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Hungary

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The Republic of Hungary is a multiparty, parliamentary democracy with a population of approximately 10 million. Legislative authority is vested in the unicameral National Assembly. The president, elected as head of state by the National Assembly, appoints as prime minister the candidate of the majority party or coalition. In April 2006 Prime Minister Ferenc Gyurcsany and his Socialist–Liberal coalition were returned to office in a free and fair election. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, problems remained in some areas. There were credible reports that police used excessive force against suspects, and charges of progovernment bias in state–owned media persisted. The perception of corruption in the executive and legislative branches increased during the year. There continued to be manifestations of anti–Semitism, including vandalism. Violence against women and children as well as sexual harassment remained problems, as did trafficking in persons. Discrimination against Roma in education, housing, employment, and access to social services continued to be widespread.

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. Reports of police abuse of Roma again increased somewhat during the year, but NGOs considered the increase to reflect increasing willingness of Roma to report such abuses.

During the first six months of the year, according to the records of the Office of the Chief Public Prosecutor, citizens filed 309 formal complaints of police mistreatment and 71 of use of force during interrogation. The complaints led to 20 indictments on the former charge and two on the latter. NGOs asserted that a large number of the complaints were made by Roma and other darker–skinned persons; however, due to data privacy requirements, no statistics were available.

On December 10, the Budapest Prosecutor's Office closed an investigation of five policemen who allegedly assaulted a 21–year–old woman on May 4, citing the absence of a criminal act and lack of evidence. In response, the woman filed a complaint with the Budapest Prosecutor's Office. It was pending at year's end.

During the year the prosecutor's office investigated charges by six Romani men from Heves that police mistreated them during an identity check on June 23. No information about the status of the investigation was available at year's end.

In April the Office of the Military Prosecutor fined four prison officers, and demoted two of them, for beating four 16–year–old youths in Kecskemet in October 2006.

Police behavior in dealing with the large–scale antigovernment demonstrations and riots in October 2006 continued to be a subject of concern. These events resulted in injuries to 326 demonstrators and 399 police personnel, and an investigatory committee criticized police for using rubber bullets and employing other inappropriate procedures. The National Assembly adopted legislation on June 25 that banned the use of rubber bullets after January 1, 2008. The Hungarian Civil Liberties Union (TASZ) claimed that police did not have permission to use rubber bullets during the October 2006 demonstrations, having received official permission to use them only on December 6, 2006.

The prosecutor's office began 180 investigations of law enforcement officials in connection with the September and October 2006 riots. They forwarded 16 cases to the court, closed 150 without charges, and rejected another seven. The final seven cases were pending at year's end. Four cases represented by the Hungarian Helsinki Committee (HHC) involved reciprocal accusations of violence between demonstrators and police were unresolved at year's end. In one case the victim admitted throwing beer bottles at police officers before they took him into custody and allegedly beaten severely. In the other three cases, police investigations of the demonstrators were closed for lack of evidence. At year's end three cases against police officers were in the courts, and one was under investigation by the prosecutorial investigation office.

During the year all five policemen charged with beating two Romani men in 2005 in Tolna County were cleared.

Prison and Detention Center Conditions

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

Prison overcrowding was a problem but declined compared to the previous year; the overall prison population dropped to 132 percent of capacity as compared with 158 percent in 2006. As of September 28, 14,815 persons were held in prisons and detention centers. There were 3,931 pretrial detainees in prisons and police detention cells, the vast majority of them in prisons.

Early in the year, the Council of Europe's Committee for the Prevention of Torture (CPT) visited the Szeged Prison, where 80 percent of the inmates serve lengthy

sentences for extremely serious offences. On June 28, the CPT published a report on the prison's Special Regime Unit which, it concluded, was not being used in accordance with its design. It had come to be used to hold inmates who were a threat to prison security, with the result that authorities had imposed extreme restrictions on the inmates, and these became even stricter in October 2006, following an escape attempt. In response to the CPT report, authorities removed the post-October 2006 restrictions and indicated they would try to operate the unit in the manner for which it was designed. However, they stated they could only comply fully with the CPT recommendation when particularly dangerous inmates could be placed in a special security unit, and such a unit was not immediately available for budgetary reasons.

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

The HHC reported that it made five visits to various prisons during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions; however, the HHC reported a surge in what it called "poorly grounded" court decisions during the 2006 demonstrations that permitted persons to be held beyond 72 hours. During these demonstrations, 220 persons were arrested. Prosecutors asked the courts for authority to detain 172 of the 220 arrestees beyond the 72-hour detention period usually permitted before judicial review. Courts acceded to these requests in 145 cases (and ordered an additional 12 individuals placed under house arrest). However, an appeals court upheld prolonged detention in only 31 cases.

