



2008 Human Rights Report: Hungary

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Right Practices](#)

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Hungary is a republic with a multiparty, parliamentary democracy and a population of approximately 10 million. Legislative authority is vested in the unicameral National Assembly. The president, who is elected every five years by the National Assembly, is head of state and appoints a prime minister from the majority party or coalition. The April 2006 National Assembly elections were free and fair. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, problems remained and worsened, including in the following areas: reports that police used excessive force against suspects, particularly Roma; progovernment bias in state-owned media; extremist violence and propaganda against ethnic and religious minority groups; and government and societal corruption. Other human rights problems included societal violence against women and children, sexual harassment of women, and trafficking in persons. Extremists increasingly targeted Roma and other dark-skinned persons. A series of violent attacks against Roma led to four deaths and multiple injuries. Discrimination against Roma in education, housing, employment, and access to social services continued. Violence and abuse directed at gays continued to be 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.

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, nongovernmental organizations (NGOs) continued to report that police harassed and used excessive force against suspects, particularly Roma.

According to the office of the chief public prosecutor, 15 complaints of police mistreatment and 10 of use of force during interrogation were filed during the first six months of the year. The complaints resulted in 18 indictments of police officers. NGOs asserted that most complaints were made by Roma and other dark-skinned persons; however, due to privacy laws, no information was available on the persons who filed the complaints.

During the year authorities continued to investigate accusations that police mistreated six Romani men in June

2007 during an identity check. No information about the status of the investigation was available at year's end.

On January 23, the Budapest prosecutor's office began an investigation into claims that a young woman may have falsely accused five police officers of rape in May 2007. The officers were cleared of the charge in December 2007 for lack of evidence. The woman, however, filed a separate criminal case against the officers. The investigation and criminal case were pending at year's end.

On July 1, the Budapest prosecutor's office charged three police officers from Somogy County with abuse for humiliating two mentally retarded men during questioning about a February 2007 theft. The case was pending at year's end.

Actions by the national police and other law enforcement officers to control violent, large-scale antigovernment demonstrations in September and October 2006 continued to be a subject of public concern. An estimated 326 demonstrators and 300 police officers were injured, and 380 protestors were either arrested or detained. Opposition parties and NGOs alleged that police had excessively and illegally used water cannons, tear gas, and rubber bullets to break up the demonstrations.

Approximately 199 criminal investigations were conducted into allegations of police misconduct during the demonstrations; most were closed without charges. Eighteen police officers were charged with suspicion of causing bodily injuries. Of that number, five were sentenced and 13 cases were pending at year's end.

In civil proceedings, the Budapest municipal court issued six verdicts during the year, ordering police authorities to pay 7.2 million forint (approximately \$38,170) to compensate six demonstrators who were either beaten or illegally detained.

For example, one person who was kicked in the stomach, handcuffed, and detained for half a day was awarded 500,000 forints (\$2,650) for violations of human dignity and personal freedom. In a number of cases, criminal charges were not filed because the police officers who committed the alleged abuses could not be identified.

On January 1, a new law took effect prohibiting the use of rubber bullets by police. The National Assembly adopted the measure in June 2007 in response to recommendations from an independent committee and the Hungarian Civil Liberties Union (HCLU) that investigated the 2006 demonstrations.

Some officials expressed frustration over police misconduct during the 2006 demonstrations and the inability of courts to resolve cases expeditiously. On June 9, President Laszlo Solyom said the state and the rule of law were "gravely injured" by the failure to bring more police officers to justice. A judge who presided over a case against a police officer said he was dissatisfied with the testimony of police officers who testified in support of the officer and accused some of lying.

On January 21, the Budapest Prosecutor General fired Gergely Varga in connection with statements he allegedly made prior to assuming a position as office spokesman. According to a secret tape recording made by a journalist, Varga pressured witnesses not to testify against his police officer friend who was on trial for his actions in the 2006 demonstrations. Varga said that his friend and other police officers on trial were innocent and falsely claimed that he knew the actual perpetrators.

Prison and Detention Center Conditions

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

Prison overcrowding was a problem; however, it continued to decline, and the government opened two new prisons during the year. The overall prison population dropped to 117 percent of capacity, compared with 132 percent in 2007. At year's end, 14,736 inmates were held in prison and detention centers. Juveniles were not held together with adults.

According to the Hungarian Helsinki Committee (HHC), prison overcrowding was accompanied in some instances by a severe shortage of bed linens, towels, clothing, and inadequate medical care. Sanitation and toilet facilities were also poor in certain facilities; in some prisons toilets were not separate from living spaces. Many police holding cells did not have toilets and lighting and ventilation were often inadequate.

