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Hungary

Country Reports on Human Rights Practices - [2005](#)

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Hungary, with a population of approximately 10 million, is a parliamentary democracy with a legislative assembly. Prime Minister Ferenc Gyurcsany led a coalition government formed by the Hungarian Socialist Party and the Alliance of Free Democrats after the multiparty elections in 2002, which were considered free and fair. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. The following human rights problems were reported:

- excessive use of force by police against suspects, particularly Roma
- government interference in editorial and personnel decisions of state-owned media
- anti-Semitic incidents
- violence against women and children
- sexual harassment in the workplace
- trafficking in persons
- societal discrimination against Roma

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.

In July 2004 the government charged with manslaughter two police officers who were involved in the June 2004 death of a Bulgarian national.

Family members of a Romani man who died while being arrested by police in July 2004 filed a motion to have criminal charges brought against the officers. In January the office of the minority affairs ombudsman determined that the police investigation into the matter, which found no misconduct, had been carried out satisfactorily.

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, police used excessive force, beat, and harassed suspects, particularly Roma. The number of police abuse reports rose slightly, although observers attributed this increase to greater public willingness to report abuse. In the first half of the year 34 police officers were charged with assault and 6 others were charged with "forced interrogations." NGOs estimated that approximately half of the police abuse cases involved Romani victims.

For example, in June police officers in Tolna County severely beat a Romani man after taking him into custody for making threats. Two days later the police went to his brother's home, beat his brother, causing several broken ribs, and threatened his brother's family. The government initiated an investigation into the five police officers involved.

In August a Romani man and his two non-Romani friends reported that a local sheriff of Szany and two of the sheriff's relatives beat them after a complaint that the three youths were making excessive noise. Reportedly, the parents of the Romani boy also suffered physical abuse when they went to the sheriff to inquire about the incident. A hospital report concluded that the father, who suffers from brain cancer and epilepsy, had suffered oxygen deprivation and a rib contusion. Both the county prosecution investigations office and the national Roma

self-government were investigating the incident at year's end.

In November the eight police officers accused of the December 2004 beating a Romani man in Kaposvar were acquitted. The investigation into the December 2004 police beating of a Romani couple detained in Szigetvar on suspicion of pickpocketing concluded with no charges filed.

In some cases police were indifferent to foreign victims of crime; police often neglected to investigate reports of theft made by foreigners.

Prison and Detention Center Conditions

Prisons generally met international standards; however, overcrowding was a serious problem.

During the year prisons and detention centers held an average of 16,410 persons and were at 146 percent of capacity, with one prison at 246 percent of capacity. The government began construction on two new prisons to relieve overcrowding.

In January a modification to a law on detentions went into effect, providing for pretrial detentions (with some exceptions) to be carried out in remand prisons and not police holding cells.

The government permitted visits by independent human rights observers, 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.

Role of Police and Security Apparatus

The Hungarian national police (HNP), under the direction of the Ministry of Interior, has responsibility for law enforcement and the maintenance of order. City police forces and the national border guards also share security responsibilities under the interior ministry's direction. Police corruption was a problem, particularly the soliciting or accepting of bribes in exchange for ignoring traffic violations. The government actively pursued allegations of police abuse. Punishments for abuses committed by police included fines, probation, dismissal, and prison sentences.

Arrest and Detention

The law requires police to obtain warrants in order to place an individual under arrest. Police must inform suspects upon arrest of the charges against them but may hold detainees for a maximum of 72 hours before filing charges. The law requires that all suspects be allowed access to counsel prior to questioning and throughout all subsequent proceedings, and that the authorities provide counsel for detained suspects, juveniles, the indigent, and the mentally disabled. In actuality, police did not always allow access to counsel, particularly for persons accused of minor crimes. Although a comprehensive bail system existed, it was infrequently used.

In certain circumstances, the law permits police to hold suspects for up to twelve hours. A special type of detention called "public security detention" allows police to detain individuals who do not have identification for up to 24 hours.

There were no reports of political detainees.

The prosecutor general's office reported that the average length of pretrial detention in 2004 was 118.5 days. In the first half of the year 2,481 persons were in pretrial detention for an average period of 126 days, with approximately 14 percent of detainees being held for periods longer than 8 months.

