

HUNGARY

EXECUTIVE SUMMARY

Hungary is a multiparty parliamentary democracy. Legislative authority is vested in the unicameral National Assembly (parliament). 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 a two-round national election every four years. The last parliamentary elections in April 2010 were assessed as free and fair. The conservative Fidesz-Christian Democrat (KDNP) coalition won a two-thirds majority. Fidesz's prime ministerial candidate, Viktor Orban, took office in May 2010. Security forces reported to civilian authorities.

Among the most important human rights problems during the year were societal discrimination and exclusion of the Romani population and violent right-wing extremism. Discrimination against Roma exacerbated their already limited access to education, employment, health care, and social services. Right-wing extremism, including public campaigns by paramilitaries to intimidate and incite hatred against Roma and other minorities, increased. Also the government began implementing a new law that restricts media freedom by increasing government influence over the media in general. The government also adopted a new Fundamental Law to replace the 1949 constitution, as well as more than 20 cardinal laws. New laws concerning the judicial system, religious organizations, and media freedom gave rise to concerns that the new legislation could undermine the country's democratic institutions by removing key checks and balances. The Fundamental Law and most cardinal laws were to come in to force on January 1, 2012.

Other human rights problems during the year included police use of excessive force against suspects, particularly Roma; new restrictions on due process; new laws that caused concerns over the broad powers of the media regulatory authority, which could encourage self-censorship; government corruption; questionable layoffs of state media employees; societal violence against women and children; sexual harassment of women; anti-Semitism; trafficking in persons; and the adoption of laws that weakened the labor rights of civil servants.

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

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

a. Arbitrary or Unlawful Deprivation of Life

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

On July 18, the Budapest Metropolitan Court's Military Panel acquitted 97-year-old Sandor Kepiro, a former officer in the gendarmerie, of war crime charges due to lack of sufficient evidence. In 1944 Hungarian courts convicted Kepiro for his role in the Serbian 1942 Novi Sad massacre in which more than 1,200 persons were killed, most of them Jews. However, his sentence was never carried out. In 2006 the Simon Wiesenthal Center discovered that Kepiro was living in Budapest, and in 2007 the prosecutor's office opened a new case against him. Both the prosecutor and the defendant appealed the July 18 verdict. On September 3, Kepiro passed away, and the appellate court invalidated the verdict on October 21 pursuant to the law on criminal procedure code.

b. Disappearance

There were no reports of politically motivated disappearances.

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

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

Authorities opened criminal investigations of police misconduct in 224 cases in connection with large antigovernment demonstrations and riots in 2006 in Budapest and other major cities. Prosecutors pressed charges against 36 police officers and terminated the investigation in 175 cases without charges. Courts dismissed charges in 23 cases and found defendants guilty of causing bodily harm in 12 cases. The verdicts were not subject to appeal. One case remained pending at the appellate court and 23 other cases remained under investigation at year's end. On March 15, the chairman of the Human Rights Committee, Istvan Balsai, appointed by the prime minister to be special commissioner in charge of investigating the 2006 demonstrations, completed his 150-page report. The "Balsai Report" cited 15 crimes allegedly committed by police and other state bodies and suggested that political and police leadership, including former prime

minister Ferenc Gyurcsany and former Budapest police chief Peter Gergenyi, might be criminally responsible. The report also called for an inquiry into acts committed by the state related to the demonstrations in the fall of 2006. On October 6, parliament's Human Rights Committee presented the report to the Office of the Prosecutor General.

In 2006 the Budapest Military Prosecutor's Office opened the first of the total of 16 investigations based on abuse of authority and maltreatment in official proceedings in connection with the alleged mistreatment and physical abuse of detainees in the Nagy Ignac prison committed during the 2006 demonstrations. At year's end all these investigations were closed without pressing charges due to the lack of evidence.

Prison and Detention Center Conditions

Overcrowding and poor conditions were the main problems in the prison system.

At year's end there were 17,210 inmates in prisons and detention centers, including 1,237 women and 527 juveniles. The prison population increased to 137 percent of capacity, compared with 132 percent in 2010. The official capacity of the Prison Service is 12,604.

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

According to human rights nongovernmental organizations (NGOs), prisoners generally had access to potable water.

The parliamentary commissioner (or ombudsman) for civil rights, Mate Szabo, handles prison complaints in general. On November 24, the government appointed Szabo to the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT). The ombudsman has no authority to act on behalf of prisoners.

In a report published on August 2, Szabo criticized placing inmates in special security departments and cells. On September 5, the ombudsman issued two investigative reports on the prisons of Marianosztra and Szombathely. The first report concluded that inmates in Marianosztra were kept in inhuman, humiliating, and dangerous conditions as prison cells were overcrowded, toilets were only

separated with curtains, and several inmates were unable to bathe for two weeks after being admitted. The second report concluded that procedures in Szombathely prison violated inmate rights to human dignity and fair procedure by failing to provide proper clothing for the period of solitary confinement and by repeatedly rejecting inmates' legitimate complaints.

The Hungarian Helsinki Committee (HHC) continued to complain that detainees who alleged physical mistreatment usually were only examined by internal medical staff. According to a 2010 order of the national police chief, medical examinations can be conducted in the absence of law enforcement staff only at the request of the detainee or the doctor, and only if permitted by the senior guard supervisor.

The law provides prisoners with a minimum of one 30-minute visit per month. In practice, prison wardens decide the maximum length of visiting time, which at most facilities is one hour. The HHC asserted that the one-hour monthly limit on visits could not be regarded as reasonable access to visitors, especially in the case of pretrial detainees.

The law allowed detainees telephone calls in accordance with the technical capacity of the individual penitentiary. The HHC reported that telephone calls were available in every institution, but their permitted length varied significantly.

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

NGOs reported that prisoners and detainees were permitted religious observance. The law provides female prisoners with 37.67 square feet free movement space "if possible," while men are provided with 32.29 square feet.

The government permitted independent monitoring of prison conditions by local and international human rights groups, such as the Hungarian Helsinki Committee, and the media. The HHC announced that it conducted three ad hoc visits to inmates who reported serious complaints and met with prisoners without the presence of prison officials. The Council of Europe's Committee for the Prevention of Torture also was permitted to monitor prison and detention center conditions.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The National Police Headquarters (NPH), which operates under the direction of the Ministry of Interior, is responsible for maintaining order nationwide. Nineteen county police departments and the Budapest police headquarters are directly subordinate to the NPH; city police are subordinate to the county police and have local jurisdiction. Two hierarchically equal units are directly subordinate to the minister of interior: the Counterterrorism Center, which is responsible for protecting the prime minister and the president and for preventing and investigating terrorist acts, including kidnapping and hijacking, and the National Defense Service (NDS). 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.

On January 1, the new NDS commenced operations aimed at eliminating corruption within law enforcement agencies, replacing the former Defense Service of Law Enforcement Agencies. The new NDS had increased authority, including the authority to use covert intelligence tools, and operated under the direct supervision of the minister of interior and the prosecutor general.

Organized citizen groups, such as neighborhood and town watches, played an important role in helping police prevent crime. At the beginning of the year, far-right extremists continued to take advantage of the law to form vigilante groups and conduct patrols in smaller towns in eastern Hungary, apparently to intimidate the local Roma population. On April 23, the government issued a decree providing for fines of up to 100,000 forints (\$414) for any failure of local neighborhood watch members to cooperate with the police. On May 2, parliament amended the penal code to increase sentences for unauthorized law enforcement activities. According to the amended code, anyone who organizes an unauthorized law enforcement effort commits an offense punishable by up to two years in prison. On November 29, parliament amended the law in order to require neighborhood watch groups to complete a written agreement with relevant police stations. The prosecutor's office maintained legal control over the operation of the neighborhood watch groups and could initiate legal proceedings at court upon the lack of the written cooperation agreement with the police.

Civilian authorities maintained effective control over police, the NDS, and the armed forces, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of security forces acting with impunity.

While there were no reports of impunity, the HHC noted that there was a great disparity between the number of indictments of members of security forces alleged to have committed abuses and the indictment of persons alleged to have committed violent acts against officials. In the first six months of the year, only 6 percent of complaints of abuse by members of the security forces resulted in an indictment, while 76 percent of alleged acts of violence against an official person resulted in an indictment. There was also a significant disparity between the conviction rate of members of the security forces charged with a crime (60 percent) and the conviction rate for persons indicted for violence against an official person (96 percent).

The Military Prosecutor's Office is responsible for conducting proceedings involving any member of the armed forces charged with a criminal offense. On November 28, parliament amended the law integrating the formerly independent Military Prosecutor's Office into a united Prosecutor's Office under the supervision of the Central Investigative Chief Prosecutor's Office. The law was scheduled to come into effect in 2012.