Role of the Police and Security Apparatus

The Hungarian National Police Force (HNP) is responsible, under the direction of the Ministry of Justice and Law Enforcement, for enforcing laws and maintaining order nation-wide. The regional police departments are directly subordinate to the HNP. City police are subordinate to the regional police and have local jurisdiction. Three organizations exist within the HNP, all having national jurisdiction: the Republican Guard, the National Bureau of Investigation, and the Law Enforcement Security Service (REBISZ), whose responsibilities include counterterrorism and crowd control. At year's end the National Border Guards merged with the HNP.

During the year police were implicated in a number of criminal acts, including corruption, theft, robbery, rape, bribery, and kidnapping, that severely undermined public confidence in law enforcement agencies. The ensuing scandals led to the dismissals, in May, of the HNP Chief, the chief of the Budapest police, and the head of REBISZ. The minister of justice and law enforcement resigned. In the same month, the head of the National Security Office (NBH) also resigned following scandals involving the intelligence and security services. The prime minister appointed the outgoing deputy civil rights ombudsman as the new minister of justice and law enforcement.

Authorities took a number of measures intended to improve police behavior. An internal mobile unit of 10 officers was established within the HNP. The unit was prepared to assume duty anywhere in the country to monitor the legality of police acts. On May 22, the HNP initiated a toll-free phone line that citizens could use to report police abuses.

Prosecutors and courts continued their investigation of numerous allegations of police abuse in connection with the September and October 2006 antigovernment demonstrations and riots. The investigations led to 23 indictments. Prosecuting officials said the top echelon of the HNP had assisted their investigations, but lower-ranking leaders were not helpful.

Penalties for police officers found guilty of wrongdoing include reprimand, dismissal, and criminal prosecution. Officers are generally suspended from duty during an investigation for abuse or corruption. According to police reports, most officers are dismissed when found guilty of serious wrongdoing. During the year 28 police officers were convicted of corruption; 14 were acquitted.

Other observers, however, including Andras Kadar of the HHC, asserted that a culture of impunity existed among police officers, whose loyalty to each other made them reluctant to investigate charges of wrongdoing. In April the European Court of Human Rights (ECHR) ruled against Hungary for failing to investigate claims of police brutality against a foreign visitor.

In January the chief of the HNP established the Papp Committee, named for its chairman, Brigadier General Karoly Papp, to review police performance during the October 2006 demonstrations. The committee's report described police performance in dealing with the demonstrations as "unprofessional, unprepared, and badly planned." The committee severely criticized many aspects of police leadership, noting the failure of some policemen to wear mandatory identification numbers; the giving of several unlawful orders to disperse the crowd; and the unlawful use of some equipment (i.e., rubber bullets, tear gas, handcuffs, and blows given with the flat of the sword). Despite the strong criticism, no high-level police officials were subjected to disciplinary action as a result of the report, and many officers mentioned in the Papp report were later promoted.

On September 11, the Budapest Metropolitan Court's Military Council issued the first guilty verdict related to the 2006 demonstrations, convicting a policeman for use of excessive force. The court sentenced the defendant to 20 months in jail and a three-year suspended sentence for breaking the finger of a demonstrator after he had been handcuffed and was lying on the ground. Both prosecution and defense appealed the decision.

At year's end HNP closed its investigation into numerous racist and anti-Roma postings made on Holduvar, one of the HNP's own Web sites. The postings were reported to authorities by two police officers in 2006. The policemen who posted the racist comments on the intranet forum were required to participate in conflict resolution training, while the management introduced stricter regulations for forum users.

Arrest and Detention

The law requires police to obtain warrants issued by police, the prosecutor's office, or the courts to make arrests. When making arrests, police must give the suspects a brief description of the facts constituting the allegation and the relevant sections of the criminal code under which they are acting.

Police can subject a person to "short-term arrest," if the person is caught in the act of committing a crime, or if someone is "suspected of having committed a crime." Short-term arrest cannot last longer than eight or (in exceptional cases) 12 hours. However, if a detained person has no identification and might pose a threat to public security, he may be held for 24 hours of "public security detention." Police and the prosecutor's office can order "72-hour detention," if the accused is caught in the act and his identity cannot be established, or if the conditions justifying pretrial detention exist. If the court does not order pretrial detention within 72 hours, the person must be released. The prosecutor is entitled to ask the court to order pretrial detention if the conditions set forth under the Code of Criminal Proceedings are present, such as flight risk or impediment to the procedure.

