. It remains to be seen whether any alleged war criminals will be brought to trial; according to Minister of Justice Istvan Balsai, it is unlikely that there will be more than a dozen trials, as the majority of those who could be held accountable for these crimes have died.

Hungary's experience illustrates the difficulty of reconciling the quest for popular notions of justice with respect for the rule of law. While it is difficult to assess how many Hungarians actively support the prosecution of those who are responsible for these crimes, analysts note that there is a sense of resentment among the general population that a large number of high-ranking former communists have used their connections and influence to

navigate the transition rather successfully. The pivotal role of the Constitutional Court, and the willingness of the legislative and executive branches to abide by the Court's decisions, speak well for the degree to which the rule of law has taken root in Hungary.

Human Rights and Fundamental Freedoms

Basic freedoms are provided for in the constitution and generally respected in practice. In recognition of its solid human rights performance, Hungary in November 1990 became the first East-Central European country to be accepted into the Council of Europe. At the same time, concerns have been raised both within and without Hungary regarding freedom of speech and freedom of religion.

In early August 1993, Prime Minister Antall initiated an investigation against political scientist Laszlo Lengyel for allegedly asserting at a private gathering that the public administration was corrupt, and that even ministers could be bought. Shortly thereafter, the Prosecutor's Office in Gyor announced that it would press charges under Article 232 of the Criminal Code, which states, "it is punishable to use an expression or to do an act which is due to damage the reputation of a public official or the reputation of a public authority through insulting an official representing that authority."

Opposition and media representatives denounced the decision, claiming that Antall was trying to silence independent critical voices. The U.S. delegation to the CSCE Implementation Meeting on Human Dimension Issues (September-October 1993) made reference to Hungary in its statement on freedom of expression, noting that laws which provide criminal penalties for insulting a state body "can lend themselves to abuse or exploitation, particularly in times of economic or political instability. Their mere existence can have a chilling effect on speech, and can slow or handicap the development of civil society and democracy in states struggling to overcome repressive legacies."

Hungarian authorities, however, took a different view, maintaining that Mr. Lengyel's prosecution was fully within the bounds of a society based on the rule of law. Chief Prosecutor Kalman Gyorgyi explained in an interview:

All I can say is that anyone can express a general concern about corruption in society. But to specify a certain group of people -- the cabinet has 18 members, including the prime minister -- and say for how much a minister can be bought, is, I am afraid, far beyond the limit one can go in criticizing the government in general, or in impairing the prestige or the government based on political considerations.¹

Mr. Lengyel's case went to trial in October 1993. The judge, however, chose to terminate the case shortly after it began, having concluded that Mr. Lengyel did not represent a danger to society, and that the social threat of his statement was minimal. The judge did, nonetheless, formally "reprimand" Mr. Lengyel, prompting the latter to appeal.

According to a December 6, 1993, Hungarian Press Agency (MTI) report, the Court of Appeals "found Laszlo Lengyel guilty of having committed the crime of offending authorities before a wide public," and imposed a penalty of 75 thousand forints, though "execution of the judgement has been suspended for one year." Hungarian officials pointed to Mr. Lengyel's freedom as evidence that democracy and human rights are well protected in Hungary. Yet the threat of criminal punishment for criticizing government authorities remains.

Questions concerning the freedom of religion have arisen in connection with parliamentary efforts to draw a distinction between historical Churches and smaller religious sects.

Hungary's Law on Religion, enacted in February 1990, established the legal framework for the granting of Church status to any religious community that could demonstrate a membership of at least 100 persons, written bylaws and a governing body, and whose activity did not contravene the constitution or violate any laws. All Churches were deemed equal before the law and enjoyed the privileges of official status, including tax exemptions, reduced social security payments, duty-free status for goods imported for use in religious life, and the permission to set up religious schools.² Moreover, all recognized Churches receive state subsidies for maintaining their operations and charitable activities.

In March 1993, however, the parliament passed a resolution that would deny state subsidies to four small sects -- the Unification Church, the Hare Krishna Consciousness Movement, the Jehovah's Witnesses, and the Scientology Church. The resolution, sponsored by deputies from the government coalition, attracted support from a number of opposition representatives as well, including most of the FIDESZ parliamentarians. It stated that "the social usefulness of Churches can be examined ... and budgetary aid can be denied in the case of so-called destructive sects." Critics of the bill pointed out that no criteria had been established to define "destructive," or to determine why these four sects merited that classification.

