



U.S. DEPARTMENT of STATE

Hungary

Country Reports on Human Rights Practices - [2006](#)

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The Republic of Hungary is a multiparty, parliamentary democracy with a population of approximately 10 million. Legislative authority is vested in the unicameral National Assembly. The president assigns the prime ministerial candidate from the party that won the elections or is able to form a majority coalition. The president is head of state and is elected by the National Assembly. In April Prime Minister Ferenc Gyurcsany and his Socialist-Liberal coalition were returned to office in a free and fair election. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, problems in some areas remained. Incidents where police used excessive force against suspects, particularly Roma, were reported, and allegations of government interference in editorial and personnel decisions of state-owned media persisted. Violence against women and children as well as sexual harassment remained a problem. Discrimination against Roma continued to be widespread, and there were acts of anti-Semitic vandalism. Trafficking in persons was also a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

At year's end the manslaughter case against two police officers in connection with the July 2004 death of a Bulgarian national remained pending.

In April 2005 a court in Bacs-Kiskun county upheld a finding by the chief prosecutor's office that there was no criminal negligence on the part of police in the 2004 death of a Romani man who died while being arrested. The case stemmed from an appeal by a Romani family who rejected findings by the country's minority affairs ombudsman and a medical examiner that there was no link between the arresting officer's actions and the death.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices; however, according to non-governmental organization (NGO) reports police used excessive force, beat, and harassed suspects, particularly Roma (see section 1.d.). NGOs reported that Roma remained fearful to report police abuse, but the number of reports of police abuse of Roma increased slightly during the year. Observers attributed the increase to a greater public willingness to report abuse.

During the first six months of the year, 26 police officers were charged with assault and four others were charged with "forced interrogations." NGOs estimated that approximately half of the police abuse cases involved Romani victims (see section 1.d.).

There was no reliable data on the ethnic background of victims of police abuse; however, human rights NGOs asserted that a high number of complaints were made by Roma and other dark-skinned persons.

The government investigation into the June 2005 beating of a Romani man by five police officers in Tolna County continued. At year's end three police officers were cleared; charges against two others were pending. The investigation stemmed from accusations that police beat the man after taking him into custody and later went to his brother's home where they beat him and threatened his family.

Investigations begun in August by the county prosecutor and the national Roma self-government into accusations of police abuse in Szany were closed due to insufficient evidence. The case involved complaints by a Romani youth and his two non-Romani friends who claimed that

they were beaten by the local police chief and two of the chief's relatives following a complaint that the three were making excessive noise.

Prison and Detention Center Conditions

Prisons generally met international standards; however, overcrowding continued to be a serious problem.

At year's end 14,568 persons were being held in prisons and detention centers. During the year the overall prison population rose to 158 percent of capacity as compared with 146 percent in 2005. Due to changes in 2005 to regulations on detentions, the vast majority of pretrial detainees were held in prisons. At year's end there were 3,786 pretrial detainees in prisons and police detention cells.

According to the Hungarian Helsinki Committee, the negative effects of prison overcrowding included a severe shortage of bed linen, towels, clothing, and inadequate medical care. Sanitation and toilet facilities were also poor; in some prisons toilets were not separate from living spaces. Many police holding cells did not have toilets; lighting and ventilation was also inadequate.

The government permitted independent monitoring of prison conditions by local and international human rights groups, and such visits occurred during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

From September 18 to 20 and again on October 23, police used force to stop violent antigovernment demonstrations. According to a report prepared by the independent Gonczol Commission on the protests, 326 persons and 399 policemen were injured, and 380 protestors were either arrested or detained as a result of the demonstrations. Opposition parties and NGOs alleged that police excessively and illegally used of a water cannon, tear gas, rubber bullets, and pepper spray (see section 2.b.). Police officials denied the allegations saying that while some officers were under investigation for possible abuse, riot police generally used appropriate force to handle violent protestors. At year's end allegations of police abuse and government charges against civilians who took part in the violent demonstrations remained under investigation by police and the Gonczol commission.

Role of Police and Security Apparatus

The National Police, which is under the direction of the Ministry of Justice and Law Enforcement, is responsible for enforcing laws and maintaining order. City police forces and national border guards also share security responsibilities under direction of the ministry. Police corruption was a problem, particularly soliciting or accepting of bribes from motorists to ignore traffic violations. The government pursued allegations of police abuse and corruption. Penalties include reprimand, dismissal, and criminal prosecution. Generally, officers are suspended from duty during an investigation for abuse or corruption. According to police most officers are dismissed when found guilty of wrongdoing. During the year 16 police officers were convicted of corruption; one was acquitted.

