

HUNGARY

Hungary is a republic with a population of approximately 10 million and a multiparty parliamentary democracy. Legislative authority is vested in the unicameral parliament (National Assembly). The National Assembly elects the head of state, the president, every five years. The president appoints a prime minister from the majority party or coalition. The National Assembly elections on April 11 and 25 were assessed as free and fair, with the conservative Fidesz-Christian Democrat (KDNP) coalition winning enough seats in the second round to achieve a two-thirds majority. Fidesz's prime ministerial candidate, Viktor Orban, took office on May 29. Security forces reported to civilian authorities.

Human rights problems included police use of excessive force against suspects, particularly Roma; new restrictions on due process; new laws that expanded restrictions on speech and the types of media subject to government regulation; government corruption; societal violence against women and children; sexual harassment of women; and trafficking in persons. Other problems continued, including extremist violence and harsh rhetoric against ethnic and religious minority groups and discrimination against Roma in education, housing, employment, and access to social services.

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 during the year.

In December 2009 the Somogy County Military Prosecutor's Office pressed charges against 10 prison guards at the Kaposvar prison for causing the death of a pretrial detainee and physically assaulting nine other inmates in February 2009. Authorities fired three of the 10 and suspended three others in April; one retired, and three remained in office. The case was active at the Gyor-Moson-Sopron County Court at year's end.

On September 3, the Budapest Prosecutor's Office charged a police officer with using his service weapon to kill a man during a December 2009 robbery. The officer was suspended in December 2009, and the Budapest Investigative Prosecutors' Office indicted him in the Metropolitan Court on September 1. The case remained pending at year's end.

During the year the Office of the Prosecutor continued its investigation of Sandor Kepiro, who was convicted by Hungarian courts in 1944 and 1946 for his role in the January 1942 Novi Sad massacre in Serbia, in which more than 1,200 persons were killed, most of them Jews. His punishment was never carried out. In 2006 the Simon Wiesenthal Center discovered that Kepiro was living in Budapest, and in 2007 the Prosecutor's Office opened a new case against him. (A court ruled that the records related to the previous verdict had been lost, and thus the sentence could not be carried out.) On December 16, the Pest Central District Court dismissed a countersuit by Kepiro. The Jerusalem office of the Wiesenthal Center continued to criticize the country for failing to bring Kepiro to justice.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, the Hungarian Civil Liberties Union (HCLU) reported that police often verbally and physically abused suspects of Roma origin in certain areas of the country, most frequently in the northeastern Borsod-Abaúj-Zemplén County.

On June 8, the Council of Europe's Committee for the Prevention of Torture (CPT) released the report on its March-April 2009 visit to the country. In its report the CPT delegation stated it received complaints from a few recent police detainees of excessive use of force (i.e., kicks, punches) at the time of apprehension and tight handcuffing during transport.

On March 8, the Budapest Metropolitan Court acquitted five police officers of raping a woman in 2007. The court cited questionable elements of the woman's story and determined that no crime had been committed. The woman appealed the verdict. No further information was available at year's end.

In December 2009 the prosecutor's office in Eger opened an investigation into an allegation by a Romani man that five police officers assaulted him. The case remained pending at year's end.

Between 2006 and 2009, authorities conducted 203 criminal investigations of police misconduct in connection with large antigovernment demonstrations and riots in Budapest and other major cities in 2006. Prosecutors terminated their investigations in 171 cases, mainly because they could not identify individual perpetrators; courts rejected the charges in eight cases; and the prosecutor pressed charges in 20 cases. Courts found the defendants guilty of causing bodily harm in 10 of these cases; the verdicts were not subject to appeal. Of the other cases, three remained under investigation, and three were transferred to the military prosecutor's office for action.

On May 20, the National Assembly created a subcommittee of its Human Rights Committee charged with investigating crimes that may have been committed by state officials between 2002 and 2010, particularly during the 2006 antigovernment demonstrations. Former National Police Chief Laszlo Bene admitted to the subcommittee that police had made mistakes in their handling of the 2006 riots. On October 20, the full Human Rights Committee approved the subcommittee's final report. The report concluded that, "between 2002 and 2010 the government repeatedly took illegal actions against those exercising their political freedoms, banned a series of events of which police had been properly notified, and failed to distinguish between the peaceful exercise of fundamental rights and illegal forms of expression." Describing the events occurring in the autumn of 2006 as the "culmination of this trend," the report criticized the governments of the period for failing to adopt policies that would permit dissent but keep it within lawful bounds and failing to promote police accountability by, for example, not requiring officers involved in crowd dispersion to wear identification numbers.

On November 2, subcommittee chairman Gergely Gulyas filed his report with Prosecutor General Tamas Kovacs thereby initiating an investigation into three aspects of police behavior related to the 2006 events: the lack of disciplinary action against the Budapest police chief, the absence of identification badges on police uniforms, and the failure of the police to protect Hungarian National Television employees when protestors entered their office building. The investigations remained pending at the end of the year.

On September 13, the government ordered the Ministry of Interior and the Ministry of the National Economy to settle all registered and established requests for

monetary compensation related to unlawful police actions during the 2006 demonstrations. As of October 22, the government had paid a total of 175,472,000 forint (\$831,620) to 73 persons of the 101 whose claims it accepted as valid.

On September 21, the Supreme Court reversed an earlier decision and ruled that the police action to break up an anti-government demonstration in front of parliament in 2006 was illegal.

Prison and Detention Center Conditions

Prison and detention center conditions fell short of international standards in some areas. The government permitted visits by independent human rights observers.

Human rights nongovernmental organizations (NGOs) and prison monitors repeatedly expressed concern about prison overcrowding. For example, in its June 8 report, the CPT reported observing severe overcrowding at the Borsod-Abauj-Zemplen Prison in almost all cells, with up to four prisoners in cells of eight square meters (86 square feet), 10 to 14 prisoners in cells of 25 square meters (269 square feet), and up to 14 prisoners in cells of 32 square meters (344 square feet).

According to the Hungarian Helsinki Committee (HHC), prison overcrowding increased during the year. Shortages of bed linens, towels, and clothing, and inadequate medical care remained problems. Sanitation and toilet facilities were also poor in some instances. In some prisons, toilets were not separate from living spaces. Many police holding cells did not have toilets and running water; lighting and ventilation were often inadequate.

In its June 8 report, the CPT indicated that it received several credible accounts, supported by medical evidence, of staff mistreating prisoners (by punches and kicks) at the Miskolc Prison and allegations of mistreatment (by slaps, punches, and kicks) of prisoners at the Tiszaok Prison. At the Tiszaok Prison the CPT heard one allegation involving the unacceptable use of handcuffs (fixed behind a prisoner's back and raised to inflict pain) that could be considered assault.

On November 18, a military court found a guard at the Budapest Maximum and Medium Security Prison guilty of mistreating an inmate in June 2009. The court sentenced the defendant to one year in prison but agreed to three years' probation in lieu of the prison sentence. Both prosecution and defense appealed the verdict. According to the HHC, the same inmate alleged that following the verdict, a prison guard in the Metropolitan Penitentiary Institution mistreated him while referring to

the conviction of his colleague. The appeals of the original case and an investigation into the allegations of mistreatment by a second guard were pending at year's end.

On May 7, the Metropolitan Court of Appeals upheld the conviction of two prison guards of physical abuse in an official capacity when they attacked an inmate in the Miskolc Prison in 2008. The court sentenced one guard to eight months' imprisonment, suspended him for two years, and demoted him in rank for one year. It fined the second guard 87,500 forint (\$414).