Later that spring, three deputies from the governing coalition and one independent member of parliament offered a proposal to amend the 1990 Law on Religion in order to limit the number of officially recognized Churches in Hungary. The proposed modifications included stipulating that in order to be registered, a Church had to have more than 10,000 adherents or have been present in Hungary for 100 years, and that its religious activity could not "damage common morals." According to representatives of the Joint Baptist Community, some 40 smaller denominations would be affected by passage of the amendments, including the Mormon Church, the Hungarian Methodist Church, and the Hungarian Muslim Community.

The draft amendments generated significant controversy. FIDESZ representative Gabor Fodor, chairman of the parliamentary Human Rights, Minority, and Religious Affairs Committee, strongly opposed the proposal, as did the Openness Club, a media organization

founded in the late 1980s, which collected over 60,000 signatures on a protest petition. Leaders of a number of the smaller denominations also expressed strong opposition to the amendments. At an interfaith meeting organized by Jenő Szigeti, president of the Seventh-Day Adventist Church, one reporter concluded:

what concerns the small churches is not so much the threat that they may lose their church licenses as a result of the proposed amendment, but the fact that despite the existence of several laws guaranteeing ecclesiastic and religious rights, for decades they were disenfranchised, and the possibility that this may happen again.³

Hungarian officials who defended the amendments stressed that their sole intent was to limit the number of religious organizations receiving state subsidies, and that religious freedom was not in jeopardy. It seems clear from the emphasis on "common morals," however, and the preambular language of the proposal which states, "Current regulations provide a small opportunity to get around the law and, in the name of freedom of practice of religion, make wide spreading of negative phenomena easy," that the amendments reflect an implicit value judgment regarding at least some of the smaller denominations. Moreover, the loss of officially recognized status would deprive affected denominations of the right to engage in missionary activities, theological training, and running various institutions.

In an attempt to provide representation for the interests and concerns of smaller religious groups, the leader of one of these groups, the Assembly of Faith, indicated the possibility that they will form an independent political party on the simple platform of religious freedom.⁴

The U.S. delegation to the CSCE Implementation Meeting on Human Dimension Issues noted in one of its statements that the amendments, if passed, would seriously inhibit religious practice. In the Hungarian delegation's response, it was pointed out that the amendments require a two-thirds majority vote of the parliament, and, given the ongoing controversy, seem unlikely to be adopted.

INDEPENDENT MEDIA

Since the elections of March 1990, Hungarian media -- particularly broadcast -- has become the battle ground for intense dispute and controversy. At stake are a variety of issues, including the role of the government in the media, journalistic objectivity or bias, freedom of speech and expression, and the constitutional limits on executive authority.

Hungary's print media flourished in the early period after the collapse of communism, though economic difficulties have since imposed a very real constraint on publishers, forcing many papers to cut print runs or close down altogether. Western investment is estimated to make up more than 80 percent of the total capital assets of the largely privatized Hungarian press. A wide range of newspapers, books, and magazines are available, representing a broad spectrum of political opinion.

High-ranking government officials believe that the print press is dominated by opposition voices, a view that has some legitimacy. The government argues that while it does not object to criticism, it does object to politically biased news reporting, and an insistence on portraying a negative picture of Hungary. MDF parliamentary faction head Imre Konya, in an internal party paper made public in August 1991, noted:

... the liberated press and the public service media are ruled by representatives of the "profession" discredited by the old system and hostile to the coalition. For this reason, while the function of controlling government power prevails to a maximum extent, mass communication media fail to fulfill their other important function: to inform the public in an objective manner.

Konya went on to suggest that the government had initially needed to avoid confrontation in order to preserve its international reputation, but that now that the government had secured the approval of the west, it could afford to be more aggressive in its relationship with the media. First of all, he stated, "We must pursue a more guided press policy in the future: The previous era has provided enough experience as to whom we should help by providing information and which newspapers we should not deal with." Secondly, he noted, "a deep-rooted change in the political outlook and spirit of the Hungarian Radio and Television could be implemented."

Publication of Konya's text elicited an immediate response, including the preparation by a group of intellectuals of a 17-point manifesto known as the Democratic Charter, which laid out conditions that still needed to be met before Hungary's transition to democracy could be complete. The Charter eventually attracted over 20,000 signatures -- especially after the president of Hungary's National Bank, Gyorgy Suranyi, was fired in connection with having lent his name in support. Prime Minister Antall protested, "If someone cries for freedom in a place where there is liberty, then he is a victim of a false idea or not telling the truth."⁵ But former President of the International Pen Club Gyorgy Konrad, the principal

sponsor of the Charter, insisted, "There is a need for the Democratic Charter in the East European region for continual self-defense against the state's excessive power."¹⁶

