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## 1999 Country Reports on Human Rights Practices

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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 1998 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 45.5 percent of the labor force. The proportion of the labor force involved in industry is almost 53 percent. Major exports include manufactured goods (39 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. Unlike in 1998, there were no reports that police entered private residences without warrants to check foreigners' identification.

The electronic media are a mix of state-owned and privately owned radio and television, with private stations dominating audience share by a wide, and ever-widening, margin. The Government publicly declared its intention to "balance" the media, in order to encourage more extensive attention to the conservative values and themes that the Government promotes. Many members of the governing coalition believe that liberal, opposition-leaning journalists are overrepresented in the state-owned media. The center-right coalition used its influence over personnel and advertising decisions to attempt to alter the content of some news programs broadcast on state media. This led to complaints by opposition politicians of unfair media treatment. 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. Anti-Semitic and racist attacks persisted, but the numbers have been declining over the past several years. Societal discrimination against Roma remains a serious problem. Trafficking in women and children for the purpose of forced prostitution is a problem.

## **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.

Trials began in a number of cases of men charged with crimes against humanity for shooting into crowds of demonstrators with machine gun fire and for throwing hand grenades, all at the time of the 1956 Revolution. The defendants were tried in 1993. At the time, they were charged with murder, but acquitted because the 15-year statute of limitations for such a charge had passed. The new trial became possible after the Supreme Court overturned the previous verdicts in June, stating that these cases should be tried as war crimes, which have no time limit. In these cases, the issue before the courts is whether each specific individual is guilty of a war crime, an argument that can be made because a civil war was in progress at the time, and all defendants were members of the border guards, police, or military.

#### b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits torture and other such practices. No known incidents of torture occurred; however, there is an ongoing investigation into the allegation--made by a confessed mass murderer--that his confession was obtained under torture. Police abuses continued, including use of excessive force, beatings of suspects, and harassment. Police also continued to harass and physically abuse Roma and foreign nationals. In 1998 2,296 reports of police abuse were filed. Of these complaints, only 312 resulted in court cases. In 845 cases, no investigation occurred. Many of the cases that did make it into the court system are still underway, so no accurate data on convictions are available. Historically, 10 to 15 percent of such cases result in conviction. Punishments include fines, probation, and the imposition of suspended sentences. In 1997 the Budapest central district court

sentenced four police officers to 1 to 21/2 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. Some sources attribute the rise in numbers of reports of police abuse to a growing willingness to seek official redress in these instances. The Romani minority community and dark-skinned foreigners are the most common victims of police abuse, with Roma bearing the brunt. After a nationally broadcast news program, carried on a privately owned channel, reported in March on police brutality in Hajduhadhaz, police arrested and beat a Rom who was interviewed on the program. Two other Roma who also appeared in the program went into hiding out of fear of further retaliation. In June the Ministry of Interior admitted that Hajduhadhaz had the highest level of reported police violence in the country and that half of the town's police force was under investigation for allegations of abuse. A Roma rights organization reported that in Budapest in June, three police officers beat and kicked a Romani university student as he walked through a park. When the man told the officers that he would report their abuse, they beat him further. The Rom filed a lawsuit against the officers involved. Despite such occurrences, the Ombudsman for Minority Affairs believes that the situation is, at worst, remaining constant, and possibly is marginally better.

The police and Interior Ministry are working to change the police's authoritarian image, and human rights organizations report that police generally are more cooperative with outside monitoring of police behavior. However, these efforts are hampered 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 foreign residents, although the former practice of charging questionable fines for traffic violations to earn petty cash appears to have ceased, as the law regarding collection of fines has changed. There were no reports of this kind of activity during the year. At times, police showed indifference towards foreigners who have been victims of street crime.

Prisons are overcrowded but meet minimum international standards. The population of prisons and detention centers as of September was 15,153, or 151 percent of capacity. (This is an increase of almost 1,000 prisoners from the end of 1998.) A further increase in prison population is expected due to a 1998 change in the law that altered the meaning of a "life sentence." Previously, this was interpreted as 15 to 25 years; the new law extends the sentence to 20 to 30 years, with an allowance for an actual sentence of life in prison, on the second occasion of receiving such a sentence. The average age of prisoners is now under 30. Between 70 and 80 percent of prisoners earn wages while in prison, either from work performed in prison, or from work-release programs. Some programs allow prisoners to spend weekends at home. A recent change in philosophy led to more efforts to rehabilitate criminals for their eventual return to normal life. According to officials, the general health of prisoners declined in the last few years. The chief ombudsman issued a report on prison conditions and facilities in 1997 that is expected to lead to the closure of

the Veszprem prison as soon as a new facility is built. The report also 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 for citizens as well when a new Criminal Code enters into force in January 2000. It is currently available to foreigners, but rarely is used.

