

# HUNGARY 2015 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Hungary is a multiparty parliamentary democracy. The unicameral National Assembly (parliament) exercises legislative authority. The 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 2014 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. Civilian authorities maintained effective control over security forces.

The most significant human rights problem during the year was the government's handling of large numbers of migrants and asylum seekers seeking to transit the country, which was marked by xenophobic rhetoric and a lack of humanitarian aid. In addition, the Fidesz-KDNP coalition re-elected in 2014 with a two-thirds majority in parliament continued to make 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 criticism of the systematic erosion of the rule of law, checks and balances, democratic institutions, and transparency, and intimidation of independent societal voices.

Other human rights problems during the year included prison overcrowding and substandard physical conditions, physical abuse of prisoners and detainees by prison and detention staff, prisoner-on-prisoner violence, lengthy pretrial detention, detention of migrants and asylum seekers, a politically determined process for recognizing churches, government corruption, media concentration that restricted editorial independence of the press, and government pressure and intimidation of civil society. There were reports during the year of domestic violence against

women and children, sexual harassment of women, anti-Semitism, abuse and inhuman treatment of institutionalized persons with mental disabilities, social exclusion and discrimination against Roma, verbal abuse and harassment against lesbian, gay, bisexual, transsexual, and intersex (LGBTI) persons, 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.

On June 19, the Szeged Court of Appeals reduced the sentences of the two police officers convicted in December 2014 by the Kecskemet Tribunal for the beating death of an ethnic-Hungarian Romanian citizen, Jozsef Bara, while in police custody at the Izsak police station in 2013 on suspicion of petty theft. The appellate court reduced one officer's prison term from life imprisonment to 12 years and the second officer's sentence from 20 to 10 years.

Authorities continued to prosecute one person in connection with killings committed by the government during the communist era. In 2012 two members of parliament from the extreme ethnic nationalist Jobbik Party formally accused Bela Biszku of crimes against humanity. Biszku, age 94, was an executive committee member of the Hungarian Socialist Workers Party in 1956 and interior minister from 1957 to 1971. He allegedly authorized security forces to fire on crowds in Salgotarjan in 1956, resulting in 46 civilian deaths. In 2013 the Budapest Investigative Prosecutor's Office filed charges against Biszku for acting as an accomplice to multiple murders and war crimes; in May 2014 the Budapest Metropolitan Tribunal found him guilty and sentenced him to five and one-half years in prison. On June 1, the Budapest Metropolitan Court of Appeals ruled that the lower court's ruling was unsubstantiated and ordered the Budapest Metropolitan Tribunal to restart the trial. On September 29, the prosecutor general appealed the appellate court's decision to the Curia (Supreme Court). On December 17, the Budapest Metropolitan Tribunal convicted Biszku on five counts

of war crimes and sentenced him to a two-year prison term, suspended for three years. Both the defense and the prosecutor appealed the verdict, and the case remained pending at the end of the year.

### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices, but there were reports that authorities did not always observe these prohibitions. During the year the Office of the Commissioner for Fundamental Rights (ombudsman) reported that staff at the Juvenile Penitentiary Institute of Tokol and the Central Prison Hospital of Tokol physically abused inmates and that staff at the Guarded Refugee Reception Center in Debrecen subjected detainees to degrading treatment (see Prison and Detention Center Conditions).

On January 1, the ombudsman launched the National Preventive Mechanism in line with the Optional Protocol to the UN Convention against Torture (OPCAT). As of October the ombudsman had issued six OPCAT reports on unannounced site inspections in detention facilities. These reports covered the Guarded Refugee Reception Center in Debrecen, the Juvenile Penitentiary Institute of Tokol, the Central Prison Hospital of Tokol, the Therapeutic House of Debrecen, the “Ray of Hope” Children’s Home of Debrecen, and the Psychiatric Department of the ESzSzK Psychiatric and Addiction Centrum of Budapest.

Effective January 1, the law makes prisoners serving life sentences eligible for presidential pardon after having served at least 40 years in prison. The parliament adopted the law in November 2014 in response to a European Court of Human Rights (ECHR) ruling that the previous law providing for life imprisonment without parole amounted to inhuman and degrading treatment and violated the prohibition of torture of the European Convention on Human Rights. Human rights NGOs criticized the new provisions for failing to provide a real prospect of release as the pardon depends on the discretionary decision of the president of the republic and is available only after a prisoner has served 40 years in prison.

Human rights NGOs continued to criticize the legal measures available to authorities to prosecute and incarcerate juveniles under certain circumstances. The

criminal code sets 12 as the minimum age that authorities may prosecute juveniles if they are charged with homicide, voluntary manslaughter, grievous assault, robbery, or plundering, but only if at the time of committing the criminal offense they had the capacity necessary to understand its consequences. Under the rules courts may not impose prison sentences on juveniles between the ages of 12 and 14, but they may order special proceedings, such as placement in a juvenile correctional institute. Pretrial detention for juveniles between the ages of 12 and 14 may not last more than one year. For juveniles over the age of 14, the maximum length of detention is two years, and they may be placed in juvenile correctional institutes. The law on petty offenses permits courts to incarcerate juveniles for up to 45 days; unpaid fines may also result in confinement. Rules of community service apply only to juveniles over the age of 16.

### **Prison and Detention Center Conditions**

Overcrowding and poor physical conditions remained the main problems in the prison system, potentially subjecting inmates to inhuman and degrading treatment.

Physical Conditions: The Hungarian Helsinki Committee (HHC) reported that the high level of overcrowding in penitentiaries continued to constitute a serious human rights problem.

At the end of October, there were 18,311 inmates in prisons and detention centers, including 1,293 women and 363 juveniles; the official capacity of these facilities was 13,768. The prison population decreased to 133 percent of capacity, compared with 143 percent in 2014.

In its OPCAT reports issued during the year, the ombudsman reported on inspections in the Guarded Refugee Reception Center in Debrecen (May 18), the Juvenile Penitentiary Institute in Tokol (June 30), and the Central Prison Hospital in Tokol (September 10). The report on the Debrecen refugee center noted degrading treatment of asylum seekers during mandatory medical examinations and a lack of equipment required to address the needs of detained minors. The government closed the Debrecen refugee center by the end of the year. The report on the Tokol Juvenile Penitentiary observed serious shortcomings in connection with overcrowding, physical conditions, ventilation, and lighting of the premises as well as acts of violence committed by the inmates against each other. It also noted that prison staff physically abused inmates and subjected them to racist remarks. The report on the Tokol prison hospital identified shortcomings in physical and hygienic conditions, including limited access to drinking water and inadequate

shower and toilet facilities. The report also noted that staff subjected detainees to physical abuse and degrading and racist treatment.

On March 10, the ECHR ruled in the case of six prisoners who claimed that authorities subjected inmates to degrading treatment due to overcrowding and unsanitary conditions. The ECHR noted in the ruling that four previous cases in 2011-13 yielded similar conclusions and that there were approximately 450 similar applications alleging inadequate detention conditions that were awaiting the court's examination. The court emphasized that the similar circumstances described in these cases--lack of personal space in prison cells, restriction on access to shower facilities and outdoor activities, and lack of privacy when using sanitary facilities--indicated widespread malfunctioning of the penitentiary system. The ECHR called on the government to produce by December 10 a timeframe for putting in practice preventive and compensatory remedies that would provide effective redress for human rights violations stemming from prison overcrowding.

The government amended the law on optional space requirements for detainees, effective April 1, in response to a Constitutional Court ruling in October 2014 annulling the earlier provision. The new provision stipulates that men must have at least 32 square feet and women and juveniles at least 37.6 square feet of moving space (not including furniture and equipment). Pretrial detainees must have 43 square feet of moving space.

The OPCAT reports indicated that prison guards abused inmates and that prisoner-on-prisoner violence was a problem. A 2010 order of the national police chief requires law enforcement personnel to be present when medical staff examine detainees, making exceptions only when the inmate or doctor so requests and if permitted by the senior guard supervisor. The HHC continued to object that detainees who alleged physical mistreatment usually were examined only by internal medical staff. According to the HHC, security personnel were present less frequently during medical examinations in penitentiary institutions during the year.

The HHC continued to report shortages of adequate bed linens, towels, clothing, and psychological care in prisons. 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: 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. In the OPCAT report on the Tokol prison hospital, the ombudsman reported that some prisoners assisted staff members in medical administration and had access to sensitive data of other prisoners. Authorities generally investigated credible allegations of inhuman conditions.

Independent Monitoring: The National Police Headquarters (ORFK) permitted independent monitoring of detention conditions by local and international human rights groups and the media. The HHC carried out regular monitoring visits to penal institutions based on a cooperation agreement concluded with the National Penitentiary Headquarters. The HHC reported it conducted seven ad hoc visits to prisons through the end of October.

Improvements: During the year prison capacity increased by 874 inmate spaces, reducing overcrowding.

#### **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 TEK is responsible for protecting the prime minister and the president and for preventing, uncovering, and detecting terrorist acts, including kidnappings, hijackings, and other offenses committed in relation to such acts, and arresting the perpetrators. The NPS is responsible for preventing and detecting internal corruption in law enforcement agencies, government administrative agencies, and civilian secret services. Both the TEK 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 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.

Civilian authorities generally maintained effective control over police, the NPS, the TEK, 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.

On September 17, the Tribunal of Eger ruled in a case initiated by the Hungarian Civil Liberties Union (HCLU) that the police discriminated against Romani residents in Gyongyospata during a march by the "For Better Future" far-right neighborhood watch group and other extremist groups in 2011. The court found that police failed to protect the Romani residents threatened by the extremist groups and later imposed excessive fines on local Roma for minor misdemeanors. The verdict remained open for appeal (see section 2.b., Freedom of Assembly).

