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U.S. Department of State

Hungary Country Report on Human Rights Practices for 1998

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HUNGARY

Hungary is a parliamentary democracy with a freely elected legislative assembly. Prime Minister Viktor Orban, the leader of the FIDESZ-Hungarian Civic Party, heads a coalition Government formed after elections in May by FIDESZ, the Independent Smallholders' Party, and the Hungarian Democratic Forum. 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, although their frequency has declined compared with previous years.

Through its macroeconomic policies and extensive privatization, the Government demonstrated its commitment to the transition to a market economy. The private sector generates about 80 percent of gross domestic product. Services, trade, and government employ about 63 percent of the labor force, and industry nearly 30 percent. Major exports include manufactured goods (34 percent) and machinery and transport equipment (50 percent). An estimated 25 percent of the population live in poverty, with elderly pensioners, dependent housewives and children, and Roma most affected. Romani leaders and civic organizations claim that socioeconomic conditions for the Romani minority have worsened since the change of regime in 1989.

The Government generally respected the human rights and civil liberties of its citizens; however, there were problems in some areas. Although the authorities addressed problems in specific cases, police

continued to use excessive force against suspects. Police also harassed and abused both Roma and foreign nationals. In practice the authorities do not always ensure due process in all cases. Prosecutors and judges may impose what amounts to unlimited pretrial detention, although the Government expanded legal provisions for the right to fair trial. Police on occasion enter private residences without warrants to check foreigners' identification.

The electronic media are a mix of state-owned and privately owned radio and television. Opposition politicians and some journalists criticized what they termed the Government's "media monopoly," the constraints it purportedly imposes on press freedom by economic pressure, and its discrimination against conservative media. However, there is no evidence of government interference with editorial content. Societal discrimination against Roma remains a serious problem. Anti-Semitic and racist attacks continued to decline. Spousal abuse of women, sexual harassment, and discrimination in the job market remain serious problems. Steps were implemented to improve the rights of women and persons with disabilities.

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.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or 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. A total of 114 police officers were accused of physical abuse in 1997. The figure for the first half of 1998 was slightly higher, with 60 officers accused of abuse. Between 10 and 15 percent of these cases result in prosecution and conviction. Punishment included fines, probation, and the imposition of suspended sentences. In 1997 the Budapest central district court sentenced four police officers to 1 to 2½ years in prison for the exceptionally severe beating of a detainee under interrogation. The appeals court suspended the sentences, and three out of the four officers continue to serve as police officers. According to a report by the Hungarian Helsinki Committee, persons detained by police complain of abuse, but very few file official complaints because they do not expect positive results and fear that the complaint may affect their cases adversely.

Before the national elections in May, two bombs exploded at the homes of leading opposition politicians; no one was injured (see Section 3).

The police and Interior Ministry are working to change the police's authoritarian image, and human rights organizations report that police are generally more cooperative with outside monitoring of police behavior. These efforts are hampered, however, by low salaries and a lack of physical resources. A 1997 study by the ombudsman's office, which investigates constitutional violations in the public sector, condemned police corruption but noted that it was unsurprising that it existed, given police officers' low pay and poor working conditions. The ombudsman found that working conditions in the vast majority of

police offices were unsuitable.

Police 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.

Prisons are overcrowded but meet minimum international standards. The prison population of 14,342 in September was approximately 40 percent over prison capacity. The prison population increased 7 percent over 1997. According to officials, the general health of prisoners declined in the last few years. In 1997 26 prison inmates died of terminal diseases and 5 inmates committed suicide. The chief ombudsman issued a report on prison conditions in 1997 that is expected to lead to the closure of the Veszprem prison as soon as a new facility is built. The report included a survey among prisoners about alleged abuse, which concluded that abuse by prison personnel was not a problem.

The Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

Police must inform suspects upon arrest of the charges against them but 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. Credible reports suggest that police do not always allow access to counsel, particularly for minor crimes. Bail is to be available when a new Criminal Code enters into force in January 2000.

The Police Act permits police to hold suspects in public security detention (PSD) in cases in which the suspect has no identity papers; in which blood or urine tests must be performed to determine blood alcohol content; or if the suspect continues to commit a misdemeanor offense in spite of prior warning. Suspects may be held in PSD for up to 24 hours. Such detainees are not always informed of the charges against them, because such periods of "short" detention are not defined as "criminal detention" and so are not considered to be covered by the Criminal Code.