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 the participation of a defense counsel is mandatory, defendants must be informed that unless they retain a defense counsel within three days, the investigating authority will appoint one for them.

During the first six months of the year, according to the prosecutor general's office, 2,435 persons were in pretrial detention, and the average length of their detention was 122 days.

The law provides monetary compensation for persons who were detained and later acquitted.

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

In most cases the law permits detained persons (including those under short−term arrest) to notify relatives or others of their detention unless notification would jeopardize the investigation. If the detainee is not in a position to exercise this right, the police must perform the notification. However, NGOs reported that there were complaints that this provision was not fully respected.

e. Denial of Fair Public Trial

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

Trial procedures are generally protracted, which diminished the efficiency of the judiciary.

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

Judicial proceedings varied in length, and 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.

Human rights and Romani organizations claimed that Roma received unequal treatment in the judicial process.

In January a mediation procedure was introduced that permits a defendant and a plaintiff to seek agreement on compensation for minor crimes whose penalties do not exceed five years in prison. The mediation agreement cannot specify jail time; it may only address compensation or the provision of other (nonmonitary) remedies.

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. During the year the Legal Defense Bureau for National and Ethnic Minorities (NEKI) succeeded in bringing four cases to the Equal Treatment Authority (ETA) for alleged discrimination in employment. NEKI stated that lack of resources prevented them from bringing more such cases.

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; however, there were charges that the government−owned media were politically biased.

Individuals were able to criticize the government publicly or privately without official reprisals, and the government did not attempt to impede criticism by monitoring political meetings; however, individuals, including journalists, can be held liable for their own 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. A court convicted Gyula Thurmer, president of the Hungarian Communist Workers Party and six of his coworkers of libel, after Thurmer described a 2005 decision by Municipal Court Chairman Laszlo Gatter as politically motivated. TASZ appealed the ruling, and the case was pending at year's end.

On December 5, Viktor Orban, chairman of the main opposition party Fidesz, who was represented by TASZ, won a lawsuit against the Ministry of Justice and Law Enforcement and the Budapest Court of Appeals. The judge upheld the lower court ruling that Orban expressed legitimate political criticism when, in a television interview, he alleged that political pressure and direction were behind the police actions against demonstrators on October 23, 2006.

On October 29, the National Assembly adopted an amendment to the civil code seeking to protect minority groups targeted by hate speech. However, President Solyom did not sign the bill, claiming that it was disproportionate and could curtail freedom of speech. He then forwarded it to the Constitutional Court for review. TASZ supported the referral. The court had not given an opinion by year's end.

The law prohibits public displays of certain symbols, including the swastika, hammer and sickle, red star, and arrow cross, a symbol associated with the Hungarian fascist government of World War II. "Hate mongering" is also a criminal offense if it might provoke physical assault.

In February NBH personnel questioned two *Magyar Nemzet* journalists about their visits to the construction site of a house owned by Gyorgy Szilvasy, the minister without portfolio who oversees the secret services. Following an internal investigation, an NBH report concluded that its staff had reasonable cause to question the journalists but had violated several internal regulations in doing so. In May, reportedly as a consequence of these events, the NBH chief dismissed his operations director

for breach of internal regulations.

At year's end an appeals court was reviewing allegations that police harassed two photojournalists covering a street brawl after a soccer match in June 2006. The Budapest Prosecutor's Office terminated their investigation for lack of evidence earlier in the year, but the plaintiffs appealed that decision.

The independent media were active and expressed a wide variety of views without restriction.

State-owned radio and television stations attracted an 18 percent share of the media market. Their political programs featured a generally progovernment point of view.

The National Television and Radio Commission is legally responsible for monitoring both public and commercial broadcasting outlets, as well as granting licenses and frequencies. The board, headed by a president who is nominated jointly by the president of the republic and the prime minister, has six members. Members are appointed by governing and opposition political parties in proportion to their national assembly representation. 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.

Violations of government secrecy laws are criminal offenses; journalists who publish information designated secret are likely to face legal proceedings. In August, following police warnings of possible eight-year prison sentences, all media outlets declined to publish a top secret document from the National Bureau of Investigation that had been circulated to them anonymously. In December the representative on the freedom of the media for the Organization for Security and Cooperation in Europe, Miklos Haraszti, criticized the regulations covering the disclosure of classified information by journalists.

On November 17, police arrested two journalists who had been reporting on an illegal demonstration, and held them incommunicado for several hours. Leading national and international human rights NGOs and journalists' organizations protested the arrest as a violation of freedom of the press and an infringement of the right of the public to information. The HNP claimed their actions had been lawful and professional, since the reporters were interspersed among the demonstrators at the unannounced, and therefore illegal, protest. The Budapest Police Department also fined the journalists approximately $232 (40,000 forints) each for the misdemeanor of "disobeying authorities." Both journalists appealed, and the case was scheduled to be reviewed by the Central District Court.

