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U.S. Department of State

Hungary Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

HUNGARY

Hungary is a parliamentary democracy with a freely elected legislative assembly. Prime Minister Gyula Horn, the leader of the Hungarian Socialist Party, heads a coalition government formed after the 1994 national elections. The Government respects the constitutional provisions for an independent judiciary.

The internal and external security services report directly to a minister without portfolio, and the police report to the Interior Minister. There continued to be credible reports of police abuses.

The Government has demonstrated through its macroeconomic policies and extensive privatization its commitment to the transition to a market economy. The private sector generates about 70 percent of gross domestic product. Services, trade, and government employ about 60 percent of the labor force, and industry nearly 30 percent. Major exports include manufactured goods (49 percent) and machinery and transport equipment (26 percent). An estimated 25 percent of the population live in poverty, with elderly pensioners, dependent housewives and children, and Roma most affected.

Although the Government generally respects human rights and civil liberties of its citizens, the authorities do not ensure due process in all cases. Prosecutors and judges impose--but rarely--what amounts to unlimited pretrial detention. Police on occasion enter private residences to check foreigners' identification without warrants. Although senior levels of the Interior Ministry and the National Police were more willing to address problems, police continued to use excessive force against suspects. Police harassed and abused both Roma and foreign nationals.

The print media enjoy a relatively high degree of independence. However, the Government still controls national television and most radio stations. The 1995 broadcast media law creates the conditions necessary to insulate the electronic media from state control or manipulation. The Government plans to privatize portions of the electronic media including one of the two state television channels in 1997. Opposition politicians criticized the Government's "monopolistic ownership" of the press and manipulation of distribution networks that limit opposition access to the media. Societal discrimination against Roma remains a serious problem. Anti-Semitic and racist attacks continued to decline. Spousal abuse of women is a serious problem, while discrimination against women is common in the workplace, as well as in most aspects of daily life.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

After a suspect reportedly was beaten to death in Paszto in July 1995, one of the police officers involved was dismissed, three were suspended, and the police commander resigned. After 12 months of investigation, formal charges were brought in October. In November the trial was suspended until February 1997 to permit further investigation.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman or other Degrading Treatment or Punishment

No known incidents of torture occurred. Police abuses continued, including harassment, use of excessive force, and beatings of suspects. Police also continued to harass and physically abuse Roma and foreign nationals.

In July the national chief of police announced a ban on the use of benzidin, a powerful chemical smeared on the skin of some suspects, because of its dubious benefit to criminal investigation. Benzidin is used to find traces of blood on human skin. In high doses, it can cause cancer. Hungarian human rights organizations allege that benzidin is used to coerce or force confessions from criminal suspects. Benzidin was used in several cases in Nograd county, resulting in itching, burning, and severe rashes on the suspects exposed to the chemical. In one case in April, Antal Fajd admitted his crime, but police treated him with benzidin as part of the ensuing criminal investigation. Police repeatedly denied Fajd medical treatment after the benzidin application resulted in rashes that festered on his arm. Romani suspects also were treated with benzidin in December 1995 with similarly strong reactions. In July Imre Furmann, director of the Legal Defense Bureau for National and Ethnic Minorities, reported that another person sought legal assistance after his genitals were smeared with benzidin.

The National Police have stiffened internal controls over the past several years. Of 41,000 police officers, 164 were accused of physical abuse in 1995, a three-fold increase over the previous year. The Hungarian Helsinki Committee reported in 1995 that police misconduct "...takes place every day, although the public is only informed by chance, only in conspicuous cases. Guilty police officers are very rarely condemned, and the majority of the officers suspected of such crimes remain on duty." In the

first half the year 19 police officers were convicted for using excessive force.

Public sector salaries remain stagnant, and police are poorly paid. They frequently harass residents, charging questionable fines for erroneous traffic violations to earn petty cash. Police showed indifference towards foreigners who have been victims of street crime.