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 (most recent figures available). 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 Minister of Justice, on behalf of the State, decides on compensation. The amount depends on the case and can cover the costs of the trial, attorney's fees, lost wages, and some other miscellaneous sums.

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.

Under the Constitution, the courts are responsible for the administration of justice, with

the Supreme Court exercising control over the operations and judicial procedure 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 constitutional 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. Although passed and signed by Parliament, the Government delayed indefinitely the implementation of the new level of courts, citing budgetary constraints. In the fall, Parliament decided to open only one of these courts in Budapest after January 2002. 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.

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, although this never has happened. The retirement age of the Constitutional Court judges is 70 years. Parliament debated lifting the retirement age of judges but made no decision. No judge or member of the Supreme or Constitutional Courts may belong to a political party or engage in political activity.

The law provides for the right to a fair trial, and the authorities respected this right in practice. Counsel is appointed for indigent clients, but public defenders are paid poorly--less than \$5 (1,000 Huf) for the first hour of the trial and less than \$2.50 (500 Huf) for each additional hour--and do not give indigent defendants priority; lawyers often meet such clients for the first time at trial.

In selected cases judges may agree to a closed trial to protect the accused or the crime victim, such as in some rape cases. In October 1998, the victim protection office was established in the Ministry of the Interior. Under the new Criminal Procedure Law, witnesses (and in some cases, victims, judges, and translators) are to be protected by having their personal data kept closed, in a separate location from the case files. For specially protected witnesses, court appearances are unnecessary; they are to be questioned personally by the judge. In July Parliament passed a resolution calling for a new victim protection plan, which would provide new identities and homes for victims. A bill must be submitted by December 31, 2001. There is no jury system; hence judges are the final arbiters. Under the new Criminal Procedure Law, prosecutors are to have greater influence over their cases. Plea bargaining, which is known as a "trial waiver," is now available to prosecutors.

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. The public defender system provides generally substandard service. (There is no public defender's office, as such; private attorneys may or may not choose to serve in this capacity. Since public defenders are paid only for the

hours spent in trial, little to no preparation is done and lawyers often meet their clients for the first time at the trial.)

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.

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 under the data protection law. Since the majority of Roma fall into the lowest economic strata, they also suffer from the lack of good legal counsel and from unenthusiastic representation.

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. During the year, there were no publicized reports that police entered private residences without warrants to check foreigners' identification.

In August 1998, 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. Parliament formed a committee to investigate the matter, and this committee has met several times with no conclusive result. All that has been established is that a businesswoman with close ties to the Socialist Party asked a parliamentary guard to surveil a FIDESZ Member of Parliament who had attacked her in a speech in Parliament. The committee's investigation is ongoing.

### 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 respects this right in practice. However, during the year the FIDESZ-led coalition Government actively attempted to counterbalance what it considers a leftwing bias in news coverage through its influence on personnel decisions within the state-owned media. Nonetheless, a wide variety of views and opinions is available among the highly competitive print and broadcast media.

After the transition from communism, the majority of print media outlets were purchased by foreign publishing companies. In addition, numerous new publications made the local print market much more competitive. Political opposition sources claim that this

competition was utilized by the coalition in its attempt to "balance" the print media, some elements of which the Government views as too liberal and anticoalition. Advertisements from state-owned companies and financial institutions were awarded to progovernment papers, which also tend to receive better access to government sources.

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 was intended to insulate the remaining public service media from government control. The National Television and Radio Board (ORTT), the regulatory agency created by the 1995 Media Law, has continued to monitor news broadcasts for equal treatment of all political parties. Several commercial stations were warned publicly by the ORTT during the year for giving more time to one party over others.

The state broadcast media began the process of laying off journalists and administrative personnel to reduce their huge payrolls. Opposition figures accuse them of firing journalists with opposition views and retaining those who favor the coalition.