There are a number of watchdog organizations, including the Openness Club and the National Federation of Hungarian Journalists (formerly the communist-dominated union), designed to defend the interests of journalists and freedom of speech and expression. An organization of journalists ideologically close to the government, the Hungarian Journalists' Community, was formed in March 1992 to promote objectivity in reporting. Illustrating the conflicting perceptions concerning the role of the media in a democracy, at the first meeting of this Community, the honorary chairman stated:

At issue is that we do not want freedom of the press, because freedom of the press has turned into mudslinging to a degree that has become intolerable. We do not want free speech, because free speech is turning into spitefulness. We want decency in the press, we want decency in speech ... !⁷

Ultimately more critical than concerns about the print media was a sense among the coalition parties that the appointed heads of Hungarian Radio and Television were failing in their responsibility to ensure balanced broadcast coverage of political life. The presidents of these institutions, Csaba Gombar and Elemer Hankiss respectively, had been appointed with the approval of all the parties in August 1990, pending adoption of a media law. What were perceived as short-term appointments stretched into months and years, however, as the parliament became bogged down in its consideration of the law. Meanwhile, certain actions taken by Gombar and Hankiss rankled the ruling parties, convincing them further that the media was biased against their interests.

In the summer of 1991, Prime Minister Antall submitted his nominations for six vice presidents of Hungarian Radio and Television. President Goncz, however, refused to approve the appointments on the grounds that they were patently pro-government. This conflict was resolved by the Constitutional Court in September 1991, when it ruled that the President could only block government appointments if they endangered the democratic functioning of the relevant institutions. The government viewed this ruling as a broad victory, considering it to imply that the president was obliged to endorse government dismissals as well.

In the late spring of 1992, the government began its efforts to remove Gombar and Hankiss from their positions. Again President Goncz resisted, but pressure grew until on June 22, 1992, Prime Minister Antall formally requested President Goncz to dismiss Gombar and Hankiss. Also in June, the Constitutional Court had expanded its earlier ruling to specify that the President could not block dismissals of leaders of government institutions requested by the Prime Minister, unless the democratic operation of the institution would be threatened. In a letter written on June 30, Goncz explained his decision to refuse, noting that in his view:

a possibility exists that Dr. Gabor Nahlik [the Vice President of Hungarian Television, who would assume control if Hankiss were removed] could not resist the external and internal influences exerted in various directions presently experienced by the public media. Such influence is capable of endangering the freedom of the public media, the freedom of the press, the freedom to express one's opinion, and the freedom of the free flow of information⁸

As the tensions and passions mounted, the government and the Prime Minister each expressed their serious regret at the President's decision. On July 4, the MDF issued a statement accusing President Goncz of aiming to overthrow Hungary's constitutional system.

The picture was complicated by an additional aspect of the Constitutional Court's June 1992 ruling, in which it branded unconstitutional a 1974 decree used by the government to supervise broadcasting. In the absence of a media law, however, the Court allowed the decree to remain operational until November 30, 1992, by which time a new media law was to have been adopted.

Yet when the media legislation finally came up for a vote on December 31, 1992, none of the parties could agree, and it was resoundingly defeated. Meanwhile, the government acted to place the budgets of Hungarian Radio and Television under the direct control of the prime minister's office. Gombar and Hankiss tendered their resignations on January 6, 1993, stating bitterly that even the illusion of independence had disappeared. President Goncz did not accept their resignations, further complicating the political and constitutional issues surrounding the public media.

In the absence of presidents, leadership of Hungarian Radio and Television passed to their respective vice presidents, Laszlo Csucs and Gabor Nahlik. They implemented various personnel changes and shifts, many of which were criticized by the opposition parties and press. In a March 1993 letter to Prime Minister Antall, former Television President Hankiss stated, "... Gabor Nahlik, with your and the government's approval, has restored the old, party-state television's centralized and hierarchic organizational structure and rules of operation and procedure."⁹ Csucs and Nahlik denied any such allegations, arguing that the changes were implemented in order to establish independent national public radio and television with broad, unbiased news coverage.

