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2009 Human Rights Report: Hungary

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2009 Country Reports on Human Right Practices](#)

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Hungary is a republic with a population of approximately 10 million and a multiparty parliamentary democracy. Legislative authority is vested in the unicameral parliament (National Assembly). The National Assembly elects the head of state, the president, every five years. The president appoints a prime minister from the majority party or coalition. The National Assembly elections in 2006 were assessed as free and fair. On April 14, parliament passed a constructive vote of no confidence that removed the minority Socialist government led by Ferenc Gyurcsany and installed a new minority government headed by Gordon Bajnai. Civilian authorities generally maintained effective control of the security forces.

Human rights problems included police use of excessive force against suspects, particularly Roma; government corruption; societal violence against women and children; sexual harassment of women; and trafficking in persons. Other problems worsened, such as extremist violence and harsh rhetoric against ethnic and religious minority groups. Extremists increasingly targeted Roma, resulting in the deaths of four Roma and multiple injuries to others. Discrimination against Roma in education, housing, employment, and access to social services continued.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, an off-duty police officer was one of four attackers accused of killing a man during a robbery in Budapest on December 10. On December 12, the officer was suspended from duty and placed in pretrial detention. His case was pending at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, nongovernmental organizations (NGOs) reported that police harassed and used excessive force against suspects, particularly Roma.

According to the Office of the Prosecutor General, during the year there were 18 complaints of police use of force during interrogation. The complaints resulted in 17 indictments of 11 police officers.

On December 12, a Romani man filed a complaint against five police officers who allegedly assaulted him the previous night. The man claimed that the officers stopped him while he was walking home, beat him, and discharged a gun next to his head. He said they then forced him into a patrol car and dumped him near a lake on the outskirts of town. The man suffered minor injuries. The Prosecutor's Office in Eger opened an investigation, which continued at year's end.

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On January 21, citing lack of evidence, the Prosecutor's Office in Eger closed its investigation of alleged police abuse of five Romani men and two Romani women in 2007 during an identity check in Heves. The Romani plaintiff then filed an appeal, which the Heves County Prosecutor's Office rejected on March 13. Since the law allows citizens to file criminal charges without the assistance of a state prosecutor, on May 25 the defendants filed a new charge directly with the Heves County Court. On September 14, the Heves County Court suspended the case until another case, alleging violence by the Roma against the police, was decided. On October 20, the Metropolitan Court of Appeals upheld the suspension of the case. Both the case initiated by the Romani man against the police and the one initiated by police against the Romani man were pending in the Heves County Court at the end of the year.

In 2007, citing lack of evidence, the Budapest Prosecutor's Office dropped charges against five police officers accused of raping a woman in May 2007. Instead, in 2008 the Prosecutor's Office charged the woman with falsely accusing the five officers. The woman then filed a new criminal charge, and authorities suspended the case against her until the second criminal case against the police officers could be adjudicated. The case was pending at year's end.

On June 16, the Pecs Appellate Court convicted three police officers from Somogy County of abuse of authority for humiliating two men with mental disabilities during questioning in a 2007 theft investigation. The court fined the three officers and delegated any further disciplinary action to their supervisor. The Hungarian Helsinki Committee (HHC) criticized the court for not discharging the officers.

Authorities conducted 203 criminal investigations into allegations of police misconduct during demonstrations in 2006. In eight cases the court rejected the charges. Prosecutors terminated their investigations in 171 cases, mainly because authorities could not identify the individual perpetrators. The prosecutor pressed charges of causing bodily injury in 20 cases. Of that number, the court made legally binding rulings in 10 cases; the remaining 10 cases awaited action at year's end. One case remained under investigation, while three were transferred to the military prosecutor's office at the end of the year. The Budapest Investigative Prosecutor's Office repeatedly stated that while the top echelon of the police force properly assisted in the investigations, lower-ranking leaders were not helpful. Unit commanders claimed on a number of occasions they could not recognize the members of their units on video recordings. Officers, most of whom wore masks or helmets without identification numbers, often testified that they witnessed the incidents but could not identify the perpetrators.

In civil proceedings arising from the 2006 demonstrations, the Budapest municipal court issued seven verdicts during the year, ordering police authorities to pay 7,850,000 forint (\$38,000) to compensate eight demonstrators who were either beaten or illegally detained in 2006.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards, and the government permitted visits by independent human rights observers.

The government closed a "less cost-effective" prison, which increased prison overcrowding at other facilities. The prison population increased to 129 percent of capacity compared with 117 percent in 2008. On December 1, 15,627 inmates were in prisons and detention centers.

According to the HHC, prison overcrowding was accompanied by a shortage of bed linens, towels, clothing, and adequate medical care. Sanitation and toilet facilities were also poor in some facilities. In some prisons toilets were not separate from living spaces. Many police holding cells did not have toilets and running water in the cells; lighting and ventilation were often inadequate as well. The HHC also noted that detainees who made allegations of physical mistreatment often were not examined by an independent medical expert.

According to authorities, during the year five inmates committed suicide.

On February 13, a 56-year-old pretrial detainee died of his injuries after prison guards allegedly beat him in the Kaposvar prison. Following an investigation by the Kaposvar Military Prosecutor's Office, the commander of the Hungarian Penitentiary Service dismissed the Somogy County prison governor. The Military Prosecutor's Office charged three prison guards with mistreatment. The case was pending at year's end.

A court convicted two prison guards of physical abuse in an official capacity in connection with an attack on an inmate in the Miskolc Prison in October 2008. The inmate reported that the guards severely beat him after a disagreement. The guards appealed, and the case was pending at year's end.

The HHC reported that it conducted four visits to various prisons and met with prisoners without the presence of prison officials.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions. According to the Prosecutor General's Office, there were 65 official complaints of arbitrary detention. The Prosecutor General's Office rejected 22 complaints and initiated indictments in three cases.

Role of the Police and Security Apparatus

The Hungarian National Police (HNP), which operates under the direction of the Ministry of Justice and Law Enforcement, is responsible for enforcing laws and maintaining order nationwide. Twenty regional police departments are directly subordinate to the HNP; city police are subordinate to the regional police and have local jurisdiction. Three organizations within the HNP have national jurisdiction: the Republican Guard; the National Bureau of Investigation; and the Emergency Police (formerly called Rebisz), which are also responsible for counterterrorism and crowd control.

On May 18, the police trade union Ready for Action (TMRSZ), which represented more than 6,000 officers--approximately 13 percent of the police force--and the extreme nationalist Movement for a Better Hungary (Jobbik) signed a cooperation agreement that generated public controversy. Although the law forbids police officers from joining political parties, Jobbik placed the secretary general of the union fourth on its list of candidates in the June 7 elections for seats in the European Parliament (EP). Jobbik received just less than 15 percent of the votes and won three seats in the EP. The minister of justice and law enforcement and the national police chief criticized the agreement, and the Office of the Prosecutor General initiated legal proceedings against TMRSZ. On June 3, the chief prosecutor ruled that the leaders of the TMRSZ violated the law when they signed the agreement with Jobbik.

