

HUNGARY 2014 HUMAN RIGHTS REPORT

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 changes were made, including a single-round national election system replacing the previous two-round system and reducing the number of parliamentarians from 386 to 199. In parliamentary elections on April 6, held according to new electoral laws, the center-right Fidesz-KDNP (Christian Democratic People's Party) alliance retained a two-thirds majority in parliament, receiving 45 percent of party-list votes while winning 91 percent of the country's single-member districts allocated through a first-past-the-post system. The Organization for Security and Cooperation in Europe (OSCE) election observation mission's report concluded the elections were efficiently administered and offered voters a diverse choice following an inclusive candidate registration process, although the main governing party enjoyed an undue advantage because of restrictive campaign regulations, biased media coverage, and campaign activities that blurred the separation between political party and the state. Viktor Orban, the Fidesz party leader, has been prime minister since 2010. Authorities maintained effective control over security forces.

Among the most important human rights problems during the year were serious governmental and law enforcement actions against civil society organizations, continued curtailment of media pluralism, and societal discrimination against and exclusion of Roma. The re-elected Fidesz-KDNP coalition continued to make the comprehensive changes to the legal framework and state structure that it began in 2010, largely without public consultation or inclusive dialogue with opposition parties. International organizations and human rights nongovernmental organizations (NGOs) continued to voice severe criticism of the systematic erosion of the rule of law, checks and balances, democratic institutions, and transparency, and of increased intimidation of independent societal voices.

Other human rights problems during the year included prison overcrowding, lengthy pretrial detention, a politically determined process for recognizing churches, detention of asylum seekers, government corruption, societal violence against women and children, sexual harassment of women, anti-Semitism, and trafficking in persons.

The government generally took steps to prosecute and punish officials, including the security services, who committed abuses. Civil society organizations, however, widely suspected impunity among government officials and public employees involved in corruption.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports the government or its agents committed arbitrary or unlawful killings.

In 2012 two members of parliament from the extreme ethnic nationalist Jobbik Party formally accused Bela Biszku of crimes against humanity. Biszku, age 92, was an executive committee member of the Hungarian Socialist Workers Party in 1956 and interior minister from 1957 to 1971. Parliament removed the statutes of limitation on crimes against humanity in 2011. In October 2013 the Budapest Investigative Prosecutor's Office filed charges against Biszku for acting as an accomplice to multiple murders and war crimes. Biszku allegedly authorized security forces to fire on crowds in Salgotarjan in 1956, resulting in 46 civilian deaths. On May 13, the Budapest Metropolitan Tribunal found Biszku guilty in connection with the Salgotarjan shooting and sentenced him to five and one-half years in prison for abetting war crimes and other crimes. Both the prosecution and the defendant appealed the verdict and the case remained pending at the end of the year.

On December 17, the Kecskemet Court sentenced a police officer to life imprisonment for the beating death of ethnic-Hungarian Romanian citizen Jozsef Bara, who was in police custody at the Izsak police station in April 2013 on suspicion of petty theft. A second defendant received a 20-year prison term for his part in the incident. Two other defendants received suspended sentences. The verdict remained open for appeal.

b. Disappearance

There were no reports of politically motivated disappearances, abductions, or kidnappings.

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

The constitution and law generally prohibit such practices, but there were reports authorities did not always observe these prohibitions.

On April 30, the Council of Europe's Committee for the Prevention of Torture (CPT) released a report on its April 2013 visit to prisons and detention centers. The report noted the CPT received several complaints of excessive police force at the time of prisoner and detainee apprehension and some allegations of mistreatment (slaps, punches, kicks, kneeling, and blows with batons) during police questioning. The CPT delegation received some accounts of verbal abuse of a racist nature by police officers.

The CPT delegation received some allegations of physical mistreatment of prisoners by staff at the Somogy County Remand Prison in Kaposvar (slaps and punches) and the Sopronkohida Strict and Medium Regime Prison (slaps, punches, and kicks, sometimes while inmates were handcuffed). A number of accounts of verbal abuse of a racist nature were also heard in the various prison establishments visited. The CPT noted serious misgivings about the effectiveness of investigations into complaints of mistreatment by prison staff.

On July 28, the commissioner for fundamental rights (ombudsman) together with the deputy ombudsman for the rights of national minorities initiated criminal proceedings with the prosecutor general against two police officers for committing mistreatment in an official proceeding. In 2012 a 72-year-old Romani man was detained for obstructing a police search of a residence and later beaten at the Gyomro police station. The ombudsman found that the detention was unlawful and violated the victim's human dignity and freedom. The ombudsman also noted that the police headquarters and the Gyomro Investigative Prosecutor's Office failed to investigate thoroughly the victim's complaint of police brutality and thus violated the victim's right to a fair process. On August 22, the Prosecutor General's Office ordered another investigation of the case, which remained pending.

The court case continued in relation to police handling of antigovernment protests in 2006. In February 2013 the Central Investigative Chief Prosecutor's Office indicted former national police chief Laszlo Bene, former Budapest police chief Peter Gergenyi, former riot police chief Jozsef Dobozi, and 11 other former and current senior police officers for failing to issue orders and other crimes as a mob

besieged the public television headquarters in 2006. The Military Branch of the Budapest Metropolitan Tribunal began hearings in September 2013, which remained pending at the end of the year. Through the end of September, the state paid 270 million forint (\$1.04 million) in compensation to victims of police measures in 2006.

Since 1999 the criminal code included the possibility of life imprisonment without parole, which was made a part of the constitution in 2012. On May 20, the European Court of Human Rights (ECHR) ruled that legal provisions for life imprisonment without parole are inhuman and degrading, and violate the prohibition of torture of the European Convention on Human Rights. The ECHR urged the government to reform the current system, preferably by means of legislation introducing a system of review of life sentences. On November 18, parliament amended the law effective in 2015 to make all prisoners serving life sentence eligible for parole after a maximum of 40 years in prison. Based on the amendments, such cases are to be assessed by an amnesty committee of five criminal trial judges designated by the president of the Curia, the country's highest judicial body.

Human rights NGOs continued to criticize strongly the recently introduced legal measures available to prosecute and incarcerate juveniles under certain circumstances. A revised criminal code, effective July 2013, reduced the minimum age for prosecution of juveniles from age 14 to age 12 if charged with homicide, grievous assault, aggravated robbery, or stealing from intoxicated, disabled, or elderly persons. According to the rules, courts may not impose prison sentences on juveniles between ages 12 and 14, but they may order special proceedings, such as placement in a juvenile correctional institute. Pretrial detention for juveniles between ages 12 and 14 may not last more than one year, while the maximum length of detention for those over age 14 is two years, and they must be placed in correctional institutes. The law on petty offenses permits courts to incarcerate juveniles (defined as persons from 14 to 18 years of age) for up to 45 days if lack of income or property makes it impossible to punish them with fines. Rules of community service apply only to juveniles over age 16, and other alternatives to incarceration, such as mediation, do not apply.

Prison and Detention Center Conditions

Overcrowding and poor physical conditions remained the main problems in the prison system. Since 2002 the Hungarian Helsinki Committee (HHC) has carried out regular monitoring visits to penitentiary institutions based on a cooperation

agreement concluded with the National Penitentiary Headquarters (BVOP). In 2013 the Ministry of Human Capacities (formerly known as the Ministry of Human Resources) granted the HHC one-time access to juvenile reformatories and special homes for children to monitor conditions in these detention institutions.

Physical Conditions: The HHC reported the high and increasing level of overcrowding in the penitentiaries constituted a serious human rights situation.

At the end of September, there were 18,360 inmates in prisons and detention centers, including 1,418 women and 469 juveniles; the official capacity of these facilities was 12,869. The prison population decreased to 143 percent of capacity, compared with 145 percent in 2013.

The HHC noted that the overcrowding rate in some penitentiaries was much higher than the national average (for example, 179 percent in the Baranya County Prison in 2013), and institutions accommodating pretrial detainees tended to be especially crowded (207 percent in the section of pretrial detainees in the Bacs-Kiskun County Prison in 2013). According to the HHC, overcrowding resulted in detainees serving sentences with different security levels being placed in the same cells.

According to the BVOP, five inmates committed suicide through the end of September. In each case a mandatory investigation cleared prison guards and other prisoners of responsibility for the deaths.

According to the HHC, abuse of inmates by prison guards, as well as prisoner-on-prisoner violence existed. According to a 2010 order of the national police chief, medical examinations may be conducted in the absence of law enforcement staff only as an exception at the request of the detainee or the doctor, and only if permitted by the senior guard supervisor. The HHC continued to object that detainees who alleged physical mistreatment usually were examined by internal medical staff only. The CPT also criticized this practice in a report released on April 30, noting, “police officers were present during virtually all medical examinations carried out on detained persons.”

According to the HHC, prisoners had access to potable water and food of adequate quality and quantity. The HHC continued to report shortages of adequate bed linens, towels, clothing, and 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 may 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 2013 mediators contributed to 108 successful agreements, which was 70 percent of all the mediation cases.

No separate prison ombudsperson existed, but detainees may submit complaints to the commissioner for fundamental rights (ombudsman) or to the Prosecutor's Office responsible for supervising the lawfulness of detention. The ombudsman handles prison complaints and conducts ex officio inquiries but has no authority to act on behalf of prisoners. During the year the ombudsman released three reports on prison conditions. On May 21, the ombudsman released a report on the Bekes County Prison in Gyula, which primarily criticized overcrowding, the small size of prison cells, and the lack of toilets separated from the living spaces. The ombudsman repeated a 2010 request to the minister of justice on introducing mandatory space obligations instead of the optional standards in effect since 2010. Although the minister refused the request in 2010, the May 21 ombudsman's report reiterated that existing regulations were not consistent with the obligations of legal certainty, human dignity, and fair trial. On October 27, the Constitutional Court annulled the 2010 provision on optional space requirements for detainees, effective March 31, 2015. The court ruled that the regulation constituted a violation of the ban on inhuman and degrading treatment proscribed by the constitution and the European Convention on Human Rights and urged legislators to adopt a new regulation introducing mandatory minimum space requirements.

The law provides for prisoners to have a minimum of one 30-minute visit per month. Prison wardens decide the maximum length of visiting time, which at most facilities was one hour. The HHC asserted 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 generally 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 inhuman conditions. Authorities generally investigated credible allegations of inhuman conditions.

Independent Monitoring: The National Police Headquarters (ORFK) permitted independent monitoring of prison conditions by local and international human rights groups and the media. The HHC reported it conducted five ad hoc visits to prisons in 2013 and one visit to the Palhalma National Penitentiary Institute during the year. The HHC also carried out seven visits at juvenile reformatories and special homes for children through October 15. On March 10, the HHC released a report on living conditions in the juvenile correctional facility in Tokol, which primarily criticized overcrowding and unhygienic conditions that caused infectious skin disease. The HHC reported that following its visit a physician examined the juvenile detainees, who then received the necessary treatment. Hygienic and physical conditions were also upgraded subsequent to the HHC report.

On April 30, the UN Committee against Torture (CAT) released a report on its most recent periodic visit in April 2013 to monitor prison and detention center conditions in six police holding facilities and four prisons. The report voiced “serious CAT concerns” about a lack of effective action to combat prison overcrowding, which reportedly had a major impact on many aspects of life in prison, including increased staff-inmate tensions.

Improvements: During the year prison capacity increased by 215 inmates. The CAT report on its April 2013 visit concluded that since its last visit in 2009, some positive steps were taken to prevent mistreatment by police, improve health-care services, and improve access to legal counsel.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The 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

have local jurisdiction but are subordinate to the county police. Two hierarchically equal units are directly subordinate to the minister of interior: the Counterterrorism Center (commonly known by its Hungarian acronym “TEK”) and the National Protective Service (NPS). The Counterterrorism Center is responsible for protecting the prime minister and the president and for preventing, uncovering, and detecting terrorist acts, including kidnappings and hijackings and other offenses committed in relation to such acts, and arresting perpetrators of such crimes. The NPS, created in 2011, is responsible for preventing and detecting internal corruption in law enforcement agencies, government administrative agencies, and civilian secret services. Both the Counterterrorism Center and the 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 formal 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 formal cooperation agreement with police.

On October 8, the Szeged Regional Court of Appeals dissolved the For a Better Future neighborhood watch association in a legally binding ruling. The decision overruled a verdict of the tribunal of Gyula, issued on March 24, to allow the group to continue neighborhood patrols. In her reasoning the tribunal judge defended the term “gypsy criminality” and argued that “the gypsy population’s moral perception disrespects private property and the norms of coexistence.” Several human rights NGOs and Romani groups demonstrated against the March 24 decision and vocally criticized the tribunal judge. The National Ethical Council of Judges ruled on May 26 that the judge violated the judicial ethical requirement to be free of prejudice and to maintain the appearance of impartiality. The Szeged Regional Court of Appeals concluded in its October 8 decision that the association by its patrols in several towns (for example, in 2012 in Devecser and Cegled) abused freedom of speech and severely violated the rights of others by expressing racist phrases inciting violence against the Romani community.