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

At year's end an investigation continued into allegations that prison guards in October attacked an inmate in the Miskolc Prison. The inmate reported that he was beaten after a disagreement with a guard, and spent 29 days recovering from his injuries.

On September 4, the civil rights ombudsman released a report alleging that the constitutional rights of juvenile prisoners to life and dignity were at risk. The ombudsman opened an investigation into juvenile prison conditions following a death at a juvenile prison in Tokol where a prisoner was killed in October 2007.

The HHC reported that it made four visits to various prisons during the year and was allowed to meet with prisoners without third parties present.

d. Arbitrary Arrest or Detention

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

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), who are also responsible for counterterrorism and crowd control.

Corruption within law enforcement agencies remained a problem. In contrast with 2007 there were no major scandals or charges of criminal acts by police that led to the dismissal or resignation of senior law enforcement officials. Penalties for police officers found guilty of wrongdoing include reprimand, dismissal, and criminal prosecution. During the year, 1,762 policemen were held responsible for breaching discipline; 616 for misdemeanor offenses; 13 were declared unfit for duty, and 262 were charged with committing a crime.

As of October three policemen were sentenced to prison and 30 received suspended sentences; 152 were fined, 2 were demoted, 2 were dismissed, 20 were reprimanded, and 17 were placed on probation. In addition, 22 police officers were convicted of corruption.

In October 2007 the HHC reported that law enforcement officials accused of a crime routinely received preferential treatment from the courts. According to the committee, police officers were generally not suspended during criminal proceedings and 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.

On January 1, an Independent Police Complaints Board (IPCB) began operating to investigate violations by police and border guards. The five-member body appointed by the National Assembly functions independently of police authorities. At year's end the board received 194 complaints filed by citizens. Of that number, the IPCB reviewed 109 and found substantial legal violations in 64 cases. The board forwarded 31 cases to the national police chief, who agreed with the findings in three cases, partially accepted the findings in four cases, and rejected the remainder.

A mobile police unit established in 2007 within the HNP to monitor legality of police acts around the country continued to operate. The HNP also continued to operate toll-free phone line for citizens to report police abuses.

Arrest and Detention

Under the law police must obtain a warrant from a prosecutor's office, a court, or from the police department to make arrests. Police must inform suspects of the charges against them and of the section of the criminal code under which they are acting.

Persons may be subject to "short-term arrest" if they are caught committing a crime or are suspected of committing a crime. Short-term arrest generally lasts eight hours, but may be 12 hours in exceptional cases. However, if suspects have no identification and pose a threat to public security, police may detain them for 24 hours. Police and the prosecutor's office can order detention for 72 hours for suspects who are caught in the act when their identity cannot be established or if conditions justify pretrial detention. If pretrial detention is not ordered within 72 hours, the person must be released.

There is a functioning bail system. Suspects must be informed of their right to counsel. Representation by defense counsel is mandatory when defendants face a charge carrying 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. If participation of a defense counsel is required, defendants have three days to hire an attorney, otherwise authorities will appoint one.

According to the Office of the Prosecutor General, there were 1,891 persons in pretrial detention as of July 31. Of these, 278 had been detained between six months and one year and 38 had been detained for over one year.

In most cases the law permits detainees to notify relatives or others of their detention unless notification would jeopardize the investigation. If the detainee cannot exercise this right, police must perform the notification. However, NGOs reported that in practice this provision was not fully respected. Under the law persons who were detained and later acquitted may receive monetary compensation.

According to NGO reports, Roma were more frequently held in pretrial detention than non-Roma and were subjected to racial profiling. Research conducted by the HHC with data from the HNP and the National Police College showed 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.

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.

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. There is also an 11-member Constitutional Court, which is elected by the National Assembly and independent of the judicial system. It is charged with reviewing the constitutionality of laws and international treaties ratified by the government. Citizens may bring cases directly to the Constitutional Court.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Trials are generally public, but in some cases judges may close a trial to protect the accused or the victim. In July the government eliminated a 1986 Ministry of Justice rule that regulated media access to police and judicial proceedings. The Hungarian Civil Liberties Union (HCLU) routinely criticized the courts for restricting the media's access to the courtroom.

There is no jury system; judges are the final arbiters. Judicial proceedings generally are investigative rather than adversarial. Defendants are presumed innocent until proven guilty and are entitled to counsel and can be present during all phases of criminal proceedings. Counsel is appointed for indigent persons, but public defenders were generally considered to be substandard.

