2013 Country Reports on Human Rights Practices - Hungary

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EXECUTIVE SUMMARY

Hungary is a multi-party parliamentary democracy. The unicameral National Assembly (parliament) exercises legislative authority. Parliament elects the president (the head of state) every five years. The president appoints a prime minister from the majority party or coalition following national elections every four years. In 2012 a single round national election system replaced the previous two-round system. The most recent parliamentary elections (in 2010) were assessed as free and fair. The conservative Fidesz-Christian Democrat coalition won a two-thirds parliamentary majority. Fidesz's prime ministerial candidate, Viktor Orban, took office in 2010. Authorities maintained effective control over security forces. There were reports that security forces committed human rights abuses.

Among the most important human rights problems during the year were societal discrimination and exclusion of the Roma (also known as Romani), and anti-Semitism. Discrimination continued to significantly limit Roma access to education, employment, health care, and social services. The government continued to use its two-thirds parliamentary majority to implement constitutional reform. It adopted the Fourth and the Fifth Amendments to the Fundamental Law (constitution). The Fourth Amendment in particular attracted intense international criticism and further reinforced concerns that checks and balances were eroding. Human rights NGOs stressed that political liberties and their guarantees have been subject to systematic curtailment in the past three years and that the Fourth Amendment was a new component of this process. The Fifth Amendment partially responded to international criticism, but concerns remained that provisions contained in the new legislation could undermine equal treatment of religious groups and media pluralism.

Other human rights problems during the year included police use of excessive force against suspects, particularly Roma, laws that caused concerns over the powers of the media regulatory authority which could encourage self-censorship, government corruption, societal violence against

women and children, sexual harassment of women, anti-Semitic assaults and vandalism, a politically determined process of recognizing churches, and trafficking in persons.

The government generally took steps to prosecute and punish officials who committed abuses, whether in the security services or elsewhere in the government.

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

a. Arbitrary or Unlawful Deprivation of Life

There were reports that police officers committed one arbitrary killing during the year. Prosecutorial services are responsible for investigating police abuse cases. If such abuse falls within the remit of military courts, military prosecutors investigate the case.

On April 8, two police officers from Kiskoros detained Jozsef Bara, a Romanian man, on suspicion of petty theft. They seriously injured him at the Izsak police station, and he died as a result of those injuries. On April 9, the national police chief dismissed the two officers with immediate effect and revoked the leadership positions of the police chiefs of both Izsak and Kiskoros. On April 11, the Kecskemet District Court ordered the pretrial detention of the two officers. On October 1, the Bacs-Kiskun County Chief Prosecutor's Office pressed charges against the two former officers for beating the victim to death and other crimes. On October 3, the Bacs-Kiskun County Police Headquarters and the family of the victim reached a compensation agreement. The court case remained pending at the end of October.

On August 10, 98-year-old Laszlo Csatary, whom authorities were prosecuting for war crimes, died, terminating the case. Csatary allegedly played a key role in the 1944 deportation of 15,700 Jews from Kasa (now Kosice, in Slovakia) to Auschwitz, for which he was given a death sentence in 1948. He subsequently fled to Canada under a false name. After his past was revealed, Canadian authorities revoked his citizenship in 1997. From 2011-13 his case was the subject of litigation in both Hungary and Slovakia over his possible extradition and whether he could be retried for crimes for which he had already been convicted. On July 31, the Budapest Metropolitan Appellate Court ordered the first instance court in Budapest to continue a criminal case on the initial charges, but his death terminated the proceedings.

In 2012 two members of parliament (MPs) from the radical nationalist Jobbik party formally accused Bela Biszku, who was executive committee member of the Socialist Workers Party in 1956 and interior minister from 1957 to 1971, of crimes against humanity. Consequently, the Budapest Chief Prosecutor's Office ordered an investigation into allegations that Biszku ordered security forces in Budapest and Nyiregyhaza to open fire on crowds in 1956, resulting in 49 civilian deaths (including women and children). On October 16, the Budapest Investigative Prosecutor's Office submitted the indictment on war crime charges against Biszku at the Budapest Metropolitan Tribunal, and the case remained pending at the end of the year. Biszku has remained under house arrest since September 2012.

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, there were reports that authorities did not always observe these prohibitions.

On March 12, in the course of responding to a domestic violence case between a man and his mother, two officers allegedly severely beat the man, who ultimately lost one of his kidneys. On July 12, the Investigative Prosecutor's Office of Kaposvar pressed charges against the officers. The case remained pending at the end of September.

On April 15, the Debrecen Court of Appeals convicted three police officers for using force during an interrogation and other crimes committed in 2009. The court imposed a 16-month suspended prison term on two of the officers and a fine of 375,000 forint ($1,700) on the third officer, who was convicted of forgery of public documents. The conviction pertained to the interrogation of three high school students who were threatened and slapped repeatedly by the police until they confessed the harassment of a teacher in Mezokovesd.

Prosecutions continued in relation to police handling of antigovernment protests in 2006. On February 8, the Central Investigative Chief Prosecutor's Office indicted former national police chief Laszlo Bene and former Budapest police chief Peter Gergenyi for failing to issue orders as a mob besieged the public television headquarters in 2006. The prosecutors also accused Bene of allowing officers to serve without wearing identifying badges. The prosecutors pressed charges against former special unit commander Jozsef Dobozi for failing to launch an inquiry into the use of rubber bullets and tear gas in 2006. Courts also indicted 11 other former senior police officers for failing to report the offenses of police injuring civilians. The cases remained pending at the end of September. Through the end of September, the state paid 380 million forint ($1.7 million) in compensation to victims of police measures in autumn 2006. On September 30, the Constitutional Court upheld the 2011 law which stipulates that courts have to acquit those convicted in connection with the 2006 demonstrations for vandalism and use of force related on the sole basis of police reports. Twenty judges challenged at the Constitutional Court the "nullification law" that overturned hundreds of convictions, arguing that it violated the rule of law and the independence of the judiciary.

Prison and Detention Center Conditions

Overcrowding and poor conditions remained the main problems in the prison system. The government permitted visits by independent human rights observers.

Physical Conditions: At the end of September, there were 18,239 inmates in prisons and detention centers, including 1,416 women and 504 juveniles; the official capacity was 12,584. The prison population increased to 145 percent of capacity, compared with 136 percent in 2012.

According to the National Prison Service Headquarters (BVOP), five inmates committed suicide during the year. In each case a mandatory investigation cleared prison guards and other prisoners of responsibility for the deaths.

The Hungarian Helsinki Committee (HHC) continued to object that detainees who alleged physical mistreatment usually were examined by internal medical staff only. According to a 2010 order of the national police chief, medical examinations can 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 HHC, prisoners had access to potable water. The HHC continued to report shortages of bed linens, towels, clothing, and adequate medical care. Sanitation and toilet facilities were also poor in some instances. In some prisons toilets were not separate from living spaces. The HHC also noted frequent shortages in natural light and artificial lighting in cells.

Administration: Recordkeeping on prisoners was generally adequate. Authorities used such alternatives to incarceration as mediation and fines for nonviolent offenders. Mediation can be initiated by the defendant or the plaintiff in cases where the suspect faces a charge punishable by not more than five years imprisonment. In 2012, 1,500 mediation procedures on average occurred on a monthly basis.

The Parliamentary Commissioner for Fundamental Rights (ombudsman) handles prison complaints in general and conducts *ex officio* inquiries but has no authority to act on behalf of prisoners. On May 29, the ombudsman released a report on the general conditions of the prison in Sopronkohida. The ombudsman found that the prison conditions infringed on the inmates' right to human dignity and physical and mental health. The ombudsman reported that as many as 15 inmates shared a space designed for 10 and there are fewer psychologists than needed.

On July 2, the European Court of Human Rights (ECHR) ruled in the case of an applicant who was held in a pretrial detention from 2006-08 at the Szolnok Prison in multiple cells with an average 1.7 square meters (18 square feet) ground space per person. The ECHR cited the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) standard, which considers four square meters (43 square feet) living space per inmate an acceptable minimum in multi-occupancy cells. The ECHR ordered the government to pay 12,000 euro ($16,200) in compensation to the applicant and a further 2,000 euros ($2,700) in expenses for subjecting the prisoner to inhumane and degrading treatment.

The law provides that prisoners should have a minimum of one 30-minute visit per month. Nevertheless, prison wardens decide the maximum length of visiting time, which at most facilities is one hour. The HHC asserted that the one-hour monthly limit on visits could not be regarded as reasonable access to visitors, especially in the case of pretrial detainees. The law allows detainees telephone calls in accordance with the technical capacity of the individual institution. The HHC reported that telephone calls were permitted in every institution but their length and accessibility varied significantly.

NGOs reported that authorities permitted prisoners and detainees religious observance.

Authorities generally permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of alleged inhumane conditions. Authorities generally investigated credible allegations of inhumane conditions.

On August 26, the ombudsman released a report on his investigation of the possible invasion of the privacy of an inmate in the prison in Balassagyarmat, who claimed that he was disciplined because of a disrespectful letter he had written to a judge. Recalling a ministerial decree prohibiting the monitoring of the letters of inmates to authorities, the ombudsman declared that the Balassagyarmat prison authorities had seriously infringed on the prisoner's privacy. The ombudsman recommended to the director general of BVOP to take actions to prevent similar abuses in the future. In reaction to the ombudsman's report, the director general of BVOP ordered prison governors to enforce the rules regulating the privacy of inmates.

Independent Monitoring: The government permitted independent monitoring of prison conditions by local and international human rights groups, such as the HHC, and the media. The HHC announced it conducted four ad hoc visits to prisons and met with more than 120 prisoners without the presence of prison officials. During the year the HHC submitted one new application to the European Court of Human Rights (ECHR) objecting to the living conditions of detainees in the Bacs-Kiskun County Penitentiary Institution. From April 3-12, the CPT carried out a periodic visit to monitor prison and detention center conditions in six police holding facility and four prisons. During the course of the visit, the CPT delegation met with senior government officials, the ombudsman, and the Independent Police Complaint Board (IPCB), and they presented their preliminary observations to Minister of Interior Sandor Pinter at the end of the visit. The final CPT report was not available at publication.

Improvements: By the end of the year, the government increased the number of available places in penitentiary institutions by 1.26 percent to reduce overcrowding.

d. Arbitrary Arrest

The constitution and law prohibit arbitrary arrest and detention. There were reports that authorities did not always observe these prohibitions.

Role of the Police and Security Apparatus

The National Police Headquarters (ORFK), under the direction of the Ministry of Interior, is responsible for maintaining order nationwide. The country's 19 county police departments and the Budapest police headquarters are directly subordinate to the ORFK. City police are subordinate to the county police and have local jurisdiction. Two hierarchically equal units are directly subordinate to the minister of interior: the Counterterrorism Center (TEK) and the National Protective Service (NPS). TEK is responsible for protecting the prime minister and the president and for preventing, uncovering, and detecting terrorist acts, including kidnappings and hijackings, and arresting perpetrators of acts of terrorism. The NPS, created in 2011, is responsible for preventing and detecting internal corruption in law enforcement agencies, administrative government agencies, and civilian secret services. Both TEK and NPS are empowered to gather intelligence and conduct undercover policing, in certain cases without prior judicial authorization. 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.

Organized citizen groups, such as neighborhood and town watches, played a significant role in helping police prevent crime and maintain public security. The law requires neighborhood watch groups to complete a written cooperation agreement with relevant police stations and imposes fines

for any failure of cooperation. The law penalizes the organization of unauthorized law enforcement activity with up to two years in prison. The prosecutor's office maintained legal control over the operation of the neighborhood watch groups and could initiate legal proceedings in court if a group lacked a written cooperation agreement with police. The Hungarian Civil Liberties Union (HCLU) reported that extremist anti-Roma groups continued to conduct illegal patrols in a small town in northeastern Hungary, apparently to intimidate the local Roma population.

On March 25, the Szeged Regional Court of Appeal ordered a new trial in the civil suit the Bekes County Chief Prosecutor's Office brought in 2011 against the For a Better Future Neighborhood Watch Association. The suit, which if successful would result in the association's dissolution, maintained that the association violated the rights and freedom of others by activities carried out in Gyongyospata and Hajduhadhaz in 2011. The Prosecutor's Office asserted that the association organized patrols in these towns with the clear intention to intimidate the local Roma community. In 2012 the Gyula trial court rejected the lawsuit, asserting that the prosecution failed to prove that the activity of the association endangered the rights of minorities and violated public security. The case was pending at the end of November.

Civilian authorities maintained effective control over police, the NPS, and the armed forces, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of security forces acting with impunity. Penalties for police officers found guilty of wrongdoing include reprimand, dismissal, and criminal prosecution.

Corruption among members of the police force remained a problem (see section 4).

In the first eight months of 2012, the Ministry of Interior found 2,816 police officers responsible for breaches of discipline, 115 guilty of petty offenses, 88 guilty of criminal offenses, and 13 unfit for duty. During the same period courts sentenced two police officers to prison terms, gave suspended sentences to 24, fined 289, and dismissed 13. During the same period courts convicted 36 officers of corruption and placed 28 officers on probation.

