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TESTIMONY OF TAD STAHNKE VICE PRESIDENT FOR RESEARCH AND ANALYSIS HUMAN RIGHTS FIRST

BEFORE THE HOUSE COMMITTEE ON FOREIGN AFFAIRS
SUBCOMMITTEE ON EUROPE, EURASIA, AND EMERGING THREATS
"THE FUTURE OF U.S. - HUNGARY RELATIONS"
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Introduction

Mr. Chairman and Members of the Subcommittee, thank you for convening this hearing on the very important issue of the future of U.S. - Hungary relations. The situation in Hungary exemplifies several important challenges facing U.S. policy throughout the region, including growing nationalism, authoritarianism, official corruption, the growing strength of antisemitic and racist political parties, and the increasing influence of Russia. The United States cannot sidestep these challenges; nor can it rely on the European Union alone to adequately confront them. They are weakening the European Union from within at a time when a strong and healthy Trans-Atlantic Alliance is more important than ever due to Russian aggression in Ukraine. I appreciate the opportunity to be here today to share Human Rights First's findings and recommendations on how to advance a U.S. policy to try to help reverse the recent troubling trends in human rights, governance, and the rule of law in Hungary for the mutual benefit of the people of our two countries.

I. Erosion of Rule of Law, Human Rights Protections and Tolerance

Since 2010 the government of Viktor Orbán and his ruling Fidesz party has made sweeping changes to the Hungarian constitutional and legal systems, a number of which have eroded the rule of law, human rights protections, and checks and balances among democratic institutions. The government has taken several steps to harass nongovernmental organizations receiving foreign funding and to restrict the space for independent media to operate. It has also taken a number of controversial actions to promote a revised historical understanding of the period of the Second World War, which has, among other things, put it on a collision course with large segments of the Hungarian Jewish community. Moreover, the government is increasingly

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challenged by the overtly antisemitic and racist Jobbik political party – for which 1 in 5 Hungarians voted in April 2014 national elections, making it the second largest political force in the country. In the face of this challenge, the government has implemented a number of Jobbik proposals, and many analysts believe it is competing for votes with Jobbik. Finally, Orbán has increasingly looked to Vladimir Putin for support, while Jobbik has supported the Kremlin both at home and in the European Parliament.

Human Rights First is not alone in its assessment of Hungary's democracy and human rights performance. It is shared by several Hungarian human rights organizations, including those working since the fall of communism to hold successive elected governments to uphold their international human rights obligations. These groups are coming under increasing attack from the current government.

According to the 2015 Freedom in the World Report published by Freedom House, Hungary showed an overall decline in the major categories of Political Rights and Civil Liberties, as well as in the subcategories of Electoral Process, Functioning of Government, Freedom of Expression and Belief, and Associational and Organizational Rights. Additionally, according to Freedom House's Nations in Transit report, between 2010 and 2014 Hungary worsened in the overall Democracy Score from 2.39 to 2.96 (scale of 1 to 7, with 1 being the highest level of democratic progress) and in all seven indicators of freedom and democracy: Electoral Process, Civil Society, Independent Media, National Democratic Governance, Local Democratic Governance, Judicial Framework and Independence, and Corruption.

This assessment is also reflected in expressions of concern or censure by the European Commission, European Parliament, European Court of Justice, the Fundamental Rights Agency of the European Union, the Human Rights Commissioner of the Council of Europe, the Council of Europe's Venice Commission, the European Court of Human Rights and the Organization for Security and Cooperation in Europe.

In the last year, the United States government has also begun to express clear concerns about the direction in which Hungary is going. In September of 2014, President Obama mentioned Hungary as one of several countries that have targeted civil society organizations with "endless regulations and overt intimidation." In November 2014, at the 10th Anniversary of the OSCE's Berlin Conference on Anti-Semitism, U.S. Ambassador to the UN Samantha Power said:

In Hungary – where the extreme ethnic nationalist Jobbik party finished second in May elections, and where public opinion polling has shown a high level of anti-Semitic attitudes, the government has cracked down as well on the independent press and civil society groups. According to international media watch dog, the Committee to Protect Journalists, Hungarian authorities have pressured the media to tone down or abandon sensitive, critical stories and punish the journalists and media outlets that press ahead. All this at the same time a new government-commissioned monument to the Second World War depicts Hungarian "victims of German occupation" – but makes no mention of the



major role the Hungarian government and citizens played in the mass extermination of Jews.

These concerns are also reflected in what Prime Minister Viktor Orbán himself has described as the direction in which he is taking Hungary. In July 2014, Orbán gave a speech in Băile Tuşnad calling on Hungarians "to abandon liberal methods and principles of organizing society" and to work instead towards "building... a non-liberal state." Referencing Russia, China and Turkey as models of social and political organization, Orbán expressed his belief that the era of liberal democracy—upon which the European Union and the post-Cold War European order have been built—is over. The evidence suggests that the United States should take Mr. Orbán at his word. His actions have been consistent with those words.

I have attached to my testimony details on the rollback of constitutional checks and balances, the independence of the judiciary, and the protection of freedom of expression and independent media. Here, I would like to focus on four other disturbing aspects of the current situation: (1) harassment of NGOs receiving foreign funding; (2) politicizing the decision making regarding recognition of religious organizations; (3) increasing nationalism and the threat from the antisemitic and racist Jobbik party; and (4) the growing alignment of Orbán and Jobbik to Moscow.

Harassment of non-governmental organizations – human rights and anticorruption groups, independent media – receiving foreign funding

In May 2014, the Orbán government requested the Government Control Office (known by its Hungarian acronym KEHI) audit how a fund established by Norway and other non-EU countries called "Norway Grants" was being administered. Norway Grants provides funding for several Hungarian NGOs, including organizations concerned with human rights, corruption, and government transparency and objective news information. This action followed a smear campaign by state officials against the Hungarian operators of the Norway Grants program. It was also discovered that the government of Hungary had a list of 13 NGOs it deemed to be "left leaning" and "problematic."