There were no reports of impunity involving security forces during the year. The HHC, however, noted a large 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. Through December 7, only 2.2 percent of complaints of mistreatment in official proceedings by members of the security forces resulted in indictments, while 66.6 percent of alleged acts of violence against official persons resulted in indictments.

The HHC also criticized the right of the minister of interior to determine the eligibility of police officers convicted of crimes, including mistreatment of detainees during official proceedings or forced interrogation of detainees. During the year the minister permitted four police officers convicted for mistreatment in official proceedings and two officers convicted for forced interrogation to continue their service.

### **Arrest Procedures and Treatment of Detainees**

Police are obligated to take into “short-term arrest” individuals who are apprehended committing a crime or are subject to an arrest warrant. Police may take into short-term arrest individuals who are suspected of having committed a crime or a petty offense or are unable or unwilling to identify themselves. Police may also take into short-term arrest unaccompanied minors who are suspected of having run away from parental authority or guardianship. Short-term arrests generally last up to eight hours but may last up to 12 hours in exceptional cases. Police may detain persons under short-term arrest for 24 hours if the identification of the person concerned so requires. Detention of conditionally released persons who abscond from probation, or may reasonably be expected to do so, may last up to 72 hours. Police, a prosecutor, or a judge may order detention of suspects for 72 hours if there is a well-founded suspicion of an offense that is punishable by imprisonment and the subsequent pretrial detention of the defendant appears likely. A prosecutor must file a motion with an “investigatory judge” requesting pretrial detention prior to the lapse of the 72-hour detention or release the detainee. A defendant may appeal a pretrial detention order.

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.

By law police must inform suspects of their right to counsel before questioning them. Representation by defense counsel is mandatory 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. 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 quality of “in-house” *ex officio* defense counsels appointed by authorities was generally substandard.

By law neither police nor the prosecutor is obligated to wait for counsel to arrive before interrogating the suspect. In 2013 the Constitutional Court noted the absence of mandatory defense counsel at the first interrogation of a criminal suspect due to 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, however, that police routinely proceeded with interrogation in the absence of defense counsel immediately after notifying suspects of their right to counsel.

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 law permits short-term detainees to notify relatives or others of their detention within eight hours unless the notification would jeopardize the investigation. Investigative authorities must notify relatives of a person under “72-hour detention” of the detention and the detainee’s location within 24 hours. The 2014 Committee for the Prevention of Torture report noted the lack of immediate notification of relatives of those in 72-hour detention and criticized the 24-hour deadline as excessively long.

Arbitrary Arrest: There were reports of arbitrary arrests. During the first nine months of the year, the Office of the Prosecutor General initiated indictments in two cases of alleged arbitrary arrest, rejected official complaints of arbitrary detention in 22 cases, and closed the investigations without filing charges in 25 cases.

Pretrial Detention: Under certain conditions (involving a risk of escape, commission of a new offense, or hindrance of an investigation), a prosecutor may file a motion with an investigatory judge to order pretrial detention. Criminal proceedings for cases where the accused is in pretrial detention take priority over other types of expedited hearings. A defendant may appeal pretrial detention.

The law does not limit the duration of pretrial detention in certain cases, including when the criminal offense is punishable with more than 15 years’ imprisonment pending a trial court judgment. On March 9, the ombudsman initiated a case at the Constitutional Court that would restore the general four-year upper limit on pretrial detention that was in effect prior to 2013 for persons accused of crimes punishable by imprisonment for more than 15 years. The Constitutional Court’s response remained pending at the end of the year.

According to the National Penitentiary Headquarters, at the end of October, authorities held 4,253 persons in pretrial detention. Of these, 707 had been incarcerated for six months to a year and 572 had been held for more than a year.

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

Protracted Detention of Rejected Asylum Seekers or Stateless Persons: The law permits the detention of rejected asylum seekers who were in detention during their asylum procedure and whose deportation was pending, or who declined to leave the country voluntarily within a prescribed period. Authorities may place rejected asylum seekers in “immigration detention” for a maximum of 12 months (30 days in case of families with children). The HHC reported that immigration detention generally took place in immigration jails. The HHC continued to criticize 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 17 official pardons, totaling 3.3 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. Authorities generally respected court orders.

Laws adopted between 2010 and 2013 restrict the competence of the Constitutional Court and alter rules for electing Constitutional Court justices. NGOs and international organizations continued to assert that the parliament adopted these provisions to prevent the constitutional review of controversial legislation and that they contributed to the weakening of checks and balances.

Under the law the Constitutional Court has no competence to review potentially unconstitutional legislation with budgetary impact if the legislation is 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 law prescribes that a committee consisting of members of party factions proportionate to their representation in parliament has the right to nominate, with a

two-thirds majority, an individual to be Constitutional Court justice. A two-thirds majority of parliament must endorse a nominee for the individual to be elected as a Constitutional Court justice. The term is 12 years. Prior to the governing coalition's loss of its two-thirds majority in parliament on March 5, this provision allowed the governing parties the necessary majority in both the nominating committee and the assembly. During this period the Fidesz-KDNP majority elected 12 Constitutional Court justices (one of whom has since retired), who occupied 11 of the 15 seats on the court. Since February 25, one Constitutional Court seat remained vacant following the end of the term of the former court president.

On March 17, the HHC, the HCLU, and the Eotvos Karoly Institute of Public Policy released a study on the performance of eight of the "one-party elected" Constitutional Court justices between 2011 and 2014. The study found that six justices generally voted in line with the interests of the government; two of them voted with the government in all 23 high-profile cases assessed by the study. According to the study, since the justices elected under the new rules became the majority on the Constitutional Court in 2013, 77 percent of the of the decisions (10 out of 13 cases) corresponded with the interest of the government, as opposed to the preceding period, during which no such decisions were made (out of 10 cases).

On December 10, the International Bar Association's Human Rights Institute (IBAHRI) released a report, *Still under Threat: the Independence of the Judiciary and the Rule of Law in Hungary*, which sharply criticized the nomination procedure of Constitutional Court justices and the reduced authority of the Constitutional Court. The report noted the government had addressed some of the gravest concerns expressed in IBAHRI's previous 2012 report, including effecting a more balanced distribution of powers between the president of the National Judiciary Office (OBH) and the National Judicial Council (OBT). Nonetheless, IBAHRI concluded that the independence of the judiciary and the rule of law remained under threat. It was concerned that the OBT was too weak to function as an independent body of judicial self-government and the Constitutional Court's ability to protect the rights guaranteed by the constitution was restricted. IBAHRI also noted the ombudsman's work protecting human rights but found the ombudsman too narrowly interpreted the office's mandate when seeking to bring cases before the Constitutional Court.

IBAHRI noted that reform legislation in 2013 that provided reinstatement or compensation to some 270 judges forced into early retirement in 2012 had been sufficient to end infringement proceedings brought by the European Commission.

IBAHRI was concerned, however, that reform had been slowly implemented, a majority of judges (173 out of 229) had not returned to their original positions, and only four of the 17 court presidents who were removed had returned to positions of leadership. The report noted that some judges chose to receive compensation instead of reinstatement. It also noted that approximately 60 judges had undertaken a class action before the ECHR regarding the lowered retirement age. On December 10, the Ministry of Justice rejected the criticisms of the IBAHRI report and argued that the current legal framework provided sufficient guarantees against potential direct or indirect governmental interference in the operation of the judiciary.

During the year Transparency International Hungary (TI-H) repeated the concerns expressed by the European Commission for Democracy through Law (Venice Commission) in 2012 in connection with “the high level of independence of the Prosecutor General, which is reinforced by his or her strong hierarchical control over all other prosecutors.” In addition, TI-H criticized the lack of an independent forum where decisions by the prosecutor not to bring cases to court may be challenged. On July 22, the Group of States against Corruption (GRECO) of the Council of Europe released a report that expressed concern that the prosecutor general may remain in office indefinitely after the expiration of his or her nine-year term, until parliament elects a successor by a two-thirds majority vote. According to the GRECO report, this “increases considerably the political influence in respect of the elections to this important office” (see section 4).

The president of the OBH has the power to intervene in filling judicial vacancies by declaring calls for judicial applications unsuccessful and annulling proceedings. On July 17, the president of the OBH invalidated the Szombathely Tribunal’s call for applications to a vacant judicial position, even though the judicial council identified eligible applicants. In late August the entire five-member council of judges and their three alternates at the Szombathely Tribunal resigned their positions. The council, elected by the judges of the court, is responsible for assessing and rank ordering applications submitted for judgeships. The December 10 IBAHRI report criticized this authority of the president of the OBH.

### **Trial Procedures**

The constitution and law 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, although 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 either consist of a panel of a professional judge or judges and civil assessors or, at higher instances, a panel of professional judges. The assessors have the same rights and obligations during the proceedings as the professional judge. Only professional judges may act as single judges and presidents of panels, however.

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

The law stipulates that the investigating authority shall schedule the time of the interrogation in a way that enables defendants to exercise their right to 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 that is relevant to their cases. Defendants may challenge or question witnesses and present witnesses and evidence on their own behalf. The law states that no one may be compelled to provide self-incriminating testimony or produce self-incriminating evidence. Defendants have the right of appeal. These rights were extended to all citizens.

### **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 individuals or organizations may seek civil remedies at court for human rights violations. 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.