Corruption within police agencies remained a problem. Penalties for police officers found guilty of wrongdoing include reprimand, dismissal, and criminal prosecution.

During the first 10 months of the year, authorities found 2,458 police officers responsible for breaching discipline, 716 guilty of misdemeanor offenses, and 26 unfit for duty. No information was available on the number of police officers charged with criminal offenses.

During the first 10 months of the year, four police officers were sentenced to prison, 28 received suspended sentences, 213 were fined, five were demoted, 26 were dismissed, and 42 were reprimanded. No information was available on the number placed on probation. In addition 10 police officers were convicted of corruption.

The military prosecutor's office is responsible for conducting proceedings involving any member of the armed forces charged with a criminal offence.

The Independent Police Complaints Board (IPCB), established in 2008, continued to investigate violations and omissions by the police that substantively concerned fundamental rights. The five-member body, appointed by a two-thirds majority of the National Assembly, functions independently of police authorities. As of December 15, the board had received 697 complaints filed by the public. It reviewed 457 complaints and found legal violations in 215. The board forwarded 52 cases to the national police chief, who agreed with the findings in eight, partially accepted the findings in 23, and rejected the remainder.

The HHC reported that police officials accused of a crime routinely received preferential treatment from the courts. According to the HHC, police officers generally were not suspended from duty during criminal proceedings, and those convicted received disproportionately light punishments. In addition a special provision in the penal code allows courts to clear convictions from the official record, thereby allowing police officers to continue working.

Arrest Procedures and Treatment While in Detention

The law requires police to obtain a warrant based on sufficient evidence from a prosecutor's office, a court, or the police department to make an arrest.

Police must inform suspects of the charges against them and of the section of the criminal code under which they are charged at the beginning of their first interrogation, which must be within 24 hours from the time of their detention. The authorities generally respected this right.

Persons may be subject to "short-term arrest" if they are caught committing a crime; are suspected of having committed a crime; are the subject of an arrest warrant; or are unable or unwilling to identify themselves. Short-term arrests generally lasted eight hours, but could last up to 12 hours in exceptional cases. However, if a suspect poses a threat to public security, police may detain him or her for 24 hours. Police and the prosecutor's office can order the detention of suspects caught in the act, when their identities cannot be established, or if other conditions justify pretrial detention. If the prosecutor's office does not order pretrial detention within 72 hours, police must release the person.

Under the law persons who were detained and later acquitted may receive monetary compensation. According to NGO reports, authorities detained Roma more frequently than non-Roma, and Roma were subjected to racial profiling. Research conducted in 2008 by the HHC and data from the HNP and the National Police College indicated that Roma were three times more likely to be stopped for identification checks than non-Roma, despite data suggesting that Roma are no more likely to be involved in unlawful activities than non-Roma.

According to the Hungarian Penitentiary Service, on December 1, 4,582 persons were in pretrial detention. Of these, 999 had been detained between six months and one year, and 619 had been detained for more than a year. The European Court of Human Rights (ECHR) found the government had violated the right to liberty and security provided under the

European Convention on Human Rights by holding a person in pretrial detention and under house arrest for almost two years and three months.

There is a functioning bail system.

Police must inform suspects of their right to counsel before questioning them. Representation by defense counsel is mandatory when defendants face a charge punishment for which is five years or more in prison; are in detention; are deaf, blind, or suffering from a mental disorder; are unfamiliar with the Hungarian language; are unable to defend themselves in person for any other reason; are juveniles; or are indigent and request the appointment of a defense counsel. When defense counsel is required, defendants have three days to hire an attorney; otherwise, the police or the prosecutor will appoint one. If defendants makes it clear that they are not willing to retain counsel, the police or the prosecutor is required to appoint counsel immediately. However, the police or prosecutor is not obligated to wait for counsel to arrive before interrogating the suspect. According to human rights NGOs, police routinely continued the interrogation immediately after notifying a suspect of his right to counsel.

The HHC advocated reforms to the public defender system to address critical shortcomings. In late 2008 and in the early part of the year, the HHC researched closed criminal cases in various county courts to assess the quality of appointed counsel. The research supported existing empirical data indicating that the performance of appointed counsels was substandard, primarily due to a questionable process whereby investigating authorities appointed defense counsel. The HHC proposed that public defenders be appointed by an independent legal aid organization and reviewed regularly by a professional committee.

The law permits detainees to notify relatives or others of their detention unless the notification would jeopardize the investigation. If the detainee cannot exercise this right, police must perform the notification. However, NGOs reported that in practice police did not fully comply with this requirement.

On March 5, the Tatabanya Municipal Court ordered the detention of an 83-year-old woman while she was ill in the hospital. The order ran counter to a 2007 ruling by the Constitutional Court that the accused must be present in court when pretrial detention is ordered. The Komárom-Esztergom County Court rejected the woman's appeal, but the Tatabanya Appellate Court revoked the pretrial detention order on April 17 following a motion by the HHC. The woman also filed a complaint with the ECHR challenging the circumstances that led to the court-ordered pretrial detention.

According to the HHC, police took 35 demonstrators into custody during official ceremonies on the March 15 holiday. They reportedly strip-searched all of them in violation of the law on short-term arrests. Those arrested also complained that authorities refused to let them contact their family members or lawyers, provided incorrect contact information for the HHC and the Civil Rights Ombudsman, and provided no information about how they might file complaints at the IPCB. The IPCB and the national police chief ruled in several cases that the police had infringed upon the fundamental rights of the complainants.

Amnesty

President Laszlo Solyom issued 20 official pardons during the year.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice.

The country has a four-tier judicial system consisting of local and county courts, appellate courts, and the Supreme Court, which exercises control over the operations and judicial procedures of all other courts. The fourth tier is an 11-member

Constitutional Court, elected by the National Assembly and independent of the judicial system, that reviews the constitutionality of laws and international treaties ratified by the government and may review Supreme Court decisions on constitutional questions. Individuals may bring cases directly to the Constitutional Court.

Military trials follow civil law and may be closed for national security or to protect the privacy of individuals. In all cases sentencing must take place publicly. Civilians may not be tried in military courts.

Trial Procedures

The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. The law extends these rights to all defendants.

Defendants are presumed innocent until proven guilty. There is no jury system; judges are the final arbiters. Judicial proceedings generally are investigative rather than adversarial. Trials are generally public, but the judge can ban or restrict public access to a trial to ensure the participants' privacy or the trial's safety. Depending upon the space available in the courtroom, a judge may limit public access to visitors who have been preregistered. The prosecutor, the victim, the defendant, and the defense counsel may also request that public access to proceedings be restricted in order to protect minors younger than 14 years old, witnesses, or state or business secrets. The court must publically announce the final decision of every case.