Although prisons are overcrowded, conditions meet minimum international standards, and the Government permits visits by human rights monitors. In a report covering the first half of the year for a local human rights organization, Dr. Agnes Kover identified 28 cases of physical abuse of detainees in prisons, although only 1 detainee brought charges against the police.

d. Arbitrary Arrest, Detention, or Exile

Police must inform suspects upon arrest of the charges against them and may hold them for a maximum of 72 hours before filing charges. The law requires that all suspects be allowed access to counsel prior to questioning and throughout all subsequent proceedings. The authorities must provide counsel for juveniles, the indigent, and the mentally disabled. There are credible reports that police do not always allow access to counsel, particularly for minor crimes. There is no bail system; however, depending upon the nature of the crime, courts may release detainees upon their own recognizance.

Pretrial detention, based on a warrant issued by a judge, is initially limited to 1 year while criminal investigations are in progress; it may be extended indefinitely on the prosecutor's motion (provided the judge concurs). The lack of a bail system gives tremendous leeway to the judge. In addition, foreigners charged with crimes are considered likely to flee the country, which means that they are usually held until their trial. Roma allege that they are kept in pretrial detention longer and more frequently than non-Roma (see Section 1.e.). The law provides for compensation when the accused is released for lack of evidence, but the procedure is exercised rarely since victims must undertake a complicated legal procedure to pursue their claims.

The Penal Code does not provide for exile, and it is not employed.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair, although sometimes slow, process. Although counsel is appointed for indigent clients, public defenders are low paid and do not give indigent defendants priority; lawyers often meet such clients for the first time at trial.

Under the Constitution, the courts are responsible for the administration of justice, with the Supreme Court exercising control over the operations and judicature of all the courts. There are three levels of courts. Original jurisdiction in most matters rests with the local courts. Appeals of their rulings may be made to the county courts or to the Budapest municipal court, which have original jurisdiction in other matters. The highest level of appeal is the Supreme Court, whose decisions on nonconstitutional issues are binding. In the case of military trials, appeals also may be addressed to the Supreme Court.

The Constitutional Court is charged with reviewing the constitutionality of laws and statutes brought before it. Citizens may appeal directly to the Constitutional Court if they believe that their constitutional rights have been violated. Parliament elects the Court's members to 9-year terms, which may be renewed. In September the Parliament began debate on whether to increase the number of seats on the Constitutional Court, as well as providing life tenure for its members (the current retirement age is 70),

thereby addressing concerns that vacancies on the bench could delay the Court's work. No judge or member of the Supreme or Constitutional Court may belong to a political party or engage in political activity. Although the Government has alleged that judges' political attitudes have affected decisions, these charges are undercut by unanimous decisions in controversial cases, with judges appointed by the government siding with those appointed by the opposition.

The law provides for the right to a fair trial, and the authorities respected this right in practice. In selected cases judges may agree to a closed trial to protect the accused or the crime victim, such as in some rape cases. There is no jury system; hence judges are the final arbiters.

Military trials follow civil law and may be closed if national security or moral grounds so justify. In all cases, sentencing must take place publicly. Defendants are entitled to counsel during all phases of criminal proceedings and are presumed innocent until proven guilty. Judicial proceedings are generally investigative rather than adversarial in nature.

Many human rights and Romani organizations claim that Roma receive less than equal treatment in the judicial process. Specifically, they allege that Roma are kept in pretrial detention more often and for longer periods of time than non-Roma. This allegation is credible in light of general discrimination against Roma; however, there is no statistical evidence because identifying the ethnicity of offenders is not allowed in police records.

In March the Parliament amended the Penal Code to crack down on hate crimes, spurred in part by the acquittal on technical grounds that month of neo-Nazi Albert Szabo on charges of disseminating anti-Semitic, fascist materials.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The law provides that the prosecutor's office may issue search warrants. Police must carry out house searches in the presence of two witnesses and must prepare a written inventory of items removed from the premises. Wiretapping, which may be done for national security reasons and for legitimate criminal investigations, requires a court's permission. These provisions appear to be observed in practice. However, police at times enter private residences without warrants to check foreigners' identification.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, and the Government generally respects this right in practice. The last state-owned Budapest daily, *Magyar Nemzet*, was sold to a private owner in 1995. Four national political, 1 national economic, and 3 tabloid newspapers as well as 18 local dailies have been privatized. The print media enjoy considerable freedom; however, journalists and opposition politicians are concerned that the expression of different views in the press may be circumscribed by the small number of owners who control most of the print media.