Victims of lesser police abuses may complain to either the alleged violators' unit or the Independent Police Complaints Board, which investigate violations and omissions by police that affect fundamental rights. The five-member body, appointed by parliament, functions independently of police authorities. As of the end of September, the board received 556 reports from the public. It reviewed 260 complaints (including some cases filed in 2012) and found serious legal violations in 59 and minor legal violations in 20. The board forwarded 59 cases to the national police chief, who only partially accepted the findings in 14 cases, and rejected the findings in 23. The rest remained pending. The Independent Police Complaints Board's authority is limited to making recommendations to the National Police Headquarters and reporting its findings to parliament.

Arrest Procedures and Treatment of Detainees

Police are obligated to take individuals into "short-term-arrest" if they are caught committing a crime or are subject to an arrest warrant. Police may take individuals into short-term-arrest if they are suspected of having committed a crime, or a petty offense, or are unable or unwilling to identify themselves. Police may also take unaccompanied minors into short-term-arrest if they are suspected of having run away from parental authority or guardianship. Individuals who cannot prove their identity with identification documents may be charged with a petty offense. Short-term arrests

generally last up to eight hours, but may last up to 12 hours in exceptional cases. Police may detain for 24 hours persons whom they consider security threats, which may last up to 72 hours provided that the individual had been bailed out or released conditionally and is in serious breach of the rules of parole. Police, the prosecutor, or the judge may order the "72-hour detention" of suspects if there is a well-founded suspicion of an offense punishable with imprisonment and the subsequent pretrial detention of the defendant appears likely. The judge may also order the 72-hour detention of summoned defendants failing to appear in court. The prosecutor must file a motion with the "investigation judge" to request pretrial detention prior to the lapse of the 72-hour detention or must release the detainee. If the investigation judge at court rejects the prosecutor's motion and does not order pretrial detention, police must release the detainee immediately. The defendant may appeal a pretrial detention order.

Under certain conditions (such as risk of escape, re-offense, or hindrance of an investigation), a prosecutor can file a motion with an investigatory judge to request pretrial detention. Pretrial detention if ordered prior to indictment lasts until the issuance of a trial court ruling but shall not exceed one month unless prolonged by the investigatory judge upon the motion of a prosecutor to a maximum duration of one year. County courts may further prolong pretrial detention. The defendant may appeal pretrial detention. Pretrial detention ordered or prolonged succeeding the indictment cannot exceed the maximum duration of punishment prescribed by the law for the indicted offense and lasts until the delivery of the final binding decision, but no longer than the length of imprisonment imposed by the trial court's sentence. The detainee must be released from custody after a maximum of four years of detention in lieu of a court ruling in the case.

On September 4, parliament amended the Criminal Procedure Code upon the initiative of the National Judiciary Office (OBH) to expedite criminal proceeding in the cases when the culprit is in pretrial detention. According to the new rules, such cases shall take priority even over other types of cases to be heard expeditiously, such as cases of juveniles or crimes committed against minors.

On November 11, parliament abolished the four-year limit on duration of pretrial detention for those accused of crimes punishable by prison terms of 15 years or by life-long imprisonment. The HHC highly criticized the elimination of time limit as unconstitutional and violating international standards. It continued to object to the general practice of pretrial detention.

Police must inform suspects of the charges against them at the beginning of their first interrogation, which must be within 24 hours of detention. Authorities generally respected this right.

There is a functioning bail system. Bail is restricted, however, in cases of flight risk. According to the HHC, bail and other alternatives to pretrial detention were underused. The HHC claimed that the lack of a monitoring system and devices was generally the reason that alternatives to pretrial detention, such as house arrest or travel restrictions, were underutilized.

According to law, police must inform suspects of their right to counsel before questioning them. Representation by defense counsel is mandatory even in the investigation phase when suspects: face a charge punishable by more than five years' imprisonment; are detained; are deaf, blind, unable to speak, or suffering from a mental disorder; are unfamiliar with the Hungarian language or the language of the procedure; are unable to defend themselves in person for any reason; are juveniles; or are indigent and request the appointment of a defense counsel. In the judicial phase, defense counsel is also mandatory at the hearing if: it takes place at the county court acting as the trial court;

a supplementary private prosecutor presses charges; the hearing is expedited (fast-track simplified procedure for minor offenses); the hearing is carried out in the absence of the accused; the defendant so requests; or *ex officio* legal representation is necessary in the interest of the defendant.

When defense counsel is required, suspects have three days to hire an attorney; otherwise, police or the prosecutor appoints one. If suspects make clear their unwillingness to retain counsel, police or the prosecutor are required to appoint counsel (ex officio) immediately by choosing a lawyer from a list kept by the competent bar association. The HHC severely criticized the system of ex officio legal representation. According to the HHC, having "in-house" ex officio defense counsels at police headquarters is commonplace and observers viewed the quality of their performance as generally worse than that of retained counsels.

According to law, neither police nor the prosecutor is obligated to wait for counsel to arrive before interrogating the suspect. Human rights NGOs continued to report that the police routinely proceeded with interrogation immediately after notifying suspects of their right to counsel, in the absence of the defense counsels.

On March 1, the Constitutional Court noted in the ruling of a constitutional complaint that the vast majority of mandatory defense counsels fail to attend the first interrogation of the criminal suspect due to police failure to provide timely notice of the date and place of the session. The Constitutional Court found this practice to conflict with the constitutional right to defense counsel and ruled that any statement made by the suspect in the absence of a legal counsel may not be considered as evidence during the criminal proceeding.

The law permits short-term detainees to notify relatives or others of their detention within eight hours unless the notification would jeopardize the investigation. The investigative authorities must notify relatives of a detainee under "72 hour detention" of the detention and the detainee's location within 24 hours.

The new criminal code, effective July 1, reduced the minimum age of juveniles from 14 to 12 and permitted punishment if they commit murder, homicide, grievous assault, aggravated robbery, or theft against intoxicated, intimidated, disabled, or elderly persons, provided that juveniles possess the discernment necessary to judge their acts and the consequences thereof. According to the new rules, courts cannot impose prison sentences on juveniles between the ages of 12 to 14; rather, they can order special proceedings, such as placement in a juvenile correctional institute. Pretrial detention for juveniles between the ages of 12 and 14 may not last more than one year, while the maximum length of detention for those over 14 is two years, and they must be placed in correctional institutes. Human rights NGOs and professional organizations strongly criticized what they termed a unilaterally punitive approach to juvenile delinquency, the authorities' lack of institutional capacity, and their limited expertise in dealing with new groups of younger offenders.

Human rights NGOs continued to criticize the law on petty offenses, which permits courts to incarcerate juveniles (defined as individuals from 14 to 17 years of age) whose lack of income or property makes it impossible to punish them with fines. Rules of community service apply only to juveniles over 16 years of age, and other alternatives to incarceration, such as mediation, do not apply. Human rights NGOs expressed concern that the law left no alternative to incarceration of juveniles convicted of minor offenses and that their confinement may be executed in a penitentiary institution instead of a juvenile correctional facility. NGOs emphasized that the objective of

juvenile rehabilitation according to international rules should be the correction and education of juveniles, instead of punishment. In 2012 the ombudsman submitted a petition to the Constitutional Court seeking the annulment of provisions permitting the incarceration of juveniles. On July 9, the Constitutional Court rejected the ombudsman's petition, ruling that the necessity to maintain public peace in society, to protect the property of others, and to help juveniles grow into decent adults compelled the legislature to adopt laws allowing incarceration of delinquent juveniles.

Arbitrary Arrest: According to the Prosecutor General's Office, through the end of June, there were three official complaints of arbitrary detention. The Office of the Prosecutor General closed the investigation without pressing charges in two cases, and initiated indictments in one case.

Pretrial Detention: The HHC continued to express concern over the high number of pretrial detainees, an increased number of pretrial detentions lasting for longer than a year, and arbitrary court decisions ordering pretrial detention. According to the HHC, the facts did not substantiate some of these decisions, and courts routinely approved prosecution requests for pretrial detention without taking into consideration objections by the defense.

According to the BVOP, at the end of September, authorities held 5,247 persons in pretrial detention. Of these 1,103 were incarcerated for six months to a year, and 807 were held for more than a year. The law provides that persons held in pretrial detention and later acquitted may receive monetary compensation.

Research conducted in 2008 by the HHC using data from police and the National Police College indicated that Roma were three times more likely to be stopped for identification checks than non-Roma, although Roma were no more likely to be involved in unlawful activities than non-Roma.

e. Denial of Fair Public Trial

The constitution and other laws provide for a fair public trial within a reasonable period. Nevertheless, the Venice Commission and human rights NGOs expressed concern about a potential lack of adequate protections of judicial independence and impartiality. Authorities generally respected court orders.

The law assigns court management to the president of the National Judiciary Office (OBH) while leaving oversight of the uniform administration of justice with the president of the Curia. The law also established a National Judicial Council, a consultative body of 15 judges. The OBH president's authority includes budgetary and financial management of courts; staffing, appointment, and distribution of caseload; and the ability to transfer cases from one court to another. The Transitional Provisions of the new constitution, effective January 2012, also included provisions that empowered the president of the OBH to reassign cases to a court other than the court of general competence until the courts achieve a balanced distribution of caseloads.

In 2012 various international bodies, including the Venice Commission and the European Commission, criticized the new model of court administration for concentrating significant competencies in the hands of one individual, the president of the OBH, and concluded that "the reform as a whole threatens the independence of the judiciary." In July 2012 parliament amended the laws on the judiciary, addressing some of the criticisms, but maintained the extensive power of the OBH president, including the authority to transfer cases. In December 2012 the Constitutional

Court retroactively annulled parts of the Transitional Provisions of the new constitution, including this authority as well as the prosecutor general's authority to specify that charges be brought before a specific court.

On March 11, parliament adopted the Fourth Amendment to the constitution, reintroducing several controversial provisions that the Constitutional Court had annulled in its December 2012 ruling, including the OBH president's right to transfer cases. The Venice Commission responded by stating that the "pattern of 'constitutionalisation' of provisions of ordinary law excludes the possibility of review by the Constitutional Court" and that the specific changes were "not in compliance with the principle of the lawful judge, which is essential to the rule of law."

In a series of communications from April to July, members of the European and Venice Commissions expressed concern about elements of the Fourth Amendment. Government officials often responded by asserting that the constitution and its amendments were passed in full compliance with the rule of law and reflected the will of the people as expressed by a freely elected government.

On July 4, the European Parliament's Civil Liberties, Justice, and Home Affairs Committee (LIBE) adopted the "Tavares Report," which also expressed serious concerns with the constitution and rule of law in general. The report enumerated a broad list of areas of concern regarding recent Hungarian constitutional reforms, and recommended: (1) an intrusive monitoring regime over all the relevant activities of the Hungarian government; (2) limitation of the dealings of the European Commission with Hungary to issues of rule of law and democracy (per Article 2 of the Treaty of the European Union) until Hungary brought its constitution into compliance; and (3) a "Copenhagen Commission" of experts to review continued compliance on the part of any member state, not only Hungary, with the Copenhagen criteria used for EU admittance. The Tavares Report stated that the constitution as amended lacked "sufficient assurances of constitutional safeguards as to the independence of the judiciary and the independence of the Constitutional Court."

Despite rejecting the international community's concerns, parliament adopted an amendment to the Act on Court Administration eliminating the OBH president's authority to transfer court cases as of August 1, and on September 16, it adopted a Fifth Amendment that removed this authority from the constitution and sought to address other concerns the country's international partners expressed.

From January until October 2012, the OBH president transferred 42 cases from one court to another (31 commercial law cases, nine criminal law cases, and two civil law cases), some of them high-profile corruption cases. In four cases the defendants appealed the decision on the transfer, but the Curia upheld the transfer in all the cases. The OBH President did not transfer any case during the year. The prosecutor general never exercised his authority to instruct that charges be brought at a specific court.

On March 11, parliament amended the law to provide for a gradual lowering of the mandatory retirement age for judges (and prosecutors and public notaries) from 70 years to 65 over a 10-year period. The legislative change came after the decision of the Court of Justice of the EU concluding that the country was in breach of relevant EU directive, and the Constitutional Court in July 2012 invalidated earlier legislation that lowered the retirement age immediately from 70 to 62. The amended legislation permitted the 231 judges sent to early retirement in 2012 to seek reinstatement

as a judge, to a previously held high administrative position if not yet filled, or to remain retired and receive compensation.

Of the 231 judges, 171 filed individual cases at national labor courts for unlawful dismissal, and approximately 150 turned to the ECHR. As of September 1, courts ruled in 166 cases that the early retirement imposed on judges was unlawful and that the judges should be reinstated. The cases at the ECHR remained pending at year's end. Based on the new law, out of the 231 judges forced into early retirement, 152 have been reinstated as a judge, 21 have been reinstated to their original high administrative positions, 56 have chosen to seek a lump-sum compensation, one reached the age of 70, and another died.