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.

There also were no reports of the government blocking access to specific Web sites. The international organization World Internet Project reported that 35 percent of households had Internet access, a 14 percent increase over 2006.

On the instructions of the prime minister, the Ministry of Justice and Law Enforcement was seeking ways to restrict access to the extreme right-wing Web site kuruc.info. The site regularly published anti-Semitic material, as well as the telephone numbers of high-level state officials. Because the Web site was hosted by a foreign server, the government did not have authority to regulate it as it would a domestic server.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

The law governing assembly requires that organizers inform police of a public assembly at least three days in advance and requires that police disband any assembly held without prior notification. Its participants may seek judicial review within 15 days.

On March 19, following widespread public criticism and a formal complaint by the HHC, the Budapest police removed a barrier that prevented demonstrations in the historic and symbolic square in front of the National Assembly. Protective barriers around the National Assembly had been expanded to include most of the square following the October 2006 riots. After the removal of the barriers, a number of demonstrations were held on the square without incident.

In February the Constitutional Court annulled the Budapest City Council's October 2006 decision requiring preliminary approval from authorities for the use of public places. The Constitutional Court ruled that the Budapest City Council could not establish requirements in addition to those in the country's basic law on assembly.

On November 22, the Budapest Police Department issued an official apology to the leader and the 31 members of the organization "Conscience 88" for not permitting them to demonstrate in front of the home of the former prime minister in 2003. The Budapest Municipal Court ruled against the police in 2005; the ruling was followed by a settlement reached by the police and the group requiring an apology and damages.

In July the ECHR ruled against Hungarian authorities for breaking up a demonstration in 2002. Authorities had not been notified of the demonstration in advance, as required, but it was relatively small, and the court ruled that to disband such an assembly solely because of the absence of the requisite prior notice, without any indication of other illegal conduct by the participants, was a disproportionate restriction on the freedom of peaceful assembly.

Freedom of Association

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

On December 17, the prosecutor's office declared the Magyar Garda militia to be unlawful and initiated action in the courts to dissolve it; the issue was pending at year's end. The Magyar Garda was created earlier in the year by the right-wing extremist party, Movement for a Better Hungary (Jobbik), allegedly in response to the reluctance of the prime minister to resign following the October 2006 demonstrations and in response to the government's severe austerity measures. On June 18, a court registered the Magyar Garda as a society for preserving traditions and fostering culture. However, the organization's announcement that it would train its members in the use of firearms and its use of uniforms that evoked the Nazi-era made it an object of controversy (see section 2 c.).

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" religions (Catholic, Reformed, Lutheran, and Jewish), whose adherents make up 95 percent of the population, receive 93 percent of state financial support to religious groups.

According to Supreme Court records, in April there were 355 registered religious groups.

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 government continued to expedite an estimated 300 religious property restitution cases filed under a September 2005 government resolution. This resolution makes it possible for religious groups to fast-track property restitution negotiations and to close outstanding claims by the end of 2006, rather than the previous target date of 2011. Three religious groups (Catholic, Jewish and Budai Serb Orthodox Church) utilized this new procedure. Neither the Reformed nor the Lutheran churches opted for the fast-track procedure. The two Protestant churches had 260 outstanding cases valued at $25.2 million (4.5 billion forints) at the end of the year.

In November the government, the World Jewish Restitution Organization, and the Conference on Jewish Material Claims Against Germany concluded an agreement providing that the government transfer $21 million to the Jewish Heritage of Hungary Public Endowment in compensation for heirless Jewish property.

Societal Abuses and Discrimination

The Jewish population numbered an estimated 80,000 to 100,000 persons, or less than 1 percent of the population. During the year anti-Semitic incidents, including vandalism, continued. Jewish community representatives contended that there had been an increase in anti-Semitism compared to 2006, particularly in the form of severe verbal assaults during antigovernment demonstrations. The Federation of Jewish Communities in Hungary (MAZSIHISZ) associated the increase with the anti-Semitic groups' taking advantage of widespread discontent over the country's economic difficulties. The press also gave considerable attention to the problem of anti-Semitism during the year.

On June 28, demonstrators broke into a studio of the station Klubradio in Dbrecen during live broadcast and attacked a Jewish staff writer for the newspaper *Nepszabadsag*. The victim was struck on the head and told he should "return to Israel." Several demonstrators shouted obscenities and waved the Arpad flag, which was often associated with the far right wing. Reportedly, police who were at the site did not intervene. There were no reports that authorities sought to prosecute the perpetrators or the police.