Both the HHC and the CPT noted that detainees who alleged physical mistreatment were usually examined only by internal medical staff. Further, on May 27, the national police chief ordered that medical examinations could be conducted in the absence of law enforcement staff only at the request of the detainee or the doctor, and only if permitted by the senior guard supervisor.

According to the June 8 CPT report, conditions at police holding facilities were generally adequate; however, the committee noted that one prisoner in detention at the time of the visit was subjected to degrading treatment. He was in the Budapest police central holding facility in a high security "cell" that consisted of a barred area within a single cell. Both the detainee and his sanitary facilities were subjected to powerful round-the-clock spotlights and video surveillance. In May 2009 authorities reportedly installed infrared cameras so the spotlights could be turned off at night. However, the CPT noted that the unscreened sanitary facilities remained in the field of vision of video surveillance cameras and in full view of supervising staff.

According to authorities, seven inmates had committed suicide as of October 19. In each case, a mandatory investigation cleared prison guards and other prisoners of any responsibility for the deaths.

- On March 19, a man committed suicide in his cell at the Central Police Holding Facility of the Budapest Police Headquarters one day after his arrest. The deceased's sister noticed injuries on her brother's body and face. On March 22, the Budapest Police Headquarters launched its mandatory investigation. Simultaneously, the Budapest Investigative Prosecutor's Office opened its own investigation into the alleged mistreatment. Neither investigation was completed by year's end.

- On March 29, a 22-year-old woman committed suicide in the central holding facility of the Budapest police headquarters. Authorities placed the woman, a registered heroin user, in a cell alone, although she had declared that she would rather die than go to prison. On July 12, the HHC appealed the results of the National Police Headquarters' mandatory investigation that cleared prison guards of responsibility. On August 11, the police revoked their initial decision and reopened the case, which was pending at the end of the year.

According to the Hungarian Prison Service, the prison population increased to 132 percent of capacity as of December 31, compared with 129 percent in 2009. On December 31, 16,366 inmates were in prisons and detention centers. On July 19, the government reopened the prison in Solt to reduce overcrowding, increasing the capacity of the system by 288.

During the year human rights NGOs did not report any cases of juveniles being held together with adults.

The law provides prisoners with a minimum of one 30-minute visit per month. In practice, prison wardens decide the maximum length of visiting time, which at most facilities is one hour. The law allowed detainees phone calls in accordance with the technical capacity of the individual penitentiary. The HHC reported that phone calls are available in every institution, but their permitted length varies significantly.

Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of alleged inhumane conditions. Human rights NGOs did not report any complaints about censorship.

City and county prosecutors, under the supervision of the prosecutor general, are primarily responsible for overseeing the lawfulness of the deprivation of liberty as well as investigating credible allegations of inhumane conditions. The prosecutor general regularly monitored prison and detention center conditions. These reports are not available to the public; however, the Office of the Prosecutor General provides reports upon specific request. The parliamentary commissioner (or ombudsman) for civil rights Mate Szabo visited seven prisons during the year and published five reports on his office's Web site. The ombudsman is not authorized to act on behalf of prisoners.

The HHC reported that it conducted one visit to a prison and met with prisoners without the presence of prison officials.

NGOs reported that prisoners and detainees were permitted religious observance. The HHC argued that the one-hour monthly limit on visits could not be regarded as reasonable access to visitors, especially in the case of pretrial detainees.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions. According to the Prosecutor General's Office, in 2009 there were 65 official complaints of arbitrary detention. The Office of the Prosecutor General rejected 22 complaints and initiated indictments in three cases.

Role of the Police and Security Apparatus

The National Police Headquarters (NPH), which operates under the direction of the Ministry of Interior, is responsible for enforcing laws and maintaining order nationwide. Twenty regional police departments are directly subordinate to the NPH; city police are subordinate to the regional police and have local jurisdiction.

On September 1, the government opened a Counterterrorism Center in Budapest. The new center is directly subordinate to the minister of interior and is responsible for protecting the prime minister and the president and for preventing and investigating terrorist acts including kidnapping and hijacking.

The Hungarian Defense Force is subordinate to the Ministry of Defense and is responsible for external security as well as aspects of domestic security and disaster response.

The Office of the Military Prosecutor is responsible for conducting proceedings involving any member of the armed forces charged with a criminal offense, such as the abuse of official power, the mistreatment, unlawful detention, or forced interrogation..

Penalties for police officers found guilty of wrongdoing include reprimand, dismissal, and criminal prosecution. A legislative amendment that took effect on March 24 mandates the automatic dismissal of police officers convicted of criminal acts committed while on duty.

Victims of lesser police abuses may complain either to the alleged violator's unit or to the Independent Police Complaints Board (IPCB).

In the first 10 months of the year, authorities found 2,914 police officers responsible for breaches of discipline, 868 guilty of petty offenses, 310 guilty of criminal offenses, and eight unfit for duty.

In the same period, courts sentenced seven police officers to prison terms, gave suspended sentences to 25, fined 315, demoted four, and dismissed 11. In the same period courts convicted 32 officers of corruption. No information was available on the number placed on probation.

The IPCB, established in 2008, investigated violations and omissions by the police that affected fundamental rights. The five-member body, appointed by a two-thirds majority of the National Assembly, functions independently of police authorities. As of December 8, the board had received 285 complaints from the public. It reviewed 501 (including some cases filed in 2009) and found legal violations in 157. The board forwarded the 157 cases to the national police chief, who agreed with the findings in one case, partially accepted the findings in 27, and rejected the remainder. The IPCB's authority is limited to making recommendations to the NPH and reporting its findings to Parliament.

Arrest Procedures and Treatment While in Detention

Persons may be subject to "short-term arrest" if they are caught committing a crime, are suspected of having committed a crime, are the subject of an arrest warrant, or are unable or unwilling to identify themselves. Individuals who cannot prove their identity with identification documents may be charged with a petty offense. Generally, short-term arrests may last up to eight hours, but could last up to 12 hours in exceptional cases. Police may detain suspects whom they consider security threats for 24 hours, and police and the prosecutor's office may order the 72-hour detention of suspects caught in the act when their identities cannot be established or if the conditions for pretrial detention exist. If the court does not order pretrial detention within 72 hours, police must release the person.

On July 22, the National Assembly amended the law effective August 19, making petty offenses against property (including petty theft) punishable by imprisonment. The amendment at the same time abolished the prohibition against incarcerating juveniles, but did not alter the provision that if the juvenile does not have an income or property, he or she cannot be fined by way of punishment. Alternative

sanctions such as community service or mediation also do not apply in such cases. Human rights NGOs were concerned that the changes leave no alternative to incarceration for juveniles convicted of minor offenses. Human rights NGOs also maintained that convicted juveniles, even if confined in the same prisons as adults, should be held in separate quarters. On July 22, the National Assembly adopted regulations giving additional rights to certain judicial secretaries (law school graduates employed by the judiciary who have taken the bar examination but have not been appointed as attorneys by the president), such as the right to make decisions in petty offense cases. Human rights NGOs strongly criticized this provision, arguing that judicial secretaries are not independent because they are appointed by the head of the respective county court.

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

There is a functioning bail system.

According to the Hungarian Penitentiary Service, on December 31, 4,844 persons were in pretrial detention. Of these, 1,083 had been detained for six months to a year, and 679 had been detained for more than a year.