On September 4, EU Commissioner for Justice, Fundamental Rights, and Citizenship Viviane Reding acknowledged that "Hungary has respected, as the rule of law requires, the judgment of the Court of Justice of November last year which confirmed the commission's view that the anticipated mandatory retirement of 10 percent of the Hungarian judiciary was not in line with EU Law." On November 20, the European Commission formally closed the infringement procedures launched against the country in January 2012 over the forced early retirement system.

The constitution restricted the Constitutional Court's powers relative to legislation on the central budget, taxes, and pension and health care contributions until government debt falls below 50 percent of the GDP, unless the law violates the right to life and human dignity; the right to the protection of personal data; freedom of thought, conscience, and religion; and rights related to citizenship. The constitution gives the government, one-quarter of the members of parliament, and the ombudsman the right to initiate a Constitutional Court review of the constitutionality of laws, regulations, and other legal provisions.

The Fourth Amendment to the constitution introduced further changes to the competence of the Constitutional Court. It "repealed" the case law built up between 1989-2011 under the previous constitution, preventing the rulings of the court delivered during that period from being used as precedent in the future, but preserving the validity of their legal effects. The Fourth Amendment also perpetuated the limitation of reviewing potentially unconstitutional legislation having budgetary impact (provided that at the time of the adoption of such legislation the state debt exceeded 50 percent of GDP), limited the ability to assess the constitutionality of constitutional amendments to the procedural requirements with respect to their adoption and promulgation, and broadened the circle of those able to challenge the constitutionality of legal norms at the Constitutional Court to include the president of the Curia and the prosecutor general.

NGOs and international organizations continued to criticize provisions in the 2011 constitution that limit the Constitutional Court's competences as weakening the system of checks and balances constitutional protection. In their March 13 analysis, three human rights NGOs called the repeal of previous rulings "a legal nonsense" which "undermines the Constitutional Court's independence and reputation." The Venice Commission in its June 17 opinion expressed concerns that the Fourth Amendment's "approach of shielding ordinary law from constitutional review is a systematic one, which results in a serious and worrisome undermining of the role of the Constitutional Court as the protector of the constitution." The Tavares Report found "extremely concerning" the repeal of 20 years of constitutional jurisprudence, containing an entire system of founding principles and constitutional requirements, including any potential case law affecting the application of EU law and of European human rights law. The government firmly rejected allegations of systematically

"overruling" Constitutional Court decisions, pointing out that legislators instead "revisited" the subject matters of already annulled legal rules.

On March 25, parliament elected Imre Juhasz, incumbent head of the Independent Police Complaint Board, to Constitutional Court Justice, replacing the retired Justice Andras Hollo. Human rights NGOs warned that with the election of Juhasz, the number of Constitutional Court justices nominated by the governing parties since 2010 amounted to nine (one of whom already retired), forming a majority of eight to seven in the 15-member body as of March 25.

On April 23, the ombudsman submitted a petition to the Constitutional Court challenging the constitutionality of the Fourth Amendment on both procedural and substantive grounds. On May 21, the Constitutional Court rejected the ombudsman's challenge and declared their commitment to continue considering the old constitution together with the new constitution in future decisions. On June 12, the Constitutional Court repeated its commitment to continue referring to their previous decisions, which are also quotable in new rulings under certain conditions.

Authorities generally respected court orders, although senior public officials occasionally criticized rulings of the Constitutional Court as well as that of ordinary courts. On January 8, Speaker of the Parliament Kover reacted to the December 2012 Constitutional Court decision annulling the Transitional Provisions to the constitution by claiming that "the court made a political decision." On January 9, president of the Constitutional Court Peter Paczolay reacted to the Kover comment by saying that a number of their rulings have political consequences but that does not mean that the court makes decisions according to political considerations. Paczolay added that "there is no room for unfounded accusations that question the way the court practices." On March 11, Prime Minister Orban in parliament called a March 8 court ruling favoring energy distribution companies "scandalous" and vowed to undo its effects by introducing further cuts in utility fees. In response to the prime minister's comment, President of the Curia Peter Darak issued a statement on March 13, declaring that judges are subordinate only to the law and may not be instructed in their work if issuing judgments.

Trial Procedures

The constitution and laws provide for the right to a fair trial within a reasonable amount of time to all persons, and an independent judiciary generally enforced this right.

Defendants are presumed innocent until proven guilty. Suspects have the right to be informed promptly of the nature of charges against them with free interpretation as necessary and of the applicable legal regulations at the start of questioning. Any changes to the charges shall also be communicated to the suspect as the investigation develops.

Trial procedures are public as a rule; however, the judge may minimize public attendance and can order closed hearings under certain conditions prescribed in the relevant laws. There is no jury system. Verdicts are rendered by judges or judicial councils, which consist of judges and civil assessors.

Immediately after defendants are informed of the charges against them, they must be advised of their right to choose a defense counsel or to request the appointment of one. If the participation of the defense counsel is mandatory in the procedure, defendants must be informed that unless they

retain a defense counsel within 72 hours, the prosecutor or the investigating authority will appoint counsel for them. If a defendant declares that he or she does not wish to retain counsel, the prosecutor or the investigating authority appoints counsel immediately.

The law stipulates that the investigating authority shall schedule the time of the interrogation in a way that enables defendants to exercise their right to defense. In the trial phase, the summons for the court hearing must be delivered at least five days prior to the hearing.

During trial defendants and their defense counsels have complete access to evidence held by the prosecution relevant to their cases. Defendants may challenge or question witnesses and present witnesses and evidence on their own behalf. The law states that no one may be compelled to provide self-incriminating testimony or produce self-incriminating evidence. Defendants have the right of appeal. These rights were extended to all citizens.

On July 5, a first instance military court in Debrecen in a closed trial convicted Gyorgy Szilvasy, former minister in charge of national security, and Lajos Galambos, former head of the National Security Office, allegedly involving national security measures. The court sentenced both to two years and 10 months in prison: Galambos for committing espionage and Szilvasy for instigating espionage. Szilvasy claimed that he had been sentenced without any evidence presented during the trial. The files of the case were classified until 2040. The defendants appealed the verdict, and the case remained pending at the end of the year.

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 seek damages for human rights violations. Individuals who have exhausted domestic remedies may submit applications to the ECHR, claiming that the government violated the European Convention on Human Rights.

Regional Human Rights Court Decisions

The government is subject to the jurisdiction of the ECHR and the Court of Justice of the European Union. By the end of July, the ECHR delivered 25 judgments in cases lodged by Hungarian citizens against the government. The government paid compensation imposed by the ECHR by the deadline. By the end of October, the Court of Justice of the European Union delivered four rulings lodged by the European Commission in cases against Hungary.

The Fourth Amendment to the constitution (adopted on March 11) stated that as long as the state debt exceeds one-half of the GDP, the government may levy a special tax to fulfill any obligation, such as a fine, resulting from a decision of the ECHR, Court of Justice of the EU, or any domestic court. A June 17 opinion of the Venice Commission criticized this provision for "enabling the government to circumvent the disciplining effect of court decisions which trigger payment obligations" by transferring the burden directly to citizens as taxpayers. On September 16, parliament adopted the Fifth Amendment which removed the provision from the constitution.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions. Under the law police may enter private homes without judicial authorization or warrants in cases to respond to a call for help or to prevent suicide; to prevent or interrupt a crime or to capture and place under short-term arrest a known or suspected criminal; to prevent a threat to public safety or to prevent a direct threat to the safety of an individual, or to rescue individuals in such danger; to take official action related to an unusual death or a death which took place under unclear circumstances; to take official action in procedures or in special circumstances related to assisting the enforcement and implementation of the building code, as prescribed by law; to take an individual into police custody; to place an individual under short-term arrest who continues to engage in illegal behavior despite being ordered to cease such activity; to take official action to protect an individual or secure facilities; and if an individual is required to be placed under short-term arrest for various other reasons spelled out in relevant laws. Authorization for the police to enter private homes is always required in cases of covert investigation or use of intelligence gathering tools.

Despite an ombudsman's report issued in 2012 criticizing the inability of citizens to become informed about information collected and stored about them by intelligence services (including TEK), the government had not provided sufficient legal remedy by the end of September.

On July 15, the Constitutional Court delayed implementation of amendments to the Act on National Security Services adopted by parliament during the year that expand the authorities' powers to conduct surveillance of civil servants and certain other unelected officials. The court noted that the bill would allow the intelligence services to monitor the most private aspects of civil servants' lives, while the affected individuals would not even know why or how they are being monitored. The final ruling of the Constitutional Court remained pending at the end of September.

The law provides the Hungarian National Security Services with special rights for secret information gathering, including the employment of informer systems.

The City is for All (an NGO representing homeless persons) continued to report wide-ranging discrimination against the approximately 30,000 homeless persons in the country. The Fourth Amendment provided that the state and local governments shall "strive to provide accommodation to all homeless people." The City is for All criticized the new constitutional provision as vague and for failing to articulate clear obligations for authorities. The Fourth Amendment also stipulated that an act of parliament or a decree of local council may prohibit persons from setting up residence in specified public areas to protect public order, public security, public health, and certain cultural values. The Tavares Report expressed concern over the possibility of homelessness being addressed through the criminal law, and recalled the November 2012 Constitutional Court decision striking down the provision punishing unavoidable living in public spaces for failing to meet the requirement of protection of human dignity. On September 30, parliament passed a law making it a misdemeanor crime to sleep rough in public areas that have been designated as World Heritage sites, which includes extensive areas of Budapest. City officials also have the right to designate other areas off-limits. If violators refuse a police request to leave the area they may be compelled to do community service or pay a fine. Anyone caught violating the law twice within six months may be imprisoned. On November 14, the Budapest City Council adopted a decree banning homeless persons with no fixed abode from living at World Heritage sites, metro stations, train stations, the

Budapest Airport, Nepliget Park, 29 prominent underpasses, near bridges, flyovers, schools, and health care institutions. Activists of The City is for All staged a public demonstration against the adoption of the decree.

In 2012 six homeless persons, with the help of the Legal Defense Bureau for National and Ethnic Minorities and The City is for All organization, launched lawsuits against local governments for compensation for personal property demolished unlawfully in October 2011. Their cases remained pending at year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The media reflects diverse opinions, and the right to free speech and freedom of the press are provided for by law. Some observers reported that the broad powers of the media regulatory authority created a climate conducive to self-censorship and political influence. The HCLU continued to report a bias in news reporting by the public media.

Freedom of Speech: While individuals could criticize the government in public or private without reprisal, individuals can be sued for libel for their published statements or for publicizing libelous statements made by others. Plaintiffs can litigate libel actions both in civil and criminal courts. Journalists reporting on an event may 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.

In October 2012 an online news portal (*Delmagyar.hu*) published an account of State Secretary for the Prime Minister Janos Lazar's car accident, which attracted numerous comments from readers, some of which were reportedly critical of Lazar's personal character. In response Lazar launched a civil libel suit against the publisher of the news outlet (Lapcom Ltd.) and a criminal case targeting the author of the insulting comment. On July 2, the civil suit was settled out of court, with the parties reaching an agreement under which Lapcom Ltd. acknowledged that some comments had "violated the State Secretary's human dignity" and agreed to pay 500,000 forint ($2,280) as damages for Lazar. As of September the prosecutor's office in Kecskemet continued to conduct a criminal investigation of the alleged libel offense.

On November 5, parliament amended the criminal code to punish the creation and/or distribution of a video or audio recording with false content with the purpose of violating someone's dignity. According to the new rules, fabricating such false media is punishable as a misdemeanor by up to one year in prison and distributing it by up to two years. Committing this criminal offense by distributing the false recording "widely" or causing "significant injury" to a person's "interests" is classified as a felony and punishable by imprisonment of up to three years.

On February 11, parliament adopted a new civil code (effective March 2014) stipulating that the press has a legally protected interest in reporting on public figures that limits the public figures' "personality rights" where the reporting is in the public interest and is "necessary and proportionate, without prejudice to human dignity." On July 28, the ombudsman formally challenged the

constitutionality of the legislation by appealing to the Constitutional Court for review. The ombudsman criticized the provision that allowed the Media Authority to determine the threshold for what constituted a "reasonable public interest" that would permit a reduced threshold of libel for public figures. The ombudsman noted that in the course of criticizing public figures, the protected right to freedom of expression can only be limited when there is an "infringement of human dignity" and where the reporting exceeds the bounds of what is "necessary and proportionate." The case remained pending at the Constitutional Court at the end of September.

The criminal code includes provisions against the incitement of hatred and violence against a member of certain groups. Any person who publicly incites hatred against any national, ethnic, racial, or religious group, or certain other designated groups of the population, is guilty of a felony punishable by imprisonment for up to three years. Additionally, any person who physically 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 continued to criticize courts for failing to convict persons for inciting hatred unless the crime was accompanied by a physical assault and for applying the legislation to cases where the victims were members of the ethnic majority, when the intention was to protect members of vulnerable minority groups.