The Hungarian Civil Liberties Union (HCLU) repeatedly criticized the courts for restricting the media's access to the courtroom. On August 17, the Office of the Civil Rights Ombudsman also criticized the regulations used to determine which trials should be open to the media. The ombudsman argued that the imposition of restrictions at times led to tumultuous scenes in courtrooms, as well as to arbitrary interpretations of the law. He called for a new standardized law.

Defendants are entitled to counsel who can be present during all phases of the criminal proceedings. Defendants have access to government-held evidence relevant to their cases, may challenge or question witnesses, and may present witnesses and evidence on their own behalf. Defendants have the right of appeal.

Judicial proceedings varied in length; delays of several months to a year were common. During the year the ECHR found that the government had denied complainants a fair hearing within a reasonable time in a case that had lasted 105 years. In 2008 the ECHR found the country guilty of 39 violations of provisions of the European Convention on Human Rights concerning length of proceedings.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. Under the law persons may initiate lawsuits to seek damages for human rights violations; however, fines levied in such cases are payable to the state and not the victim. Generally, the fines were too small to deter violators.

Property Restitution

The government continued to facilitate the restitution of religious properties confiscated by the state during the communist era and sought to ensure that all religious organizations had an equal opportunity to regain control over their former property. Nevertheless, some important cases remained unresolved.

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

The constitution and law prohibit such actions, and in practice the government generally respected these prohibitions.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press; however, there were charges that the state-owned Public Service Broadcasting was politically influenced due to improper media regulations.

Individuals could criticize the government in public or private without reprisal; however, individuals, including journalists, can be held liable for their published statements or for publicizing libelous statements made by others. Libel is a criminal offense. Officials continued to use the libel laws to claim compensation for perceived injuries to their character.

On October 1, police opened an investigation, including taking fingerprints, of a journalist from the newspaper *Magyar Hirlap* after State Secretary Laszlo Keller accused him of defamation in two articles by the journalist that were published on January 28 and February 2. In the articles the journalist highlighted a ruling by the Constitutional Court, published in December 2008, that revealed a legislative mistake associated with Keller. In response to the investigation, the journalist launched an official complaint against the police, arguing that in the case of a criminal charge filed by a private citizen, they were not authorized to investigate or fingerprint a suspect without the assistance of a state prosecutor. The police apologized for the investigation and the fingerprinting procedure; they initiated disciplinary measures against the officer deemed responsible. The police investigation into the libel case was pending at year's end.

The criminal code includes provisions against incitement of hatred and hate-inspired violence. Any person who publicly incites hatred against any national, ethnic, or racial group or certain other groups of the population is guilty of a misdemeanor punishable by imprisonment for up to three years. Additionally, any person who assaults someone because he belongs to a national, ethnic, racial, or religious group is guilty of a felony punishable by imprisonment up to five years. An amendment that came into force on January 1 included a provision making preparations for the use of force against any member of the community a misdemeanor punishable by imprisonment for up to two years.

Courts have failed to convict persons of inciting hatred when no physical assault followed. Under the civil code, a person specifically targeted by hate speech may file a civil suit, but, as long as the speech remains abstract and does not mention any specific individual, there is no legal recourse. On February 24, a report on the country by the European Commission against Racism and Intolerance stated that "the very high level of constitutional protection afforded to the freedom of expression has to date made it impossible for the authorities to legislate effectively against racist expression."

The law prohibits the public display of certain symbols, including the swastika, the hammer and sickle, the five-pointed red star, and the arrow cross, a symbol associated with the country's fascist World War II-era government.

On March 10, the Supreme Court acquitted Attila Vajnai, the deputy chairman of the Workers' Party of Hungary, of the charge of publicly using totalitarian symbols when he wore a five-pointed red star on his lapel during a 2003 demonstration. The decision responded to the ECHR ruling in July 2008 that Vajnai's right to freedom of expression had been violated when the municipal court found him guilty of a misdemeanor for displaying the five-pointed red star. The ECHR also noted that the country's laws prohibiting the use of totalitarian symbols were indiscriminately applied and too broad.

An active and independent media expressed a wide variety of views without restriction; however, the traditionally nonpartisan state-owned radio and television stations, which accounted for 18 and 14 percent, respectively, of the media market, in some instances took into greater consideration the concerns of the main opposition party.

The National Television and Radio Commission (ORTT) is responsible for monitoring public and commercial broadcasting outlets and for granting licenses and frequencies. The president and prime minister jointly nominate the head of the six-member commission, and the National Assembly appoints the five other members. The board monitors news broadcasts to ensure equal treatment of all political parties.

On October 28, the ORTT awarded the licenses of the only two frequencies that broadcast throughout the country to companies believed to be associated with the two major political parties. Two long-term foreign investors previously held the licenses. Press reports suggested that the tender process was tainted. On the following day, the president of ORTT, Laszlo Majtenyi, resigned, stating it was impossible to keep the broadcast media regulator free of party politics.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to International Telecommunication Union statistics for 2008, approximately 59 percent of the country's inhabitants used the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for freedom of assembly and association, and the government generally respected these rights in practice.

During 2008 the ECHR found one violation by the country of freedom of assembly and association as provided under the European Convention on Human Rights.

Freedom of Assembly

Under the law demonstrations do not require a police permit, but event organizers must inform police of a planned assembly in a public place at least three days in advance. The law authorizes police to prohibit any gathering if it seriously endangers the peaceful operation of representative bodies or courts, or if it is not possible to ensure alternate routes for traffic. However, the police are not required to disband a spontaneous assembly that remains peaceful. During the first nine months of the year, police prohibited 53 demonstrations or approximately 5 percent of the total number of announced demonstrations.

During the year the HHC and other human rights organizations repeatedly underlined the need to modify the law on assembly to clarify when the police may prevent a public gathering. According to the HHC, the present regulations do not permit the police to prevent any demonstration based on the conviction that the demonstrators are highly likely to commit a criminal offense. According to NGOs the shortcomings of the present regulations resulted in sometimes inconsistent police practices.

On the March 15 holiday, police placed two men under short-term arrest during an official ceremony conducted by the prime minister. They charged the men with not complying with a police order to stop shouting that the prime minister

should resign. At the police station, authorities strip-searched the two men. The police fined them for "infringing the freedom of association, the freedom of assembly, and the right to participate in electoral assemblies."

On March 18, an internal police investigation concluded that, although the arrest was legal, the four police officers violated the short-term arrest procedure by strip-searching the men. On May 24, the civil rights ombudsman issued a special report asserting it was not possible to commit the petty offenses with which the two men were charged during such public events.