At year's end investigations continued into numerous offensive, anti-Roma, racist postings made on Holdudvar, an internal Web site of the national police. The Web site postings were reported to authorities by two police officers. The Web site was immediately suspended and investigations were launched by the head of the national police and the country's ombudsman for minority affairs.

Arrest and Detention

The law requires police to obtain warrants to make arrests. Police must inform suspects upon arrest of the charges against them and may detain persons for a maximum of 72 hours before filing charges. The law requires that all suspects have access to counsel prior to questioning and throughout all subsequent proceedings. Authorities must also provide counsel for detained suspects, juveniles, the indigent, and those with mental disabilities. However, in practice police did not always allow access to counsel, particularly for persons accused of minor crimes. In 2003 a bail system was introduced to decrease the number of pretrial detainees. However, it was not used often because most detainees were not eligible under the statutes of the bail system. Bail has been granted 376 times since it was introduced.

In certain circumstances the law permits police to hold suspects for only 12 hours or for up to 24 hours of "public security detention" for persons detained without identification.

During the first six months of the year, 2,658 persons were in pretrial detention for an average of 123 days, according to the prosecutor General's Office. Of that number 103 (3.9 percent) were held longer than 12 months. In 2005 the average number of days in pretrial detention was 126. In some cases time spent in pretrial detention equaled but did not exceed prison sentences. The law provides monetary compensation for persons who were detained and later acquitted.

According to NGO reports, Roma were more frequently held in pretrial detention than non-Roma.

On April 24, an appeals court in Debrecen upheld a district court ruling to free two Romani men from prison because evidence used to convict them in 1999 of murder was weak. The court ruled that conviction and subsequent sentencing of up to 15 years in prison was unlawful. They spent nearly six years in custody.

e. Denial of Fair Public Trial

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

Under the constitution courts are responsible for administering justice; the Supreme Court exercises control over the operations and judicial procedure of all other courts and in certain cases can review lower court decisions. District courts are courts of first instance; regional courts hear appeals from district courts and also function as courts of first instance. Five appellate courts handle appeals from regional courts.

The Constitutional Court is independent of the judicial system and cannot overturn decisions made by other courts. It is charged with reviewing both the constitutionality of laws and statutes and international treaties ratified by the government. The court's 11 members are appointed directly by the National Assembly for nine-year terms. Citizens may bring cases directly to the Constitutional Court. The court is required to address all petitions; however, it retains discretion on when to issue decisions, which has resulted in a backlog of cases and charges of politicization. The Constitutional Court generally receives more than 1,000 cases annually. During the year 1,214 cases were filed with the court; in 2005, 1,208 cases were filed. During the year the Constitutional Court issued 413 decisions, as compared with 264 in 2005.

Trial Procedures

Trials are public, but in some cases judges may close a trial to protect the accused or the victim. There is no jury system; judges are final arbiters. Judicial proceedings generally were investigative rather than adversarial in nature. Defendants are presumed innocent until proven guilty and are entitled to counsel during all phases of criminal proceedings. Counsel is appointed for persons in need and for the indigent, but public defenders were generally considered to be substandard.

Judicial proceedings varied in length, and delays of several months to a year were common. Appeal cases may remain pending for indefinite periods, during which time defendants are held in detention. Defendants can challenge or question witnesses and present witnesses and evidence on their own behalf. They also have access to government-held evidence relevant to their case. Human rights and Romani organizations claimed that Roma received unequal treatment in the judicial process.

Military trials follow civil law and may be closed on national security or moral grounds. In all cases sentencing must take place publicly. Civilians cannot be tried in military courts.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Under the law persons may initiate lawsuits to seek damages for human rights violations. However, fines levied in such cases are often too small to deter violations. During the year the Legal Defense Bureau for National and Ethnic Minorities succeeded in bringing six cases to court for alleged labor discrimination, discrimination in restaurants and bars that denied service, and for police abuse. The defense bureau stated that more cases of human rights violations should have been lodged with the courts, but it lacked the resources to do so.

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

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

Roma faced discrimination in housing and at times were either displaced or forced by local officials to live in less desirable areas (see section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice; however, there were allegations of political interference in editorial and personnel decisions of state-owned media.

There are no laws to prohibit hate speech, denial of the Holocaust or similar views. The Constitutional Court has ruled that previous attempts by the government to enact laws to protect human dignity and penalize hate speech are a violation of the right to freedom of speech. However, there are laws that prohibit public display of symbols such as the swastika, hammer and sickle, the red star, among others.