According to the law, police must inform suspects of their right to counsel before questioning them. However, in its June 8 report, the CPT noted that the majority of persons interviewed during its 2009 visit stated that they had not been allowed to contact a lawyer while in the status of "apprehended" persons (i.e. during their initial 12 hours in police custody). Representation by defense counsel is mandatory when defendants are deaf, blind, or suffering from a mental disorder; are unfamiliar with the Hungarian language; are unable to defend themselves in person for any other reason; are juveniles; or are indigent and request the appointment of a defense counsel. When defense counsel is required, defendants have three days to hire an attorney; otherwise, the police or the prosecutor will appoint one. If defendants make clear their unwillingness to retain counsel, the police or the prosecutor is required to appoint counsel immediately. However, the police or prosecutor is not obligated to wait for counsel to arrive before interrogating the suspect. According to human rights NGOs, police routinely proceeded with the interrogation immediately after notifying a suspect of his right to counsel.

The law permits detainees to notify relatives or others of their detention unless the notification would jeopardize the investigation. If the detainee cannot exercise this right, police must make a notification of where the individual has been detained within 24 hours. However, the IPCB as well as NGOs reported that in practice police did not fully comply with this requirement.

Under the law persons who are detained and later acquitted may receive monetary compensation.

According to NGO reports, Roma were detained and subjected to racial profiling more frequently than non-Roma. Research conducted in 2008 by the HHC with data from the HNP and the National Police College indicated that Roma were three times more likely to be stopped for identification checks than non-Roma. However, the same data also indicated that Roma are no more likely to be involved in unlawful activities than non-Roma.

As of year's end, there was no further information about the Tatabanya Municipal Court's March 2009 detention order for an 83-year-old woman who was ill in the hospital. The order allegedly violated a 2007 Constitutional Court ruling that the accused must be present in court when pretrial detention is ordered.

Amnesty

President Laszlo Solyom issued 20 official pardons during the year. President Pal Schmitt, who succeeded Solyom on August 6, issued three.

e. Denial of Fair Public Trial

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

The National Assembly's subcommittee in charge of investigating legal violations committed by state officials in Budapest during the 2006 demonstrations criticized judges for giving jail sentences to 150 persons, 90 of whom later successfully appealed their sentences. The committee also summoned judges who were involved in these decisions for questioning. On September 19, Supreme Court Chief Justice Andras Baka stated that it was intolerable for a parliamentary investigative committee to review specific rulings and hold judges personally responsible, because this could restrict the legal system's independence.

Trial Procedures

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

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

The HCLU repeatedly raised concerns about the lack of clear guidance on the recording of ongoing trials and the courts' practice of occasionally restricting cameras in the courtroom during public proceedings.

Defendants have the right to be present and are entitled to consult with an attorney during all phases of criminal proceedings.

Representation by defense counsel is mandatory for defendants facing a charge for which the punishment is five years or more in prison, as well as for those in detention. If the defendant fails to retain counsel within three days the police or the prosecutor will appoint one at public expense.

Defendants may challenge or question witnesses and may present witnesses and evidence on their own behalf. Defendants have access to government-held evidence relevant to their cases. Defendants have the right of appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Regional Human Rights Court Decisions

During the year the European Court of Human Rights (ECHR) ruled on 10 cases lodged by citizens against the state. Six involved complaints that domestic court

proceedings exceeded the "reasonable time" requirement of the European Convention on Human Rights. In all six cases, the ECHR ruled in favor of the plaintiffs and ordered the state to pay between 2,300 and 14,500 euros (\$3,060 and \$19,300).

On May 20, the ECHR issued a decision favoring a plaintiff who challenged the decision of the authorities denying him the right to vote because he was under partial guardianship for manic depression, a condition the constitution envisages as a possible basis for deprivation of the franchise. However, the ECHR concluded that the indiscriminate removal of voting rights (without an individual judicial evaluation and based solely on a mental disability necessitating partial guardianship) violated the convention and awarded the plaintiff 3,000 euros (\$4,000).

Also on May 20, the ECHR ruled in favor of a plaintiff who claimed he was mistreated due to his physical disability while serving a prison sentence at Szeged Prison in 2005-06. The court awarded him 12,000 euros (\$16,000).

On July 6, the ECHR ruled that a police search of the office of a lawyer violated her right under the convention to respect for one's "home." The ECHR awarded her 3,000 euros (\$4,000).

On December 14, the ECHR ruled in favor of a pregnant woman who accused the state of violating her right to privacy under the convention by threatening to punish midwives, thus effectively preventing her from choosing to give birth at home. The court decided that the violation resulted from the failure of the state to regulate the issue.

Civil Judicial Procedures and Remedies

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

On November 16, the National Assembly passed a constitutional amendment depriving the Constitutional Court of the authority to express an opinion or pass a ruling on central budget, tax, or social contributions issues, except in cases affecting certain fundamental rights, such as the rights to life and human dignity; the protection of personal data; freedom of thought, conscience, and religion; and

rights linked to Hungarian citizenship. However, the sanctity of ownership of property was not included among the fundamental rights. On the same day, Fidesz resubmitted legislation imposing a retroactive 98 percent tax on large public sector severance packages, which the Court had declared unconstitutional in October, before the constitutional amendment removed such fiscal matters from its purview. Opposition parties and human rights NGOs strongly criticized the amendment for weakening the system of checks and balances, and thus the rule of law, and removing any consequences for violations of some areas of the constitution. Transparency International and other human rights groups vowed to appeal to the secretary general of the Council of Europe.

On October 27, Chief Judge of the Metropolitan Court Laszlo Gatter resigned from his post effective December 31, to protest the government's decision to restrict the jurisdiction of the Constitutional Court.

Property Restitution

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

The Constantinople Patriarchy Hungarian Exarchy (the Hungarian branch of the Greek Orthodox Church) continued to demand the restitution of property that the Russian Orthodox Community has occupied since the 1950s. When Hungarian courts dismissed the Greek Orthodox community's claim to the property, the community turned to the ECHR. The case was pending at year's end.

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

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

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice. The independent media

were active and expressed a wide variety of views. However, laws enacted during the year broadened the range of views whose expression was illegal to include public denial, doubt about, or minimizing the Holocaust, genocide and other crimes of the National Socialist and Communist regimes. Laws passed in July, November, and December concentrated authority over the media in a single government body with wide-ranging authorities.

Individuals generally could criticize the government in public or private without reprisal; however, individuals could be held liable for their published statements or for publicizing libelous statements made by others. Journalists reporting on an event could be judged criminally responsible for making or reporting false statements. Officials continued to use the libel laws to claim compensation for perceived injuries to their character.

The criminal code includes provisions against incitement of hatred and hate-inspired violence. Any person who publicly incites hatred against any national, ethnic, or racial group or certain other groups of the population is guilty of a misdemeanor punishable by imprisonment for up to three years. In addition, any person who verbally assaults someone because of his membership in a national, ethnic, racial, or religious group is guilty of a felony punishable by imprisonment for up to five years. NGOs criticized courts for failing to convict persons for inciting hatred unless the crime was accompanied by a physical assault.

On February 22, the National Assembly amended the criminal code to criminalize Holocaust denial. According to the new provision, anyone who denied the Holocaust or diminished its significance could be imprisoned for up to three years. On June 8, the National Assembly amended the law to remove specific reference to the Holocaust and to broaden its scope to cover public denial, expression of doubt, or the minimization of genocide or other acts against mankind committed by either National Socialist or Communist regimes. The law provides that such crimes carry a maximum sentence of three years in prison. On September 27, the HCLU filed a petition with the Constitutional Court to overturn the law, arguing that it imposes serious restrictions on freedom of speech. The case remained pending at year's end.

