

THE SECRETARY OF STATE
WASHINGTON

December 23, 2011

His Excellency Viktor Orbán
Prime Minister of the Republic of Hungary
Budapest

Dear Mr. Prime Minister:

I am writing to follow up on our discussions during my visit to Hungary on June 30. As I said at the time, our countries enjoy strong ties as NATO allies, economic partners, and friends. Indeed, as NATO allies we share a common commitment to the security of the transatlantic community and each other, as embodied by the American and Hungarian soldiers who serve shoulder-to-shoulder in Afghanistan, and by Hungary's courageous actions as the U.S. protecting power in Libya. Our two countries also share core values and principles we have built upon together over the past 20 years.

At our meeting last June, we talked about preserving the democratic institutions of Hungary and ensuring they continue to strengthen and grow. I expressed our concerns about constitutional changes under consideration in your country and particularly called for a real commitment to the independence of the judiciary, freedom of the press, and transparency of government. I put great value on the commitment you expressed to ensuring Hungary remains true to its democratic traditions and to protecting individual liberties.

Since then, Ambassador Kounalakis and others in the State Department have continued to raise those concerns, always in the spirit of friendship, and confident that our friends in the Government of Hungary would take seriously our constructive comments. Our concerns are significant and well-founded. They are based on a careful review of the actual texts of the cardinal laws and on the analyses of respected international NGOs such as Transparency International and Reporters without Borders, the EU's Venice Commission, coalitions of religious groups, and non-partisan civil society groups in Hungary. More recently, we have been joined in our expressions of concern by the European Commission's Vice-President for Justice, Fundamental Rights and Citizenship, as well as the office of the EU Financial Commissioner. Still more recently, I understand Hungary's Constitutional Court ruled against certain aspects of a number of the cardinal laws.

Today, less than two weeks remain until the day when Hungary's new Basic Law and many of the affiliated cardinal laws enter into force. I regret that our dialogue with the Hungarian government and the constructive comments offered by the U.S. government and the other groups mentioned above have not led to a serious reconsideration of these laws. Although I fully respect that it is up to Hungarians to adopt laws for Hungary, I nonetheless urge you again to consider the full impact of the cardinal laws should they take effect next month without any changes.

For example, as noted by the European Commission, the new judicial law concentrates power in the person of the President of the National Court Administration. In our view, this dismantles important checks and balances preserving judicial independence. Many expert analysts have suggested the National Council of Judges be given a role in judicial promotions and appointments in order to ensure true judicial independence.

The U.S. government is also deeply concerned that no modifications have been made to the Law on Churches. Outside observers note the rules for religions to gain recognition are prohibitively cumbersome, and the requirement for two-thirds approval by Parliament unnecessarily politicizes decisions surrounding a basic human right. As for the Media Law, we share concerns expressed by the OSCE, Freedom House, and a recent international mission of press experts that the law concentrates too much power in the hands of a politically-appointed Media Council. Also, the recent non-renewal of a popular talk radio station's license raises concerns about the commitment to ensure diverse voices in the media realm.

Once again I urge you to lead Hungary to make changes that would accomplish the important reforms advanced by these laws while also preserving individual liberties and necessary checks and balances. I hope your government will work to enact those changes through your Parliament, demonstrating to the whole world Hungary's commitment to democratic values and individual liberties is as steadfast as ever.

Sincerely yours,


Hillary Rodham Clinton