

The current application of the Beneš decrees in Slovakia

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Questions and comments are welcome at janos.fiala@gmail.com.

- The Beneš decrees are a set of laws adopted in 1945-48 to regulate the status of the German and Hungarian minority in Czechoslovakia. They applied the principle of collective guilt, deprived these persons of their citizenship, property, and pensions, and abolished their associations and schools.
- Members of the German community were expelled from Czechoslovakia. 90,000 Hungarians were expelled to Hungary (in exchange for 73,000 Slovaks who volunteered to move to Czechoslovakia), 40,000 were sent to forced labor.
- The remaining Hungarians' citizenship was restored in 1948. However, they did not receive an apology, or compensation, nor was their property returned to them.
- The decrees have always been considered an injustice by Hungarians in Slovakia and were also raised as a problem bilaterally by Hungary, Germany, Austria, and Liechtenstein. Before the Czech Republic joined the European Union, an EU study concluded that the decrees, although problematic at their time, did not violate EU law, on the assumption that they no longer produce legal effects.
- In 2020, the European Court of Human Rights decided the case of *Bosits v. Hungary*, which concerned a procedure in which the Forests of the Slovak Republic state enterprise wanted to expropriate without compensation a forest owned by the applicant, on the ground that his grandfather was of Hungarian ethnicity. The state relied on one of the Beneš decrees, Decree No. 104/1945 of the Slovak National Council *on the confiscation and early distribution of agricultural land of Germans, Hungarians, and traitors and enemies of the Slovak nation*.
- As it turned out later, Decree No. 104/1945 is still in force. Several proceedings are pending before Slovak courts, who already confirmed in several cases that the property of current owners should be confiscated based on this Decree.
- What is more, it turned out later that since 2018, the Slovak Land Fund has been systematically confiscating property under the Decree in an administrative procedure, violating Slovak law and the rights of these property owners, who were not notified about the confiscations. The Slovak Land Fund admitted these confiscations in their 2018, 2019, and 2020 reports. They later released a partial list of confiscated property, with several hundred items.
- Confiscations are also taking place in inheritance proceedings. The Ministry of Justice ordered the Slovak Chamber of Notaries to notify the Slovak Land Fund if they come across a property that can be confiscated under the Beneš Decrees.
- These confiscations typically concern property that becomes valuable due to development, such as property under the newly built highway D4 around Bratislava. The victims of confiscation measures are usually local Hungarian residents or Austrian or Hungarian citizens whose ancestors were expelled to those countries from Slovakia.
- The Slovak Government denies that confiscations are taking place currently, despite the court decisions confirming these. They are claiming that the Beneš decrees are a historical problem, and should be viewed in their historical context. They rejected requests to even discuss the decrees.