The law prohibits the public display of certain symbols. They include the swastika, the hammer and sickle, and the arrow cross, a symbol associated with the country's fascist World War II-era government. The law prohibiting the public display of the five-pointed red star remained in effect despite a 2008 ECHR ruling that declared it to be a violation of the right to freedom of expression.

On August 3, a member of the far-right Jobbik faction in parliament, Gyula Gyorgy Zagyva, allegedly harassed and threatened two journalists of the weekly paper *Hetek* during the Magyar Sziget music festival in Veroco. Reportedly, Zagyva, while brandishing a whip, told the journalists "you should be glad that you were not beaten up." He reportedly also said it was a sign of "Jewish arrogance" that the journalists turned on their Dictaphone and that he wanted to "stamp out their guts." Zagyva denied the reports. The Vac Municipal Prosecutor's Office ordered an inquiry, and the case remained pending at year's end.

On January 19, the Supreme Court ruled that former national media watchdog, the National Television and Radio Commission (ORTT) violated the law in awarding licenses for the only two frequencies that broadcast countrywide. ORTT's decision to reject the bids of existing radio networks Slager and Danubius to renew their licenses for another seven years triggered strong criticism both domestically and internationally. On July 14, an arbitration board upheld the Supreme Court decision. Despite the court decision, ORTT and its successor, the National Media and Infocommunication Authority (NMHH), failed to terminate contracts with the winning bidders.

On July 22, November 2, and December 21, the National Assembly adopted a series of laws governing media regulation, most of which were scheduled to enter into force on January 1, 2011. However, the law specifies that the Media Council may initiate proceedings against the providers of on-demand media services or print products only after July 1, 2011.

The July 22 law created the NMHH by merging the ORTT and the National Telecommunication Authority. The NMHH is a central government agency subordinated to the parliament that "contributes to the execution of the government's policy in the area of frequency management and telecommunications." The prime minister appoints the president of the NMHH for a nine-year term with no limit on reelection. The president then serves as chair of the five-member Media Council that parliament appoints to supervise electronic media content. The four additional council members are elected to nine-year terms by a two-thirds majority vote of members of parliament (MPs) in attendance.

The July 22 law also transformed the public service broadcasting system. It converted the state-owned radio broadcaster, Hungarian Radio, the public television companies, MTV and Duna Television, and the Hungarian News Agency (MTI), into closed, not-for-profit, shareholder companies. The ownership and supervisory levels, as well as the real assets (high-end real estate, archives, and

production units), of these companies were merged under the newly established Public Service Foundation. The foundation is managed by an eight-member Board of Trustees, six of whom are elected by a two-thirds majority vote of MPs in attendance, while the chair and one other member are delegated by the Media Council. All members serve nine-year terms. On September 9, the opposition Hungarian Socialist Party filed a complaint with the Constitutional Court against the new media law, arguing that its sections on the supervisory structure and financing are unconstitutional. Later in September, the green party LMP together with Jobbik also challenged the media law at the Constitutional Court. The cases remained pending at year's end.

These substantial legislative changes in media regulations generated strong criticism from national and international human rights organizations concerning the new framework for media regulation and supervision. On September 7, the Organization for Security and Cooperation in Europe (OSCE) released a report by Dr. Karol Jakubowicz, commissioned by the Office of the OSCE Representative on Freedom of the Media, which found that the legislation introduces "stricter regulation, more pervasive controls and limitations on freedom of expression." The OSCE report also expressed concern that the head of the Media Council will be a political appointee and that the selection method for the Public Service Foundation's board of trustees will lead to a politicized public service broadcasting system.

Legislation passed on November 2 focused on content regulation and set standards for journalistic rights, ethics, and norms. It applied to all media, including news portals and on-line publications. Under the law, all citizens are entitled to be appropriately informed about local, national, and European public affairs, as well as other "events bearing relevance" for Hungarians. The law prohibits inciting hatred against persons, nations, communities, ethnic, linguistic or other minorities, majority groups, churches, or religious groups. The legislation provides exceptions to journalists' right to source protection in cases when unauthorised sources reveal classified information, and when courts or government authorities rule that such disclosure is "in the interest of protecting national security and public order, or uncovering or preventing criminal acts."

The bill passed on December 21 gave the Media Council the authority to impose fines for violations of content regulation, including media services that violated prohibitions on inciting hatred or violating human dignity, or regulations governing the protection of minors, public health, public security, national security and consumers and investors. The council may impose fines for violations ranging

from 10 to 200 million forint (\$47,000 to \$948,000), depending on the type of publication and audience size. It may fine individual editors 2 million forint (\$9,500). The council can also suspend media outlets' right to broadcast for up to a week. The council is also empowered to render "reprimanding judgments" in cases of content that it considers "unbalanced." The council contended that media outlets would not have to pay the fines until any court proceedings have been completed. According to the law, decisions of the Media Council may be challenged in court by lodging a petition against the council, and the court may be requested to suspend the decision until the court challenge has been resolved. The postponement is not automatic according to the law; however, the Media Council argued that in practice the court would automatically defer the sanction. On December 22, the OSCE representative for press freedom expressed concern that the changes to the media law "harm media freedom."

On December 21, the host and the editor of a public radio program were suspended from their duties by the radio's management after the host held a minute of silence protesting the passage of the media law. An internal investigation into their protest was ongoing at the station at year's end.

The HCLU raised concerns that new media regulations merged the supervisory boards of all state-owned Public Service Broadcasting entities, including the state news agency, into a single foundation, and also placed their finances and assets under the control of the newly created Media Council. The HCLU also noted that all media, including television, radio, and Internet, are grouped under the same regulations despite wide variation in their uses. On December 24, European Commissioner for Media Affairs Neelie Kroes sent a letter to Deputy Prime Minister Tibor Navracsics requesting the full text of the act in order to assess whether it is in harmony with EU regulations on media freedom.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to the International Telecommunication Union, in 2009 approximately 63 percent of the country's inhabitants used the Internet.

However, European Commissioner Kroes, NGOs, and the foreign press raised concerns that provisions of the new media laws requiring balanced reporting and registration of media outlets lacked clear limits and could be interpreted to include

blogs. The government and the NMHH argued that, in practice, blogs would be exempt from these requirements on the basis that they are not considered "business endeavors."

There were no reports that the government attempted to collect the personally identifiable information of a person in connection with that person's peaceful expression of political, religious, or ideological opinion or beliefs.

Academic Freedom and Cultural Events

On November 17, the director of the state-run National Theater cancelled an agreement to host a national day observance by the Romanian Cultural Institute of Budapest following objections by Fidesz, Christian Democrat, and Jobbik parliamentarians. The December 1 national day commemorates the 1918 Alba Iulia National Assembly, which declared the unification of Transylvania, until then a Hungarian territory, with the Kingdom of Romania. The Fidesz caucus issued a statement that "the loss of Transylvania constitutes a deep trauma to the present day for the majority of the Hungarian nation. While we acknowledge that this historical event tragic for Hungarians is a national holiday for Romania, we do not expect it to be celebrated in a symbolic space of our national culture."

b. Freedom of Peaceful Assembly and Association

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

Freedom of Assembly

Under the law, demonstrations do not require a police permit, but event organizers must inform police of a planned assembly in a public place at least three days in advance. The law authorizes police to prohibit any gathering if it seriously endangers the peaceful operation of representative bodies or courts, or if it is not possible to ensure alternate routes for traffic. However, police are not required to disband a spontaneous, unauthorized assembly that remains peaceful. During the year police prohibited six demonstrations, which represented less than 1 percent of total announced demonstrations.