Tensions escalated yet again in October 1993, when Csucs and Nahlik suspended various programs and removed a number of editors of broadcasts known for their criticism of the government. According to Radio Free Europe, the Editor Council of Hungarian Radio, representing radio editors, read a statement of protest on Hungarian Radio; Csucs reacted by banning the broadcasting of statements criticizing the radio leadership. On October 28, the vice presidents appointed new chief editors to replace those who had recently been suspended, provoking a new wave of protest. Prime Minister Antall was out

of the country at the time; the National Federation of Journalists warned that in his absence, Csucs and Nahlik had "slipped out of all legal controls."¹⁰

On October 30, tens of thousands of people marched through the streets of Budapest to demand that the government guarantee press freedoms. Several days later, thousands of university students launched their own peaceful demonstrations. Most of the controversy focused on the suspension of Andras Bano, the editor of a popular television news program (*Egyenleg*, or "Balance"), and three of his colleagues for allegedly falsifying footage in a program concerning events that occurred on October 23, 1992, when a speech delivered by President Goncz had been interrupted by heckling from right-wing extremists. Bano has rejected the accusations; in fact, Nahlik has admitted publicly that there is no hard evidence to prove them true.¹¹

On November 1, 1993, President Goncz sent a strongly-worded appeal to Prime Minister Antall, urging him to "stop this process which is seriously endangering our democracy," and warning that:

the danger exists that the public service information media will not be able faithfully to communicate either the noble conservatism of the government or the alternatives offered by the opposition ... in the absence of the information necessary for forming their opinions, Hungarian voters will lose the opportunity to express their opinions freely, and thereby the prerequisite for the upcoming free elections will have been eliminated.¹²

Prime Minister Antall rejected suggestions that the media heads were unable to work independently, deploring instead the parliament's failure to adopt the media law. Interior Minister Boross, acting head of the government in Prime Minister Antall's absence, echoed these views more explicitly: "The heads of Hungarian Television and Hungarian Radio have not been under the control of the government so far, so they could not slip away from under the government control ... One should ask the biggest opposition party why the law on mass media fell in parliament."¹³

As part of the newest controversy, several dozen of Hungary's writers, poets and composers announced a boycott of the programs of Hungarian Radio and Television, stating:

Having seen that the leadership of Hungarian Radio and Hungarian Television with the help of the government is turning these public service institutions into a machinery of propaganda, we have decided that we will not appear in the program of this radio and this television.¹⁴

Radio Vice President Csucs responded by declaring that the boycott met with his "greatest satisfaction" and that "They did us a great favor with their prohibition."¹⁵

The furious battle continues to rage, with no obvious conclusion in sight. As long as the moratorium remains on the distribution of national broadcast frequencies, the Hungarian public will be forced to rely on the state-owned services for national coverage in the run-up to the 1994 elections. If the current political rancor continues to be manifested in attempts to stifle critical or unpopular voices or information -- whether by those supportive of the government, or others -- it will be the Hungarian voters who pay the price.

MINORITIES

Hungary is home to some 1 million persons belonging to ethnic and national minorities, roughly 10 percent of the population. In order of size, Hungary's ethnic and national minorities include Roma (Gypsies), Germans, Slovaks, Croats, Romanians, Poles, Serbs, Slovenes, Greeks, Bulgarians, Armenians, Ruthenians and Ukrainians.

Beginning in the early 1970s, the Hungarian authorities began to show some flexibility in their approach to national minorities, amending the constitution to allow the right to an education in the mother tongue, and the right to preservation of minority culture. These measures were prompted in part by Hungary's growing concern over the fate of the roughly 3 million ethnic Hungarians in neighboring Slovakia, Romania, and (then) Yugoslavia; the authorities apparently hoped that by setting a good example, they could encourage neighboring governments to better treat their own minority communities. Even so, the Hungarian communist authorities' relatively liberal minority policy in the 1970s and 1980s was far from complete and did not really address the minorities' most critical problems. As one analyst concluded:

While no restrictive legislation existed, there was no law to help minorities preserve their national identities. The inevitable results were increased assimilation through the loss of the mother tongue, inadequate education, and a lack of genuine representation and self-government.¹⁶

Following the elections of 1990, the constitution was amended to declare that the national and ethnic minorities living in Hungary "share in the power of the people and are constituent elements." It went on to clarify that Hungary guarantees the collective participation of minorities in public life, as well as the cultivation of their own culture, including through use of and education in the mother tongue. Finally, it permitted minorities to set up local and national self-governing bodies. Other laws have been passed to guarantee minority rights in the judicial system and the legislature.

In September 1990, a new state institution called the Office for National and Ethnic Minorities (NEKH) was created to address the needs of Hungary's minority groups. The office was charged with overseeing relevant press, cultural, and educational issues, and to look out for the interests of the minorities, while advising the government on related matters. In addition, the government embarked on a vigorous effort to prepare a comprehensive law on national and ethnic minorities.

The Minorities Law

The first draft of the law was prepared by the Ministry of Justice at the end of 1990. Because this draft was deemed unsatisfactory by representatives of various minority organizations, the NEKH and the minority groups (now organized into a "Minority Round Table") worked together to negotiate an acceptable substitute. This second version was

passed to the government's legal codification committee in late 1991, with the government hoping to submit the bill to parliament by the end of that year.