Following an intrusive "on-site" KEHI audit and further demands for documents, two of the fund operators' offices were raided by the police where, among other things, documents concerning the 13 "blacklisted" NGOs were seized. A criminal procedure was also launched against one of the fund operators for potentially "unauthorized financial activities." Norway condemned and rejected each one of these steps. In October 2014, KEHI released an audit containing generalized concerns about the operation of the program; this "audit" was rejected by Norway, which announced it would conduct its own internal review. In the meantime, the tax numbers of the fund operators were suspended, threatening to shut down the organizations. Prime Minister Orbán himself has singled out civil society organizations for particular criticism, calling them "paid political activists who are trying to help foreign interests."



In January 2015, a court concluded that the government raids and seizures of the fund operators were unlawful. In February, an independent evaluation of the administration of the Norway Grants program validated the selection of the fund operators and stressed the importance of maintaining the operators' independence from the government. Nevertheless, the government continues its public targeting of NGOs. In February 2015, the head of the Prime Minister's office stated that NGOs should not only publicly account for where their money comes from, but also for their leaders' personal assets. Court hearings on the suspension of the tax numbers of the Norway Grants fund operators are expected in the late Spring. (A chronology of these events prepared by several Hungarian organizations is attached to this testimony.)

Introduction of Politicized Decision-Making into the Church-State Relationship

In 2011, the Parliament passed a new Church Act. This law de-registered hundreds of previously-registered churches, requiring them to re-apply for recognized "church" status — which confers several privileges not granted to other religious organizations, including receiving state subsidies — under a politicized procedure which requires a two-thirds vote in the Parliament rather than a decision by the courts. The European Court of Human Rights in April 2014 determined that this system is a "politically-tainted re-registration procedure," which violated the applicant churches' rights to freedom of thought, conscience and religion and freedom of association." (Magyar Kereszteny Mennonita Eghaz and Others v. Hungary on April 8, 2014.)

The government alleged that many of the de-registered churches were receiving state subsidies unlawfully, in that they were not engaging in religious activity but using their church status as a shield. The European Court, however, stated that this charge – a primary reason for the change in the law – was never proven by the government. One of the de-registered churches that has been unable to obtain recognized status under the new law is the Hungarian Evangelical Fellowship Church, led by Pastor Gabor Ivanyi. This church has been critical of Fidesz policies.

Despite the passage of more than a year since the European Court's ruling, the government has yet to make the required changes to the law to bring the recognition procedure into line with Hungary's human rights obligations.

Antisemitism, Nationalism, and Political Extremism

Rewriting History of the Second World War Period

In 2012, Nobel Laureate Elie Wiesel returned an award given to him by Hungary because Laszlo Kover, the Fidesz speaker of the Hungarian Parliament, attended a ceremony honoring notorious Nazi sympathizer Jozsef Nyiro. Official parliamentary funds helped pay for the ceremony. Wiesel stated that "Hungarian authorities are encouraging the whitewashing of tragic and criminal episodes in Hungary's past, namely the wartime Hungarian government's involvement in the deportation and murder of hundreds of thousands of its Jewish citizens. The Nyiro incident is one



of several that continue to raise concerns about the Hungarian government's commitment to an officially sponsored campaign of historical revisionism, which includes rehabilitating major fascist figures of the 1930s and 1940s, accentuating Hungary's status as a victim of the Nazis, and emphasizing that Hungary "lost its 'sovereignty" during the Nazi invasion, thereby minimizing the role that Hungarians played in the deportation and murder of Jews—both before, during, and after German occupation.

Portions of the Hungarian Jewish community expressed its concerns about historical revisionism in connection with the government's plans to build a Nazi occupation museum called the "House of Fates," overseen by Orban's controversial historical adviser Maria Schmidt. The Yad Vashem center for Holocaust research in Israel announced that it would not take part in building the "House of Fates," after the Federation of Jewish Communities in Hungary decided to pull out of that project and other government-sponsored observances of the 70th anniversary of the Holocaust. The government recently committed to sideline Schmidt and ensure that plans for the museum were shared with experts and would adhere to internationally-accepted historical standards.

A bitter dispute also erupted over Orban's plan to build a new World War II monument depicting the archangel Gabriel, symbolizing Hungary, being seized by the imperial German eagle, with an inscription that reads: "Memorial to the Victims of the German Occupation." Members of the Jewish community and other victims of the Holocaust said the memorial falsely implies that Hungarians were passive victims of the Nazi occupation rather than active collaborators. Orban suspended work on the memorial during the run-up to the April, 2014 elections, committing not to move forward without further consultations with the Jewish community. Two days after his reelection victory, and without any further discussions, workers broke ground for the memorial in central Budapest. Large demonstrations ensued and were forcibly dissolved by police. In May 2014, thirty Jewish members of Congress wrote a letter to Orban urging him to abandon the memorial. Nevertheless, on July 20, 2014, the statue was moved into Budapest's Freedom Square during the night to avoid protestors, and assembled under police guard. Protestors, including Holocaust survivors, stood outside the fence waiting for it to open. Demonstrators threw eggs at the statue.

Prime Minister Orban himself has committed the government to zero tolerance on antisemitism, and in the last two years, senior government officials have made statements decrying the Holocaust as a tragedy for all Hungarians and acknowledging the collaboration of Hungarian state bodies in the deportation of Jews. These welcome statements and commitments come as Hungary took its place in April of this year as the current Chair of the International Holocaust Remembrance Alliance. The government needs a sustained effort, however, to ensure that antisemitism and revisionism has no place in Hungarian politics and policy. Also, the government has not done a good job in reigning in the influence of the openly antisemitic and racist Jobbik party, discussed below, which has been gaining in both voting strength and influence. All of the developments have contributed to an atmosphere of uncertainty among members of the Jewish community. In a 2013 European Union report, almost 50 percent of Jews surveyed in Hungary said they had considered emigrating because they felt unsafe living as a Jew in their country.



Fanning Xenophobia

The Hungarian government is currently stirring up xenophobia apparently for political gain. The Financial Times recently reported that the government was preparing to send a questionnaire to eight million citizens asking whether they agree that immigrants endanger livelihoods and spread terrorism. The questionnaire will list 12 statements linking immigration to threats to security and incomes. Some of those questions include:

- "Do you agree that economic immigrants endanger the jobs and livelihoods of the Hungarian people?"
- "Would you support the government placing illegal immigrants in internment camps?"
- "Do you agree with the government that instead of allocating funds to immigration we should support Hungarian families and those children yet to be born?"
- "Do you agree that mistaken immigration policies contribute to the spread of terrorism?"