On June 3, the IPCB ruled that the police actions seriously infringed upon the fundamental rights of the two men, including their right to freedom of expression, right to personal liberty, right to fair proceedings, and their human dignity. On October 1, the Pest Central District Court stated that official ceremonies organized by the state do not fall under the scope of the act dealing with the right to assembly and, consequently, the two men could not have committed the offence of "violating the right to assembly."

The ambiguity in police guidance concerning the law of assembly was evident during a July 4 demonstration of the far-right Magyar Garda in Budapest. Protesters, most of whom wore Magyar Garda uniforms, organized the demonstration in response to a July 2 court ruling banning the organization. They did not notify police. Police told several hundred demonstrators to leave the area. When the crowd refused to disperse, police used tear gas. Some demonstrators began throwing bottles at police officers. Police arrested 216 demonstrators, including the Magyar Garda and Jobbik Party chairman, Gabor Vona.

On September 10, Mate Szabo, the parliamentary commissioner for civil rights, released a report criticizing police for not providing a reason for dispersing the peaceful demonstration. According to the HHC, police had legal grounds for breaking up the demonstration, because it infringed the rights and freedom of others. The HCLU criticized police for failing to act proportionately and gradually while disbanding the demonstration.

On August 12, the police denied a demonstration request for a neo-Nazi procession to commemorate the Nazi war criminal Rudolf Hess that was planned by the Hungarian National Socialist Front for August 15 in Budapest. The police ruled that the demonstration would violate international conventions. The HCLU contended that police did not have the right to prohibit the procession in advance, but instead should have advised the organizers that they would break up any demonstration involving crime or violating other persons' rights.

On August 22, the Magyar Garda, which is a banned organization, held a swearing-in ceremony for 620 new members on private land in Szentendre after the police denied their request for a permit to hold the assembly in Budapest. Police entered the private land after participants marched in formation wearing the same uniforms used by the banned organization. Police initiated legal proceedings against 176 individuals, charging them with "participation in the activities of a banned social organization." The cases were pending at year's end.

On November 14, in Sajobabony, local Roma attempted to break up a Magyar Garda assembly during a Jobbik party political rally. After a group of Roma assaulted one of the organizers, Jobbik and the Magyar Garda members proceeded to the Romani section of town. Several clashes and damage to vehicles resulted. On November 15, police responded by establishing several checkpoints leading into town.

Freedom of Association

The constitution and the law provide for freedom of association, and the government generally respected this right.

On December 15, the Supreme Court, upholding an earlier appeals court decision, dissolved the far-right paramilitary group, Magyar Garda Association (MGA). Jobbik Party Chairman Vona formed the MGA in 2007, following violent 2006 antigovernment demonstrations, in order to "preserve the country's traditions and culture." The MGA staged marches in

various towns and rural communities wearing uniforms and depicting "Gypsy crime" as a major threat to public security. The court ruled that the MGA curtailed the freedom and the rights of others and "triggered a risk of violence" during its rallies.

c. Freedom of Religion

The constitution and the law provide for freedom of religion, and the government generally respected this right in practice.

There is no state religion, and under the law every registered religious group is entitled to the same rights. The four "historical" religious groups (Catholic, Reformed, Lutheran, and Jewish) received 93 percent of state financial support provided to religious groups.

According to supreme court records, 361 churches were registered as of May. To register, a religious group must submit a statement to a county court declaring that it has at least 100 followers. The court determines whether the registration of the new group complies with constitutional and legal requirements.

A 2007 report by the State Audit Office concluded that the government underpaid subsidies to schools operated by religious organizations by 2.7 billion forints (\$14.2 million) in 2005 and 2006. Although support increased during the year to 66.2 billion forint (\$348 million), the "historical" religious groups wanted the method for calculating state funding written into law. The issue remained unresolved at year's end.

Societal Abuses and Discrimination

The Jewish population was estimated to be between 80,000 and 100,000. During the year anti-Semitic incidents, including vandalism, continued, but the Federation of Jewish Communities in Hungary (MAZSIHISZ) reported that anti-Semitism did not increase in the year compared with 2008. According to police there were 124 reports of vandalism or destruction of Jewish and Christian properties (nine in houses of worship and 115 in cemeteries) during the first 10 months of the year compared with 365 cases reported in 2008.

The privately owned weekly newspapers *Magyar Demokrata* and *Magyar Forum* continued to publish anti-Semitic articles.

There were several extremist Hungarian-language Web sites, many of them openly anti-Semitic. NGOs reported that the government monitored the content of these sites to enforce the prohibition against public display of such symbols as the swastika, the hammer and sickle, the five-pointed red star, and the arrow cross.

During the year the prime minister, other senior government officials, and representatives of other parties routinely denounced extremist movements; they initiated and participated in several demonstrations promoting tolerance.

On February 24, the World Jewish Congress joined MAZSIHISZ in criticizing anti-Semitic comments made by a local government official, Attila Kiss, from Rajka. Kiss called on other officials to take up "sickles and swords" and "exorcise" the local synagogue. MAZSIHISZ lodged an official complaint against Kiss, which the Prosecutor's Office subsequently rejected.

On April 4, Jobbik, Magyar Garda, and the Hungarian National Front co-organized an event commemorating the 1882 "blood libel" trial in which residents of Tiszaeszlar accused the local Jewish community of killing a 14-year-old Christian peasant girl in order to use her blood for a religious ceremony. The police ordered an investigation into the event after the media reported that the approximately 80 participants made anti-Semitic comments. On December 3, the police concluded the investigation due to the lack of evidence of the crime of "incitement against a community."

On April 18, a day before the March of the Living procession organized by the Jewish communities, far-right demonstrators marched to the German embassy in Budapest to deny the Holocaust and to raise their voices against "Zionist world-rule." An estimated 250 persons, including 60 wearing Magyar Garda uniforms, held posters reading, "Down with the Holocaust doctrine" and "the Third Reich strikes back." Others wore shirts that said, "Dare to be white." MGA Captain Istvan Dosa said in a speech that "nothing from the Holocaust is true," and then he read a petition addressed to the German embassy. The Budapest police initiated legal procedures against Dosa and another speaker for "incitement against a community." However, the participants also made an official complaint concerning police actions in connection with the march, which the prosecutor's office supported. Consequently, the police dropped their investigation of the march.

On June 30, three men beat a 27-year-old Jewish man after asking if he was a Jew. The victim suffered minor injuries. The prime minister asked the minister of justice and law enforcement to supervise and accelerate the investigation and to present proposals on how to avoid similar incidents. On December 23, the police arrested two persons, one 16 years old and the other 18 years old, in connection with the attack and initiated an investigation of violence against a member of a community. The case was pending at year's end.

On July 9, the prime minister appealed to police agencies for increased vigilance regarding racist attacks against Jews and other minorities.