When the government finally completed its modifications to the bill, however, the finished product was apparently quite different from the text the minority representatives had been counting on. Once again, the Minority Round Table rejected the bill, complaining that it discriminated against certain minorities, that it failed to resolve questions of parliamentary representation, and that it did not contain material guarantees.

Back at the drafting table, new efforts were made to resolve differences and to produce a text that would satisfy everyone involved. The final version of the law, passed by the parliament on July 7, 1993 (by a vote of 304-3, with 8 abstentions), includes a section on the collective rights of minorities, among them the right to establish social organizations and self-government at both the national and local level. While some minority representatives complained that the law did not ensure sufficient legal and financial guarantees for the establishment of minority institutions and facilities, most analysts concluded that the law represents a major gain for Hungary's national and ethnic minorities.

It is clear, as in earlier years, that part of the motivation for this legislation was to spur neighboring countries to adopt similar models. So far, however, most countries in which substantial ethnic Hungarian communities reside have rejected the concept of collective rights, and seem disinclined to follow the Hungarian example. A route toward promoting better treatment of ethnic Hungarians abroad that Hungary has followed with somewhat greater success is the negotiation of bilateral treaties that include provisions on the treatment of minorities, most notably a treaty with Ukraine.

The Situation of Roma (Gypsies)

While precise figures are hard to obtain, Roma (Gypsies), variously estimated between 400,000-800,000 strong, represent the largest -- and least integrated -- minority in Hungary. As in many other countries in the region, Roma have been hit especially hard by the effects of economic restructuring. With generally low levels of education and political representation, Hungary's Roma are reported to have an unemployment rate as high as 40-45 percent, three times the national rate.¹⁷

Roma have been the victims of skinhead attacks, as well as acts of vigilante justice. One well-publicized incident, in which a ranger shot dead two Roma who were allegedly stealing pears, took place shortly after the publication of MDF Vice President Istvan Csurka's exclusivist manifesto (see below), prompting opposition critics to suggest that "the victims in Tura [the town where the incident occurred] are also victims of the present political atmosphere."¹⁸ Representatives of human rights and Roma organizations have alleged that the Hungarian police do not actively investigate crimes committed against Roma. The U.S. State Department, in its annual human rights report for 1992, noted: "The

press regularly carries reports of police abuse against Gypsies. The Government has apparently made no significant attempt to investigate these reports."

There are currently three Roma representatives in parliament, each elected on the SZDSZ ticket, and a number of Roma organizations and cultural centers, as well as a Roma parliament. The new law on minorities includes provisions for Roma, though the Chairman of the Roma parliament has complained that the law makes no provisions for setting up specific institutions to guarantee minority rights.

Xenophobia and Violence Against Foreigners

While Hungary has generally been viewed as an island of political and social stability, it has not been immune to manifestations of extreme nationalism, xenophobia and anti-Semitism, both in the public at large and in prominent ranks of the political establishment. These issues, as with many of the other issues considered in this report, are the subject of open and vigorous discussion in Hungarian public life.

Hungary is home to some 80,000 Jews, one of the largest Jewish communities in Europe. According to the American Jewish Committee, Hungary's communist regime was less restrictive toward Jews than other Soviet-bloc countries, but official anti-Semitism continued. The practice of Judaism was allowed, and Hungary showed less hostility toward Israel than most other East European countries. On the other hand, Hungary severed diplomatic relations with Israel after 1967, and both the Holocaust and Jewish issues were considered taboo subjects for public discussion until the mid-1980s.

In the months before the democratic elections of March 1990, disturbing expressions of anti-Semitism began to appear in the election campaign. The most notorious example was a January 1990 radio address by MDF Vice President Istvan Csurka, in which he declared:

... as long as a tiny minority is capable of making society accept that only its truth is the truth ... as long as the political line labelled as radical liberal today when presented to Hungarians is nurtured from the same Marxist, Lukacs-ist, left-wing roots as it was during the Kadar-Aczel era, there is indeed no hope that the great, populist masses of Hungarians will feel good in their own country. Awaken Hungarians! They are misleading us once again.¹⁹

While Csurka denied that his remarks were directed at Jews, many viewed his comments as an attack on the SZDSZ leadership, which included a number of prominent Jewish intellectuals. Moreover, the phrase "Awaken Hungarians!" was strongly reminiscent of the slogan used by an extremist anti-Semitic organization in the pre-war period. Csurka was elected to parliament, and also held the office of vice president in the MDF. The MDF's electoral platform, however, condemned anti-Semitism, and a consultant for the American Jewish Committee concluded that the MDF's success in the election resulted from its

economic and cultural positions, rather than from its use of anti-Semitism in the campaign. Prime Minister Antall publicly pledged his government's full support for Jewish security and freedom as well as opposition to anti-Semitism.