A letter will reportedly accompany the questionnaire suggesting that the government could hold illegal immigrants in detention centers and make new arrivals pay for the cost of their detention. The letter states, "Economic migrants cross our borders illegally, and while they present themselves as asylum-seekers, in fact they are coming to enjoy our welfare systems and the employment opportunities our countries have to offer." Immigration poses serious economic and security challenges that governments must take seriously—but asking the entire citizenry of a country leading questions linking immigration to security threats and lost income encourages hatred. As First Vice President Frans Timmermans of the European Commission stated, "Framing immigration in the context of terrorism, depicting migrants as a threat to jobs and the livelihood of people, is malicious and simply wrong—it will only feed misconceptions and prejudice." The Hungarian government needs only to look at Greece's Golden Dawn to see what can happen when governments stoke fear and resentment to compete with an extreme political party: xenophobia, prejudice, and violence. Not only are the government's statements xenophobic, but they're also unfounded. The Economist reports that most immigrants who enter Hungary do not stay—they are usually bound for other destinations in Europe.

Rising Antisemitic, Racist Jobbik

Jobbik was founded in 2003 by Gabor Vona, who is seen as a charismatic figure who casts himself as a defender of Hungary's traditions and territory against predatory foreigners. Unlike many other right-wing European leaders, who are virulently anti-Islam, Vona has written favorably about Islam and made common cause with Palestinians because of his hatred for Israel. In 2007, Vona founded the Hungarian Guard, a paramilitary organization, in order to recruit members to Jobbik and boost its popularity. The Hungarian Guard 's jack-booted members wore



uniforms similar to those of the Arrow Cross, a Hungarian fascist party that ruled the country at the end of the Second World War and collaborated with the Nazis. Before being banned in 2009, the Hungarian Guard began to held regular marches through Roma neighborhoods that terrorized the local population, often ending in rock-throwing and violence. The Roma are Hungary's largest minority, making up about 7% of the population, where they face official and private hostility and discrimination in employment, housing and education.

Anti-Roma demonstrations were held in 2012 in the town of Devecser, where a fight between Roma and other villagers had broken out, and "vigilantes" massed to "defend" the villagers against the Roma. Jobbik, "the official organizing force behind the event, included in the event well-known violent extremist organizations and paramilitaries." Three Jobbik MPs attended. Following anti-Roma speeches, the marchers proceeded to Roma houses and shouted such slogans as "You are going to die here!" Stones were thrown, but no one was injured. Videos of parts of the events were posted on radical-right websites. Police did not intervene.

Negative attitudes about Jews and Roma cut across a wide swath of Hungary's population and its political leaders. Nevertheless, Jobbik's leaders have tried to use their political gains to make it more acceptable to express antisemitic and anti-Roma hatred in the public discourse. Jobbik's overt antisemitism is shocking, as they skillfully comingle ancient canards about Jews and hatred of Israel with post-financial crisis anxieties. They whip up fears of "international" (i.e. Jewish) bankers destroying the Hungarian economy, foreigners buying up land, and Israel "colonizing" Hungary. They have also made virulently antisemitic statements on the floor of Parliament. Examples include the following from Jobbik officials, all of whom were re-elected to the Parliament in 2014:

"Now is the time to finally say: Israeli occupation is ongoing in our homeland. This is a fact, for evidence we need only to think about the overwhelming dominance of Israeli capital investments, property developments in Hungary. And the Gypsy people are a biological weapon of this [Israeli occupation]. They use them as tools against the Hungarian people."

-Eniko Hegedus, Jobbik Member of Parliament, May, 2011

"The Israeli conquerors, these investors, should look for another country in the world for themselves, because Hungary is not for sale."

-Gabor Vona, Jobbik President, May 2013

"I think now is the time to assess...how many people of Jewish origin there are here, and especially in the Hungarian parliament and the Hungarian government, who pose a national security risk to Hungary."



-Marton Gyongyosi, M.P. and Leader of Jobbik's Foreign Policy Cabinet, Nov. 2012

Jobbik won 20 percent of the vote in Hungary's parliamentary elections in April 2014, up from 16 percent in the 2010 election. According to Reuters, "'Jobbik said that it hoped the people of central and eastern Europe would unite in an 'alliance that spreads from the Adriatic to the Baltic Sea,' to counter what it called Euro-Atlantic suppression." Following strong showings in European and municipal elections later in 2014, it is now clearly the second most powerful force in Hungarian politics. In April 2015, a Jobbik candidate won a by-election in the individual constituency of Tapolca. This is the first time that Jobbik has won outright vote in a geographical district.

Although the party has begun to institute a "makeover" to spruce up its image as it has become more popular, Jobbik officials still express antisemitic views. In early 2015, Jobbik Member of Parliament Gergely Kulcsár bragged about spitting on a memorial on the Danube commemorating victims of the Holocaust.

Jobbik has also gone on the offensive in court in an attempt to defend its reputation. It sued a respected historian, Laszlo Karsai, for calling it "neo-Nazi" and won that case in 2013. The decision was overturned on an appeal on the grounds that such definitions are made by historians and beyond the writ of the court. Nevertheless, Jobbik sued a TV station this year for calling it a "parliamentary far-right party." In a stance that raises fresh questions about the chilling effect of the new Hungarian legal media laws on the free media, the government's new Media Authority and Media Council, a media supervisory body appointed by parliament, both sided with Jobbik. On June 3, the Hungarian Supreme Court also found in favor of Jobbik, concluding that since Jobbik claims it is not a "far-right party," the TV station was expressing an opinion, which is only permitted during certain times as TV and radio news coverage is required to be impartial.

Viktor Orban's Fidesz party is increasingly competing with Jobbik for votes. Indeed, political analysts have noted that Orbán and Fidesz have implemented numerous policy proposals proposed by Jobbik. The research institute Political Capital recently released a list, attached to this testimony, of at least 10 such cases in the fields of social, economic and foreign policy.

Growing Alignment with Russia

Both Viktor Orbán and Jobbik have courted closer relations with Moscow. Although Orbán has not gone against EU sanctions against Russia, he has questioned their value while fostering an "Eastern Opening" policy that has sought to bring Hungary closer to Russia.