## **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.

The law provides the Hungarian National Security Services with special rights for secret information gathering and gives the TEK the right to conduct domestic secret intelligence collection without judicial authorization during the investigation of certain crimes. Such cases must involve prevention of terrorism, 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 May 2014 representatives of the Eotvos Karoly Institute of Public Policy applied to the ECHR concerning the legality of secret information gathering based on ministerial permits. The case remained pending.

On June 3, the Budapest Bar Association announced it had received complaints concerning surveillance of communication of entire law firms. The Budapest Bar Association set up an ad hoc committee to investigate the complaints, which remained pending at the end of the year.

The City is for All, an NGO advocating for the rights of homeless persons, continued to report that police engaged in wide-ranging discrimination against the approximately 30,000 homeless persons in the country, one-third of whom lived in the capital. On March 23, The City is for All and the HHC jointly filed a case with the Equal Treatment Authority alleging that police conducted excessive identification checks on homeless persons during a month-long test period in 2014. The case remained pending.

## **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 a high level of media concentration and an advertising market highly dependent on governmental

contracts, maintained a climate conducive to self-censorship and political influence. The HCLU continued to report a bias in news reporting by the public media. Mertek Standard Media Monitor reported growing pressure on the media by political entities and businesses.

Freedom of Speech and Expression: The law prohibits 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.

On November 23, the Pest Central District Court convicted a man who shouted anti-Semitic insults on April 25 at the Israeli consul while he was talking to his son in Hebrew and wearing traditional Jewish headwear on the street in Budapest. The court sentenced the man to one year in prison, suspended for two years, for committing violence against a member of a community.

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

In January the Budapest Metropolitan Tribunal ordered the permanent deletion of an article denying the Holocaust from the far-right extremist news website Kuruc.info, based on the law's prohibition of public denial of, expression of, doubt about, or minimization of the Holocaust. The prosecutor's office initiated the court case based on a report of the Action and Protection Foundation (TEV). This was the first court ruling to order the removal of content from the internet. While the foundation welcomed the court ruling, the HCLU criticized it for undermining freedom of speech. The case remained open for appeal. Through October the Action and Protection Foundation filed seven reports of Holocaust denial cases.

The constitution includes hate speech provisions to "protect the dignity of the Hungarian nation or of any national, ethnic, racial, or religious community." The 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 could 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.

The law prohibits as a petty offense the wearing, exhibiting, or promoting of the swastika, the logo of the SS, the symbols of the arrow cross, the hammer and sickle, or the five-pointed red star in a way that harms the human dignity or the memory of the victims of dictatorships.

The trial of a man who kicked a polystyrene head of Prime Minister Viktor Orban at an antigovernment demonstration in 2013 was carried out on September 15, but as of the end of November a verdict remained pending. The man was charged with committing a rowdy act, but he stated it was an expression of political opinion.

Press and Media Freedoms: Under the legal framework for the media sector, 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.” The NMHH president also serves as the chair of the five-member Media Council, which supervises broadcast, cable, online, and print media content and spectrum management. Human rights NGOs remained highly critical of the NMHH for being a politically homogeneous body consisting of members nominated exclusively by the governing parties and of the law governing the media for failing to secure media pluralism and the independence of public-service media.

During the year a conflict broke out between the prime minister and the owner of the largest government-friendly media empire (television, radio, and daily and weekly print media and radio), and it resulted in a massive reshuffling in the media market, prompting the expansion of government-friendly state enterprises in television and print media.

Freedom House’s *Freedom of the Press 2014* report slightly downgraded the country but still classified it as “partly free.” According to Freedom House, press freedom deteriorated as the government imposed a new advertising tax and continued to put pressure on media owners.

On May 27, the parliament amended the 2014 law on media advertising tax. The new law reduced the original 40 percent (later increased to 50 percent) progressive tax to a 5.3 percent flat tax on advertising revenues (not profits) received by radio and television channels, publishers, outdoor advertising firms, and websites. The parliament also reduced the minimum amount of advertising revenue subject to taxation from 20 billion forint (\$72 million) to 100 million forint (\$358,000).



More than 130 media outlets representing the entire media spectrum protested the introduction of the original advertising tax in 2014. In 2014 RTL Klub, the largest commercial television channel in the country, submitted a complaint to the European Commission that the advertising tax constituted illegal discrimination in that RTL Klub would be the only company liable to pay the maximum rate of the progressive tax. On March 12, the European Commission opened an investigation of the advertising tax law, which it closed upon the adoption of the amendments on May 27.

On June 22, the Venice Commission released a report on the 2010 media laws and the 2014 law taxing advertising revenue for the media. It noted that media content restrictions were unclear and allowed for an excessively broad interpretation by the courts. It also found fault with restrictions on criticism of religious or political views and stipulations that media content cannot violate privacy rights. The report criticized the composition of the Media Council and procedures for selecting its head as failing to ensure independence and political neutrality and lacking diverse representation of relevant media stakeholders. The report also noted that the public media was overly centralized and that content was supplied nearly exclusively by the national news agency, MTI.

Violence and Harassment: On September 17, Dunja Mijatovic, the OSCE representative for freedom of the media, criticized police for threatening reporters covering the refugee/migrant crisis. Mijatovic stated that “police beat reporters with batons, forced journalists to delete their footage, broke their equipment and threw tear gas,” while they were covering the situation at the Hungary-Serbia border on September 12 and 16. Hungarian authorities and some domestic media disputed the incidents, as well as the international media reports about the events (also see section 2.d., Protection of Refugees).

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 procedures conducted by courts or authorities.

The Media Council may impose fines for violations of content regulations, 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 up to 200 million forints (\$717,000), depending on the nature of

the infringement, type of media service, and audience size. It may also suspend the right to broadcast for up to one week. Defendants may appeal Media Council decisions but must appeal separately to prevent implementation of fines while the parties litigate the substantive appeal. As of October 1, the Media Council issued 41 resolutions imposing fines totaling 34 million forint (\$122,000) on 26 media outlets. Five of those resolutions were challenged in court.

On February 18, MerteK Standard Media Monitor released a report, *Gasping for Air: Soft Censorship in the Hungarian Media in 2014*. The report described the media landscape as undergoing a “sweeping offensive by a political class that is thoroughly intertwined with oligarchs at every level and seeks to crack down on all instances of independent journalism, be the source a mainstream or nonprofit media outlet, an online newspaper, or a party-affiliated newspaper. This was being fought with a diverse arsenal, starting with political pressure, forced changes in ownership structure, efforts at financially bleeding out media outlets, all the way to the use of official and legal instruments.” The report also noted a high level of self-censorship: 30 percent of journalists who responded in a MerteK poll indicated they had concealed or distorted some facts during the previous year to avoid adverse consequences in their workplace, and 36 percent indicated they felt compelled to refuse an editor’s instruction to conceal or distort facts (see section 3, Elections and Political Participation).

During an interview on October 7, the deputy director general of HirTV, Peter Tarr, stated that, on a weekly basis, government communication officials had previously “instructed” HirTV news television regarding which politicians could be interviewed and what topics should be covered. Such interventions ceased after February 6, when the owner of the television channel (and various other media outlets) publicly broke with his friend, Prime Minister Viktor Orban. According to Tarr, the prime minister’s party (Fidesz) began a total boycott of the station on March 15, after which “they didn’t even talk to us.” Tarr urged his staff to “forget about self-censorship, the old reflexes, and to be like free and independent journalists” (see Press and Media Freedoms).

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

The HCLU reported that public officials, especially in small towns, increasingly used libel and defamation laws to silence criticisms from citizens and journalists.

According to the HCLU, there are several hundred cases per year in which public officials pursue both criminal and civil charges (often simultaneously) against individuals for expressing criticism of these officials or their policies.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there was one report from the Budapest Bar Association of the government monitoring private online communications without appropriate legal authority (see section 1.f., Arbitrary Interference with Privacy, Family, Home, or Correspondence).

In January the Budapest Metropolitan Tribunal ordered the permanent deletion of an article denying the Holocaust from the far-right news website Kuruc.info, based on the law's prohibition of public denial of the Holocaust (see Freedom of Speech and Expression).

According to the International Telecommunication Union, approximately 76 percent of the population used the internet in 2014. Freedom House maintained the country's internet and digital media rating as "free" in 2015.

### **Academic Freedom and Cultural Events**

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

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The constitution and law provide for freedom of 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 and is aimed at expressing opinion on an event that was unforeseeable, but organizers must inform police without delay after the organizing has begun. Police are required to disband an assembly if it commits a crime or incites the commission of a crime, results in the violation of the rights of others, involves

armed participants, or is held despite a preliminary official ban. A police decision to prohibit a public demonstration is open for judicial review.

During the year the police prohibited 48 demonstrations, or 4.5 percent of total announced demonstrations. Organizers requested judicial review of 17 demonstration requests rejected by police, and courts ultimately permitted the demonstration in four cases.

According to NGOs, shortcomings of the law resulted in inconsistent police practices and court decisions in relation to both prohibiting and disbanding demonstrations. The HHC continued to report that the law on assembly fails to 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. The HCLU reported that police sometimes failed to disperse nonpeaceful demonstrations despite their legal obligation to do so following the commission of criminal offenses by participants during the public gathering, such as incitement against a community (see section 1.d., Role of the Police and Security Apparatus).

On April 24, police banned a demonstration that opposition party leader Peter Juhasz organized outside the home of Prime Minister Viktor Orbán with the participation of approximately 20 persons. Police said the venue of the demonstration was a residential area and the protest would disrupt the free movement and privacy of local residents and be a security risk to the prime minister. Juhasz requested the court review the police decision, and on April 30 the Budapest Metropolitan Public Administration and Labor Court ruled that the ban violated the right to peaceful assembly and freedom of expression.