In January the HHC proposed reforms to the public defender system to address critical shortcomings. For example, the HHC cited as specific areas of concern low salaries, uneven service quality, and a questionable process whereby investigating authorities appointed the defense council. The HHC proposed that public defenders should be appointed by an independent legal aid organization and their work should be regularly checked by a professional committee.

Judicial proceedings varied in length; delays of several months to a year were common. Defendants may challenge or question witnesses and present witnesses and evidence on their own behalf. They have access to government-held evidence relevant to their cases. The defendants have the right of appeal.

The law extends rights to all citizens; however, human rights and Romani organizations claimed that Roma received unequal treatment in the judicial process.

On March 26, Transparency International (TI) released a report that criticized courts for lacking sufficient transparency and accountability. The report recommended introducing clear ethical standards in court bodies, making the operation of the National Justice Administration Council transparent and open to the public, and making court documents accessible.

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

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 often too small to deter violators.

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

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

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. An independent press, a functioning judiciary, and a democratic political system combined to ensure freedom of speech and of the press; however, there were charges that the government-owned media were politically biased.

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

The National Television and Radio Commission is responsible for monitoring public and commercial broadcasting outlets, and for granting licenses and frequencies. The head of the seven-member board is nominated jointly by the president and the prime minister; six other members are appointed by the National Assembly, half by governing political parties and half by the opposition. The board monitors news broadcasts to ensure equal treatment of all political parties; however, opposition parties continued to claim that news coverage in state-owned media was biased in favor of the government.

On November 5, the Supreme Court acquitted Gyula Thurmer, president of the Hungarian Communist Workers Party, and six coworkers who had been charged with libel after describing a 2005 decision by municipal court chairman Laszlo Gatter as politically motivated.

Under the law, a person targeted by hate speech can file a civil suit. "Hate mongering" is considered a criminal offense if it leads to physical assault.

On June 30, the Constitutional Court ruled in favor of President Solyom's veto of a hate speech law stating that the right to free speech cannot be denied solely because comments are offensive to others. In October 2007 the National Assembly adopted two measures to criminalize offensive remarks in cases where a person's ethnic, racial or religious group--rather than the individual person--was insulted.

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

On December 20, Hungarian Workers Party Deputy Chairman Attila Vajnai and four colleagues were detained at a demonstration in Budapest for displaying Communist red stars. They were detained in spite of a finding in July by the European Court of Human Rights (ECHR) which said Vajnai's right to freedom of expression had been restricted when he was detained and fined in 2003 for displaying the red star. The ECHR also stated that the country's laws banning the use of totalitarian symbols are indiscriminately applied and too broad. On July 14, Vajnai appealed to the Constitutional Court to lift the ban on the use of the Communist red star. His appeal was pending at year's end.

The independent media were active and expressed a wide variety of views without restriction; however, state-owned radio and television stations, which accounted for 18 percent of the media market, featured a generally

progovernment point of view.

The cases of two journalists who were arrested by police while reporting on a demonstration in November 2007 were resolved during the year. Police said they arrested the journalists because they were interspersed among demonstrators at an illegal protest in Budapest. They were also fined approximately 40,000 forints (approximately \$212) each for "disobeying authorities." Human rights NGOs and journalists' organizations protested the arrests as a violation of freedom of the press and an infringement on the public's right to information. One of the journalists was acquitted; the second was convicted and paid a reduced fine of 15,000 forints (\$80).

There were no developments during the year in the 2007 appeals filed by two photo journalists who said they were harassed by police in 2006 while covering a street brawl after a soccer match. The Budapest prosecutor's office had dismissed the case for lack of evidence.

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.

The Internet was widely available and approximately 39 percent of the population had access to the Internet, which was a four percent increase from 2007.

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 this right.

Freedom of Assembly

Under the law event organizers must inform police of a public assembly at least three days in advance. On May 26, the Constitutional Court, acting on a recommendation from the Ministry of Justice and Law Enforcement, ruled that police were no longer required to disband any assembly held without prior notification. The court ruled that a spontaneous rally which is otherwise lawful must not be disbanded due to the organizers' failure to inform police in a timely fashion.

On June 19, following criticism by the HHC and other civil society organizations, the Budapest police revoked a ban on a gay pride parade scheduled for July 5. The city's police chief had previously stated that the event would obstruct important traffic routes in central Budapest. The parade occurred, although marchers were subjected to verbal and physical abuse from counter-demonstrators.

On July 30, the Pest County police fined Fidesz party official Gyula Budai 40,000 forints (\$212) for holding a press conference on June 11 without notifying the police. Police officials claimed that Budai had violated the assembly laws, but subsequently reversed their decision. On August 13, police officials stated that the assembly act does not apply to press briefings and prior police notification is not required.