In the first nine months of the year, authorities found 3,022 police officers responsible for breaches of discipline, 766 guilty of petty offenses, 283 guilty of criminal offenses, and 10 unfit for duty. In the same period, courts sentenced four police officers to prison terms, gave suspended sentences to 39, fined 106, and dismissed 12. In the same period, courts convicted 37 officers of corruption. No information was available on the number placed on probation.

Victims of lesser police abuses may complain either to the alleged violator's unit or to the Independent Police Complaints Board (IPCB), which investigated violations and omissions by the police that affected fundamental rights. The five-member body, appointed by a two-thirds majority of parliament, functions independently of police authorities. At year's end the board had received 805 reports from the public. It reviewed 458 complaints (including some cases filed in 2010) and found serious legal violations in 67 and minor legal violations in 33. The board forwarded the 67 cases to the national police chief, who agreed with the findings in two cases, partially accepted the findings in three, and rejected the

findings in three. The rest remained pending. The IPCB's authority is limited to making recommendations to the NPH and reporting its findings to parliament.

Arrest Procedures and Treatment While in Detention

Police may take individuals into "short-term arrest" if they are caught committing a crime, suspected of having committed a crime, subject to an arrest warrant, or unable or unwilling to identify themselves. Individuals who cannot prove their identity with identification documents may be charged with a petty offense. Short-term arrests generally last up to eight hours, but may last up to 12 hours in exceptional cases. Police may detain suspects whom they consider security threats for 24 hours. Police and the prosecutor's office may order the 72-hour detention of suspects if there is a well-founded suspicion of an offense punishable with imprisonment or if the subsequent pretrial detention of the defendant seems likely. If the court does not order pretrial detention within 72 hours, police must release the detainee.

Under certain conditions (such as risk of escape, or hindrance of an investigation), a prosecutor can file a motion with the local court of the district where the accused is taken into custody to request pretrial detention. Pretrial detention ordered by the court lasts until the issuance of a trial court ruling. Detention ordered by an appeals court lasts until the delivery of the final binding decision, but no longer than the length of imprisonment imposed by the trial court's sentence. The HHC continued to criticize the practice of pretrial detention.

On July 4, parliament amended the criminal procedure code, introducing the criminal category of "priority cases," which entered into force on July 13. The amendment reclassifies as priority cases specific criminal acts, such as the abuse of authority; crimes committed in criminal organization; acquisition of unlawful economic advantage; bankruptcy, money laundering, tax and social security fraud; and crimes without statute of limitation (such as crimes against humanity, first-degree murder, kidnapping, violence against a superior or person in authority, acts of terrorism, seizure of aircraft, or mutiny). Authorities may apply special procedures to priority cases, including detaining suspects for up to 120 (instead of 72) hours without court order and banning access to a defense lawyer without judicial review in the first 48 hours of detention. In addition, the prosecutor general can choose in which court to press charges, based on court workload, which could lead, some critics claimed, to "venue shopping."

On August 4, Chief Justice of the Supreme Court Andras Baka turned to the Constitutional Court to challenge the modified criminal proceedings in priority cases. On December 19, the Constitutional Court struck down the new provisions on priority cases, including those that allowed for 120 hours of detention, the ban on access to a defense lawyer in the first 48 hours of detention, and the prosecutor general's power to try priority cases at a court of his choosing. However, on December 30, parliament adopted the Transitional Provisions of the Fundamental Law for the country's new constitution, which reintroduced the prosecutor general's authority to designate the court for cases in order to ensure the fundamental right to a speedy trial, and a balanced caseload throughout the court system. The same law also empowered the president of the newly established National Court Administration Office (OBH) to designate the court for cases in order to ensure the fundamental right to a speedy trial and balanced caseload throughout the court system. The Transitional Provisions of the Fundamental Law is scheduled to enter into force on January 1, 2012.

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

There is a functioning bail system. However, bail is restricted in cases when there is a flight risk. According to the HHC, bail and other alternatives to pretrial detention were underused. HHC claimed that the lack of a monitoring system and devices is generally the reason for the underutilization of alternatives to pretrial detention, such as house arrest or geographical ban.

According to the law, police must inform suspects of their right to counsel before questioning them. Representation by defense counsel is mandatory when suspects face a charge punishable with imprisonment of more than five years; are deaf, blind, or suffering from a mental disorder; are unfamiliar with the Hungarian language; are unable to defend themselves in person for any other reason; are juveniles; or are indigent and request the appointment of a defense counsel. When defense counsel is required, suspects have three days to hire an attorney; otherwise, the police or the prosecutor will appoint one. If suspects make clear their unwillingness to retain counsel, police or the prosecutor are required to appoint counsel immediately. However, neither police nor the prosecutor are obligated to wait for counsel to arrive before interrogating the suspect. According to human rights NGOs, police routinely proceeded with interrogation immediately after notifying suspects of their right to counsel.

On November 24, the ombudsman published a report urging the National Prison Service Headquarters (BVOP) to eliminate the 1998 BVOP order that permits prison wardens to listen to the first 15 seconds of the telephone conversation between pretrial detainees and defense lawyers with the aim of determining the identity of the person called. The ombudsman found that this order violates the 1996 ministerial decree that prohibits listening to telephone conversations between pretrial detainees and defense lawyers.

The law permits short-term detainees to notify relatives or others of their detention within eight hours unless the notification would jeopardize the investigation. The investigative authorities must notify relatives of a detainee who is under “72 hour detention” of the detention and the detainee’s location within 24 hours. NGOs reported that in practice police did not fully comply with this requirement.

Arbitrary Arrest: According to the Prosecutor General’s Office, during the year, there were 88 official complaints of arbitrary detention. The Office of the Prosecutor General rejected 46 complaints, closed the investigation without pressing charges in 37 cases, initiated indictments in four cases, and closed one case with reprimand.

Pretrial Detention: The HHC reported its concerns that some court decisions ordering pretrial detention were arbitrary even if the detentions were correct procedurally. According to the HHC, some court decisions ordering pretrial detention often were not adequately substantiated with facts, and the arguments put forth by the defense were neither taken under consideration nor mentioned in the decisions.

In December 2010 parliament amended the law permitting the detention of asylum seekers during the entire refugee status determination process. The HHC continued to criticize the government’s practice of keeping asylum seekers in immigration detention facilities. On September 20, the European Court of Human Rights (ECHR) ruled in an immigration detention case submitted by the HHC that Hungary had violated its obligation to avoid arbitrary detention by maintaining the detention even after the applicants were admitted to the in-merit phase of the asylum procedure. According to the HHC, the detention of many asylum seekers still can be regarded as arbitrary according to the principles the ECHR laid down in the judgment, since the practice does not assess individually the need for prolonged detention and detention appears to be ordered automatically (see section 1.e., Regional Human Rights Court Decisions).

Human rights NGOs continued to criticize the 2010 amendment of the law on petty offenses permitting the incarceration of juveniles (under 18) in cases when the juvenile has no income or property and thus cannot be fined as a way of punishment. Alternative sanctions, such as community service or mediation, also do not apply in such cases. Human rights NGOs expressed concern that the law left no alternative to incarceration of juveniles convicted of minor offenses. On January 31, civil rights ombudsman Mate Szabo published a statement emphasizing that the incarceration of juveniles disproportionately and unnecessarily limits their right to personal freedom and personal security. Szabo urged the government to amend the relevant law to prohibit the incarceration of juveniles.

The law provides that persons held in pretrial detention and later acquitted may receive monetary compensation. According to the National Prison Service Headquarters, on December 31, 4,875 persons were being held in pretrial detention. Of these, 1,039 had been incarcerated for six months to a year and 770 had been held for more than a year.

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

Amnesty: President Pal Schmitt issued 17 official pardons during the year.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice. The Fundamental Law adopted by parliament on April 25 provides for independent and impartial courts and a fair public trial within a reasonable period.

During the year Supreme Court Chief Justice Baka expressed concern over the independence of the judiciary in connection with the newly adopted nullity law, the law on the mandatory retirement of judges, the amendments to the Criminal Procedure Code (see Arrest Procedures and Treatment While in Detention), and the law on court administration. According to Baka, the nullity law annulled court verdicts in certain cases related to the 2006 antigovernment demonstrations. It violated judicial independence by denying judges the right to consider cases (see

section 1.c.). On April 14, Baka, together with five heads of courts of appeal and 15 heads of county courts, issued a joint statement criticizing the mandatory retirement regime, alleging that it could create the possibility for political intervention and reduce judicial independence. The mandatory retirement law, adopted on June 20 and effective in 2012, reduces the age for mandatory retirement of ordinary judges and prosecutors by eight years (from 70 to 62), then gradually increases it to 65 by 2021. Baka also stated that there were no checks and balances on the “unrestricted, nontransparent and uncontrollable” power of the president of the OBH.

