

# HUNGARY 2018 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Hungary is a multiparty parliamentary democracy. The unicameral National Assembly (parliament) exercises legislative authority. It elects the president (the head of state) every five years. The president appoints a prime minister from the majority party or coalition in parliament following national elections every four years. In parliamentary elections on April 8, the Fidesz-KDNP (Christian Democratic People's Party) alliance led by Fidesz party leader Viktor Orban won a two-thirds majority in parliament. The Organization for Security and Cooperation in Europe (OSCE) election observation mission found that "fundamental rights and freedoms were respected overall, but exercised in an adverse climate." Specifically, it characterized certain elements of the election as "at odds with OSCE commitments" and noted that "the widespread government information campaign was largely indistinguishable from Fidesz campaigning, giving it a clear advantage." Orban had been prime minister since 2010.

Civilian authorities maintained effective control over security forces.

Human rights issues included criminal penalties for libel (though court decisions limited their impact); reports of political intimidation of and legal restrictions on civil society organizations, including criminal and financial penalties for migration-related work of nongovernmental organizations (NGOs); allegations of corrupt use of state power to grant privileges to certain economic actors; and trafficking in persons.

The government took some steps to prosecute and punish officials who committed abuses. Impunity for human rights abuses was not widespread.

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

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

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

#### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution and law prohibit such practices, but there were reports that such abuse sometimes occurred. NGOs noted the investigation of cases of mistreatment was often inefficient, the success rate of prosecution was low, and in some cases officials convicted for committing criminal offenses were permitted to continue working.

As of October the national preventive mechanism under the Optional Protocol to the UN Convention against Torture (OPCAT) undertook four visits to places of detention (one prison, two police facilities, and one social institution for persons with psychosocial disabilities).

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

Official statistics and NGOs reported overcrowding and poor physical conditions in the prison system. There were occasional reports of physical violence by prison guards, prisoner-on-prisoner violence, and authorities holding pretrial detainees and convicted prisoners together.

Physical Conditions: Prison overcrowding remained a problem. According to data provided by the National Penitentiary Headquarters, in 2017 the average occupancy rate decreased from 131 percent to 129 percent. In 2015 authorities adopted action plans on how to increase the official capacity of the prison system. A law requires payment of compensation to prisoners placed in overcrowded cells.

The commissioner for fundamental rights (ombudsman) issued four public reports during the year on the findings of visits that occurred in 2016-17 (one juvenile correctional institute, two police facilities, and one integrated care center for elderly residents, addicts, and persons with diminished capacity). The report determined that the practice of placing juveniles with mental or psychosocial disabilities or personality disorders in isolation as a form of punishment violated their rights. The reports on the two police facilities found the cells' living space was less than the statutory minimum size, the walls were dirty, lighting was inadequate, and the courtyard was in poor condition. The last report determined that the integrated care center did not provide the statutory minimum living space

per person, was not suitable for the placement of patients because of the building's inaccessibility, and did not employ a full-time doctor.

NGOs continued to report poor physical and sanitary conditions in certain penitentiaries, including the presence of bedbugs and other insects, insufficient toilet facilities, and toilets not separated from living spaces. NGOs also noted frequent shortages of both natural light and artificial lighting in cells and a lack of adequate heating and alleged a continued shortage of psychological care.

Administration: NGOs reported that authorities occasionally failed to investigate credible allegations of mistreatment. There was no separate ombudsperson for prisons, but detainees could submit complaints to the commissioner for fundamental rights or to the prosecutor's office responsible for supervising the lawfulness of detention. The ombudsman handled prison complaints and conducted ex officio inquiries but had no authority to act on behalf of prisoners.

Independent Monitoring: Authorities allowed the Council of Europe's Committee for the Prevention of Torture (CPT) and the UN Subcommittee on the Prevention of Torture (SPT) to conduct periodic and ad hoc visits to prisons and detention centers for both Hungarians and foreign nationals. On September 18, the CPT published the report on treatment and conditions of detention of foreigners from its 2017 visit to the country. The report observed decent treatment in detention centers but noted that many detainees alleged they had been physically mistreated by police officers during their "push-backs" to Serbia. Several of them at the time displayed recent traumatic injuries. The CPT carried out a visit to Hungary from November 20 to 29. No independent NGO monitoring of police detention and prisons had taken place since 2017, when authorities terminated long-standing monitoring agreements with NGOs.