On October 7, the ECHR ruled that authorities violated the right to assembly when they refused to allow a few dozen persons to stage a candlelight demonstration outside former Prime Minister Medgyessy's house in 2004.

Freedom of Association

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

On December 16, the Budapest municipal court ruled in favor of the prosecutor's office civil suit to disband the extremist Magyar Garda Association (MGA) for abusing the right to form an association and for conducting activities that infringe upon the freedom and rights of Roma. The MGA was formed in 2007 by the Movement for a Better Hungary (Jobbik) following violent 2006 antigovernment demonstrations to "preserve the country's traditions and culture."

In its ruling, the court declared that, despite its stated purpose, MGA actions violated the country's law on associations and created an anti-Romani atmosphere. For example, in March MGA members staged a rally in Tatarszentgyorgy that attracted Magyar Garda paramilitary sympathizers who said "gypsy crimes" were a threat to public safety. The MGA had also staged marches in other small towns and rural communities dressed in uniforms and carrying flags associated with a World War II fascist organization, the Hungarian Arrow Cross Party. The MGA appealed the ruling, and the case was pending at year's end.

c. Freedom of Religion

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

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, religious groups must submit a statement to a county court declaring that they have at least 100 followers. The court determines whether the registration of the new group complies with constitutional and legal requirements.

During the year the Reformed Church objected to the government's reported failure to disburse monetary subsidies to it, and in May filed an official complaint with the Constitutional Court. On June 3, the State Audit Office (ASZ) released an official report concluding that, in 2005-06, the government withheld 2.7 billion forints (approximately \$14.3 million) in subsidies from schools operated by religious organizations.

Societal Abuses and Discrimination

The Jewish population is estimated to be between 80,000 to 100,000. During the year anti-Semitic incidents, including vandalism, continued. The Federation of Jewish Communities in Hungary reported that there had been an increase in anti-Semitism compared to 2007 and expressed particular concern over the publication of anti-Semitic articles in the national newspaper Magyar Hirlap. They associated the increase with anti-Semitic groups who took advantage of widespread discontent over the country's economic difficulties.

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 which were openly anti-Semitic. At least two

Web sites regularly published verbal attacks against the Jewish community and repeatedly called for physical violence against Jews. NGOs reported that the government monitored these Web sites for content to enforce the ban on public display of such symbols as the swastika, hammer and sickle, the red star, and the arrow cross.

On May 28, the mayor of Győr, Zsolt Borkai, filed a report with police after posters with national socialist content appeared in the city's public areas. The posters featured a series of national socialist slogans: "We are coming! National Socialism! We cannot be stopped! Join us!" The poster also carried the address of a Web site that proclaimed: "Sixty-three years after World War II, we are here again, to fight for our race and nation even more strongly and with more dedication!" The site also praised Hitler and other Nazi leaders. Police did not investigate the allegations after they determined the actions did not constitute a crime.

During the year two local school councils appointed a teacher, who in 2007 posted a picture of himself on the Internet wearing an SS uniform, to a school director position. While Minister of Culture Istvan Hiller called on the councils to withdraw the appointment and parents opposing the nomination held a protest in front of the town hall, the local councils refused to withdraw the appointment.

On July 17, members of a Budapest district council informed police about the reported screening of the 1941 Nazi propaganda and anti-Semitic film *Jud Süss*. Police investigated two brothers who were suspected of showing the film without the required permission from the German Foundation. The brothers also allegedly sold Nazi and neo-Nazi objects as part of a business venture. The brothers responded by filing a complaint with the Budapest chief prosecutor's office claiming that the investigation lacked legal merit. The prosecutor's office agreed, saying their acts did not constitute "hate mongering." However, police continued the investigation into the men's activities.

On September 28, seven masked extremists attacked patrons at the Budapest Jewish Theater, dousing them with acid and animal feces. A neo-Nazi blogger claimed responsibility for the acts but said the intended target was the show's Jewish playwright, Zoltan Toepler. The theater had reportedly requested police security for the performance after several persons associated with the production received threatening messages. Police were scheduled to provide security, but reportedly received information that the event had been cancelled. They arrived later, but not in time to apprehend the attackers.