Nuclear deal:

Fidesz and Jobbik parties banded together as the Hungarian Parliament approved a nuclear deal with Russian financing and contractors in 2014. According to the Wall Street Journal, "Russian state-owned nuclear firm Rosatom will build a 2,000 megawatt addition to Hungary's state-owned



nuclear power plant MVM Paksi Atomeromu. Hungary is entitled to use the financing until 2025, at an annual interest rate of between 4.50% and 4.95% depending on the year of repayment." In February 2015, Parliament voted to keep the details of this deal secret for 30 years.

Gas to Ukraine suspended:

Hungary announced it would suspend gas supplies to Ukraine following pressure from Moscow in September of 2014.

High-level Visits:

Hungarian Prime Minister Victor Orbán visited Moscow in 2014 to solidify a nuclear energy deal and President Putin of Russia visited Hungary on February 17, 2015. Putin used the occasion of his visit to Budapest – at the height of tensions in Ukraine – to attack EU policy on the crisis and its relations to Russia. Following the visit, Hungary announced its opposition to an EU body set up to explore ways to achieve greater energy independence by the Union.

EU Sanctions:

In 2014 Hungarian Prime Minister Victor Orbán argued that EU sanctions on Russia harmed Europe more than Russia, although in the end Hungary voted with the EU on all Russia sanction motions.

The Kremlin and Jobbik have maintained a mutually beneficial relationship, part of a broader trend in Europe of Russian support for European far-right parties, who in turn work to undermine EU policy confronting Russian aggression in Ukraine.

Russia a Strategic Partner for Hungary:

Jobbik leader Gabor Vona in 2013 characterized Russia as a strategic partner against the "Euro-Atlantic Bloc." Jobbik has opposed Hungary's membership in the EU and in NATO. [https://euobserver.com/eu-elections/123887]

Espionage case vs. Jobbik:

In May 2014, Hungary asked the EU Parliament to revoke diplomatic immunity for Béla Kovács, a representative of Hungary's Jobbik party, so that they could charge him with spying on the EU for Russia. Kovács was also accused of moving Russian funds to support Jobbik, which enjoyed a well-financed campaign for the EU Parliament in 2009. The case is ongoing. The European Parliament's Legal Affairs Committee is expected soon to vote on lifting Kovács' immunity.

Jobbik member of EU Parliament lent legitimacy to Crimean vote on Russian annexation:

Belá Kovács traveled to Crimea as a Jobbik MEP to help oversee a referendum there on Russian annexation. He stated everything he saw conformed to international standards and said he



expected free and fair voting. Jobbik MEP's have also opposed sanctions against Russia in the European Parliament.

II. A Strategic Response for U.S. Policy

An increasingly authoritarian government inside the European Union that is seeking to blaze a path toward "illiberal" democracy and taking its cues from Russia and China is an increasingly problematic ally for the United States. This is true notwithstanding the stalwart support Hungary has provided to the United States for its wars in Afghanistan and Iraq, as well as other U.S. counter-terrorism efforts. The United States needs to help Hungary get back on the democratic track. The fact that an openly antisemitic and racist party who supports Russia and wants Hungary out of the EU and NATO is waiting in the wings indicates what is at stake. The United States cannot rely on the European Union alone to reverse the negative trends in Hungary.

The U.S. strategy needs to be a nuanced one, and the United States should be careful not to undermine Orbán to the extent that he is pushed further away from NATO and closer to Russia. However, it is equally important that the US demonstrate to Orbán that he cannot remain an equal partner in Western organizations like the EU and NATO while simultaneously courting Russia and supporting the creation of an "illiberal" state. The US government should find a way to express its dissatisfaction with Orbán while leaving him room to return to the fold.

Below are several recommendations to the Administration and the Congress to advance such a strategy.

Recommendations:

1. Apply Smart Diplomatic Pressure:

The US government and its allies should apply diplomatic pressure via Hungary's membership in multilateral organizations, including the Community of Democracies, the Open Government Partnership (OGP), and the International Holocaust Remembrance Alliance (IHRA). This diplomatic pressure should include preparing strong statements in response to the up-coming review in July of Hungary's status in the Community of Democracies and its chairmanship of the IHRA, which began in April of this year. It should also conduct an independent review of Hungary's performance on its OGP commitments if that contradicts the government's self-assessment, which is currently under way.

The US government should also communicate with members of the EU Council and Parliament to put pressure on Hungary via its membership in the EU and encourage greater Commission action to investigate the potential breach of EU data protection rules, state media advertising practices, the application of the tax law to the fund operators of the Norway Grants and the management of EU cohesion funds in Hungary.



2. Support Embattled Civil Society:

- A civil society defense fund for Hungary should be created. Such a fund could include trainings on constituency building, investigative journalism, grassroots organizing, and fundraising. The Congress can support this effort through language in the Foreign Operations Appropriations bill for the upcoming Fiscal Year.
- U.S. funding for NED, IRI, NDI, IREX, Internews, Freedom House, and others should support Hungarian civil society organizations in need of strengthening and training.
- The U.S. Embassy should be vigilant in response to government efforts to crack down on civil society, and the U.S. ambassador should speak publicly against any legislative proposals or actions by government officials and their allies to close the space for civil society and free opinion/expression in Hungary. Embassy staff should translate into Hungarian and distribute widely the human rights defender guidelines issued by the State Department in 2013.

3. Combat Anti-Semitism, Racism, and Historical Revisionism:

The U.S. government should hold Prime Minister Viktor Orbán to his zero tolerance pledge on antisemitism:

- Senior American officials should counter hate speech, violent crimes, and discrimination
 against Jews or other minorities with strong public messages of condemnation. The
 United States should publicly recognize any failure of senior Hungarian government
 officials to rebuke antisemitic, racist or homophobic rhetoric, or inaccurate statements
 about the Holocaust made by members of the ruling or any other political party.
- The Embassy should monitor closely the government's response to hate violence, and secure offers of U.S. and international assistance to help investigate and prosecute these crimes. The U.S. Embassy should support NGOs working in this area to monitor violence and advocate full investigations and prosecutions.
- Changes to school curricula and textbooks should be monitored to ensure that they do not
 promote revisionist versions of history or present writers from the fascist period without
 appropriate context. The Hungarian government should be pressed to heed concerns
 about museums, monuments or other publicly-funded commemorations of World War II
 history that promote historical revisionism, particularly regarding the role of Hungarians
 in the Holocaust.