Civilian authorities generally maintained effective control over police, the NPS, and the armed forces, and the government had effective mechanisms to investigate and punish abuse and corruption. Prosecutorial services are responsible for investigating police abuse cases. If the abuse falls within the responsibility of military courts, military prosecutors investigate the case. While there were no reports of impunity involving security forces during the year, the HHC noted there was a great disparity between the number of indictments of members of security forces alleged to have committed abuses and the indictment of persons alleged to have committed violent acts against officials. In the first six months of the year, only 3 percent of complaints of abuse by members of the security forces resulted in indictments, while 69 percent of alleged acts of violence against official persons resulted in indictments. There was also a significant disparity between the conviction rate of members of the security forces charged with a crime (55.7 percent in 2013 and 69.5 percent in the first six months of the year) and the conviction rate for persons indicted for violence against official persons (96.6 percent in 2013 and 96.9 percent in the first six months of the year).

Penalties for police officers found guilty of wrongdoing include reprimand, dismissal, and, if prosecuted and convicted, imprisonment.

Victims of lesser police abuses may complain to either the alleged violators' unit or the Independent Police Complaints Board, which investigates violations and omissions by police that violate fundamental rights. The five-member body, appointed by parliament, functioned independently of police authorities. As of the end of September, the board received 289 reports from the public. It reviewed 72 complaints (including some cases filed in 2013) and found serious legal violations in three and minor legal violations in six. The board forwarded eight cases to the national police chief, who partially accepted the findings in one case and rejected the findings in two. The others 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.

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

In the first nine months of the year, the Ministry of Interior held 4,370 police officers responsible for breaches of discipline, 556 guilty of petty offenses, 297 guilty of criminal offenses, and 14 unfit for duty. During the same period, courts sentenced four police officers to prison terms, gave suspended sentences to 16, fined 115, and dismissed 20. During the same period, courts convicted 15 officers of corruption and placed 31 officers on probation.

Arrest Procedures and Treatment of Detainees

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

By law police must inform suspects of their right to counsel before questioning them. Representation by defense counsel is mandatory even in the investigative phase if suspects: face a charge punishable by more than five years' imprisonment; are already incarcerated; 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 a county court acting as a trial court; 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; ex officio legal representation is necessary in the interest of the defendant; or charges are filed by a so-called supplementary private prosecutor (by law under certain limited circumstances victims have the right to prosecute non-serious offenses).

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 a competent bar association. The HHC continued to criticize the system of ex officio legal representation on the basis that the authorities were free to choose the defense counsel to be appointed. According to the HHC, having "in-house" ex officio defense counsels at police headquarters was commonplace and observers viewed the quality of their performance as generally worse than that of retained counsels.

By law neither police nor the prosecutor is obligated to wait for counsel to arrive before interrogating the suspect. In March 2013 the Constitutional Court noted the absence of a mandatory defense counsel from the first interrogation of a criminal suspect – due to a police failure to provide timely notification of the date and place of the session – violated the constitutional right to defense counsel. The court ruled that any statement made by a suspect in the absence of legal counsel may not be considered as evidence during the criminal proceeding. Human rights NGOs continued to report that the police routinely proceeded with interrogation in the absence of the defense counsels immediately after notifying suspects of their right to counsel.

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.

Arbitrary Arrest: During the first six months of the year, the Office of the Prosecutor General rejected official complaints of arbitrary detention in 25 cases, closed the investigations without filing charges in 18 cases, and initiated indictments in four cases.

Pretrial Detention: Under certain conditions (involving a risk of escape, re-offense, or hindrance of an investigation), a prosecutor may file a motion with an investigatory judge to request pretrial detention. If ordered prior to indictment, pretrial detention lasts until the issuance of a trial court ruling but may not exceed one month unless prolonged by the investigatory judge upon the motion of a prosecutor by maximum three months on each occasion to a total duration of one year. County courts may further prolong pretrial detention. The defendant may appeal pretrial detention. Pretrial detention ordered or prolonged following the indictment lasts until the delivery of the final binding decision but no longer than the length of imprisonment imposed by the first instance trial court’s sentence.

In November 2013 the parliament abolished the four-year limit on pretrial detention for those accused of crimes punishable by prison terms of up to 15 years or by life imprisonment; thus such defendants may remain in pretrial detention for an unlimited time. On January 16, the HHC and the Eotvos Karoly Institute of Public Policy requested that the ombudsman file a petition with the Constitutional Court in connection with the 2013 amendment abolishing the upper time limit of pretrial detention in certain cases, on the grounds it is a severe violation of personal

freedom. As of the end of September, the ombudsman's response to the NGOs' request remained pending.

Since September 2013 criminal proceedings for cases where the accused is in pretrial detention take priority over other types of expedited hearings, including certain crimes committed against minors.

According to the BVOP, at the end of September authorities held 4,721 persons in pretrial detention. Of these, 1,047 had been incarcerated for six months to a year and 1,616 had been held for more than a year. The HHC continued to express concern over the high number of pretrial detainees, the increased number of pretrial detentions lasting for longer than a year, and arbitrary court decisions ordering pretrial detention. The HHC pointed out that in past years, the success rate of prosecutorial motions aimed at ordering pretrial detention during the investigative phase of the proceeding was higher than 90 percent.

The law provides that persons held in pretrial detention and later acquitted may receive monetary compensation.

Detention of Rejected Asylum Seekers or Stateless Persons: Since July 2013 the law permits the detention of rejected asylum seekers who were in detention during their asylum procedure and whose deportation was pending; or who decline to leave the country voluntarily within a prescribed period. The HHC criticized the general practice of using handcuffs and leashes when immigrant detainees leave the premises of the detention center under police escort or armed security guards without any individualized assessment of risk posed by the individual.

Amnesty: As of September 30, President Janos Ader had issued three official pardons, totaling 1.3 percent of all requests.

e. Denial of Fair Public Trial

The constitution and law provide for a fair public trial within a reasonable period by an independent and impartial tribunal. Nevertheless, human rights NGOs continued to express concern about the 2010 rules permitting the governing parties with a two-thirds majority in the parliament to nominate and elect judges to the Constitutional Court independently of opposition parties. As of 2014 that resulted in the Constitutional Court being composed of an overwhelming majority of justices nominated by the governing parties. Authorities generally respected court orders.

The 2011 judiciary reform 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 OBH president's authority includes budgetary and financial management of courts, staffing, and appointment. The law also establishes a National Judicial Council, a consultative body of 15 judges.

Between 2011 and October 2013, the constitution and laws empowered the president of the OBH to reassign cases to a court other than the court of general competence to achieve a balanced distribution of caseloads. During this period the OBH president transferred 42 cases from one court to another. Following the elimination of the provisions on case transfers by an amendment to the constitution, the Constitutional Court concluded in December 2013 that the OBH president's right to transfer cases violated the constitution and the European Convention on Human Rights, but the court did not specify how cases already transferred should be handled. On April 28, the Curia stated that the court which received a transferred case and had begun adjudication was responsible for completing the judiciary process. At the end of September, 10 transferred cases remained pending.

In March 2013 the 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 years over a 10-year period. The legislative change came after a decision by the Court of Justice of the European Union that the country was in breach of a relevant EU directive and after the Constitutional Court invalidated the legislation, adopted in 2011, that lowered the retirement age from 70 to 62. The amendment permitted 231 judges who were involuntarily retired in 2012 to seek reinstatement as judges and to any previously held high administrative position if not yet filled, or to remain retired and receive compensation. Based on the new law, 152 persons were reinstated as judges, 21 were reinstated to their original high court administrative positions, 56 chose lump-sum compensation, one reached age 70, and another died. Of the 231 judges and officials, 171 filed individual cases at national labor courts for unlawful dismissal, and approximately 150 turned to the ECHR. As of September domestic courts had ruled in 143 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 the end of October.

The 2011 constitution and a 2013 amendment to the constitution give the government, one-quarter of the members of parliament, the ombudsman, the

president of the Curia, and the prosecutor general the right to initiate a Constitutional Court review of the constitutionality of laws, regulations, and other legal provisions. In 2010 and 2013, the parliament introduced restrictions on the competence of the Constitutional Court, limiting court review of potentially unconstitutional legislation with budgetary impact to laws adopted when the state debt exceeds 50 percent of GDP. This limitation remains in effect for previously adopted laws even if the state debt were to fall below 50 percent. The parliament also included a specific limitation on the court's review of constitutional amendments to procedural requirements relating to their adoption and promulgation, and the court may not review the substance of the amendments. NGOs and international organizations continued to assert that between 2010 and 2013 the government introduced numerous constitutional amendments to prevent the constitutional review of highly criticized legislation and that the limitations on the Constitutional Court's competences contributed to the weakening of checks and balances.

On September 18, Peter Paczolay, president of the Constitutional Court, stated at a public conference, "it was worrisome that the legislators, which in this case possessed and still possess the power to change the constitution, have recently attempted on multiple occasions to dispute the Constitutional Court's right to interpret the new constitution, including fundamental rights contained therein, and reserved that right for themselves, at times even contradicting the Constitutional Court's interpretation."

On September 24, parliament elected three new Constitutional Court justices for 12-year terms to replace retired justices. Based on a December 2013 legislative amendment, Constitutional Court justices are no longer required to retire when they turn 70 years old, so they can fulfill their entire 12-year term. Human rights NGOs voiced severe concerns that, with the election of the new justices, the number of Constitutional Court justices nominated exclusively by the incumbent governing parties since they came to power in 2010 rose to 12 (one of whom already retired), forming an overwhelming 11 out of 15 majority.

Authorities generally respected court orders, although senior government officials occasionally criticized the ruling of the ECHR during the year. On May 20, Prime Minister Orban in a campaign event characterized the ruling of the ECHR on life imprisonment as "outrageous" and another proof that "in Brussels and in Strasbourg, thus in the European Union, the rights of persons committing a crime prevail over the rights of innocent persons and victims. This is unacceptable." The prime minister added, "This will have to be rejected in the strongest way on

behalf of the government and the institution of whole life imprisonment has to be protected by us” (also see section 1.c.).

On February 6, the ombudsman released a report on the “three strikes” provision of the criminal code introduced in 2012 regulating repeat violent offenders and cumulative offenses. The report concluded that the provisions violate the right to legal security and fair process, and urged the minister of public administration and justice to amend the relevant legislation. On July 7, the Constitutional Court retroactively annulled parts of the three strikes provision after finding it violated requirements of legal certainty and predictability.

On May 27, the ECHR ruled that the premature dismissal in 2012 of Andras Baka, former president of the Supreme Court, violated the European Convention on Human Rights. On December 15, the ruling was upheld by the Grand Chamber of the ECHR following a legal challenge by the Hungarian government. The ECHR rejected the government’s argument the early termination of Baka’s mandate was necessary due to the reorganization of the supreme judiciary authority and the replacement of the Supreme Court with the newly established Curia. The ECHR concluded that the termination of Baka’s term 42 months before its normal expiration was attributable to the views and criticisms he publicly expressed in his professional capacity in 2011 on the legislative reforms affecting the judiciary, and thus constituted an interference with the exercise of his right to freedom of expression. The ECHR also noted the termination of Baka’s mandate was already provided for by the constitution and as such could not be challenged before ordinary courts or the Constitutional Court, thus constituting a violation of the right to a fair hearing by a tribunal in the determination of civil rights and obligations.

Trial Procedures

The constitution and laws provide for the right to a fair trial to all persons within a reasonable amount of time, 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, and of the applicable legal regulations, with free interpretation as necessary. Trial procedures are public; however, a judge may minimize public attendance and may order closed hearings under certain conditions. There is no jury system. Verdicts are rendered by judges or in some cases by judicial councils, which consist of a panel of a professional judge and two civil assessors. The assessors have the same rights and obligations during the proceedings as the professional judge. However, only professional judges may act as single judges and presidents of panels.

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 is to appoint counsel for them. If a defendant declares he or she does not wish to retain counsel, the prosecutor or the investigating authority appoints counsel immediately.

The law stipulates the investigating authority shall schedule the time of the interrogation in a way that enables defendants to exercise their right to a 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 legal counsel 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 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.

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. By law persons may seek damages for human rights violations. On March 15, a new civil code entered into force that eliminated the previously existing requirement of proving at court the disadvantage or damage suffered by the victim of a human rights violation in order to be entitled to compensation. Individuals who have exhausted domestic legal remedies regarding violations of the European Convention on Human Rights allegedly committed by the state may apply to the ECHR for redress.

Regional Human Rights Court Decisions

The government is subject to the jurisdiction of the ECHR and the EU Court of Justice. By the end of July, the ECHR delivered 32 judgments in cases filed by citizens against the government, most of them in connection with lengthy court proceedings. Although senior government officials sometimes publicly criticized

the rulings of the ECHR, the government paid compensation awarded by the ECHR by the deadline. As of the end of July, the EU Court of Justice had delivered two rulings in cases filed against the state by the European Commissions, one ruling that exempting the private production of small quantities of traditional Hungarian spirits from excise duty was an infringement of EU law, and the other concerning the early dismissal of the data protection commissioner in 2012 (see section 1.e.).