On November 20, Fidesz submitted a bill to parliament on the Transitional Provisions of the Fundamental Law, which terminated the mandate of the president of the Supreme Court. On December 28, Baka countered that his removal was illegal, asserting that he was forced out of office because he had openly criticized the government’s plan to reform the judiciary system.

On November 28, parliament adopted the new law on the organization and administration of courts and another law on statutes and remuneration of judges. The new law on court administration abolished the National Council of Justice (OIT) and transformed the Supreme Court into the Kuria as of December 31. The government declared that the new laws meant to separate judicial and managerial functions, which had been unified under the president of the Supreme Court, who was at the same time president of the OIT. The new concept assigned court management to the president of the OBH, while leaving oversight of the uniform administration of justice with the president of the Kuria. The law stipulated that a two-thirds majority of parliament elects the president of OBH from among judges for a nine-year term. The OBH president’s authority includes budgetary and financial management of courts; staffing, appointment, and controlling of court executives; and distribution of caseload and the ability to apportion cases to different courts. The incumbent president of OBH shall remain in the position until parliament elects his or her successor. The new law also established the National Council of Judges (OBT), a primarily consultative body of 15 judges without any substantive decisive power. While the OBT may offer opinions on the decisions of the OBH president and forward its own proposals for consideration, the OBH president is not bound by the OBT’s actions.

On December 13, parliament elected Tunde Hando (the president of the Metropolitan Labor Court) as president of OBH and Peter Darak (a judge at the Administrative Division of the Supreme Court) as president of the Kuria. Some international and domestic critics observed that Hando is the wife of Fidesz

European Parliament member Jozsef Szajer and a close friend of Prime Minister Orbán and claimed that her appointment constituted a politicization of the judicial system.

On June 6, parliament amended the constitution to increase the number of Constitutional Court justices from 11 to 15, extend the tenure of new justices from nine to 12 years, and eliminate the possibility of their reelection. The amendment does not affect existing justices. On June 14, parliament adopted a separate constitutional amendment, under which the president of the Constitutional Court would no longer be elected by the majority of court justices but by a two-thirds majority of parliament. On June 27, parliament elected five new Constitutional Court justices (for four new seats and one previous vacancy). All the newly elected justices were nominated by the governing Fidesz/KDNP coalition.

On July 13, the Constitutional Court ruled that it had no power to review the constitutionality of parliament's passage of the new constitution and constitutional amendments. The court also declared that democratic checks and balances, as well as constitutional rights, could be undermined if lawmakers added unconstitutional legal regulations to the constitution in order to circumvent the authority of the Constitutional Court. The ruling noted that, although the recent practice of individual members of parliament submitting amendments to the constitution and cardinal laws met the procedural requirements laid down in the constitution, it challenged the requirements of a democratic state and the supremacy of the rule of law. The ruling also emphasized that the lack of substantive consultations and parliamentary debates endangered the legitimacy of the constitution.

Human rights NGOs continued to criticize the 2010 law giving additional rights to judicial secretaries (law school graduates employed by the judiciary who have taken the bar examination but have not been formally appointed as judges by the president), such as the right to make decisions in petty offense cases punishable by imprisonment. The NGOs asserted that judicial secretaries were not independent because they were appointed by the head of their respective county court.

Trial Procedures

The constitution and laws provide for the right to a fair trial, and an independent judiciary generally enforced this right. The law extends these rights to all defendants. The new constitution, effective in 2012, also provides for the right to a fair public trial within a reasonable period of time.

Defendants are presumed innocent until proven guilty. There is no jury system; verdicts are rendered by judges. Judicial proceedings generally are investigative rather than adversarial. Defendants have the right to be present and are entitled to consult with an attorney during all phases of criminal proceedings with the exception of the “priority cases.” Representation by defense counsel is mandatory for defendants facing a charge for which the punishment is five years or more in prison, as well as for those in detention. If a defendant fails to retain counsel within three days, police or the prosecutor will appoint one at public expense.

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Regional Human Rights Court Decisions

During the year, the European Court of Human Rights (ECHR) ruled on 18 cases lodged by citizens against the state. The government paid fines imposed by the ECHR by the set deadline.

On November 3, the ECHR ruled in favor of a Hungarian Workers’ Party member. The party member had complained about his conviction for wearing the five-pointed red star, which the Hungarian courts considered a totalitarian symbol, at a demonstration in 2004. On November 4, Speaker of the House Laszlo Kover stated in a press interview that “a couple of idiots in Strasbourg, lacking any idea of what went on in this country for 50 years, ... think that demonstrating with a red star constitutes a fundamental freedom.” Kover also expressed his hope that the law banning the red star would stay in effect and authorities would continue to enforce it.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. Under the law, persons may seek damages for human rights violations. If domestic remedies have been exhausted, individuals may submit complaints that Hungary has violated the European Convention on Human Rights to the ECHR.

Property Restitution

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

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

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

On May 12, the government sent out more than eight million questionnaires to all Hungarian citizens above the age of 16 with questions pertaining to pensions, welfare, and education. Respondents were asked to return the questionnaires to the Central Office for Administrative and Electronic Public Services (KEKKH) by June 15. On June 7, the data protection ombudsman stated that the questionnaires violated the right to privacy, as respondents had no opportunity to reply anonymously. The ombudsman called on KEKKH to delete the personal details (name, address, barcode, signature, and e-mail address) supplied by the respondents from the authority's database. According to the ombudsman, the responses or even the fact that someone had replied to the questionnaire could be classified as a political opinion. On August 16, the ombudsman issued a resolution ordering the deletion of personal data from the questionnaires and prohibiting the creation of illegal database and data management.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The media reflects diverse opinions, and the right to free speech and freedom of the press is provided for by law. However, some observers believe that concerns over the broad powers of the media regulatory authority and a perceived decrease in judicial independence could create a climate conducive to self-censorship and political influence. The HCLU noted an increasing bias in news reporting by the public media.

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

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

Laws enacted in 2010 broadened the range of views whose expression was illegal to include public denial, doubt about, or minimizing the Holocaust, genocide, and other crimes of the National Socialist and Communist regimes. The law provides that such crimes carry a maximum sentence of three years in prison. In September 2010 the HCLU filed a petition with the Constitutional Court to overturn the law, arguing that it imposes serious restrictions on freedom of speech. The case remained pending at year's end.

The law prohibits the public display of certain symbols. They include the swastika, the hammer and sickle, and the arrow cross, a symbol associated with the country's fascist World War II-era government. The law prohibiting the public display of the five-pointed red star remained in effect despite a 2008 ECHR ruling that declared it to be a violation of the right to freedom of expression. On November 3, the ECHR repeated this judgment in a subsequent case (see section 1.e., Regional Human Rights Court Decisions).

Freedom of Press: On January 1, a series of new media regulations adopted by parliament in November and December 2010 entered into force, while provisions on print and online media and imposable fines became effective on July 1. The new laws concentrated authority over the media (including linear media services, on-demand media services, print, and online press) in a single state administrative body with wide-ranging authorities.

According to the law, the National Media and Info-communications Authority (NMHH), subordinate to parliament, is the central state administrative body for media issues. 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 area of frequency management and telecommunications.” The prime minister appoints the NMHH president for a nine-year term with no limit on reelection. The NMHH president also serves as chair of the five-member Media Council, appointed by parliament to supervise electronic and print media content. The four additional council members are elected to nine-year terms by a two-thirds majority vote of the members of parliament in attendance. The new public service broadcasting system merged the supervisory boards of all state-owned public service broadcasting entities (including the state news agency, MTI) into the newly created Public Foundation for Public Service Media (MTVA) and placed their finances and assets under the control of the new Media Service Support and Asset Management Fund. The foundation is managed by an eight-member Board of Trustees, six of whom are elected for nine-year terms, while the chair and one other member are delegated by the Media Council. The Media Service Support and Asset Management Fund is in charge of promoting national audiovisual culture and public service programs, under the supervision of the Media Council.

Censorship or Content Restrictions: The laws introduced a new content regulation regime and standards for journalistic rights, ethics, and norms applicable to all media, including news portals and online publications. According to the law, all citizens have the right to be appropriately informed about local, national, and European public affairs, as well as other “events bearing relevance” for citizens. The law prohibits inciting hatred against persons, nations, communities, ethnic, linguistic or other minorities, majority groups, churches, or religious groups. The legislation introduced the institution of “source protection” maintaining the confidentiality of information with respect to criminal proceedings. However, the law provides exceptions to journalists’ right to source protection in cases when unauthorized sources reveal classified information if courts or government authorities rule that such disclosure is “in the interest of protecting national security and public order, or uncovering or preventing criminal acts.”