At the end of the summer, the formation of the Magyar Garda caused serious anxiety within the Jewish communities. The induction of the first 56 "guards," wearing uniforms decorated with a symbol associated with the country's World War II fascist regime, led to by protests against the Magyar Garda sponsored by the Nagy Imre Society, the Hungarian Anti-Fascist League, and others. During the induction ceremony, the flag of the Garda was blessed by a Catholic priest, a Lutheran pastor, and a Calvinist preacher. Both the Conference of Catholic Bishops and the Hungarian Calvinist Church claimed that the clerics did not represent their respective denominations, and the Lutheran Church launched an inquiry into the participation of the Lutheran pastor. Leaders of the World and European Jewish Congresses, along with MAZSIHISZ, asked the prime minister to ensure that the Magyar Garda did not threaten Hungarian Jews. Prime Minister Gyurcsany and all five National Assembly parties criticized the Magyar Garda organization.

In September unknown vandals sprayed anti-Semitic slogans on a mobile Holocaust memorial exhibition just outside Budapest, according to press reports. Police from the small town of Godollo said that the target was a train carriage that has been on display throughout the country since April 2006.

MAZSIHISZ president Peter Feldmajer recommended that Jews stay at home for their own safety during celebrations on the Hungarian national day, March 15. However, other prominent Jewish leaders criticized Feldmajer's remarks, claiming that he had significantly overstated the danger. Although some celebrants in downtown Budapest shouted anti-Semitic slogans, there were no reports of physical attacks.

The question of anti-Semitism featured prominently in partisan political debate throughout the year. In a March 2 interview with the British daily *The Times*, Prime Minister Gyurcsany claimed that Fidesz chairman Viktor Orban was "benefiting from anti-Semitism in an attempt to derail the government's modernization programs." Fidesz responded that the party had never supported anti-Semitism. On August 31, a five-party press conference designed to demonstrate multipartisan consensus against the Magyar Garda deteriorated into a dispute over whether some parties were accepting the support of anti-Semitic elements or manipulating the issue for political advantage.

The government expressed concern over the public display of the ancient "Arpad flag," whose modern history included association with, or use by, the World War II-era fascist government. The president asked demonstrators not to use the flag during demonstrations out of respect for the dead and the grief felt by Holocaust survivors. Fidesz rejected the government's concern, recalling that the Arpad flag was one of the 23 historical flags of the country. Fidesz also commented that the Arpad flag, as it appeared at right-wing rallies, was not a symbol of the World War II-era Arrow Cross party, since it lacked the arrow cross symbol (whose display is illegal).

On August 28, a well-known Hungarian blogger openly expressed anti-Semitic views while appearing as a guest on the morning talk show of TV2, one of the country's two main commercial television channels. The management of the channel apologized and promised to be more careful in selecting future invitees.

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

There were numerous far-right Hungarian-language Web sites, many of which were openly anti-Semitic. 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.

According to police there were 287 reports of vandalism or destruction of Jewish and Christian properties (37 in houses of worship and 250 in cemeteries) during the year, as compared to 387 reported cases in 2006 and 216 in 2005. Police and religious authorities claimed that the incidents were acts of youthful vandalism and not manifestations of religious intolerance.

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

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

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 internally displaced persons, 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. The government granted refugee status or asylum.

In practice the government provided protection against "refoulement," the return of persons to a country where there is reason to believe they feared prosecution.

During the year the Office of Immigration and Nationality received 3,419 applications for refugee status. It approved 169 during the year. The government also provided temporary protection to 83 individuals who did not qualify as refugees under the 1951 convention and the 1967 protocol. The government cooperated with the UNHCR, the International Organization for Migration (IOM) and other humanitarian organizations in assisting refugees and asylum seekers.

There were no reports of refugee abuse. The HHC believed that legal changes that took effect on July 1 and other legislation enacted, but not scheduled to take effect until January 1, 2008, would bring several positive changes to the much-criticized way in which the authorities detain asylum seekers. One change would be to reduce the maximum length of detention from 12 to six months.

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 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 country permits groups designated as national minorities to elect their own minority self-governments (MSGs). On March 4, 13 recognized minorities elected representatives to 2,049 MSGs. No election abuses were reported.

There were no government restrictions on political parties.

There were 43 women in the 386-seat National Assembly and three 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. Minorities continued to be underrepresented despite a 1992 Constitutional Court ruling directing the National Assembly to provide for the representation of minorities as required by the constitution.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials were believed to engage in corrupt practices with impunity. According to the World Bank's Worldwide Governance Indicators, government corruption was 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.