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

The constitution and law prohibit such actions, and there were no reports the government failed to respect these prohibitions.

By law police may enter private homes without judicial authorization or warrants 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.

The law gives the Counterterrorism Center the right to conduct domestic secret intelligence collection without judicial authorization during the investigation of certain crimes. Such cases must involve prevention of terrorism, concern risks to national security, or efforts to rescue citizens captured abroad in conflict zones or by terrorist groups. In such cases, the minister of justice (instead of a judge) issues a permit for the covert intelligence action for 90 days, with a possible extension for another 90 days. Such intelligence collection may involve secret house searches, surveillance with recording devices, opening of letters and parcels, and checking and recording electronic or computerized communications without the consent of the persons under investigation. In November 2013 the Constitutional Court dismissed a constitutional complaint against this legal provision, alleging violation

of the right to privacy. On May 13, representatives of the Eotvos Karoly Institute of Public Policy submitted an application to the ECHR concerning the legality of secret information gathering based on ministerial permits. The case remained pending.

On March 17, the Constitutional Court annulled amendments to the Act on National Security Services adopted by parliament in May 2013 that expanded surveillance of civil servants and other unelected officials whose appointments were subject to a national security check. The amendments enabled the security services to conduct surveillance of officials after their initial national security check without cause any time during their term in office for up to 30 days twice a year. The court noted that the bill would allow the intelligence services to monitor intimate aspects of civil servants' lives without the knowledge of the affected individuals. The court also found the regulation that precluded legal challenges of ministerial decisions on complaints against such national security checks to be unconstitutional. The 2013 amendments never entered into force as the Constitutional Court suspended their implementation until the issuance of the final verdict.

The law provides the Hungarian National Security Services with special rights for secret information gathering.

The City is for All, an NGO advocating for the rights of homeless persons, continued to report wide-ranging discrimination against and through criminalization of the approximately 30,000 homeless persons in the country, one-third of whom lived in the capital.

The constitution mandates that state and local governments “strive to provide accommodation for all homeless persons,” but also stipulates that a law or a decree of a local council may prohibit persons from setting up residence in specified public areas in order to protect public order, public security, public health, and certain cultural values. Since October 2013 sleeping outside in public areas designated as World Heritage sites is defined in the law as a petty offense punishable by imprisonment, and city officials have the right to designate other areas off limits. If violators refuse a police request to leave an area, they may be compelled to do community service or pay a fine and be imprisoned if unable to pay the fine. Anyone caught violating the law three times within six months may be imprisoned. A Budapest City Council decree adopted in December 2013 prohibited homeless persons from living at World Heritage sites, metro stations, train stations, the Budapest Airport, city parks, 34 underpasses, or near bridges,

flyovers, schools, churches, cemeteries, and health-care institutions. According to *The City is for All*, from October 2013 through the end of September, authorities launched a total of 176 legal proceedings against homeless persons around the country.

On February 24, the Budapest Metropolitan Tribunal ordered the municipality of Budapest's 14th District to pay 500,000 forint (\$1,900) to each of six plaintiffs in compensation and apologize in an official letter to each homeless person whose shelter was destroyed in 2011. The trial court concluded the district council violated the right of homeless persons to dignity and to equal treatment by removing their shelters without preliminary warning and destroying their belongings. On October 16, the Budapest Metropolitan Court of Appeals reinforced the first instance court's ruling in a legally binding verdict.

On April 25, the ombudsman initiated a review of the Budapest City Council's December 2013 decree on homeless persons with the Curia. The ombudsman argued that the decree excessively broadened the sphere of public areas in Budapest where homeless persons could not lead a regular life and asked for annulment of the decree. On September 9, the Curia annulled one of the two contested provisions of the decree, effective December 31, on the basis that the Budapest City Council exceeded its legal mandate by adopting a ban of homeless persons from public parking areas. The Curia maintained the effect of the ban in certain pedestrian underpasses and surrounding neighborhoods.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and the law provide for freedom of speech and press. The broad powers of the media regulatory authority, however, together with an advertising market highly dependent on governmental contracts, created a climate conducive to self-censorship and political influence. The OSCE election observation mission noted media bias during the election campaign and increasing media concentration under government-linked ownership. The Hungarian Civil Liberties Union (HCLU) continued to report a bias in news reporting by the public media. Mertek Standard Media Monitor reported increased pressure on the media by politics and business. Domestic and international media harshly criticized a newly introduced tax on advertisements.

Freedom of Speech: The criminal code includes provisions prohibiting the incitement of hatred and violence against members 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, may be prosecuted and convicted of a felony punishable by imprisonment for up to three years. In addition any person who physically assaults or coerces someone because of his membership in a national, ethnic, racial, religious, or lesbian, gay, bisexual, and transgender (LGBT) group, or because of disability, may be convicted of a felony punishable by imprisonment for one 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. NGOs also criticized the police for remaining reluctant to recognize bias behind crimes committed against Romani persons while strictly applying the law to cases where the victims were members of the ethnic majority, even though the intention of the law was to protect members of vulnerable minority groups.

A 2013 constitutional amendment and the revised civil code that became effective March 15 introduced hate speech provisions designed to “protect the dignity of the Hungarian nation or of any national, ethnic, racial, or religious community.” These constitutional provisions provide for judicial remedies for damage to individuals and their communities that result from hate speech. In 2013 the Venice Commission raised concern that the “dignity of the Hungarian nation” provision might be applied to curtail criticism of the country’s institutions and office holders, which would be incompatible with the standards of free speech limitations in a democratic society.

On September 17, the court of Budapest’s Second and Third districts ruled the burning of an Israeli flag at a public event did not constitute a crime but an expression of free speech. The court acquitted three perpetrators, including a former Jobbik politician, on a charge of hooliganism when setting fire to an Israeli flag in 2012 at a rally outside the Foreign Ministry. Jobbik distanced itself from the act at the time, stressing that the party did not take part in the demonstration. The Foreign Ministry issued a statement after the event condemning the burning of the flag and “the shameful, provocative and anti-minority speeches and behavior during the far-right demonstration.” The prosecutor appealed the verdict, and the case remained pending at the end of the year.

The law prohibits public denial of, doubt about, or minimization of the Holocaust, genocide, and other crimes of the National Socialist (Nazi) and communist regimes, which is punishable by a maximum sentence of three years in prison. The

HCLU continued to criticize the law for imposing serious restrictions on freedom of speech. On July 2, the Pest Central District Court sentenced a man to one year in prison (suspended sentence) for repeated public denial of the crimes of the Nazi regime. The convicted man displayed a sticker on his car reading “holokamu,” which is a combination of the Hungarian words for Holocaust and scam.

In February 2013 the Constitutional Court annulled the provision banning the use of symbols associated with the Nazi and communist dictatorships, but in April 2013 the parliament reintroduced the ban with more narrowly tailored restrictions. The law prohibits as a petty offense 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. On September 23, the ECHR issued a ruling in the case of Attila Vajnai and two other individuals, who displayed a flag and leaflets depicting the red star at a public event in 2008, and concluded the subsequent police measures violated their right to freedom of expression. The ECHR made a total of five rulings in similar red star cases, all of which declared the ban a violation of the right of free expression.

Press Freedoms: By law the National Media and Infocommunications Authority (NMHH), subordinate to parliament, is the central state administrative body for regulating the media. 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.” Since March 2013 the president of the country appoints the NMHH’s president, upon the recommendation of the prime minister, for a nine-year term. The prime minister is obligated to obtain nomination proposals from professional organizations. 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. Neither the president of the NMHH nor members of the Media Council are eligible for re-election.

The public service broadcasting system merges the supervisory boards of all government-owned public service broadcasting entities (including news service Magyar Távírási Iroda) into the Public Service Foundation and places their finances and assets under the control of the Media Services and Asset Management Fund. 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 homogeneous body consisting of members nominated exclusively by the governing parties.

The Media Council continued to conduct 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 a study released on July 28, government politicians remained “overrepresented” in coverage in both public and commercial media in June. 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 or other activities.

On May 1, Freedom House released a report, *Freedom of the Press 2014*, which noted that conditions in the country, which were downgraded to partly free in 2011, remained largely unchanged in 2013. The report asserted there were “serious and persistent concerns that the extensive legislative and regulatory changes since 2010 have negatively affected media freedom.”

On June 3, the chief editor of the Origo.hu news website Gergo Saling was dismissed from his position, sparking harsh criticism from several domestic and international NGOs. On June 4 and June 9, approximately 1,000 to 2,000 persons demonstrated in front of the headquarters of the news website, claiming Saling’s dismissal was politically motivated and prompted by a series of stories critical of the government. The management of the website’s company, Origo Zrt., rejected allegations that political pressure was exerted on Origo.hu and claimed the personnel change was due to a long-planned decision about reorganizing content management. By June 9, 10 of the 12 journalists at Origo.hu’s news department quit in protest. On August 22, Magyar Telekom Nyrt., the owner of Origo Zrt., confirmed that, because of media reports concerning the change of Origo.hu’s editor in chief in June, it launched an internal investigation into the circumstances of Saling’s dismissal. In early November the chief executive officer of Origo Zrt., the business development deputy, and the innovation and business development director all quit the company without public explanation. Magyar Telekom Nyrt. reportedly completed the internal investigation into the Saling case but did not reveal its findings to the public and denied any connection between the investigation and the departure of the other executives of Origo Zrt.

On June 11, the parliament adopted a law introducing a tax on advertising. The tax is levied progressively on advertising revenues (not profits) received by radio and television channels, publishers, outdoor advertising firms, and websites, increasing

to a top rate of 40 percent for revenues of more than 20 billion forint (\$77 million). On November 18, parliament amended the law to increase this top rate to 50 percent, starting in 2015. More than 130 media outlets from the entire media spectrum protested the introduction of the tax. On June 5, television channels and websites nationwide broadcast blank screens and newspapers published blank pages in protest. The European Publishers Council criticized the tax for further eroding freedom of the press in the country, paralyzing the media sector, and having a devastating effect on independent news providers. On July 27, Neelie Kroes, the EU commissioner for the digital agenda, noted the advertising tax disproportionately affected one media company, RTL Klub, adding that it was one of the few channels in the country not promoting a purely pro-Fidesz line. The government “does not want a neutral, foreign-owned broadcaster in Hungary; it is using an unfair tax to wipe out democratic safeguards, and see off a perceived challenge to its power,” Kroes stated. On July 11, RTL Klub, the largest commercial television channel in the country owned by the RTL Group (a European broadcasting conglomerate), submitted a complaint to the European Commission that the advertising tax constituted illegal discrimination. Under the law and its several successive revisions, RTL Klub was reportedly the only company liable to pay the maximum 40 percent tax. The company argued that while its share of the domestic advertising market remained 13.5 percent, it was required to pay more than 50 percent of the entire tax, or 4.5 billion forint (\$17.3 million). The case remained pending at years’ end.

On December 16, Nils Muiznieks, Commissioner for Human Rights of the Council of Europe, released a report on his July 1-4 visit to the country. The report voiced concerns regarding the “increasing threats to media pluralism” and governmental “attempts to curb media freedom in Hungary.” The report specifically criticized the composition of the Media Council, its extensive regulatory power regarding media content, its ability to impose severe sanctions (including high fines), the advertising tax, and restrictions on political advertising.

Violence and Harassment: In a legally binding ruling issued June 20, the Budapest Vicinity Tribunal sentenced Gyula Gyorgy Zagya and Bela Incze for harassing two journalists of the weekly newspaper *Hetek* in 2010. The court assessed as an aggravating factor the fact that Zagya was a member of parliament (Jobbik Party) and honorary chair of an NGO at the time of the incident. The court imposed a 300,000 forint (\$1,200) fine on Zagya and a 120,000 forint (\$460) fine on Incze.

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 provides for maintaining the confidentiality of sources with respect to criminal proceedings.

The Media Council may impose fines for 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 of to 200 million forint (\$770,000), 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 implementation while the parties litigate the substantive appeal. As of October 1, the Media Council issued 73 resolutions imposing fines totaling 56.9 million forint (\$220,000) on 45 media outlets. Of those resolutions, 16 were challenged in court.

On January 28, the World Association of Newspapers and News Publishers released a report, *Capturing Them Softly: Soft Censorship and State Capture in the Hungarian Media*. The report concluded that “state capture of Hungarian media is unfolding slowly but surely, principally through the ‘soft censorship’ of financial incentives and influence that affect media outlets’ editorial content and economic viability.” According to the report, the Fidesz government “uses state advertising to bolster friendly media outlets, mainly those owned by leading business persons very close to the ruling party.” The report found “media outlets critical of government policies or supportive of opposition parties’ policies are denied almost all state advertising and other support, threatening their economic viability and seriously distorting the commercial market.”