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). According to the new Criminal Procedure Law, pretrial detention is to be limited to a maximum of 3 years, after which the case expires automatically if formal charges are not brought. The lack of a bail system gives tremendous leeway to the judge. In 1996 the average length of pretrial detention was 3 to 6 months, although nearly 10 percent of detainees were held for periods ranging from 8 to 12 months. In addition, foreigners usually are held until their trial since they are considered likely to flee the country. 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 a detainee is released for lack of evidence, but the procedure rarely is exercised since detainees must undertake a complicated legal procedure to pursue their claims.

The law 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. Counsel is appointed for indigent clients, but public defenders are poorly 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. A fourth level of courts is to be created when the new Criminal Procedure Law goes into effect in January 2000. A new court of appeal is to be inserted between the metropolitan/county court and the Supreme Court. Established initially in Budapest, Szeged, and Pecs, these courts are designed to alleviate the current backlog of court cases and permit lower courts to hear simple cases. Critics of the new system charge that it would instead slow court procedures and increase costs. A National Judicial Council (NJC) was established in 1997 to nominate judicial appointees and oversee the judicial budget process. The NJC will also oversee the implementation of the fourth level of courts. Although passed and signed by Parliament, the Government delayed indefinitely the implementation of the new level of courts, citing budgetary constraints.

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 for 9-year terms, which may be renewed. The retirement age of the Constitutional Court judges is 70 years. The mandates of 6 of the 11 judges expire before June 1999, which has led to concerns that vacancies on the bench could delay the Court's work. Parliament debated lifting the retirement age of judges, but at year's end had made no decision. No judge or member of the Supreme or Constitutional Courts may belong to a political party engage in political activity. Although the Government alleged that judges' political attitudes affected decisions, these charges are undercut by unanimous decisions in controversial cases.

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. Under the new Criminal Procedure Law, prosecutors will have greater influence over their cases. Plea bargaining, which does not exist under the current system, is to be available to prosecutors.

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 nonRoma. 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 under the data protection law.

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.

In August Prime Minister Orban stated that FIDESZ politicians and their families were the targets of illegal secret surveillance in 1997. Orban claimed that the investigators, whose identity he did not reveal, sought damaging information to use in the spring 1998 elections. Opposition (former government) leaders vigorously denied the accusations. An investigation was ongoing at year's end.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government respects this right in practice. All the major print media--national and regional newspapers, magazines, and tabloids--are in private hands, some as part of foreign media companies. 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 1995 creating institutions designed to foster a free and independent electronic media. The law provided for the creation of nationwide commercial television and radio and insulated the remaining public service media from government control. In June the Government awarded licenses for the new privatized television channels that began broadcasting in October; licenses for commercial radio were awarded in November, and the stations are expected to begin broadcasting in early 1999.

The regulatory body created by the 1995 law, the National Television and Radio Board (ORTT), was accused during its first year and a half of operation of political bias in awarding television licenses. Others have criticized ORTT for its attempts to acquire a share of the National Broadcasting Company, thereby becoming an owner in the industry it regulates. Two lawsuits have been filed against the Board, in both cases raising the question of whether the Board truly is insulated from politics and conflicts of interest as intended by the law.

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, or 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 are 79 officially recognized churches. There is no preferred religion, although only 59 of the officially recognized churches received government subsidies in 1997. State support for churches amounted to \$5.4 million (Huf 1.2 billion). A 1996 law permits citizens to donate 1 percent of their income tax to the church or nonprofit agency of their choice. In 1997 only 1 percent of the total donated went to churches. The majority was donated to schools and animal welfare groups. In 1997 the Government signed a treaty with the Vatican to return church property confiscated by the Communist regime; the treaty also provided for a minimum state subsidy to the Catholic Church of \$7.8 million (Huf 1.7 billion). Similar compacts are expected to be negotiated with the country's three other largest churches. Religious orders and schools have regained some property confiscated by the Communist regime.

In 1997 Parliament established the Jewish Heritage Foundation to provide restitution in the form of life pensions to 17,800 Holocaust survivors born after May 9, 1945. An additional 2,040 persons are to receive pensions automatically when they reach 60 years of age. In a 1998 agreement with the Jewish community on confiscated properties, the Government made a compensatory payment of \$2.7 million (Huf 600 million) and returned nine properties.

Several synagogues have been built since World War II, generally replacing older demolished synagogues. The first completely new synagogue built since the war was constructed during the year at a Jewish summer camp in Szarvas.