There was a widespread perception of corruption in the executive and legislative branches. During the year the case of the Socialist (MSZP) politician Janos Zuschlag received intense public attention. A former MSZP member of the National Assembly, Zuschlag was chairman of the Kiskunhalas MSZP chapter and a member of the Bacs-Kiskun County Council. The prosecutor's office opened an investigation of Zuschlag and five other MSZP members suspected of misusing state funds. Youth organizations close to MSZP were suspected of failing to account for subsidies of approximately $347,880 (60 million forints) that they received from the Sports Ministry in 2003 and 2004 when Prime Minister Gyurcsany was minister of sports and the secret service minister was Gyurcsany's state secretary. Gyurcsany appeared as a witness in the criminal case. If convicted, Zuschlag could be sentenced to 20 years' imprisonment. At year's end the case was still under investigation.

Low-level corruption among law enforcement officials remained a problem.

In a highly charged political climate, politicians frequently exchanged charges of corruption or were accused of corruption by the media. The result was a number of slander suits between politicians and against the media during the year. In June the government established an 18-member anticorruption body to analyze corruption. It consisted of cabinet members, representatives of nongovernmental state institutions, and NGO representatives.

In September the cabinet created the position of ministerial commissioner for implementing the government's "New Order" program to curb corruption by modifying regulations on party financing, reimbursement of the official expenses of parliament members, and fighting against the black market economy.

The HNP maintained a nine-person anticorruption unit to investigate corruption within the government, although persons with legislative immunity were exempt from its purview. There was no independent government body to investigate internal corruption; however, a unit within the Ministry of Justice and Law Enforcement was charged with preventing and investigating crime within law enforcement agencies.

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 TASZ 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, or social status; however, in practice, widespread discrimination persisted, particularly against Roma. Violence against women, child abuse, and trafficking in persons were also problems.

Women

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

During the year police investigated 395 rape-related cases, compared with 206 cases in 2006. No figures were available on the number of convictions.

The law does not specifically prohibit domestic violence or spousal abuse. The general charge of assault and battery, which carries a maximum prison term of eight years, is used to prosecute domestic violence cases. Expert research in the field of family violence indicated that an estimated 20 percent of women in the country had been physically assaulted or victimized by domestic violence. Prosecution for domestic violence was rare.

According to the National Police, 2,593 women were reported to be victims of domestic violence during the year, compared to 4,620 in 2006; however, most incidents of domestic violence went unreported due to fear and shame on the part of victims.

In a May report, Amnesty International warned that neither existing law nor government policies were effective in defending women from domestic violence. According to the report, two-thirds of reported sexual crimes were committed by persons known to the victims, but few of these offenders were ultimately brought to justice.

NGOs continued to be critical of legislation enacted by the National Assembly in June 2006 permitting courts to issue restraining orders to protect persons from abusive spouses. They noted that the legislation continued to rely on the willingness of the prosecutor's office to carry out court orders, which it has proven reluctant to do in the past.

Prosecution of abuse against women was difficult because of societal attitudes that tended to blame the victim for the abuse, 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 launched a separate Web site on domestic violence, continued to operate a 24-hour hot line for victims of domestic abuse, and increased the number of government-run shelters for abused women from seven to 10.

Prostitution was 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.

In an effort to bring individuals engaged in prostitution into the legal economy, the tax authorities allowed them to apply for entrepreneur's permits and provided, with the assistance of the European Union, approximately $85,231 (14.7 million forints) to the Hungarian Prostitutes' Interest Protection Association to assist such individuals in obtaining the permits. The permits allow persons engaged in commercial sex activities to give receipts to customers and become part of the legal economy by paying taxes and making social security contributions.

The law provides the right to a secure workplace, and a provision took effect on January 1 specifically prohibiting sexual harassment. In December sexual harassment was made a criminal offense (it had previously been a misdemeanor). The ETA, which monitors enforcement of antidiscrimination laws, did not report any prosecutions related to sexual harassment. However, sexual harassment remained a widespread problem that many women tolerated in the workplace because they feared losing their jobs.

Women have the same rights as men under family law, property law, and in the judicial system. There was economic discrimination against women in the workplace, particularly against job seekers older than 50 and those who were pregnant. According to 2006 statistics, women earned approximately 15 percent less than men.

During the year ETA did not handle any cases in which employers had illegally discriminated against women.

Children

The government remained committed to children's rights and welfare.

The law provides for free, compulsory education for children through 18 years of age. The Ministry of Education estimated that 95 percent of school-age children were enrolled in school, although the dropout rate for Romani children was much higher than average.