On January 28, Mertek Standard Media Monitor released its press freedom index 2013, which indicated 53 percent of journalists working for print publications concealed facts to avoid unfavorable consequences and 27 percent of online media journalists resorted to self-censorship.

On November 6, Klubradio, a self-described liberal broadcaster, announced it filed a compensation lawsuit against the NMHH on the grounds the authority impeded Klubradio from using its frequencies, which caused the station considerable financial losses. Klubradio was awarded the 92.9 FM frequency in 2010, but the media authority did not conclude a contract with the media company thereafter. Klubradio engaged the government in litigation for more than three years for the frequency before the court finally ruled in April 2013 in favor of the station and,

on February 13, the Media Council signed the contract. Since 2011 Klubradio gradually lost all the 12 broadcast frequencies previously used outside of the capital city of Budapest as the Media Council declined to renew its previous local contracts, citing various legal rationales. On June 6, the Debrecen-based local Lokomotiv Radio station ceased broadcasting; this was the last local frequency owned by Klubradio, leaving it able to broadcast only in the capital.

Libel Laws/National Security: Individuals may be sued for libel for their published statements or for publicizing libelous statements made by others. Plaintiffs may litigate both in civil and criminal courts. Journalists reporting on an event may be judged criminally responsible for making or reporting false statements.

Since November 2013 the criminal code has included a criminal libel provision which makes illegal 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 law, producing such false media is a misdemeanor punishable by up to one year in prison, and distributing it is a misdemeanor punishable by up to two years. 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 March 3, in response to the July 2013 petition of the ombudsman, the Constitutional Court struck down the part of the new civil code that restricted the ability of press to criticize public figures in cases involving "reasonable public interest." The court concluded the annulled provision violated the rights to freedom of speech and press and stated that free debate is a primary constitutional interest. Effective March 15, the civil code stipulates that exercise of the fundamental right to free debate about public affairs may affect the reputations of public figures to the extent necessary and proportionate without violating protections of human dignity.

In 2012 an online news portal, Delmagyar.hu, published an account of a car accident involving Janos Lazar, the state secretary for the prime minister's office at the time, which attracted numerous comments from readers, some reportedly critical of Lazar's personal character. In response Lazar initiated a civil libel suit against the publisher of the news outlet, Lapcom Zrt., and a criminal case against the author of the insulting comment. In July 2013 the civil suit was settled out of court, with the parties reaching an agreement under which Lapcom Zrt. acknowledged some comments "violated the state secretary's human dignity" and

agreed to pay 500,000 forint (\$1,900) in damages to Lazar. On April 22, the Szeged District Court convicted three persons on libel charges submitted by the Investigative Prosecutor's Office of Kecskemet in connection with the insulting comments but released them on parole.

On May 27, the Constitutional Court dismissed a complaint of the Association of Hungarian Content Providers and concluded that website operators (including blogs) are responsible for the content of posted comments, regardless of whether they moderate comments or not, whether they actively remove the harmful content or not, and whether the commenter is identified or not. The HCLU criticized the court decision, calling it a threat to free internet commentary. The HCLU argued that placing such unqualified responsibility on content providers could have a chilling effect and curb freedom of speech by incentivizing website owners to disable public comments on websites. On May 29, the OSCE representative on freedom of the media, Dunja Mijatovic, stated "the decision of the Constitutional Court to place unconditional responsibility on content providers for all comments posted on their websites by third parties will make it very likely that they will limit or block any possibility of online comments" and that "this ruling can significantly curb free debate" in the country.

On September 23, the Constitutional Court ruled the ban on publishing the image of police officers or prison guards constituted a violation of press freedom. Under the ruling, pictures taken of police officers may be made public without the consent of the police officer in question, so long as they are not harmful to the officer's human dignity and publication is not self-serving but concerns contemporary events, news, or public information about the exercise of the executive power that is of public interest.

Internet Freedom

The government did not restrict or disrupt access to the internet and there were no credible reports the government monitored private online communications without appropriate legal authority. NGOs reported, however, suspected political influence imposed on online news portals (see section 2.a.).

According to the International Telecommunication Union, approximately 72 percent of the population used the internet in 2013. Freedom House maintained the country's internet and digital media rating as "free" in 2013.

Academic Freedom and Cultural Events

There were reports of governmental interference in academic freedom.

Beginning in January 2013, the management of public elementary and secondary schools, including budget and finance and the hiring and monitoring of teachers, was transferred from municipalities to a central governmental body, the Klebelsberg Institution Maintenance Center (KLIK). Since 2013 the Minister of Human Capacities appoints school principals. In 2013 the government introduced a new mandatory National Core Curriculum in all elementary and secondary schools, including public, private, and religious schools, in the first, fifth, and ninth grades; in September the government included the second, sixth, and tenth grades. Schools are required to rely on the government curriculum and may deviate from it for no more than 10 percent of teaching time. With the approval of the Minister of Human Capacities, public and private schools may use of a different framework, which can also be applied in other schools identified by the requesting school. Ultimately 82 schools used alternative framework curricula.

On January 1, a new law entered into force on public school textbooks, which transferred responsibility for the development, publishing, and distribution of schoolbooks exclusively to the government. Under the new system, public schools may only choose from two types of textbooks identified by KLIK, instead of the dozen different publications previously available on the free textbook market. Simultaneously, the government began drafting new textbooks for every grade, which have been optionally available for schools for the first and fifth grades since September. Professional organizations criticized the new system for failing to engage expert groups in preliminary consultations, the low quality of the new textbooks, and the restriction of the freedom of teachers to choose their preferred textbooks.

On May 27, based on the ombudsman's 2013 petition, the Constitutional Court declared that the 2011 law establishing the public Hungarian Art Academy (MMA) was not in full harmony with the constitutional requirements of neutrality and pluralism that provide for freedom of artistic expression. By law founding members of the MMA came exclusively from one NGO that was also responsible for defining the conditions for new membership. The court refrained from annulling the relevant provision, arguing the new body had been operational for years, and under the principle of "legal certainty" it would be too late to annul the provision. On February 4, the parliament amended the law on the MMA, creating a new status of "nonacademic membership" with the aim of expanding and diversifying membership of the public body. By the end of October, 237 new

“nonacademic” members were accepted by the MMA, which had an additional 248 normal academic members and 45 correspondent members. On July 4, the parliament amended the act on higher education and empowered the MMA (together with the Hungarian Science Academy and the Hungarian Olympic Committee) to recommend candidates for new university professors to the president of the country, who appoints all professors.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of peaceful assembly, and the government generally respected this right. By 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 provide for alternate routes for traffic. Police may not disband a spontaneous, unauthorized assembly that remains peaceful but may do so only if the assembly commits a crime or incites the commission of a crime, results in the violation of the rights of others, involves armed participants, or the assembly is held despite a preliminary official ban. A police decision to prohibit a public demonstration is open for judicial review.

In the first nine months of the year, the police prohibited 17 demonstrations, which represented 2 percent of total announced demonstrations. Organizers requested judicial review of nine demonstration requests rejected by police, and courts ultimately permitted the demonstration in five cases.

On September 29, upon the prime minister’s instruction, Interior Minister Sandor Pinter banned a conference planned by the American white supremacist National Policy Institute for October 3-5 in Budapest and ordered the national police chief to ban the scheduled speakers from entering or staying in the country. According to the Interior Ministry, the scheduled speakers were advocates of racist theories and the constitution restricts hate speech. The HCLU criticized the banning of the conference on the basis that it violated the participants’ rights for freedom of speech and freedom of movement. The HCLU also pointed out that the police only have authority in the matter if the event was to take place in a public space and not in a private place, as was the case. According to press reports, on October 3, the police arrested and deported two foreign conference participants.

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

Freedom of Association

The constitution and the law provide for freedom of association. Following the April 6 parliamentary elections, however, the government began a public campaign against several domestic NGOs, accompanied by excessive administrative requirements and police raids against some organizations. The government's attacks focused on NGOs that were members of a consortium charged with evaluating and monitoring projects for the European Economic Area-Norway (EEA-Norway) NGO fund (see section 5).

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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, subsidiary protection, or tolerated status, and the government has established a system for providing protection to refugees. The country is party to the Dublin II regulation and the newly adopted Dublin III regulation (in force since January 1) which provides for the returning of asylum seekers to the first EU member state they entered for processing.

The HHC remained critical of the country's asylum practices for hindering the access of asylum seekers, returned under the Dublin II and Dublin III regulations, to effective remedies and to adequate accommodations, as well as for the excessive use of asylum detention beginning July 2013 under the new amendment to the Refugee Law. On March 28 and May 29, the HHC released reports criticizing the state practice of detaining asylum seekers.

The UNHCR criticized the current system a) for the lack of legal remedy available against decisions ordering asylum detention in some cases; b) for the systematic use of leashes and handcuffs amounting to inhuman and degrading treatment; c) for the detention of possibly underage persons and of families with children; d) for harsh treatment by guards; e) for the rare application of alternatives to detention; f) for lack of systematic monitoring; and g) and for lack of basic services at certain locations.

On February 4, the Office of Immigration and Nationality (BAH) announced that 18,900 asylum seekers arrived in the country in 2013, which was nine times more than in 2012 and as many as in the previous six years together. In 2013 approximately 23,000 persons crossed the country's borders illegally, most from Kosovo. Approximately 85 percent of these irregular migrants applied for refugee protection at BAH.

Safe Country of Origin/Transit: The law includes definitions of the principles of "safe country of origin" and "safe third country" (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 safe for the applicant. In 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 2013 BAH discontinued the practice, long criticized by the UNHCR and the HHC, of returning irregular immigrants (often genuine asylum seekers) to Serbia, which the UNHCR did not consider a safe country of transit for asylum seekers. The UNHCR reported, however, that Dublin III transfers to Bulgaria continued despite the January 2 UNHCR call for temporary suspension of transfers of certain groups due to inadequate asylum conditions in Bulgaria.

Refugee Abuse: Beginning in January 2013, after the European Commission initiated proceedings against the country in late 2012 for detaining asylum seekers on improper legal grounds, BAH discontinued such practices.

In 2013 parliament amended the law to permit detention of asylum seekers under certain circumstances. The new rules require that detention must be based on individual assessment and only if there was no other means to provide for the presence of the applicant at asylum proceedings. Judges must decide every 60 days whether to extend a decision to keep an illegal migrant in custody. By law detention may not exceed six months. Unaccompanied minors are exempted from detention, and alternatives to detention (such as bail) must also be considered before ordering detention.

On March 28, the HHC released a report on the state practice of detaining asylum seekers and on May 29 another report on the detention of asylum seekers and on Dublin procedures in the country. The reports voiced serious concerns regarding the frequent use of detention of first-time asylum seekers under the 2013 law; failure to consider the individual circumstances of asylum seekers in the process of ordering and upholding asylum detention; limited and ambiguous use of alternatives to asylum detention (e.g. bail); ineffective judicial review of the detention of asylum seekers; and ill-equipped accommodations for vulnerable detainees. The reports noted that, despite the 2013 improvements in the law, effective legal remedy is not available for asylum seekers returned to Hungary from another EU state under Dublin III procedures. The report also called attention to the shortcomings in state-funded age assessment mechanisms, which reportedly sometimes resulted in lengthy detention of unaccompanied minor asylum seekers together with adult detainees. On April 29, the director general of BAH sent a response to the HHC systematically rejecting every criticism listed in the report.

On December 16, a report issued by the commissioner for human rights of the Council of Europe also criticized the extensive and arbitrary detention of asylum seekers and the lack of effective judicial review in such cases.

Durable Solutions: The Ministry of Interior continued to support municipalities in assisting the settlement and integration of refugee families in their local communities. In 2013 the government resettled nine Syrian refugees in the country and offered resettlement to 20 during the year.

Temporary Protection: The law provides for the granting of “subsidiary protection.” By 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 BAH may authorize persons to stay in the country by granting them “tolerated status” consistent with the country’s nonrefoulement obligations under international law.

During the first nine months of the year, BAH received 14,146 refugee claims (the majority from Afghan, Kosovar, and Syrian nationals) and granted 198 persons refugee status, 137 persons subsidiary protection status, and 15 persons tolerated status.

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

The constitution and law provide citizens the ability to change their government through the right to vote in elections that offered voters a choice of candidates, and citizens exercised this right through elections based on universal suffrage. OSCE election monitors noted the ruling party enjoyed undue advantages, and the opposition and some civil society groups described the April national elections as “free but not fair.”