Yet Csurka and his followers within the MDF faction continued to promote a nationalist, exclusivist perspective that distinguished "true" Hungarians from others, such as Jews and Roma. In August 1992, Csurka published a lengthy essay blasting the Antall government for perceived policy failures, and using ultra-nationalist, xenophobic, and anti-Semitic rhetoric to paint a picture of Hungary under attack by an international conspiracy, allegedly controlled by Jews, determined to pervert the country's values.

The manifesto was sharply criticized both at home and abroad, including by some members of the liberal wing of the MDF. Prime Minister Antall, however, distanced himself from Csurka's remarks only belatedly and in general terms, explaining that:

In his political pamphlet ... Istvan Csurka makes statements in which he gives voice to the strong emotions of some groups of our public, sometimes of considerable masses, raises questions, and then he shows the constraints and, in my view, he replies using a faulty interpretation, causing political damage and making mistakes. Neither I nor the government can identify with this, just as the MDF Presidium and National Board could not identify with it.²⁰

The government issued a statement rejecting "extremist political views and a policy of exclusion burdened by prejudice," but did not mention Csurka by name. An August 31, 1992, statement by the MDF National Board took pains to note that "Most of the findings contained in [Mr. Csurka's] writing can be used well in the development of the MDF's new program."²¹

U.S. Congressman Tom Lantos, who was in Hungary at the time the essay was published, organized a special order in the House of Representatives on September 23, 1992. More than 15 Members of Congress, including Helsinki Commission Co-Chairman Steny Hoyer, spoke or submitted statements condemning Csurka's message, and urging forces of democracy in Hungary to speak out strongly against xenophobic and extreme nationalist appeals.

Over the course of the next year, Prime Minister Antall moved to isolate Csurka within the MDF, and ultimately to expel him from the party in June 1993. Csurka and his followers, who had already established their own parliamentary policy group, quickly transformed the group into a faction, Hungarian Justice, which they merged with Csurka's grassroots movement, Hungarian Way, to establish the Hungarian Justice and Life Party. So far, it appears that his overall support is rather limited.

Prime Minister Antall and the MDF have continued to make some gestures to the nationalist right, however, such as the reburial of Admiral Miklos Horthy in September 1993,

attended by four government ministers (in their capacity as private citizens) and members of Prime Minister Antall's family. Horthy, lauded by Prime Minister Antall as a Hungarian patriot, is viewed by many others as the nationalist and anti-democratic leader who presided over the deportations of more than 400,000 Jews in 1944. Those who opposed the reburial complained that the event was being used for political ends, and that the Horthy era was not in the democratic tradition or path of development of the present republic.

Violent expressions of xenophobia or extremism have generally been the domain of Hungary's small but aggressive skinhead community, estimated at 4,000. The skinheads, who do not generally associate themselves with political but rather with nationalist ideology, have been responsible for numerous attacks against people of color, including Roma, foreign students, and foreign diplomats. On October 23, 1992, the anniversary of the 1956 uprising, some 200 skinheads wearing heavy boots, bomber jackets, and Arrow Cross (Hungarian Nazi) insignia, led the jeering of President Goncz to the point that he was unable to deliver his speech. Government representatives at the front of the crowd reportedly made no effort to support the President when the shouting began, fueling allegations from some opposition representatives and the press that the government was willing to bend to the demands of the far-right, or had actually been involved in some way in the disturbances.

Prime Minister Antall, speaking before the parliament on October 26, termed the October 23 incident "regrettable," but stated that it was "completely exaggerated and presented in a completely distorted manner." He resolutely rejected any accusation of government involvement, noting, "If the minister of the interior had marched into the scene ... and scolded and silenced the crowd, now we would be hearing that no further proof was needed that we organized it, since they became silent when ordered to do so."²²

A number of non-governmental human rights organizations monitor reports of xenophobic violence or discrimination, including the Raoul Wallenberg Association and the Martin Luther King Organization. According to the Martin Luther King Organization, 116 Arab, African and Asian students were assaulted by skinheads in some 80 separate incidents in 1992. In March 1992, President Goncz met with foreign students studying in Hungary and issued an appeal for greater tolerance. The Minority, Human Rights and Religious Affairs Committee of the Budapest City Council prepared a report on the skinhead phenomenon in June 1992, which included a number of recommended measures for local authorities to combat racism and prevent skinhead violence.