During the year NGOs complained that courts continued to use the provision of the criminal code on racism regarding "violence against a member of a community" to convict Roma, whereas the law was designed to protect members of groups facing severe societal prejudice. On May 9, the trial court of Miskolc imposed prison sentences ranging from 30 months to 48 months on nine Roma for committing a crime against members of the Hungarian nation. In 2009, equipped with iron rods, clubs, and axes, a group of Roma attacked a car carrying Jobbik sympathizers, smashed the vehicle, and injured its passengers, while shouting "Death to you" and "You will die, Hungarians." They were reacting to forum a local branch of the Jobbik party held at Sajobabony that Romani residents considered a provocation. The HCLU harshly criticized the verdict, stating that while the fact that the perpetrators took the law into their own hands is unlawful, their motive was fear of racists, and the court erred to qualify the case as an act against members of a community. On October 8, the Miskolc Regional Court of Appeal ruled that the defendants did not commit hate crimes and imposed on them a lighter sentence for disturbing the peace. The court stated in the ruling that members of the Hungarian Guard and skinhead groups are not to be protected by hate crime laws, thus the Romani defendants could not have committed a hate crime against them.

Both the Fourth Amendment to the constitution and the newly enacted civil code (effective March 2014) introduced "hate speech" provisions designed to "protect the dignity of the Hungarian nation or of any national, ethnic, racial, or religious community." These new constitutional provisions provide for judicial remedies for damage to individuals and their communities that proceed from "hate speech." The June 17 Venice Commission Opinion on the Fourth Amendment welcomed the attempt of the government to combat hate speech directed against the Romani and the Jewish communities but criticized the legislation for failing to define the scope of the prohibition sufficiently narrowly. The Venice Commission also raised the concern that "dignity of the Hungarian nation" provision might be applied to curtail criticism of the Hungarian institutions and office holders, which would be incompatible with the standards for free speech limitations in a democratic society.

The law prohibits public denial of, doubt about, or minimization of the Holocaust, genocide, and other crimes of the National Socialist and communist regimes, and punishes such acts by a

maximum sentence of three years in prison. The HCLU continued to criticize the law for imposing serious restrictions on freedom of speech.

In February 2012 Attila Vajnai (Chairman of the Labor Party of Hungary 2006) petitioned the Constitutional Court to remove the ban on displaying the five-pointed red star (a symbol associated with the socialist regime) from the criminal code. In 2008 and 2011, the ECHR declared this ban to be a violation of the right to free expression. On February 19, the Constitutional Court annulled the provisions of the criminal code banning the use of symbols associated with the Nazi and communist dictatorships, effective April 30. The court argued that penalizing the use of symbols in a general way, without consideration of the purpose, the manner or the consequences of the display impermissibly restricted freedom of expression. On April 22, parliament amended the criminal code reintroducing the ban of public use of symbols associated with dictatorial regimes with more narrowly tailored restrictions. The legislation stipulates that wearing, exhibiting or promoting the swastika, the logo of the SS, the arrow cross, the hammer and sickle, or the five-pointed red star in public, in a way that harms the human dignity or the memory of the victims of dictatorships, is punishable as a misdemeanor effective May 1.

Press Freedoms: According to law the National Media and Infocommunications Authority (NMHH), subordinate to parliament, is the central state administrative body for media problems. The authority of NMHH includes overseeing the operation of broadcast and media markets as well as "contributing to the execution of the government's policy in the areas of frequency management and telecommunications." The prime minister appoints the NMHH's president for a nine-year term with no limit on reappointment. When confirmed by a two-thirds parliamentary majority, the NMHH president also serves as the chairperson of the five-member Media Council, which supervises broadcast, cable, online, and print media content and spectrum usage. The public service broadcasting system merges the supervisory boards of all government-owned public service broadcasting entities (including news service Magyar Tavirati Iroda, MTI) into the Public Service Foundation and places their finances and assets under the control of the new Media Services and Asset Management Fund (MTVA). Human rights NGOs continued to challenge the media legislation for failing to secure media pluralism and the independence of public service media. NGOs remained highly critical of the NMHH for being a politically homogenous body consisting of members nominated exclusively by the governing parties.

On March 25, in response to the recommendations of the secretary of the Council of Europe (CoE), parliament amended the media law to transfer the authority to appoint the president of NMHH from the prime minister to the president of the republic; however, the president is to act on the recommendation of the prime minister, who is legally obligated to obtain nomination proposals from professional organizations. The amendments eliminated reappointment of the president and members of the Media Council at the end of their nine-year terms and lowered the professional experience requirement for president of NMHH to five years from 10. The parliament rejected CoE recommendations that parliament elect the president of NMHH and make the presidency of the NMHH and the chairmanship of the Media Council offices held by different persons. The Tavares report voiced "concerns regarding the independence of the media authority" noting that "public service broadcasting is controlled by an extremely centralized institutional system, which takes the real operational decisions without public scrutiny."

On August 14, Prime Minister Orban nominated media litigation lawyer Monika Karas as the new head of the NMHH, to replace the previous head, who died during the year. Orban indicated the he

based his choice on the recommendation of the Electronic Journalists Federation. Several NGOs criticized this nomination because of Karas' perceived conflict of interest having represented several Fidesz party members.

The Media Council conducts weekly surveys to measure the proportion of media coverage of government and opposition politicians in broadcast news media and publishes monthly reports on the data collected. According to the study released in September, government politicians were "overrepresented" in coverage in both in public and commercial media in August. In determining the proportion of representation, the Media Council considers that each party should receive equal coverage; it does not factor in the proportion of parties' representation in parliament, or whether the coverage relates to their political activities or other parts of their lives.

Freedom House, for the second year in a row, rated the country's media as "partly free," a downgrade from the previous ranking of "free." On May 1, Freedom House published a report that noted "Conditions in Hungary, which was downgraded to Partly Free in 2011, remained steady in 2012, though there were persistent concerns regarding extensive legislative and regulatory changes that have tightened government control of the media. A series of rulings by the Constitutional Court and legal amendments adopted to meet objections from the European Commission in 2011 and 2012 have done little to curb the power of a new media authority controlled by the ruling Fidesz party."

Violence and Harassment: Both the defendant and prosecutor appealed the Vac Municipal Court's finding that Gyula Gyorgy Zagyva was guilty of harassing two journalists of the weekly newspaper *Hetek* in 2010, employing anti-Semitic remarks as he did so. Parliament lifted Zagyva's parliamentary immunity, permitting the investigation and trial. The court sentenced Zagyva to one year's probation. The appeals were pending at the end of November.

Censorship or Content Restrictions: The law provides content regulations and standards for journalistic rights, ethics, and norms applicable to all media, including news portals and online publications. It prohibits inciting hatred against nations, communities, ethnic, linguistic or other minorities, majority groups, churches, or religious groups. It makes provision for maintaining the confidentiality of sources with respect to criminal proceedings.

The Media Council may impose fines of up to 200 million forint ($913,700) for certain violations of content regulation, including media services that violate prohibitions on inciting hatred or violating human dignity or regulations governing the protection of minors. The council may impose fines for violations up to 200 million forint ($913,700), depending on the type of media service and audience size. It may also suspend the right to broadcast for up to a week. Defendants may appeal Media Council decisions but must appeal separately to prevent their implementation while the parties litigate the substantive appeal. As of September 1, the Media Council issued 88 resolutions imposing fines totaling 57 million forint ($260,400) on 49 media outlets. Sixteen resolutions were challenged in court.

The March 25 changes to the media law removed the requirement that broadcast media provide news reporting of specific events that is "diverse, factual, timely, and objective," and retained only the obligation of providing "balanced" coverage.

On May 8, the Media Council imposed a 250,000 forint ($1,140) fine on the daily paper *Magyar Hirlap* because of derogatory and racist remarks about Roma written by a staff writer Zsolt Bayer (also a founding member of Fidesz) in the January 5 edition. In an opinion article discussing a stabbing incident, Bayer said "a significant portion of Gypsies are not fit for co-existence. These people are animals and behave like animals. They want to fornicate with whomever and wherever. If they meet with resistance, they will kill." The Media Council ruled that Bayer's article "could potentially incite hatred against the Roma minority" and ordered the newspaper to publish the ruling.

On May 2, the Media Council finally offered a seven year frequency contract to Klubradio, a self-identified opposition broadcaster, after a court overruled the Media Council's 2012 rejection of its initial license application for use of the 95.3 MHz radio frequency in Budapest. This followed a two year-long legal battle in which Klubradio struggled to continue broadcasting under a series of temporary licenses as the Media Council delayed implementation of repeated court rulings in the radio station's favor. Klubradio has lost most of its broadcasting licenses outside of the capital city.

Internet Freedom

There were no government restrictions on access to the internet or credible reports that the government monitored e-mails or internet chat rooms without appropriate legal authority. Individuals and groups could engage in the peaceful expression of views via the internet, including by e-mail. According to the International Telecommunication Union, approximately 72 percent of the population used the internet in 2012.

In September 2012 Freedom House published a report that rated the country's internet and digital media "free."

Academic Freedom and Cultural Events

On October 14, the Constitutional Court rejected the ombudsman's petition to annul a 2012 amendment to the Archives Act ordering the government appropriation and transfer to the National Archive of all documents of the Hungarian Labor Party and its legal predecessors, the Hungarian Socialist Workers Party and its civil and youth organizations, as well as the National Council of Trade Unions and trade unions. The documents, produced between 1944 and 1989, were the private property of the Institute of Political History and, in part, the property of trade unions stored at the institute. The Institute of Political History managed the collection in accordance with rules governing public archives and allowed free access to the public. In a December 2012 petition to the court, the ombudsman asserted that the law "provides general expropriation without compensation and makes research of documents more difficult." The ombudsman argued that the legal provision constitutes a "restriction of the freedom of scientific research since it is not clear what were the motives and legal aims of the nationalization of these documents, which previously were in the property of a private archive open to the public."

On January 31, the ombudsman petitioned the Constitutional Court to annul certain provisions of the law on the Hungarian Art Academy (MMA), which became owner during the year of a state-owned concert hall and art gallery. The ombudsman argued that it was a violation of artistic freedom and unconstitutional that the founding members of the MMA came from a single NGO and that the law enables the MMA to define its own conditions for membership. The case was pending

at the Constitutional Court at the end of September. During the year the MMA received 486 million forint ($2.2 million) for issuing grants to support various projects, including publishing and artistic ventures.

b. Freedom of Peaceful Assembly and Association

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

Freedom of Assembly

The constitution provides for freedom of peaceful assembly, and the government generally respected this right. 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. Police are not required to disband a spontaneous, unauthorized assembly that remains peaceful. A police decision to prohibit a public demonstration is open for judicial review.

In 2012, the latest year for which statistics were available, police prohibited 12 demonstrations, which represented 0.18 percent of total announced demonstrations. Organizers requested judicial review in six demonstration requests rejected by police, and courts ultimately permitted the demonstration in five cases.

The HHC and other human rights organizations continued to emphasize the need to modify the law on assembly to clarify when police may prevent a public gathering. According to the HHC, the law does not justify the police in banning a demonstration based on an unverified assumption that the demonstrators are highly likely to commit a criminal offense, such as incitement against a community. According to NGOs the shortcomings of the law often resulted in inconsistent police practices and court decisions.

On April 8, Prime Minister Orban instructed Minister of Interior Sandor Pinter to ban an anti-Semitic motorcyclist procession entitled "Give Gas!" planned for April 21, the same days as a scheduled commemoration of Holocaust victims organized by the March of the Living Foundation. The HCLU called the prime minister's ban unacceptable in a state governed by the rule of law and noted that police had no legal authority to ban the parade once permission had been granted. The demonstration organizers appealed, but on April 15, the Budapest Metropolitan Administrative and Labor Court rejected the appeal, citing the constitutional limitation on freedom of expression that violates human dignity or is directed against religious communities. On April 19, police agreed to permit the parade under a different name, date, and route. The same day, Prime Minister Orban instructed the interior minister to ban the demonstration again despite the police permission. On April 20, police issued the ban, but a procession took place on April 21, under heavy police presence and ended without incident. On April 24, the Budapest Metropolitan Administrative and Labor Court ruled that the police ban issued on April 20 was unlawful.

On April 12, the extreme nationalist Jobbik party announced an anti-Semitic demonstration planned to coincide with and protest against the World Jewish Congress in Budapest on May 4-7. On April 29, Prime Minister Orban ordered a ban on any public demonstration that could injure the human

dignity of guests attending the World Jewish Congress and the Hungarian Jewish community. On May 3, the Budapest Metropolitan Administrative and Labor Court revoked the ban of the planned demonstration, citing a lack of legal basis as was not issued within 48 hours of the announcement. The prime minister called the court ruling "unacceptable" and "unconstitutional" and instructed the interior minister to prevent the rally despite the court ruling. In response the Interior Ministry announced in a statement that it acknowledged the court ruling but vowed to impede the rally by using any legal means available. Nevertheless, the Jobbik rally took place on June 4 under heavy police presence and ended without incident.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report*.

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

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The law provides for the granting of refugee status or subsidiary protection, and the government has established a system for providing protection to refugees. The country is part of the Dublin II regulation that seeks to return asylum seekers to the first EU member state they entered for processing.