Effective July 1, the Media Council has the authority to impose fines for violations of content regulation, including media services that violate prohibitions on inciting hatred or violating human dignity or regulations governing the protection of minors, public health, public security, national security and consumers and investors. The council may impose fines for violations ranging from 10 to 200

million forints (\$41,400 to \$828,000), depending on the type of publication and audience size. It may fine individual editors up to two million forints (\$8,280). The council can also suspend the right to broadcast for up to a week and is also empowered to render “reprimanding judgments” in cases of content that it considers “unbalanced.” Decisions of the Media Council may be challenged in court by lodging a petition against the council, but the complaint shall not delay the Media Council’s sanction. Through October 20, the Media Council issued 70 resolutions imposing fines totaling 410 million forints (\$1.7 million) on 36 media outlets. Twenty-one media organizations challenged the Media Council’s decision in court. All the court cases remained pending at year’s end.

On September 5, the Media Council fined the right-wing television channel Echo TV 500,000 forints (\$2,070) over a February broadcast of the program “World Panorama,” which contained openly racist statements. The presenter spoke of “Gypsies,” “Gypsy terrorism,” and the “Nazi liberals” whose goal is to “inflict parasitic human-like figures on Hungarians.” According to the ruling of the Media Council, the broadcast violated media regulations on respecting human dignity and incitement to hatred.

On December 3, two state-run television channels (MTV and Duna TV) blurred out the face of former Supreme Court president Zoltan Lomnici, who was standing in the background during an interview. Lomnici, the president of the Council of Human Dignity, called the incident the most serious attack on the freedom of press in the previous 20 years. The communications director of the MTVA characterized the incident as “a grave ethical offense” and announced the launch of an investigation to find those responsible. On December 8, MTVA management reprimanded two news editors and one film editor as result of the investigation and both channels apologized for the incident. On December 10, the vice president of the Independent Labor Union of Television and Film Makers (TFSZ), Balazs Navarro Nagy, began a hunger strike to protest the lack of punishment for those responsible for the blurring out Lomnici, later joined by four other current or former employees of the state media. On December 15, the MTI managing director fired the news center director and demoted the deputy editor of the news center, while the managing director of MTVA demoted the editor in chief of the news department. The five persons on a hunger strike continued their protest as their demands were only partially met. On December 27, MTVA fired Navarro Nagy and one other hunger-striking journalist, who was also a union leader, arguing that they had provoked their employer and violated the Media Act and the labor code ban on expressions of political opinion during their demonstration. Navarro Nagy called their dismissal illegal, since, as union leaders, their dismissal

would require the consent of their respective unions. On December 28, other unions, civil groups, and opposition parties staged a demonstration protesting the dismissal of the two union leaders by MTVA. The hunger strike and the demonstrations continued until year's end.

During the year national and international human rights organizations continued to criticize the new media laws. Critics particularly emphasized the broad scope of regulatory control of a non-independent administrative body that covers not only broadcasting media but also print, on-demand, and Internet media providers. Domestic civil society groups held several demonstrations to protest against the new media regime in the support of media freedom during the year, including a demonstration on March 15 that attracted approximately 30,000 people in Budapest.

On February 25, EU Commissioner for Digital Agenda Neelie Kroes declared that the wide range of problematic provisions in the country's media legislation result in a narrowing of the space in which the media can operate freely and recommended a comprehensive revision of the media law package as a whole. On February 25 and 28, the Council of Europe's human rights commissioner and the Organization for Security and Cooperation in Europe (OSCE) representative on freedom of the media issued their opinions highlighting serious shortfalls in the laws, including the vague content restrictions for all media outlets, harsh sanctions, a mandatory registration system, and a weak regime to protect sources. On March 10, the European Parliament adopted a resolution on the country's media laws, calling on the government to restore the independence of media governance and halt state interference with freedom of expression and balanced coverage.

On March 7, parliament amended some provisions of the media law, removing the requirement for on-demand media content providers to give "comprehensive, factual, up-to-date, objective, and balanced information." In addition, television and on-demand audio-visual media services provided by foreign media were exempt from content sanctions, with the exception of circumvention of law.

On April 5, the visiting UN special rapporteur on freedom of expression, Frank La Rue, issued a declaration stating that the media legislation still risks generating a climate of self-censorship.

On July 18, parliament amended the media laws so that penalties levied on media companies could be collected the same way as public debt by the tax authority.

In July the NMHH signed co-regulation contracts with the Association of the Hungarian Electronic Broadcasters, the Hungarian Association of Publishers, the Association of Hungarian Content Providers and the Self-regulatory Advertising Council. From July 1, the four contracted co-regulatory organizations started monitoring press and online media products and on-demand services. Upon the authorization of the Media Council, the co-regulatory organizations handle complaints, and the procedures set by their own code of conduct precede any action by the Media Council. Self-governance can only be exercised regarding those who have either voluntarily assumed membership in a co-regulatory body or have voluntarily subjected themselves to the code of conduct. The co-regulatory bodies must keep a register of membership and of the companies that have accepted the code of conduct. The Media Council may review the procedures of the self-regulatory bodies. There was no information available on how many complaints were addressed by the self-regulatory bodies during the year.

On July 21, the Media Council announced it would begin accepting applications for 10 local radio frequencies, including the Budapest 95.3 MHz frequency used by Klubradio, a left-leaning talk-radio station strongly critical of the government that reached an estimated 300,000 listeners. In the call for applications, the NMHH announced its new preference for radio channels that favor a music format with a focus on local events. Eventually, seven applications were submitted for the 95.3 MHz frequency. On December 20, the Media Council issued its decision to award the frequency to Autoradio, a year-old company with no previous experience in broadcasting. Klubradio appealed the decision to the Budapest Metropolitan Appellate Court. The Media Council cannot sign a contract with Autoradio until the court procedure is completed. Domestic and international media and civil society groups harshly criticized the Media Council decision.

During the year and in 2010, all opposition parliamentary parties, the HCLU, the Association of Hungarian Journalists (MUOSZ), and individual citizens petitioned the Constitutional Court for a constitutional review of the media laws. On December 19, the court issued a ruling striking down elements of the two media laws, including provisions on content regulation, protection of journalists' sources, the obligation to provide data to the Media Authority, and the institution of the Media and Broadcasting Commissioner. The Constitutional Court annulled the effect of the 2010 Act on the Freedom of the Press and the Fundamental Rules of Media Content (SMTV) related to print and the Internet media outlets as of May 31, 2012. The court found that the Media Authority's authority to review content relating to human rights, human dignity, and privacy from print and online media outlets constituted an unconstitutional restriction of freedom of press as there are

other possibilities in the legal system to enforce these rights. The effect of this will be to remove print and online media from the jurisdiction of the Media Council. The court voided the restriction on journalists' protection of anonymous sources, striking down a clause of the SMTV according to which journalists are only entitled to protect their sources at court and in official proceedings if the information in question is in the public interest. The court ruled against the clause of the 2010 Act on Media Services and Mass Media (MTTV) granting the Media Council the power to obtain protected information (i.e., information protected by lawyer-client confidentiality) without court approval. Finally, the court struck down the institution of the media and communication commissioner stipulated in the MTTV, stating that the powers granted to the official constituted significant interference in press activity. The Constitutional Court refrained from reviewing the constitutionality of other parts of the two laws also challenged by petitioners.

During the year the NMHH dismissed approximately 900 employees from state-owned media outlets as part of a wide-ranging reorganization and downsizing. On July 12, the European Federation of Journalists (EFJ) and the South and East European Media Organization (SEEMO) issued a joint statement expressing their concern over the dismissals in the Hungarian public broadcasting sector and claimed that some of the layoffs were politically motivated.

In August 2010 a member of the far-right Jobbik faction in parliament, Gyula Gyorgy Zagyva, allegedly harassed and threatened two journalists of the weekly paper *Hetek* during the Magyar Sziget music festival in Veroco. According to reports, Zagyva, carrying a whip, told the journalists "you should be glad that you were not beaten up." He reportedly also said it was a sign of "Jewish arrogance" that the journalists turned on their tape recorder and that he wanted to "stamp out their guts." Zagyva denied the reports. The Central Investigative Chief Prosecutor's Office launched an investigation on the basis of harassment accompanied by the threat of physical violence. On June 29, parliament waived the parliamentary immunity of Zagyva, and the prosecutor's office pressed charges against him on September 6. The case remained pending at year's end.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mails or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

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

Freedom of Assembly

Under the law, demonstrations do not require a police permit, but event organizers must inform police of a planned assembly in a public place at least three days in advance. The law authorizes police to prohibit any gathering if it seriously endangers the peaceful operation of representative bodies or courts or if it is not possible to ensure alternate routes for traffic. However, police are not required to disband a spontaneous, unauthorized assembly that remains peaceful. Until November 17, police prohibited 51 demonstrations, which represented 1 percent of total announced demonstrations.