On October 10, two members of the National Assembly, Sandor Lezsak and Zoltan Balog, were accused of making anti-Semitic comments during a public ceremony honoring Ottokar Prohaszka, a Catholic bishop turned member of the National Assembly from the early twentieth century. Prohaszka was considered by many groups to have been an anti-Semite and described as "a leading figure of conservative anti-Semitic ideology" by the Budapest Holocaust Memorial Center. The Hungarian Catholic Church has rejected the charge. Lezsak praised Prohaszka for "raising his voice for curbing the cosmopolitan-parasite element," while Balog stated, "there is a need for the defense of the Christian faith because if we let it be taken away from us then we Hungarians will survive only in the biological sense." Media reports accused Lezsak and Balog of anti-Semitism, noting that the "cosmopolitan-parasite element" was a reference to Jews.

According to police there were 365 reports of vandalism or destruction of Jewish and Christian properties (31 in houses of worship and 334 in cemeteries) during the first ten months of the year, as compared to 287 reported cases in 2007 and 387 in 2006. Although police and some religious authorities claimed that the incidents were acts of vandalism and not manifestations of religious intolerance, some religious leaders and members of human rights organizations thought otherwise.

The prime minister, senior government officials, and representatives of other parties routinely countered various extremist demonstrations, and initiated and participated in several demonstrations during the year.

On April 29, the anti-Semitic motorcycle gang, Goy Cyclists, planned a protest at the headquarters of a national daily which had published a satirical article branding them as "Nazis." The prime minister joined approximately 300 counterdemonstrators at the protest.

On May 9, the prime minister announced the formation of the Democratic Charter, a new movement dedicated to combating violence and halting extremism. On September 18, the Democratic Charter staged its first antiextremism rally, which attracted approximately 4,000 participants including the prime minister, the mayor of Budapest, and members of opposition parties.

The government distributed compensation to some Holocaust survivors during the year, but the Compensation Office continued to be hindered by bureaucracy and inefficiency resulting in denial of large numbers of claims. For example, the Compensation Office reported that, of the 5,600 claims filed by U.S. Holocaust survivors, 4,500 have been denied. The denials most frequently result from insufficient documentation provided by the claimant. The NGO Bet Tzedek described the Hungarian documentation requirement as "onerous" and stated it creates unrealistic obstacles that most claimants are unable to overcome.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights. 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 laws provide 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 the expulsion or the return of refugees to countries where their lives or freedom would be threatened.

During the first six months of the year, the Office of Immigration and Nationality received 1,218 applications for refugee status of which it approved 99. The government also provided temporary protection to 31 individuals who did not qualify as refugees under the 1951 convention and the 1967 protocol.

On August 1, a regional representative from the UNHCR raised concerns over the government's treatment of refugees following a fight between asylum seekers in a refugee camp on July 30. The representative cited scarce funding, staffing cuts, limited access to healthcare, and poor food quality as the primary areas of concern.

Changes in the law, which took effect on January 1, improved the conditions under which authorities detain asylum seekers. Maximum detention periods were reduced from one year to six months and the government widened the circle of family members who could be included as part of an asylum case.

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

The law provides 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 April 2006 Prime Minister Gyurcsany and his Socialist-Liberal coalition were returned to office in a free and fair election. The coalition subsequently dissolved, leaving the Magyar Szocialista Part (MSzP) as the sole governing party.

There were no government restrictions on political parties.

There were 43 women in the 386-seat National Assembly and two women in the Council of Ministers.

Due to data privacy laws, no information was available on the number of minorities in the National Assembly or the Council of Ministers.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials were widely believed to engage in corrupt practices with impunity. According to the World Bank's Worldwide Governance Indicators, government corruption was a problem. Low-level corruption among law enforcement officials also remained a problem.

The law requires members of the National Assembly, high-level government officials, civil and public servants, and law enforcement officials to disclose their financial status on a regular basis.

An 18-member anticorruption coordination board established in June 2007 to analyze corruption encountered difficulties during the year. The board originally consisted of cabinet members, representatives of nongovernmental state institutions, and NGOs. However, in December, three NGO representatives left the board, citing frustration that none of the board's recommendations, including a complex anti-corruption strategy, had yet been adopted.

On March 3, the government established a National Antifraud Council (HENT) to counter black market activity and fraud. The council consists of representatives of six ministries, three law enforcement agencies and 10 property rights interest groups. Its goals included setting up a uniform database to track the black market and drafting a comprehensive strategy to address the problem.

Corruption in the executive and legislative branches reportedly increased during the year, and there were numerous cases of alleged corruption that received significant public attention during the year.