4. Promote Independent Journalism:

The U.S. government should support investigative journalism throughout the central European region through fellowships, grants, capacity building, and technology transfers. With training and financial assistance, journalists should be encouraged to investigate corruption.

5. Fight Corruption:

- The U.S. Ambassador should speak to the Hungarian people about why official corruption in their country is a concern of the United States. An anti-corruption message which includes speaking out against sham corruption prosecutions and provides specific details of corrupt activities will resonate with the Hungarian public.
- The U.S. intelligence community should share information about corruption in Hungary and the region with its European counterparts in order to allow Europe to more effectively prevent corruption, which erodes faith in government and encourages impunity.
- The U.S. government should continue to prevent corrupt Hungarian officials and corrupt officials from elsewhere in the region from receiving visas to enter the United States.
- The State Department and the White House should work with Germany and other partners to highlight Hungary's corruption issues at meetings this year of the G-7 and G-20, and should provide bilateral and encourage multilateral funding of investigative reporting, monitoring by NGOs, and citizen participation in anti-corruption efforts

6. Enhance Public Diplomacy and Public-Private Partnerships

- The US government should develop a positive messaging campaign directed at the Hungarian public to help reinforce pro-American sentiment among the population, including a regional social media strategy to counterbalance the rise of nationalist, farright, "Eurasianist" propaganda on the Internet. This social media strategy should be aimed at increasing the outreach of civic initiatives that strengthen core values of democracy, human rights and tolerance.
- The State Department and USAID should encourage public-private partnerships and U.S. trade and investment that benefits ordinary Hungarians, particularly youth, as part of a broader campaign to demonstrate the benefits of close ties to the United States and democratic Europe.



7. State Department Exchanges:

The State Department's International Visitor Leadership Program should continue to include members of Hungarian civil society promoting human rights, fighting corruption and advancing independent media and other citizen initiatives to promote good governance.

8. Congressional Concern about Russia's Influence in Europe:

- The U.S. Congress should hold a hearing on Russian influence in the Central European region and its effect on democracy, including the penetration of Russian propaganda into local media.
- The Congress should ask the administration to instruct the Director of National Intelligence to investigate allegations that Russian President Vladimir Putin's government is providing logistical or financial support to antisemitic, racist or white supremacist groups in Europe, and specifically investigate reports of loans made by Russian-connected banks to far-right European parties. The administration should present a classified assessment of whether the Kremlin is attempting to use such parties to undermine the European Union or thwart NATO expansion, and release an unclassified version to the public.



APPENDIX 1: Complaints from the European Union against Hungary

A long list of legal and administrative changes has prompted concern or censure from the European Union, the Venice Commission, the Council of Europe, the European Court of Human Rights, the OSCE and others concerning the rule of law, human rights, and checks and balances.

These include the following actions taken by the Fidesz-controlled Parliament and government:

The Independence of the Judiciary and the Authority of the Constitutional Court

- Increased the number of Constitutional Court judges from 11 to 15 and eliminated the requirement that agreement must be reached with the political opposition in Parliament in order to elect those judges, resulting in 8 of the current 15 judges being elected solely by the Fidesz two-thirds majority ¹
- Lowered the mandatory retirement age of judges from 70 to 62 and applied that new limit to existing judges regardless of when their current terms ended, resulting in removal of some 270 judges and many prosecutors, including almost 10 percent of the most senior jobs in the judiciary. The Court of Justice of the European Union delivered a judgement on the matter on November 6, 2012 (Commission v. Hungary, C-286/12), concluding that Hungary failed to fulfil its obligations under Council Directive 20000/78/EC.
- Changed the method of court administration to concentrate into the hands of a single official—the President of the National Judiciary Office (OBH), elected by a two-thirds majority of the Hungarian Parliament. Gave this official the authority to transfer cases from one court to another without employing clear, objective standards.³
- Changed the competence of the Constitutional Court in ways that restricted its powers to review certain budget and spending legislation, personal data protection, religious freedom claims, and rights related to citizenship.
- Prohibited the Constitutional Court from reviewing proposed amendments to the Fundamental Law, thus rendering the Court unable to ensure that proposed amendments comply with constitutionally guaranteed rights.⁴
- Re-enacted several ordinary laws that had been overturned by the Constitutional Court in the form of Fundamental Laws, such as the provisions of the Fourth Amendment on the judiciary, court administration, recognition of churches and the authority of the Constitutional Court itself. Because the Constitutional Court cannot review these reenacted laws, they have the force of constitutional law but are not subject to constitutional review.⁵ The Venice Commission called this problem of shielding ordinary

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¹ The Tavares Report: http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A7-2013-0229+0+DOC+PDF+V0//EN, p. 14

² Case of Baka v. Hungary. European Court of Human Rights. 27 May 2014.

Case of Baka v. Hungary. European Court of Human Rights. 27 May 2014. http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-144139#{"itemid":["001-144139"]}; Venice Commission Opinion of 15 October 2012, paras. 74-81.

³ The Venice Commission opinions on Hungary:

http://www.venice.coe.int/webforms/documents/?country=17&year=all. Venice Commission Opinion of 15 October 2012, para. 60.

⁴ Tavares Report, 17

⁵ The Venice Commission opinions on Hungary:

law from constitutional review "a systematic one, which results in a serious and worrisome undermining of the role of the Constitutional Court as the protector of the constitution."

• Repealed the case law of the Constitutional Court from 1989-2011, undermining its independence and abolishing important principles of the court on protection of fundamental rights, thus throwing into doubt the Court's ability to protect those rights.