During the year the HHC and other human rights organizations repeatedly emphasized the need to modify the law on assembly to clarify when the police may prevent a public gathering. According to the HHC, the law does not permit the

police to prevent a demonstration based on an unverified assumption that the demonstrators are highly likely to commit a criminal offense. According to NGOs, the shortcomings of the law sometimes resulted in inconsistent police practices.

Freedom of Association

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

c. Freedom of Religion

For a description of religious freedom, please see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt/.

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

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

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

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees

The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

The Asylum Act includes definitions for the principles of "safe country of origin" and "safe country of transit," including adequate provisions for individual consideration in exceptional cases. In practice, authorities decide on a case-by-case basis whether the country of origin may be regarded as a safe country of origin for the applicant.

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

During the year the Office of Immigration and Nationality (OIN) received 2,104 applications for refugee status and approved 74. According to the law, OIN shall grant "subsidiary protection" status to foreigners who do not qualify as refugees but for whom there is a risk of exposure to serious harm upon their return to the country of origin. OIN granted 115 persons "subsidiary protection" status. The law provides that OIN may authorize persons to stay in the country by granting them "tolerated status" consistent with Hungary's non-refoulement obligations under international law. During the year, OIN granted 58 persons "tolerated status."

On February 26, the HHC filed a complaint with the Office of the Prosecutor General concerning the OIN practice of detaining certain asylum seekers beyond the 15-day pre-assessment period. In its April 15 response, the Office of the Prosecutor General repeated its previous warning to OIN, ordering the termination of the unlawful practice. OIN challenged this notice at the Ministry of Interior. On June 21, the ministry accepted OIN's argument and authorized it to continue the practice.

On November 22, the National Assembly modified the Asylum Act, introducing several restrictive measures in immigration policing, such as increasing the maximum period of detention from 6 months to 12 months, rejecting manifestly unfounded asylum claims in the admissibility procedure, and detaining families with minor children for 30 days in exceptional cases. A disputed element of the legislation allowing for the continued detention of asylum seekers after they enter the "in-merit" procedure was eliminated. The HHC criticized the new regulations, arguing that the restrictions could not be justified by migratory trends and that certain of the new measures were contrary to the European Union Directive on Return.

According to established procedures, immigration police interview individuals detained at the border and then ask the OIN whether the person's deportation would be in breach of the country's non-refoulement obligations. The OIN issues a binding expert opinion, taking into account the interview as well as UN reports and other country-of-origin information.

On December 16, Human Rights Watch (HRW) published a report on the treatment of asylum seekers and migrants in Ukraine analyzing the readmission procedures from neighboring EU countries. HRW interviewed 14 migrants who were returned from Hungary to Ukraine in 2008-10. Nearly all of them said that officials ignored their requests for asylum and that they were "pressured or tricked into signing papers they did not understand, or told they would be driven to a reception center, before being deported to Ukraine." According to the HRW report, OIN had determined that it was permissible to return to Ukraine all 14 of the migrants HRW subsequently interviewed. OIN stated that there were no cases in which an asylum claim was rejected on the basis that Ukraine was a safe third country.

The HHC claimed there were incidents of police failing to identify asylum seekers in border procedures and of forced return of asylum seekers who were vulnerable or in need of international protection. OIN stated that they did not receive any official complaints.

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

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

Elections and Political Participation

The OSCE election observation mission reported that parliamentary elections held on April 7, with a second round on April 21, were conducted in a manner consistent with international standards and commitments for democratic elections. The elections brought a Fidesz-KDNP coalition back to power with a two-thirds majority. Prime Minister Viktor Orban assumed office on May 29. The National Assembly elected Pal Schmitt president, and he took office on August 6.

During the election campaign public stations Magyar Televizio (Hungarian Television) and Magyar Radio (Hungarian Radio) refused to broadcast an anti-Roma electoral campaign advertisement by the far-right party Jobbik because it would contravene rules forbidding the denigration of minority groups. The advertisement focused on "gypsy crime." The National Election Committee said on November 27 that the rejection of the Jobbik advertisement violated the principal of equality for political parties, and that its content did not overstep the boundaries

of freedom of speech legislation. On October 4, the Constitutional Court ruled that the stations erred in not broadcasting the advertisements.

The newly elected National Assembly amended the constitution to reduce the maximum number of MPs after the 2014 general elections from 386 to 200, cutting roughly by half the number of local representatives, and to extend citizenship rights to ethnic Hungarians living beyond the country's present borders. There were no government restrictions on political parties.

The 386-seat National Assembly elected in April included 34 women, 20 percent fewer than its predecessor. There were no women in Prime Minister Orbán's immediate cabinet, but women were represented at the sub-cabinet level. There also were no women on the Constitutional Court. Due to privacy laws regarding ethnic data, no statistics were available on the number of minorities in the National Assembly, cabinet, or Constitutional Court.

Section 4 Official Corruption and Government Transparency

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

Corruption in the executive and legislative branches reportedly increased during the year, and numerous cases of alleged corruption received significant public attention. According to the World Bank's Worldwide Governance Indicators, government corruption was a problem. Corruption within police agencies remained a problem. Penalties for police officers found guilty of wrongdoing include reprimand, dismissal, and criminal prosecution.

- On January 18, the Prosecutor General's Office accused Budapest Seventh District Mayor György Hunvald of signing millions of forint worth of fictitious consultancy contracts. Hunvald has been in pretrial detention on other corruption charges since February 2009. The case remained pending at year's end.
- On January 26, authorities took former Budapest Public Transport Company director Attila Antal into custody on fraud charges. Police stated that Antal, while director of the company in 2007-08, seriously violated its asset management regulations by signing contracts for unnecessary services. In addition, he approved excessive severance payments. The company's former

human resources director, Eleonora Szalaine Szilagyi, was arrested in early January for alleged embezzlement after she authorized 86 million forint (\$408,000) for herself in severance pay. The cases were part of an investigation into the company that began in 2009 in connection with 1.7 billion forint (\$8.4 million) in severance payments to 100 persons during the previous six years.

- On March 31, former Hungarian Socialist Party politician Janos Zuschlag was sentenced to eight-and-a-half years in prison by the county court of Bacs-Kiskun. Zuschlag, the subject of an 18-month police investigation, was accused of siphoning state funds, estimated to total about 75 million forint (\$355,400), and channeling them into Hungarian Socialist Party youth organizations. The court sentenced 15 of Zuschlag's associates to one to five years in prison. The prosecutor appealed the verdict and the case remained pending at year's end.
- On September 1, police detained the former head of the State Asset Management Authority Miklos Tatrai, and former State Asset Management Authority sales manager Zsolt Csaszky, on suspicion of misuse of funds and other crimes related to the Sukoro casino project. According to the prosecutors, state properties provided for the casino project were undervalued by 734 million forint (\$3.5 million), while land received in exchange from the investors was overvalued by 593 million forint (\$2.8 million).
- On September 28, the Komarom-Esztergom County chief prosecutor filed charges on misuse of funds against Tatrai in a separate case, charging that Tatrai ordered the illegal transfer 365 million forint (\$1.7 million) to state-owned Babolna stud farm. Both cases remained pending at year's end.