For example, on May 14, the Bacs-Kiskun County prosecutor's office charged former Socialist Party (MSZP) National Assembly member Janos Zuschlag and 15 accomplices with fraud. The defendants were accused of building a network of civilian groups between 1995 and 2001, securing state subsidies under false pretenses, and issuing false reports and fraudulent invoices. Using nearly 75 million forints (approximately \$400,000) in state funds, the defendants allegedly financed private enterprises and an election campaign. Criminal proceedings were pending at year's end.

On August 7, the Budapest prosecutor general's office ordered the Budapest police to investigate allegations of corruption and misuse of funds in connection with the creation of the official government spokesman's Web site. The government solicited bids to develop the website and eventually settled on a 200 million forints (\$1.1 million)

contract. Critics stated that the Web site's poor design and content did not justify the outlay of money. An investigation into the alleged misuse of funds was pending at year's end.

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. During the year the HCLU filed several lawsuits against the government for hindering access to public information.

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.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

As of September 30, the Equal Treatment Authority (ETA), which monitors enforcement of antidiscrimination laws, received 964 complaints. Of that number, the ETA launched 443 inquiries; 27 discrimination complaints were determined to be justified. In those cases the ETA ordered employers to stop the illegal activity, to restrain from further wrongdoing and, in six cases, pay penalties ranging from 500,000 to three million forints (\$2,650 to \$15,900).

Women

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

The 2007 country report by the UN Committee on the Elimination of Discrimination Against Women criticized the government for its narrow definition of rape. Under the law, a sexual assault is considered to be rape only if it involves the use of force.

During the first six months of the year, police investigated 93 rape-related cases, which led to 60 indictments for rape. No figures were available on the number of convictions.

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. According to the HNP, 2,137 women were reported to be victims of domestic violence during the first ten months of the year, compared to 2,593 in all of 2007; however, most incidents of domestic violence went unreported due to fear and shame on the part of victims. 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. However, prosecution for domestic violence was rare.

NGOs continued to criticize a law passed in 2006 that permits courts to issue restraining orders to protect persons from abusive spouses. Under the law, prosecutors must be willing to carry out a court order, which they have been reluctant to do in the past.

Prosecution of abuse against women was difficult because of societal attitudes that tended to blame the victim, and NGOs reported that police remained reluctant to arrest abusers. Victims' rights advocates indicated that the reluctance may have been due to a lack of confidence that the judicial system would effectively resolve abuse cases.

The Ministry of Social Affairs and Labor continued to operate an Internet site on domestic violence and a 24-hour hot line for victims of domestic abuse and increased the number of government-run shelters for abused women from 10 to 11.

Prostitution is legal, but persons engaged in prostitution could only work legally in certain locations, away from schools and churches. Estimates of the number of persons regularly engaged in prostitution varied from 7,000 to 9,000, rising to as many as 20,000 during the summer tourist season. Many were either coerced or lured into prostitution by pimps. The number of women under the age of 18 involved in prostitution has reportedly increased over the past few years.

The law provides the right to a secure workplace and prohibits sexual harassment, which is a criminal offense. While there were no reports of sexual harassment to the ETA, it remained a widespread problem that many women tolerated in the workplace because they feared losing their jobs.

Under the law men and women have equal rights. During the year the ETA did not report any cases of employers discriminating against women. However, there was economic discrimination against women in the workplace, particularly against job seekers older than 50 and those who were pregnant. According to the Central Statistical Office, women earned approximately 11 percent less than men.

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; however a 2006 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, only 3.1 percent of Roma received a comparable 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. They were often placed in remedial classes without cause, effectively segregating them from other students. NGOs and government officials estimated that 20 percent of Romani children were in remedial programs. Many schools with a majority of students had simplified teaching curricula. Schools where Roma constituted the majority were generally more crowded, less well equipped, and in significantly worse physical condition than those attended by non-Romani students.

On November 19, the Supreme Court ruled in favor of the NGO Chance for Children Foundation (CFCF) which had brought a desegregation lawsuit against the municipality of Hajduhadhaz. The ruling stated that the municipality and two of its primary schools had unlawfully discriminated against Romani children by segregating them from non-Romani students. CFCF had accused the local authorities of relegating the Romani children to separate, poorly maintained buildings where they used a simplified curriculum. Two additional CFCF lawsuits against the local authorities of Jaszlandany, Győr, and Kaposva were pending at year's end.

On May 2, the National Assembly adopted a law requiring local authorities operating schools to draw up an equal opportunity plan against segregation. Noncompliant schools were prohibited from bidding for EU funds. Local governments which submit a plan but fail to fulfill their obligations must return EU funds.

On June 2, the National Assembly adopted a law to provide financial assistance to seriously disadvantaged parents who send their children to preschool. The new law will take effect January 2009. The government also began providing funds to preschools to initiate special programs for disadvantaged children.