Privacy

• Abolished the post of Commissioner on Data Protection, thus violating the independence of the post by prematurely terminating the term of the Commissioner, transferring the powers of the Commissioner to a newly established National Authority for Data Protection, which is under the Prime Minister's control. The head of the Authority is appointed by the Prime Minister and the President, rather than the Parliament, which had selected the old Commissioner. The Court of Justice of the European Union concluded in April 2014 that "by prematurely bringing to an end the term served by the supervisory authority for the protection of personal data, Hungary has failed to fulfill its obligations under Directive 95/46/ED" (Commission v. Hungary Case C-288/12)

Regulation of the Media and Free Expression

- Established the Media Authority and Media Council, which have power over content in the broadcast media and can impose very high fines that can lead to self-censorship among journalists. Key provisions of the legislation are not clearly defined, and the financial and editorial independence of the public broadcasters is not guaranteed.²
- Restricted political advertising during electoral campaigns in ways that clearly favored the ruling party.³
- Enacted hate speech provisions in the Constitution that impose a vague prohibition on speech aimed at violating the dignity of groups, including the "Hungarian nation." These prohibitions have only been used against members of the Roma minority.⁴
- Restricted independent media through the allocation of radio frequencies to almost exclusively government-loyal outlets, through biased reporting by the state broadcaster, and by the concentration of advertising revenue by state agencies and state-controlled companies in media outlets mainly owned by businesspeople close to the ruling party, resulting in many international investors leaving the media market and leaving fewer independent news outlets. A tax has been placed on 40 percent of all advertising revenues, resulting in a big blow to the German-owned TV channel RTL Klub, which has remained independent and critical of the government.

¹ Ibid

² Tavares Report, article BV; see also objections raised in 2010 by Dunja Mijatović, the OSCE Representative on Freedom of the Media, about the effects on media freedom: http://www.osce.org/fom/74687

³ Hungary: Parliamentary Elections OSCE/IDIHR Limited Election Observation Mission Final Report", 6 April 2014, OSCE, http://www.osce.org/odihr/elections/hungary/121098?download=true, p. 14

⁴ Jovánovics, Ezster. State of the World's Minorities 2014, p.173-4

APPENDIX 2:









Timeline of Governmental Attacks Against Hungarian NGO Sphere

28 February 2015

Since the elections in 2010, the current governing party has systematically undermined the rule of law in Hungary, seriously disrupting the system of checks and balances. The adoption of the new constitution without the consent of the opposition and the widely criticized media regulation were followed by legislative steps weakening independent institutions (e.g. the Constitutional Court, the judiciary and the Ombudsman system) and violating human rights (e.g. the right to fair trial) in mass numbers. These legislative steps were accompanied by the early removal of leaders of independent institutions and the "court-packing" of the Constitutional Court. As shown by the international criticism e.g. on behalf of the European Union and the Council of Europe, several rules adopted by the governing majority are not in compliance with democratic values and international standards. The series of governmental attacks against Hungarian NGOs, which organizations operate by their nature as checks and critics of the state power and fight for reinforcing the rule of law and ensuring the protection of human rights, is another step in the process aimed at establishing an "illiberal state".

| 14-15 August 2013 | NGOs "serving foreign interests" are listed by government-friendly newspapers; it is alleged that the "crew" of György Soros has an "outstanding role" in distributing the money in the framework of the EEA/Norway Grants NGO Fund. Allegations are declined both by the Ökotárs Foundation (which leads the Hungarian consortium of fund operators) and the Norwegian government. | |
|----------------------|---|--|
| 17 August 2013 | The spokesperson of the governing party Fidesz echoes the newspapers' above allegations. Later on, in a civil procedure launched against the spokesperson and the Fidesz by an NGO, they do not even try to substantiate the spokesperson's statements. | |
| 8 April 2014 | The head of the Prime Minister's Office claims in a letter to the Norwegian government that the Ökotárs is in his view closely linked to an opposition party. Allegations of political influence are again rejected by the Ökotárs and Norway. | |

| 11 April 2014 | It turns out that Századvég Foundation, an important background institution of the government , also participated in the tender for the position of fund operator with regard to the NGO Fund, but was not considered impartial and was not selected . | |
|-------------------------|--|--|
| 30 April 2014 | Senior representative of the Prime Minister's Office calls the operators of the Hungarian NGO Fund "party-dependent, cheating nobodies". | |
| 6 May 2014 | The head of the Prime Minister's Office requests from Norway in vain that the NGO Fund in Hungary is "suspended" , and indicates that the government wishes to enter into negotiations as to the new fund operator. | |
| 21 May 2014 | The government requests the Government Control Office (GCO), a state agency vested with the right to audit state money, to launch an audit into how the NGO Fund is managed. The secretariat of the donor countries (the Financial Mechanism Office, FMO) states that the audit is in breach of the respective agreements . | |
| 28 May – 1 June 2014 | It comes to light that a governmental list has been prepared about potentially "problematic" NGO projects under the EEA/Norway Grants, corresponding with the list of NGOs cited by newspapers in August 2013. A governmental list of "left wing" and "incompatible" evaluators also emerges. | |
| 2 June 2014 | The GCO carries out an on-site audit at three members of the consortium of fund operators and demands that certain documents are handed over . The Norwegian authorities express their strong concern about Hungary's actions. | |
| 12 June 2014 | After a high-level state meeting, Norway expresses that halting the GCO's audit is one of the preconditions for lifting the earlier suspension of the EEA and Norway Grants. (Payments to Hungary under the EEA and Norway Grants scheme were suspended in May 2014 because Hungary has breached the respective agreements.) | |
| 16 June 2014 | Even though the FMO asked the GCO earlier to address further requests to the FMO instead of the fund operators, the GCO requests another set of documents from the Ökotárs, which does not comply with the request after the FMO asks it not to. | |
| 25-27 June 2014 | A government-friendly newspaper falsely states that an audit report prepared by Ernst & Young supports the state's accusations. The government refers for the first time to the possibility that the Ökotárs may have committed a criminal offence. | |

| June 2014 | The GCO requests, with a very short deadline, project documentation and organizational materials from 58 NGOs supported by the NGO Fund. Some of the NGOs question the legal basis of the audit, but comply with the request (taking also into account that the GCO may suspend their tax numbers in case of non-cooperation). Four NGOs decide to make project documentation available on their websites instead of submitting it to the GCO. |
|---------------------|--|
| 21 July 2014 | The GCO sends another request for documents to Ökotárs, now threatening to impose fines and/or to suspend the organization's tax number in case of non-cooperation. The new documents concern also the NGOs supported. The Ökotárs questions why these documents are necessary to achieve the stated goal of the investigation. |
| 23 July 2014 | Upon the complaints of NGOs the Ombudsperson of Hungary concludes that the interpretation of Norway shall be also taken into account with regard to the audit of the funds. However, the Ombudsperson did not take any further action. |
| 26 July 2014 | In the speech declaring that he and his government build an "illiberal state", the Prime Minister says that their efforts in that regard are obstructed by civil society organizations, and refers to NGOs as "paid political activists who are trying to help foreign interests ". |
| August 2014 | A criminal procedure is launched against the Ökotárs on the suspicion of fraud by an individual; the underlying criminal offence is altered to fraudulent misuse of funds later on. |
| 3 September 2014 | It is announced that the GCO initiated a criminal procedure on the suspicion of "unauthorized financial activities", supposedly against the Ökotárs, which states that it has indeed given loans to NGOs from its own capital to help with the financing of their EU-projects, but did not derive any benefit from it, this activity was included in its public reports, and is not related to the EEA/Norway Grants NGO Fund. |
| 4 September 2014 | The Hungarian DPA obliges the Ökotárs to disclose the list of non-supported applicants and the justification for not supporting them to a government-friendly television channel. |