Members of the National Assembly, high-level government officials, civil and public servants, and police officials disclosed their financial status on a regular basis, as the law requires. NGOs contended that the regulation is not adequate because there is no effective method for auditing or sanctioning violators.

Several government offices were responsible for combating corruption. The State Audit Office audited the public sector and campaign spending of political parties. The independent judiciary, the prosecutors, the police, and in certain cases the customs and finance guard were responsible for investigating corruption. Special

agencies such as the competition authority and the supervisory body of financial institutions were responsible for ensuring fair and transparent market conditions.

The constitution and law provide both citizens and foreigners the right to access state-held information, although the government may restrict access in order to protect what it determines to be legitimate state interests. Requestors may appeal denials in court. Government offices may charge a fee to cover copying costs. Government offices are required to give the requestor detailed reasons for any denials.

According to the most recent statistics published by the ombudsman, government offices received 123,747 requests for information in 2009 and rejected 164 because they involved commercial secrets or the offices concerned lacked authority to act. The HCLU contended that the ombudsman's statistics underestimated the percentage of denied requests.

On June 23, a Budapest court ordered the Constitutional Protection Office, successor to the National Security Office, to make public the names of companies that have exclusive rights to participate in national security procurement. The ruling resulted from a lawsuit filed by Transparency International Hungary after the National Security Office refused to make the names available, citing national security considerations.

On September 15, the Supreme Court ruled against the HHC in its effort to obtain the names of and statistics about lawyers appointed to represent defendants in court. The HHC had sued 11 police units in 2008 for unlawfully denying their requests for this data, which the HHC regarded as in the public interest. The HHC maintained that police chose specific public defenders who were unlikely to contest vigorously charges against their clients, thus facilitating convictions. The Supreme Court ruled that the names of state-appointed public defenders were not data of public interest.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

There are parliamentary commissioners (ombudsmen) for civil rights, national and ethnic minority rights, data protection, and future generations. They examine constitutional rights violations and initiate individual or general proceedings to prevent further violations. Following appointment by the president, a two-thirds parliamentary majority confirms the ombudsmen for six-year terms, renewable once. The ombudsmen are responsible only to the parliament, which allocates their financial resources in the annual state budget and votes on their annual report. The ombudsmen operated without government or party interference and published several reports during the year. The public perception of the ombudsmen's activities was generally positive.

The parliamentary Committee for Human Rights and Minority, Civil, and Religious Affairs has 21 members selected in proportion to the parties' seats in parliament. The committee debates and reports on human rights-related bills and supervises the human rights-related activities of the ministers.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

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

During the year the Equal Treatment Authority (ETA), an independent authority set up by the government to monitor enforcement of antidiscrimination laws, received 1,282 complaints. The ETA issued 377 decisions and found 40 complaints of illegal discrimination to be justified. In the "justified" cases, the ETA ordered employers to stop their illegal activities, refrain from further wrongdoing, and in 20 instances, pay penalties ranging from 100,000 to five million forint (\$473 to \$23,700).

Women

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

According to the NPH, in the first eleven months of the year the prosecutor's offices pressed rape charges in 126 cases.

The law does not specifically prohibit domestic violence or spousal abuse. The charge of assault and battery, which carries a maximum prison term of eight years, was used to prosecute domestic violence cases. Under a 2009 law, however, police called to the scene in domestic violence cases may issue an emergency restraining order valid for three days in lieu of immediately filing charges; courts are authorized to issue longer-term restraining orders. According to women's rights NGOs, the law does not provide appropriate protection for the victims and does not place sufficient emphasis on the accountability of perpetrators. NGOs noted that no protocols or systematic training regarding domestic violence were available for law enforcement personnel.

Expert research in the field of domestic violence indicated that approximately 20 percent of women have been physically assaulted or victimized by domestic violence. According to the NPH, during the year 8,514 women were reported to be victims; however, most incidents of domestic violence went unreported, due to fear and shame on the part of victims. Prosecution for domestic violence was rare. Prosecuting those who abused women was difficult because of societal attitudes that tended to blame the victim. According to NGOs, police remained reluctant to arrest abusers, due to a lack of confidence that the judicial system would effectively resolve abuse cases. Women's rights NGOs contended that many cases of violence against women required the victim to make a formal complaint in order to begin the criminal procedure, which prevented many victims from seeking justice.

The Ministry of National Resources (formerly the Ministry of Social Affairs) operated a 24-hour hotline for victims of abuse. During the first half of the year, the ministry financed 11 shelters for socially disadvantaged persons, including victims of sexual abuse; the funding for two of the shelters ceased at the end of June. The ministry also continued to operate four "halfway houses" around the country available for 16 families for up to five years. Women's rights NGOs contended that services for the assistance of victims of violence against women either operated with limited capacity or did not meet international standards of good practice.

The law establishes the right to a secure workplace and makes sexual harassment a criminal offense; however, according to NGOs, sexual harassment remained widespread. NGOs contended that the law did not clearly define sexual harassment, leaving victims with a lack of legal awareness or incentive to file a complaint. Through November, the NPH recorded 4,431 cases of harassment

against woman. In the first nine months of the year, the ETA rejected one case of sexual harassment and imposed penalties in six others. Penalties included fines ranging from 100,000 to one million forint (\$474 to \$4,739) and making the ETA decision public for up to six months.

Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. There was easy access to contraception and to skilled attendance during childbirth, and national family planning services focused on providing prenatal and postnatal care and counseling. However, NGOs contended that the lack of legal framework regulating the work of midwives limited women's access to reproductive health care services, as the authorities do not recognize independent midwives as a professional group and can charge them with a crime for their work. According to data from international organizations, there were approximately 13 maternal deaths per 100,000 live births in 2008. Women and men were equally diagnosed and treated for sexually transmitted infections, including HIV/AIDS.

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

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

Children

Citizenship is acquired by birth from a parent who is a citizen.

While the law provides free compulsory education for children through 18 years of age, a 2006 study found that more than 82 percent of Roma have eight years of education or less, compared with 36 percent of the rest of the population.

Similarly, while an estimated 40 percent of the population had some form of secondary schooling, only 3.1 percent of Roma received such education. NGOs claimed that the right to public schooling is not honored for children with severe and multiple disabilities because public schools are not obliged to set up classes for those children.

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

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

During the year the Chance for Children Foundation (CFCF) initiated a lawsuit against Heves County and the county-operated Expert Committee, which diagnoses and certifies children with disabilities and learning difficulties. The CFCF claimed that the percentage of children certified as having such disabilities was much higher than in other counties, the number of Romani children among them was disproportionately high, and almost all certified children attend segregated remedial schools with substandard curricula. The CFCF asked the court to rule that there was racial bias in the diagnosing and certifying procedure and to ban the county and its institution from the practice. The case was pending at year's end.

On June 7, the Supreme Court awarded 100,000 forint (\$474) in compensation to five Romani children for enduring segregation during their primary schooling in Miskolc.

On October 25, the ETA signed an agreement with a local school in Taktaharkany banning the segregation of Romani pupils. In 2008 the CFCF referred the case to the ETA on the grounds that Romani children were denied access to the school cafeteria and forced to attend classes in a separate building from non-Romani students.

The CFCF also won financial compensation for two Romani boys in Nyiregyhaza whom authorities incorrectly diagnosed and certified as having learning difficulties and assigned to remedial schools. The boys were not able to pursue normal careers as a result.