Roma reportedly were kept in pretrial detention more frequently than non-Roma. Pretrial detention sometimes equaled but did not exceed the sentence. In cases of acquittal, the law provides for monetary compensation.

e. Denial of Fair Public Trial

Under the constitution, the courts are responsible for the administration of justice, with the Supreme Court exercising control over the operations and judicial procedure of all other courts. District courts are the courts of first instance. Regional courts are courts of appeal from district courts and can also function as courts of first instance. Five courts of appeal handle appeals from regional courts. The Supreme Court functions as the highest judicial body and can review the decisions of lower courts in certain cases.

The Constitutional Court stands apart from the rest of the judicial system and cannot overturn the decisions handed down by other courts. This court is charged with reviewing both the constitutionality of the laws and statutes brought before it as well as international treaties ratified by the government. Citizens may bring appeals directly to the Constitutional Court if they believe that their constitutional rights have been violated. The Constitutional Court is required to address every petition it receives; however, no deadline is specified for the court to render a decision, which has resulted in a considerable backlog of cases. The court received 1,136 complaints during the year. Parliament elects the 11 members of the Constitutional Court, who serve nine-year terms. All four vacancies on the court were filled in November.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally respected this right. Trials are public, but judges may in some cases agree to a closed trial to protect the accused or the victim of a crime. Judicial proceedings generally were investigative rather than adversarial in nature. Defendants are entitled to counsel during all phases of criminal proceedings and are presumed innocent until proven guilty. Counsel is appointed for individuals in need, including indigent clients, but the public defender system generally provided substandard service.

Judicial proceedings varied in length, and delays of several months to a year were common before the commencement of trials. Cases on appeal may remain pending before the courts for indefinite periods, during which time defendants are held in detention. Defendants can challenge or question witnesses against them and present witnesses and evidence on their own behalf, and they have access to government-held evidence relevant to their cases. There is no jury system; judges are the final arbiters.

Many human rights and Romani organizations claimed that Roma received unequal treatment in the judicial process (see section 1.d.).

Military trials follow civil law and may be closed if justified on national security or moral grounds. In all cases, sentencing must take place publicly. The law does not provide for the trial of civilians in military courts.

Political Prisoners

There were no reports of political prisoners.

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 (see section 5).

According to the Roma Civil Rights Foundation (RCRF), many municipalities employed a variety of techniques to prevent Roma from living in more desirable neighborhoods of their cities. Such techniques included the misappropriation by local governments of social housing designated for the poor by auctioning it off to the highest bidder, as well as the eviction of Roma from areas slated for renovation without providing enough financial compensation for them to move back once renovations were completed. The RCRF also reported that district councils threatened to take children away from Roma families to expedite evictions. On May 2, the parliamentary commissioner for national and ethnic minority rights formally requested that the Minister of Interior open a countrywide investigation into racial discrimination against Roma in the allotment of social housing.

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, the government influenced editorial and personnel decisions of state-owned media.

The independent media were active and expressed a wide variety of views without restriction. Interference in state-owned media, however, remained a concern. Several state-owned radio and television stations were governed by a state-appointed public media oversight board, which has proportional political representation. In 2004 the daily newspaper *Nepszava* reported that the president of Hungarian Public Radio (HPR) had been a secret agent during the Communist period, but these allegations were never substantiated and were widely believed to be a politically motivated attempt to discredit her since she had been appointed by the previous government. When her term expired in July, a dispute arose between the chairman and other members of the board of trustees over her interim replacement, and the chairman threatened to withhold government funds from HPR. The house speaker initiated committee inquiries into the legality of the interim leadership. The Hungarian Federation of Electronic Journalists, a professional association, characterized this parliamentary scrutiny as a threat to public service media. Opposition political parties continued to be critical of the pro-government news coverage in state-owned media.

A 1996 law provides for the creation of nationwide commercial television and radio boards in order to insulate the remaining public service media from government control. The media boards are elected every four years following parliamentary elections. The National Television and Radio Board monitored news broadcasts for equal treatment of all political parties and can fine public and private broadcasters for noncompliance; however, no fines were imposed during the year.

Unlike the previous year, journalists were not convicted for libel. During the year the case of a journalist charged in 2004 with breaching privacy laws went to trial, resulting in his acquittal by the court of first instance. The journalist had written an article that cited a police memorandum about criminal evidence gathered on a member of parliament. The prosecution appealed the court's ruling.

