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Beneš Decrees: an unresolved problem in Hungarian-Slovak relations

The political instrumentalisation of the amendment to the criminal code, which penalises the questioning of the so-called Beneš Decrees, is common to the Slovak opposition party Progressive Slovakia (Progresívne Slovensko, PS) and the Hungarian opposition group Respect and Freedom (Tisztelet és Szabadság, TISZA), which enjoys the greatest poll support. Both parties, independently of each other, are trying, by raising the issue of controversial legal changes, to expand their electorate; for PS, regarding Hungarians living in Slovakia, while for TISZA, it is about right-wing voters in Hungary, thereby positioning themselves as the defenders of the Hungarian minority.

Beneš Decrees. It is a collection of more than 100 legal acts signed between 1940 and 1945 by the then Czechoslovak president in exile, Edward Beneš, during the period of non-functioning of the legislative process. A dozen or so of these decrees concern Germans and Hungarians living in Czechoslovakia. Decree No. 33 of 2 August 1945, which deprived all Hungarians of Czechoslovak citizenship, had far-reaching legal consequences, including the freezing of bank deposits, removal from universities, the deprivation of employment and pensions, and the prohibition of the public use of the Hungarian language. After the establishment of the post-war state authorities, on the basis of these legal solutions, the eviction and confiscation of agricultural land belonging to Germans and Hungarians was also carried out; however, some of the enforcements were not completed for procedural reasons. In 2015, however, the Slovak Supreme Court ruled on the effectiveness of confiscations. Beneš Decrees can still formally form the basis for land expropriation, e.g., for the construction of motorways.

Controversial amendment to the Slovak Criminal Code. In December 2025, the National Council of the Slovak Republic passed a provision, punishable by six months in prison, against challenging Beneš's decrees. This caused sharp criticism from the opposition party TISZA, which currently enjoys the greatest support in Hungary. Its leader, Péter Magyar, sent an open letter to Slovak Prime Minister Robert Fico (Smer-SSD), in which he criticised the amendment to the criminal code and demanded the repeal of controversial regulations. In response, Prime Minister Fico stated that "Beneš's decrees are an indelible and integral part of the legal order of the Slovak Republic" and are "part of the settlements after World War II". He also added that he would not be involved in the election campaign in Hungary. The leader of the Hungarian opposition left room for the Hungarian prime minister's signature under his own in the letter, but Viktor Orbán did not take advantage of the invitation to speak together in Defence of the Hungarian minority, and only very restrainedly referred to the amendment to the Slovak Criminal Code penalising the questioning of Beneš's decrees. The head of the Prime Minister's Chancellery, Gergely Gulyás, publicly promised legal assistance for the victims of the controversial provisions.

The political significance of the Hungarian minority in Slovakia. Since Slovakia's independence in 1993, Hungary has been treated as an important political partner of Bratislava in the Central European region. A particularly important factor in the mutual relations is the nearly half-million people (about 456 thousand according to the 2021 census) who are a well politically, socially, and culturally organised Hungarian minority, living in a compact area in the south of Slovakia. For many years, the political strength of the ethnic Hungarian parties was evidenced by their presence on the National Council or the co-creation of subsequent Slovak governments, among others, in the years 2016-2020, Smer-SSD and the Slovak National Party (SNS) co-ruled with the Most-Híd party representing the Hungarian minority. Since 2020, however, there has been no party representing Slovak Hungarians in the Slovak Parliament. Currently, both the ruling coalition groups (mainly Smer-SSD and Hlas-SD) and the growing opposition (PS) are seeking a relatively large Hungarian minority electorate. For Prime Minister Fica, Budapest is now, along with the Czech Republic, the main political ally in the region. The two countries

share, among other things, a similar approach to the Russian-Ukrainian war, EU institutional reforms, and the EU migration policy. The reluctance to support Ukraine is evidenced by the recent joint rejection by Bratislava, Budapest, and Prague of granting an EU loan to Kyiv.

Progressive Slovakia, which is the largest opposition party in Slovakia, is very critical of the amendment to the criminal code. At the end of last year, the PS parliamentary club adopted a resolution on the coexistence and development of southern Slovakia, in which it called on the government to make gestures of goodwill towards the Hungarian minority. PS politicians postulate, among other things, a symbolic recognition of post-war violations of humanitarian rules against Hungarians and the introduction of clear legal rules that prevent Beneš's decrees from being invoked when making new property decisions.