During the year the CFCF won a lawsuit filed in 2009 against local authorities of Győr. The court of first instance ruled that the Győr Municipality unlawfully segregated and discriminated against Romani children attending the Kossuth Street primary school.

In September 2009 the CFCF sued the Ministry of Education for violating the Equal Opportunity Act by failing to halt the segregation of Romani children in public schools. The legal successor to the ministry has yet to respond to the CFCF's claim, and the case was pending at year's end.

In December 2009, the Somogy County Court ruled that the municipality of Kaposvár had unlawfully discriminated against Romani children by segregating them from non-Romani students in a separate school with a simplified curriculum. The Pécs Court of Appeals upheld the verdict on appeal but struck down the charge of discrimination in quality of education. The Supreme Court upheld this ruling but also struck down the appeal court's order that the municipality rectify the unlawful situation, arguing that a court can only order rectification if claimants put forward a detailed proposal for such action.

A 2008 European Roma Rights Center report found that Romani children were overrepresented in the child protection system. In the sample of children in professional care institutions, 40 percent were of Roma origin and 18 percent were half-Roma, although Romani children only account for approximately 13 percent of the children in the general population. Romani children have a higher probability of being placed in children's homes rather than in family-like care or community settings.

In the first 11 months of the year, the NPH registered 5,374 cases of crimes against children.

On May 26-27, 34 officers working on youth protection and domestic violence at county police headquarters participated in training that highlighted the specific tasks required for the implementation of the "National Youth Strategy 2009-2024," aimed at enhancing the social integration of young persons. During the year the NPH conducted a study of police attitudes toward domestic violence as well as the

difficulties officers face in the field. Based on the results of the study, the NPH developed a set of recommendations and a training series aimed at improving the effectiveness of police response to domestic violence. During the year 600 police officers participated in this training.

Some girls under the age of 18 engaged in prostitution. Young girls who grew up in orphanages were highly vulnerable to internal forced prostitution. NGOs contended that the number of females under the age of 18 involved in prostitution increased in recent years. Buying sexual services from a child younger than 18 years old is a crime punishable by up to three years in prison.

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

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

The Jewish population was estimated to be between 80,000 and 100,000.

Jewish organizations expressed serious concern over a perceived increase in the public's tolerance for anti-Semitic remarks in public discourse. On April 18, Gabor Vona, the far-right Jobbik party chair and National Assembly member, told an interviewer from the weekly magazine *HVG* that "Israeli interests are trying to colonize Hungary because Israel's place and role in the Middle East are unstable, so they must seek another country if Israel's position becomes untenable. This is not anti-Semitism but fear for Hungarians," he said, adding, "politics rather than business interests lie behind the gaining of ground by Israeli capital."

As of November 30, there were 212 reported instances of vandalism or destruction of Jewish and Christian properties, 20 in houses of worship and 192 in cemeteries.

On March 30, unidentified individuals threw rocks into an apartment on Budapest's Dohany Street where a rabbi was celebrating Passover with fifty

participants. No one was injured. The police started an investigation into what they classified as a crime involving "damage to property." The police rejected an HCLU petition to change the classification to "violence against a member of a social group." Police suspended the investigation after failing to identify the perpetrators.

On May 1, unidentified persons damaged a Holocaust memorial in Zalaegerszeg shortly after its repair from an April 6 attack. Police opened an investigation, which was ongoing at year's end.

On June 16, police stopped the screening of a Nazi propaganda film, *The Eternal Jew*, and took several of the viewers and the organizers into custody. Deme Brothers, publishers of extreme right-wing literature, staged the screening in Budapest's 13th district, the same venue where an illegal showing of *Jud Süß* took place in 2009. On July 6, unidentified persons damaged three monuments dedicated to victims of World War II in Szekesfehervar. The vandals poured red paint over separate memorials of soldiers and civilians killed during the war, anti-fascists, and victims of the Holocaust. The police failed to find the perpetrators and closed the investigation on August 28.

The weekly magazine *Magyar Demokrata*, the national daily *Magyar Hirlap*, and the more radical *Magyar Forum* published anti-Semitic articles during the year; *Magyar Demokrata* and *Magyar Hirlap* discontinued these practices in the spring. The official publication of the far-right Jobbik party, *Barikad*, changed from a monthly to a weekly magazine and continued to publish openly anti-Semitic content.

There were numerous far-right websites in the country, many of which were openly anti-Semitic. NGOs reported that the government monitored the content of these sites to enforce the prohibition against public display of such symbols as the swastika, the hammer and sickle, the five-pointed red star, and the arrow cross.

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

The government gave its support to a seven-day Holocaust education seminar for educators conducted in November. The seminar was the first element of a three-year educational program aimed at revising Holocaust education in the schools.

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

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

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

NGOs expressed concern about the lack of independent oversight over government-run, long-term-care institutions for persons with mental disabilities. There were sporadic reports that employees of such institutions used inappropriate physical restraints on patients, a problem experts attributed partly to inadequate numbers of qualified staff. NGOs also noted that there was no legal regulation or government strategy for deinstitutionalization of persons.

The international NGO Mental Disability Advocacy Center criticized the government for failing in its obligation to protect the rights of persons with disabilities who were under the legal guardianship of others, particularly in their access to employment, education, and health care services. According to the center, one of the key problems was a lack of alternatives to guardianship for persons with disabilities who needed support in making certain decisions. According to NGOs, almost 80,000 adults were under guardianship. According to the constitution, citizens placed under guardianship by a court immediately lose their right to vote. In addition, NGOs contended that polling places were not accessible for persons with disabilities and the election materials were not available in easy-to-read format.

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. In 2009 approximately 9 percent of working-age persons with mental disabilities were employed.

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

The lead agency for protecting the rights of persons with disabilities is the Ministry of National Resources.

National/Racial/Ethnic Minorities

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

Violent attacks against Roma continued, generating strong public concern and intense disputes as to the existence and scale of racially motivated crimes. Human rights NGOs complained that law enforcement authorities, prosecutors, and courts were reluctant to recognize racial motivation for many crimes.

- On March 18, Molotov cocktails were thrown at the houses of four Romani families in the town of Siofok, one of which suffered a serious fire. No one was injured. Police spokesman Gabor Biro confirmed that the incident had taken place, but gave no details, stating that an investigation was ongoing.
- On April 15, one of the deputies of the National Roma Minority Self-Government was attacked in the town of Elek. According to the victim's media statements, two "active members of an extremist party and organization" were demolishing the pub he owned and as he approached, they kicked and hit him. Police were not able to identify any perpetrators.
- On May 22, unknown persons threw several bottles filled with gasoline through the window of a house inhabited by Roma in Hatvan. Damage was estimated at 5,000 forint (\$24), and no injuries were reported. Police were unable to identify any perpetrators.

- On July 4, unknown persons attacked a Romani house in Olaszliszka. They fired three shots at the house, leaving bullet holes in the front wall. When the attack occurred, a mother and her children were sleeping in the house. There were no reports of injuries. Police could not identify any perpetrators.

On August 9, the National Bureau of Investigation announced the completion of its investigation into a series of physical attacks against Roma in 2008 and 2009. As a result of the investigation, the Pest County Prosecutor charged four suspects with the murder of six persons, the serious injury of five others, and threats to the safety of an additional 55. The case was scheduled to go to trial in 2011.