### **Freedom of Association**

The constitution and the law provide for freedom of association. In 2014, after the national elections, several senior government officials began a campaign of harassment involving legal, taxation, and police methods against NGOs. Following a series of legal proceedings and audits during the year, in December the taxation and criminal investigations targeting the four consortium member NGOs distributing the EAA Norway NGO Fund were effectively terminated (see section 5).

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://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 failed to cooperate fully 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, or other persons of concern.

#### **Protection of Refugees**

During the year many countries in the EU and Southeast Europe experienced an unprecedented wave of migration from the Middle East, Africa, and Asia, consisting of a mix of asylum seekers/potential refugees, economic migrants, and trafficking victims, among others. For simplicity, this report will refer to these populations as “migrants and asylum seekers” if more specific information is not available.

By the end of the year, police registered 391,384 “illegal migrants” (crossing the border not at the official border stations but through the “green border”) arriving in Hungary (compared with 44,709 in 2014). The Office of Immigration and Nationality (BAH) registered 177,135 asylum claims (compared with 42,777 in 2014). Of these, the BAH terminated more than 152,260 cases, mainly due to the absence of the applicant, and issued decisions on the merits in 3,819 cases. The BAH granted refugee status, subsidiary protection, or tolerated status in 508 cases (compared with 503 in 2014), which was 13 percent of the cases assessed on the merits. There were 1,402 persons returned to Hungary from other EU members under the Dublin III regulation (827 in 2014).

In response to the mass influx of migrants and asylum seekers in August and September, the parliament enacted new laws that took effect in September and October. Under the new laws, crossing the border illegally along the security fence at the Serbia (and later at the Croatia) border constitutes a criminal offense punishable with imprisonment and expulsion. The previous law provided that crossing the border illegally constituted a petty offense and remained applicable in

cases of illegal border crossing at any border not protected with a security fence. The new laws empower the government to announce a “crisis situation caused by mass immigration” for up to six months under certain conditions. The government may impose specific measures pursuant to such a declaration, including mobilizing the armed forces under the direction of the police for administrative tasks related to border security.

On December 10, the European Commission opened an infringement procedure against the country in connection with the newly adopted asylum regulations, which remained pending at the end of the year.

On February 11, the government began a wide-ranging public relations campaign against migrants and asylum seekers. The campaign included the placement of anti-immigration billboards across the country and circulation of a “National Consultation on Immigration and Terrorism” survey-style questionnaire. UNHCR expressed concern over the questionnaire, noting that it contained “suggestive, leading questions, which actively promote hostility toward migrants and risk spreading xenophobia within the country.” In December the government launched a new anti-immigrant public campaign. On December 21, UNHCR, the Council of Europe, and the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) “urged the government to refrain from policies and practices that promote intolerance and fear, and fuel xenophobia against refugees and migrants.”

Access to Asylum: The law provides for the granting of refugee status, but the new system introduced by the government during the year failed to provide full protection to refugees.

Based on the laws adopted on September 4, the government opened four new official “transit zones” for administering asylum applications along the Serbia and Croatia borders (in Roszke, Tompa, Beremend, and Letenye). These transit zones, operated by the BAH, are responsible for assessing the eligibility of the asylum applicants based on safe country of origin and safe third-country provisions and transferring eligible cases to an assessment proceeding within eight days. Once the application enters the assessment phase, the applicant is permitted to enter the country’s territory and becomes eligible for services the government provided asylum seekers. If the BAH rejects the application in the assessment phase, the applicant is immediately expelled but has seven days to appeal the decision in court, where judges or court clerks issue a legally binding ruling in eight days. Under the new system, courts may only quash administrative decisions and refer the applicants back to the BAH for a new procedure. They have no authority to

change the decision. Prior to the new law, judges had the direct authority to rectify errors by changing administrative decisions and granting refugee status or subsidiary protection to asylum seekers.

The new rules exempt “asylum seekers with special needs” (such as unaccompanied minors, elderly, disabled persons, pregnant women, single parents with children, and victims of torture) from the admissibility border procedure, and such applicants enter immediately the assessment phase of the asylum process, at which point their applications are reviewed on the merits.

On September 17, the UN high commissioner for human rights characterized the newly adopted asylum regulation package as “incompatible with the human rights commitments binding on Hungary.” He stated, “This is an entirely unacceptable infringement of the human rights of refugees and migrants. Seeking asylum is not a crime, and neither is entering a country irregularly.”

The HHC criticized various elements of the new regulations. According to the HHC, the judicial review of asylum cases is ineffective due to the short deadlines for submitting an appeal and for the judges to make a decision, lack of automatic suspension on most removal measures, no mandatory personal interview in the judicial phase, and limiting the authority of the court to administrative decisions. The NGO also criticized the lack of permanent access to professional legal advice in the transit zones, the rejection of the HHC lawyers’ request to access the area, and the lack of a formal protocol to identify vulnerable asylum seekers to exempt them from admissibility border procedures.

On June 17, the government ordered the installation of a 105-mile-long, 13-foot-high “temporary border control fence” to stop irregular refugees and migrants from crossing the green border between Hungary and Serbia, finishing construction by September 15. The government installed a similar fence along the border with Croatia by October 17. Human rights NGOs criticized the building of the fence, and UNHCR expressed concerns regarding measures that had the combined effect of limiting and deterring access to asylum in the country, most notably the erection of a fence along the country’s borders with Serbia and Croatia.

Prior to September 15, the installation of the fence on the Serbia border, a total of 199,829 illegal migrants arrived to the country through the green border and 4,694 arrived this way after the completion of the fence on this border section. After September 15 and before October 17, the installation of the fence along the Croatia

border, 185,624 persons arrived to the country through the green border with Croatia and none after the completion of the fence.

On September 15, the same day the new asylum provisions entered into force and the government completed the security fence along the border with Serbia, the government announced a “mass migration crisis” in Bacs-Kiskun and Csongrad Counties for six months. On September 18, the government extended the mass migration crises to four additional counties.

Safe Country of Origin/Transit: The country is party to the 2013 Dublin III regulation, which provides for the returning of asylum seekers to the first EU member state they entered for processing.

On July 21, the government issued lists of “safe countries of origin” and “safe third countries.” Both lists included EU member and candidate states (except for Turkey), member states of the European Economic Area, those states of the United States of America that do not apply the death penalty, Switzerland, Bosnia and Herzegovina, Kosovo, Canada, Australia, and New Zealand. A government decree grants asylum seekers the right to prove in an asylum procedure that their country of origin does not meet the criteria for a safe country of origin in their individual case or that they did not have the opportunity for effective protection in a safe third country. The HHC, UNHCR and the Council of Europe commissioner for human rights repeatedly noted their objections against recognizing Serbia as a safe transit country.

After September 15, the BAH received 579 asylum applications on the Serbia border, which rejected 50 based on inadmissibility due to safe country of origin and safe third-country provisions.

Refoulement: The government did not send asylum seekers back to conflict zones where their lives or freedom would be at risk; however, the HHC criticized the government for sending migrants and asylum seekers from conflict zones back to Serbia. According to UNHCR, Serbia lacked a functioning asylum system, thus the return of asylum seekers to Serbia may result in their exposure to inhuman treatment and refoulement to other unsafe countries.

Refugee Abuse: On September 16, in an incident widely covered by international media, police clashed for several hours with hundreds of asylum seekers and migrants who were stuck on the Serbian side of the border near Roszke after the government sealed the border with the security fence. Based on media reports and



video footage, the crowd of migrants chanted slogans in Arabic and English with their fists in the air, kicked and eventually broke through the security fence, and threw bottles and stones at the police from the Serbian side. Hungarian police fired water cannon over the fence at the crowd, temporarily dispersing it. Police later withdrew from the fence, including the water cannon, making it possible for the asylum seekers to enter Hungarian territory through the broken fence. Many asylum seekers believed that Hungarian authorities had actually allowed the entry and walked through the border. After the majority of the group arrived to Hungarian territory, however, police started beating the crowd with batons and fired tear gas grenades, which reportedly injured many, including families, children, and foreign journalists. The majority of the crowd turned and fled back through the fence into Serbia; many, including children, suffered the effects of the tear gas. According to NGO and media reports, 14 police officers and approximately 300 migrants and asylum seekers were injured during the clashes, including 30 children who were tossed over the border fence by their parents and seven journalists covering the situation. Authorities reportedly detained 22 persons, 15 of whom were charged with illegal entry and participating in a riot.

UN Secretary General Ban Ki-moon condemned the use of tear gas against the migrants and asylum seekers as unacceptable. On September 17, the UN high commissioner for human rights characterized the police action as “callous, and in some cases illegal” and in some cases amounting to “clear violations of international law.” On November 12, a parliamentary committee declined a request to investigate the incident. On November 18, the ombudsman rejected the October 13 petition of the HHC requesting the investigation of the incident in Roszke based on lack of competence and transferred the HHC report to the Central Investigative Prosecutor’s Office and the National Police chief, who later also transferred it to the Counter Terrorist Center. The HHC criticized the ombudsman’s decision, and the case remained pending.

Throughout June and July, as the number of migrants entering the country steadily increased, NGOs began to criticize the lack of humanitarian response from the government, particularly at locations like Budapest’s Keleti rail station, where migrants had made temporary encampments. In response to the lack of government action, NGOs distributed food and clothing donations, and new aid organizations were formed by concerned citizens through social media. In August the Budapest municipal government began providing drinking water, toilets, showers, increased security, and working space for NGOs at major rail stations.