The PS statements were met with sharp criticism from the coalition parties, but also the opposition KDH. The chairman of the SNS coalition, Andrej Danko, called on all political parties, including PS, to avoid the subject of Beneš's decrees. He threatened the opposition with the possibility of reporting the case to the Prosecutor General. The Minister of Foreign and European Affairs, Juraj Blanár (Smer-SSD), recognised the position of PS regarding Beneš's decrees as unacceptable, with the head of diplomacy accusing PS of trying to play the "Hungarian card" to seize power in Slovakia. The leader of Hlas-SD and Minister of the Interior, Matúš Šutaj Eštok, stated that PS, through its actions, wanted to "throw a grenade" into very good Slovak-Hungarian relations. KDH is also critical of the PS initiative. According to KDH vice-president Viliam Karas, the PS position will lead to the opening of "old historical wounds" and social divisions.

Political instrumentalisation of the Hungarian diaspora in Slovakia. The leader of TISZA is trying to expand the electorate of his group before the parliamentary elections scheduled for 12 April 2026, positioning himself as the best spokesman for the interests of the diaspora ([IEŚ Commentaries 1508](#)). Péter Magyar also announced the possibility of expelling the Slovak ambassador from Hungary in the event of gaining political power in Hungary and a failure to repeal the controversial regulations in Slovakia. He also participated in the picketing of the Slovak embassy in Budapest on 3 January 2026. The amendment to the Slovak Criminal Code was also criticised by Zsolt Németh, representing Fidesz-KDNP, chairman of the Committee on Foreign Affairs of the Hungarian National Assembly, on one of the social media platforms: "The Slovak state claims that decrees on deprivation of rights do not apply. And yet the Slovak state is confiscating Hungarian lands, citing Benesz's decrees!" In turn, Kelemen Hunor, president of the close Fidesz-KDNP Democratic Union of Hungarians in Romania (Romániai Magyar Demokrata Szövetség, RMDSZ), said on Facebook that "the criminalisation of the debate on Beneš's decrees does not serve to shut down the past, but to silence the present".

Commentary. The government of Prime Minister Viktor Orbán is intensively cooperating politically with the head of the Slovak government, Robert Fico, who is seen as an ideological ally in the Visegrad Group and in the EU. Nevertheless, the prime minister's chief adviser on autonomy in the Carpathian Basin, Katalin Szili, addressed the European Commission with an open letter criticising the amendment to the Slovak Criminal Code, which – in her opinion – may violate the EU Charter of Fundamental Rights.

The issue of Viktor Orbán's restrained reaction regarding the criminalisation of questioning the so-called Beneš decrees, as well as support for the right-wing candidate for the presidency of Romania, George Simion, contrary to the position of the Democratic Union of Hungarians in Romania (Romániai Magyar Demokrata Szövetség, RMDSZ), became an opportunity for the leader of the opposition TISZA to break the Fidesz-KDNP monopoly on the political representation of the Hungarian diaspora.

Taking into account the trend of TISZA's polling advantage over the government coalition, the result of the parliamentary elections scheduled for 12 April 2026, may be significantly influenced by the correspondence votes of Hungarians living abroad; in the 2022 elections, Fidesz-KDNP won about 95% of the more than 450 thousand votes cast in this way, which is estimated to mean obtaining two additional parliamentary seats.

The political mood of the Hungarian diaspora in Slovakia was also not served by the statement of the Minister of Transport and Construction, who in December 2025 criticised TISZA for appointing a candidate with a Slovak

name for the elections. After the media confusion, János Lázár apologised to the candidate and congratulated her on formally obtaining Hungarian citizenship on November 10, 2025.

Progressive Slovakia uses historical and identity issues (Beneš's decrees, relations with the Hungarian minority) as part of its political strategy to gain additional voters among Slovak Hungarians. The position of PS is met with broad and cross-party criticism: the ruling coalition accuses the PS of destabilising the post-war order and instrumentalising the "Hungarian card"; the opposition KDH shares the criticism, pointing to the risk of deepening social divisions and reanimating historical disputes. The reactions of the government and competing groups show that the Beneš Decrees remain one of the most sensitive political topics in Slovakia, and their reinterpretation is seen not only as a legal issue but also as a threat to political stability and ethnic and interstate relations.