The government's Office of the Commissioner for Fundamental Rights continued to operate prison monitoring services prescribed by OPCAT but reported it had little capacity to conduct visits and investigations. A 2017 SPT report on the national preventive mechanism noted that, since its establishment in 2015, the mechanism had carried out 15 visits to places of deprivation of liberty but had limited human and financial resources to undertake its work.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

### **Role of the Police and Security Apparatus**

The National Police Headquarters (ORFK), under the direction of the minister of interior, is responsible for maintaining order nationwide. The country's 19 county police departments and the Budapest police headquarters are directly subordinate to the ORFK. City police have local jurisdiction but are subordinate to the county police. Two other units, the Counterterrorism Center (commonly known by its Hungarian acronym "TEK") and the National Protective Service (NPS), are directly subordinate to the minister of interior. The TEK is responsible for protecting the prime minister and the president and also for preventing, uncovering, and detecting terrorist acts--including kidnappings, hijackings, and other offenses related to such acts--and arresting the perpetrators. The NPS is responsible for preventing and detecting internal corruption in law enforcement agencies, government administrative agencies, and civilian secret services. Both the TEK and the NPS are empowered to gather intelligence and conduct undercover policing, in certain cases without prior judicial authorization.

The national intelligence services, the Constitution Protection Office and the Special Service for National Security, are under the supervision of the minister of interior and responsible for domestic intelligence. The law also provides for the Counterterrorism Information and Crime Analysis Center (TIBEK), a national security service entity under the direct supervision of the minister of interior. TIBEK has no authority to conduct secret information gathering activities and has no access to information collected by the NPS on police officers.

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. Since 2015, under a declared state of emergency prompted by mass migration, defense forces may assist law enforcement forces in border protection and handling mass migration situations (see also section 2.d., Access to Asylum). The Military National Security Service, which is responsible for military intelligence and counterintelligence, operates under the supervision of the minister of defense.

In the event of an act of terror or considerable and immediate danger, parliament, at the initiative of the cabinet, can declare a state of emergency with the support of

two-thirds of members of parliament present. The cabinet can then issue decrees to suspend the application of or derogate from certain laws, or to take other extraordinary measures for up to 15 days before the special legal order must be confirmed by a two-thirds parliamentary vote. Such measures may include tightening border controls, transferring air traffic control to the military, deploying armed forces and law enforcement forces to protect critical infrastructure, and taking special counterterrorism measures. The amendment specifies that the cabinet can deploy armed forces domestically only if the use of law enforcement and national intelligence agencies are insufficient under the threat of terror.

Civilian authorities generally maintained effective control over law enforcement and the armed forces, and the government had effective mechanisms to investigate and punish abuse and corruption. Military prosecutors are responsible for investigating abuses by military, police, penitentiary staff, parliamentary guards, clandestine services, and disaster units.

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

Police are obligated to take into “short-term arrest” individuals apprehended while committing a crime or subject to an arrest warrant. Police may take into short-term arrest individuals suspected of having committed a crime or a petty offense, are unable or unwilling to identify themselves, and are unaccompanied minors suspected of having run away. Short-term arrests generally last up to eight hours but may last up to 12 hours in exceptional cases. Police may hold persons under “detention for the purposes of public safety” for 24 hours. Detention of persons who abscond from probation may last up to 72 hours. Police, a prosecutor, or a judge may order detention of suspects for 72 hours if there is a well-founded suspicion of an offense punishable by imprisonment. A pretrial detention motion must be filed with a court prior to the lapse of the 72-hour period. A defendant may appeal a pretrial detention order.

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

There is a functioning bail system. Representation by defense counsel is mandatory in the investigative phase if suspects face a charge punishable by more than five years’ imprisonment; their personal liberty is already restricted; they are deaf, blind, unable to speak, or have a mental disability; they are unfamiliar with the Hungarian language or the language of the procedure; they are unable to defend

themselves in person for any reason; they are juveniles; or they are indigent and request appointment of a defense counsel. A defense counsel can also be ordered by the court, prosecution, or the investigation authority (police) in certain cases. In some locations the selection of state-paid defense counsel was transferred from the police to the respective county bar chambers.