On September 21, the parliament passed a law authorizing the armed forces to use nonlethal force in maintaining order at the country's borders. The law permits soldiers to use instruments of coercion suitable for causing physical injury, but only with nonlethal intent. Soldiers received police power (they may ask for identification, capture and detain individuals, examine clothing, packages, and vehicles, and take measures against foreigners) and may use firearms if not directed at killing others. In addition the law authorizes police to pursue secret service activity abroad to uncover acts threatening the state border or linked to terrorism, including searching for people smugglers.

The law permits detention of asylum seekers under certain circumstances. The rules require that detention of asylum seekers be based on individual assessment and only occur absent alternative 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. The law provides that detention of asylum seekers may not exceed six months, or 30 days in case of families with children. Unaccompanied minors are exempted from asylum detention, and alternatives to detention (such as bail) must also be considered before ordering detention.

The law provides that irregular migrants in an expulsion procedure (including rejected asylum seekers) can be placed in immigration detention, which may not exceed 12 months, or 30 days for families with children. Unaccompanied minors are exempted from immigration detention. Immigration detention is subject to periodic judicial review. The new regulations effective from September 15 make the acts of crossing the border illegally through the security fence, damaging the fence, or hindering the construction of the fence punishable by imprisonment. Authorities usually put convicted illegal border crossers in immigration detention in preparation for their expulsion.

During the year 2,393 asylum seekers (1.4 percent of the asylum applicants) were placed in asylum detention or alien-policing detention facilities, according to the government (6,109 in 2014, which constituted 14.3 percent of all asylum applicants). The Helsinki Committee and Human Rights Watch reported that the government held hundreds of asylum seekers in asylum detention while their cases were being adjudicated, in special asylum detention centers, immigration detention centers, and in some cases in regular prisons. Through the end of the year, authorities prosecuted 978 persons for crossing the border illegally through the security fence and two persons for damaging the fence along the Serbia border.

Temporary Protection: The government provided temporary protection (“subsidiary protection” and “tolerated status”) to individuals who did not qualify as refugees. The law defines subsidiary protection as protection provided to foreigners who do not satisfy the criteria of recognition as a refugee if there is a risk that, in the event of their return to their country of origin, they would be exposed to “serious harm.” The law also provides that the BAH may authorize persons to stay in the country by granting them “tolerated status” for one year (extendable) consistent with the country’s nonrefoulement obligations under international law.

During the year the BAH received 177,135 refugee claims (the majority from Syria, Iraq, and Kosovo nationals) and granted 146 persons refugee status, 356 persons subsidiary protection status, and six persons tolerated status.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in periodic elections based on universal suffrage that offered voters a choice of candidates, and citizens exercised that ability. OSCE election observers noted the ruling party enjoyed undue advantages, and the opposition and some civil society groups described the 2014 national elections as “free but not fair.”

#### **Elections and Political Participation**

Recent Elections: The most recent national elections were held in April 2014 under a single-round national system to elect 199 members of parliament. The elections resulted in the ruling parties gaining 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. On March 3, the governing coalition lost its two-thirds majority in parliament as a result of a February 22 by-election in Veszprem.

A mission representing the OSCE/ODIHR observed the 2014 elections. In its final report issued in July 2014, the mission concluded that, 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 2014 ODIHR election observation mission report noted that the process of redistricting constituencies was widely criticized “for lacking transparency, independence, and consultation, and allegations of gerrymandering were widespread.” The report found that the practice of transferring surplus votes of constituency winners to party lists resulted in the ruling Fidesz-KDNP coalition gaining six additional seats. The OSCE mission noted media bias during the election campaign and increasing media concentration under government-linked ownership.

Political Parties and Political Participation: In its July 2014 report, the ODIHR observation mission reported several problems with the media, including the increasing ownership of media outlets by businesspersons directly or indirectly associated with Fidesz and the allocation of state advertising to select media outlets. It concluded that these factors undermined the pluralism of the media 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 that they contributed to an uneven playing field and did not fully respect the principle of separation of party and state. ODIHR noted the limited amount of free broadcast time available for candidates and absence of paid political advertisements on nationwide commercial television and concluded that this situation impeded candidates’ ability to campaign via the media.

The 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.

Citizens living abroad but having permanent residency in the country were required to appear in person at embassies to vote while dual citizens not having residency could vote by mail, but only for party lists. ODIHR election observers noted that the practice of applying different procedures to register and vote depending on whether or not a person had a permanent address in the country resulted in unequal treatment of voters outside the country. Nonetheless, on March 19, the ECHR rejected the application of Hungarians living abroad but having permanent residency in Hungary who objected that they were compelled to appear in person at embassies to vote while dual citizens not having residency in Hungary could vote by mail. The ECHR ruled that the contested legal provision was not discriminatory since their relations with the country as well as their voting rights differed, since those without an address in Hungary could only vote for party lists. A complaint against the allegedly discriminatory mail voting procedure was pending at the Constitutional Court.

On November 20, the speaker of parliament banned the most popular commercial television station RTL Klub from parliament and the office building of the representatives indefinitely. The speaker argued that his decision was a response to repeated violations of parliament's broadcasting regulations by television company staff reporting from within the buildings. The news director of the media company criticized the speaker's decision, arguing that "the journalists were only doing their job: asking questions." Mertek Standard Media Monitor also criticized the ban of RTL Klub from parliament and claimed that there was no clear legal basis for the speaker's discriminatory decision, which violated the right for information. The speaker lifted the ban of RTL Klub effective from December 21 (see section 2.a., Press and Media Freedoms).

Participation of Women and Minorities: The electoral system provides the 13 recognized national minorities the possibility of registering for a separate minority voting process in parliamentary elections. While all 13 national minorities registered candidate lists, none obtained enough votes to win a minority seat in parliament. As a result each nationality was represented in parliament by a nonvoting spokesperson whose competence was 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 members of a minority 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 and NGOs contended that the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. The same observers noted that authorities were consistently reluctant to investigate corruption allegations in a transparent, public manner. There were numerous reports of government corruption during the year.

Corruption: Transparency International Hungary (TI-H) and K-Monitor reported that the economy was "dominated by cronyism and state capitalism." According to these anticorruption NGOs, the situation amounted to "state capture," characterized by "the opaque symbiosis between an extensive and expansive government and powerful business groups, who may easily out-compete public interest." The NGOs reported a number of examples indicating "the government's intention to

grant privileges to certain economic actors by legal means.” TI-H noted that there was no designated anticorruption agency and that agencies with anticorruption duties, such as the prosecution service, the State Audit Office, the police, or the tax administration, often failed to take action against corruption.

On July 22, the Council of Europe’s GRECO released a report that characterized as worrisome the fact that judges, prosecutors, and members of parliament enjoyed almost complete immunity from prosecution unless they were “caught in the act” of committing corruption (see section 1.e, Denial of Fair Public Trial).

At the beginning of the year, three brokerage companies--BudaCash, Hungaria Securities, and Quaestor--collapsed as it was revealed they had issued unsecured bonds and falsified financial reports, which led to the Central Bank revoking their licenses. Quaestor, the biggest of the three brokerages, issued 150 billion forints (\$538 million) of fictitious bonds, causing losses to tens of thousands of small investors. Opposition parties strongly criticized the government because the Hungarian National Trading House, a state agency controlled by the Ministry of Foreign Affairs and Trade, withdrew government funds held at Quaestor the day before its failure was made public, suggesting it acted on privileged information. Foreign Minister Peter Szijjarto’s close relationship with Quaestor chief executive officer Csaba Tarsoly contributed to suspicions of insider trading. On April 17, parliament passed a law to compensate the victims of Quaestor’s fraudulent bonds, shifting the more than 200 billion forint (\$717 million) cost of the bailout to other banks. On November 17, however, the Constitutional Court annulled the bailout, ruling that it discriminated against investors in the other failed brokerages and thus violated the constitution. The public criticized the Central Bank for failing to exercise its regulatory responsibilities and for waiting weeks to withdraw Quaestor’s license after the fraud became apparent. Additionally, police waited weeks after the scandal erupted to arrest Tarsoly. Critics argued that these delays allowed Tarsoly to destroy evidence of fraud and documents implicating government officials.

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. 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 publicly accessible. NGOs continued to

contend the regulation was not adequate because there was no effective method to detect and sanction violators.

Public Access to Information: The constitution and law provide both citizens and foreigners the right to access information held by public bodies. The law provides that the bodies controlling such information may restrict access 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. Citizens may not submit requests for an “overarching, invoice-based,” or “itemized” audit of the “management of a public authority.” Requesters may appeal denials in court within 30 days or initiate the procedure of the National Authority for Data Protection and Freedom of Information (NAIH). The law punishes the offense of illicit use of public information with imprisonment for up to three years.

On February 13, the Constitutional Court ruled that the lack of a legal remedy if an authority classifies data as secret and makes it off-limits to the public violates the constitution. The Constitutional Court ordered parliament to rectify the situation by the end of May. In response to the ruling, on July 6, the parliament amended the law to enhance existing classification supervision duties of the NAIH, effective October 1, but it did not grant individuals the right to challenge classification at court. In addition the new law permits the government to determine and charge “labor input costs associated with completing the information request.” The amendment permits such charges if providing the information would require “a disproportionate use of the labor resources required to fulfill the basic functions” of the state organ controlling the information. The new regulation leaves it entirely to the data-controlling body to determine what labor input is necessary and what constitutes a disproportionate use of labor resources. The amount of these charges is not communicated in advance to the requesting party. The new law also provides that data in a copyrighted work may be examined (and notes made thereof) but may not be copied, and access may be denied if the government finds that the disclosure of the requested data would endanger future government decision making.