| 8 September 2014 | Offices of fund operators Ökotárs and DemNet are raided by the police, who show up in disproportionately high numbers; homes of certain staff members are searched. The police especially seize documents concerning the 13 "blacklisted" NGOs, giving rise to suspicions that the criminal procedure was used to access documents the GCO could not. The Norwegian Minister of EEA and EU Affairs states that the police raid was "completely unacceptable". | |
|----------------------------|---|--|
| 11 September 2014 | The scope of the GCO's audit is extended to funds received by the Ökotárs in the framework of the Swiss-Hungarian Cooperation Programme and from other state budget sources. | |
| 15 September 2014 | In his speech delivered at the opening of the autumn session of the Parliament Prime Minister Viktor Orbán suggests that NGOs apply double standards . | |
| 18-24 September 2014 | The tax number of fund operators is suspended. Later, fund operators request a judicial review of the decision suspending their tax numbers. | |
| 23-24 September 2014 | U.S. President's statement on Hungary intimidating NGOs is labelled as being without any factual basis by the Ministry of Foreign Affairs and Trade. | |
| 1 October 2014 | A representative of the Prime Minister's Office says that the reason behind the U.S. President's above statement is that American political circles fear for their "network" in Hungary. | |
| 22 October 2014 | The GCO publishes its audit report, containing generalized and highly questionable critical conclusions. Later on, Norway states that the NGO Fund donors will not accept the GCO's audit report and engage in discussions based on it, and will base their evaluation of the NGO Fund on an independent audit instead. | |
| 12 November 2014 | The GCO initiates criminal procedure on the basis of the report and requests an extraordinary tax audit on the basis of its findings. | |
| 15 December 2014 | The Prime Minister states in an interview that he would back legislation to force NGOs funded from abroad to be specially registered , because it's important to know "who's in the background" of such groups. | |
| 16 December 2014 | The Prime Minister's Office decides to carry out an own investigation regarding the use of the Swiss NGO Fund, and that until that investigation is over, no payments can be realized from the Swiss NGO Fund. | |

| 19 January 2015 | The Ökotárs informs the press that state investigations are extended to NGOs only receiving grants from the NGO Fund: two such NGOs are investigated by the national tax authority, while the prosecutor's office investigates the lawfulness of the operations of another two such NGOs (these are not criminal investigations). | |
|---------------------|---|--|
| 23 January 2015 | A court decision concludes with regard to the police raid of consortium members in September 2014 that the ordering of the searches and seizures conducted in the offices of consortium members and homes of Ökotárs representatives has been unlawful. | |
| 11 February 2015 | An independent evaluation , conducted by a consulting company commissioned by the FMO concludes e.g. that the "selection of the current Fund Operator in Hungary has been an excellent one" and that it is "of critical importance that the NGO Programme in Hungary continues its implementation independently from the Government and operated by the current consortium". | |
| 20 February 2015 | The head of the Prime Minister's Office states that NGOs should not only account for where their money comes from, but also for their leaders' personal assets . | |
| 23 February 2015 | The court sets a date for the hearing in the case of the suspension of three consortium members' tax numbers, and suspends the application of the tax authority's respective decision until the end of the court procedure, allowing the NGOs to continue their operation. | |

For FAQ in English regarding the EEA/Norway Grants and the NGO Fund in Hungary, see the information issued by the Royal Norwegian Embassy:

 $\frac{\text{https://norwayportal.mfa.no/Norvegia---hivatalos-honlapja-Magyarorszagon/Norsk/EEA-and-Norway-Grants1/EEA-and-Norway-Grants/Frequently-Asked-Question-about-the-EEA-and-Norway-Grants-/#.VBnOpVekPgF$

The "Blacklisted" Hungarian NGOs

- Transparency International Hungary
- K-Monitor
- Asimov Foundation
- Hungarian Civil Liberties Union
- Roma Press Center
- Krétakör's Foundation
- NaNe Women's Rights Association
- · Foundation for Democratic Youth
- Hungarian Women's Lobby
- Labris Lesbian Association
- PATENT Association against Patriarchism
- LiFE Association of Young Liberals
- Szivárvány Misszió Alapítvány

APPENDIX 3:



Jobbik's policy proposals realized by Fidesz: A summary in 10 points

In the last five years, we undoubtedly saw that Fidesz implemented several measures that were originally part of Jobbik's program. There are several fields where the rhetoric of Fidesz and Jobbik, as well as the policies they propose, have converged. These parallels are so extensive that it would be foolish to regard them as accidental. Fidesz essentially failed to attack its rival to the right of the political spectrum on ideological grounds, and instead practically since 2010 tried to win over Jobbik voters by incorporating Jobbik's policies into governmental action. The government retained this strategy even after Jobbik's electoral victory during the by-election in Veszprém in April 2014, in spite of this strategy clearly failing, and only leading to popularity loss of Fidesz and the rise of Jobbik. Jobbik became the second most popular political party with only a few percentage points behind Fidesz.

Trying to hamper Jobbik's popularity rise, however, is not the only reason why Fidesz implemented some policies and adopt the rhetoric of Jobbik. Orbán did a great deal to radicalize a part of his electorate with harsh anti-communist, anti-liberal and anti-Western rhetoric even before Jobbik became a significant political force. Furthermore, Fidesz also used Jobbik as a pioneer to explore new solutions and push the terms of the political debate to increase their own room for maneuver; for example, in foreign policy Jobbik was the first proponent of 'Eastern Opening.' Orbán's ideology and politics are intertwined, and not only reactive steps to counter Jobbik's rise, serving his long-term strategic goal of establishing a consolidated system. Orban's Fidesz party does not need a radical nationalist ideology to challenge Jobbik, but rather to justify the illiberal system he is creating.