There were no government restrictions on the Internet or academic freedom. There were reports, however, that the mayor of Budapest refused event permits for concerts sponsored by right-wing cultural groups.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly and the government generally respected this right in practice. In January, Blood and Honor, a neo-Nazi group, appealed a December 2004 decision to withdraw its legal status. The court of appeal suspended proceedings in August in order to request the opinion of the Supreme Court on the relationship between the constitutionally guaranteed rights of freedom of assembly and human dignity. When the Supreme Court found no constitutional obstacles, the group was formally disbanded in October and reapplied for registration in November under the name "Pax Hungarica Society."

c. Freedom of Religion

The law provides 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) as well as 137 other officially recognized denominations. Recognized denominations received tax incentives that unregistered religious groups did not.

At the end of the year there were 770 pending property restitution cases involving religious groups. In September the government passed a resolution calling for all outstanding claims to religious property to be settled by the middle of 2006. In October the government returned a large synagogue located in central Budapest to the Jewish community.

Societal Abuses and Discrimination

In September a number of anti-Islamic posters appeared in Budapest. Police did not initiate an investigation, citing freedom of speech.

Despite a decrease in anti-Semitic incidents over the past several years, representatives of the Jewish community--which numbers between 80 thousand and 100 thousand--expressed concern over anti-Semitism in some media outlets, in society, and in coded political speech. For example, they criticized certain segments of *Vasarnapi Ujsag*, an ongoing Sunday news program on Hungarian Public Radio, for presenting guests who held anti-Semitic viewpoints. The weekly newspaper *Magyar Demokrata* continued to feature articles by authors who have denied the Holocaust, and to regularly publish anti-Semitic articles regularly.

In the first six months of the year, police reported 89 cases of persons vandalizing gravestones and cemeteries (including one Jewish cemetery), down from 216 cases for all of 2004. In June 130 graves were vandalized at the central Jewish cemetery in Budapest. Because police discovered no overtly anti-Semitic manifestations, they and Jewish leaders suspect motives other than anti-Semitism. The police investigation remained open.

For a more detailed discussion, see the [2005 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. During the year there were no known cases of delayed emigration.

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.

The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and the 1967 protocol and provided it to approximately 95 persons during the year.

The government cooperated with the office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations assisting refugees and asylum seekers. The UNHCR reported that 1,609 asylum applications were filed during the year. In 2004 the average length of stay in the refugee reception centers was 220 days.

Although police sought the timely deportation of detainees who did not qualify for refugee status, a shortage of funds and the detainees' frequent lack of documentation often resulted in stays of over a year. Although there were no reports of abuse during deportation, NGOs criticized the government's prolonged detention of stateless and sometimes undocumented foreigners pending resolution of their 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

Parliamentary elections in 2002 were free and fair.

There were 35 women in the 386 seat parliament. There were two women in the cabinet.

There were no figures on the number of minorities in parliament or the cabinet. However, minorities did not appear to be well represented. There were three thousand Romani politicians in the local and national minority self-governments (MSGs), which provided wide cultural autonomy for minorities and handled primarily cultural and educational affairs. The president of each self-government also has the right to speak at and attend local government assemblies. At year's end 970 out of the 1,830 active self-governments were Romani.

Two factors limited the effectiveness of the Romani and other MSGs. The election of non-minorities to the MSGs prevented some minorities from exercising the autonomy the law is intended to promote, and some critics claim that MSGs lack the legal authority and financial resources necessary to effectively address minority issues. On June 13, parliament passed an amendment of the laws on minorities and elections in order to address these concerns. The amendment requires voters for MSGs to register as a minority, and MSG candidates must be endorsed by the appropriate minority NGO. The amendment also provides for a "set-aside" minority seat on the local council and in some cases confers voting power for the minority representative. In June 2004 the president of the republic forwarded the amendment to the Constitutional Court to determine its legality. In September the Constitutional Court found the "set aside" provision unconstitutional and a new version of the amendment was being drafted at year's end.

Government Corruption and Transparency

There was a widespread perception of corruption in the executive and legislative branches. There were no reported police investigations or prosecutions regarding corruption in government. Low-level corruption among law enforcement officials remained a problem. In July 2004 a dedicated 12-person anticorruption mobile unit within the police force was disbanded as part of a restructuring plan for the national police headquarters. A nine-person anticorruption unit within the national police headquarters investigated corruption within the government, although persons with parliamentary immunity were exempt from its purview. No dedicated unit existed to fight internal corruption, although the protective service of law enforcement agencies, which oversees all law enforcement agencies, can investigate corruption cases.

The law provides for access to government information and the government generally provided it upon request. Many court rulings were unavailable to the public, which critics charged led to legal uncertainty. In July parliament passed the freedom of electronic information law, which obligates public institutions to place information of public interest on the internet. The law had not yet gone into force at year's end.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. The government was cooperative and responsive to their views.