The government also redrew public school district boundaries to more equally distribute disadvantaged students. The new boundaries ensure that no district has more than 25 percent of disadvantaged students in their total school population.

NGOs and Romani activists claimed that Romani children did not have equal access to medical care or other government services.

According to police, 3,801 crimes against children were reported during the first ten months of the year, compared to 4,568 in 2007. Police continued to lack the necessary training, capacity, and institutional support to adequately protect children, particularly in situations involving domestic violence. Girls were reportedly trafficked for commercial sexual exploitation.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, there were reports that women and girls were trafficked to, from, through or within the country.

Victims were trafficked primarily for sexual exploitation, but there were also reports of trafficking for domestic servitude and manual labor, particularly for construction work. The principal countries of origin were Slovakia, Romania, Ukraine, Moldova, Poland, countries in the Balkans, and China. The principal destinations were Austria, Germany, Spain, the Netherlands, Italy, France, Switzerland, and the United States. There were also reports of trafficking to Central America, Mexico, the Scandinavian countries, Japan, and the United Kingdom. Internal trafficking of women for sexual exploitation occurred.

There were no official estimates of the total number of women who are trafficked from or through Hungary.

Persons at the greatest risk of being trafficked were orphans who reached adulthood, young women from the countryside, and young Romani women. The profile of trafficked persons was continued to change: the average age of victims decreased, with children increasingly trafficked.

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 au pairs, waitresses, or dancers. In some cases the victims may have expected that they would be engaged in prostitution in their destination countries but were not aware of the coercive conditions they would face.

Under the law, the maximum punishment for trafficking is three years imprisonment, or five years to life in prison if the crime involves a child under 12. If an organized trafficking ring is involved, the sentence for any kind of trafficking can be life imprisonment and seizure of assets. Antitrafficking NGOs suggested that the weakest features

of the antitrafficking effort were the reluctance of the prosecutor's office to prosecute cases and the large number of street-level law enforcement officials who failed to appreciate the importance of the problem. Police investigated 12 trafficking cases during the first half of the year and forwarded three to the prosecutor's office.

There was no evidence that government officials were involved in, or tolerated, trafficking.

On March 26, the government adopted a four-year national strategy against trafficking in persons that established national antitrafficking goals and priorities and assigned responsibilities to various government agencies. The government agencies most directly involved in combating trafficking were the Ministry of Justice and Law Enforcement, the Ministry of Foreign Affairs, the HNP, border guards, and customs authorities. There also is an interministerial countertrafficking working group and an International Trafficking Unit within the National Bureau of Investigation.

The government regularly cooperated with other countries in joint trafficking investigations. During the first half of the year, seven foreign nationals were extradited from the country on trafficking charges.

There were approximately 60 regional and local victim protection offices. Trafficking victims received psychological, social, and legal assistance. The Ministry of Social Affairs and Labor operated a hot line for victims of trafficking. 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 132 million forints (approximately \$700,000) for protecting trafficking victims.

The government continued to work closely with domestic NGOs and the International Organization for Migration to promote public awareness programs about trafficking.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/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 that there were 600,000 persons with disabilities, while the disability organizations estimated the number to be approximately one million.

NGOs expressed concern over 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 excessive restraint in dealing with 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 obligations to protect the rights of persons who had been placed under the legal guardianship of others. According to MDAC, one of the key problems was that there were no alternatives to guardianship for persons with disabilities who needed support in making certain decisions. According to research conducted by MDAC in May 2007, 66,000 adults were deprived of legal capacity.

In October the World Health Organization released a survey that raised concerns about the state of mental health care in Hungary. The survey found that there is a shortage of hospital beds and no rehabilitation system in place to assist the most serious patients. The minister of health responded to the survey by starting a nationwide debate on

a national health care plan.

In August 2007 the government adopted a three-year, 100 billion forint (approximately \$530 million) program to improve the condition of persons with disabilities and to integrate them socially by raising their living standards and improving their access to rehabilitation services, education, and employment.

A government decree requires all companies with more than 20 employees to reserve five 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 nine percent of working-age persons with mental disabilities were employed during the year.

Both the central government and the 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, and all those operated by the municipalities must meet this goal by 2013. The lead agency for protecting the rights of persons with disabilities is the Ministry of Social Affairs and Labor.

National/Racial/Ethnic Minorities

The Romani community is the largest ethnic minority. According to data collected by the country's central statistics office in 2007, 2 percent of the population is Roma; however, unofficial estimates, which vary widely, suggest the actual figure is much higher.