On September 5, during a pride parade, approximately 20 demonstrators whom police had pushed out of Varoshaz Square began shouting "nasty Jews" in the direction of Budapest's largest synagogue. The demonstrators threw an empty beer bottle at the synagogue and tore down a hanging banner advertising the Jewish Summer Festival. They set the banner, along with a temporary reed fence near the synagogue, on fire. Police quickly extinguished the fire. They opened an investigation into the incident, and the case was pending at the end of the year.

On October 26, a 22-year-old man smashed a memorial plaque dedicated to Armin Kecskemeti, chief rabbi of Mako for more than 40 years, who died in a concentration camp in 1944. The perpetrator also wrote "what six million?" and "lying swine" on the wall. Two days later the police captured a suspect and initiated proceedings against him on vandalism charges. On November 11, President Laszlo Solyom laid a wreath at the restored plaque and said he considers it necessary to counteract the "barbaric act of a drunken man" and to ensure that positive aspects of the history of the country and Jewry reach public awareness. The case against the man was pending at year's end.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law does not provide for forced exile, and the government did not employ it.

Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

In practice the government provided protection against the expulsion or the return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

On April 21, the prosecutor general determined that the Office of Immigration and Nationality (OIN) was unlawfully detaining certain asylum seekers. The prosecutor general sent a notice to the OIN demanding that it immediately enforce the law by releasing all asylum seekers whose applications had been admitted into the final asylum procedure. The OIN challenged this notice at the Ministry of Justice and Law Enforcement, suggesting an amendment to the law. The HHC reported that the unlawful practice continued at the end of the year despite the prosecutor general's intervention.

During the first six months of the year, the OIN received 2,269 applications for refugee status, of which it approved 114. The government also provided temporary protection to individuals who may not qualify as refugees and provided it to approximately 23 persons during the year.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

In 2006 Prime Minister Gyurcsany and his Socialist-Liberal coalition were returned to office in a free and fair election. The coalition subsequently dissolved and, on April 20, a new government headed by Prime Minister Bajnai assumed office.

On June 7, the country held elections to the European Parliament that were considered free and fair.

There were no government restrictions on political parties.

The 386-seat National Assembly included 43 women. There were two women in Gyurcsany's cabinet, but none in Bajnai's. Due to data privacy laws, no information was available on the number of minorities in the National Assembly or the cabinet.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and NGOs contended that officials often engaged in corrupt practices with impunity.

Corruption in the executive and legislative branches reportedly increased during the year, and numerous cases of alleged corruption received significant public attention. According to the World Bank's Worldwide Governance Indicators, government corruption was a problem. Low-level corruption among police officials remained a problem.

On February 10, the Chief Prosecutor's Office ordered the pretrial detention of the mayor of Budapest's Seventh District, Gyorgy Hunvald, on suspicion of real estate fraud, bribery, and forgery of documents. Budapest's Seventh District, especially the area called the "Jewish quarter," has been the center of suspected real estate fraud for years. At the end of the year, the Central Investigative Chief Prosecutor's Office continued investigating the significantly lower-than-market sale price in 2003 and 2004 of 14 formerly state-owned buildings, which cost the district 970 million forint (\$5.1 million).

During the year the police opened an investigation into the Budapest Public Transport Company (BKV) in connection with 1.7 billion forint (\$9 million) in severance payments to 100 persons over the previous six years. BKV chief executive officer Istvan Kocsis reported to the police that employment contracts signed by previous management teams were disadvantageous for the company. Leaked information on the company's confidential employment terms, salaries, and

bonuses generated a strong negative public reaction. In response, the government issued a decree on August 28, requiring state-owned companies and institutions to publish senior executives' salaries. However, some publicly owned companies remained reluctant to release such data.

On December 7, the police arrested the directors of Budapest Airport and the BKV on suspicion of bribery, malpractice, and other crimes. Their cases were pending at the end of the year.

On December 14, parliament passed an anticorruption package designed to track disbursement of public funds and promote public trust. The law introduced whistleblower protection measures as well as a new national anticorruption authority empowered to review all public procurement and to forward any suspected criminal cases to prosecutors. However, President Solyom only signed the whistleblower protection measure and returned the legislation on the anticorruption authority to parliament for reconsideration. Parliament did not act further on the bill by the end of the year.

The National Assembly, high-level government officials, civil and public servants, and police officials disclosed their financial status on a regular basis, as the law requires.

Several government offices were responsible for combating corruption. The State Audit Office audited the public sector and campaign spending of political parties. The independent judiciary, the prosecutors, the police, and in certain cases the customs and finance guard were responsible for investigating corruption. Special agencies such as the competition authority and the supervisory body of financial institutions were responsible for ensuring fair and transparent market conditions.

The 18-member Anticorruption Coordination Board ceased its activity. The board originally consisted of cabinet members, representatives of nongovernmental state institutions, and NGOs. However, in 2008 three NGO representatives left the board and were not replaced.

The constitution and law provide both citizens and foreigners the right to access state-held information, although the government may restrict this in order to protect legitimate state interests. Requestors can appeal in court a state institution's decision to deny access. Government offices charged a fee to cover copying costs. Government offices were required to report access requests and detail reasons for denials to the data protection ombudsman. According to the latest statistics published by the ombudsman, government offices received 78,245 requests in 2008 and rejected 35 because they involved commercial secrets or the offices concerned lacked authority to act. The HCLU contended that the ombudsman's statistics were highly inaccurate and claimed that the government denied approximately 80 percent of their requests.

During the year the ECHR ruled that in 2004 the government had improperly denied the HCLU access to public information regarding drug policy.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The Council of Europe's Committee for the Prevention of Torture visited the country from March 24 until April 24; a report of the visit had not been published.

There are four parliamentary commissioners (ombudsmen) for civil rights, national and ethnic minority rights, data protection, and future generations. They examine constitutional rights violations and initiate individual or general proceedings to prevent further violations. Following nominations by the president, a two-thirds parliamentary majority

elects the ombudsmen for six years. The ombudsmen are responsible only to the parliament, which allocates their financial resources in the annual state budget and votes on their annual report. The ombudsmen operated without government or party interference and published several reports during the year. The public perception of the ombudsmen's activities was generally positive.

The Parliamentary Committee for Human Rights and Minority, Civil, and Religious Affairs has 19 members selected in proportion to the parties' seats in parliament and is chaired by Zoltan Balog. The committee debates and reports on human rights-related bills and supervises the human rights-related activities of the ministers.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status; however, the government failed to enforce these rights fully in practice.

During the year the Equal Treatment Authority (ETA) in the Ministry of Social Affairs and Labor, which monitors enforcement of antidiscrimination laws, received 1,087 complaints. These led the ETA to initiate 368 inquiries, and it determined that 51 complaints were justified. In the "justified" cases, the ETA ordered employers to stop their illegal activities, refrain from further wrongdoing, and in 19 instances, pay penalties ranging from 200,000 forint to five million forint (\$2,650 to \$15,900).