Parliament passed a media law in December 1995 creating institutions designed to foster a free and independent electronic media. The law provides for the creation of national, commercial television and radio and insulates the remaining public service media from government control. There are no private national television stations, although the Government is negotiating the sale of two countrywide

television channels and several government-owned radio stations. At present, there is one private national radio station and one national radio station in which the Government maintains a minority share. The Government recently announced plans to establish a third private television channel. However, at year's end state-owned Hungarian Radio and Hungarian Television continued to enjoy a near monopoly of nationwide broadcasting, and the Prime Minister controlled their budgets.

While some limited-range local television licenses were issued, partisan political wrangling and, less importantly, pressures from television and radio unions and employee associations continued to block the availability of national broadcast frequencies. (However, over half of the country's households have access to satellite television, cable, or both.)

Academic freedom is generally respected.

b. Freedom of Peaceful Assembly and Association

There are essentially no restrictions on peaceful public gatherings. In general the Government does not require permits for assembly except when a public gathering is to take place near sensitive installations, such as military facilities, embassies, and key government buildings. Police may sometimes alter or revoke permits, but there is no evidence that they abuse this right.

Any 10 or more persons may form an association, provided that it does not commit criminal offenses or disturb the rights of others. Associations with charters and elected officers must register with the courts.

c. Freedom of Religion

The Constitution provides for freedom of religion, and members of all faiths are allowed to practice their religion freely. There is no officially preferred religion, but only officially approved religions receive state subsidies. The Government distributed \$113 million in state subsidies in 1995 among approximately three dozen religious groups for salaries, rehabilitation, education, and social work. Religious orders and schools have regained some property confiscated by the Communist regime.

In September the President officially reopened Budapest's Dohany Street synagogue. Two-thirds of the \$800,000 reconstruction cost was financed by the Government with the rest funded by international donations. In October the Parliament passed the Jewish Restitution Decree; the Government has earmarked over \$250 million for restitution. In December Parliament began debate on enabling legislation that will fund a new Jewish foundation. The foundation is expected to distribute funds to Hungarian Holocaust survivors and oversee property and restitution claims by heirs of Holocaust victims.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on the movement of citizens within or outside Hungary, including on the rights of emigration and repatriation. The Government may delay but not deny emigration for those who have significant court-assessed debts or who possess state secrets. It requires that foreigners from countries that do not have a visa waiver agreement with Hungary obtain exit visas each time they leave the country, although blanket permission is sometimes available.

The fighting in the former Yugoslavia resulted in a continued flow of refugees into Hungary. While approximately 5,000 refugees from the former Yugoslavia are registered in Hungary, the Government estimates that over 20,000 more are present in unregistered status. Most of the refugees are in private

housing, with only 1,380 (as of September) housed in 3 refugee camps. In September the Government moved virtually all remaining refugees from their facility in Nagyatad to more modern facilities in Debrecen. Only a handful of refugees, mostly the mentally ill and those awaiting resettlement in third countries, remain in Nagyatad.

Hungary is a signatory to the 1951 United Nations Convention Relating to the Status of Refugees and to its 1967 Protocol, with a caveat that it will grant refugee status only to European nationals. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Hungary provided first asylum to refugees from the former Yugoslavia during the fighting in that neighboring country. Prospective refugees who seek only to transit to Western Europe are encouraged to return to their countries of departure.