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

There are no restrictions on the movement of citizens within or outside the country, including on the rights of emigration and repatriation. However, local authorities have in some cases tried to expel Roma from towns or to induce Roma to live in the equivalent of ghettos. 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. In August the police chief in Bacs-Kiskun County ordered a 30-day limit on the validity of visitor passes for foreigners arriving at the county's Yugoslav-Hungarian border. Critics charged that the police chief did not have the authority to impose such a limit.

Refugees numbering 4,469 from the former Yugoslavia are registered in Hungary. Most are in private housing, with only 500 housed in 3 refugee camps. The Government estimates that there are as many as 60,000 immigrants (the vast majority from Romania) living in the country in unregistered status, although the local office of the United Nations High Commissioner for Refugees (UNHCR) believes that this figure is too high.

The Government provides first asylum and cooperates with the local office of UNHCR and other humanitarian organizations assisting refugees. The number of people who received refugee status increased from 27 in 1997 to 270 for the first 7 months of 1998. Over one-half of the 1998 refugees were from Afghanistan. The higher number of refugees was attributable to the new law that went into effect in March lifting Hungary's geopolitical reservation to the 1951 Geneva Convention. Under the old law, the Government only handled claims from European asylum-seekers, and the UNHCR handled all other claims. Compared with cases formerly adjudicated by the UNHCR, the total number of refugee claims was similar to earlier years. Applications for refugee status increased from 177 to 1997 to 2,223 for the first 7 months of 1998; this total increase also was comparable with cases formerly adjudicated by the UNHCR. Prospective refugees who seek only to transit to Western Europe are encouraged to return to their countries of departure. There were 1,324 asylum seekers located in 4 refugee camps as of September.

Aliens caught trying to cross the border illegally may apply for refugee status or are housed temporarily at one of eight border guard facilities throughout the country pending deportation. At any time there are between 500 to 600 people in the facilities. Overall, 8,572 illegal aliens were expelled in the first 6 months of 1998, compared to 7,145 for the first 6 months of 1997, a 17 percent increase. While police seek the timely deportation of detainees who do not qualify for refugee status, a shortage of funds and the detainees' lack of property or documentation, such as passports, often result in lengthy stays. There were no reports of the forced return of persons to a country where they feared persecution.

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. Members of Parliament are elected through a complex voting procedure for individuals and party lists. In the May national elections the FIDESZ-Hungarian Civic Party formed a new government in coalition with the Independent Smallholders' Party and the Hungarian Democratic Forum. The opposition includes the extreme rightwing Hungarian Truth and Life Party (MIEP) and two leftwing parties, the Hungarian Socialist Party and the Free Democrats.

Before the national elections in May, two bombs exploded at the homes of leading opposition politicians; no one was injured. No one claimed responsibility for the bombings (see Section 1.c.).

No legal impediments hinder women's participation in government or the political process: 33 of 386 parliamentary deputies are women and 1 woman serves in the Cabinet. Few women occupy other leadership positions in the Government or political parties. Despite the lack of guaranteed minority representation, several minorities are represented in the Parliament, including one ethnic German and one ethnic Slovak. There are no Romani Members of Parliament.

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 nongovernmental organizations (NGO's) report that the Government is generally responsive to their requests for information. However, individual police units and prosecutors reportedly are uncooperative at times, particularly in cases involving Roma or police abuses. Some NGO's also reported attempted intimidation and harassment by the police. There is also a 21-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, often it is unreported for cultural reasons. Police attitudes towards victims of sexual abuse are often reportedly unsympathetic, particularly if the victim was acquainted with her abuser. New laws passed in 1997 recognize rape within marriage and increase the penalties for six other crimes. Women's rights organizations claim that 1 woman in 10 is a victim of spousal abuse and that societal attitudes towards spousal abuse are "archaic." The Government statistics office reported 392 rapes nationwide in 1997 and

154 for the first 6 months of 1998; in addition, there were 2,162 cases reported of assaults against women in 1997 and 1,127 cases of assault for the first 6 months of 1998.

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 U.N. 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 there is little support for efforts to criminalize sexual harassment and that harassment is tolerated by women who fear unemployment more than harassment. In the first case of its kind, a woman won her court case after suing a potential employer for sex discrimination after the employer advertised for men only. A Women's Secretariat is being established in the Ministry of Social and Family Affairs to address women's issues better.

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 15. There is no societal pattern of child abuse, although NGO's report that neglect and abuse are common in state care facilities. The national police reported 598 cases of violence against children and 58 rapes in 1997, and 340 cases of violence and 25 rapes for the first 6 months of 1998.