The media were generally free and independent and expressed a wide variety of views without restriction. Several state-owned radio and television stations were governed by a state-appointed public media oversight board. In August the president of the European Broadcasting Union expressed his concern in a letter to the prime minister about the poor financial situation of the country's two public television stations, claiming that this made them particularly prone to political influence.

Under the law the National Television and Radio Board is responsible for monitoring public and commercial broadcasting programs and grants licenses and frequencies. All members are appointed proportionally by governing and opposition political parties. The board monitored news broadcasts for equal treatment of all political parties and could fine public and private broadcasters for noncompliance.

Unlike the previous year, there were no cases of the board levying fines or censuring broadcasters. However, opposition political parties continued to be critical of the progovernment news coverage in state-owned media.

In August a two-year long, political dispute over electing a new president of public radio ended with the election and confirmation of Gyorgy Such. After taking office Such took steps to increase objectivity and more neutral news reporting by eliminating personal opinion from news reports and merging news and current affairs programs. He also appointed younger journalists to senior positions and named a new editor in chief.

At year's end authorities continued to investigate harassment of two photojournalists in June by police who were covering a street brawl after a soccer match in Budapest.

Under the law libel and violations of government secrecy laws are criminal offenses. Journalists and other persons can be held liable for their statements or for publicizing the statements of others.

As in previous years, officials resorted to libel laws to claim compensation for perceived injuries to character. In May the prosecutors's office indicted Gyula Thurmer, president of the Workers Party and six co-workers, for alleged slander after Thurmer described a 2005 decision by Municipal Court president, Laszlo Gatter, as politically motivated. In June 2005 Gatter denounced Thurmer and his six co-workers for their accusations. At year's end the case remained pending.

Unlike the previous year, there were no reports of journalists being prosecuted for slander. In May an appeals court upheld a lower court decision to dismiss charges against journalist Margit Klucsik for breaching secrecy laws. Klucsik, who works for the daily newspaper Nepszava, was prosecuted after publishing an article in 2005 that cited a secret police memorandum about criminal evidence gathered against a member of the National Assembly.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including via electronic mail. There also were no reports of the government blocking access to specific Web sites. However, according to NGOs the government monitored a number of far-right and openly anti-Semitic Web sites (see section 2.c.). According to a Eurostat study published in the Magyar Hirlap newspaper, 42 percent of the country's population had Internet access during the year.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

On September 18, an estimated 10,000 antigovernment protestors gathered in front of parliament to demand the government's resignation. Some of the protests turned violent overnight as crowds damaged the headquarters of the country's public television station and a World War II memorial to Soviet soldiers who liberated Budapest. The protests continued on September 20. According to a report by the independent, government-sponsored Gonczol Commission, 185 protestors and more than 200 policemen were injured in attempts by police to disperse the demonstrations. Riot police used tear gas and a water cannon; 345 persons were either arrested or detained.

On October 23, police again clashed with antigovernment protestors in Budapest during commemorations to mark the country's 50th anniversary of its uprising against Soviet rule. Riot police used rubber bullets, pepper spray, and a water cannon to disperse the crowds. The Gonczol Commission report stated that 141 persons were injured and 35 protestors were arrested or detained.

As a result of the September and October demonstrations authorities filed 120 lawsuits against civilians for alleged involvement in violent protests. At the same time, according to the Gonczol report, 156 cases of alleged police abuse against protestors were lodged with the chief prosecutor's office for police investigations. The National Police also lodged eight abuse cases against police officers, and the head of the Police Security Service lodged three cases of police abuse. The investigations into allegations of police abuse have been complicated because some officers covered their badges and other forms of personal identification. At year's end 60 officers were identified for alleged abuse, and 18 were charged with abuse.

While the report by the Gonczol Commission criticized police officers who concealed their identities and used excessive force, it said it was more concerned that police did not break up the demonstrations sooner. The commission blamed demonstrators and demonstration organizers for causing the violence and injuries and said the violent behavior necessitated the use of force by police.

There was no decision in the ongoing case by the Hungarian Farmer's Alliance against Budapest city authorities who blocked the group's plans to demonstrate in front of parliament with tractors. In November the alliance filed suit with the Constitutional Court claiming city officials violated its right to freedom of assembly by erecting traffic signs to prohibit entry of tractors into the city center.

Freedom of Association

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

At year's end the appeal of a militant, neo-Nazi group to reorganize under a new name to regain its legal status remained pending. In October 2005 the Blood and Honor group disbanded following a Supreme Court ruling that an appeals court could proceed with a hearing on its legal status. In the opinion the Supreme Court found that there was no constitutional issue with regard to the right of freedom of association and the concept of human dignity as it pertains to protecting persons from hate speech and humiliation. In November a Budapest court denied the group's reregistration as the "Pax Hungarica Society" on the grounds that it was no different than Blood and Honor.