Domestic and international NGOs criticized the new regulations on access to public information, noting that they give state institutions with data management responsibilities excessive latitude to reject requests for public information and to levy arbitrary charges on requesters.

As of October the NAIH received 510 freedom of information petitions, 253 of which resulted in investigations that identified an infringement.

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

Prior to April 2014 a variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases, although government officials were rarely cooperative and responsive to their views. Following the April 2014 national elections, senior government officials began a concentrated public relations campaign against several human rights NGOs, making public comments that selected groups were “left leaning” and paid fronts for foreign influence. This became a campaign of harassment involving legal, taxation, and police methods.

Through December 2014 the government continued pressure on NGOs promoting civil society under the guise they were paid political activists that were attempting to promote foreign interests and had engaged in malfeasance. The government levelled these accusations at foreign governments, most specifically against Norway, on the basis that the European Economic Area (EEA)-Norway Grants NGO fund (NGO fund) had provided grants to NGOs to strengthen civil society since 2013. In April 2014 the head of the Prime Minister’s Office, Minister Janos Lazar, sent a letter to Norwegian authorities alleging that a consortium of four domestic foundations (Okotars Foundation, DemNet, the Carpathian Foundation, and the Autonomia Foundation) responsible for the NGO fund was a satellite of the opposition green party, Politics Can be Different (LMP). The letter implied that the Norwegian government was supporting Hungarian opposition parties through the fund, an implication Norway and the NGOs rejected. In May 2014 the donor countries suspended disbursement of a separate basket of cohesion funds through the EEA-Norway Grants to the government on the grounds that it was in breach of written agreements regarding the institutional management of the funds, while they continued to disburse funds directly to NGOs through the four-NGO consortium.

In May 2014 the Government Control Office (KEHI), which falls under the authority of the Prime Minister’s Office, initiated investigative audits of the four-



member consortium. KEHI subsequently expanded the audits to a group of 55 additional NGOs, including the 13 considered “left leaning” by the government (such as TI-H, the HCLU, K-Monitor, NANE Women’s Rights Association, and other NGOs promoting LGBTI rights, women’s rights, Romani empowerment, active citizenship, and good governance). 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.

In August 2014 the National Investigative Office (NNI) opened an investigation on allegations of misappropriation of NGO funds and “unlicensed financial activity,” and in September 2014, it raided the offices of the consortium members Okotars and DemNet, conducting searches of their accounting and information technology companies and the private residences of two employees, including the head of Okotars. The NNI confiscated documents and computer equipment. The affected NGOs appealed against the NNI measures. Upon the initiative of KEHI, the tax authority suspended the four consortium members’ tax numbers due to noncompliance with KEHI audits. The NGOs appealed the tax authority’s decision.

Following a series of legal proceedings and audits during the year, on December 9, the government announced it had reached an agreement with the donor countries to lift the suspension of the disbursement of the EEA-Norway Grants to the government but added that the cabinet continued to believe some NGOs received funds irregularly. Minister Lazar commented that he had no reason to apologize for Okotars and added that the government will insist on the exclusion of Okotars in the distribution of the next grant cycle of the NGO fund in 2020. On December 10, authorities returned to Okotars all remaining documents the police had confiscated during the raids in September 2014, which concluded the investigations against the consortium members. On December 10, Norway confirmed the resumption of the EEA-Norway Grants payments.

The consortium members reported that all proceedings against them had been closed and their tax numbers had been restored by the end of the year; however, the tax investigations against seven grant-receiving NGOs remained pending.

Government Human Rights Bodies: 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 2014 the ombudsman was responsible for collecting electronically submitted reports of public benefit, e.g., whistleblower reports on public corruption. The ombudsman must forward these reports to the appropriate public offices within eight days. From January 1, the ombudsman started operating the National Preventive Mechanism prescribed by the OPCAT. By the end of November, the ombudsman received 341 reports of public benefit from citizens and 87 petitions requesting he refer laws to the Constitutional Court; released six OPCAT reports; and filed three petitions by December 17 with the Constitutional Court, two upon citizen initiative and one ex officio.

Since 2014 the 12-member Committee of Justice was responsible for covering the human rights and religious portfolio in parliament. The Parliamentary Committee of the Nationalities of Hungary consisted of the spokespersons of the 13 officially recognized ethnic nationalities and was responsible for assessing legislation concerning minorities.

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

The constitution and law prohibit discrimination based on race, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and gender identity, age, language, and health condition; however, the government failed to fully enforce these rights.

### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is illegal. Under the law the definition of rape is based on the use of force or coercion and not on the lack of consent. Penalties for rape range from one year in prison to 15 years in aggravated cases.

The criminal code includes “violence within partnership” (domestic violence) as a separate category of offense. By law certain cases of regularly committed 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 offense relates not only to relatives and dependents but also to former spouses, common-law partners, those under guardianship or care, guardians and caretakers. The law penalizes humiliation, causing severe deprivation to--or grave violation of--the dignity of a relative or a dependent with up to two years’ imprisonment. Certain forms of

economic violence are also punishable. Regulations extend prison sentences for assault (light bodily harm) and defamation to three years if committed in the above context. Grievous bodily harm, violation of personal freedom, or coercion may be punishable by one to five years in prison. If committed in a domestic violence context, malicious assault and assault committed against those incapable of self-defense or against an elderly or person with disabilities are also punishable by one to five years' imprisonment.

Police and courts may 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 up to 60-day "preventive restraining orders" in civil cases. The restraining order imposed by the criminal court lasts up to 60 days without the option to extend, or until the issuance of a legally binding ruling. Women's rights NGOs continued to criticize the law and its application for failing to provide appropriate protection for victims and for not placing sufficient emphasis on the accountability of perpetrators. NGOs also noted that courts and child protection authorities generally failed to recognize and take into account domestic violence in custody and visitation cases and forced visitation remained a widespread practice in the case of children with abusive parents.

On November 23, the Tribunal of Kaposvar, an appellate court, issued a nine-year prison sentence to a man for the rape of a first-year university student at the university's summer camp in August 2014 and for misuse of personal data. The man was working as a photographer at the camp where he attacked the student. The perpetrator also took photographs to blackmail his victim. The appeals court verdict overruled the June 3 ruling of the Fonyod District Court, which issued a prison sentence of seven and one-half years. The verdict remained open for further appeal.

The Ministry of Human Capacities continued to operate a 24-hour toll-free hotline for victims of abuse to provide information and if necessary to coordinate the immediate placement of the victims in shelters. The ministry operated shelters at 14 locations (with 98 beds) for victims of domestic violence, providing immediate accommodation and complex care for abused individuals and families for up to 90 days. The ministry continued to operate four halfway houses, providing long-term housing opportunities (maximum five years), professional reintegration assistance for families graduated from shelters, and assistance to prevent secondary victimization. The government also sponsored a secret shelter for severely abused women whose lives were in danger. According to women's rights NGOs, services

for survivors of violence against women either operated with limited capacity or did not meet international standards of good practice.

NGOs complained that, despite some positive legislative measures in recent years, the comprehensive prevention, protection, and prosecution approach was missing from the state's response to domestic violence, as well as to other forms of violence against women. NGOs criticized the improper application of existing laws and regulations, the lack of systematic training and protocols for professionals, and the limited availability of proper victim support services.

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.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence.

Since March 2014 only persons above the age of 40 or who already had three children could opt for sterilization for nonmedical reasons.

The European Roma Rights Center (ERRC) continued to criticize the provision on sterilization and advocated for the removal of any distinction between sterilization for medical reasons and for family planning purposes. According to the ERRC, the sterilization of Romani women without consent was a continuing problem, although there was no information available on the extent of the practice.

Discrimination: The law provides for the same legal status and rights for women as for men, including under family, labor, property, nationality, and inheritance laws. According to NGOs there was economic discrimination against women in the workplace, particularly against job seekers older than 50 and those who were pregnant or had returned from maternity leave (see section 7.d.).

## **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 until age 16. Effective September, the government reduced the minimum age for mandatory schooling from five to three, with exceptions allowed if granted by local officials.

Although the law prohibits school segregation, NGOs reported that segregation of Romani schoolchildren continued to increase. According to the Fundamental Rights Agency's 2011 Roma pilot survey, 45 percent of Romani children attended schools or classes where all or the majority of their classmates were Roma. In April 2014 the ombudsman released a comprehensive report on the educational situation in secondary schools with curricula designed for children belonging to any of the 13 officially registered national minorities. The report concluded that secondary schools featuring curricula designed for Roma and operated by the National Roma Self-government (ORO) or churches generally provided substandard education to children, which raised the risk of denial of equal opportunities. During the year there were three Romani-nationality primary and secondary schools operated by ORO and 12 operated by churches, enrolling 2,110 children.

Schools with a majority of Romani students employed simplified teaching curricula, lacked well-trained minority language teachers, were generally less well equipped, and were in significantly worse physical condition than those with non-Romani majorities. NGOs suggested that the segregated environment and the substandard educational quality resulted in significantly lower levels of education among the Romani population. According to the Roma Education Fund, 20 percent of Romani children left the school system with a secondary school diploma (compared with 80 percent of non-Romani children) and 2 percent obtained university diplomas.