Hungary was criticized by Amnesty International and other human rights organizations for reports of racially motivated torture and ill-treatment by police officers in refugee detention centers and police stations. Among the most serious concerns were allegations of excessive use of police force in April 1992 at the refugee detention camp in Kerepestarcsa, a former prison holding some 7,000 aliens, mostly economic migrants from Asia, Africa and Romania. Amnesty noted, "Racist attitudes among police officers not only lead to human rights violations, but may also leave those most vulnerable to racist attacks without adequate protection."²³ Amnesty also suggested that the lack of a comprehensive

law on foreigners, stipulating conditions for entry, residence, detention and expulsion, often forces border guards and police to act on their own initiative.

Despite these disturbing reports, Hungary has made significant efforts to deal with its large influx of refugees, and growing numbers of illegal aliens. Hungary signed the 1951 Geneva Convention on Refugees and its 1967 Protocol in 1989, though it specified that it would only grant refugee status to European nationals. The country has had to deal with three successive waves of refugees since 1988 -- some 35,000 mostly ethnic Hungarians from Romania prior to the fall of Ceausescu in December 1989, some 10,000 East Germans in the late summer of 1989, and more than 60,000 war refugees from the former Yugoslavia since the crisis there began. Despite the strains of political and economic transition, Hungary has attempted to meet the needs of incoming refugees.

In 1992, it was estimated that there were 50,000 illegal aliens residing in Hungary, representing some 80 different countries. Following a regional trend, Hungary has negotiated deportation agreements with a number of neighboring countries, including Austria, Romania, Croatia, Slovenia and Ukraine. As one Interior Ministry official explained:

It is worthwhile thinking about which cultures to accept in as small a country as Hungary. We might avoid xenophobia by not repeating West European countries' earlier mistakes. They once kept the gates open wide before immigrants. Now, clearly, they are prisoners of the situation they created.²⁴

CONCLUSIONS AND OUTLOOK

Over the past five years, Hungary has earned its reputation as an island of stability in a turbulent region. Long at the vanguard of economic and political reform in East-Central Europe, it has managed to navigate its post-communist transition more smoothly than most of its neighbors, eluding such obstacles as inter-ethnic strife, civil unrest, or crippling political infighting. Human rights and civil liberties are provided for in the constitution and generally respected in practice. The important role played by the Constitutional Court has bolstered respect for the rule of law. The strong roots of Hungarian civil society are evident in the open and active engagement of the press and private citizens in debate on public issues.

It is clear that Hungary has made considerable progress in its implementation of CSCE Human Dimension commitments since the demise of the communist regime. Indeed, today's Hungary is judged not in comparison with the former era, but by the standards of modern Western democracies. But if the issues and challenges that remain do not have the same urgent quality as the massive and brutal violations of human rights taking place elsewhere in the region, they are nonetheless integral parts of the democracy to which Hungary aspires, and must therefore be dealt with by both the government and society at large. A major test of Hungary's ability to meet these challenges will come in and around the 1994 elections -- which have to take place by the middle of the year.

The death of Prime Minister Jozsef Antall on December 12, 1993, briefly imperilled political stability, as the MDF was left without an obvious heir apparent. Acting MDF Chairman Sandor Leszak emphasized, however, that the party's "leading bodies are determined not to have a struggle for succession so that the country can maintain its creative calm and security without which, I believe, we cannot have firm prospects for the future." Indeed, all the major parties seemed to agree that it was important to find a noncontroversial candidate, as the constitution stipulates that if the parliament fails to endorse one of the president's nominations for a new prime minister within 40 days, he may dissolve the assembly and call new elections.

On December 20, 1993, after consultations with the chairmen of the parliamentary parties, President Goncz officially proposed the MDF's official candidate, Acting Prime Minister and Minister of the Interior Peter Boross, to the parliament. According to President Goncz, no party in parliament had objected to Boross personally, even if they did not support the government's program. Boross was approved on December 21, 1993, and assumed the full responsibilities of the post. As he noted after his nomination, "The new government will very precisely define the tasks which it must tackle until the 1994 elections and seek to fulfill them quickly and efficiently. The months to come will be a period of meeting strict deadlines."²⁵

The period before the elections will be a critical one for Hungary, again at the vanguard in the region as the first post-communist country to see a democratically-elected

government serve out its mandate. How the authorities resolve the long-festering dispute over the public broadcast media has real implications for the openness of the upcoming campaign. The ability of the mainstream parties to reject the authoritarian, nationalist and xenophobic appeals of the far right will test their commitment to the spirit of democracy and the provisions of the Human Dimension in CSCE documents. The current popularity of the MSZP, the party of one-time reform communists, is an indication of the dissatisfaction of the population with present government policies, and may presage a slow-down in economic reform.