Freedom of Religion

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

There is no state religion; however, there are four historically recognized religious groups (Roman Catholic, Reformed, Evangelical, and Jewish) and 146 other registered denominations. The four historic religions enjoyed government privileges not extended to the other religious groups.

During the year the government continued to expedite an estimated 300 religious property restitution cases filed under a September 2005 government resolution that was reconfirmed during the year. Under the resolution religious groups may "buy out" their claims before the official restitution procedure ends in 2011. Of the four historically recognized churches, the Reformed and Evangelical churches chose not to exercise the so-called "fast-track" option to resolve their cases.

Societal Abuses and Discrimination

There were acts of anti-Semitic vandalism and other anti-Semitic incidents. Jewish community representatives continued to express concern over the existence of anti-Semitism in some media outlets, in society, and in coded political speech. They also said they believed that there was a rise in anti-Semitism towards the end of the year.

The estimated size of the Jewish population was between 80,000 and 100,000, or less than 1 percent of the country's population.

Police said they closed the investigation into a vandalism incident on November 6 at a Jewish synagogue in Vac because they could not identify any suspects. Unknown offenders painted black paint over the fence of the synagogue and sprayed anti-Semitic graffiti, swastikas, and other fascist symbols.

In April during elections for the National Assembly, candidates of the nationalistic, far right-wing Hungarian Justice and Life Party (MIEP-Jobbik) espoused xenophobic and anti-Semitic slogans. The party has not been represented in the assembly since 2002.

On July 28, two members of the Left-Wing Front-Communist Youth Alliance who participated in an anti-Israel protest in Budapest carried Israeli flags defaced with swastikas.

In September and October, some participants in the antigovernment protests displayed images linked to the World War II-era, right-wing Hungarian Arrow Cross party. Nazi symbols and chants were also seen and heard. Some demonstrators erected a "wall of shame," which displayed a list of names of those thought to be responsible for the government crisis. The list stressed Jewish personalities.

The private, right of center weekly newspapers Magyar Demokrata and Magyar Forum continued to publish anti-Semitic articles.

There were numerous far-right Web sites in the country, many of which are openly anti-Semitic. NGOs reported that these Web sites were monitored by the government for content because under the law public display of symbols such as the swastika, sickle and hammer, and red star is prohibited.

According to police there were 387 reports of vandalism or destruction of Jewish and Christian properties (35 in churches and 352 in cemeteries) during the year, as compared to 216 reported cases in 2005 and 339 in 2004. Police and religious authorities considered the incidents to be acts of youth vandalism and not manifestations of religious intolerance.

There were no developments in the police investigation into the vandalism of 130 graves in June 2005 at the largest Jewish cemetery in Budapest.

During the year the government continued its efforts to combat anti-Semitism by clearly speaking out against the use of coded speech by right-wing extremists and efforts to promote tolerance education. The prime minister publicly stated that the country's citizens bore responsibility for the Holocaust and facilitated the opening of a permanent, state-financed Holocaust Memorial Center. However, the status of certain portions of the government's Holocaust records remained unclear. In November a working group under the direction of the prime minister's office convened to determine the status and whereabouts of the country's Holocaust records.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

The law provides for these rights, and the government generally respected them in practice.

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

The law permits the government to delay, but not deny, emigration for those who have significant court-assessed debts or who possess state secrets.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where they feared prosecution. The government granted refugee status or asylum.

During the year the government did not provide temporary protection to individuals who do not qualify as refugees under the 1951 Convention and its 1967 protocol.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to assist refugees and asylum seekers. According to the UNHCR, 2,117 asylum applications were filed during the year, as compared with 1,609 in 2005.

There were no reports of refugee abuse; however, NGOs continued to criticize the government for prolonged detention of persons who were denied refugee status and of other stateless and undocumented persons, who awaited adjudication of deportation cases.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

The April 2006 National Assembly elections were free and fair. The election marked the first time a government won a consecutive term in office since democracy was restored in the country in 1990.

There were 42 women in the 386 seat National Assembly, and two women in the Council of Ministers.

There was no readily available information on the number of minorities in the National Assembly or the Council of Ministers. However, minorities did not appear to be well represented.

In October following minority self-government elections, there were 4,533 Roma members of local and national minority self-governments (MSGs). The MSGs are responsible for organizing minority activities and handling cultural and educational affairs. The president of each self-governed entity also has the right to speak at and attend local government assemblies. At year's end 1,118 of the 2,045 active minority self-governments were Romani.