The public education system for minorities in their own languages remained inadequate. There were insufficient schoolbooks and not enough teachers qualified in the languages concerned. During the 2007-08 school year, 651 kindergarten children participated in special Roma minority tutoring programs in the Roma language, 1,414 in elementary schools, and 396 in high schools.

Although the law prohibits official segregation of children by ethnicity or nationality, segregation of Romani children remained a problem. In order to reduce educational segregation, the government redrew school district boundaries for the 2007-08 school year to ensure that no district had a significantly higher proportion of disadvantaged students than adjacent districts. At the same time, the government adopted rules, making it more difficult for public schools to admit children based on their social, economic, and cultural backgrounds.

The Utravalo (Send-off) Scholarship Program, which was designed to assist disadvantaged children, a large number of them Roma, continued during the year. During the 2006-07 school year, almost 20,000 disadvantaged students and 9,000 teachers of disadvantaged students received financial support.

The NGO Chance for Children Foundation (CFCF) continued to combat segregation of Roma and other disadvantaged children through the courts. Following a CFCF lawsuit against authorities in Nyiregyhaza, Miskolc, and Szeged for relegating Roma and other disadvantaged children to separate, poorly maintained buildings, and using a simplified curriculum for them, authorities closed an elementary school in each of the towns and transferred its pupils to schools where they would study with non-Romani children.

Three other CFCF suits, against the city authorities of Hajduhadhaz, Csörög, and Miskolc, were pending at year's end.

Boys and girls generally had equal access to state-provided health care.

According to police, 4,568 crimes against children were reported during the year, compared to 1,135 in 2006. Police continued to lack the necessary training, capacity, and institutional support to adequately protect children, particularly in situations involving domestic violence.

The law provides severe penalties for persons convicted of sexually abusing children. While the children affected were not themselves prosecuted, they could be remanded to juvenile centers for rehabilitation and to finish school.

Trafficking in Persons

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

Victims were trafficked primarily for sexual exploitation, but there were also reports of trafficking for domestic servitude and manual labor. The principal countries of origin were Slovakia, Romania, Ukraine, Moldova, Poland, 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 estimates of the number of trafficking victims.

Within the country, the persons at the greatest risk of being trafficked were orphans who had reached adulthood and were required to leave orphanages, despite having few resources, young women from the countryside, and young Romani women. The profile of trafficked persons was constantly changing; victims were observed to be getting younger, 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 had an idea 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 to fifteen years to life 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. Government efforts to combat trafficking remained insufficient, although improvements in the law, expanded training of law enforcement officials, and increased focus at more senior levels of government have resulted in gradual improvement in recent years. 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 48 trafficking cases during the year and forwarded 24 to the prosecutor's office, while the border guards investigated and forwarded one case.

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

The government agencies most directly involved in combating trafficking were the Ministry of Justice and Law Enforcement, the Ministry of Foreign Affairs, the HNP, the border guards, and customs authorities. There is an interministerial antitrafficking working group and the HNP has a Department of Trafficking in Human Beings. The Ministry of Foreign Affairs is responsible for coordinating all antitrafficking activities.

The government regularly cooperated with other countries in joint trafficking investigations. No foreign nationals were extradited from the country on trafficking charges.

The government donated several buildings to establish an NGO trafficking shelter and allocated $74,486 (13 million forints) for protecting victims. The shelter assisted 45 trafficking victims. There were approximately 60 regional and local victim protection offices, and trafficking victims were among the recipients of their 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 status, short-term relief from deportation, and shelter.

The government continued to work closely with domestic NGOs and the IOM to promote public awareness programs about trafficking.

Persons with Disabilities

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

Persons with disabilities commonly faced discrimination in employment, education, and access to health care. Approximately 10 percent of working-age persons with mental disabilities were employed. 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. One of the key problems, in the view of MDAC, 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, 66,000 adults were deprived of legal capacity.

In August the government adopted a $580 million (100 billion forints)) program to improve the condition of persons with disabilities and to socially integrate them by raising their living standards and improving their access to rehabilitation services, education, and employment. The program was scheduled to run until 2010.

A government decree requires all companies with more than 20 employees to reserve 5 percent of their jobs for persons with physical or mental disabilities. The decree specifies fines for noncompliance. Employers typically paid the fines rather than employ persons with disabilities.

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. At year's end, between 60 and 70 percent of public buildings operated by the central government and 16 percent of those operated by municipalities were in compliance. A legal requirement enacted in April specifies that public transportation must be accessible to persons with disabilities by 2010.