Elections and Political Participation

Recent Elections: The most recent national elections were held on April 6, and took place under a comprehensive new electoral law (adopted in 2011 and amended four times, most recently in July 2013) and electoral procedure law (adopted and amended in 2013). The ruling parties gained a second consecutive two-thirds super-majority in parliament, receiving 45 percent of party list votes while winning 96 of the country’s 106 single-member districts, allocated through a first-past-the-post system. A delegation of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) observed the elections. In its final report, the delegation concluded, while the elections were efficiently administered and offered voters a diverse choice following an inclusive candidate registration process, “the main governing party enjoyed an undue advantage because of restrictive campaign regulations, biased media coverage, and campaign activities that blurred the separation between political party and the state.” The report listed a number of key legislative changes since 2010 that were enacted using procedures that lacked public consultation and which negatively affected the electoral process

and removed important checks and balances. While noting the creation of more equal-size constituencies, it stated the redistricting process was widely criticized “for lacking transparency, independence and consultation, and allegations of gerrymandering were widespread.” The report’s analysis indicated that transferring the surplus votes of constituency winners to party lists resulted in the Fidesz-KDNP gaining six additional seats. The election observers noted that requiring persons with a permanent address in the country to register and vote according to different procedures than persons without a permanent address meant unequal treatment of voters outside the country; the report noted these differing procedures came in the context of earlier changes to the law that gave citizenship to, and thereby enfranchised, large numbers of ethnic Hungarians living abroad. On July 26, Prime Minister Orban noted in a public speech that the enfranchisement of ethnic Hungarians in neighboring countries resulted in Fidesz gaining the one seat needed to keep its two-thirds parliamentary majority. ODIHR also remarked that requiring national minorities to register publicly to vote for minority lists that only provided one choice on the ballot violated the secrecy of the vote. Their report also criticized new campaign financing legislation that limited the transparency and accountability of political parties, and expressed concern about the lack of effective redress for complaints filed during the electoral process.

The ODIHR report also observed several problems with media in the elections, including the increasing ownership of media outlets by business persons directly or indirectly associated with Fidesz and the allocation of state advertising to select media outlets. The report concluded these factors undermined the pluralism of the media market and increased self-censorship among journalists. The report also criticized the use of government advertisements that were almost identical to those of Fidesz campaign ads, claiming they contributed to an uneven playing field and did not fully respect the principle of separation of party and state. The ODIHR mission noted the limited amount of free airtime for candidates and the absence of paid political advertisements on nationwide commercial television and concluded this impeded electoral candidates’ ability to campaign via the media.

On June 10, the parliament adopted a law, using emergency procedures, which changed the system of municipal elections in Budapest. The new system removes all directly elected members of the city council, except for the mayor of Budapest. Under the new Budapest election law, the city council comprised mayors of the capital’s 23 districts, the mayor of Budapest (who is elected directly by voters), and nine representatives from a “compensation” list. Only district mayoral candidates, representing a party or nominating organization fielding a candidate in

at least 12 districts, are eligible for city council membership. The compensation list allocates nine city council seats to losing mayoral candidates running in the districts of Budapest in proportion to the total number of ballots cast for each nominating party or organization in the mayoral races of the capital. On June 11, the HCLU, the HHC, and the Eotvos Karoly Institute released a report on the new Budapest municipal election system calling it unconstitutional, unfair, and illegitimate. The NGOs alleged the Budapest voting system was “radically” changed only four months before local elections in October. In addition the group asserted the governing majority determined the new law without consultation, which “clearly disadvantages opposition parties.” They also criticized the law for violation of equal suffrage, since district mayors who represent districts of varying populations are included as equal representatives on the Budapest city council. On July 21, the Constitutional Court annulled the calculation method for the compensation list but upheld the constitutionality of the overall law.

Political Parties and Political Participation: The speaker of parliament enjoys the power to maintain the order and “dignity” of parliament. Under the rules, if a member of parliament during session violates the dignity of the body, an individual, or a group (particularly a national, ethnic, racial, or religious community), the speaker may impose a fine or reduce the monthly wage of the disruptive parliamentarian and ban his or her speech for the remainder of that day. In addition the speaker may temporarily suspend the rights of a parliamentarian, including the right to attend both plenary and committee sessions, if the member uses or threatens physical violence. A motion to suspend the rights of a member of parliament requires the support of two-thirds of members to pass and may last for a maximum of three days. Since the introduction of the new rules the speaker has imposed fines on 15 parliamentarians for disrupting the work of parliament (12 times in 2013 and three times during the year); all were members of opposition parties. In two cases groups of members of parliament submitted complaints to the ECHR for violation of their freedom of expression. On September 16, the ECHR concluded there was a violation of freedom of expression of the parliamentarians and a violation of their right to effective remedy. The ECHR asserted “the interference consisted in the application of sanctions with a chilling effect on the parliamentary opposition, in a process where the procedural guarantees and those of the appearance of nonpartisanship were insufficient.”

On February 13, the parliament amended the law and moved the authority to impose sanctions on parliamentarians from the speaker to the standing orders committee. The parliament also introduced the opportunity to appeal against the

sanctions at the parliamentary committee on immunity. As of the end of September, no sanctions were imposed under the new rules.

Participation of Women and Minorities: Women remained underrepresented in the parliament. In the outgoing parliament elected in 2010, 9.1 percent of members were women, while women held 9.5 percent of the seats in the parliament that entered into office May 6. Minister of National Development Zsuzsanna Nemeth was the only woman in Prime Minister Orbán's 10-member cabinet prior to the new government taking office June 6; the new cabinet did not have a female member. Women were represented at the subcabinet level. No specific laws attempt to enhance the participation of women in political life.

The new electoral system provides the 13 recognized national minorities the possibility of registering for a separate minority voting process. While all 13 national minorities registered lists, none obtained enough votes to win a minority seat. As a result each nationality is represented in parliament by a nonvoting spokesperson whose competence is limited to discussing minority issues. The ODIHR election observation report concluded that, because voters publicly register to vote for minority lists and such lists give only one choice of candidate on the ballot, their choice was limited and the secrecy of their vote was violated. 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. The European Commission, former public employees, and NGOs contended, however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. The same observers pointed to consistent reluctance by authorities to investigate corruption allegations in a transparent, public manner. Corruption in the executive and legislative branches as well as within police agencies remained 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 by political parties but did not assess the accuracy of these reports. The SAO also audited the financial management of subsidized political parties every two years. The law provides the office with authority to review the finances of private companies if public funds are used, regardless of the amount. The law

obligates the employees of companies, private entities, and public bodies under the jurisdiction of the SAO to cooperate with SAO investigations. Persons who refuse to cooperate with the SAO may be subject 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 financial 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, together with county prosecutorial headquarters, employed 35 prosecutors and 20 administrators specialized in high-profile corruption cases involving public officials, and through November launched 244 cases in which it filed charges in 30. The Hungarian Competition Authority was responsible for providing fair and transparent market conditions. Between September 2013 and the end of August, the National Protective Service (NPS) conducted 880 "integrity tests" of the 93,000-strong police forces, and referred ten cases to investigative authorities. The Government Control Office (KEHI) is an audit organization working under the supervision of the Prime Minister's Office and is responsible for monitoring financial support provided from the central budget or from any other system of domestic public finance.

On August 21, the Central Investigative Chief Prosecutor's Office filed charges against former nightclub mogul Laszlo Vizoviczki for active corruption of public officials, budget fraud, and other crimes, together with 54 other defendants in two separate cases. According to the indictment, Vizoviczki paid off police officers for years, who in return did not investigate any of his 40 Budapest nightclubs. Police regularly raided the operations of his business rivals. The corruption case, disclosed by the NPS in 2012, involved five senior police officers (including the incumbent head of the National Bureau of Investigation's organized crime unit), a firefighter captain, a customs guard lieutenant, a civil servant at a local council, and a public health inspector. On November 19, the Budapest Metropolitan Tribunal heard the case, which remained pending at the end of the year.

Prior to the April 6 national elections, the government completed the two-year Corruption Prevention Program (CPP) to prevent corruption in public administration and public services. The CPP created several working groups to monitor the implementation of the anticorruption program, but anticorruption watchdog NGOs quit these bodies in protest against the government's restrictive measures limiting freedom of information and access to public data. In 2013 within the framework of the CPP, the Board of Hungarian Police Officers and the

Board of Hungarian Government Officials adopted their own codes of professional ethics. The National University of Public Service introduced courses and training programs on corruption prevention and integrity in public administration. By year's end approximately 10 percent of public servants attended a day-long integrity training session and 750 senior officials participated in a two-and-half day session on integrity management. Anticorruption measures also became part of the national educational curriculum.

In August the Ministry of Interior and the NPS took over corruption prevention from the Ministry of Justice, and the NPS began drafting a new four-year anti-corruption strategy focusing on public administration and competitiveness. Through November 15, the NPS initiated 93 criminal proceedings against 137 public officer holders and 13 government officials on suspicion of abuse of authority, bribery, or other corruption related crimes.

Transparency watchdog NGOs harshly criticized the 2013 rules governing parliamentary campaign financing that were applied for the first time to the April national elections. According to the new rules, individual candidates were required to make campaign expenditure information publicly available, but political parties were not. Transparency International Hungary (TI-H) reported that the generous state campaign funding to parties and the lack of effective financial reporting requirements resulted in the formation of 11 “sham” or “business” parties, created only to absorb state subsidies worth a total of 2.8 billion forint (\$11 million), of which only 300 million forint (\$1.2 million) were spent on campaigning.

On April 15, TI-H and the prosecutor general signed a cooperation agreement aimed at enhancing the prevention and monitoring of public corruption. The parties agreed to exchange relevant information. They also agreed to TI-H involvement in a prosecutors' anticorruption training program and in the annual analysis of corruption by the National Institute of Criminology. On November 3, TI-H signed a cooperation agreement with the NPS.

High-profile allegations of corruption made in 2013 by a former National Tax and Customs Authority (NAV) contractor regarding large-scale tax fraud continued to draw attention. In November 2013 Andras Horvath publicly discussed massive shortfalls in value-added tax collection and implicated NAV leaders in protecting the scheme. Horvath filed a report with the prosecutor's office. The allegations suggested organized tax fraud worth one trillion forint (\$3.9 billion) per year. In November 2013 NAV initiated criminal actions against Horvath, charging him with defamation and abuse of protected personal data. NGOs, including TI-H and

the HCLU, harshly criticized NAV and the government, asserting their attitude towards the allegations put any government anticorruption endeavors into doubt. In November 2013 NAV announced it had verified all tax records over a single weekend and discovered no anomalies. In December 2013 the parliament rejected an opposition initiative to set up a committee to investigate Horvath's allegations. On March 27, another former NAV official, Istvan Vancsura, reiterated Horvath's allegations and named several officials of NAV involved in the scheme. NAV rejected Vancsura's claims as well. The prosecutorial investigation into the reported tax fraud, as well as the proceedings against Horvath, remained pending at years' end. On December 11, the prosecutor general announced the initiation of proceedings against 150 of 22,500 employees of NAV for alleged corruption.

On February 4, the European Commission released its *European Anticorruption Report*, which acknowledged the country's ambitious anticorruption policies. The report nevertheless noted outstanding concerns related to informal relations between businesses and political actors at the local level. The report specifically mentioned several areas in need of more effective anticorruption measures; political party financing, control mechanisms surrounding public procurements, conflict of interest among public officials, accountability standards for elected and appointed officials, and favoritism in public administration, and informal payments in the healthcare sector.

On October 28, TI-H released a report on lobbying that concluded "state capture" by private interests is combined with cronyism in the country. According to TI-H, "in this special type of state capture the extensive and expansive state has been in symbiosis with some powerful business groups and oligarchs."

On December 3, TI-H released its international 2013 *Corruption Perceptions Index*. According to the report, state institutions responsible for supervising the power exercised by the government were headed by government loyalists, and the competence of control bodies were weakened through legislative amendments. The report also emphasized that the erosion of checks and balances posed a serious risk of corruption.

Financial Disclosure: The law requires members of parliament, the most senior government officials, the president of the Curia and his deputies, and the prosecutor general to publish asset declarations on a regular basis. Members of parliament must also submit spousal asset declarations. Data on asset declarations of cabinet members' spouses are not made public. In addition the vast majority of public sector employees, including law enforcement and army officers, judges,

prosecutors, civil servants, and public servants, are obliged to submit asset declarations, but their declarations are not publically accessible. NGOs continued to contend the regulation was not adequate because there was no effective method to detect and sanction violators. The media and NGOs discussed various scandals arising from questionable enrichment of leading politicians, including members of the governing parties as well as in the opposition.

Public Access to Information: The constitution and law provide both citizens and foreigners the right to access information held by public bodies. The bodies controlling such information may restrict access in order to protect what they determine to be legitimate public interests, as defined by law. The legal list of exceptions includes information on national security, prevention and prosecution of crimes, protecting nature and the environment, national financial matters, foreign affairs, active legal procedures, and intellectual property. Access is sought through freedom of information requests submitted in oral or written form. Public bodies are required to disclose information within 15 days of receiving a request. In cases in which a significant amount of data is requested, the public body is entitled to extend the deadline for disclosure by an additional 15 days.