As of July 199,789 persons had registered as members of one of the country's 13 recognized minority groups that could establish a minority self-government.

Government Corruption and Transparency

There was a widespread perception of corruption in the executive and legislative branches. During the year the country received a score of 5.2 on Transparency International's 10-point index of the degree to which corruption is perceived to exist among a country's politicians and public officials. The country's 2005 score was slightly better at 5.0, where 10 indicates the lowest level of corruption.

During the year there were no reported police investigations or prosecutions of corruption in government. Low-level corruption among law enforcement officials remained a problem.

The National Police maintained a nine-person anticorruption unit to investigate corruption within the government, although persons with legislative immunity were exempt from its purview. There was no independent government body to investigate internal corruption; however, the protective service of law enforcement agencies is empowered to investigate corruption cases. In February the National Assembly adopted a lobbying law designed to increase transparency and to regulate lobbying activity that was often perceived to be associated with corruption.

The law provides for access to government information and the government generally provided it upon request. However, many court rulings

remained unavailable to the public. In January according to a new freedom of electronic information law, the government launched a Web site to provide public access to various government actions and information. The law, which also took effect in January, obligates public institutions to post information of public interest on the Internet.

Section 4 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.

In August the UN Committee to Eliminate Discrimination Against Women stated that the government was responsible for violating the rights of a Romani woman in 2001 in connection with a sterilization procedure that was performed without consent. The committee recommended that the government pay the woman compensation commensurate with the gravity of the violation of her rights and that medical personnel in public and private health centers be made aware of women's reproductive rights.

The committee also recommended that the government review its laws on the principle of informed consent in cases of sterilization to ensure that they conform to international human rights and medical standards. Other recommendations included the repeal of provisions that allow physicians to sterilize persons in certain circumstance without informed consent, and monitoring of public and private health centers to ensure that fully informed consent is given by patients before sterilization procedure are carried out.

During the year the 19-member National Assembly's Committee for Human, Minority, and Religious Rights conducted hearings and participated in the legislative process with regard to funding programs and proposals affecting minority groups. Separate ombudsmen for human rights, data protection, and minority affairs are independent of the government and report annually to the National Assembly on their activities and findings. The National Assembly is not legally bound to act on the reports. The National Assembly elects the ombudsmen for six-year terms.

Persons may seek direct assistance from one of three ombudsmen if their complaints have not been addressed elsewhere. Ombudsmen do not have the authority to issue legally binding judgments; they act as mediators and conduct fact-finding inquiries.

In a report in January, the office of the minority affairs ombudsman condemned the activities of a school in Kerepes that discriminated against Romani children and included recommendations to school authorities and to city officials. The report stemmed from an investigation by the minority affairs ombudsman into allegations of discrimination against the Romani community involving school segregation, access to housing, and employment (see section 5).

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, or social status. However, in practice widespread discrimination persisted, particularly against Roma. Violence against women, child abuse, and trafficking in persons were also problems.

In January the government's newly established Equal Treatment Authority began operating. It has authority to investigate cases of discrimination and to levy fines against violators.

Women

The law does not specifically prohibit domestic violence or spousal abuse. The general charge of assault and battery, which carries a prison term of up to eight years, is used to prosecute domestic violence cases. Expert research in the field of family violence indicated that an estimated 20 percent of women were threatened or victimized by domestic violence.

Societal attitudes tended to blame the victim as the cause of abuse, and NGOs reported that police generally remained reluctant to arrest abusers. Victims' rights advocates indicate that some police reluctance may be due to a lack of faith that the judicial system will effectively resolve abuse cases. Most incidents of domestic violence went unreported from fear and shame on the part of victims. According to the national police, 4,620 women were victims of domestic violence during the year.

In June a report released by the UN Committee to Eliminate Discrimination Against Women stated that 5.6 percent of all known criminal perpetrators, or 7,500 persons, committed crimes against family members or relatives. Overall, 25 percent of all crimes against persons were committed in the family.

In February the National Assembly passed a restraining order law to help protect persons from abusive spouses. However, NGOs continued to criticize the government for not focusing more attention on the problem of domestic violence. The Ministry of Social Affairs operated a 24-hour hot line for victims of domestic abuse and provided accommodations at government-run shelters.

Rape, including spousal rape, is illegal, but the crime was often unreported. Penalties for rape range from two to eight years in prison to up to 15 years in prison in aggravated cases.

During the year police investigated 206 rape-related cases as compared with 264 cases in 2005. Allegations of rape are included in cases of indecency and crimes against sexual morals. There were no figures available, however, on the number of convictions. Police reportedly were unsympathetic toward victims of sexual abuse, particularly if the victim had been acquainted with her abuser.