On August 5, the government opened a new temporary refugee camp in Vamosszabadi (North-West Hungary) with a capacity of 216 persons.

The HHC remained critical of the country's asylum practices for hindering the access of asylum seekers returned under the Dublin II Regulation to an in-merit determination of their protection needs, to adequate reception conditions, and for the excessive use of immigration detention beginning July 1 under the new amendment to the Refugee Law.

Safe Country of Origin/Transit: The law includes definitions of the principles of "safe country of origin" and "safe third country" (that is, safe country of transit) including adequate provisions for individual consideration in exceptional cases. Authorities decided on a case-by-case basis whether the country of origin may be regarded as a safe country of origin for the applicant. In December 2012 the Curia issued an official opinion aiming to standardize court practice regarding the application of the safe third country concept in asylum cases.

During the year the Office of Immigration and Nationality discontinued the practice, long criticized by the UNHCR, of returning asylum seekers to Serbia, which the UNHCR does not consider a safe country of transit for asylum seekers.

Several EU countries (Austria, Belgium, France, Germany, Italy, the Netherlands, Slovakia, Sweden, and the UK) as well as Switzerland continued to avoid transferring individual asylum seekers to Hungary under the Dublin II system due to concerns that rights provided under the European Convention on Human Rights and the EU Charter of Fundamental Rights could be violated.

Refugee Abuse: Beginning in January, after the European Commission initiated proceedings against the country in late 2012 for detaining asylum seekers on improper legal grounds, the Office of Immigration and Nationality discontinued such practices.

On June 10, parliament amended the law to permit detention of asylum seekers under certain circumstances effective July 1. The new rules require that detention must be based on individual assessment and only if there was no other means to ensure the presence of the applicant for the proceedings. Judges must decide every 60 days whether to extend a decision to keep illegal migrants in custody. According to the law, detention cannot exceed six months, unaccompanied minors are exempted from detention, and alternatives to detention (such as asylum bail) must also be provided. The HHC criticized the new provisions for failing to provide legal remedy against the decision to order asylum detention, and for allowing the detention of families with children for up to 30 days. The HHC also noted that that the vaguely regulated legal grounds for detention of asylum seekers jeopardized legal certainty.

On September 26, the Curia issued an official opinion on several immigration related laws. Regarding the practice of immigration detention, the opinion concluded that the current system of judicial review is ineffective.

Durable Solutions: The Ministry of Interior provided a grant opportunity for municipalities for assisting the settlement of refugee families in their local community.

Temporary Protection: The law provides for the granting of "subsidiary protection." Under the law subsidiary protection is defined as protection provided to foreigners who do not satisfy the criteria of recognition as a refugee if there is a risk that, in the event of their return to their country of origin, they would be exposed to serious harm. The law also provides that the Office of Immigration and Nationality (BAH) may authorize persons to stay in the country by granting them "tolerated status" consistent with the country's nonrefoulement obligations under international law.

The BAH experienced an increase in the number of asylum seekers. During the first 10 months, the BAH received 16,930 refugee claims (the majority from Kosovar, Pakistani, Afghan, and Algerian nationals) and granted 113 persons refugee status, 133 persons subsidiary protection status, and four persons tolerated status.

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 through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: The OSCE election observation mission reported that parliamentary elections held in 2010 were conducted in a manner consistent with international standards and commitments for democratic elections.

Political Parties: On January 1, an amendment to the law gave the speaker of parliament new powers to maintain the order and the "dignity" of parliament. According to the new rules, if an MP during session violates the dignity of the House, an individual, or a group (particularly a national, ethnic, racial or religious community), the speaker can impose a fine or reduce the monthly wage of the disruptive MP and ban on his or her speech for the rest of day. On June 10, parliament further amended the law to empower the speaker to suspend temporarily the rights of an MP, including the right to attend both plenary and committee sessions, in the event that the MP uses or threatens physical violence. Such a motion requires the support of two-third of MPs to pass, and can suspend the MP's rights for a maximum of three days. During the year the speaker imposed fines on several MPs for disrupting the work of parliament; all were members of opposition parties. Four MPs submitted applications to the ECHR for the violation of their freedom of expression.

In May Speaker Kover twice rejected the requests of Tibor Szanyi, member of the opposition Hungarian Socialist Party (MSZP), to speak before regular business in parliament, on the basis that it would "violate the dignity of the House." In late May Szanyi submitted a petition to the ECHR for the violation of his right to express an opinion. The case remained pending at the end of the year.

Participation of Women and Minorities: The 386-seat parliament elected in 2010 included 34 women, 20 percent fewer than its predecessor. Minister of National Development Zsuzsanna Nemeth was the only woman in Prime Minister Orban's 10-member cabinet. Women were represented at the subcabinet level. Due to privacy laws regarding ethnic data, no statistics were available on the number of minorities in parliament or the cabinet.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials. NGOs contended, however, that the government did not implement the law effectively, and that officials often engaged in corrupt practices with impunity. Corruption in the executive and legislative branches as well as within police agencies remained a problem. According to the World Bank's Worldwide Governance Indicators, government corruption was a problem.

Corruption: Several government offices were responsible for combating corruption. The State Audit Office (SAO) supervised public funds, managed national assets, audited the public sector, and received reports on campaign spending of political parties but did not assess the accuracy of these reports. During the year the SAO issued 112 public reports. The law provides the SAO the authority to review the finances of private companies if public funds are used, regardless of the amount, and any company employee who refuses to cooperate with the SAO can be subjected to imprisonment for up to two years or up to three years if such noncompliance results in grievous consequences. Prosecutors, police, and, in certain cases, officials of the customs and finance administration were responsible for investigating corruption and uncovering the illicit use of public funds. The Anticorruption Division of the Central Investigative Chief Prosecutor's Office created in 2011 employed 35 prosecutors specialized in high-profile corruption cases involving public officials.

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

On June 21, parliament amended the public procurement law simplifying the procedure for smaller scale public procurements and making it easier for small- and middle-size enterprises to apply for public tenders. Transparency International Hungary (TI-H) noted that based on the new regulations, the contracting authority can initiate a procurement process without a negotiation, with direct call to three bidders, an authority that presents a large corruption risk. TI-H also expressed concern that the law lacks of any sanctions for government failure to reveal procurement information to the public, and classifies the explanation of tender results as a business secret hidden from the public.

In 2012 the government adopted the Corruption Prevention Program, a two-year effort to prevent corruption in public administration and public services. It created several anticorruption working-groups, which includes several NGOs, to monitor the implementation of the anticorruption program in a transparent manner. On April 30, representatives of five NGOs informed the minister of public administration and justice that their organizations were terminating their membership in the task force, citing the government's failure to consider the NGOs' anticorruption proposals and in response to the April 28 passage of a measure restricting public access to government information (see section 4, Public Access to Information). On May 28, as part of the program, the Board of Hungarian Police Officers adopted a Code of Conduct, while the Board of Hungarian Government Officials adopted its own code of professional ethics on June 21. Following a pilot seminar on integrity management held on July 17-19 at the National University of Public Service, in October over 700 senior government officials participated in two and a half days of training about corruption prevention and public administration development.

The Fifth Amendment to the constitution, adopted on September 16, provides for the integration of the supervisory body of financial institutions into the Hungarian National Bank (MNB). Accordingly, the new law on the MNB entered into force on October 1, despite concerns of the European Central Bank (ECB). In a working document for the 2014 Annual Growth Survey, the EU Commission noted that the change should increase the emergency powers of the supervisory authority and better integrate macro- and micro-prudential tools. In an opinion published on October 7, the ECB expressed concerns regarding the lack of sufficient time to consult on legislative amendments, the short timeframe allowed for the merge, as well as the independence of the institution. Noting inadequate funding for the MNB to carry out its supervisory tasks, it concluded that "this raises serious concerns as regards the MNB's financial independence." The ECB also noted that the draft law was adopted so quickly after the government requested its input that there was no possibility for the legislature to take its opinion into account, saying "Hungarian authorities have not complied with their duty to consult the ECB" before adopting laws and regulations.

In its 2011 "National Integrity Study of Hungary," TI-H asserted that private interests had captured the government and criticized the lack of independent and well-established anticorruption agencies. The study emphasized that the main actors responsible for combating official corruption are directly subordinate to the government, the public has only limited access to and control over their activities, and no effective whistleblower protection system is in place. The study also noted that political parties remained at risk for corruption because party and campaign financing regulations fail to ensure transparency and accountability. According to TI-H research, 65 to 75 percent of public procurement actions are corrupt, increasing the costs of procurement by 25 percent. On May

7, TI-H released its local government transparency index, which revealed that 40 percent of local authorities concealed data on purchases made with public funds.

The most high profile alleged corruption case during the year was connected to the legislation passed by parliament in September 2012 establishing a state monopoly on the retail sale of tobacco products from July 1. The government nationalized tobacco kiosks, claiming that a centralized means of selling tobacco products would limit its use by underage members of society. The new regulation provides the state-owned National Tobacco Trading Company (NTTC) the exclusive right to award long-term tobacco kiosk licenses, with the number of kiosks determined according to population figures. Opposition politicians and transparency NGOs heavily attacked the list of kiosk concession winners published by the NTTC on April 22 for the alleged disproportionate number of concessions won by applicants connected to the governing parties. On April 25, State Secretary of the Office of the Prime Minister Janos Lazar, in charge of the redistribution of the tobacco retail market, submitted a motion to parliament to raise the guaranteed retail profit margin from an estimated 3 to 4 percent to 10 percent. On April 30, existing kiosk owners and tobacco retailers held a demonstration in Budapest criticizing the tobacco concession process and the last minute legislative change, claiming that the lower profit margin announced earlier deterred many from applying in the first place. Several unnamed Fidesz members and Akos Hadhazy, member of the Szekszard city council, confirmed allegations of corruption. Government officials, including Lazar, flatly denied that concession winners had been selected on a political basis but rejected calls to disclose the criteria used in assigning concessions. The government did not launch a corruption investigation related to the tobacco concession license process by the end of September.

The NPS conducted several hundred background investigations among the 93,000-strong police forces, some of which resulted in indictments for corruption. Investigation continued in the major corruption case revealed by the NPS in 2012, which involved senior police officers, who for years allegedly prevented police oversight of 40 Budapest nightclubs operated by Laszlo Vizoviczki in exchange for bribes. In 2012 the Central Investigative Prosecutor's Office detained four senior police officers on suspicion of corruption and bribery, including the incumbent head of the National Bureau of Investigation's organized crime unit. The investigation remained pending at the end of the year.

Whistleblower Protection: On October 14, parliament adopted a new law on whistleblower protection which provides for anonymity for whistleblowers and protects them from negative consequences. An official of each public institution will be appointed to minimize the institution's exposure to corruption and forward reports from witnesses to the ombudsman. Witnesses can also submit complaints electronically. Criticizing the new law for failing to provide adequate protection to whistleblowers, TI-H called the legislation little more than a "simple declaration that any punishment of whistleblowers is unlawful."

Financial Disclosure: The law requires MPs, the president, high-level government officials, mayors, and local government representatives to publish asset declarations on a regular basis. MPs and members of the cabinet must also publish spousal asset declarations. Additionally, the vast majority of public sector employees, including law enforcement and army officials, judges, prosecutors, civil servants, and public servants, are obliged to prepare asset declarations but are not required to make them accessible for the public. NGOs contended that the regulation was not adequate because there was no effective method to detect and sanction violators.

Public Access to Information: The constitution and law provide both citizens and foreigners the right to access information held by public bodies although legislation enacted during the year appeared to greatly reduce the scope of this right. Access is sought through freedom of information requests submitted in oral or written form. The bodies controlling such information may restrict access in order to protect what they determine to be legitimate public interests, as defined by law. Public bodies are required to disclose information within 15 days upon receiving a request or provide the requestor detailed reasons for any denial within eight days. The list of exceptions set by the law includes information on national security, prevention and prosecution of crimes, protecting nature and the environment, national financial matters, foreign affairs, ongoing legal procedures, and intellectual property. Requestors may appeal denials in court within 30 days or initiate the procedure of the newly established National Authority for Data Protection and Freedom of Information (NAIH). The law punishes the offense of illicit use of public information with imprisonment for up to three years.

In 2012 the NAIH replaced the former Data Protection and Freedom of Information Parliamentary Commissioner and became responsible for supervising and defending the right to the protection of personal data and to freedom of information in both the public and the private sectors. The European Commission later in 2012 referred an infringement procedure against the country to the Court of Justice of the European Union over the early termination of the former data commissioner's term, seeking his reinstatement. The case remained pending at the end of September.