Women

Rape, including spousal rape, is illegal, but the crime was often unreported. Under the law a sexual assault is considered to be rape only if it involves the use of force or threats. Penalties for rape range from two to eight years in prison and can be as long as 15 years in aggravated cases.

During the year the prosecutor's offices pressed rape charges in 103 cases against 116 individuals, all of whom were convicted.

The law does not specifically prohibit domestic violence or spousal abuse. The charge of assault and battery, which carries a maximum prison term of eight years, was used to prosecute domestic violence cases. On June 22, parliament adopted the Restraining Act in Cases of Violence between Relatives. Under the law police may issue an emergency order valid for three days, and courts are authorized to issue longer-term restraining orders. According to women's rights NGOs, the law does not provide appropriate protection for the victims and does not place sufficient emphasis on the accountability of perpetrators.

Expert research in the field of family violence indicated that approximately 20 percent of women in the country had been physically assaulted or victimized by domestic violence. According to the HNP, 5,522 women were reported to be victims of domestic violence during the first 10 months of the year, compared with 2,137 in 2008; however, most incidents of domestic violence went unreported due to fear and shame on the part of victims, and prosecution for domestic violence was rare. Prosecuting those who abused women was difficult because of societal attitudes that tended to blame the victim. Correspondingly, according to NGOs police remained reluctant to arrest abusers due to a lack of confidence that the judicial system would effectively resolve abuse cases.

The Ministry of Social Affairs and Labor operated an Internet site, a 24-hour hotline, and 11 shelters for victims of abuse. During the year the ministry opened four "halfway houses" around the country able to accommodate as many as 16 families (victims of domestic violence) for up to five years.

Prostitution is legal, but persons engaged in prostitution could only work legally in certain locations away from schools and churches. The Hungarian Prostitutes' Interest Protection Association estimates that between 15,000 and 20,000 persons

regularly engaged in prostitution. Buying sexual services from a person younger than 18 years old is a crime punishable by up to three years' imprisonment. According to NGO reports, the number of females younger than 18 years involved in prostitution has increased in recent years.

The law provides the right to a secure workplace and prohibits sexual harassment as a criminal offense. While only two reports of sexual harassment were filed with the ETA, according to NGOs sexual harassment remained a widespread problem. NGOs contended that the law did not clearly define sexual harassment, leaving a lack of legal awareness or incentives to file a case. Only one violation of the law has been found since its passage in 2005.

Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. There was easy access to contraception and to skilled attendance during childbirth, and women were diagnosed and treated for sexually transmitted infections, including HIV, equally with men.

Under the constitution and the law, men and women have equal rights. The ETA was responsible for monitoring the implementation of the Equal Treatment Law and for coordinating governmental activities in the field of gender equality. NGOs pointed out that the law has no gender-specific provisions. NGOs also raised concerns about the ETA's lack of financial and human resources to carry out its mission.

According to the Central Statistical Agency, women continued to earn 17 percent less than men for substantially similar work. The ETA found employer discrimination against women in eight of the 19 complaints it received. There was economic discrimination against women in the workplace, particularly against job seekers older than 50 and those who were pregnant.

Children

The country's citizenship law is based on the principle of *jus sanguinis*, meaning that a person acquires citizenship by birth from a parent who is a citizen. The ECHR found in one case that the government improperly withheld maternity benefits to the children of a citizen father because the mother was not a citizen of the country.

While the law provides free compulsory education for children through 18 years of age, a 2006 study found that more than 82 percent of Roma have eight years of education or less, compared with 36 percent of the rest of the population. Similarly, while an estimated 40 percent of the population had some form of secondary schooling, only 3.1 percent of Roma received such education.

The public education system continued to provide inadequate instruction for minorities in their own languages. Romani language schoolbooks and qualified teachers were in short supply.

Segregation of Romani schoolchildren remained a problem. NGOs and government officials estimated that 20 percent of Romani children were placed without cause in remedial classes for children with mental disabilities, effectively segregating them from other students. Schools with a majority of Romani students employed simplified teaching curricula, were generally less well equipped, and were in significantly worse physical condition than those with non-Roma majorities.

On September 17, the Chance for Children Foundation (CFCF) sued the Ministry of Education and Culture for violating the Equal Opportunity Act by failing to halt the segregation of Romani children in public schools. The case was pending at year's end.

On December 1, the Somogy County Court ruled that the municipality of Kaposvar had unlawfully discriminated against Romani children by segregating them from non-Romani students in a separate school with a simplified curriculum. The municipality appealed the verdict, and the case was pending at year's end.

On December 9, the Jasz-Nagykun-Szolnok County Court ruled that the municipality of Jaszladany did not discriminate against Romani children by segregating them from non-Romani students in a private school established inside the building of the state school and cofinanced by the local government.

Another CFCF lawsuit, against local authorities of Gyor, was pending at year's end.

According to police 4,386 crimes against children were reported during the first 10 months of the year, compared with 3,801 in 2008. Police continued to lack the necessary training, capacity, and institutional support to protect children adequately, particularly in situations involving domestic violence.

The minimum age of consensual sex is 14 years. According to the law, statutory rape is a felony punishable by imprisonment for two to eight years and for five to 10 years if the victim is under 12 years of age. The law prohibits child pornography, which is punishable by up to eight years in prison.

Trafficking in Persons

The law prohibits trafficking in persons for all purposes; however, there were reports that persons were trafficked to, from, through, or within the country.

The principal countries of origin for victims of trafficking through the country were Slovakia, Romania, Ukraine, Moldova, Poland, countries of the former Yugoslavia, and China. The principal destinations were Austria, Germany, Switzerland, the Netherlands, Spain, Italy, Ireland, Denmark, the United States, and the United Kingdom. Women were trafficked primarily for sexual exploitation, while men were trafficked for forced labor. Girls were reportedly trafficked within the country for commercial sexual exploitation. There were no official estimates of the number of victims who were trafficked from or through the country.

The majority of internally trafficked victims originated in the eastern part of the country. The high-risk groups included orphans who reached adulthood, young women from the countryside, and young Romani women.

According to government officials and NGOs, the majority of traffickers were individuals or small, family-based groups. Organized crime syndicates transported many of the trafficking victims to or through the country for forced prostitution. The principal recruitment methods used by traffickers included advertisements for jobs abroad as waitresses or dancers. In some cases the victims may have expected that they would engage in prostitution in their destination countries, but they were not aware of the coercive conditions they would face.

Under the law punishment for trafficking depends upon the circumstances of the offense. The basic punishment is up to three years' imprisonment. Penalties increase to five- and eight-year maximums when two or more of the following occur: the victim is kept in captivity; subjected to forced labor; used for the purpose of sodomy or sexual penetration; or is in the care, custody, supervision, or treatment of the perpetrator. If the crime involves a child under 12, the punishment is five years to life in prison. Any person who makes plans to traffic is guilty of a misdemeanor punishable by imprisonment for up to two years.