Prostitution is legal, but there are many restrictions on where it may be carried out. Estimates of the number of prostitutes in the country varied widely. Some observers put the number at 17,000; others said it was 30,000. Many prostitutes were either forced or coerced into prostitution by pimps. Police regularly fined prostitutes and targeted them for physical and verbal abuse.

Trafficking in women for sexual exploitation was a problem (see section 5, Trafficking).

Although the law does not explicitly prohibit sexual harassment in the workplace, general harassment is illegal, and the law provides for the right to a secure workplace. Nonetheless, sexual harassment remained a widespread problem. Women's groups continued to report that there was little government support for efforts by NGOs and some legislators to criminalize sexual harassment, and that many women tolerated sexual harassment in the workplace because they feared losing their jobs.

Women have the same rights as men under family law, property law, and in the judicial system. However, there was economic discrimination against women in the workplace, particularly against jobseekers over the age of 50 and those who were pregnant. During the year the Equal Treatment Authority determined that employers had illegally discriminated in four cases, with most of the victims being women or Roma. The fines levied in the cases ranged from \$1,500 (300,000 forints) to \$5,000 (1 million forints).

Children

The government remained committed to children's rights and welfare. The law provides for free, compulsory education for children through 18 years of age. The Ministry of Education estimated that 95 percent of school-age children were enrolled in school, although the drop-out rate for Romani children was much higher than for the overall student population. During the year one study found that over 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, among Roma the number was 3.1 percent.

Although the law forbids official segregation of children according to ethnicity or nationality, segregation of Romani children remained a problem. Romani children were often placed in remedial classes without cause, effectively separating them from other students. NGOs and government officials estimated that 20 percent of Romani children were in remedial programs and that 700 such segregated classes existed. Many schools with a majority of Romani students had substandard buildings and resources and simplified teaching curricula. According to the European Roma Rights Center, Romani students made up 20 percent of the country's student population, but more than 50 percent of students in special schools for children with developmental disabilities.

At year's end a segregation case filed in February by the NGO Chance for Children Foundation (CFCF) against city authorities in Hajduhadhaz remained pending. The CFCF claimed that two of the city's elementary schools openly relegated most Roma students to substandard buildings. In June CFCF won the first case of educational segregation in the country against the city of Miskolc. In that 2005 case, the CFCF stated that school officials relegated Romani and other disadvantaged children to separate, poorly maintained buildings and used a simplified curriculum to teach children.

Although the government provided medical care to school-age children, NGOs and Romani activists claimed that Romani children did not have equal access to these and other government services.

According to police there were 1,135 reported crimes against children during the year. However, police continued to lack the necessary training, capacity, and institutional support to adequately protect children, particularly in instances of domestic violence. NGOs reported that neglect and abuse occurred in state care facilities such as orphanages. In May the ombudsman for civil rights found shortcomings in three, state-run child care facilities, the most serious of which was the lack of professional care given to children with special needs.

Child prostitution was not a common practice, and police claimed to investigate all such reports vigorously. The law provides for severe penalties for persons convicted of sexually abusing children. Although child prostitutes were not criminally prosecuted, they can be remanded to juvenile centers for rehabilitation and to complete school.

Trafficking in children for the purpose of sexual exploitation was a problem (see section 5, Trafficking).

Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in persons to, from, and primarily through the country remained a problem.

The country was a source, transit, and destination country for women and girls trafficked for the purpose of sexual exploitation. Victims were also trafficked for domestic servitude and manual labor. Victims were primarily trafficked from Romania, Ukraine, Moldova, Poland, the Balkans, and China. They were trafficked to and through the country to Austria, Germany, Spain, the Netherlands, Italy, France, Switzerland, and the United States. There was also evidence of trafficking to Central American and Scandinavian countries, as well as to Japan and the United Kingdom.

Internal trafficking was also a problem. There was no systematic method of documenting or estimating the number of women who were trafficked from or through the country each year. However, NGOs and other organizations that deal with trafficking estimated that 3,000 to 4,000 persons were trafficked from the country annually.

Those most at risk of being trafficked were orphans who had reached adulthood, young women from the countryside, and young Romani women. Women and children from the country were trafficked primarily to wealthier destinations in Western and Northern Europe and North

America. Some NGOs reported anecdotal evidence of trafficking of men and boys as young as 12 from Romania to Budapest for the purpose of sexual exploitation. Police said they pursued all such information but were not able to find corroboration to support these claims. Other NGOs also stated that they had not seen any evidence of this type of trafficking.