The 21-member parliamentary committee for human, minority, and religious rights conducted hearings and participated in the law-making process. The committee reviewed legislative proposals, particularly the annual budget and amendments to the laws affecting minority groups. Separate ombudsmen for human rights, data protection, and minority affairs are independent of the government and delivered annual reports to parliament on their activities and findings. Parliament received their reports but was not legally bound to act on them. Parliament elects the ombudsmen for six-year terms. Persons with complaints who have not obtained redress elsewhere may seek the assistance of the ombudsman's office. The ombudsman's office does not have the authority to issue legally binding judgments but may act as a mediator and conduct fact-finding inquiries.

The minority affairs ombudsman played an active role in the investigation of allegations of discrimination against the Romani community in such cases as school segregation, access to housing, and the election of non-Roma to the Romani MSGs.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for individual rights, equality, and protection against discrimination; however, in practice, discrimination persisted, particularly against Roma. Violence against women, child abuse, and trafficking in persons were also problems.

Women

Domestic violence against women was a problem. Research conducted by an expert in the field indicates that as many as 20 percent of women were threatened or victimized by domestic violence. The law does not specifically prohibit domestic violence or spousal abuse. The charge of battery, which carries a prison term of up to eight years, can be used to prosecute cases. Societal attitudes tend to blame the victim of the abuse, and police were reluctant to punish abusers. Most incidents of domestic violence went unreported, as many victims did not report incidents of domestic violence out of fear and shame.

The Ministry of Youth, Family, Social Affairs, and Equal Opportunities continued to operate a 24-hour hot line for victims of domestic abuse and to set aside beds for them at government-run shelters. NGOs believed the government focused insufficient attention on domestic violence.

Rape, including spousal rape, is illegal, but the crime was often unreported because of the social stigma borne by victims. Penalties for rape range normally from 2 to 8 years, and up to 15 years in aggravated cases. Although the number of rape related investigations was not available, during the first half of the year police investigated 1,094 cases of crimes against sexual morals, which includes rape. A total of 417 convictions for such crimes were registered. 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 legal restrictions on where it may be carried out. Tolerances zones can be established where a significant amount of prostitution can legally occur within a confined area, but no such zones were in effect during the year. Police regularly fined prostitutes for offering their services, and targeted them for physical and verbal abuse. There were approximately 20 thousand prostitutes, many of whom were vulnerable to being forced or coerced into the activity by local pimps who keep most of their earnings. 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 has a section addressing the right to a secure workplace. Nonetheless, sexual harassment remained a widespread problem. Women's groups reported that there was little government support for the efforts of NGOs and some legislators to criminalize sexual harassment and that sexual harassment was tolerated by women who feared unemployment more than harassment.

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 women over age 50 and pregnant women. In January the government established the Equal Treatment Authority (ETA) to investigate discriminatory treatment. During the year the ETA determined that employers had illegally discriminated in nine cases, with most of the victims being women or Roma. The ETA imposed penalties ranging from reprimands to fines.

Children

The government was committed to children's rights. The law provides for compulsory education, which was free through age 18 for children who were born after 1997. 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. NGOs reported that only 10 percent of Romani children complete high school, compared to 80 percent of the general population.

The highest education level achieved by most students was secondary school.

Although education laws forbid the official segregation of children according to ethnicity or nationality, the de facto segregation of Romani children was a problem. Romani children were often placed without cause in remedial classes, effectively separating them from other students. NGOs and government officials estimated that 20 percent of Roma children were in remedial programs and that seven hundred such segregated classes existed. Many schools with a majority of Romani students had substandard buildings and resources, as well as simplified curricula. Furthermore, according to the European Roma Rights Center, Romani students comprised only 20 percent of the country's student population but over 50 percent of the student body in special schools for children with developmental disabilities.

In August an NGO filed a suit against the city of Miskolc, charging that at least three schools in the district relegate Romani and other disadvantaged children to separate, poorly maintained buildings and instruct them in a simplified curriculum. In November the court of first instance found that no discrimination had occurred. The NGO filed an appeal, which had not been ruled on at year's end.

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

Child abuse remained a problem. Some NGOs estimated that 25 percent of girls suffered from physical or sexual abuse by a family member before they reached the age of 12.

During the first half of the year, children were reported as victims of 2,933 crimes; nevertheless, police infrequently enforced laws to protect children. NGOs reported that neglect and abuse occurred in state care facilities such as orphanages.