Meanwhile, Hungary must continue to deal with the dramatic events taking place in the region. Hungary's participation in the sanctions effort against Serbia-Montenegro has been extremely costly, as has caring for the tens of thousands of war refugees. The threat of actual spillover is more than academic, as Serbian warplanes repeatedly violated Hungarian airspace in the early phase of the war. Hungary continues to be seriously preoccupied with the fate of the some 3 million ethnic Hungarians in Serbia, Slovakia, and Romania, and bilateral relations have been rocky on all three fronts. At the same time, efforts to obtain firm security guarantees from the west have fallen well short of aspirations.

The road ahead is not an easy one, and its steady and successful passage will require principled and committed leadership, including a firm will to resist the facile appeals of the nationalist right. So far, the people of Hungary have demonstrated their will to meet the challenges. If the country can make a smooth transition from its first to its second freely-elected government, holding fast to the precepts of democracy and the rule of law, it will have passed a major hurdle.

ENDNOTES

1. *Talozzo*, "Chief Prosecutor on 'Offending Authorities'," August 12, 1993, as translated in FBIS, September 17, 1993.
2. Edith Oltay, "Religious Sects at Center of Controversy in Hungary," *RFE/RL Research Report*, July 16, 1993.
3. *Uj Magyarorszag*, "Controversy Over Amendment on Small Religious Groups," April 23, 1993, as translated in FBIS, June 3, 1993.
4. *Magyar Narancs*, "Hit, hit, hurrah," November 4, 1993.
5. *Financial Times*, "Public Servants in Hungary Take the Political Flak," December 12, 1991.
6. Judith Ingram, "The Political Struggle and the Press," *Uncaptive Minds*, Spring 1992.
7. *Uj Magyarorszag*, "New Journalist Federation Demands 'Decent' Press," March 16, 1992, as translated in FBIS, April 24, 1992.
8. *Magyar Hirlap*, "Goncz Explains Stance on Media Chiefs to Antall," July 2, 1992, as translated in FBIS, July 30, 1992.
9. *Magyar Hirlap*, "Hankiss to Antall" 'Party-State' TV Restored," April 6, 1993, as translated in FBIS, May 4, 1993.
10. *Radio Free Europe/Radio Liberty Daily Report*, October 29, 1993.
11. *Washington Post*, "Hungarian Media Fear Resurgent 'Big Brotherism'," November 9, 1993.
12. *MTI Report* on Hungarian President Arpad Goncz's Letter to Prime Minister Jozsef Antall, November 3, 1993.
13. *Magyar Hirlap*, "Interior Minister Boross Views Media War," October 30, 1993, as translated in FBIS, November 4, 1993.
14. *Heti Vilaggazdasag*, November 13, 1993; *Nepszabadsag*, November 4, 1993.
15. *Nepszabadsag*, "Acting Radio President Plans 'Real Hungarian Radio'," November 15, 1993, as translated in FBIS, December 28, 1993.

16. Alfred A. Reisch, "First Law on Minorities Drafted," *RFE/RL Report on Eastern Europe*, December 13, 1991.
17. "Gypsies Suffering in Hungary's Shift," *New York Times*, November 7, 1993.
18. "Boross: Ethnic Conflict Not Behind Gypsy Deaths," *Nepszabadsag*, September 15, 1992, as translated in FBIS, September 29, 1992.
19. "Csurka Radio Statement on Domestic Politics," Budapest Radio Domestic Service, January 14, 1990, as translated in FBIS, January 22, 1990.
20. *Uj Magyarorszag*, "Antall's Speech," September 1, 1992, as translated in FBIS, September 17, 1992.
21. *Uj Magyarorszag*, "MDF National Board Statement," August 31, 1992, as translated in FBIS, September 17, 1992.
22. "Antall on Danube Dam Issue, Square Incident," Budapest Kossuth Radio Network, October 26, 1992, as translated in FBIS, October 27, 1992.
23. "Hungary: Torture and Ill-Treatment of Foreigners," Amnesty International, AI Index: EUR 27/01/93, May 1993.
24. "Your Huddled Masses? No. This Door is Closed." *New York Times*, April 30, 1992.
25. "Goncz, Boross Comment," *MTI*, December 20, 1993, as in FBIS, December 21, 1993.