On April 28, parliament passed a motion in a fast-track procedure (in the midst of the tobacco concession dispute) amending the Data Protection Act to restrict access to public information data by stipulating that the obligation to comply with such requests exists only if other special laws (such as the civil code, or the Tobacco Retail Law) expressly provide the possibility. Additionally, citizens are forbidden to come up with requests that demand "overarching, invoice-based," or "itemized" audit of the "management of a public authority." Transparency watchdog NGOs vocally criticized the amendment, claiming that it allows state institutions with data management responsibilities excessive latitude to reject requests for public information and that it limits full access to data to such specific governmental institutions as the State Audit Office and the Government Control Office. On April 30, five NGOs (including TI-H, K-Monitor, and the HCLU) announced the termination of their membership on the government's anticorruption working group, arguing that all governmental anticorruption measures now lack credibility. On May 8, President Ader returned the draft bill on public information to parliament for reconsideration on the basis that it allows too much leeway for government institutions to decide which information requests to act on. On June 11, parliament adopted with minor changes the original bill which entered into force on June 21. On June 26, the TI-H, the HCLU, and the K-Monitor sent a joint open letter to the ombudsman, the president of the Curia, and the prosecutor general urging their action in seeking the annulment of the newly adopted regulations at the Constitutional Court.

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,

however, were rarely cooperative and responsive to their views. Government officials continued to cooperate with the Venice Commission, the Council of Europe, the European Courts of Justice and Human Rights, and other international bodies to address some concerns about legislation, although a number of substantive recommendations remained unaddressed. Additionally, myriad international organizations and human rights groups maintained concerns about controversial legislation at year's end.

Government Human Rights Bodies: The ombudsman has the authority to initiate proceedings to defend the rights of large groups of citizens from violations committed by government institutions, banks, businesses, and social organizations. The constitution provides that citizens may submit constitutional complaints about laws passed by parliament to the ombudsman, who may request a review by the Constitutional Court. By the end of August, the ombudsman received approximately 300 petitions from citizens requesting that he refer laws to the Constitutional Court, filed 12 petitions with the Constitutional Court upon citizen initiative, and initiated one petition *ex officio*. The ombudsman reports annually to parliament. On September 15, following his nomination by the president, parliament elected Laszlo Szekely to succeed Mate Szabo as the new ombudsman for a six-year term.

The parliament's 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

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

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal, but human rights observers generally considered the problem underreported. Under the law a sexual assault is considered rape only if it involves the use of force or aggravated threats. Penalties for rape range from two to eight years in prison and can be as long as 15 years in aggravated cases. In 2012 prosecutors pressed rape charges in 98 cases.

On June 3, parliament amended the criminal code introducing "violence within relationships" as a separate category of offence. Under the new rules effective July 1, certain cases of physical assault, defamation, violation of personal freedom, and coercion are more severely punished if the offender and the victim live together or have lived together, or if a child has been born as a result of their relationship. The new regulations extended custodial sentences for assault and acts of grossly insulting behavior to three years. Grievous bodily harm and malicious battery, violation of personal freedom or coercion committed against those incapable of self-defense or indicating consent, or against an elderly or disabled person, may be punishable by one to five years in prison. The new category of offense relates not only to relatives and dependents, but also to former spouses, partners, those under guardianship or care, guardians, and caretakers. A necessary condition for

such an offense is that the act took place during or after a period of cohabitation. The new law also penalizes humiliation, or causing severe deprivation to, or grave violation of the dignity of, a relative or a dependent, with up to two years' imprisonment. On June 5, four women's rights NGOs applauded the legislative changes on domestic violence but described it as incomplete.

Police and courts could impose restraining orders. Under the law police called to a scene of domestic violence may issue an emergency restraining order valid for three days in lieu of immediately filing charges, while courts may issue 30-day restraining orders in civil law cases and a maximum of 60-day orders in criminal procedures. Women's rights NGOs continued to criticize the law for failing to provide appropriate protection for victims and for not placing sufficient emphasis on the accountability of perpetrators.

During the first six months of the year, the Hungarian National Police Headquarters recorded 119 cases of rape and 3,570 cases of domestic violence. Statistics regarding the number of prosecutions in court of cases of rape were not available.

The Ministry of Human Resources continued to operate a 24-hour hotline for victims of abuse. The ministry operated the Regional Crises Management Network at 14 different locations around the country for victims of domestic violence, providing immediate accommodation and complex care for abused individuals and families. The ministry continued to operate four halfway houses, providing long-term housing opportunities (maximum five years) and professional assistance for families graduated from the crises centers. Additionally, the government sponsored a secret shelter for severely abused women whose lives were in danger. According to women's rights NGOs, services for victims of violence against women either operated with limited capacity or did not meet international standards of good practice.

Sexual Harassment: The law establishes the right to a secure workplace and makes sexual harassment a criminal offense. Nevertheless, 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.

In the first nine months of the year, the Equal Treatment Authority (ETA), an independent authority set up by the government to monitor enforcement of antidiscrimination laws, received 39 reports of harassment, including two of sexual harassment. Both cases remained pending at the end of September.

Reproductive Rights: 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 relatively easy access to contraception and skilled attendance during childbirth, and national family planning services focused on providing prenatal and postnatal care and counseling.

In a review of the combined seventh and eight periodic reports to the UN Committee on the Elimination of Discrimination Against Women, the committee urged the government to cease all negative interference with women's sexual and reproductive rights, provide adequate access to family planning services and affordable contraceptives, establish an adequate regulatory framework for the practice of conscientious objection by health professionals, ensure that women are offered existing alternatives, and called on trained midwives to be recognized as independent professionals.

The committee also expressed concern about the limited access to and inadequate quality of sexual and reproductive health services for women with disabilities, women with low income, Romani women, women living in rural areas, and women living with HIV.

Although there is no conclusive evidence to suggest the sterilization of Romani women without consent has taken place since 2001, the European Roma Rights Center criticized legal provisions on sterilization, claiming that they fail to comply with international standards. It advocated the removal of any distinction between sterilization for medical reasons and sterilization for family planning reasons, as well as for the introduction of legal guarantees for fully informing patients of the permanent nature of sterilization procedures.

Discrimination: Under the constitution and the law, men and women have equal rights. The ETA is responsible for monitoring the implementation of the law and reports annually to parliament.

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. A ministerial commissioner, Piroska Szalai, was responsible for improving the situation of women in the labor market.

During the year the ETA conducted 10 investigations based on individual complaints of illegal employment discrimination against women and found one to be justified. In the "justified" case, the ETA ordered the employer to stop its illegal activity, to refrain from further violations, to pay a penalty of one million forint (approximately $4,600), and to publish the decision of ETA on the employer's website for 60 days. The employer appealed the ETA's ruling at court, which case remained pending at year's end.

Children

Birth Registration: An individual acquires citizenship by birth from a parent who is a citizen. Births are registered immediately.

Education: In 2011 parliament adopted a new Public Education Act reducing the maximum age limit for free compulsory education of children from 18 to 16 as of September 2012 and introduced mandatory kindergarten education from the age of three, effective September 2014. From February 1, the law allows law enforcement authorities to take children under 14 to school principals if they miss school without permission from a medical doctor or a parent.

Local governments have the right to suspend the schooling support benefit from families in cases of over 50 hours of absence from class without a legitimate reason.

In 2012 the ombudsman challenged at the Constitutional Court both mandatory kindergarten attendance from age three and the new measures against minor truants. On February 28, the court rejected both complaints, stating that neither of these provisions violates the constitution.

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 school officials placed 20 percent, 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.

On January 30, the ECHR ruled in the case of two young Romani men from Nyiregyhaza diagnosed as having mental disabilities and sent to remedial primary school. The Expert and Rehabilitation Panel of Szabolcs-Szatmar-Bereg County had conducted the mental assessment of both applicants respectively in 2000 and 2001 upon the requests of their schools, and diagnosed "mild mental disability" in both cases. The judicial proceeding began in 2006 when the applicants filed their claim for damages with the Szabolcs-Szatmar-Bereg County Regional Court on the basis of violation of the principle of equal treatment, amounting to a violation of their personality rights. The ECHR found that the relevant legislation, as applied in practice at the time, had a disproportionately prejudicial effect on the Romani community, and that the state, in the situation of *prima facie* discrimination, failed to prove that it has provided the guarantees needed to avoid misdiagnosis and misplacement of the Romani applicants. The ECHR ruling concluded that the applicants, represented by the Chance for Children Foundation and the European Roma Rights Center suffered from discriminatory treatment and awarded them jointly with 4,500 euro ($6,100) to be paid by the state.

On July 12, parliament amended the Act on Equal Opportunity introducing the principle that "pursuing equal rights and social catching-up are first and foremost a state commitment." Roma rights groups challenged the amendment claiming that it could enshrine in law an already existing practice of channeling Romani children into special-needs classes or remedial schools. Officials rejected the criticisms noting that their aim was not segregation but instead providing special assistance to disadvantaged Roma.

On April 23, the court suspended for six months the case launched by the Chance For Children Foundation (CFCF) in 2012 against the Greek Catholic Diocese for reopening a segregated elementary school in Nyiregyhaza as the parties agreed to attempt to resolve the case by reaching an agreement. Two other individual school cases opened in previous years by the CFCF against the municipalities of Jaszladany and Szod remained pending at the end of September. The 2009 CFCF lawsuit against the government for failing to enforce antisegregation legislation also remained pending at year's end.

Child Abuse: During the first six months of the year, the National Police Headquarters registered 2,874 cases of crimes against children (under the age of 14). In May 2012 an expert of the National Child Health Institute stated that more than 200,000 children (10 percent of the total) were beaten or assaulted. The commentary also noted significant regional disparities, with higher rates of child abuse occurring in eastern and northern sections of the country.

Forced and Early Marriage: The legal minimum age of marriage is 18. The Social and Guardianship Office can authorize marriages of persons between the ages of 16 and 18. According to the Central Statistical Office, 0.7 percent of boys and 2.6 percent of girls under the age of 19 were married.

Sexual Exploitation of Children: Buying sexual services from a child younger than 18 is a crime punishable by up to three years in prison. The minimum age for consensual sex was 14 until the new criminal code entered into force on July 1, which reduced the age limit to 12 provided the older partner is 18 or under. The law differentiates by age group. Teenagers between 12 and 18 engaging

in consensual sex are not punishable. Adults over 18 who engage in sexual relations with a minor between 12 and 14 are punishable by one to five years imprisonment. Consensual sex between an adult over 18 and a minor between 14 and 18 is not punishable. According to the law, statutory rape is a felony punishable by imprisonment for two to eight years or 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. Some girls under the age of 18 were subjected to prostitution.

Institutionalized Children: In May the ombudsman issued a report on his repeated investigation in four Special Children's Homes which care for children with severe psychiatric symptoms. The report concluded that all the investigated institutions provided general and specialized medical care, but none followed healthy nutritional practices. The investigation also disclosed that institutions decided to use personal or area surveillance systems in and outside their facilities institutions in contravention of the law, which requires legal procedures to precede the implementation of such measures. The ombudsman contacted the minister for human resources and the directors of the children's home concerned to adjust the discovered improprieties.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html, as well as country-specific information at http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

The Jewish population numbered between 80,000 and 100,000 persons. During the first nine months of the year incidents of anti-Semitism occurred, including property desecration, verbal and physical attacks, Holocaust denial and revisionism, and articles in the media. Elected officials, including members of the Jobbik party, continued to make anti-Semitic statements. On various occasions the prime minister repeated his commitment to combat anti-Semitism, while government officials often condemned anti-Semitic speech. Law enforcement and judiciary agencies continued to prosecute anti-Semitic incidents.

In 2012 there were 187 reported instances of disturbing the peace around or vandalism of Jewish and Christian properties, nine in houses of worship, and 178 in cemeteries. On April 13, unidentified perpetrators sprayed racist and anti-Semitic slogans on the wall of the synagogue of Vac and on May 19, vandalized tombs in the local Jewish cemetery. The police terminated the investigation into both cases as the perpetrators couldn't be identified. Incidents of vandalism continued to occur during the year.

On January 17, the Hungarian Holocaust 2014 Memorial Commission set up by the cabinet held its first inaugural session under the chairmanship of Janos Lazar, State Secretary of the Office of the Prime Minister. Lazar at the meeting declared that "the cabinet considers it particularly important to face up and issue the apology that was never made during the communist dictatorship ... as Hungarians were among those who committed the horrible acts, but those who suffered were all Hungarian compatriots." Members of the committee included several cabinet representatives, Jewish congregations, Jewish NGOs, and foreign ambassadors. The task of the committee was to prepare remembrances to mark the 70th anniversary of the deportation of Hungarian Holocaust victims in 2014. During the year the memorial committee held five sessions.

On January 27, Prime Minister Orban issued a statement on the International Holocaust Memorial Year declaring that "the government protects all citizens of Hungary and condemns all forms of anti-Semitism." He added, "It must never happen again in Hungary that people be humiliated for their origin and religion."

On January 30, the Budapest Metropolitan Tribunal upheld the Pest Central District Court's ruling issued in June 2012 in the first Holocaust denial case since the introduction of this offense into the criminal code in 2010. According to the case, the defendant held up a sign at a demonstration in 2011 saying in Hebrew that "the Holocaust did not happen." The court sentenced the offender to an 18-month prison term suspended for three years and ordered him placed on probation. The judge also ordered the perpetrator to visit either the Budapest based Holocaust Memorial Documentation Center (HDKE) three times during the probation, or the memorial site in Auschwitz, or the Yad Vashem memorial park in Jerusalem one time and express his thoughts in writing.