Child marriages were uncommon; however, the government reported that 1 percent of the men who married, and 4 percent of the women who married, were under the age of 18. A small percentage of rural Roma allowed their female children to cohabit with a future spouse and his family prior to age 14.

Child prostitution was not a common practice, although isolated incidents occurred. Severe penalties existed under the law for those persons convicted of sexually abusing children by engaging in such acts. Although child prostitutes are 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 law provides penalties for trafficking ranging from 1 to 15 years in prison, depending on the circumstances of the case. The trafficking of minors is punishable by up to 10 years in prison. If an organized trafficking ring is involved, however, the sentence can be life imprisonment and the seizure of assets. The law stipulates the immediate deportation of foreign traffickers following the completion of their sentences.

The government agents most directly involved in antitrafficking efforts were the police, border guards, customs authorities, prosecutors, and

the justice, interior, and foreign ministries. In principle, the government is willing to extradite foreign nationals charged with trafficking; however, no such extraditions took place. The organized crime task force investigated trafficking cases involving organized crime, and the government cooperated with other countries in joint trafficking investigations.

The country was a source, transit point, and destination for trafficking in persons. The annual number of trafficking victims from the country was estimated at three thousand to four thousand. Those most at risk were orphans who have attained adulthood, young women from the countryside, and young Romani women. Women and children were trafficked for sexual exploitation primarily from countries to the east and south where unemployment is higher (Russia, Romania, Ukraine, Moldova, Bulgaria, and the Balkans). Trafficking victims either remained in the country or proceeded on to Western Europe and the United States. There were no reports of men trafficked to or through the country for forced labor.

Organized crime syndicates transported many of the trafficking victims for forced prostitution either in Budapest, or for transit to Western Europe or North America. Trafficking rings also exploited victims for domestic servitude and manual labor. Russian-speaking organized crime syndicates were active in trafficking women through the country, primarily from Ukraine and other countries of the former Soviet Union to European Union (EU) countries. Victims were recruited at discos and modeling agencies, through word of mouth, or even through open advertisements in local newspapers and magazines. Reportedly, some victims knew that they were going to work illegally, others believed they were getting foreign visas, and others expected to work but believed their employers were obtaining the appropriate papers and permission. Once at their destination, the victims were forced into prostitution or another form of exploitation. Victims were usually housed in apartments owned by the traffickers or outbuildings on their property. Victims' earnings and travel documents were typically taken by the trafficker.

There was no evidence of government involvement in or tolerance of trafficking, but there were reports that individual border guards were involved with corruption. In 2004 one police officer was arrested for providing prostitutes and was awaiting trial at year's end.

Trafficking victims who cooperated with police and prosecutors were able to gain temporary residency status, short-term relief from deportation, and shelter assistance. In March Hungarian Baptist Aid (HBA) opened a 156-bed shelter for victims of trafficking and domestic abuse in a complex of buildings donated by the government. Other NGOs provided shelter on an informal basis. The 51 local branches of the victims' protection office provided psychological and social support services and legal aid for all types of victims, including trafficking victims. The ministries of youth, family, social affairs, and equal opportunity operated a hot line for victims of trafficking and supported the HBA shelter for victims of trafficking.

The government maintained an inter-ministerial working group on trafficking, which is responsible for developing policy within the government, but no unified national approach to counter-trafficking programs was developed. Government officials cited difficulty in coordinating the three different ministries concerned with trafficking issues (interior, foreign affairs, and equal opportunities). On June 18, the minister of the interior signed a ministry antitrafficking action plan that emphasized police training and victim assistance. The ministry's various departments faced a December 31 deadline to prepare the new regulations required by the plan.

During the year the government created a bilateral working group comprised of representatives from various ministries, NGOs, and other international organizations. Convening for the first time on October 17, the group discussed the government's efforts to combat trafficking, particularly with regard to providing victim assistance, increasing public awareness, and gathering meaningful statistics.

The government continued to increase trafficking awareness and victim identification training for law enforcement and judicial officials by holding training workshops throughout the country.

During the year nearly 450 teachers and social workers took university classes on trafficking, and the government sponsored trafficking awareness programs in public and religious schools. Working with other NGOs, the International Organization for Migration (IOM) continued a program funded by the government and foreign donors to raise awareness of the problem of trafficking and to educate potential victims.

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 thousand and 1 million persons with disabilities (6 to 10 percent of the population).