Police must inform suspects of their right to counsel before questioning them. Under previous rules neither police nor the prosecutor was obligated to wait for counsel to arrive before interrogating a suspect. This changed in July with the entry into force of a new criminal procedure law. If a defense counsel is requested or ordered, the counsel is notified and the investigation authority or the prosecution suspends the interrogation, for up to two hours, until the arrival of counsel. Some attorneys reported that the right to an effective defense was violated in several cases. For example, in some instances detainees and their defense counsel reportedly were required to meet where government security cameras could monitor them.

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

Pretrial Detention: An investigatory judge may order pretrial detention where there is a risk a detainee may flee, commit a new offense, or hinder an investigation. Cases involving pretrial detention take priority over other expedited hearings. A detainee may appeal pretrial detention.

When the criminal offense is punishable by life in prison, the law does not limit the duration of pretrial detention.

As of December 2017, there were 3,330 persons (a 9 percent decrease from the previous year) held in pretrial detention, amounting to 19.2 percent of the total prison population, according to the 2017 *Yearbook of the National Prison Administration*.

The presence of defense counsel at hearings related to pretrial detention is not mandatory.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: A defendant may at any point move for release from pretrial detention. Any person

who believes that a short-term arrest violated his or her fundamental rights may file a complaint with the police unit responsible or with the Independent Police Complaints Board.

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

### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary. Courts generally functioned independently, although reports of political pressure on judges by senior members of the government increased during the year.

On May 2, the National Judicial Council (OBT) adopted a report that said the National Office for the Judiciary (OBH) president--who maintains broad executive authority to manage the courts--did not always comply with the law when appointing judges and court executives. The report concluded for instance that OBH President Tunde Hando declared a bid for a candidate in a senior-court judge position invalid without explanation and despite an independent selection panel's support of the candidate, had not explained her personnel decisions in several cases, and her assessment of applicants' bids for senior court positions was not transparent. Hando responded by asserting the OBT report was illegitimate due to the resignations of a large number of OBT member judges earlier in the year, initiating disciplinary actions against four OBT member judges, and calling some of them "traitors of the country."

The prime minister and other senior members of the government publicly criticized court decisions, including some that remained open for appeal. In May the prime minister was quoted by his press chief as saying that the Curia (Supreme Court) was "intellectually unfit." Also in May government-aligned media accused specific Curia judges by name of being "obvious antigovernment actors" and called the Curia itself "a political player."

On June 20, parliament passed an amendment to the constitution that separates administrative cases from the ordinary court structure, and on December 12, it passed a law creating a new administrative court system. The law creates eight new regional administrative courts and an Administrative High Court (AHC), which will take over all competences of the ordinary courts and the Curia in administrative cases, including those related to public procurement, civil liberties, complaints against police action, asylum cases, freedom of information requests,

and tax decisions. In the new system, the justice minister will hold significant power in selecting and appointing new judges to the AHC and lower administrative courts, appointing court presidents and judges to senior positions as well as promotions, determining the administrative court's budgets, and shaping the new court system during the transitional period of 2019, when new judges, new court presidents, and senior judges will be appointed. The hiring criteria for AHC judges will apply greater weight to ministerial and government experience than to judicial experience, leading some observers to be concerned that judges will be selected based on political loyalty. The government argued a new court system was necessary to improve efficiency in deciding administrative cases and noted a similar system existed in the country from 1896 to 1949. An October report based on 2016 data by the Council of Europe's European Commission for the Efficiency of Justice on judicial efficiency in Europe found the country's courts to be effective and relatively fast in returning decisions.

During the year Transparency International Hungary continued to criticize the right of the prosecutor general to give instructions to subordinate prosecutors in individual cases, to take over any case from any prosecutor, and to reassign cases to different prosecutors at any stage of the procedure without providing justification. In 2015 the Council of Europe Group of States against Corruption released a report expressing concern that the prosecutor general may remain in office indefinitely after the expiration of his or her nine-year term until parliament elects a successor by a two-thirds majority vote.