On March 15, Minister for Human Resources Zoltan Balog gave the Tancsics Award for journalism to Ferenc Szaniszlo, a television presenter for Echo TV, who had repeatedly made anti-Semitic remarks. Foreign ambassadors and numerous human rights organizations joined in urging for the withdrawal of the award. Minister Balog asked Szaniszlo to return the award, and on March 20 he did so.

On April 28, unknown persons physically assaulted Ferenc Orosz, head of the Raoul Wallenberg Foundation, after he warned extremist fans at a soccer match in Budapest to refrain from chanting Nazi slogans. Government officials denounced the attack. As of the end of September, the police continued to investigate. On June 3, Minister of Human Resources Zoltan Balog met Orosz, who handed over a list of proposals for preventing expressions of racism at sport events. Minister Balog forwarded the proposals to the Hungarian Football Association.

The World Jewish Congress (WJC), held in Budapest on May 5-7, focused on growing anti-Semitism in some European countries, including Hungary. PM Orban gave a speech at the WJC opening gala dinner and declared that the "current Christian democratic government considers its moral duty to act against anti-Semitism and declare zero tolerance for such ideas." On May 4, the Jobbik party held a counterdemonstration attended by a few hundred persons (see section 2, Freedom of Assembly). On or about May 3, three men verbally accosted delegates attending the WJC by shouting anti-Semitic slogans and giving Nazi salutes. On May 9, using a fast-track procedures, the Pest Central District Court convicted the three assailants of committing violence against members of a community. The court sentenced one of them, who was already on probation, to a three-year prison term, while the other two received suspended two-year sentences.

On May 23, Tamas Gaudi-Nagy, member of the Jobbik party, said in parliament during a discussion on schoolchildren's visits to the Auschwitz death camp that "many criticisms have been expressed as to whether the events presented there are fully in harmony with the historical facts." Antal Rogan, Fidesz faction leader, condemned the remarks adding that "nobody is entitled to question the Holocaust, the suffering and deaths of millions of people." The opposition MSZP party submitted a report to the prosecutor's office, but the prosecutor general refused to take action on July 4. On June 10, Gaudi-Nagy repeated his party's doubts over how accurately the memorial site reflects reality at parliament's Constitutional Affairs Committee session. On June 26, parliament adopted a decree on introducing recommended school visits to the HDKE, the Auschwitz-Birkenau memorial site, and other Holocaust related sites in the national curricula.

On July 23, the Prime Minister's Office signed a contract with the Brussels Institute founded by Action and Protection Foundation (TEV) to sponsor their monitoring of anti-Semitic incidents in Hungary with a 41.7 million forint ($190,500) grant for the year. Besides the monthly publication of its findings, TEV also provided legal counseling for victims of anti-Semitic incidents. TEV is composed of representatives from major Hungarian Jewish organizations. The activity of the Brussels Institute also included the development of a differentiated training program for various levels of public administration officials.

On August 17, fans of the FTC soccer team, during a game aired by public TV, unfurled a banner reading "In memoriam Laszlo Csatary," a war crimes suspect who died on August 10. The Federation of Hungarian Jewish Communities (MAZSIHISZ) expressed its outrage over the banner. Gabor Kubatov, Fidesz party director and president of the FTC, expressed regret over the incident and called on those who displayed the banner to identify themselves to the club accepting responsibility. On August 22, the Hungarian Football Association issued an 800,000 forint ($3,660) fine to FTC for the banner display.

On October 1-2, the Tom Lantos Institute (TLI) organized a conference entitled "Jewish Life and Anti-Semitism in Contemporary Europe," which was cosponsored by the government. In a keynote speech at the TLI conference, Deputy Prime Minister Tibor Navracsics declared, "We know that we are responsible for the Holocaust, we don't pass on the responsibility." Minister of Foreign Affairs Janos Martonyi repeated in his closing remarks that the Hungarian Holocaust was committed by Hungarians against Hungarians, and "to us this was the biggest national trauma we had to face. We accept responsibility." Jewish communities welcomed the speeches of the two ministers calling them unprecedented in terms of high level governmental recognition of the role played by Hungarian officials in the Holocaust. Andras Heisler, Chairman of MAZSIHISZ, in his speech at the conference called the remarks of Minister Navracsics "a great political statement" and noted that "if Hungarian politicians will act and governmental institutions will function in harmony with this spirit, the Jewish community will have less reason to be fearful in their own country."

In November the EU Fundamental Rights Agency released a survey on discrimination and hate crime against Jews in eight EU member states, including Hungary. When asked if they faced verbal insults, harassment and/or physical attacks due to being Jewish in the last 12 months, 30 percent of Hungarian Jewish respondents indicated that they did, and 43 percent stated that they witnessed other Jews being verbally insulted, harassed, and/or physically attacked in the past 12 months. Officials called into question the methodology and representativeness of the report.

The weekly magazine *Magyar Forum* and the official weekly publication of the Jobbik party, *Barikad*, continued to publish anti-Semitic articles, as did numerous far-right websites. NGOs reported that the government monitored the content of these sites to enforce the prohibition against public display of the swastika, the hammer and sickle, the five-pointed red star, and the arrow cross.

On May 29, on the initiative of Imre Kerenyi, the prime minister's commissioner for preserving Hungarian cultural values, the Budapest City Council named a public place after the early 20th century author Cecile Tormay, known for anti-Semitic writings. In response to harsh criticisms from MAZSIHISZ and other organizations, Budapest Mayor Istvan Tarlos commenced a review of the street naming decision and requested the opinion of the Hungarian Academy of Sciences (MTA). On July 18, the MTA advised the Budapest City Council not to name the street after Tormay, and, ultimately, the council refrained from naming the street after Tormay.

On June 26, the Curia ruled against Zsolt Bayer in a suit he brought against Gyorgy Bolgar, presenter at Klubradio, and Peter Feldmajer, then head of MAZSIHISZ, over their accusation that a comment he made in a column in *Magyar Hirlap* in 2011 was anti-Semitic. Alluding to the murders of suspected communists, including many Jews, following the collapse of the Hungarian Soviet Republic in 1919, Bayer wrote that "unfortunately not all of them were buried up to their neck in the woods of Orgovany."

During the year leaders of the extreme ethnic nationalist party Jobbik and other extremist groups continued to make anti-Semitic statements often packaged as anti-Zionism. The speaker of parliament exercised a newly introduced power to fine MPs who violate the dignity of the House, a person, or a group of persons (particularly a national, ethnic, racial, or religious community). In the first nine months of the year, the speaker imposed fines three times on Elod Novak, member of the Jobbik party, for using the word "Zionist" in a pejorative context during his speeches (see section 3, Elections and Political Participation).

Some local government officials continued try to rehabilitate the reputations of several World War II era figures associated with anti-Semitism, including former regent Miklos Horthy, leader of the country between 1920 and 1944, who presided over an alliance with Nazi Germany and the deportation of hundreds of thousands of Jewish citizens to concentration camps. On September 1, Sandor Lezsak, deputy faction leader of Fidesz and deputy speaker of parliament, gave remarks at the event marking the 20th anniversary of the reburial of Miklos Horthy in his birthplace of Kenderes. On November 2, Jobbik unveiled a bust of Horthy in the entrance hall of a church in Budapest whose pastor is Lorant Hegedus, who has a history of anti-Semitic statements. Jobbik MP Marton Gyongyosi, who in 2012 questioned the loyalty of Jewish government officials and called for a list of them to be drawn up, addressed the gathering.

Throughout the year the president, the prime minister, cabinet members, and opposition politicians routinely criticized extremist movements, condemned anti-Semitic incidents, and attended events commemorating the Holocaust.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report*.

Persons with Disabilities

The constitution provides for the fundamental rights for all without discrimination including for persons with disabilities and vows to protect them with special measures. The law prohibits discrimination against persons with physical, sensory, and intellectual disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other government services. Nevertheless, persons with disabilities frequently faced discrimination and prejudice, and the government failed to enforce antidiscrimination laws effectively. The 2011 census identified 561,247 residents with disabilities, while disability organizations estimated the number to be significantly higher.

The international NGO Mental Disability Advocacy Center (MDAC) continued to criticize the government for failing to protect the rights of persons with disabilities who were under the legal guardianship of others, particularly their right to access employment, education, and health care.

According to the MDAC, one of the key problems was the lack of alternatives to guardianship for persons with disabilities who needed support in making certain decisions. According to the MDAC, nearly 60,000 adults were under guardianship. In 2012 the UN Committee on the Rights of Persons with Disabilities released its "Concluding Observations on the Initial Periodic Report of Hungary," which recommended "immediate steps to derogate guardianship in order to move from substitute decision making to supported decision making, which respects the person's autonomy, will and preferences."

A government decree requires all companies with more than 25 employees to reserve 5 percent of their work positions for persons with physical or mental disabilities and levies fines for noncompliance. Employers typically paid the fines rather than employ persons with disabilities. In 2012 the ombudsman published a report that found that existing practices resulted in the routine violation of persons with disabilities' right to human dignity and to free choice of employment. The report noted that the tendering system aimed at improving the employment of persons with disabilities was "unpredictable and chaotic in its present form," and employment procedures were excessively complicated and served as disincentives for employers. In September the government issued a tender worth 620 million forint ($2.8 million), available to employers willing to employ at least 30 persons with "reduced work capacity" or where one-fourth of employees are with reduced work capacity.

Both the central government and municipalities continued to renovate public buildings to make them accessible to persons with disabilities. The law originally set 2010 as the deadline by which the central government had to make buildings accessible, while municipalities have until the end of the year. There was no data available on the percentage of government buildings that complied with the law, but NGOs contended many public buildings remained inaccessible.

NGOs claimed that the right to public schooling was not honored for children with severe and multiple disabilities because public elementary schools are not obliged to enroll children with disabilities. In December 2012 the ombudsman released a report on the enforcement of the rights of students with disabilities in higher education. The ombudsman noted that due to the ambiguous legal context, the practice of individual higher education institutions (in certain cases individual faculties) may significantly differ in applying the immunities and benefits to which students with disabilities are entitled. The ombudsman urged the minister of human resources to harmonize relevant legal provisions and the presidents of institutions of higher education to ensure that the rights of persons with disabilities are enforced.

NGOs continued to complain about the lack of independent oversight of government-run long-term care institutions for persons with mental disabilities. According to the MDAC, in 2012 25,000 persons with disabilities were living in long-term care psychiatric and social care institutions. In October 2012 the ombudsman released a report on the accommodation and care of psychiatric patients in the Forensic Psychiatric Mental Institute (FPMI). The FPMI is the only institute which may carry out forced medical treatment ordered by a court and detainees with psychiatric or neurological problems are transferred there from penitentiary institutions. The ombudsman's report concluded that existing practices constituted a violation of patients' rights to human dignity and to health.

On March 13, the trial court in Kiskunhalas convicted two employees of the Psychiatric Institute of Kiskunhalas of violent crimes in a case reported to the prosecutors by two nurses in 2010. The court

sentenced one offender to five years in prison for sexually abusing an autistic man under his care. A second offender received an eight month sentence for physically assaulting another patient, and a third man was acquitted due to a lack of evidence. Appeals were pending.

According to the constitution, a court can deprive persons with disabilities who are under guardianship of their right to vote due to limited mental capacity. The MDAC continued to criticize the "mental ability" provision calling it an "unsophisticated disguise for disability-based discrimination" because it could apply to persons with intellectual disabilities and persons with psychosocial disabilities. NGOs noted that polling places were generally not accessible to persons with disabilities and that election materials were not available in an easy-to-read format.

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

National/Racial/Ethnic Minorities

The Romani community remained the largest ethnic minority. According to the 2011 census, approximately 315,000 respondents identified themselves as Roma and accounted for 3 percent of the population. Unofficial estimates varied widely and suggested the actual figure was much higher, ranging between 500,000 and 800,000 persons. Human rights NGOs continued to report that Roma suffered discrimination in almost all fields of life, particularly in employment, education, housing, penal institutions, and access to public places, such as restaurants and bars.

Extreme ethnic nationalist groups continued to incite hatred and violence against Roma. The Jobbik party continued to use derogatory rhetoric about "gypsy crime" and held demonstrations in Romani neighborhoods that required a heavy police presence to maintain order. On March 4, Dora Duro, a Jobbik MP, said in parliament that Romani families have grown accustomed to raising children merely as a source of income and have begun to live on crime and aid. Prime Minister Orban called Duro's comment "pure racism."

Certain media outlets continued to feature content invoking anti-Roma sentiment. On January 5, the daily paper *Magyar Hirlap* published an opinion article from staff writer Zsolt Bayer in response to a stabbing incident which stated that "a significant portion of Gypsies are not fit for coexistence. These people are animals and behave like animals. They want to fornicate with whomever and wherever. If they meet with resistance, they will kill" (see section 2, Censorship or Content Restrictions).