Academic freedom generally is 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 sometimes may 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 religions. There is no preferred religion, although not all religions receive state support. State support is in the form of funds negotiated each year between the Ministry of Cultural Heritage and the Finance Ministry. In 1998 the four major, or "historical," religions (Catholic, Calvinist, Lutheran, and Jewish) received \$14.2 million (3.2 billion Huf) in government support. A 1996 law allows citizens to donate 1 percent of their taxes to any religion, and a 1997 law extended this option by allowing citizens to donate 1 percent to any religion and 1 percent to a civil organization or public institution. In 1998 500,000 persons (about 5 percent of the population) used this provision to donate \$4.3 million (1 billion Huf) to religions. 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 payment (separate from the annual negotiated support) of \$7.8 million (1.7 billion Huf). Similar compacts were signed with the country's three other historical religions in 1998. The Jewish community receives \$2.6 million (608 million Huf) and the Calvinist and Lutheran Churches each are entitled to \$4.3 million (1 billion Huf). Religious schools

receive support per child in the same way that state schools do. Religious orders and schools have regained some property confiscated by the Communist regime.

In 1997 Parliament established the Jewish Heritage Public Foundation to provide restitution in the form of life pensions to 17,800 Holocaust survivors born before 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 \$2.6 million (608 million Huf) 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 in 1998 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 have taken advantage of situations (eviction for nonpayment of bills or condemnation of Roma homes) to relocate and concentrate Romani populations, in effect creating ghettos. The Government may delay but not deny emigration for those who have significant court-assessed debts or who possess state secrets. Those with about \$40,000 (over 10 million Huf) in public debt may be denied travel documents. The Government 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 sometimes is available.

A total of 5,688 refugees from the former Yugoslavia are registered in Hungary. Most are in private housing, with only 500 housed in 3 refugee camps, or "reception centers," run by the Office of Migration and Refugee Affairs (ORMA). In addition to these three government-owned camps, two additional temporary camps are used through contracts with the nongovernmental organizations (NGO's) that run them. They have been operating since 1991 and 1993, largely as a result of the influx of refugees fleeing the various conflicts and incidents of ethnic cleansing to the south. 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 the UNHCR and other humanitarian organizations assisting refugees. The number of persons who received refugee status increased from 594 in 1998 (with 2,566 cases pending at year's end) to 1,307 in the first 8 months of the year, with 4,249 cases pending. (These figures include both those who were granted refugee status and those who were "authorized to stay.") Of 5,002 applications submitted in 1998 (7,118 persons), 1,077 were Afghan (with an additional 989 Afghans caught entering the country illegally), and 3,306 were from the former Yugoslavia. While the high number of Afghan refugees is not unusual, the significant increase in Yugoslav applicants corresponds with the onset of the most recent series of crises in Kosovo. In the months following the cessation of hostilities, many of these applications were withdrawn, and ORMA authorities believe that many

more refugees simply have gone home. In March 1998, a new law went into effect that lifted Hungary's geopolitical reservation to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government now adheres completely to the provisions of this Convention. Under the old law, the Government only handled claims from European asylum seekers, and the UNHCR handled all other claims. The increase in caseload resulting from this change and from events in Kosovo and the resulting NATO action placed a tremendous strain on the ORMA's resources, leading to the high number of pending cases and increasing the processing time per application. Prospective refugees who seek only to transit to Western Europe are encouraged to return to their countries of departure. There were approximately 1,700 asylum seekers located in 4 reception centers as of October 1. The Government has been criticized by NGO's and Western countries for inhuman conditions in detention facilities and the arbitrary application of asylum procedures. In February the Parliament's human rights Ombudsman criticized the conditions in border facilities as "uncivilized and intolerable." In response to this criticism, the Government agreed to close the worst facilities; there is an ongoing project to refurbish the border guards' community shelters. Of the eight currently in operation, three have been fully refurbished and reopened, and one is expected to reopen early in 2000. The conditions in these facilities are not good. The country, which has been dealing with refugee issues on a large scale for only the past 10 years, has borne a great deal of the refugee burden resulting from the Kosovo crisis, and the Government has sought to work with NGO's to improve conditions.

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, 4,539 illegal aliens were apprehended in the first 8 months of the year. 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. The FIDESZ-Hungarian Democratic Civic Party heads the coalition with the Smallholders' Party and the Hungarian Democratic Forum (the latter two parties formed the government coalition between 1990 and 1994 with the Christian Democrats, one segment of which later merged with FIDESZ.) The opposition includes the extreme rightwing Hungarian Justice and Life Party and two leftwing parties, the Hungarian Socialist Party and the Free Democrats.