### **Trial Procedures**

The constitution and law provide for the right to a fair public trial, and the judiciary generally enforced this right.

Defendants are presumed innocent until proven guilty. Suspects have the right to be informed promptly of the nature of charges against them and of the applicable legal regulations, with free interpretation as necessary. Trial proceedings are public, although a judge may minimize public attendance and may order closed hearings under certain conditions. Trials generally occurred without undue delay. Defendants have the right to be present at their trial.

The law stipulates that the investigating authority shall schedule the interrogation to enable defendants to exercise their right to a defense. A summons for a court hearing must be delivered at least five days prior to the hearing. Defendants have the right to free interpretation from the moment charged. Defendants may



challenge or question witnesses and present witnesses and evidence on their own behalf. The law states that no one may be compelled to provide self-incriminating testimony or produce self-incriminating evidence. Defendants have the right of appeal.

Courts may not impose prison sentences on juveniles who were between the ages of 12 and 14 when committing the offense, but may order placement in a juvenile correctional institute.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

By law individuals or organizations may seek civil remedies for human rights violations through domestic courts. Individuals or organizations who have exhausted domestic legal remedies regarding violations of the European Convention on Human Rights allegedly committed by the state may appeal to the European Court of Human Rights (ECHR) for redress.

### **Property Restitution**

The government has laws and/or mechanisms in place, and NGOs and advocacy groups reported that based on these steps the government made some progress on the resolution of Holocaust-era claims.

Communal property restitution in the country was completed in the 1990s based on a law that allowed religious organizations to claim previously owned properties that were confiscated after January 1946. Private property restitution was still ongoing. Holocaust survivors from the country receive pension supplements. The 1947 Paris Peace Treaty regulates the restitution of heirless Jewish properties in the country. In 2007 the government pledged and subsequently distributed \$21 million to assist Holocaust survivors in the country and survivors of Hungarian origin living abroad as an advance payment on an expected, subsequent agreement that would provide more comprehensive compensation. The Jewish Heritage of Hungary Public Endowment, a domestic restitution foundation composed of local Hungarian Jews, government officials, and the World Jewish Restitution Organization (WJRO), distributed one-third of the funds to survivors living in the country, while two-thirds were transferred to the Claims Conference to fund social

welfare services for survivors in need living outside the country. In 2016 the government released a report on heirless property and was working with WJRO experts on a roadmap for completing the research and determining the value of unreturned heirless property in the country. During the year the government agreed in principle on a timetable to conclude this research and finalize negotiations on a settlement.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

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

There is no requirement for prior judicial authorization of surveillance by the TEK and sometimes by the national intelligence services in cases related to national security that involve terrorism. In such cases the justice minister may permit covert intelligence action for 90 days, with a possibility of extension. Such intelligence collection may involve secret house searches, surveillance with recording devices, opening of letters and parcels, and checking and recording electronic or computerized communications without the consent of the persons under investigation. This decision is not subject to appeal.

In 2016 the ECHR ruled that the law authorizing the surveillance of citizens by law enforcement bodies without court approval constituted a violation of the right to privacy. Prior to the ECHR's verdict, a 2013 ruling of the Constitutional Court found it sufficient that external control over any surveillance authorized by the minister was supervised by parliament's National Security Committee and the ombudsman. There were no changes introduced to the contested legislation during the year.

The country's new criminal procedure code, in force since July 1, establishes a new regime for covert policing and intelligence gathering. The law gives prosecutors unrestricted access to information obtained through covert investigations.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Expression, Including for the Press**

The constitution provides for freedom of expression, including for members of the press, and the media were active and expressed a wide range of views, although there were some formal restrictions on content related to “hate speech” and allegations that government action helped consolidate media outlets in the hands of progovernment owners.