During the year, the HHC and other human rights organizations continued to emphasize the need to modify the law on assembly to clarify when police may prevent a public gathering. According to the HHC, the law does not permit police to prevent a demonstration based on an unverified assumption that the demonstrators are highly likely to commit a criminal offense. According to NGOs, the shortcomings of the law sometimes resulted in inconsistent police practices.

On June 24-25, during the official visit of the Chinese prime minister, approximately 10 Tibetan activists organized demonstrations in Budapest in support of Tibet. According to the HCLU and opposition politicians, authorities severely curbed their right of assembly. Media reported that police prevented several protesters from holding Tibetan flags along the route of the Chinese prime minister's motorcade, checked the identity of approximately five pro-Tibet protesters, and arrested one demonstrator. Police did not prevent the pro-China demonstrators from waiving their flags. On June 25, the Office of Immigration and Nationality summoned 79 foreigners legally residing in the country, including Tibetan refugees, for a "routine check" and kept them waiting in the office for approximately five hours. On June 27, Prime Minister Orban stated in parliament that "one can demonstrate but we expect the demonstrations not to want to destroy Hungary's important goals... Hungary needs these ties and these meetings must

not be disturbed.” On August 4, civil rights ombudsman Mate Szabo stated in a report that police action against the demonstrators violated their rights to free expression and human dignity while the Office of Immigration and Nationality violated the prohibition against discrimination. On July 7, the HCLU filed a complaint with the Budapest Investigative Prosecutor’s Office for the alleged violation of the right of peaceful assembly and the abuse of authority. On September 9, the prosecutor’s office rejected the complaint based on the lack of offense.

On June 24, the police prevented the pro-Tibet demonstration of five Hungarian citizens planned at ELTE University also in connection with the visit of the Chinese prime minister. On October 11, two of the demonstrators represented by the HCLU filed a complaint with the Budapest Investigative Prosecutor’s Office for alleged abuse of authority. In November the prosecutor’s office ordered an investigation in the case that remained pending at year’s end.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

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

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

Protection of Refugees

Access to Asylum: The law provides for the granting of refugee status or subsidiary protection, and the government has established a system for providing protection to refugees. Under the law, “subsidiary protection” is defined as protection provided to foreigners who do not satisfy the criteria of recognition as a refugee if there is a risk that, in the event of their return to their country of origin, they would be exposed to serious harm. The law also provides that the office may authorize persons to stay in the country by granting them “tolerated status”

consistent with the country's nonrefoulement obligations under international law. While asylum procedures were generally accessible, the HHC reported incidents of police failing to identify asylum seekers in border procedures in mixed migration flows (especially at the Serbian-Hungarian border) and of forced return of persons in need of international protection without the proper assessment of their protection needs or factors of vulnerability. The Office of Immigration and Nationality stated that they did not receive any official complaints of problems.

During the first 10 months of the year, the Office of Immigration and Nationality received 1,284 applications for refugee status and approved 34. The office granted 87 persons subsidiary protection status. During the year the Office of Immigration and Nationality granted 11 persons tolerated status.

Safe Country of Origin/Transit: The law includes definitions for the principles of "safe country of origin" and "safe third country" (i.e., safe country of transit) including adequate provisions for individual consideration in exceptional cases. In practice, authorities decided on a case-by-case basis whether the country of origin may be regarded as a safe country of origin for the applicant.

The HHC reported that the proportion of asylum applications rejected in pre-admission interviews significantly increased during the year due to the increased application of the safe third country principle in the case of Serbia.

Nonrefoulement: In law and practice, the government generally provided protection against the expulsion or the return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The HHC reported that the Office of Immigration and Nationality's practices with respect to returning asylum seekers to Ukraine contradicted the UNHCR's 2007 recommendations regarding Ukraine, which the UNHCR assessed cannot be considered a safe country of transit for asylum seekers.

During the year, the HHC criticized the law adopted in December 2010 that permits the detention of asylum seekers during the entire refugee status determination procedure, including the "in-merit" procedure, during which the detailed examination of the asylum case takes place. The HHC asserted that the restrictions contradicted the EU Directive on Return and could not be justified by conditions.

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

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

Elections and Political Participation

Recent Elections: The OSCE election observation mission reported that two-round parliamentary elections held in April 2010 were conducted in a manner consistent with international standards and commitments for democratic elections. The elections brought a Fidesz-KDNP coalition back to power with a two-thirds majority.

Participation of Women and Minorities: The 386-seat parliament elected in April 2010 included 34 women, 20 percent fewer than its predecessor. There were no women in Prime Minister Orbán's eight-member cabinet until December 23, when Zsuzsanna Nemeth took the office as the new minister of national development. Women were represented at the subcabinet level. There was one woman on the Constitutional Court elected by parliament on June 6. Due to privacy laws regarding ethnic data, no statistics were available on the number of minorities in the parliament, cabinet, or Constitutional Court.

Section 4. Official Corruption and Government Transparency

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

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

Members of parliament, the president of the republic, high-level government officials, mayors, and local government representatives have to prepare and publish their assets declarations on a regular basis, as the law requires. In addition,

the vast majority of public sector employees, including law enforcement and army officials, judges, prosecutors, civil servants, and public servants, are obliged to prepare assets declarations but are not required to make them accessible for the public. NGOs contended that the regulation was not adequate because there was no effective method for detecting and sanctioning violators.

Several government offices were responsible for combating corruption. The State Audit Office audited the public sector and received reports on campaign spending of political parties but did not assess the accuracy of these reports. Prosecutors, police, and in certain cases the customs and finance guard were responsible for investigating corruption. Special agencies, such as the competition authority and the supervisory body of financial institutions, were responsible for ensuring fair and transparent market conditions. During the year, Transparency International Hungary repeatedly emphasized the need for more effective coordination between the 10 or more institutions involved in anticorruption activities. On June 20, parliament passed a “cardinal law,” effective July 1, empowering the State Audit Office to supervise public funds and manage national assets. The new law provided the office with the authority to review the finances of private companies if public funds are used, regardless of the amount. Any company employee who refuses to cooperate with the State Audit Office could be subject to imprisonment for up to three years.

During the year, investigative authorities and courts took actions in several alleged corruption cases of former senior government officials, and the cases were the subject of intense public interest. The government commissioner for accountability and anticorruption, Gyula Budai, forwarded 25 cases to investigative authorities during the year, most on the basis of crime against property and one case based on crime against the purity of public life.

On March 16, the Budapest Military Prosecutor’s Office indicted 18 senior officials at the Ministry of Defense, including four generals and 12 current or former staff officers on bribery charges. Four ministry departments, four ministry-owned companies, and 20 outside firms are involved in the case. On June 28, the minister of defense stated in a press conference that more than two billion forints (\$8.3 million) was allegedly embezzled from the ministry in the 2005-10 period. The case remained pending at the Kaposvar City Court at year’s end.

On September 12, parliament suspended the parliamentary immunity of former prime minister Ferenc Gyurcsany upon the request of the prosecutor general. On October 3, the Central Investigative Chief Prosecutor’s Office indicted Gyurcsany

on suspicion of abuse of office regarding the Sukoro Casino project. Gyurcsany refused to answer questions and filed a complaint accusing prosecutors of taking part in a “cynical show trial.” The case remained pending at year’s end.

The constitution and law provide both citizens and foreigners the right to access information held by public bodies, although the public bodies controlling such information may restrict access in order to protect what they determine to be legitimate public interests, as defined by law. Requestors may appeal denials in court within 30 days after the denial or initiate the procedure of the data protection and freedom of information parliamentary commissioner (ombudsman). Public bodies are required to disclose information within 15 days upon receiving the request or provide the requestor detailed reasons for any denials.

On July 11, parliament adopted a new law on the reform of the ombudsman’s system. The law, scheduled to go into effect in 2012, abolishes the Office of the Data Protection and Freedom of Information Parliamentary Commissioner and transfers its duties to the new National Data Protection and Freedom of Information Authority. The prime minister nominates the head of the authority, who is appointed by the president to a nine-year term. Transparency International Hungary criticized the elimination of the Office of the Data Protection Ombudsman, claiming that the new authority would not be independent of the executive branch and thus would not be able to protect citizens from breaches of executive power in the field of freedom of information and right to privacy. The data protection ombudsman criticized the change, asserting that the termination and reform of the country’s data protection regulations violate EU law.