On April 22, the Curia overruled two lower court decisions and concluded that a segregated school operated by the Greek Catholic Church at Huszar-telep in Nyiregyhaza did not violate the principle of equal treatment. The Chance for Children Foundation (CFCF) initiated the case in 2012 with the intention of establishing that the separation of Romani children in the school was unlawful. Both the trial and appeal courts ruled against the Greek Catholic Diocese and the local municipality in the case, concluding that the municipality segregated Romani children by ending free public school busing and transferring the tuition-free school to the church. The courts also found that the church segregated Romani students between its two elementary schools in Nyiregyhaza. In its ruling the Curia found there was no violation of equal treatment and unlawful separation in the Huszar-telep school. The Curia also established that parents exercised their

free choice of school and their freedom of religion when they enrolled their children in the church school.

Child Abuse: 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. The expert also noted significant regional disparities, with higher rates of child abuse occurring in eastern and northern sections of the country.

Efforts to combat child abuse included a “child protection signaling system” to detect and ward off factors endangering children, law enforcement and judiciary 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 the ages of 16 and 18.

Sexual Exploitation of Children: Buying sexual services from a child younger than 18 is a crime punishable by up to three years in prison. Forcing a child into prostitution 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. The statute of limitations does not apply to sexual crimes against children. The government generally enforced the law.

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 the ages of 12 and 14 may be punished by one to five years’ imprisonment. Consensual sex between a person older than age 18 and a minor between the ages of 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 that prostitution of girls under the age of 18 remained a problem. NGOs strongly criticized the frequent practice of charging juveniles (children between the age of 14 and 18) for petty offenses and blaming the children for “prostituting themselves.” Authorities sanctioned 78 minors for prostitution petty offenses through October 30. In 2014 courts convicted 272 children (of whom 271 were girls) under 18 for prostitution. Most of the children convicted for prostitution received a warning or a fine, but courts sentenced 53 girls to imprisonment.

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

NGOs criticized the increasing practice by authorities of removing children from their families on the grounds of poverty or the lack of sufficient family income. The NGO The City is for All argued that such removals violated the law, which declares that children must not be removed from their families solely on the basis of economic circumstances.

On May 18, the ombudsman released an OPCAT report on the Remenysugar Children's Home of Debrecen, which provided housing for 42 children between the ages of one month and 16 years. The report revealed that in several cases the parents' financial situation played the decisive role in the child's referral to the institution by the guardian authority, which the ombudsman asserted raised a potential violation of the prohibition against inhuman and degrading treatment.

NGOs criticized the lack of special assistance provided for child victims of human trafficking. Child victims of trafficking are placed in childcare institutions, which generally lack trained staff and specific protocol for handling traumatized and abused children. Children can leave the childcare institutions freely, which resulted in their frequent disappearance and revictimization.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html), as well as country-specific information at [travel.state.gov/content/childabduction/en/hungary.html](http://travel.state.gov/content/childabduction/en/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 26 incidents of anti-Semitism but no physical assaults. The statistics represented a 30 percent drop from the first six months of 2014, when 36 cases were registered. According to MAZSIHISZ, the number of

anti-Semitic incidents for all of 2014 was 73. MAZSIHISZ classified the 26 registered anti-Semitic incidents as hate crimes.

The Brussels Institute, founded by the Action and Protection Foundation (TEV), continued to monitor anti-Semitism and registered 49 acts of anti-Semitism through the end of October, including two cases of physical abuse. Law enforcement and judicial agencies continued to prosecute anti-Semitic incidents. During the first nine months of the year, police registered 251 cases of vandalism in cemeteries and religious buildings (including Jewish property).

Numerous extreme ethnic nationalist websites continued to publish anti-Semitic articles (see section 2.a.). According to NGOs, members of the extreme ethnic nationalist Jobbik Party limited their previous practice of making public anti-Semitic statements during the year.

In March police opened an investigation into the desecration of graves in the Jewish cemetery of Gyongyos. According to press reports, perpetrators damaged 15 to 20 graves, desecrated the remains of those buried there, and caused serious damage to the fence surrounding the cemetery. Police identified three male suspects between the ages of 15 and 17. The investigation remained pending. On March 22, the Prime Minister's Office issued a statement condemning the act as barbaric.

On March 31, TEV released a survey, conducted by Median Polling, that showed a slight decline in anti-Semitism in 2014 compared with 2013 and 2006, the first year of the survey. In 2014 approximately 32 percent of poll respondents held anti-Semitic views (21 percent held "strong anti-Semitic" views, 11 percent held "moderately anti-Semitic" views, and 69 percent did not hold anti-Semitic views), compared with 38 percent of respondents who expressed such views in 2013 and 34 percent in 2006.

On June 8, an online news portal carried a video taken sometime between 2006 and 2010 showing the former mayor of the town of Paszto, Imre Sisak, saying of Jews, "I have experienced through one person how base and dirty they are." On the recording Sisak told a member of the local council that the only problem in the county was that "all the foreign trade companies ... are run by dirty Jews," adding "only one thing matters to them, their own pocket." Sisak was head of department at the Nograd County government office when the video was released but was fired on June 9 on instruction of the Prime Minister's Office.



On March 6, at the initiative of a former Fidesz member of parliament, the Budapest Metropolitan Tribunal posthumously rehabilitated Balint Homan from his 1946 conviction by a people's court in Hungary for war crimes. Homan was a historian and political figure who served as a government minister in the 1930s and 40s and a member of parliament even during the rule of the fascist Arrow Cross party in 1944. He was a cosponsor of anti-Jewish legislation that stripped Hungarian Jews of their citizenship rights and an advocate for their deportation. In the spring and summer of 1944, 430,000 Hungarian Jews were deported to Auschwitz. Homan died in prison in 1951.

On June 12, the Szekesfehervar city council approved a proposal by a local NGO to erect a life-size bronze statue of Homan and donated approximately two million forints (\$7,200) for it to the NGO. Earlier the Ministry of Justice transferred 15 million forints (\$54,000) for the project to the NGO. Domestic and international Jewish organizations, including the World Jewish Congress, as well as foreign governments, three cabinet members, and several NGOs criticized the project. In response to the heavy criticisms, on December 11, the mayor of Szekesfehervar announced he had asked the NGO to reconsider the erection of the statue and to return the public funding received from the central government and the municipality. On December 15, Prime Minister Orban declared, "the government cannot support the erection of a statue in honor of a politician who collaborated with occupying powers and collaborated with oppressors of Hungary--whatever merits that politician may otherwise have had." On December 17, the NGO informed the city mayor it no longer wished to erect a statue for Homan and returned the public funds. The statue was not erected by the end of the year.

The governmental project to establish a new Holocaust museum, the House of Fates, remained pending during the year. The project manager, widely criticized for failing to consult with Jewish communities and Holocaust experts on the content of the exhibit, officially remained in position. Senior government officials repeatedly assured that the museum would be opened only if Jewish community representatives reached consensus agreement on the content of museum exhibits.

The president, the 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 February 11, Csaba Latorcai, deputy state secretary for priority social affairs in the Prime Minister's Office, reiterated that the government had declared "zero tolerance for anti-Semitism." On March 9,

the government assumed the chairmanship of the International Holocaust Remembrance Alliance.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

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 continued to report that the government failed to enforce antidiscrimination laws effectively.

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 who were under the legal guardianship of others, particularly their right to live in the community, the right to exercise their legal capacity, the right to vote, and access to inclusive education.

A government decree requires companies with more than 25 employees to reserve 5 percent of their work positions for persons with physical or mental disabilities. While the decree provides fines for noncompliance, employers generally paid the rehabilitation contribution fines rather than employ persons with disabilities.

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 for the central government 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 asserted that many public buildings remained inaccessible.

NGOs claimed that authorities had not honored the obligation to provide public schooling to children with significant and multiple disabilities because public elementary schools are not obligated to enroll children with disabilities. The National Federation of Disabled Persons' Associations criticized the lack of accessible dormitory space for disabled persons at higher educational institutions.

The government continued to implement the 2011-41 strategy to reduce the number of persons with disabilities living in institutions with capacities greater than 200 persons. During the year approximately 600 of 23,000 such persons moved to group homes or smaller institutions with up to 30 beds.

During the year the ombudsman released two OPCAT reports on visits to closed institutions for persons with mental disabilities. On May 18, the ombudsman released a report on the Therapeutic House of Debrecen, a social care residential home for more than 250 persons with mental and psychosocial disabilities. The report found multiple general practices constituting a violation of the prohibition of torture, inhuman, degrading treatment or punishment; violation of the right to personal freedom and safety; and violation of the right to free movement. Major shortcomings included neglecting residents; lack of proper nursing; insufficient number of toilets and showers; lack of at least 65 square feet for each person; mandatory naked bathing and examination of males' genitalia by female nursing staff; mandatory contraception and abortion for women based not on the free and informed consent of the person concerned but on the consent of the guardian; limited access to use of the conjugal visitation room; use of locked "adult cage beds"; lack of choice of roommate; and lack of substantive, well-functioning complaint mechanism known to all residents. The ombudsman initiated an inquiry by the prosecutor general, who transferred the case to the Hajdu-Bihar County government office due to lack of competence. Both the county government office and the Ministry of Human Capacities ordered immediate investigation of the case, which resulted in the adoption of measures to hire additional personnel, improve material conditions, and install a new complaint mechanism.

On July 29, the ombudsman released a report on the psychiatric ward of the Merenyi Gusztav Hospital in Budapest (Szent Istvan and Szent Laszlo Hospital and Outpatients Clinic and the Health Care Services Center), where approximately 50 residents can be placed. The report noted appalling physical and hygienic conditions, including one resident being tied to a radiator, which the report found constituted violation of the prohibition of inhuman, degrading treatment or punishment. Following an investigation based on the ombudsman's report, the Ministry of Human Capacities allocated 40 million forints (\$143,000) for the immediate renovation of the institution and closed the psychiatric ward temporarily until the completion of the reconstruction.