According to government officials and NGOs, the majority of traffickers are individuals or small, family based groups. There also are some instances of organized crime engaging in trafficking. Organized crime syndicates transported many of the trafficking victims for forced prostitution in the country, or through it as a transit country. Russian speaking, organized- crime syndicates were active in trafficking women through the country.

Victims were recruited at night clubs and modeling agencies, as well as through word of mouth, or even advertisements in local newspapers and magazines. Some victims reported that they knew that they were going to work illegally; some believed they were getting foreign visas, while others expected to work but believed their employers were obtaining the appropriate documents.

Under the law penalties for trafficking range from one to 15 years in prison, depending on the circumstances of the case. Trafficking of minors is punishable by up to 10 years in prison. In cases where a trafficking victim is under 12 years of age, the penalty is five to 15 years, or life imprisonment. If an organized trafficking ring is involved, the sentence can be life imprisonment and seizure of assets.

Government agencies most directly involved in efforts to combat trafficking included the newly formed Justice and Law Enforcement Ministry, the foreign ministry, as well as police, border guards, and custom authorities.

During the year the government's interministerial working group on trafficking was not able to develop a unified national approach to antitrafficking programs. Government officials cited difficulty in coordinating trafficking programs and policies overseen by the ministries of Interior, Foreign Affairs, and Equal Opportunity. In addition, a large-scale government restructuring during the year that merged the interior Ministry into a new Justice and Law Enforcement Ministry also hindered the interministerial group's efforts.

A special government task force investigated trafficking cases involving organized crime, and the government regularly cooperated with other countries in joint trafficking investigations. During the year seven foreign nationals were extradited from the country on trafficking charges.

On December 22, the National Assembly ratified the United Nations Convention against Transnational Organized Crime which is supplemented by the so-called "Palermo Protocol" to prevent, suppress, and punish trafficking in persons, especially women and children.

There was no evidence of official government involvement in, or tolerance of trafficking. However, reports continued that individual border guards were corrupt.

The government provided limited financial and property assistance to antitrafficking NGOs, donated several buildings to establish an NGO trafficking shelter, and allocated \$47,000 (10 million forints) for trafficking victim protection. During the year the shelter assisted 23 trafficking victims. There were approximately 60 regional and local victim protection offices, which provided psychological, social support, and legal aid to trafficking victims and to victims of violent crime, including domestic violence. The Ministries of Youth, Family, Social Affairs, and Equal Opportunity operated a hot line for victims of trafficking. Trafficking victims who cooperated with police and prosecutors could receive temporary residency status, short-term relief from deportation, and shelter.

The government continued to work closely with NGOs and the International Organization Migration (IOM) to promote public awareness programs about trafficking. Antitrafficking materials prepared by NGOs continued to be included in state-run university programs. The government cooperated with IOM to conduct trafficking prevention and awareness programs for potential victims as well as trafficking awareness training for police, border guards, prosecutors, consular officers, and judicial officials. During the year approximately 160 teachers and social workers took university classes on trafficking, and the government sponsored trafficking awareness programs in public and religious schools.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services; however, persons with disabilities faced societal discrimination and prejudice. Government sources estimated that there were between 600,000 and 1 million persons with disabilities (6 to 10 percent of the population).

Persons with disabilities most commonly faced discrimination in employment and access to health care. Approximately 90 percent of working-age persons with mental disabilities were not employed. NGOs expressed concerns over the lack of independent oversight at government-run, long-term care institutions for persons with mental disabilities. Sporadic reports of excessive restraint have been reported, which experts attributed partly to a lack of sufficient numbers of qualified staff to care for patients.

The international NGO Mental Disability Rights International and the local NGO Hungarian Mental Health Interest Forum noted that the government lacked procedures to supervise the treatment and care of persons with disabilities who were under guardianship. This lack of oversight often resulted in the blanket institutionalization of many individuals who did not require it.

A government decree mandates that all companies with more than 20 employees must reserve 5 percent of their jobs for persons with physical or mental disabilities, with fines of up to 75 percent of the average monthly salary for noncompliance. In practice employers typically paid fines rather than employ persons with disabilities.

In December 2005 the National Assembly extended a legal deadline to make all public buildings accessible to persons with disabilities by 2013. To date between 30 and 35 percent of public buildings operated by the central and local governments are accessible.

In February parliament adopted a resolution on the National Disability Plan that outlined key strategic goals for government action with regard to persons with disabilities. NGOs welcomed the action, which among other measures, emphasized a desire to give more individual rights to individuals under state guardianship.