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

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

Government Human Rights Bodies: There are parliamentary commissioners (ombudsmen) for civil rights, national and ethnic minority rights, data protection and freedom of information, and future generations. These ombudsmen examined constitutional rights violations and initiated individual or general proceedings to prevent further violations. Following appointment by the president, a two-thirds parliamentary majority confirms the ombudsmen for six-year terms, renewable

once. The ombudsmen are responsible only to parliament, which allocates their financial resources and votes on their annual report. The ombudsmen operated without government or party interference and published annual reports, recommendations, and statements during the year.

On July 11, parliament passed a law providing for a new, integrated ombudsman system. The law, scheduled to take effect in 2012, creates the post of a single ombudsman for fundamental rights and two deputies for the protection of interests of national minorities and future generations, respectively. The president nominates the ombudsman for fundamental rights, and the ombudsman has the right to nominate the two deputies. Parliament confirms the three officials for six-year terms, starting in 2012.

The new law provides the new ombudsman with enhanced authority, including the right to initiate proceedings to defend the basic rights of large groups of citizens from violations committed by state-run institutions, banks, businesses, and social organizations. In addition, the new constitution provides that citizens may submit constitutional complaints about laws passed by parliament to the Office of the Ombudsman for Fundamental Rights, who may refer the complaints to the Constitutional Court. On December 9, Attila Peterfalvi became the head of the National Data Protection and Freedom of Information Authority. Mate Szabo, who kept his office as the ombudsman for civil rights, claimed that consolidation of the four ombudsmen into a single position ensures more efficient advocacy of civil rights both at home and at international forums.

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

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

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

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal, but human rights observers generally considered the problem underreported. Under the law, a

sexual assault is considered rape only if it involves the use of force or aggravated threats. Penalties for rape range from two to eight years in prison and can be as long as 15 years in aggravated cases. According to the Office of the Prosecutor General, in the first six months of the year, prosecutors pressed rape charges in 75 cases.

The law does not specifically prohibit domestic violence or spousal abuse. The charge of assault and battery, which carries a maximum prison term of eight years, was used primarily to prosecute domestic violence cases. Under the law, police called to the scene in domestic violence cases may issue an emergency restraining order valid for three days in lieu of immediately filing charges, while courts may issue 30-day restraining orders in civil law cases and a maximum of 60-day orders in criminal procedures. According to women's rights NGOs, the law does not provide appropriate protection for the victims and does not place sufficient emphasis on the accountability of perpetrators. NGOs noted that no protocols or systematic training regarding domestic violence were available for law enforcement personnel, even for the implementation of the police protocol.

Expert research in the field of domestic violence indicated that approximately 20 percent of women have been physically assaulted or victimized by domestic violence in their adult life. However, most incidents of domestic violence went unreported due to fear on the part of victims or prior bad experience with authorities. Prosecution for domestic violence was rare. Prosecuting abusers was difficult because of societal attitudes that tended to blame the victim. According to NGOs, police remained reluctant to arrest abusers due to a lack of confidence that the judicial system would effectively resolve abuse cases.

The Ministry of National Resources continued to operate a 24-hour hotline for victims of abuse. During the year the ministry reduced the number of state-funded shelters for socially disadvantaged persons, including victims of domestic violence, from 80 to 40. The ministry continued to operate four "halfway houses" around the country available for 16 families for up to five years. According to women's rights NGOs, services for victims of violence against women either operated with limited capacity or did not meet international standards of good practice.

Sexual Harassment: The law establishes the right to a secure workplace and makes sexual harassment a criminal offense; however, according to NGOs, sexual harassment remained widespread. NGOs contended that the law did not clearly define sexual harassment, leaving victims with a lack of legal awareness or

incentive to file a complaint. During the first 10 months of the year, the Hungarian National Police Headquarters recorded 3,884 cases of harassment against woman.

In the first 10 months of the year, the Equal Treatment Authority (ETA), an independent authority set up by the government to monitor enforcement of antidiscrimination laws, received 11 reports of sexual harassment. The ETA found legal violations in seven of the cases, and in four of those it imposed penalties ranging from 500,000 to one million forints (\$2,070 to \$4,140). Four cases remained pending at year's end.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. There was relatively easy access to contraception and skilled attendance during childbirth, and national family planning services focused on providing prenatal and postnatal care and counseling.

NGOs long contended that the lack of legal framework regulating the work of independent midwives limited women's access to reproductive health care, as the authorities do not recognize independent midwives as a professional group and could charge them with a crime for their work. On March 2, the government issued a decree allowing women to give birth at home with the assistance of a midwife licensed by the State Medical Office or obstetrician under certain conditions. According to a decree applying to births after May 1, pregnant women aged 18-40 may choose where they prefer to deliver their child, so long as neither the child's nor the mother's life is in danger and a hospital is accessible within 20 minutes' travel.

Women and men were equally diagnosed and treated for sexually transmitted infections.

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

During the first 10 months of the year, the ETA received 707 complaints, issued 249 decisions, and found 15 complaints of illegal discrimination in the field of employment to be justified. In the “justified” cases, the ETA ordered employers to stop their illegal activities and refrain from further violations. In seven instances, the ETA ordered employers to pay penalties ranging from 50,000 to one million forints (\$207 to \$4,140).

According to the EU Commission’s statistics, there was a 15.7 percent difference between the average gross hourly earnings of male and female employees in 2009. During the year, the ETA found employer discrimination against women in 15 complaints. There was economic discrimination against women in the workplace, particularly against job seekers older than 50 and those who were pregnant or had returned from maternity leave.

Children

Birth Registration: Citizenship is acquired by birth from a parent who is a citizen and birth registrations are administered immediately.

Education: The law provided for free compulsory education for children. On December 19, parliament adopted the law on public education that lowered the mandatory school age from 18 to 16.

On June 7, the National Family and Social Policy Institute published a national survey, which found that 70 percent of Roma had eight years of education or less while 26 percent earned some kind of vocational qualification. Only 5 percent of Romani students completed secondary school, and only 1 percent held a college or university degree.

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

During the year, the Chance for Children Foundation (CFCF) initiated one lawsuit against the local government and primary school of Gyongyospata. During the year, five other cases initiated by the CFCF in previous years remained pending.

A 2008 European Roma Rights Center report found that Romani children were overrepresented in the child protection system. In the sample of children in professional care institutions, 40 percent were of Romani origin and 18 percent had one Romani parent. In the general population, Romani children accounted for approximately 13 percent of the child population. Romani children had a higher probability of being placed in a children's home rather than in family-like care or a community setting.

Child Abuse: In the first 10 months of the year, the NPH registered 6,763 cases of "crimes against children."

Sexual Exploitation of Children: Buying sexual services from a child younger than 18 is a crime punishable by up to three years in prison. The minimum age for consensual sex is 14. According to the law, statutory rape is a felony punishable by imprisonment for two to eight years, or five to 10 years if the victim is under 12 years of age. The law prohibits child pornography, which is punishable by up to eight years in prison. Some girls under the age of 18 engaged in prostitution.

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/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

The Jewish population was estimated to be between 80,000 and 100,000. While Jewish congregations reported a decline in anti-Semitic incidents, anti-Semitic remarks in public discourse became harsher than they were in 2010.

During the first 10 months of the year, there were 145 reported instances of vandalism of Jewish and Christian properties, 14 in houses of worship, and 139 in cemeteries.

On January 29, three teenagers confessed to vandalizing 75 gravestones in the Jewish cemetery in Marcali on January 23 to "show off their strength to one another." The 14- to 15-year-old culprits caused damage estimated at 1.5 million forints (\$6,210). Prime Minister Orban condemned the vandalism, calling the act offensive to the Jewish community and all Hungarians.

The weekly radical magazine *Magyar Forum* and the official weekly publication of the far-right Jobbik party, *Barikad*, continued to publish anti-Semitic articles during the year.

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

During the year leaders of the extremist parliamentary party Jobbik and other far-right groups continued to make anti-Semitic statements. On February 14, Jobbik chairman Gabor Vona wore the vest of the banned paramilitary group Magyar Garda in parliament on the opening day of the spring parliamentary session. The Hungarian Confederation of the Jewish Communities in Hungary (MAZSIHISZ) condemned the incident and suggested that Speaker Laszlo Kover amend the parliamentary rules to prevent incidents that violate legal regulations or incite hatred against individuals or groups on religious or racial grounds. On August 4, the leader of the paramilitary group Outlaw Army, Zsolt Tyirityan, gave an inflammatory speech at the far-right music festival Magyar Sziget during which he spoke about an “ongoing war between races” and stated that “one has to become able to pull the trigger of a machine gun, maybe, when seeing a different skin color.” On September 16, the Pest County Police Headquarters opened an investigation into the incident, which remained pending at year’s end.