No legal impediments hinder women's participation in government or the political process, although they are underrepresented in relation to their percentage of the population; only 33 of 386 parliamentary representatives 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 ensured minority representation, there are several Members of Parliament, including one ethnic German and one ethnic Slovak, who are members of ethnic minorities; however, none specifically represents their respective

minority populations. 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 NGO's report that the Government is generally responsive to their requests for information. An increasing number of NGO's are involved in the law-making process. However, individual police units and prosecutors reportedly are uncooperative at times, particularly in cases involving Roma or police abuses. 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; however, in practice discrimination still exists, particularly against Roma. This is due to widespread prejudice, lack of positive reporting, and lack of opportunity for advancement.

##### 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 other sex 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." In the first 8 months of the year there were 2,871 reports of crimes against family, youth, and sexual morality; there were 4,589 such crimes reported in 1998. In the first 8 months of 1999 women were the victims of 67,598 crimes; there were 106,211 such crimes in 1998.

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 a sex discrimination suit against a potential employer for sex discrimination after the employer advertised for men only.

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 remains low, although the number of women in the police and the military has risen significantly over the past several years, with significant increase in 1999. Women are heavily represented in the judiciary and in the medical and teaching professions. A Women's Representative office was established in the Ministry of Social and Family Affairs to address women's issues

more effectively.

### 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. In 1998 children were the victims of 8,769 crimes. In the first 8 months of 1999, children were the victims of 5,566 reported crimes.

### People with Disabilities

Government sources estimate that between 600,000 and 1 million persons (6 to 10 percent of the population) are disabled. A law that was passed in 1998 requires that all public buildings be made accessible to the disabled within 10 years. A Council for the Disabled was established in January, under the chairmanship of the Minister of Social and Family Affairs. The Council is to serve as an advisory board to the Government. 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

In July two skinhead members of the Arrow Cross Movement admitted to defacing 15 graves in a Jewish cemetery in Szombathely. The skinheads painted anti-Semitic graffiti on gravestones shortly before a Holocaust commemoration was to take place on July 3 in the cemetery. The desecration was criticized sharply by President Goncz. On November 10, a municipal court found the two youths guilty and sentenced one skinhead to 1 year in prison, which was commuted to 3 years' probation, while the second skinhead was sentenced to 8 months in prison, which was commuted to 2 years' probation.

In August the "Protocols of the Elder of Zion," a notorious anti-Semitic forgery, was published and available for purchase in a Hungarian translation for the first time since World War II. The Jewish community in Nagykoros filed a complaint against the publication with the Prosecutor General. The publication also was criticized by the Calvinist Church and the Catholic Church, which expressed concern over the increasing problem of lack of "respect and tolerance" toward various religious communities. On August 13, the Ministry of National Cultural Heritage criticized any defamation of religion and announced that it supported a call by the Confederation of Hungarian Jewish Communities (MAZSIHISZ) for the publication of a scholarly work in the country addressing the book's false claims. The Ministry of Culture later sponsored a lecture and reception to introduce that book.

In November MAZSIHISZ asked the Cabinet to take action against "Fascist, racist, and anti-Semitic" outbreaks that were a source of public concern. The organization objected to the planned rehabilitation of the country's World War II Prime Minister Laszlo Bardossy, the desecration of Jewish cemeteries, and the publication of anti-Semitic books. MAZSIHISZ argued that the law should be changed to prohibit the denial of the Holocaust. In response to the concerns of the Jewish Community, Orban tasked an official

in the Ministry of Culture to oversee issues of concern to the Jewish community.

MAZSIHISZ and international Jewish organizations criticized as unfair a 1998 decision by the Government to provide \$128 (30,000 HUF) each to the heirs of Holocaust victims. In February the president of MAZSIHISZ said that hundreds of Holocaust survivors were returning compensation payments to the Government, protesting that the small amounts were an insult. Previous awards to the heirs of victims distributed by the Communist regime were \$4,255 (1 million Huf). The Orban Government provided the 30,000 Huf figure as a line item in the Fiscal Year 1999 budget, stating that this amount was all that could be paid out without budget imbalances. Opposition parties were seeking to hold a special parliamentary session on this and other issues, but the Government was opposed to resolving the issue in this manner. Although the figure of \$128 was accepted originally by the leaders of the Jewish Community who had negotiated with the Government, it generally is agreed that the amount is too small, and it is a matter of ongoing renegotiation.

A case is pending against Enrem Kemal arising from two inflammatory anti-Semitic speeches he made in 1997. Kamal's trial has been postponed several times since 1997. The trial began in November and continued at year's end.