The National Council for the Disabled under the leadership of the Minister of Social Affairs and Labor, served as an advisory board to the government. It assisted the government with the National Disability Plan and also monitored its implementation. NGOs, however, noted that the council's meetings during the year were sporadic, due in part to large-scale government restructuring.

National/Racial/Ethnic Minorities

Widespread discrimination against Roma remained a problem. Reports of police abuse against Roma were common, but many Roma remained fearful of seeking legal remedies or of notifying NGOs (see section 1.c.).

Living conditions for Romani communities continued to be significantly worse than for the general population. Roma were significantly less educated and had below average income and life expectancy. The unemployment rate for Roma was estimated at 70 percent, more than 10 times the national average, and most Roma lived in extreme poverty. Discrimination against Roma continued in education, housing, penal institutions, employment and access to public places, such as restaurants and bars.

According to the European Roma Rights Center (ERRC) some media outlets in the country promoted anti-Roma hatred and violence following the October 17 beating death of Lajos Szogi by a mob in the village of Olaszliszka. Two days earlier Szogi hit an 11-year-old Romani girl with his vehicle in a road incident. The ERRC condemned the mob violence and expressed concern over how major broadcast and print media reported the incident. For example, an opinion article in Magyar Nemzet advised drivers to drive away without stopping should they run over a Romani child.

In March and August, the Equal Treatment Authority fined two companies for discriminating against Roma job seekers in their hiring process. In the first case, the fine was \$6,500 (1.3 million forints); in the second the fine was \$3,500 (700,000 forints). In one of the cases, officials uncovered clear evidence that a Romani man was denied employment solely because of his ethnic background.

Roma schools were generally more crowded, more poorly equipped, and in significantly worse condition than those attended by non-Roma students (see section 5, Children).

In a report in January the office of the minority affairs ombudsman condemned the activities of a school in Kerepes that discriminated against Romani children by regularly segregating them by race in special classes, which were separated from the rest of the school by locked doors between hallways (see section 4).

According to the Roma Civil Rights Foundation, many municipalities used a variety of techniques to prevent Roma from living in more desirable urban neighborhoods. Such techniques included auctioning by local governments of special housing for the poor to the highest bidder and evicting Roma from areas slated for renovation without financial compensation that was adequate to allow them to return after the renovations. The foundation also reported that district councils threatened to take children from Roma families who could not pay for public utilities in order to expedite evictions.

At year's end the National Assembly passed a law designed to end racial discrimination in housing. The law was passed following a national investigation into racial discrimination against Roma in the allotment of social housing. The investigation was requested by the ombudsmen for national and ethnic minority rights and for human rights.

During the year the position of Political State Secretary for Roma Affairs was eliminated as part of the government's restructuring plan. However, most ministries retained Roma coordinators, and the Roma Affairs Interministerial Commission continued its work to integrate and coordinate Roma affairs.

The 20 county labor affairs centers also had Romani affairs officers focusing 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 class rooms and to reintegrate those 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 also funded a Roma antidiscrimination legal service network, which provided free legal aid to Roma in cases where they encountered discrimination based on their ethnicity.

Section 6 Worker Rights

a. The Right of Association

The law allows workers to form and join unions of their choice, and workers exercised these rights in practice. Approximately 23 percent of the labor force was unionized.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference and the government protected this right in practice. Collective bargaining is protected by law, and it was freely practiced. Approximately 38 percent of the workforce was covered by collective bargaining agreements.

With the exception of military personnel and police officers, workers have the right to strike, and workers exercised this right in practice. The law permits the unions of military personnel and police officers to seek resolution of grievances in the courts.

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

Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace. Children under 16 are prohibited from working, except under certain conditions, such as temporary work during school vacations for those between 14 and 16. Children may not work night shifts, overtime, or at hard physical labor. The National Labor Center enforced these regulations in practice, and there were no reports of any significant violations.

Trafficking in children was a problem (see section 5).

Acceptable Conditions of Work

The national minimum monthly wage of \$310 (62,000 forint) did not provide a decent standard of living for a worker and family. The minimum wage was regularly evaluated and raised by the National Council for Interest Reconciliation, a tripartite body of employers, employees, and the government. An increased minimum wage of \$334 (65,000 forint) will take effect in 2007.

The law sets the official workday at eight hours, although it may vary depending upon the nature of the industry. A 48-hour rest period is required during any seven-day period. The regular work week is 40 hours, with premium pay for overtime, and the law prohibits overtime exceeding 200 hours per year. The law applies equally to foreign workers who have work permits.

Labor courts and the country's labor inspectorate enforced occupational safety standards set by the government, but specific safety conditions were not consistent with internationally accepted standards, and enforcement was not always effective. Under the law workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and this right generally was respected in practice.