On August 4, the Budapest Vicinity Tribunal rendered verdicts in the case of four individuals charged with the racially motivated murders of six Roma in 2008 and 2009. The tribunal found three of the four perpetrators guilty of premeditated murder and other charges and sentenced them to life in prison with no possibility of parole. It found the fourth suspect, who cooperated with police during the investigation, guilty as an accomplice to the murders and gave him a 13-year sentence. In a statement Human Resources Minister Zoltan Balog announced that the verdict "proves that perpetrators of racist crimes cannot escape the full rigor of the law." The defendants appealed the verdict, and the case remained pending at the end of the year. On August 16, the Central Investigative Prosecutor's Office ordered a new investigation into the role the military security services played in the 2008-09 murders. On September 3, parliament's National Security Committee also launched an inquiry into this matter.

NGOs complained that authorities continued to use the provision of the criminal code that penalizes "violence against a member of a community" to convict Roma, whereas the law was designed to protect members of groups facing severe societal prejudice (see section 2).

According to the HCLU, in some localities members of the Romani community were subjected to fines or other sanctions for minor offenses that were usually ignored when committed by non-Roma, such as minor traffic infractions.

According to the government, approximately 85 percent of working-age Roma were unemployed, and in many underdeveloped regions of the country the rate exceeded 90 percent. The government continued to provide public employment opportunities for registered unemployed persons. The government allocated 153.4 billion forint ($700 million) for the funding of the public work program during the year to sponsor projects implemented locally and nationally, typically involving the cleaning of public spaces or work on agricultural or water projects. In November the government provided an additional 19.7 billion forint ($90 million) for winter public works between November and April 2014, available for 200,000 persons. During the year 298,753 individuals participated in the public work scheme, approximately 20 percent of whom were Roma. As of January 1, the government raised the net salary of unskilled public workers from 47,000 forint ($215) to 49,000 forint ($223) per month. In early February the Interior Ministry released an instruction that those employed on public works schemes may work a maximum of five months and only part time (up to six hours a day). The general rules permit exceptions for agricultural and other special forms of work. On April 8, parliament amended the regulation of the public works program to exclude parents for three months whose children don't regularly attend school and who don't keep their immediate environment in order. On August 4, the ombudsman requested a Constitutional Court review of the legislation on the grounds that the regulation challenges the right to human dignity as the local council can scrutinize the way of life and private realm of those applying for social support. The case remained pending at the Constitutional Court at the end of September. Beginning in March 2012, the public works program included an education component for those participants engaged in agricultural work aimed at providing training in cultivation, animal husbandry, and food conservation. During the year some 47,000 persons participated in the training extending to basic competence elements and some 4,400 persons attended the courses launched for the acquisition of elementary education qualifications.

On January 7, the ombudsman released a comprehensive report on the government's public works program. The report underlined that persons in the public work program are in vulnerable situations due to the possibility of arbitrary application of the law by the employers and the authorities. The ombudsman pointed out that those excluded from the public works program are also in a vulnerable situation.

As of November 967 Roma women participated in the professional training program sponsored by the EU and administered by the National Roma

Self-government (ORO). During the program selected Roma women attended a three-month training course of their choice (nursing assistant, social worker, babysitter, or youth supervisor) followed by a practical component under the supervision of personal mentors. As of November 397 participants graduated successfully from the program, many of whom received a permanent job matching their new qualifications.

According to a national survey published in 2011 by the National Family and Social Policy Institute, 70 percent of Roma had eight years of education or less while 26 percent earned some kind of vocational qualification. Only 5 percent of Romani students completed secondary school, and only 1 percent held a college or university degree. There were five Romani special colleges in five cities across the country sponsored by the government using EU funds and operated by Christian denominations. The special colleges provided housing and tutoring for Romani students enrolled in higher educational institutions. During the year approximately 180 Romani students participated in the network of special colleges supported by the government and the EU with 119 million forint ($544,000). 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.

Inadequate housing continued to be a problem for Roma, whose 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. To apply for EU and government funds for urban rehabilitation and public education projects, municipal authorities must attach to their proposal a desegregation plan outlining planned actions to eradicate segregation in housing and public education. According to a 2010 survey by the Ministry of National Resources, approximately 300,000 seriously disadvantaged persons, mainly Roma, lived in approximately 1,663 settlements that lacked basic infrastructure and were often located on the outskirts of cities. The government continued the settlement rehabilitation program worth 1.3 billion forint ($5.9 million) during the year, to improve the living conditions of the residents living in segregated settlements. The government program involved 60 settlements during the year, accommodating approximately 6,300 persons.

On August 2, the Ozd city council shut over 27 public water pumps in the heat of summer, with an additional 61 pumps receiving reduced water pressure, on the grounds that those pumps were not being used for their intended purpose of "household consumption" but were instead used for spurious purposes like watering plants, washing vehicles, and construction. The shutoff affected mostly the local Romani community, who used the public wells as their primary source of water. Intense public outcry followed the city council decision and prompted reaction from the central government. On August 7, Interior Minister Pinter instructed the Ozd city council to restore water to all public pumps in light of the extreme heat wave affecting the area. On August 11, the local authorities restored the full capacity of the public wells.

On January 29, the government established the Roma Affairs Council (RAC) to elaborate proposals for the social inclusion of Roma and to monitor the implementation of governmental programs. The RAC was co-chaired by the prime minister and the president of the National Roma Self-government and consisted of the minister of human resources, the minister of the interior, the minister of national economy and the state secretary of the Prime Minister's Office. By the end of October, the RAC held one session, chaired by the prime minister, on

May 7. On February 28, Minister for Human Resources Zoltan Balog appointed Zoltan Kovacs as state secretary responsible for social inclusion. The government continued to work closely with the National Roma Self-Government in implementing the three-year action plan (2012-14) of the National Social Inclusion Strategy adopted in December 2011.

The 2011 Act on Nationalities establishes cultural autonomy for nationalities (replacing the term "minorities") and recognizes the right to foster and enrich historic traditions, language, culture, and educational rights as well as to establish and operate institutions and maintain international contacts. The law stipulates that any municipality with 30 residents belonging to a registered ethnic group can form a "nationality self-government" to organize activities and manage cultural, educational, and linguistic affairs. The president of each nationality self-government 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

The 2011 constitution stipulates that the country shall protect the institution of marriage as the union of a man and a woman established by voluntary decision and the family as basis of the nation's survival. It states that family ties shall be based on marriage or the relationship between parents and children. The Act on Equal Opportunity explicitly prohibits discrimination based on sexual preference. Additionally provisions of the new criminal code, effective July 1, on "inciting against a community" and "violence against a member of a community" prohibit certain forms of hate speech and prescribe increased punishment for violence against members of the lesbian, gay, bisexual, and transgender (LGBT) community, specifically referencing these groups as being targeted for their "gender identity" and/or "sexual orientation." The old criminal code did not include reference to sexual orientation and gender identity. Despite legal protections, anti-LGBT extremists continued to abuse LGBT persons. NGOs reported that law enforcement and other authorities often disregarded the hate element of these crimes, and no protocol or regular training on the subject existed.

The Tavares Report noted "with concern" the changes to the country's legal system restricting the rights of LGBT persons and stated that the changes were "seeking to exclude same-sex couples and their children [...] from the definition of 'family' in the constitution." The Report stressed that this approach runs counter to recent ECHR jurisprudence and fuels a climate of intolerance vis-à-vis LGBT persons. The government in response to the criticism noted that the constitution only defines the "basis" of family relations and not the term family itself and does not preclude the statutory protection of family relations in a wider sense.

On July 6, an estimated 8,000-10,000 persons joined the annual Budapest Gay Pride Parade, which the organizers identified as record turnout. The police heavily secured the parade, and sealed off the entire route of the march. Anti-LGBT demonstrators shouted homophobic slogans from behind the police cordon. Organizers thanked the police for securing the event but noted that sympathizers of the marchers were unable to watch the parade even from behind the security cordon because uniformed policemen directed them to move away from the parade area. After the parade three participants were assaulted by a group of 30 counter-demonstrators while leaving the site. The Ministry of Human Resources issued a statement condemning the assault. On July 17, the police detained four suspects on the basis of "violence against members of a community," three of whom the victims later identified as their attackers. The investigation continued against seven suspects and the case remained pending at the end of September.

On April 23, the prime minister's Cultural Affairs Commissioner, Imre Kerenyi, said in a Budapest Fifth District television program that the National Theater "will no longer be about homosexuals" once the incumbent openly gay director Robert Alfoldi is replaced by his successor on July 1. On

August 25, three allegedly drunken young men verbally threatened Alfoldi on the street in Szentendre because of his sexual orientation. Alfoldi had to run into a museum for shelter against the assailants from where he called the police. The police started proceedings for "disturbing public peace" against two men. The case remained pending at the end of September. On August 30, approximately 200 demonstrators chanted homophobic and anti-Semitic slogans at a Budapest stadium targeting Alfoldi, who directed a play at the stadium.

Other Societal Violence or Discrimination

On March 27, the Equal Treatment Authority found that the Central Stomatology Institute discriminated against HIV/AIDS patients by refusing special treatment. In April the HCLU reached an agreement with the Ministry of Human Resources to establish the first HIV medical center around the country by January 2014.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

On January 1, the new Labor Act entered into force. The law, including related regulations and statutory instruments, protects the right of workers to form and join independent unions without previous authorization or excessive requirements, conduct their activities without interference, and bargain collectively. With the exception of law enforcement and military personnel, prison guards, border guards, and firefighters, workers have the right to strike. The law permits military and police unions to seek resolution of grievances in court. The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity.

While employers were not allowed to hire temporary workers during a strike, temporary workers hired beforehand were allowed to continue working. 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 courts determine the definition of minimum services. National trade unions opposed the law on the basis that the courts lacked the expertise to decide on necessary minimum services and that the term "abusing the right to strike" was too vague.

To engage in collective bargaining, the law requires trade unions to represent either 10 percent of all workers employed by the same employer or 10 percent of the number of workers covered by collective agreement. Labor unions of law enforcement professionals are not entitled to rights of collective bargaining.

Authorities and employers generally respected freedom of association and the right to collective bargaining. There was anecdotal evidence of unilateral termination of collective agreements. While worker organizations were independent of government and political party interference, unions reported a continued attempt by the government to influence their independent operation. Workers exercised the right to strike and bargain collectively, mainly at the company level.

The International Trade Union Confederation remained concerned that judges and prosecutors have the legal authority to interfere with internal trade union matters and that procedures for registering a trade union were long and cumbersome.

While the law provides for reinstatement of workers fired for union activity, court proceedings on unfair dismissal cases sometimes took more than a year to complete, and authorities did not always properly enforce court decisions. Trade unions reported cases of employers intimidating trade union members, transferring, relocating, or dismissing trade union officers, and hindering union officials from entering the workplace.

While there is a labor inspectorate, it lacks the resources necessary to enforce the new law effectively.

During the year a 32-member advisory group, the National Economy and Social Council, held four sessions and addressed problems affecting the development of the economy and society, including the country's use of European Union funds between 2014 and 2020. The council is composed of representatives of unions, NGOs, churches, domestic and international business chambers, and scientific groups, with the government present only as an observer.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Labor trafficking remained a problem, and the International Organization for Migration Budapest reported that it was not aware of any specialized governmental action to address it specifically.

Also see the Department of State's *Trafficking in Persons Report*.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children younger than 16 from working. Children between the ages of 16 and 18 may work under certain circumstances as temporary workers during school vacations. Workers must be at least 16 years of age. By way of derogation from the above, any person at least 15 years old enrolled in full-time studies may enter into an employment relationship during school holidays. By authorization of the guardian authority, persons under 16 years of age may be employed for the purposes of performance in cultural, artistic, sports, or advertising activities. Children may not work night shifts or overtime or perform hard physical labor.

Child labor occurred. The National Labor Office (NLO) reported that three companies employed four children under the age of 15. A fine of approximately 400,000 forint ($1,830) was imposed on the companies for these violations. Labor inspectors who identify child victims of labor exploitation are required to report them to the Guardianship Authority. There was no information available about the adequacy and effectiveness of child labor law enforcement.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor*.

d. Acceptable Conditions of Work

The national minimum monthly wage for full time employment was 98,000 forint ($448). A special minimum monthly wage for jobs requiring the completion of secondary education was 114,000 forint ($520). The 2012 poverty level for a family of two adults and two children was 62,321 forint ($285) per individual. The law requires equal pay for equal work.

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 and two days of rest. The new labor code increased the maximum limit of overtime from 200 to 250 hours per year and provides for paid annual national holidays. The government set occupational safety and health standards. Labor laws also apply to foreign workers with work permits.

The NLO and the labor inspectorate units of government offices monitored and enforced occupational safety and health standards and labor code regulations. The regional government offices employed 156 occupation safety and health inspectors and 247 labor law inspectors.

During the year 17,025 accidents occurred in places of work, mostly in the mechanical industry (3,214) and in the processing/manufacturing industry (2,773). The NLO registered 62 workplace fatalities most of which occurred in construction work (18) and forestry (13).