During the year the prime minister, cabinet members, and opposition politicians routinely criticized extremist movements, condemned anti-Semitic incidents, and attended events commemorating the Holocaust. The government continued its effort to enhance dialogue and expand coordination with the domestic and international Jewish communities. The state secretary at the Ministry of Public Administration and Justice, Andras Levente Gal, held regular consultations with leaders of Jewish congregations and NGOs on various issues, including restitution for heirless Jewish properties and Holocaust education in public schools.

On October 6, Budapest Mayor Istvan Tarlos appointed Gyorgy Dorner director of the Uj Szinhaz theater of Budapest. The mayor also appointed playwright and founding member of the far-right MIEP party, Istvan Csurka, as theater superintendent. MAZSIHISZ and other local and international Jewish organizations and professional groups criticized the mayor’s decision, citing Dorner’s and Csurka’s open affiliation with far-right groups. On October 22,

approximately 2,000 people demonstrated outside Uj Szinhaz against the appointments. On December 14, the mayor requested the theater not to employ Csurka.

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

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or the provision of other state services. However, persons with disabilities frequently faced discrimination and prejudice. Government sources estimated there were 600,000 persons with disabilities, while disability organizations estimated the number to be approximately one million.

NGOs continued to complain about the lack of independent oversight over government-run long-term care institutions for persons with mental disabilities. According to the Hungarian Association for Persons with Intellectual Disabilities, there were 23,000 persons with mental disabilities living in long-term care institutions. There were sporadic reports that employees of such institutions used inappropriate physical restraints on patients. NGOs also noted that there was no legal regulation or government strategy for deinstitutionalization of persons living in such institutions.

The international NGO Mental Disability Advocacy Center (MDAC) criticized the government for failing in its obligation to protect the rights of persons with disabilities who were under the legal guardianship of others, particularly in their access to employment, education, and health care. According to the center, one of the key problems was a lack of alternatives to guardianship for persons with disabilities needing support in making certain decisions. According to NGOs, almost 67,000 adults were under guardianship.

Under the constitution, citizens placed under guardianship by a court immediately lose their right to vote. The new Fundamental Law, which will become effective in 2012, defers to the courts to decide on suffrage for persons with limited mental capacity. The MDAC harshly criticized the “mental ability” provision calling it an “unsophisticated disguise for disability-based discrimination,” as it could be applied to people with intellectual disabilities and people with psychosocial disabilities. NGOs noted that polling places were generally not accessible to persons with disabilities and that election materials were not available in easy-to-read format.

A government decree requires all companies with more than 20 employees to reserve 5 percent of their work positions for persons with physical or mental disabilities and provides fines for noncompliance. Employers typically paid the fines rather than employ persons with disabilities. In 2010 approximately 8 percent of working-age persons with mental disabilities were employed.

Both the central government and municipalities continued to renovate public buildings to make them accessible to persons with disabilities. Under the law, buildings operated by the central government were to have been made accessible by 2010, while those operated by municipalities were given until 2013 to meet the goal. There was no data available on the percentage of government buildings that were not accessible, but NGOs contended many public buildings remained inaccessible. NGOs claimed that the right to public schooling was not honored for children with severe and multiple disabilities because public elementary schools are not obliged to enroll disabled children.

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

National/Racial/Ethnic Minorities

The Romani community remained the largest ethnic minority. According to the Central Statistics Office, in 2007 the Romani community accounted for 2 percent of the population, or approximately 200,000 persons. However, unofficial estimates varied widely and suggested the actual figure was much higher, ranging between 500,000 and 800,000 persons. Human rights NGOs reported that Roma were discriminated against in almost all fields of life, particularly in employment, education, housing, penal institutions, and access to public places, such as restaurants and bars.

During the year, right-wing extremist groups continued to incite violence against Roma and held marches around the country aimed at intimidating local Romani communities. Beginning on March 6, far-right activists of the For a Better Future Civil Guard Association donned uniforms and patrolled the town of Gyongyospata with the aim of intimidating the local Roma population. On April 22-24, the paramilitary group Vedero (Defense Force) organized a three-day training camp near the village's Roma neighborhood. On the morning on April 22, some 267 Romani women and children were bussed out of the village in a move that some individuals claimed was an "evacuation," but which the organizer, Red Cross Hungary, asserted was a prearranged camping trip. On April 22, Interior Minister Sandor Pinter visited Gyongyospata, ordered increased police presence in the town, and instructed the police to expel the extremists. The same day, police arrested eight far-right activists and charged them with disorderly conduct. On April 25, the court acquitted five defendants. On April 26, four of the far-right activists who remained in Gyongyospata provoked a fight with the Romani residents. One of the provocateurs suffered serious injuries, while the three others and two local Romani residents suffered minor injuries. The police opened an investigation in the case and pressed charges against two Roma for disorderly conduct committed in a group and in an armed manner.

NGOs accused far-right groups of intentionally provoking ethnic tension in Gyongyospata and asserted that the government failed to protect the local Roma minority against racist provocation. However, the government responded vigorously, adopting legislation in April and May to halt the "uniformed criminal activity" of far-right groups (see section 1.d.).

On March 25, the trial of four persons charged in connection with the 2008-09 serial killings of six Roma, including a father and child who were shot fleeing their burning home, began at the Pest County Court. Three of the defendants were charged with multiple homicides, and the fourth was charged as an accomplice in the killings. The case remained pending at year's end.

According to the HCLU, members of the Romani community were regularly sentenced for minor offenses, such as collecting firewood or minor traffic violations, that were usually ignored when committed by non-Roma. The HCLU asserted that police and municipalities selectively applied laws against the Roma to keep them segregated and restrict their freedom of movement. The Ministry of Public Administration and Justice operated an antidiscrimination legal service network that provided free legal aid to Roma in cases where they encountered ethnic discrimination. However, human rights NGOs complained that the legal

offices were located in the larger cities and were inaccessible to Roma living in deep poverty in small villages. The HCLU received reports that the network's lawyers rejected some Roma cases.

During the year NGOs complained that courts increasingly used the provision of the criminal code on racism to convict Roma, whereas the law was designed to protect members of minority groups. On March 3, the Pest Central District Court convicted seven young Roma for what the court ruled was a racist attack on a non-Romani individual by applying the criminal code provision of violence against a member of a community. On October 24, the Budapest Metropolitan Court of Appeal upheld the charge of racist motivation in one case and reduced the charges in the case of six other men to "armed hooliganism," a change that significantly mitigated the legal penalties. The appeals court emphasized in its ruling that lawmakers criminalized violence against member of an ethnic community in order to expand protection of minority groups, not the majority group.

According to the government, approximately 85 percent of working-age Roma were unemployed, and in many underdeveloped regions of the country, the number exceeded 90 percent. On July 11, parliament amended the law on public work stipulating that the unemployed who want to continue to receive benefits cannot reject public work opportunities unless they have small children, need to care for a sick family member, or would require more than three hours to commute to and from work. The new law, effective September 1, also reduced the period for which unemployment benefits are granted from 270 to 90 days and authorized local governments to set up their own preconditions for granting social subsidies. The new National Public Employment Program, launched on September 1 and estimated to cost 60 billion forints (\$249 million), provided part-time employment opportunities for 250,000 registered unemployed persons living on social welfare for two to four months. The public works program typically involves cleaning public spaces or work on agricultural or water projects. During the year approximately 302,152 individuals were involved in the various forms of public employment programs, including those run by local governments.

The public education system continued to provide inadequate instruction for minorities in their own languages. Romani language schoolbooks and qualified teachers were in short supply. According to the national survey published by the National Family and Social Policy Institute on June 7, Roma were significantly less educated than other citizens.

During the fall school season, four Christian churches opened Roma Specialist Colleges in Budapest, Miskolc, Debrecen and Nyiregyhaza providing housing and tutoring for Romani students enrolled in higher educational institutions. During the year 75 Romani students participated in the network of special colleges.

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 order to apply for EU and government funds for urban rehabilitation and public education projects, municipal authorities must attach to their proposal a desegregation plan outlining planned actions to eradicate segregation in housing and public education. According to a 2010 survey by the Ministry of National Resources, approximately 100,000 seriously disadvantaged persons, mainly Roma, lived in approximately 500 settlements that lacked basic infrastructure and were often located on the outskirts of cities. During the year, the government launched a new program worth 3.5 billion forints (\$14.5 million) to rehabilitate these settlements aimed at improving the living conditions of the residents. The government program involved four segregated settlements, accommodating approximately 5,000 people.