NGOs suggested that the weakest features of the antitrafficking effort were the "exchange or trade" provisions of the trafficking act. They provide that any person who sells, purchases, conveys, or receives another person or exchanges one person for another person, or appropriates a person for such purpose for another party, commits the felony offense of trafficking in persons. The low number of prosecutions was due to the strict requirement to prove the trade element. Police investigated 13 trafficking cases during the first eight months of the year and forwarded five to the prosecutor's office.

The government agencies most directly involved in combating trafficking included the ministries of justice and law enforcement and foreign affairs, the HNP, border guards, and customs authorities. An interministerial countertrafficking working group, which included NGOs and international organizations, met quarterly. In addition, there was an International Trafficking Unit within the National Bureau of Investigation.

The government regularly cooperated with other countries in joint trafficking investigations. During the first 10 months of the year, authorities extradited seven persons on trafficking charges, while two persons were extradited from abroad to the country.

There were approximately 60 regional and local general victim protection offices and 11 crisis centers where trafficking victims could receive psychological, social, and legal assistance. The Ministry of Social Affairs and Labor operated a hotline for victims of trafficking and domestic violence. Trafficking victims who cooperated with police and prosecutors could receive temporary residency, short-term relief from deportation, and shelter. During the year the government allocated 245.7 million forint (\$1.3 million) to antitrafficking efforts. This included: 4.5 million forint (\$23,800) for research, 3.2 million forint (\$17,200) for training, three million forint (\$15,800) for prevention, six million forint (\$31,700) for shelter support, and 229 million forint (\$1.2 million) for prosecution and enforcement resources to include the special trafficking in persons investigation unit.

The government worked together with the International Organization for Migration (IOM) to promote public awareness programs about trafficking. Between March and June, the government funded a demand-side campaign posting placards in gas station restrooms explaining how hiring prostitutes could support the trafficking industry. Government funding included IOM-developed anti-demand information posted on the Ministry of Justice's Web site and IOM-provided trafficking -prevention training throughout the year for the staff of the shelter for unaccompanied minors.

On December 30, the government signed an initial six-month contract valued at six million forint (\$31,700) with the NGO Hungarian Interchurch Aid to support a shelter exclusively for trafficking victims.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/q/tip.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services; however, persons with disabilities frequently faced discrimination and prejudice.

Government sources estimated there were 600,000 persons with disabilities, while disability organizations estimated the number to be approximately one million.

NGOs expressed concern about the lack of independent oversight over government-run, long-term-care institutions for persons with mental disabilities. There were sporadic reports that employees of such institutions used inappropriate physical restraints on patients, a problem experts attributed partly to inadequate numbers of qualified staff.

The international NGO Mental Disability Advocacy Center (MDAC) criticized the government for failing in its obligation to protect the rights of persons with disabilities placed under the legal guardianship of others. According to MDAC one of the key problems was a lack of alternatives to guardianship for persons with disabilities who needed support in making certain decisions. According to NGOs there are an estimated 80,000 adults under guardianship.

A government decree requires all companies with more than 20 employees to reserve 5 percent of their jobs for persons with physical or mental disabilities. The decree specifies fines for noncompliance. Employers typically paid the fines rather than employ persons with disabilities. Approximately 9 percent of working-age persons with mental disabilities were employed during the year.

Both the central government and municipalities continued to update public buildings to make them accessible to persons with disabilities. The law requires all buildings operated by the central government be accessible by 2010; those operated by the municipalities must meet this goal by 2013. There was no data available on the percentage of government buildings that were not accessible.

The lead agency for protecting the rights of persons with disabilities is the Ministry of Social Affairs and Labor.

National/Racial/Ethnic Minorities

The Organization for Security and Cooperation in Europe Hate Crimes Report for the year stated that 12 violent attacks against members of national, ethnic, racial, or religious groups occurred in 2008.

According to the Central Statistics Office, in 2007 the Romani community was the largest ethnic minority, accounting for 2 percent of the population, or about 200,000 persons. However, unofficial estimates, which vary widely, suggested the actual figure was much higher, ranging between 500,000 and 800,000 persons.

Violent attacks against Roma continued and generated strong public concern and intense disputes as to the existence of racially motivated crimes in the country. On February 23, a Romani home in the town of Tatárszentgyörgy was attacked with Molotov cocktails and gunfire, and a man and his five-year-old son were shot and killed as they ran from their burning home. On April 22, a 54-year-old Romani man died from a gunshot wound in Tiszalok. On August 3, in Kisleta a Romani woman was shot and killed in her home, and her 13-year-old daughter was seriously injured.

Between June 2008 and August 3, a series of physical attacks against Roma resulted in the killing of nine persons and injuries to many others. In response, the national police chief doubled the number of detectives in the special unit assigned to the case to 100. On August 21, police arrested four suspects. No additional attacks of this nature occurred after the arrests. The case was pending at year's end. Human rights NGOs criticized authorities for mistakes made during on-site investigations, particularly in Tatárszentgyörgy. The police ordered an internal disciplinary proceeding to identify the alleged mistakes, and these resulted in disciplinary measures against two police officers.

On October 9, five Roma were charged with a racist assault after allegedly beating an ethnic Hungarian on September 23. The four men and a woman were placed in pretrial detention. According to a police spokesman, this was the country's first racist incident in which the victim was not a member of a minority.

On January 30, Albert Pasztor, the head of the Miskolc police headquarters, stated in a press conference, "Hungarians appear to rob banks or gas stations, but all the other robberies are committed by Gypsies." He also stated that Hungarians should refrain from patronizing bars in certain parts of the city, since they may become victims of Romani criminals. He added that the problem was that "cute Gypsy children often become rude and cruel perpetrators." Upon the instruction of the minister of justice and law enforcement, the HNP initiated an inquiry into the incident, and Pasztor was suspended from his position. However, two days later the investigation concluded that Pasztor did not break any law, and the HNP terminated his suspension; the decision to reinstate Pasztor was approved by the minister of justice and law enforcement.

On April 2, Parliamentary Commissioner for Civil Rights Szabo stated in an interview that "Gypsy crime" existed and defined it as a type of crime performed to earn a living. He also referred to Roma as being a "collectivist, almost tribal-level social group, in contrast to the highly individualist Hungarian society." He also presented himself as the parliamentary commissioner of the "majority" rather than the parliamentary commissioner for the rights of national and ethnic minorities. Although he withdrew his statement the next day following strong criticism by human rights groups, Szabo's professional acceptance greatly weakened following this incident.

On September 3, Oszkar Molnar, the mayor of Edeleny and a FIDESZ parliamentarian, stated during a press conference that pregnant Romani women hit their bellies with rubber hammers and took harmful medicines to increase the chance their child would be born with disabilities in order to receive increased state financial aid. Responding to the statement, FIDESZ party leaders initially labeled it as a "local issue." However, in December the center-right FIDESZ party dropped Molnar from its slate for the April 2010 parliamentary elections.