Under a 2013 amendment, citizens may not submit requests for an “overarching, invoice-based,” or “itemized” audit of the “management of a public authority.” Requestors may appeal denials in court within 30 days or initiate the procedure of the National Authority for Data Protection and Freedom of Information (NAIH) established in 2012. The law punishes the offense of illicit use of public information with imprisonment for up to three years. As of October the NAIH received 313 of information petitions, 95 of which resulted in investigations that identified an infringement.

Transparency watchdog NGOs continued to criticize the restrictions imposed by the 2013 amendment on access to public information, claiming it permitted state institutions with data management responsibilities excessive latitude to reject requests for public information and that it allowed full access to data only to specific governmental institutions such as the SAO and KEHI.

On April 24, TI-H published a comprehensive study on the transparency of state-owned enterprises. The study assessed transparency in operations and internal integrity systems at 66 state-owned enterprises and found each was difficult to hold accountable, although they varied greatly depending on the attitude of the company’s chief executive.

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. Simultaneously, the six-year term of Andras Jori, the data protection commissioner elected by the parliament in 2008, was cut short, and his office was eliminated. On April 8, the EU Court of Justice ruled against the state in the infringement procedure initiated by the European Commission in connection with the early termination of the former data commissioner's term. The court concluded the premature termination of Jori's term was a violation of the EU directive regulating the independence of the authorities responsible for the protection of personal data. Following the ruling, the minister of justice issued a public apology to Jori on July 8. Jori also received 69 million forint (\$266,000) in financial compensation.

The country joined the Open Government Partnership in 2012 and adopted its first action plan in February 2013. NGOs participating in the drafting of the action plan criticized the government's commitment for not including sanctions against violations.

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

Prior to the April 6 parliamentary elections, 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.

Since 2013 a European Economic Area (EEA)-Norway NGO fund has provided grants to NGOs to strengthen civil society, focusing on issues of democratic values, the rule of law, transparency, gender equality, and assisting vulnerable groups. The fund operates under a memorandum of understanding between the donor and recipient government. The 153.3 million euro (\$192 million) EEA-Norway Grants program for the country was administered by the government, except for its climate change and NGO funds, which were administered by the EEA-Norway Grants Financial Mechanism Office in Brussels. The climate change and NGO funds totaled 13.5 million euro (\$16.9 million). On April 4, the head of the Prime Minister's Office, Minister Janos Lazar, sent a letter to the Norwegian minister of EU and EEA affairs claiming that the consortium of four domestic foundations (Okotars Foundation, DemNet, the Carpathian Foundation, and the Autonomia Foundation) responsible for distributing the NGO fund was a satellite

of the opposition green party Politics Can be Different. The letter implied that the Norwegian government was supporting Hungarian opposition parties through the NGO fund. The Norwegian government and the NGOs rejected the implied allegations. On May 9, the Norwegian Ministry of Foreign Affairs announced on behalf of EEA donor countries it was suspending further disbursement of program funds to the government. The reason the Norwegian foreign ministry gave for the suspension was that the Hungarian government was in breach of written agreements when it unilaterally changed the institutional structure of the grants. EEA-Norway Grants continued to disburse funds to NGOs.

On May 21, the Prime Minister's Office announced it would ask KEHI to open an investigation into the use of the EEA-Norway NGO fund. KEHI subsequently initiated investigative audits of the four-member consortium. On May 28, the EEA-Norway Grants Financial Mechanism Office sent a letter to Lazar urging him to halt the audits, stating no Hungarian public funds, nor any public institutions, were involved in the NGO fund and therefore the Financial Mechanism Office retained sole responsibility for the implementation of the program, including monitoring and auditing. It also instructed Okotars to refuse access to sensitive information requested by KEHI. On May 30, the Prime Minister's Office released to a media outlet a list of 13 so-called "left leaning" NGOs that received grants from the fund; these groups became the subsequent focus of KEHI's investigative audits. The list included TI-H, the HCLU, K-Monitor, NANE Women's Rights Association, and other NGOs promoting LGBT rights, women's rights, Romani empowerment, active citizenship, and good governance.

On June 2, KEHI officials appeared unannounced at the offices of the Autonomia and DemNet foundations, and at Okotars. KEHI officials ordered the NGOs to turn over certain records and documents. The NGOs handed over some documents but refused access to sensitive information. On June 17, the Norwegian EU affairs minister, Vidar Helgesen, declared Hungarian authorities unilaterally broke their agreement on handling of the EEA-Norway Grants by opening an audit of the NGO fund. KEHI subsequently expanded the reach of its investigative audits to a group of 58 NGOs, including the 13 groups considered "left leaning" by the government, requesting all information and documents that pertained to their projects that were supported by the NGO Fund. On June 12, a meeting between donor country officials and the Office of the Prime Minister failed to resolve problems related to the NGO Fund. Donor countries stated at the meeting that renewed disbursement of the EEA-Norway grants to the government would be tied to the cancellation of KEHI audits (among other conditions). On June 21, Lazar declared NGOs must hand over documents requested by KEHI, as "the law applies

to all Hungarian citizens.” The NGOs affected by the investigation questioned the legal mandate for the audits, complained of a lack of legal remedies, and called the investigation politically motivated.

On July 9, the Council of Europe’s commissioner for human rights, Nils Muiznieks, sent a letter to Lazar stating “the stigmatizing rhetoric used in Hungary against NGOs active in the field of promoting human rights and democratic values, with politicians questioning the legitimacy of their work, is of great concern.” The commissioner also called upon authorities to suspend audits until their legal basis was clarified. On July 26, Prime Minister Orban gave a speech in which he referred to some NGOs in the country as “paid political activists...attempting to promote foreign interests.”

On August 6, the National Investigative Office (NNI) opened an investigation against “unknown perpetrators” on allegations of misappropriation of NGO funds and “unlicensed financial activity.” On September 8, NNI agents raided the offices of Okotars and DemNet, conducting searches of their accounting and information technology companies and the private residences of two employees. The NNI confiscated documents and computer equipment. Immediately following the raids, KEHI announced it had broadened the investigation to cover activity related to a Swiss NGO block grant as well. On September 13, approximately 1,000 persons demonstrated against government intimidation and police measures against NGOs.

Between September 18 and 22, the tax authority suspended the four consortium members’ tax numbers due to noncompliance with KEHI audits. The NGOs appealed the tax authority’s decision. When the deadline for processing the appeal passed at the beginning of November, the tax authority extended the deadline by another 30 days. The case remained pending at the end of November. On October 22, without required consultation with audited organizations, KEHI submitted its report to the cabinet alleging numerous irregularities, such as retroactive changing of dates and manipulation of project evaluation scoring systems. The Government of Norway did not acknowledge the legitimacy of KEHI’s audit report and stated the donor countries would base their evaluation of the NGO fund on an independent audit.

Government Human Rights Bodies: In 2013, a two-thirds majority of parliament elected Laszlo Szekely ombudsman for a six-year term. Parliament also elected the ombudsman’s two deputies. The ombudsman is obligated to submit a report to parliament annually. He has the authority to initiate proceedings to defend the rights 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. Since January 1, the ombudsman was responsible for collecting electronically submitted reports beneficial to the public, e.g. whistleblower reports on public corruption. The ombudsman must forward these reports to the appropriate public offices within eight days. By the end of August, the ombudsman received 225 reports of public benefit from citizens and 105 petitions requesting he refer laws to the Constitutional Court, and filed one petition with the Constitutional Court upon citizen initiative.

On September 19, the Fidesz-friendly *Magyar Nemzet* newspaper published a report in connection with the ombudsman's study on the termination of the needle exchange program in Budapest's eighth district, released on September 17. The newspaper report included email correspondence allegedly between an official of the ombudsman's office and the petitioner of the case, the HCLU. The article accused the HCLU of having undue influence on the ombudsman's office. The head of the Office of the Prime Minister's Office, Minister Janos Lazar, publicly announced that if the allegations proved to be true, the Ombudsman should immediately resign. Szekely ordered an internal inquiry that revealed the email correspondence published by the newspaper was between two officials of the ombudsman's office. The ombudsman reported unauthorized acquisition of data to the National Electronic Information Security Authority and the Constitution Protection Office. On September 30, the Judiciary Committee of parliament held a hearing of the ombudsman and cleared him of wrongdoing.

Prior to May 6, the parliament had, under every cycle since 1990, a committee that addressed human rights, minority, and religious issues. The 2010-14 parliamentary cycle's Committee for Human Rights and Minority, Civil, and Religious Affairs had 21 members selected in proportion to the parties' seats in parliament, debated human rights-related bills, and supervised the human rights-related activities of ministers. On May 6, the parliament discontinued the operation of the human rights committee and transferred the human rights and religious issues portfolio to the Committee of Justice, while minority issues were transferred to the Committee of the Nationalities of Hungary, consisting of the spokespersons of the 13 officially recognized ethnic nationalities.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prescribes that fundamental rights shall be provided to everyone without discrimination based on race, color, sex, disability, language, religion, political or any other opinion, ethnic or social origin, wealth, birth, or any other circumstance whatsoever. The government failed to enforce these rights fully.

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal. Human rights observers continued to consider the problem to be underreported. Under the law, a sexual assault is classified as rape only if it involves the use of force or coercion. Penalties for rape range from two to eight years in prison and may be as long as 15 years in aggravated cases.

The 2012 criminal code includes “violence within relationship” (domestic violence) as a separate category of offense. By law 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 jail 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 person with disabilities, 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. The new law also penalizes, with up to two years’ imprisonment, humiliation, or causing severe deprivation to, or grave violation of, the dignity of a relative or a dependent.

Police and courts could impose restraining orders. By 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 60-day “preventive restraining orders” in both civil and criminal cases. 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.

On November 21, the Baranya County Police Headquarters released three short videos officially aimed at preventing sexual assault. The slogan in the videos, however, was “You Can Be Blamed/You Can Do Something Against It.” Women’s rights groups harshly criticized the films, claiming they contribute to a

social atmosphere that blames victims of sexual assaults and exonerates the perpetrators. On November 30, approximately 300 women demonstrated against the police videos. On December 12, the ombudsman issued a statement emphasizing that crime prevention work should avoid blaming victims; it should instead promote protection of their interests and dignity and simultaneously stress the indisputable responsibility of perpetrators.

During the first six months of the year, the ORFK recorded 119 cases of rape and 3,570 cases of domestic violence. During the first six months of the year, prosecutors filed rape charges in 73 cases and 18 charges for domestic violence.

On August 29, the Central Investigative Chief Prosecutor's Office filed charges against Jozsef Balogh, mayor of Fulophaza and former Fidesz member of parliament, for causing severe bodily harm. In April 2013 Balogh severely beat his common law partner but blamed the family's dog for the attack. The case sparked protest against domestic violence by women's groups. In reaction to the case, Fidesz dismissed Balogh from the party. Balogh also resigned from his seat in parliament but retained his mayor's position and was re-elected on October 12. The criminal case remained pending at the end of the year.

The Ministry of Human Capacities continued to operate a 24-hour hotline for victims of abuse. The ministry operated the Regional Crises Management Network at 14 locations 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 crises centers. The government also 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.

On April 17, the Hungarian Interchurch Aid launched a four-week nationwide awareness raising campaign, *Notice that Something is Wrong!*, sponsored by the Ministry of Human Capacities. The aim of the campaign was to broaden public understanding of the various forms of domestic violence and to urge victims to seek immediate assistance.

Sexual Harassment: The law establishes the right to a secure workplace and makes harassment a criminal offense. NGOs contended the law did not clearly define

sexual harassment, leaving victims with a lack of legal awareness or incentive to file a complaint. According to NGOs sexual harassment remained widespread.

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 54 reports of harassment, including six of sexual harassment. ETA found legal violation in one of the sexual harassment cases.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of having children, to have the information and means to do so, and to attain the highest standards of reproduction health, free from discrimination, coercion, and violence. Access to contraception was by prescription only. There was relatively easy access to skilled attendance during pregnancy, childbirth, and emergency health care, including services for the management of complications arising from abortion. National family planning services focused on providing prenatal and postnatal care and counseling. There were no reports of discrimination against women in accessing sexual and reproductive health care, including for sexually transmitted infections.

On May 27, the Constitutional Court annulled a provision of the labor code under which pregnant women are only entitled to legal protection after dismissal from their job if they had informed their employer of their pregnancy before the dismissal. The court ruled the requirement to reveal such information to an employer is tantamount to interference in private life, restricts the right of women to raise children, and restricts their human dignity.

In a 2013 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 moral or religious objections by health professionals, provide for women to be offered existing alternatives, and recognize trained midwives 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.

Since March 15, only persons above age 40 or who already had three children could opt for sterilization for nonmedical reasons.

The European Roma Rights Center (ERRC) continued to criticize a legal provision on sterilization and advocated for the removal of any distinction between sterilization for medical reasons and for family planning purposes. ERRC advocated for guidelines and effective monitoring mechanisms to provide that public and private health centers do not perform sterilization without the fully informed consent of the patient, and for appropriate sanctions to be in place in the event of a breach. According to the ERRC, the sterilization of Romani women without consent was a continuing problem, although no statistical evidence was available on the extent of the practice. The case of a Romani woman who was reportedly sterilized without her consent in 2008 and represented by ERRC at the ECHR remained pending at year's end.