Persons with disabilities most commonly face discrimination in employment and access to health care. Approximately 90 percent of persons with mental disabilities who are of working age are not employed. Cases of abuse and neglect have been reported in mental health care facilities. Some residents of government funded homes for the elderly were tied to their chairs and forced to sit all day.

The international NGO Mental Disability Rights International (MDRI) and the local NGO Hungarian Mental Health Interest Forum (PEF) noted that no procedures existed 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. The MDRI and the PEF reported that cages or cage beds were no longer used in government facilities for persons with mental disabilities.

A government decree requires all companies with more than 20 employees to reserve 5 percent of their jobs for persons with physical or mental disabilities, with fines of up to 75 percent of the average monthly salary for noncompliance. In practice this regulation was not very effective, as employers typically prefer to pay the small fine if caught.

The law mandates access to buildings for persons with disabilities; however, services for persons with disabilities were limited, and most buildings were not wheelchair accessible.

The council for the disabled, under the leadership of the Minister of Social and Family Affairs, served as an advisory board to the government. The council evaluated the government's progress in implementing the disability action plan and identified a number of failures and delays. The council also urged the adoption of amendments to relevant statutes affecting the disabled, mainly regarding the provision of equal access to buildings and support services.

National/Racial/Ethnic Minorities

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

There were no developments in the trial of police officers in Hajduhadhaz accused of using excessive force against a Romani man in 2003.

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. Widespread discrimination against Roma continued in education, housing, penal institutions, employment and access to public institutions, such as restaurants and pubs.

In July the ETA fined a cafe in Kalocsa because of its denial of entry in April to five Roma because of their ethnicity.

In June the county court in Szabolcs-Szatmar-Bereg ordered a popular disco to pay a fine for denying four Roma entry in April because of their ethnicity.

Predominantly Roma schools were more crowded, more poorly equipped, and in significantly worse condition than those attended by non-Roma (see section 5, Children). A book containing several negative stereotypes of Roma was used in a number of schools even though the government did not authorize it for the list of official school texts.

NGOs reported racial discrimination in adoption and high rates of removal of children from Romani families by child protective services. NGOs claimed that city councils threatened to remove children from Romani families in order to more easily evict those families for nonpayment of public utilities and discriminated against Roma in the distribution of social housing benefits (see section 1.f.).

The office of Roma affairs and the political state secretary for minority affairs worked in the Ministry of Youth, Family, and Social Affairs and Equal Opportunities. By August there were separate commissioners for Romani affairs in each of the three ministries of education, cultural heritage, and economy. The Roma affairs inter-ministerial commission continued to work to support the integration of the Roma and to coordinate the Roma affairs activities of the ministries and the national government offices. Of the 20 county labor affairs centers, 16 have Romani desk officers focusing on the needs of the Romani community. The Ministry of Education introduced financial incentives to encourage schools to integrate Romani and non-Romani children in the same classes, as well as to reintegrate those Roma inappropriately placed in remedial programs. The Ministry of Youth, Family, and Social Affairs and Equal Opportunities operated a program to finance infrastructure development in poor Romani communities. Government and NGO observers claimed that they could have accomplished more were it not for budget limitations and the government restructuring. Nevertheless, the government office of ethnic minorities along with the state secretary of Roma affairs played an active role in establishing the European Roma Forum in Brussels.

The minority affairs ombudsman played an active role in the examination of allegations of discrimination against the Romani community and continued to promote a uniform antidiscrimination law (see section 4). The Ministry of Justice also funded a Roma antidiscrimination legal service network, which provided free legal aid to Roma in cases where they had been discriminated against based on their ethnicity.

Section 6 Worker Rights

a. The Right of Association

The law allows workers to form and join unions 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.

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 (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace. The law prohibits labor by children under the age of 16 and regulates temporary labor conditions during school vacations of those aged 14 to 16, including prohibitions on night shifts and hard physical labor. Children may not work overtime. The national labor center enforced these regulations in practice, and there were no reports of any significant violations of this statute.

Trafficking in children occurred (see section 5).

d. Acceptable Conditions of Work

The minimum monthly wage of \$285 (57,000 HUF) 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 council announced that an increase in the minimum wage to \$310 (62,000 HUF) would take effect at the beginning of 2006.

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 7-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 received the necessary work permits.

Labor courts and the Hungarian labor inspectorate (HLI) 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. During the year an HLI survey of over 4,500 construction employers found that over 30 percent had employees working under conditions of serious risk. 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.

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