Civil society representatives criticized the government for failing to make Hungarian laws compatible with the UN Convention on the Rights of Persons with Disabilities.

The lead agency for protecting the rights of the disabled was the Ministry of Social Affairs and Labor. The government introduced a national action plan for persons with disabilities during the year.

National/Racial/Ethnic Minorities

In 2007 the ETA reviewed 756 complaints of discrimination and found 29 of them to be justified. It found discrimination in employment or access to public services in 23 cases and imposed fines of between $2,899 (500,000 forints) and $25,690 (4.5 million forints) in three cases.

Roma, constituting almost 2 percent of the population, were the largest ethnic minority. They continued to experience widespread discrimination in employment, education, housing, penal institutions, and access to public places, such as restaurants and bars. Roma were significantly less well-educated that other citizens and their incomes and life expectancy were well below average. Reports of police abuse of Roma were common, but many victims remained fearful of seeking legal remedies or of notifying NGOs.

The unemployment rate for Roma was estimated at 70 percent, more than 10 times the national average, and most Roma lived in extreme poverty.

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, the percentage among Roma was 3.1. In addition, schools where Roma constituted the majority were generally more crowded, less well equipped, and in significantly worse physical condition than those attended by non-Roma students.

Segregation of Romani schoolchildren remained a problem. They were often placed in remedial classes without cause, effectively separating them from other students. NGOs and government officials estimated that 20 percent of Romani children were in remedial programs. At least 799 segregated classes existed for handicapped students, and in more than 25 percent of these all of the students were Roma. Many schools with a majority of Romani students had simplified teaching curricula.

Authorities took a number of steps to reduce the educational disadvantages faced by Romani children. In the belief that family disadvantages can be mitigated most successfully in early childhood, the law states that every seriously underprivileged child must be admitted to kindergarten. During the year the government provided funds to kindergartens for increasing their capacities and to initiate special programs designed to develop the abilities of disadvantaged children.

Inadequate housing was a problem for Roma, and their overall living conditions continued to be significantly worse than for the general population. According to Roma interest groups, municipalities used a variety of techniques to prevent Roma from living in more desirable urban neighborhoods. Such techniques included auctioning by local governments of special housing for the poor to the highest bidder, and evicting Roma from areas slated for renovation without compensation adequate to allow them to return after the renovations.

In July an epidemic of the Hepatitis A virus in Nyirmihalydi infected several children. The mayor blamed the epidemic on the local Roma settlement's poor hygienic conditions and decided to withhold social aid until the families built at a minimum an outhouse in their yard. The mayor's ruling was deemed unlawful, and following ministerial and ombudsman investigations, the social aid was quickly transferred to the entitled 160 families.

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

Most ministries had special officers for Roma 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 those Roma inappropriately placed in remedial programs. The Ministry of Social Affairs and Labor operated a program to finance infrastructure development in Romani communities.

The Ministry of Justice and Law Enforcement operated a Roma 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 MSGs, which are responsible for organizing minority activities and handling cultural and educational affairs. The president of each self-governed entity also has the right to attend and speak at local government assemblies. At year's end, 1,118 of the 2,045 active minority self-governments were Romani.

The 10-year-long failure of the National Assembly to enact legislation to enforce constitutional provisions for minority representation within that body remained unresolved during the year.

Other Societal Abuses and Discrimination

Homosexuality is legal, but on one occasion right-wing groups subjected homosexuals to physical abuse. Despite a police escort, the approximately 2,000 participants in the annual gay pride march on July 7 encountered a crowd of several hundred antigay demonstrators who hurled verbal abuse, beer bottles, eggs, nylon bags filled with sand, and two smoke bombs at them. This counterdemonstration was organized by the far-right-wing party Jobbik. Later in the evening, after police had observed the dispersal of the antigay demonstrators and departed, witnesses reported a number of physical assaults on persons entering and leaving a nightclub that marked the terminus of the march. Police allegedly failed to respond to phone calls reporting these incidents. Several NGOs criticized police for inaction and for charging the 17 persons arrested in connection with the parade with group disorderly conduct, instead of the more serious charge of incitement against a community or violation of the freedom of assembly.

Section 6 Worker Rights

a. The Right of Association

The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, 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 40 percent of the workforce was covered by collective bargaining agreements (almost 3,000 collective bargaining agreements existed).

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

Trafficking of children for sexual exploitation was a problem.

e. Acceptable Conditions of Work

The national minimum monthly wage of $368 (65,500 forints) 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, and the law prohibits overtime exceeding 200 hours per year. The laws also apply to foreign workers who have work permits.

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. The law gives workers the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and this right generally was respected.

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