On November 24, parliament's Committee on Human Rights, Minorities, and Civil and Religious Affairs published an open letter calling on all Hungarian public personalities to speak out against hate speech. The letter was initiated by the committee's chairman, Zoltan Balog; the former president of the Supreme Court, Zoltan Lomniczi; and the director of international relations of the FIDESZ Hungarian Civic Union, Dan Karoly. The leaders of the four historic churches signed the letters as supporters.

Human rights NGOs reported that Roma were discriminated against in almost all fields of life, particularly in employment, education, housing, penal institutions, and access to public places, such as restaurants and bars.

According to statistics of the Hungarian Institute for Educational Research and Development, Roma were significantly less educated than other citizens, and their incomes and life expectancy were well below average.

A 2007 International Labor Organization report estimated the unemployment rate among Roma to be 40 percent. However, in many underdeveloped regions of the country, it exceeded 90 percent. Romani unemployment was estimated to be three to five times higher than among the non-Romani population.

Inadequate housing continued to be a problem for Roma; their overall living conditions remained significantly worse than the general population's. According to Romani interest groups, municipalities used a variety of techniques to prevent Roma from living in more desirable urban neighborhoods. According to a survey by the Ministry of Social Affairs and Labor, approximately 100,000 seriously disadvantaged persons, mostly Roma, lived in approximately 500 settlements lacking basic infrastructure and often located on the outskirts of cities. The government continued its program to eliminate these settlements and to help residents move to more desirable communities.

Most ministries and county labor affairs centers had special officers for Romani affairs focused on the needs of the Romani community. The Ministry of Education and Culture continued to offer financial incentives to encourage schools to integrate Romani and non-Romani children in the same classrooms and to reintegrate Roma inappropriately placed in remedial programs. The Ministry of Social Affairs and Labor operated a program to finance infrastructure development in Romani communities.

The Ministry of Justice and Law Enforcement operated an antidiscrimination legal service network that provided free legal aid to Roma in cases where they encountered discrimination based on their ethnicity.

Since January 1, in order to apply for EU and government funds for urban rehabilitation and public education projects, every city must attach to its proposal a desegregation plan outlining planned actions to eradicate segregation in housing and public education. The government opened 200 positions in public administration for Romani college graduates. By the end of the year, 122 applicants passed the mandatory civil servant entry exam and awaited placement in various national and county government offices.

Roma, like the other 12 official minorities, are entitled to elect their own minority self-governments (MSGs), which organize minority activities and handle cultural and educational affairs. The president of each MSG also has the right to attend and speak at local government assemblies.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Homosexual conduct is legal, but extremist groups continued to subject gay men and lesbians to physical abuse and attacks.

On September 5, the Rainbow Mission Foundation organized the 14th annual Pride March in Budapest, which capped a week of lesbian, gay, bisexual, and transgender programs. Organizers were successful in registering the march but criticized a police statement that participants should refrain from "actions that are against public taste" or the police would disperse the march. Although protestors tried to disrupt the event, the march, in which an estimated 1,500 persons participated, finished without major disturbances. Police detained 41 counterdemonstrators and initiated proceedings against 17 of them on suspicion of using force against officials. Police opened an investigation against three persons for creating a "public nuisance" when they assaulted a woman who was wearing a gay pride shirt. On September 7, after the HCLU complained to the national police chief that the reason for the assault was related to the woman's membership in a societal group, police changed the legal grounds of the investigation to "violence against a member of a community." The case was pending at year's end.

On April 8, police detained two persons in connection with two 2008 attacks on a gay bar and a gay bathhouse in Budapest. The case remained pending at the end of the year.

Other Societal Violence or Discrimination

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 7 Worker Rights

a. The Right of Association

The law allows workers to form and join independent unions of their choice without previous authorization or excessive requirements, and workers exercised these rights in practice.

The law also allows unions to conduct their activities without interference, and the government protected this right in practice. Twenty five percent of the workforce was unionized. With the exception of military personnel and police officers, workers have the right to strike, and workers exercised this right. The law permits the unions of military personnel and police officers to seek resolution of grievances in the courts.

Two national trade unions, MSZOSZ and LIGA, have reported cases of employers' intimidating trade union members, transferring, relocating, or dismissing trade union officers, and hindering union officials from entering the workplace.

Court proceedings on unfair dismissal cases can take more than a year to complete, and court decisions are not always properly enforced. LIGA reported that it took six years for an unfairly dismissed trade union leader in the Malev airline company to obtain a reinstatement order from the court. However, the airline company still did not allow him to return to work.

The Independent Trade Union of Air Transport Workers continued to face problems with the Budapest airport. The airport hired foreigners on fixed-term contracts to replace striking workers when they organized a strike at the end of the year.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected by law and was freely practiced. In 2007 collective bargaining agreements covered 41 percent of the workforce.

The Labor Code requires trade unions to represent 65 percent of the workforce (for a single union) or 50 percent of the workforce (for a group of unions) to engage in collective bargaining.

There are no export processing zones, but individual foreign companies frequently were granted duty-free zone status for their facilities. There were no exemptions from regular labor laws in the duty-free zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Women and children were trafficked into, within, through, and from the country for commercial sexual exploitation and forced labor.

d. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace, and the government effectively enforced these laws in practice.

The law prohibits children less than 16 years old from working, except under certain conditions, such as temporary work during school vacations. Otherwise, children less than 15 years old are prohibited from all work. Children may not work night shifts or overtime, or perform hard physical labor.

As of August 2008, the country's Labor Inspectorate reported that 19 companies employed 57 children under 15 years old, mostly in construction and agriculture. Companies that employed children were fined between 30,000 and 20 million forint (\$158 to \$105,000), depending on the circumstances. Individuals who identify children as victims of labor exploitation are required to report them to the Guardianship Authority.

According to the IOM, trafficking of children for sexual exploitation was a problem.

e. Acceptable Conditions of Work

The national minimum monthly wage of 71,500 forint (\$377) did not provide a decent standard of living for a worker and family. The National Council for Interest Reconciliation, a tripartite body of employers, employees, and the government, regularly evaluated and raised the minimum wage.

The law sets the official workday at eight hours, although it may vary depending on the industry. A 48-hour rest period is required during any seven-day period. The regular workweek is 40 hours with premium pay for overtime. The law prohibits overtime exceeding 200 hours per year. The laws also apply to foreign workers with work permits; they were enforced effectively and consistently.

Labor courts and the Labor Inspectorate enforced occupational safety standards set by the government, but enforcement was not always effective. Workers have the right to remove themselves from unsafe and unhealthy situations without jeopardizing their continued employment, and this right was generally respected.