People with Disabilities

A law that was passed in March requires that all public buildings be made accessible to the disabled within 10 years. At present services for the disabled are limited, and most buildings are not wheelchair accessible. A 1997 decree requires all companies that employ over 20 persons to reserve 5 percent of their jobs for the physically or mentally disabled, with fines of up to 75 percent of the average monthly salary for noncompliance.

Religious Minorities

A case is pending against Enrem Kemal arising from two inflammatory anti-Semitic speeches he made in 1997. In April a court in Heves sentenced Istvan Osze to 10 months' imprisonment for assaulting Tamas Horvath, who falsely claimed to be Jewish. The conviction was the first for a racist assault.

In 1997 changes to the Penal Code made it easier to enforce and stiffen penalties for hate crimes committed on the basis of the victim's ethnicity, race, or nationality.

National/Racial/Ethnic Minorities

The 1993 Law on Ethnic and Minority Rights establishes the concept of collective rights of minorities and states that minorities need special rights in order to preserve their ethnic identities. It explicitly permits organized forms of limited self-government in areas where ethnic groups constitute a majority and states that the establishment of self-governing bodies must be made possible in localities where an ethnic group constitutes less than a majority of the population. The law permits associations, movements, and political parties of an ethnic or national character and mandates the unrestricted use of

ethnic languages. Only those ethnic groups that have lived within the country's present borders for at least 100 years and whose members are citizens may obtain recognized status under this law.

On this basis, the law specifically grants minority status to 13 ethnic or national groups. Other groups may petition the Chairman of Parliament for inclusion if they include at least 1,000 citizens and have their own language and culture.

There were 770 Romani minority self-governments elected in the local elections in October, a significant increase over the 477 elected self-governments in the first minority elections held in 1994. The new self-governments are to begin operating in January 1999. Of the 477 elected in 1994, 396 are still functioning; the discrepancy reflected the number that ceased functioning between 1994 and 1998 due to a lack of funds. With funding from the central budget of \$75 million (Huf 1.5 billion) in 1997 and logistical support from local governments, these bodies seek to influence and oversee matters affecting minorities. However, the national minority self-government bodies elected in 1994 had only limited success. The non-Romani minorities appear to be the most satisfied, while Romani leaders express frustration with the self-governments' lack of clear authority, responsibility, or resources. Critics of the minority self-governments claim that, for the Roma, the system failed, in part because it has permitted local governments to abdicate responsibility for their poorest inhabitants while the under-funded minority self-governments cannot meet adequately the needs of this population.

In 1995 Parliament appointed an Ombudsman--currently an ethnic German--specifically charged with defending minority rights.

Roma constitute at least 4 percent of the population; Germans, the second largest minority group, constitute about 2 percent. Smaller communities of Slovaks, Croats, Romanians, Poles, Ukrainians, Greeks, Serbs, Slovenes, Armenians, Ruthenians, and Bulgarians are recognized as ethnic minorities.

Education is available to varying degrees in almost all minority languages. There are minority-language print media, and the state-run radio broadcasts 2-hour daily programs in the mother tongue of major nationalities, i.e., Romani, Slovak, Romanian, German, Croatian, and Serbian. State-run television carries a 30-minute program for the larger minority groups, complemented by 5-minute weekly news bulletins. The newly privatized television stations also carry weekly programs for ethnic minorities.

Conditions of life for the Romani community are significantly worse than among the general population. Roma suffer from discrimination and racist attacks and are considerably less educated, with lower than average incomes and life expectancy. The unemployment rate for Roma is estimated to be 70 percent, over seven times the national average. With unemployment benefits exhausted and social services stretched thin, Roma often confront desperate situations.

Roma continue to suffer widespread discrimination in education, housing, and access to public institutions, including restaurants and pubs. Roma and other civic organizations highlighted the practice of placing Roma children in remedial education programs designed for children with disabilities or low academic performance, resulting in a form of de facto segregation. Although the children could be returned to the regular school system, only a small percentage return. Schools for Roma are more crowded, more poorly equipped, and in markedly poorer condition than those attended by non-Roma. The Hungarian Helsinki Committee found that there are 132 segregated schools throughout the country. The Government contests the claims of the human rights organizations and states that the Romani schools are designed to provide intensive help for disadvantaged children.

In what is considered a landmark case, in July a court ordered a bar owner in the city of Pecs to pay a

\$750 fine and take out newspaper advertisement apologizing for refusing to serve a Rom.