Discrimination: By law and the constitution, men and women have equal rights. The law does not explicitly specify equal pay for equal work, but equality of pay can be inferred from the equal treatment provisions of the law. There was economic discrimination against women in the workplace, particularly against job seekers older than age 50 and those who were pregnant or had returned from maternity leave (see section 7.d.).

Through September 30, ETA conducted 70 investigations based on individual complaints of illegal employment discrimination against women and found four to be justified. In the “justified” cases, ETA ordered employers to pay penalties that ranged from 500,000 to 1.5 million forint (\$1,900 to \$5,800).

Children

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

Education: Education is free and compulsory to age 16.

In 2013 the parliament amended the law to introduce the principle that “pursuing equal rights and social catching up are first and foremost a state commitment.” Romani rights groups challenged the amendment, asserting it could enshrine in law the practice of channeling Romani children into special-needs classes or remedial schools. Officials rejected the criticisms, noting their aim was not segregation but instead to provide special assistance to disadvantaged Roma.

Segregation of Romani schoolchildren remained a problem. NGOs and government officials estimated 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. Since 2013 the government spent 250 million forint (\$965,000) on reforming the diagnostic system for children with mental disabilities to prevent unjustified diagnoses and in September introduced a new database aimed at tracking the individual development of diagnosed children.

On February 29, the tribunal of Nyiregyhaza ruled against the Greek Catholic Diocese and the local municipality in a case submitted by the Chance for Children Foundation (CFCF) in 2012 for reopening a segregated elementary school in the Huszartelep settlement of Nyiregyhaza. On November 6, the ruling was reinforced by a verdict issued by the regional court of appeal of Debrecen, which concluded the municipality of Nyiregyhaza segregated Romani children by ending free school busing and transferring the Huszartelep school to the church free of charge. The court also found that the church segregated Romani students between its two elementary schools in Nyiregyhaza. In 2013 Minister of Human Capacities Zoltan Balog testified in defense of the church-run school, arguing it provided an exceptional “catching-up” educational program for disadvantaged students. On October 7, the Budapest Metropolitan Court of Appeals ruled in a case submitted by the CFCF in 2011 that the elementary school in Gyongyospata illegally segregated Romani children from 2004 to 2012 and provided substandard education. Three other cases opened in previous years by the CFCF against the municipalities of Jaszladany, Szod, and Kaposvar remained pending at the end of October. The 2009 CFCF lawsuit against the national government for failing to enforce antisegregation legislation also remained pending at year’s end.

On April 8, the ombudsman released a comprehensive report on the educational situation in secondary schools offering specific nationality curricula. The report concluded secondary schools featuring Romani nationality curricula operated by the National Roma Self-government (ORO) or churches generally provided substandard education to children, which raised the risk of violating equal opportunities (see section 6, National/Racial/Ethnic Minorities).

On December 12, the deputy ombudsman responsible for the protection of the rights of nationalities issued a statement in response to a planned legislative change

to the Act on Public Education. The deputy ombudsman emphasized that obligations of integrated education specified by domestic and international legal regulations must not be ignored, and that Romani students may not be segregated on the grounds that their education is provided by a religious group. On December 15, parliament amended the act and empowered the government to issue a decree specifying legal criteria for the organization of education based on religious belief or nationality. The government decree was not yet adopted as of December 19.

On December 16, the commissioner for human rights of the Council of Europe issued a report in expressing concerns about the deterioration of the situation regarding racism and intolerance, especially against the Romani population, and stressed the need to fight against all forms of discrimination. The commissioner also, “urged Hungarian authorities to step up efforts to improve Romani access to education by addressing all forms of school segregation of Romani children.”

Child Abuse: During the first six months of the year, the National Police Headquarters registered 3,185 cases of crimes against children (under age 14). In 2012 an expert of the National Child Health Institute stated more than 200,000 children (10 percent of the total) were beaten or assaulted. Efforts to combat child abuse included law enforcement measures, restraining orders, shelters for mothers and their children, and removing children from homes deemed unsafe.

Early and Forced Marriage: The legal minimum age of marriage is 18. The Social and Guardianship Office may authorize marriages of persons between ages 16 and 18. According to the Central Statistical Office, 0.7 percent of boys and 2.6 percent of girls under age 19 were married in 2013.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, and no such practice was reported.

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 law prohibits child pornography, which is punishable by up to eight years in prison. On November 11, parliament amended the criminal code to eliminate the statute of limitations on sexual crimes against children.

The minimum age for consensual sex is 12, provided the older partner is age 18 or younger. Persons above age 18 who engage in sexual relations with a minor between ages 12 and 14 may be punished by one to five years’ imprisonment. Consensual sex between a person over age 18 and a minor between ages 14 and 18

is not punishable. By law statutory rape is a felony punishable by two to eight years' imprisonment or five to 10 years' imprisonment if the victim is under age 12.

NGOs reported prostitution of girls under age 18 remained a problem.

Institutionalized Children: According to 2011 research conducted by ERRRC, 66 percent of children living in state-run children's homes were of Romani origin.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see the Department of State's report at travel.state.gov/content/childabduction/english/country/hungary.html.

Anti-Semitism

According to estimates from the World Jewish Congress, the Jewish population numbered between 35,000 and 120,000 persons.

During the first six months of the year, the Federation of Jewish Communities in Hungary (MAZSIHISZ) registered 33 incidents of anti-Semitism, including property and cemetery desecration, verbal and physical attacks, Holocaust denial and revisionism, and in the media. The Brussels Institute, founded by the Action and Protection Foundation, has been commissioned since 2013 by the Prime Minister's Office to monitor anti-Semitism. During the first six months of the year, the institute registered 15 acts of anti-Semitism.

On October 19, an online portal published an extract of statements by Ferenc Haszillo, Fidesz mayor of Kecel since 2000, at a meeting with a journalist in 2012 or 2013. Haszillo reportedly made strong anti-Semitic and anti-Roma remarks, calling for the execution of several liberal politicians and claiming Jews controlled the country. Fidesz dismissed Haszillo from the party in November, although he remained mayor of Kecel.

Numerous extreme ethnic nationalist websites continued to publish anti-Semitic articles.

Law enforcement and judiciary agencies continued to prosecute anti-Semitic incidents. During the first six months of the year, the police registered five cases

on disturbing peace and 50 cases of vandalism in cemeteries or religious buildings (including Jewish properties).

In February the Action and Protection Foundation initiated procedures at the Budapest Prosecutor's Office to deregister the neo-Nazi political party, the Hungarian Dawn. On July 9, the Borsod County Prosecutor's Office rejected the case.

Members of extreme ethnic nationalist Jobbik Party, which won 20 percent of the popular vote in the April 6 national elections, continued to make anti-Semitic statements.

In April 2013 the government dedicated 2014 to commemorate the 70th anniversary of the Holocaust in the country and organized a year-long study to determine its agenda in cooperation with the Jewish community and foreign embassies.

In December 2013 the cabinet adopted a decree mandating the installation of a monument to mark the occupation of the country by German forces in March 1944. Beginning January 2, civil groups organized daily demonstrations at the designated monument site. Protesters consider the monument an attempt by the government to reinterpret history in a way that minimizes the role of the country's officials and citizens in the Holocaust. The demonstrators urged broad public dialogue on the role of the country during World War II. Government officials rejected allegations the government was shifting blame to Germany for the treatment of Jewish Hungarians during World War II, citing previous remarks by senior officials that recognized the role played by some Hungarian officials and citizens in deporting some 440,000 Jews to Auschwitz and other extermination camps. Despite strong domestic and international criticism, the government began construction of the monument on April 8, two days after it again won national elections. The centerpiece statue of the monument was erected in the middle of the night on July 19 without public announcement, official ceremony, or dedication. On July 21, the prime minister issued a statement in which he specified that the purpose of the monument was to "express the pain and ordeal that the Hungarian nation experienced and suffered as a result of losing its freedom."

In July 2013 the cabinet adopted a resolution to establish a new Holocaust museum, the House of Fates, designed primarily for children and focused on child victims. The government appointed a Fidesz ideologue and head of the House of Terror Museum to implement the project, which was worth five billion forint (\$19

million). In September 2013 the project manager established a board of international advisors that included representatives of MAZSIHISZ, the Yad Vashem Museum, the director of the American Jewish Committee, and the chairman of the board of the Holocaust Memorial Documentation Center. Some board members, however, criticized the project manager for failing to consult with Jewish leaders on the content of planned exhibits. On March 5, the chairman of MAZSIHISZ quit the board, followed on March 19 by the Yad Vashem representative. On July 18, the government issued a decree transferring management of the House of Fates to the Public Foundation for the Research of Central European History and Society, which was also led by the same project manager. On September 9, Minister Janos Lazar made a verbal commitment to MAZSIHISZ that the museum would be opened only if Jewish community representatives reached consensus agreement on the content of museum exhibits.

On January 17, in an interview with the National News Agency, Sandor Szakaly, director of the government-sponsored Veritas Institute for Historical Research, called the 1941 deportation of Jews to then German-occupied Ukraine a “police action against aliens” because the persons expelled did not have Hungarian citizenship. His statement was harshly criticized by domestic and foreign historians, who emphasized that some 18,000 Hungarian Jews were killed in Kamyanets-Podilsky, Ukraine, not long after their deportation. A member of the Democratic Coalition party filed a complaint against Szakaly for Holocaust denial, but on June 20, the Budapest Police Headquarters rejected it, and Szakaly remained in his position.

Following these government actions, tensions mounted between the government and the Jewish community. On February 9, MAZSIHISZ adopted a resolution withdrawing participation from all central government-sponsored events related to the 70th anniversary of the Holocaust memorial year. MAZSIHISZ returned grants worth 210 million forint (\$810,000) provided by the government for the Jewish community’s memorial year projects. Thirty-four other Jewish organizations joined MAZSIHISZ in the actions. The MAZSIHISZ resolution set three conditions for resuming cooperation with the government in the memorial commemorations: 1) halting of the German Occupation Monument project; 2) increased consultation and input into the House of Fates project; and 3) dismissal of the director of the Veritas Institute.

The president, prime minister, cabinet members, and opposition politicians routinely criticized extremist movements, condemned anti-Semitic incidents, spoke

of the culpability of the state and its officials for the Holocaust, and attended events commemorating the Holocaust.

On January 23, Csaba Korosi, the country's ambassador to the United Nations, apologized publicly for the first time for the role the country played during the Holocaust. He stated, "We owe an apology to the victims because the Hungarian state was guilty for the Holocaust. Firstly, because it failed to protect its citizens from destruction, and secondly, because it helped and provided financial resources to the mass murder." In a letter marking Holocaust Remembrance Day, Prime Minister Viktor Orban wrote "the Hungarian Holocaust cannot be regarded as anything other than the tragedy of the whole Hungarian nation...We cannot and do not tolerate the branding, humiliation, or mistreatment of anybody because of their religion or ethnicity. That is why the government has introduced a policy of zero tolerance." On April 16, the president stated at a Holocaust memorial ceremony, "the murderers were Hungarians, the victims were Hungarians. It can and obviously must be said that it happened during the time of the German occupation, but that is only an explanation, not an excuse for the actions of the Hungarian government at the time." On April 28, the president joined the annual March of the Living event commemorating the 70th anniversary of the Holocaust at the Nazi death camp Auschwitz-Birkenau in Poland and gave remarks in which he described the site as Hungary's third-largest cemetery and reminded the gathering that every third victim murdered there was a Hungarian Jew.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution provides for fundamental rights for all without discrimination, including for persons with disabilities, and provides for their protection with special measures. The law prohibits discrimination against persons with physical, sensory, or intellectual disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services. NGOs reported the government failed to enforce antidiscrimination laws effectively. During the year ETA issued six resolutions in cases in which persons with disabilities were discriminated against in the fields of education and public service.

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 nearly 60,000 adults with disabilities under the legal guardianship of others, particularly their right to access employment, education, and health care.

By government decree companies with more than 25 employees must reserve 5 percent of their work positions for persons with physical or mental disabilities. The decree levies fines for noncompliance. Employers generally paid the fines rather than employ persons with disabilities. In 2012 the government introduced a new rehabilitation system for promoting the employment of persons with disabilities. Under the system, “transit employment” prepared employees who could be rehabilitated through skills development to work in the open labor market under protected conditions. “Long-term supported employment” offered the preservation and development of working skills, health conditions, and physical and mental capabilities of persons with disabilities under protected labor circumstances. During the year 7,432 persons participated in the transit employment program and 23,451 in the long-term supported employment scheme.

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 had until the end of 2013. There were no data available on the percentage of government buildings that complied with the law, but NGOs contended many public buildings remained inaccessible.