#### National/Racial/Ethnic Minorities

The 1993 Law on National and Ethnic Minorities' Rights recognizes individuals' minority rights, as well as establishes the concept of collective rights of ethnic minorities, and states that it is their inalienable collective right to preserve their ethnic identity. The law also permits associations, movements, and political parties of an ethnic or national character and mandates the unrestricted use of ethnic languages. For an ethnic group to be recognized as such it has to have at least 100 years' presence in the country, and its members have to be citizens. On this basis, minority status is granted specifically to 13 national or ethnic groups (among which Roma are by far the most numerous). Other groups may petition the Chairman of Parliament for inclusion if they believe that they fulfill the requirements.

The law considers the establishment of local minority self-governments a precondition for the enforcement of the rights of ethnic minorities. For this reason, local minority self-government elections, in conjunction with local government elections, have been held since 1994. Any of the 13 minorities can set up a minority self-government if at least 50 valid votes are cast in settlements with fewer than 10,000 inhabitants and if at least 100 votes are cast in larger settlements. Since ethnicity is not registered officially, voting on minority self-governments is not limited to the minorities themselves; all the voters receive a minority ballot in addition to the local government ballot. The elected local minority self-governments can elect their national minority self-governments; all 13 minorities have formed national self-governments.

This model of minority self-government has been criticized mainly on two grounds: first, several minority representatives have objected to the fact that members of the majority can vote for minority candidates and thus influence minority politics. However, no alternative has been outlined yet since all parties rejected the idea of registering members of minorities. Second, critics call for an increase in the competence of the minority self-governments and considerably more financial resources for them. However, this would

require modification of the law, which is not expected in the near future.

There were 770 Romani minority self-governments elected in the local elections in October 1998, a significant increase over the 477 elected self-governments in the first minority elections held in 1994. The new self-governments began operating in January. Of the 477 elected in 1994, 396 still are functioning; the discrepancy reflected the number that ceased functioning between 1994 and 1998 due to a lack of funds. All of the Romani self-governments elected in 1998 were still operating. With some funding from the central budget and some logistical support from local governments, these bodies seek to influence and oversee matters affecting minorities. The Romani minority poses a special challenge for the system of national minority self-governments. In contrast to other minorities for whom the preservation of their identity and culture is the basic goal, the Roma also have to contend with the fact that they generally belong to the lowest socio-economic strata of Hungarian society. Ethnicity and poverty coincide with Roma; therefore, the Romani self-governments are faced with the task of improving the lives of their constituents with no additional resources. The concept of minority self-governments is in itself new, and policies still are evolving.

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

Roma constitute at least 5 percent of the population, with some estimates going as high as 9 percent. In view of the higher birth rate among Roma, compared with the general decline in the Hungarian population, this percentage is likely to remain constant or grow. This fact causes concern among a substantial portion of the majority population. Germans, the second largest minority group, constitute about 2 percent of the population. Smaller communities of Slovaks, Croats, Romanians, Poles, Ukrainians, Greeks, Serbs, Slovenes, Armenians, Ruthenians, and Bulgarians are recognized as ethnic minorities. A new census is to be conducted in 2000. Ethnicity and religion are only optional questions, so this may or may not provide a more accurate estimate of the actual numbers of the minority populations.

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.

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. The Government plans to reduce the limit on unemployment benefits from 1 year to 9 months, which will affect the Romani community disproportionately, with its high unemployment rate, and exacerbate the poverty of this large segment of society. This is likely in turn to reinforce negative stereotypes of Roma as poor, shiftless, and a social burden.

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 mental 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. On September 6, the Minister of Education and the parliamentary Ombudsman for Minority Rights announced at a press conference that there is segregation in the country's educational system. The statement followed the publication of a report by the Ombudsman's office that found that the high proportion of Romani children in "special schools" for the mentally disabled was a sign of prejudice and a failure of the public education system. Schools for Roma are more crowded, more poorly equipped, and in markedly poorer condition than those attended by non-Roma. Only 1.5 percent of the Romani community graduate from high school, while 0.001 percent graduate from college or university. There are programs aimed at increasing these numbers (the Romaversitas program supports Romani students finishing degrees in institutions of higher education, and there is a Department of Roma Studies in the Teachers' Training College in Pecs). Nonetheless, the impact has yet to be significant. The Hungarian Helsinki Committee found that there are 132 segregated schools throughout the country. The Government contests these claims of human rights organizations and states that the Romani schools are designed to provide intensive help for disadvantaged children. An interministerial committee was established in the fall and is led by the Minister of Justice. This committee was tasked with assigning Romani affairs desk officers in each ministry. There is currently such a desk officer in the Ministry of Education, who is himself a Rom.