During the year the state secretary for social integration at the Ministry of Public Administration and Justice, Zoltán Balog, continued to play a critical role in advancing Roma affairs within the government. The office harmonized the government's inclusion policy as well as that governing Roma-related government programs (e.g., scholarships, Decade of Roma Inclusion Program). The Ministry of National Resources continued to offer financial incentives to encourage schools to integrate Romani and non-Romani children in the same classrooms and to reintegrate Roma inappropriately placed in remedial programs. On September 26, the government established the 27-member Roma Coordination Council, chaired by the minister for public administration and justice and co-chaired by the head of national Roma self-government, Florian Farkas, who was elected on January 20. The new council includes representatives of local Roma self-governments, NGOs, and churches. Most ministries and county labor affairs centers had special officers for Romani affairs focused on the needs of the Romani community.

On November 30, the cabinet approved the National Social Inclusion Strategy. The national strategy identifies specific actions the government aims to take to reduce the percentage of the population living under the poverty line, integrate Roma into the labor market, and increase the level of education of Roma. On December 13, the cabinet adopted the Governmental Action Plan for the

implementation of the National Social Inclusion Strategy for 2012-2014. The action plan determines specific tasks, identifies responsible members of the cabinet, and sets deadlines in the areas of child welfare, education, employment, health care, housing, raising awareness, and fighting discrimination against Roma.

On December 19, parliament passed a new law on “nationalities,” scheduled to enter into force in January 2012. The new law defines the cultural autonomy of the nationalities and recognizes as collective rights the fostering and enrichment of historic traditions, language, culture, educational rights, as well as establishing and operating institutions and maintaining international contacts.

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

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

The law on equal opportunity explicitly prohibits discrimination based on sexual preference. The provisions of the penal code on “inciting against a community” and “violence against a member of a community” prohibit certain forms of hate speech and prescribe increased punishment for violence against members of the lesbian, gay, bisexual, and transgender (LGBT) community, albeit without explicit reference to these groups. Despite legal protections, members of the LGBT community continued to be subject to physical abuse and attacks by right-wing extremists. The annual gay pride march was a frequent target of such attacks, although hate crimes were also committed sporadically against LGBT persons. The 2011 march occurred without incident. Law enforcement and other authorities often disregarded the hate element of these crimes, and no protocol or training on the subject exists.

Other Societal Violence or Discrimination

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law protects the right of workers to form and join unions of their choice without previous authorization or excessive requirements, conduct their activities without interference, and bargain collectively. With the exception of law enforcement, military personnel, prison guards, border guards, and firefighters, workers have the right to strike. The law permits military and police unions to seek resolution of grievances in court. The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity.

While employers are not allowed to hire temporary workers during a strike, temporary workers hired beforehand are allowed to continue working. Workers at companies performing activities fundamental to the population--such as public transport, telecommunications, water, power, gas, and other energy sector firms--may not strike unless an agreement has been reached on minimum services during a strike. The courts determine the definition of minimum services. National trade unions opposed the law on the basis that the courts lack the expertise to decide on necessary minimum services and that the term "abusing the right to strike" is too vague.

The labor code requires trade unions to represent 65 percent of the workforce (for a single employer) or 50 percent of the workforce (for a group of employers) in order to engage in collective bargaining. Labor unions of law enforcement professionals are not entitled to rights of collective bargaining.

In practice, freedom of association and the right to collective bargaining were generally respected. However, there was anecdotal evidence of unilateral termination of collective agreements. Worker organizations were independent of government and political party interference, but unions reported an enhanced attempt from the government to influence their independent operation. Workers freely exercised the right to strike and collectively bargain, mainly at the company level.

The International Trade Union Confederation expressed concern that judges and prosecutors have the legal authority to interfere with internal trade union matters and that, in practice, trade union registration practices were long and cumbersome.

While the law provides for reinstatement of workers fired for union activity, court proceedings on unfair dismissal cases sometimes took more than a year to complete, and court decisions were not always properly enforced. The Democratic Confederation of Free Trade Unions (LIGA), National Confederation of Hungarian

Trade Unions (MSZOSZ), and Co-operation of Trade Unions (SZEF) reported cases of employers intimidating trade union members, transferring, relocating, or dismissing trade union officers, and hindering union officials from entering the workplace.

On July 4, parliament approved the government's decision to replace the National Interest Reconciliation Council (OET) with a National Economy and Social Council (NGTT). The OET, a macro-level tripartite consultation forum of workers, employers, and government representatives, had been responsible for all labor-related matters, including any major economic policy issue with implications for the distribution of state revenues. In contrast, the 32-member NGTT is an advisory body made up of representatives of unions, NGOs, churches, domestic and international business chambers, and scientific groups, with the government present only as an observer. Trade unions harshly criticized the abolition of the OET and asserted that the NGTT was not a feasible substitute for the former tripartite consultation mechanism as the latter's decisions are not binding on the government.

On December 13, parliament adopted a new labor code, scheduled to enter into force in January 2012.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. However, authorities and NGOs reported an increase in labor trafficking cases involving male citizen victims during the year. The country is primarily a country of origin and transit for women and girls trafficked for sexual exploitation and secondarily a source country for men and women trafficked for labor exploitation. Victims of labor exploitation were trafficked internationally from Hungary primarily to the United Kingdom, Spain, Canada, Norway and the United States. Unemployed and low-skilled Hungarian men have become more vulnerable to labor trafficking. This is especially true in the United Kingdom and the Netherlands. A group of Dutch countertrafficking practitioners reported that labor exploitation of Hungarian men is widespread in the northern part of the Netherlands in the agricultural sector. There is a good indication that exploitation of Hungarian men in Western Europe has intensified. According to law enforcement statistics, police initiated investigations in two labor trafficking cases during the year.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children younger than 16 from working. Children between the ages of 16 and 18 may work under certain circumstances as temporary workers during school vacations. Children may not work night shifts or overtime or perform hard physical labor.

The government effectively enforced child labor laws. Through December the National Labor Safety and Labor Affairs Inspectorate (OMMF) reported that one company employed six children under the age of 15. There was no data available on the amount of the fine imposed on the company. Individuals who identify child victims of labor exploitation are required to report them to the Guardianship Authority.

d. Acceptable Conditions of Work

The national minimum monthly wage was 78,500 forints (\$325). A special minimum monthly wage for jobs requiring the completion of secondary education was 94,000 forints (\$389).

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 law prohibits overtime exceeding 200 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.

Labor courts, the OMMF and county labor inspectorates monitored and attempted to enforce occupational safety standards set by the government, but enforcement was not always effective. During the year the OMMF employed 428 labor inspectors.

On February 15, the Constitutional Court struck down an act adopted by parliament in December 2010 on the dismissal of government employees. The court's ruling, effective May 31, reasoned that, because the act gave the government the disproportionately broad right to dismiss civil servants without providing an explanation, it violated a number of worker rights. Prior to the ruling, the government dismissed more than 3,200 civil servants (approximately 5 percent of the total number) without justification. On May 23, parliament amended the act

to stipulate that civil servants could no longer be dismissed without explanation. However, the new law, effective June 1, provides a number of permissible grounds for dismissal, including if the position becomes redundant because of reorganization, if the employee is over the retirement age, or if the activity involved in the position is no longer necessary. Dismissal may be mandatory if the employee becomes unworthy of holding the position or does not properly fulfill tasks or if the employer loses trust in the employee. The new law also provides for the creation of a government officials arbitration committee to adjudicate appeals of dismissals, scheduled to commence in 2012.

On May 6, the Constitutional Court upheld its earlier decision that the retroactive 98 percent “special tax” imposed on severance packages worth more than 3.5 million forints (\$14,500) awarded from 2005-09 was unconstitutional because it violated human dignity, and as a result the tax authority had to provide refunds. The court stated that the provision’s effect in 2010 and subsequent years did not violate basic rights because taxes on these later payments were not yet due. On May 9, parliament passed a law imposing the 98 percent special tax on any part of a severance package exceeding two million forints (\$8,280) and disbursed since January 2010 to state leaders, members of parliament, notaries, senior officials of state-run companies, and supervisory board members, and on any part of a severance package for other government employees that exceeded 3.5 million forints (14,500). Unions challenged the new law in the Constitutional Court but the court did not issue any new rulings in the matter prior to year’s end. During the year the tax authority collected 3.7 billion forints (\$15.3 million) in special taxes from citizens.

During the first nine months of the year, 12,122 accidents occurred in places of work, mostly in the mechanical industry. The OMMF registered 59 workplace fatalities most of which occurred in construction work.