NGOs claimed the right to public schooling was not honored for children with significant and multiple disabilities because public elementary schools are not obligated to enroll children with disabilities. In 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 legal ambiguities, the practices of higher education institutions (and in certain cases faculties) may differ significantly in applying the immunities and benefits to which students with disabilities are entitled. The ombudsman urged the minister of human capacities to harmonize the relevant legal provisions. He also urged the presidents of institutions of higher education to provide for enforcement of the rights of persons with disabilities.

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 approximately 25,000 persons with disabilities were living in long-term psychiatric and social care institutions. On January 29, the ombudsman released a report on financial practices of the Psychiatric Patients Home at Elek in response to a petition from persons living there. The ombudsman's report concluded the home's practice of withholding information from patients about their individual financial situations, such as their pensions and other income, as well as fees and other expenses deducted by the home, constituted a violation of patients' rights to legal security, property, equal treatment, and fair proceedings. The report also noted the overall institutional shortcomings "resulted and maintained the constant and direct risk" of violating the patients' human dignity and social security. The ombudsman instructed the head of the home to correct the problems cited in the report and asked the regional guardianship authority to monitor compliance closely. On December 16, the commissioner of human rights of the Council of Europe released a report in which he encouraged Hungarian authorities to stop new placement in institutions, avoid opening new institutions, and move resources from institutions to the development of individualized support services.

According to the constitution, a court may 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 polling places were generally not accessible to persons with disabilities and that election materials were not available in an easy-to-read format. The commissioner of human rights of the Council of Europe in his report released on December 16 also noted the high number of persons with disabilities who were placed under guardianship and called for a genuine shift from the substitute decision-making paradigm to one based on supported decision making.

On October 21, the ECHR held that a petitioner who has an intellectual disability was disenfranchised because of his disability. The applicant was placed under plenary guardianship by the court in 2000 and as an automatic consequence he was deleted from the electoral register and could not vote in the 2010 national election.

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

National/Racial/Ethnic Minorities

The Romani community remained the largest ethnic minority. According to the 2011 census, approximately 315,000 persons 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 Roma suffered discrimination in almost all fields of life, particularly in employment, education, housing, prisons, and access to public places, such as restaurants and bars.

Extreme ethnic nationalist groups, including the Jobbik Party, continued to use derogatory rhetoric about “gypsy crime” and incited hatred against the Roma community. At the parliament’s inaugural session on May 6, 75 percent of the members of parliament (including 128 of the 132 members of the Fidesz-KDNP factions) voted to elect Tamas Sneider, deputy faction leader of Jobbik, as one of the five deputy speakers of parliament. In 1992 Sneider, a former skinhead leader, received an eight-month suspended prison term for leading a group in pursuit of a Roma man and beating him in the street “using their hands, sticks, and pieces of cable” before kicking him on the ground.

On March 24, a judge of the tribunal of Gyula defended the term “gypsy criminality” in the reasoning of her verdict in which she refused to dissolve the For a Better Future neighborhood watch association (see section 1.d.).

In August 2013 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. The defendants appealed the verdict, and the case remained pending at year’s end. In August 2013 the Central Investigative Prosecutor’s Office ordered a new investigation into the role of the military security services in the murders, which also remained pending. In 2013 the government paid 76.5 million forint (\$295,000) to the White Ring Association, an NGO that provides legal and other forms of assistance to crime victims, to provide material, judicial, and psychological assistance to the families of the victims.

NGOs complained 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.a., Freedom of Speech).

According to the HCLU and the Roma Press Center, in some localities (especially in Borsod-Abaúj-Zemplén County) police continued to impose fines or other sanctions on Romani residents for minor offenses that were usually ignored when committed by non-Roma, such as minor traffic infractions involving bicycles or illegal collection of firewood.

The HHC continued to report that the sanctioning practice of the police especially in cases of petty offenses committed in the poorest regions of the country indicated extensive ethnic disproportionality that could not be reasonably justified and was often based on ethnic profiling, a form of racial discrimination. On July 15, six human rights NGOs initiated the establishment of a working group against ethnic profiling, with the participation of police authorities. On August 15, the national police chief rejected the proposal and rejected allegations of ethnic profiling

According to the government, approximately 85 percent of working-age Roma were unemployed. The government increased public employment and educational opportunities for registered unemployed persons, although parents whose children did not regularly attend school and who did not keep their immediate environment in order were excluded from the public works program for three months. Between December 2013 and August 20, 354,000 persons participated in the public works program, 20 percent of whom were of Romani origin. The government increased the funding of the public works program from 179.9 billion forint (\$695 million) in 2013 to 231 billion forints (\$892 million) and sponsored projects implemented locally and nationally, typically involving the cleaning of public spaces or work on agricultural or water projects. In January the government raised the gross salary of unskilled public workers from 75,500 forint (\$291) to 77,300 forint (\$299) per month; and the gross salary of skilled public workers from 96,800 forint (\$374) to 99,100 forint (\$383). Since February 2013 persons employed on public works projects may work a maximum of five months, the majority of them full time (eight hours a day), with exceptions permitted for agricultural and other special forms of work. Approximately 100,000 public workers (including 22,000 Roma) were enrolled in an education component of the public works program up to March 31 that was aimed at enhancing the participants' employability. Around 93 percent of participants successfully graduated, gaining basic competence in various occupations (e.g., driver, home nurse, agricultural worker). The education component for public workers was also to be available from December 1 to the end of March 2015.

In January 2013 the ombudsman released a comprehensive report on the government's public works program. The report underlined that persons in the public works program were in vulnerable situations due to the possibility of arbitrary application of the law by employers and authorities. The ombudsman pointed out that those excluded from the public works program were also in a vulnerable situation. In August 2013 the ombudsman requested a constitutional court review of the law on the grounds the regulation challenges the right to human dignity, because a local council may scrutinize the way of life and private realm of those applying for social support. The case remained pending at the Constitutional Court.

As of November, 1,025 Romani women participated in a professional training program sponsored by the EU and administered by ORO. During the program, selected Romani 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, 984 participants graduated from the program, many of whom received a permanent job matching their 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. During the 2013-14 school year, the government provided scholarships worth 1.8 billion forints (\$6.9 million) for 10,830 socially disadvantaged elementary and secondary school children, including 6,367 who declared themselves Roma; 400 million forint (\$1.5 million) for 3,033 socially disadvantaged vocational school students, including 1,630 Romani students; and 200 million forint (\$772,000) for 917 socially disadvantaged higher education students, including 268 Romani students. There were eight Romani special colleges in eight cities across the country sponsored by the government using EU funds, five of which were operated by Christian denominations and three were managed by universities. The special colleges provided housing and tutoring for Romani students enrolled in higher educational institutions. Approximately 230 Romani students participated in the network of special colleges supported by the government and the EU with 1.45 billion forint (\$5.6 million) since 2012. 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 (see section 6, Children).

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. On May 8, the local council of Miskolc adopted a decree evicting “low comfort” neighborhoods in the city by 2018 (where approximately 3,000 persons live, most of them of Romani origin) with the official aim of improving public safety and “the social situation of the inhabitants.” The measure offered tenants of the affected municipality-owned apartments two million forint (\$7,700) in compensation, on the condition they use the money to purchase a residence outside of the Miskolc city limits and remain there for five years. Local Romani residents organized demonstrations against the municipality’s plan to demolish their homes, calling it highly discriminatory. No families were evicted from their homes under the decree by year’s end.

To apply for EU and government funds for urban rehabilitation and public education projects, municipal authorities must attach 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 eight billion forint (\$31 million) to improve the living conditions of residents living in segregated settlements. The government program involved 55 settlements accommodating more than 4,000 persons.

In January 2013 the government established the Roma Affairs Council to elaborate proposals for the social inclusion of Roma and to monitor the implementation of governmental programs. The council was co-chaired by the prime minister and the president of ORO and consisted of the minister of human capacities, the minister of the interior, the minister of national economy, and the state secretary of the Prime Minister’s Office. From February through May, Zoltan Kovacs, as state secretary responsible for social inclusion at the Ministry of Human Capacities, handled the portfolio of Romani affairs; on June 15 Karoly Czibere replaced him. The government continued to work closely with ORO in implementing the three-year action plan (2012-14) of the National Social Inclusion Strategy adopted in 2011.

The law provides for the 13 national minorities, including the Roma, to vote for a national minority list in parliamentary elections. From May 6, the Romani minority had a spokesperson in parliament (see section 3).

The law 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 may 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.

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

The Act on Equal Opportunity explicitly prohibits discrimination based on sexual orientation. In addition the laws 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 LGBT community, specifically referencing these groups as being targeted for their “gender identity” or “sexual orientation.” Despite legal protections, anti-LGBT extremists continued to abuse LGBT persons. NGOs reported law enforcement and other authorities often disregarded the hate element of these crimes, and no protocol or regular training on the subject existed.

On June 27, Deputy Prime Minister Zsolt Semjen stated with regard to same-sex sexual conduct in an interview broadcast on television, “small, yet loud interest groups that want to force this I think deviant attitude to the world receive serious assistance from Brussels.”

On July 5, an estimated 10,000 persons joined the annual Budapest Gay Pride Parade. Police secured the parade and sealed off the entire route of the march. Anti-LGBT demonstrators shouted homophobic slogans from behind the police cordon.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutory instruments, provides for 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, health-care workers, 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. The government established professional associations in the public sector where the membership of workers was compulsory.

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 that authorities determine are essential to the public interest, such as public transport, telecommunications, water, power, gas, and other energy sector firms, may not strike unless an agreement has been reached on “sufficient services” during a strike. Fundamental services may not be considerably restricted, and courts determine the definition of sufficient 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. Unions reported courts generally refused to rule on such cases, essentially inhibiting the right to strike.

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.

The International Trade Union Confederation remained concerned that judges often delayed the registration of trade unions and court procedures were generally 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 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.

The law does not allow the labor inspectorate to enforce collective rights. The labor inspectorate does not use inspections, remediation efforts, or monetary penalties in enforcement efforts.

As of October a 32-member consultative advisory group, the National Economy and Social Council, held three sessions and addressed problems affecting poverty and homelessness. 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. Men were subjected to forced labor, especially in the agricultural sector. Government inspections and efforts to identify victims were not adequate. Penalties for forced labor ranged from one to 20 years in prison or life imprisonment in certain circumstances, and were sufficiently stringent compared with other serious crimes.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law generally prohibits children younger than age 16 from working, except that children between ages 15 and 16 may work under certain circumstances as temporary workers during school vacations. Any person who is at least age 15 and enrolled in full-time studies may enter into employment during school holidays. With authorization of a guardian, persons under age 16 may be employed to perform in cultural, artistic, sports, or advertising activities. Children may not work night shifts or overtime or perform hard physical labor. No information was available about the adequacy and effectiveness of child labor law enforcement.

Child labor occurred. The National Labor Office (NLO) reported one company employed one child under age 15. Labor inspectors who identify child victims of labor exploitation are required to report them to the Guardianship Authority. The

NLO conducted thousands of unannounced on-site inspections to combat child labor.

d. Discrimination with Respect to Employment or Occupation

The constitution and some laws prohibit discrimination based on race, sex, gender, disability, language, sexual orientation and gender identity, infection with HIV or other communicable diseases, or social status. The labor code provides for the principles of equal treatment without explicitly prohibiting discrimination or defining grounds for discrimination. The government failed to enforce these regulations effectively. Discrimination in employment and occupation occurred with respect to Roma, gender, and disability (see section 6).

e. Acceptable Conditions of Work

The national minimum monthly wage for full-time employment was 101,500 forint (\$392) per month. A special minimum monthly wage for jobs requiring the completion of secondary education was 118,000 forint (\$456) per month. The 2013 poverty level for a family of two adults and two children remained 62,321 forint (\$241) per month per person.

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 revised 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.

On November 25, head of the Prime Minister's Office Minister Janos Lazar stated in a press interview, "The Prime Minister's Office regrettably is not a family-friendly work-place. But every employee knows that who accepted or accepts work here. Ministry employees work up to 12 hours a day if necessary to make Hungary the most dynamically developing country in Central Europe." On December 3, the head of the Alliance of Public Service Trade Unions sent an open letter to Minister Lazar in which he criticized the Prime Minister's Office for requiring governmental officials to sign a document agreeing to a 10-hour workday to work at that office, which he called a violation of the relevant laws.

The NLO and the labor inspectorate units of government offices monitored and enforced occupational safety and health standards and labor code regulations. Regional government offices employed 149 occupational safety and health inspectors and 242 labor law inspectors. Resources, inspections, and remediation were not adequate to deter violations. Information regarding penalties and their sufficiency to deter violations was not available.

As of October 14, 12,286 accidents occurred in places of work, mostly in the mechanical (2,326) and in the processing/manufacturing (2,216) industries. The NLO registered 50 workplace fatalities, most of which occurred in construction work (12) and in logistics and storage (nine).

Workers had the right to remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected employees in such situations.