Reports of police abuse of Roma were common, but many victims remained fearful of seeking legal remedies or of notifying NGOs. During the year tensions between Roma and non-Romani groups intensified and at times were marked by violence and killings.

During the year there were 20 reported incidents involving firearms and explosives targeting Roma, including two attacks that killed four Roma. On November 3, Romani homes were targeted with Molotov cocktails and gunfire in the town of Nagycsecse killing a man and a woman. On November 18, a hand grenade was thrown into the home of a Romani family in Pecs killing two persons. In response to the attacks, the national police chief established a 50-member investigation unit to investigate the crimes. Although police had not yet established a motive, there was wide speculation that race may have played a role. All of the cases were pending at year's end.

The extremist paramilitary group Magyar Garda verbally assaulted and threatened Roma during several marches across the country to protest what they termed a lack of public security and "gypsy crimes." In response, Romani groups often organized counterdemonstrations against intolerance and extremism.

The head of the National Roma Self-government, Orban Kolompar, called on the Romani community to organize its own self-defense movement in response to the increased tensions. However, no organization had been formed at year's end.

On August 7, a weekly satirical newspaper with a circulation of about 45,000 published a cartoon which depicted Roma as unemployed lawbreakers who terrorize hard-working non-Roma. In response to a complaint filed by the Romani Press Agency, the Ethics Committee of the Hungarian Journalists Alliance expelled the editor of the weekly and issued an apology.

On October 18, a verbal confrontation arose between a group of Romani residents in Olaszliszka and 500 persons visiting a memorial for Lajos Szogi, a teacher who was killed in 2006 following a traffic accident that injured a Romani child. A heavy police presence prevented violence between the two groups.

Roma continued to experience widespread discrimination in employment, education, housing, penal institutions, and access to public places, such as restaurants and bars. According to the statistics of the Hungarian Institute for Educational Research and Development, Roma were significantly less well-educated than other citizens and their incomes and life expectancy were well below average.

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

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

On May 8, the state audit office published a report in which they raised concerns over the lack of transparency in the government's Romani policies. The report acknowledged that funding for Romani projects has increased dramatically, but maintained that problems persist in the planning, implementation and tracking of the funding. The report said that the most serious concern was that funds routinely failed to reach the groups with the greatest needs.

On May 14, the prime minister appointed a special commissioner to chair the newly established Romani affairs interministerial committee created to coordinate the government's Romani policy.

Most ministries had special officers for Romani affairs, and 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 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.

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.

On December 13, witnesses on a Budapest city bus reported a violent altercation between several men and two English-speaking men of African ethnicity. The men allegedly attacked the black passengers and pushed one of them out of the bus where they kicked him repeatedly in the head. Witnesses reported that approximately 30 people sat silently on the bus as the beatings took place over a period of several minutes.

Other Societal Abuses and Discrimination

Homosexuality is legal, but extremist groups continued to subject homosexuals to physical abuse and attacks.

On June 27 and July 2, unknown perpetrators threw Molotov cocktails into a gay bar and a gay bathhouse in

Budapest; there were no injuries. The National Investigation Office investigated the incidents but had not identified any suspects or made any arrest by year's end.

On July 5, antigay protestors violently disrupted an annual gay pride march in Budapest for a second consecutive year. An estimated 2,000 participants encountered a crowd of several hundred antigay demonstrators who verbally abused them, threw eggs, tomatoes, cobblestones, gas grenades, and Molotov cocktails. Police responded with tear gas and water cannons to disperse the protestors and end the clashes. Fifty seven antigay protestors were arrested; 14 persons were injured.

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

Section 6 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. 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.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected by law, and it was freely practiced. In 2007, 40.6 percent of the workforce was covered by collective bargaining agreements.

There was no antiunion discrimination or other forms of employer interference in union activities.

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, 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.

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

As of August the country's Labor Inspectorate reported that 19 companies employed a total of 57 children under 15. They were mostly employed in construction and agricultural work. Companies that employed children were fined between 30,000 and 20 million forint (\$160-\$106,027) 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 International Organization for Migration, trafficking of children for sexual exploitation was a problem.

e. Acceptable Conditions of Work

The national minimum monthly wage of 69,000 forints (\$366) 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.

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 work week is 40 hours, with premium pay for overtime. The law prohibits excessive compulsory overtime and overtime exceeding 200 hours per year. The laws also apply to foreign workers with work permits, and were enforced effectively and consistently.

Labor courts and the labor inspectorate enforced occupational safety standards set by the government, but specific safety standards were not consistent with internationally accepted standards, and 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 generally was respected.