The constitution provides that a court may deprive persons with disabilities who are under guardianship of the right to vote due to limited mental capacity. The MDAC continued to criticize the "mental ability" provision as an "unsophisticated

disguise for disability-based discrimination” because it could apply to persons with intellectual disabilities and to persons with psychosocial disabilities. NGOs noted that polling places were generally not accessible to persons with disabilities and that election materials were not available in an easy-to-read format. In a report released in December 2014, the commissioner for human rights of the Council of Europe noted the high number of persons with disabilities who were placed under guardianship. According to the National Office for the Judiciary, there were 3,044 persons under guardianship as of May 20, as compared with 1,333 persons under guardianship in 2013.

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

### **National/Racial/Ethnic Minorities**

Roma remained the largest ethnic minority. According to the 2011 census, approximately 315,000 persons (3 percent of the population) identified themselves as Roma. Unofficial estimates varied widely and suggested the actual figure was between 500,000 and 800,000 persons. Human rights NGOs continued to report that Roma suffered social exclusion and 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. In May 2014, 75 percent of the members of parliament elected 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 that pursued and beat a Romani man in the street.

NGOs reported failures and omissions on the part of the police and prosecution in investigating hate crimes committed against minority group members (including the Roma) (see section 1.d., Role of the Police and Security Apparatus).

According to the HCLU and the Roma Press Center, in some localities (especially in Borsod-Abauj-Zemplen 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 HCLU continued to report that police responses

to offenses, especially in cases of petty offenses committed in the poorest regions of the country, were ethnically disproportional and often based on discriminatory ethnic profiling.

On average, the employment level of the Romani population was less than half that of the non-Romani population, while their unemployment rate was three to five times higher. 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 such programs for three months. During the year the government expanded the list of grounds for the three-month exclusion to include those who did not accept the offered job or seasonal work or those whose previous labor contract was terminated with immediate effect by either the employer or the employee. Between December 2014 and September 20, 320,188 persons participated in the program for at least one day, 20 percent of whom were of Romani origin. Projects typically involved cleaning public spaces or work on agricultural or water projects. Persons employed on such projects could work a maximum of 12 months. From 2012 to 2015, approximately 175,317 public workers (including 38,567 Roma) were enrolled in an education component of the program that was aimed at enhancing their employability. Governmental statistics showed that 13 percent of the persons found employment in the primary labor market six months after their graduation from the public works program in 2011-13.

During the 2014-15 school year, the government continued to operate Sure Start Children Centers that provided early intervention programs for disadvantaged, mostly Romani children below kindergarten age and parenting advice for their parents. There were 112 such centers that reached 12,000 children and their parents. The government provided scholarships for socially disadvantaged students, including 5,668 elementary and secondary school children and 858 vocational school students who declared themselves to be Roma. It also provided scholarships for socially disadvantaged higher education students, including 132 Roma. There were 178 "Tanoda" afterschool centers around the country providing tutoring and extracurricular activities for disadvantaged, mostly Romani children. During the year the Tanoda network assisted approximately 5,000 disadvantaged students. There were eight Romani special colleges across the country sponsored by the government using EU funds, five of which were operated by Christian denominations and three managed by universities. The special colleges provided housing and tutoring for approximately 235 Romani students enrolled in higher educational institutions. The public education system continued to provide

inadequate instruction for members of minorities in their own languages, and 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.

In May 2014 the local council of Miskolc adopted a housing measure that would effectively evict by 2018 residents of the city's "low comfort" neighborhoods (where approximately 3,000 persons lived, 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 forints (\$7,200) in compensation, on the condition they use the money to purchase a residence outside city limits. In response the town of Szerencs and eight neighboring municipalities adopted similar decrees to exclude from local social services those who settle in their localities using financial aid issued by another local government. Romani residents repeatedly organized demonstrations against the Miskolc municipality's plan to demolish their homes, calling it highly discriminatory. On April 28, the Curia concluded that the relevant provision of the decree discriminated against persons with social needs in respect of housing benefits, allowances, and tenancy in municipality-owned apartments, hindering the free use of their compensation, and annulled it. On July 15, the Equal Treatment Authority (ETA) established that the Miskolc municipality subjected residents of a segregated area to the threat of homelessness or having to move to other segregated areas and, by doing so, discriminated against them because of their social status, financial situation, and Romani origin. The ETA fined the municipality 500,000 forint (\$1,800) and ordered it to cease discrimination. The municipality requested judicial review of the ETA decision, which remained pending at the Budapest Metropolitan Public Administration and Labor Court. The local Romani self-government body reported that authorities shifted to other discriminatory practices that included increasing evictions and doubling or tripling rents for social housing. On October 21, the Curia annulled the Szerencs municipality decree on the grounds of discrimination, and the other eight municipalities withdrew their similar decrees by the end of the year. As of the end of November, the municipality continued its discriminatory practices.

According to a June 5 ombudsman report, authorities and other local bodies (i.e., public utility providers) in Miskolc jointly carried out frequent raid-like official

inspection and control activities without explicit legal authorization. These raids often involved large numbers of local government police, government inspectors, and other officials descending on homes in segregated living areas populated mostly by Roma. The report asserted that the practice was incompatible with the rule of law and that individuals subjected to the inspections were unable to interpret properly the legal basis of the numerous activities that authorities conducted simultaneously, infringing on the right to fair procedures and the right to legal remedy. According to the report, authorities conducted such mass official inspections repeatedly with police support and without explicit reasons, intimidating residents and restricting their right to privacy. The ombudsman also established that 90 percent of the raids concentrated on the segregated living areas that house economically disadvantaged, impoverished individuals, most of whom belong to the Romani minority. The ombudsman concluded that the raids resulted in direct discrimination based on social origin and financial status, and indirect discrimination on based on belonging to a minority.

To apply for EU and government funds for urban rehabilitation and public education projects, municipal authorities must attach a local equal opportunity plan outlining planned actions to eradicate segregation in housing and education. According to the Ministry of Human Capacities, 41,000 Roma lived in approximately 112 settlements where at least half the population was Roma. NGOs reported that the actual number of Roma living in segregated conditions was significantly higher. Segregated settlements lacked basic infrastructure and were often located on the outskirts of cities. The government continued a settlement rehabilitation program worth eight billion forints (\$29 million) to improve the living conditions of residents of segregated settlements. The program involved 55 settlements with more than 4,000 residents.

The government continued implementing the National Social Inclusion Strategy 2011-20 and adopted a new action plan (2015-17).

The law provides for the 13 national minorities, including the Roma, to vote for a national minority list in parliamentary elections; 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 body has the right to attend and speak at local council sessions.

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

The law explicitly prohibits discrimination based on sexual orientation. In addition the law prohibits certain forms of hate speech and prescribes increased punishment for violence against members of the LGBTI community, specifically referencing these groups as being targeted for their “gender identity” or “sexual orientation.”

On April 29, the Central District Court of Pest convicted a woman for committing violence against a member of a protected community in a case involving an assault on a participant in the 2013 Budapest Gay Pride Parade. The victim encountered a group of antigay protesters who shouted antigay slurs, and a woman from the group approached the victim, tore his clothes, and hit him.

LGBTI groups criticized the prime minister for commenting, in a May 18 response to a journalist’s question, that the country is based on traditional values and is tolerant but that “this does not mean that the same rules apply to life-styles that are different than ours.” He added, “although the constitution makes a clear distinction between marriage and other forms of cohabitation, persons who pursue a way of life differing from our perception of life are safe and receive the respect for human dignity that they are due.” He noted that the country’s LGBTI community did not engage in “the provocative behavior that one sees in Western countries and which elicits quite the opposite effect than what we would like.”

On July 11, an estimated 15,000 persons joined the annual Budapest Gay Pride Parade. Police secured the parade and sealed off the route of the march. Anti-LGBTI 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 provision of “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 rule on minimum service levels that are necessary 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 workers employed by an employer or 10 percent of the workers covered by a collective agreement. Labor unions of law enforcement professionals are not entitled to collective bargaining rights.

Authorities and employers generally respected freedom of association and the right to collective bargaining. There was anecdotal evidence of unilateral termination of collective agreements. Unions reported that the government continued to attempt 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.

### **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 range 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/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The constitution generally prohibits child labor. The law generally prohibits children younger than 16 from working, except that children between the ages of 15 and 16 may work under certain circumstances as temporary workers during school vacations. Any person who is at least 15 and enrolled in full-time studies may enter into employment during school holidays. With authorization of a guardian, persons under the age of 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 employment authority reported one company employed a child under age 15. Labor inspectors who identify child victims of labor exploitation are required to report them to the guardianship authority.

### **d. Discrimination with Respect to Employment and 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.

**e. Acceptable Conditions of Work**

The national minimum monthly wage for full-time employment was 105,000 forints (\$380) per month. A special minimum monthly wage for jobs requiring the completion of secondary education was 122,000 forints (\$440) per month. The 2014 poverty level was 87,300 forint (\$310) 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 labor code sets the maximum limit of overtime at 250 hours per year and provides for paid annual national holidays. The government set occupational safety and health standards. Labor laws also apply to foreign workers with work permits.

The employment authority and the labor inspectorate units of government offices monitored and enforced occupational safety and health standards and labor code regulations. During the year regional government offices employed 153 occupational safety and health inspectors and 230 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.

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