In what is considered a landmark case, in July 1998 a court ordered a bar owner in the city of Pecs to pay a \$750 fine and take out a 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, among others, 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 were 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.). Foreigners of color reported harassment by police and at border control checkpoints. The Martin Luther King Organization (MLKO), which documents assaults on nonwhites, reports a gradual decrease in the number of such incidents over the past several years, with three such cases in the first 9 months of the year. However, MLKO sources believe that many cases go unreported.

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.

On February 14, hundreds of neo-Nazis battled police in a bar in Budapest after an international gathering of skinheads on February 13 commemorating the end of the 1944-45 siege of Budapest. After a clash that began when neo-Nazis attacked police officers on routine patrol, eight police officers were injured and 34 protesters were taken into custody. Authorities expelled 26 of the foreign neo-Nazis from the country, and police arrested 8 skinheads (including 2 Hungarian citizens). On February 25, a court found six of the neo-Nazis guilty of a "group attack" and declared them *personae non grata*.

On August 29, a group of approximately 30 persons attacked a Romani family in a village near Nyiregyhaza. The attackers beat male members of the family, eight of whom were treated in the hospital for injuries. Local police reported that they interrogated two suspects in the case.

On October 17, a group of skinheads attacked two Roma at a pub in Kakucs. One Rom suffered serious injuries as a result of the beating. Local police began an investigation in the case, but no results were reported by year's end.

## 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.

On January 4, the Free Union of Railway Workers (one of three major unions of railway workers) went on strike over a dispute about wage increases, after the other two unions had signed a contract. The striking workers returned to work on January 8, after a labor court ruled that the strike was illegal. The decision was overturned a few months later by a court of second instance, which ruled that the union did not have to pay damages.

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 discouraged actively 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 Labor Affairs Council (OMT), which succeeded the Interest Reconciliation Council in April and which

provides a forum for tripartite consultation among representatives from management, employees, and the Government. The OMT discusses issues such as wage increases and the setting of the minimum wage, which is negotiated centrally within the OMT 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 labor-related 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. The Government converted the family allowance into a school attendance allowance in September. This measure was intended to "force" children to go to school, but some Romani NGO's fear that this may be another form of discrimination against Roma, many of whom live in small villages with no high schools within manageable distance. Furthermore, the extreme poverty of many Roma makes it difficult for them to clothe their children appropriately for school. Taking away the family allowance is thus seen by Roma as punishment for not doing something they cannot afford, while it is seen by the Government as a way to provide incentives for greater commitment to education among Roma and as an effort to end a cycle of poverty in which impoverished Roma bring up large and illiterate families, whose members themselves later may become public burdens.

#### e. Acceptable Conditions of Work

The OMT establishes the legal minimum wage, which is subsequently implemented by Ministry of Social and Family Affairs decree. The minimum wage, \$95 (22,500 Huf) per month, is insufficient to provide a decent standard of living for a worker and family. This is only 35 percent of the average wage. Many workers supplement their primary employment with second jobs, and there are reports that many citizens, while officially earning the minimum wage, actually make more. Reporting the minimum wage is a way for both employer and employee to avoid paying higher taxes.

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

#### f. Trafficking in Persons

Although the country was once primarily a source for women and children trafficked for the purpose of forced prostitution, it increasingly is a transit and destination point as well. The penalty for trafficking is between 1 and 5 years in prison; however, if an organized trafficking ring is involved, the sentence can be doubled. A recent amendment to the alien law provides for immediate expulsion from the country of foreign traffickers. The Government has concluded agreements with 10 European countries to facilitate improved police cooperation to combat organized crime and trafficking in persons. However, prosecution of traffickers is difficult since there is no legislation to protect victims. Parliament passed a resolution in July that called for a victim protection plan; however, the plan was not implemented at year's end, nor was it aimed primarily at victims of trafficking. Branches of a new Victim Protection Office, which provide psychological support services and legal advocacy for victims, safeguard their rights, and attempt to minimize the trauma of trials, began operating in a few towns in the fall. This office does not deal exclusively or even primarily with victims of trafficking. Many of the victims of trafficking are brought to the country by organized crime syndicates, either for work in Budapest's thriving sex industry or for transit to Western Europe or North America. Russian-speaking organized crime syndicates are active in trafficking women primarily from Ukraine and other countries of the former Soviet Union to the European Union via Hungary.

The International Organization for Migration launched a program funded by the European Union to raise awareness of the problem of trafficking and to educate potential victims in November.

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