Local officials have in some cases taken advantage of rules prohibiting overcrowded, unsafe, or unsanitary housing, or have punished nonpayment of utility bills by evicting Roma families from residences without providing alternative housing as the law requires. The Government sponsors programs both to preserve Romani languages and cultural heritage and to assist social and economic assimilation. Oversight and budgetary control of the Coordination Council for Roma Affairs and the Office of National Ethnic Minorities was shifted from the Prime Minister's Office to the Ministry of Justice. In July the Government published an action plan designed to improve living conditions in Romani communities, with specific focus on public health, education, and work training. However, the plan provides no additional funds; rather, it redistributes already inadequate resources.

Widespread popular prejudice against Roma continues. Police commonly abuse them (see Section 1.c.). The Helsinki Committee recorded two cases of skinhead assaults during the year (one against a group of Roma, the other against an Asian student). According to press reports, a Sudanese man was attacked in Budapest by four skinheads in December. The attackers were arrested and the case is under investigation. Foreigners of color reported harassment by police and at border control checkpoints. The Martin Luther King Organization (MLKO) which documents assaults on nonwhites, recorded two such incidents in 1998, a decrease in the number of assaults. However, MLKO sources believe that many cases go unreported.

Section 6 Worker Rights

a. The Right of Association

The 1992 Labor Code recognizes the right of unions to organize and bargain collectively and permits trade union pluralism. Workers have the right to associate freely, choose representatives, publish journals, and openly promote members' interests and views. With the exception of military personnel and police officers, they also have the right to strike. Under a separate 1992 law, public servants may negotiate working conditions, but the final decision on increasing salaries rests with Parliament.

The largest labor union organization is the National Confederation of Hungarian Trade Unions, the successor to the former monolithic Communist union, with over 735,000 members. The Democratic League of Independent Unions and the Federation of Workers' Councils have approximately 100,000 and 56,000 members, respectively.

There are no restrictions on trade union contacts with international organizations, and unions have developed a wide range of ties with European and international trade union bodies.

b. The Right to Organize and Bargain Collectively

The Labor Code permits collective bargaining at the enterprise and industry level, although the practice is not widespread and is actively discouraged in the growing private sector. Labor organizations appear willing to cooperate with one another, and this is particularly evident in their relationship in forums such as the National Interest Reconciliation Council (ET), which provides a forum for tripartite consultation among representatives from management, employees, and the Government. The ET discusses issues such as wage increases and the setting of the minimum wage, which is centrally negotiated within the ET in order to control inflation. Individual trade unions and management may negotiate higher wages at the plant level. The new Government disbanded the Ministry of Labor and split its work between the Ministry of Economy (covering policy issues) and the newly created Ministry of Social and Family

Affairs (covering employment issues and responsible for drafting laborrelated legislation). Employers are prohibited from discriminating against unions and their organizers. The Ministry of Social and Family Affairs enforces this provision.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including that performed by children, and the Ministry of Social and Family Affairs enforces this prohibition.

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits forced and bonded labor by children (see Section 6.c.). The Labor Code forbids labor by children under the age of 15, and regulates labor conditions for minors (14 to 16 years of age), including prohibitions on night shifts, hard physical labor, and guaranteed overtime payments. The National Labor Center enforces these regulations in practice, and there does not appear to be any significant abuse of this statute. Education is compulsory through age 16. Roma are far more likely than non-Roma to stop attending school before age 16.

e. Acceptable Conditions of Work

The ET establishes the legal minimum wage, which is subsequently implemented by Ministry of Social and Family Affairs decree. The minimum wage, \$90 (Huf 19,500) per month, is insufficient to provide a decent standard of living for a worker and family. Many workers supplement their primary employment with second jobs.

The Labor Code specifies various conditions of employment, including termination procedures, severance pay, maternity leave, trade union consultation rights in some management decisions, annual and sick leave entitlement, and labor conflict resolution procedures. Under the Code, the official workday is set at 8 hours; however, it may vary depending upon the nature of the industry. A 24-hour rest period is required during any 7-day period.

Labor courts and the Ministry of Social and Family Affairs enforce occupational safety standards set by the Government, but specific safety conditions are generally not consonant with internationally accepted standards. The enforcement of occupational safety standards is not always effective in part due to the limited resources the Ministry of Labor is able to commit to enforcement. In theory, workers have the right to remove themselves from dangerous work situations without jeopardy to continued employment.

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