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

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

A 2007 International Labor Organization report estimated the unemployment rate among Roma to be 40 percent. However, in many underdeveloped regions of the country, it exceeded 90 percent. Unemployment among Roma was estimated to be three to five times higher than among the non-Romani population. The HCLU expressed concern that new legislation requiring completion of primary school to obtain a driver's license could increase unemployment among Roma.

According to the HCLU, members of the Romani community were regularly sentenced for minor offenses such as collecting firewood or minor traffic violations, which were usually ignored when committed by non-Roma. The HCLU asserted that police and municipalities selectively applied laws against the Romani community to keep Roma segregated and to restrict their free movement.

Inadequate housing continued to be a problem for Roma; their overall living conditions remained significantly worse than those of the general population. According to Romani interest groups, municipalities used a variety of techniques to prevent Roma from living in more desirable urban neighborhoods. In April the HCLU and the European Roma Rights Center filed a motion with the ombudsman asking him to examine whether Roma had been disproportionately targeted for eviction from municipality-owned housing. According to a survey by the Ministry

of National Resources, approximately 100,000 seriously disadvantaged persons, mostly Roma, lived in approximately 500 settlements lacking basic infrastructure and often located on the outskirts of cities. The government continued its program to eliminate these settlements and to help residents move to more desirable communities.

Most ministries and county labor affairs centers had special officers for Romani affairs focused on the needs of the Romani community. The Ministry of National Resources continued to offer financial incentives to encourage schools to integrate Romani and non-Romani children in the same classrooms and to reintegrate Roma inappropriately placed in remedial programs. The Ministry also operated a program to finance infrastructure development in Romani communities. The prime minister named Zoltan Balog as state secretary for social inclusion, charged with coordinating government efforts to address Roma issues.

The Ministry of Public Administration and Justice (formerly the Ministry of Justice and Law Enforcement) operated an antidiscrimination legal service network that provided free legal aid to Roma in cases where they encountered ethnic discrimination. Human rights NGOs lamented that the lawyers' offices were located in the larger cities, rendering them inaccessible to those Roma living in deep poverty in small villages. HCLU received reports that the network's lawyers rejected some Romani cases.

Since January 2009, in order to apply for EU and government funds for urban rehabilitation and public education projects, every city must attach to its proposal a desegregation plan outlining planned actions to eradicate segregation in housing and public education. The government opened 200 positions in public administration for Romani college graduates. By year's end 165 applicants had passed the mandatory civil servant entry exam and 66 were placed in various national and county government offices.

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

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

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

On July 4, two teenagers wearing far-right party badges struck a man on his way home from the opening ceremony of the Rainbow Mission Foundation's (RMF) annual Budapest Pride festival, a week of lesbian, gay, bisexual, and transgender programs.

On July 10, the RMF organized the 15th annual Budapest Pride March, in which an estimated 1,000 persons participated. Organizers were successful in registering the march, which occurred on a shortened parade route with increased police protection. Authorities shortened the route further on the day of the march because counterdemonstrators along the route shouted antihomosexual slurs as well as the campaign slogan of the openly antigay political party Jobbik. Police prevented several protestors from approaching the route, but made no arrests. Two men followed one volunteer into the metro and attacked him following the march. A metro security guard briefly detained the attackers but then let them go.

On July 26, the RMF reported to the police that a neo-Nazi group calling itself the "Budapest Hungaristas" desecrated one of the Hungarian Lesbian, Gay, Bisexual, and Transgender community's unique symbolic sites, the tombstone of Karoly Kertbeny, originator of the terms "heterosexual" and "homosexual." The Hungaristas reportedly covered the gravestone with a black veil and attached a quotation from the Old Testament Book of Leviticus. Police declined to pursue the case on December 4, stating that no crime had been committed.

On September 4, approximately 100 participants marched in a legally registered Hetero Pride Parade, following the same route as the Budapest Pride March. The organizer stated that the organizers intended the march to be a "protest against the open practice and popularization of homosexuality."

There were no reported developments in connection with two attacks on a gay bar and a gay bathhouse in Budapest in 2008. In April 2009 police detained two persons in connection with these incidents.

Other Societal Violence or Discrimination

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

Section 7 Worker Rights

a. The Right of Association

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

The law also allows unions to conduct their activities without interference, and the government protected this right in practice. Approximately 25 percent of the workforce was unionized in 2009. With the exception of military personnel and police officers, workers have the right to strike, and workers exercised this right. The law permits the unions of military personnel and police officers to seek resolution of grievances in the courts. While employers are not allowed to hire temporary workers during a strike, temporary workers already hired before the strike were allowed to continue working.

On December 23, the National Assembly passed a bill amending the strike law so that workers at companies performing activities fundamental to the population--such as public transport, telecommunications, water, power, gas, and other energy sector firms--may not strike unless an agreement has been reached on minimum services during a strike. The definition of minimum services is decided by the courts. In addition, the bill added "abusing the right to strike" to the list of actions rendering a strike illegal. National trade unions opposed the law on the basis that the courts lack the expertise to decide on necessary minimum services, and that the term "abusing the right to strike" is too vague.

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

The International Trade Union Confederation expressed concern that trade union registration practices are too long and cumbersome, and judges and prosecutors have legal authority to interfere with internal trade union matters. However, LIGA officials indicated the registration practices have not been a problem in their experience.

Court proceedings on unfair dismissal cases could take more than a year to complete, and court decisions were not always properly enforced.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected by law and was freely practiced, mainly at the company level. In 2008 collective bargaining agreements covered approximately 36 percent of the workforce.

The labor code requires trade unions to represent 65 percent of the workforce (for a single employer) or 50 percent of the workforce (for a group of employers) to engage in collective bargaining.

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

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children. See the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment

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

The law prohibits children younger than 16 from working except in such circumstances as temporary work during school vacations. Children under 15 are prohibited from all work. Children may not work night shifts or overtime or perform hard physical labor.

The country's Labor Inspectorate reported that during 2009 six companies employed 136 children under 15 years old, mostly in financial and commercial work. The companies were fined a total of 5.2 million forint (\$24,640). Individuals who identify children as victims of labor exploitation are required to report them to the Guardianship Authority.

According to the International Organization for Migration, trafficking of children for sexual exploitation was a problem. The government actively monitored immigration and emigration patterns for evidence of trafficking. See the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

e. Acceptable Conditions of Work

The national minimum monthly wage of 73,500 forint (\$348) provided a decent standard of living for a worker and family. A special minimum monthly wage for jobs requiring the completion of secondary education was 89,500 forint (\$424). The law sets the official workday at eight hours, although it may vary depending on the industry. A 48-hour rest period is required during any seven-day period. The regular workweek is 40 hours with premium pay for overtime. The law prohibits overtime exceeding 200 hours per year. The laws also apply to foreign workers with work permits; they were enforced effectively and consistently. Labor courts and the Labor Inspectorate enforced occupational safety standards set by the government, but enforcement was not always effective. Workers have the right to remove themselves from unsafe and unhealthy situations without jeopardizing their continued employment, and this right was generally respected.

On November 16, the National Assembly passed a law instituting a 98 percent special tax on public sector severance packages worth more than 3.5 million forint (\$16,587), imposed retroactively on payments collected after January 1, 2005. The Constitutional Court had struck down the law in October, but Fidesz resubmitted the legislation after a constitutional amendment removed the tax from the court's purview.

On December 23, the National Assembly amended the law on civil servants, giving employers the right to fire civil servants with two months notice without providing justification for the dismissal.