Illegal aliens, mostly non-European, were housed at border guard facilities throughout Hungary. In 1996 6,927 illegal aliens were processed pending either deportation or qualification for resettlement in a third country. The determination is made by the local office of the United Nations High Commissioner for Refugees (UNHCR). While police seek the timely deportation of detainees who do not qualify for refugee status, a shortage of funds and the detainees' lack of proper documentation, such as passports, often result in lengthy stays. In September Amnesty International reported the forced repatriation of two Sudanese citizens who sought asylum. The two were returned to Syria, from where they had travelled to Budapest, and are expected to be repatriated to Sudan. The Government disputes the fact that this was a case of illegal forcible repatriation that placed the two at risk. In December a local nongovernmental organization (NGO) charged that 10 Iraqi citizens were held captive in handcuffs with their legs chained and their mouths taped before they were sent to Damascus without any assessment of the threat they faced if returned to Iraq. The Government denies the alleged mistreatment.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Citizens age 18 and over have the right to change their government through national elections held at least every 4 years. The Parliament's members are elected through a complex voting procedure for individuals and party lists. In the 1994 national elections, Prime Minister Gyula Horn's Hungarian Socialist (formerly Communist) Party won an absolute majority and formed a coalition government with the Liberal Alliance of Free Democrats. Five parties, ranging from moderate to conservative, constitute an active opposition in Parliament.

There are no legal impediments to women's participation in government or the political process; 43 of 386 parliamentary deputies are women. There are few women in leadership positions in the Government or the political parties. Several minorities are represented in Parliament, including one Rom, one ethnic German, one ethnic Slovak, and one ethnic Croat.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Numerous human rights organizations operate without government restriction or interference. Many NGO's report that the Government is generally responsive to their requests for information. However, individual police units are reportedly uncooperative at times, particularly in cases involving Roma. There is also a 20-member parliamentary Committee for Human, Minority, and Religious Rights.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for individual rights, equality, and protection against discrimination, but in

practice discrimination still exists, particularly against Roma.

Women

Spousal abuse is believed to be common, but the vast majority of such abuse is not reported, and victims who step forward often receive little help from authorities. While there are laws against rape, it is often unreported for cultural reasons. Police attitudes towards victims of sexual abuse are often reportedly unsympathetic, particularly if the victim was acquainted with her aggressor. Rape within marriage is not recognized in the Penal Code. According to the government statistics office, there were 406 reported rapes in 1995 and 2,862 reported cases of assaults on women; for the first 6 months of 1996, 189 rapes and 1,303 assaults were reported.

Legally, women have the same rights as men, including identical inheritance and property rights. While there is no overt discrimination against women, the number of women in middle or upper managerial positions in business and government is low. Women are heavily represented in the judiciary and in the medical and teaching professions. The law does not prohibit sexual harassment in the work place.

A 1995 report prepared under the auspices of the United Nations to evaluate compliance with the Convention on the Elimination of Discrimination Against Women termed sexual harassment in the workplace as "virtually epidemic." Women's groups report that a major problem is that women are not aware of their rights. The Government moved to address women's concerns by establishing an Office of Women's Issues in the Ministry of Labor.

Children

The Government is committed to children's rights. Education is mandatory through 16 years of age, and employment is illegal below the age of 16. There is no societal pattern of child abuse. According to the government statistics office, there were 753 reported cases of violence against children in 1995, 100 of which took place within the family. For the first 6 months of 1996, 331 crimes against children were reported, of which 54 were within the home.

People with Disabilities

The Government does not mandate accessibility to buildings or government services for people with disabilities. Services for the disabled are limited, and most buildings are not wheelchair accessible.

Religious Minorities

There were few anti-Semitic incidents (almost all graffiti) and no reports of attacks by skinheads or neo-Nazi sympathizers against the Jewish community. However, in October two small bombs exploded in the Jewish quarter, one in the vicinity of the Dohany Street synagogue. In March tombstones in a Jewish cemetery in Budapest were vandalized with swastikas. In September a court fined the Debrecen soccer club \$2,000 (300,000 forints) after unruly football fans chanted anti-Semitic slogans against a rival team from Budapest.

National/Racial/Ethnic Minorities

The 1993 law on ethnic and