In the table below, our goal was not providing an exhaustive list, but rather we tried to focus on the most important fields when highlighting the political parallels between the two parties.

At the same time, obvious and division lines between the politics of Fidesz and Jobbik remained. Open anti-Semitism and anti-Gyipsyism, still a central element of Jobbik ideology, does not characterize Fidesz systemically. The Orbán-government also made restrictions in the Criminal Code in order to stop the activities of the paramilitary guards

¹ Jobbik won its first individual constituency; reasons and consequences and described in the following analysis: http://www.politicalcapital.hu/wp-content/uploads/pc flash report 20150413 Jobbik won its first individual constituency.pdf

close to Jobbik. While focusing on the similarities in the table below, we argue that these important differences should not be ignored.

| Jobbik proposal | Fidesz implementation |
|--|--|
| | c Politics |
| 1. Diminishing Hungary's role in WWII: "The German occupation in 1944 diverted | "We date the restoration of our country's self- determination, lost on the nineteenth day of March 1944, from the second day of May 1990, |
| Hungary from her path of legal (state) continuity ()" (Bethlen Gábor Program, 2007) | when the first freely elected organ of popular representation was formed." (New Constitution, 2011) |
| Xenor | phobia |
| 2. Migration: Jobbik supports locked refugee camps, re-establishment of Hungarian border guards, turning back the so-called "economic refugees" from the border. The party also warns of security concerns related to migration criminality and terrorism. (10 points of Jobbik) | The Hungarian government has launched a "national consultation", a non-representative push poll by posting eight million questionnaires to citizens on whether they agreed that immigrants endanger their livelihoods and spread terrorism. Questions are obviously manipulative, as these examples indicate: "We hear different views on the issue of immigration. There are some who think that economic migrants jeopardise the jobs and livelihoods of Hungarians. Do you agree?" or "There are some who believe that Brussels' policy on immigration and terrorism has failed, and that we therefore need a new approach to these questions. Do you agree?"? (National consultation announced in April, 2015) |
| Econom | ic policy |
| 3. Discrimination against multinational corporations: "We will tax the multinational corporations." (Jobbik's 2010 election program) | Fidesz introduced altogether 13 sectoral taxes since 2010 especially aimed at multinational corporations in several fields including the banking, energy, telecommunications, retail chain, and other sectors. |
| 4. Nationalizations in the financial sector and the public utility sector | Hungarian PM Viktor Orbán announced in 2014 that through the state-led acquisition of MKB Bank, previously owned by German |
| "() by establishing a Hungarian banking sector serving national interests, we allocate development resources to the Hungarian small-and medium-sized enterprises." "We keep or regain state-ownership in strategic | shareholders, the Hungarian national ownership rate in the financial sector has surpassed the 50% goal set earlier by the government. The government practically nationalized the assets of some Savings co-operatives. |
| sectors of public utilities and natural | The state is setting up a national public utility holding in 2015 by repurchasing foreign-owned |

| monopolies." | public utility assets that were sold in the | | | |
|---|--|--|--|--|
| (Jobbik's 2010 election program) | Gyurcsány-Bajnai era, or even earlier during the period of the Horn cabinet. | | | |
| 5. One-sided gas and nuclear energy dependence on Russia¹: "We support () the Paks nuclear facility's extension with a new block." (Jobbik's 2010 election program) Jobbik also supported the Southern Stream project from the very beginning. In the parliament, Jobbik was the only opposition party that supported both projects. | Fidesz approved a controversial EUR 10 billion loan agreement with Russia to fund the new Paks II nuclear power blocks built by Russian Rosatom in June, 2014. The government strongly supported the South Stream gas pipeline, even adopted a new bill exempting the investment from common energy policy under EU regulations, until it was cancelled by President Putin. | | | |
| Social policy | | | | |
| 6. Private pension system: "() mandatory membership in private pension system will be terminated." (Jobbik's 2010 election program) | Fidesz government abolished the mandatory private pension system almost entirely in 2010 and nationalized its funds, therefore practically terminated the private pension system. | | | |
| 7. Public works program: "We are developing a public works program administered nationally but implemented locally." (Jobbik's 2010 election program) | Fidesz implemented a highly centralized public work system, at times employing as many as 200 thousand workers, of nation-wide public works program which lead to a new form of state dependence for participants, while it is not facilitating re-integration to the labor market of the formerly unemployed or underemployed. | | | |
| 8. Eliminating separation of church and state, while upholding segregation in the education system: | Fidesz made religious or ethics education mandatory in public schools. | | | |
| "We will make religious education or ethics mandatory ()." | Zoltán Balog, Minister of Human Capacities stated that social development can also be achieved in segregated environments with | | | |
| "Strengthening the education of Roma youth through integration or segregation, if needed." (Jobbik's 2010 election program) | affection, competent teachers and good methods. (Testimony of the Minister at a segregation case court hearing) | | | |
| 9. Death penalty: "We will reintroduce the possibility of death | "The death penalty question should be put on the agenda in Hungary," PM Viktor Orbán said, | | | |

Socialists on government were also supportive towards both projects.

penalty in the most severe forms of crimes against human life, even if it means reconsidering the relevant international treaties."

(Jobbik's 2010 election program)

adding that it was necessary "to make clear to criminals that Hungary will stop at nothing when it comes to protecting its citizens." (Press conference, April 2015)

Foreign policy

10. Eastern Opening and stronger ties with illiberal and authoritarian regimes

"The foreign economic relations of our nation should be radically redirected eastward instead of the one-sided Euro-Atlantic integration" (i.e. towards China, India, Russia, Turkey, Kazakhstan, Indonesia).

(Jobbik's 2010 election program)

PM Viktor Orbán announced a value-free and interest-based foreign policy. The PM has also said he wants to build an "illiberal state" based on national foundations, citing Russia and China as examples. Accordingly, after 2010 the process of building stronger diplomatic ties was underway with a series of high-level visits to non-democratic countries such as China, Azerbaijan, Russia and Turkey. The special attention devoted to eastern orientation is indicated by the fact that China and Russia received their own department in the Ministry of Foreign Affairs and Trade, while the US and West European states are managed from a single department.

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