Freedom of Expression: The law provides that any person who publicly incites hatred against any national, ethnic, racial, or religious group or certain other designated groups of the population may be prosecuted and convicted of a felony punishable by imprisonment for up to three years. The constitution includes hate speech provisions to “protect the dignity of the Hungarian nation or of any national, ethnic, racial, or religious community.” The public denial of, expression of doubt about, or minimization of the Holocaust, genocide, and other crimes of the National Socialist (Nazi) and communist regimes is prohibited by law and is punishable by a maximum sentence of three years in prison. The law also prohibits as a petty offense the wearing, exhibiting, or promoting of the swastika, the logo of the Nazi SS, the symbols of the Arrow Cross, the hammer and sickle, or the five-pointed red star in a way that harms human dignity or the memory of the victims of dictatorships. Judicial remedies exist for damage to individuals and communities that results from hate speech.

According to the Action and Protection Foundation (TEV) of the World Zionist Organization, in the first four months of the year there were 23 instances of anti-Semitic hate acts, including 15 that qualified as hate crimes, of which nine were categorized as hate speech. No police reports were filed. In June a man was sentenced to a 150,000 forint (\$600) fine in a nonbinding court ruling for denying the Holocaust in a Facebook comment in 2016.

In 2017 parliament passed a law prohibiting discounted pricing of billboard space for state-financed entities, including political parties. Several opposition parties challenged the law in the Constitutional Court, charging that it was designed to limit their freedom of expression. On December 12, the Constitutional Court rejected the legal challenge.

On July 25, parliament passed a law imposing a 25 percent tax on all civil entities that aid or promote illegal immigration, including groups that support media campaigns deemed to aid or promote immigration. Several NGOs sharply criticized the law, noting that it penalizes the public expression of opinions different from that of the government (see also section 5).

Press and Media Freedom: Independent media were active and expressed a wide variety of views without formal restriction. Media consolidation resulted in further expansion of government-friendly enterprises and reduction in other media voices, primarily in print and broadcast media. In April, citing financial problems, a prominent businessman and political opponent of Prime Minister Orbán closed several of his government-critical media outlets and transferred others to a government-friendly owner. In November the owners of 476 government-friendly media outlets, comprising what experts estimate as approximately 85 percent of all Hungarian media outlets nationally, transferred these outlets to the Central European Press and Media Foundation (KESMA), led by Fidesz media expert Gábor Liszka. On December 5, Prime Minister Orbán signed a decree declaring KESMA of strategic national interest and exempting it from scrutiny by the country's Competition Authority, and by extension, its Media Council. In light of the developments with KESMA, media watchdog Mertek Media Monitor said it made "little sense to speak about freedom of the press in Hungary," claiming KESMA would enhance the ability of government-friendly media to further squeeze independent media out of the market.

In its final report on the parliamentary elections, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) concluded that "the ability of contestants to compete on an equal basis was significantly compromised by the government's excessive spending on public information advertisements that amplified the ruling coalition's campaign message," and that "the media is largely dependent on their owners' financial subsidies and/or government advertisements. Government advertisements are distributed to selected media outlets through restricted public tenders and lack sufficient transparency and robust audit measures. Such a media environment limits space for critical reporting and pluralism" (see section 3, Elections and Political Participation).

The National Media and Info-Communications Authority (NMHH), subordinate to parliament, is the central state administrative body for regulating the media. The authority of the NMHH includes overseeing the operation of broadcast and media markets as well as "contributing to the execution of the government's policy in the areas of frequency management and telecommunications." The NMHH president serves as the chair of the five-member Media Council, the decision-making body of the NMHH that supervises broadcast, cable, online, and print media content and spectrum management. The NMHH consisted exclusively of persons named by the governing parties.

The state news agency, MTI, is mandated by law to provide balanced, objective, nonpartisan coverage. Media watchdogs and independent outlets criticized the state media for concealing facts and opinions unfavorable to the government.

National Assembly speaker Laszlo Kover's 2010 ban on parliamentary access by several dozen persons, mainly journalists, for alleged violation of parliamentary rules remained in force. In May Kover informed the reporters he banned from entering parliament at any point during the 2014-18 parliamentary cycle that they would not be allowed to enter parliament to cover the inaugural parliamentary session. At year's end, the 2016 appeal by the Hungarian Civil Liberties Union (HCLU) to the ECHR to overturn Kover's decision remained pending. The OSCE representative on freedom of the media stated that "accreditation for an event should not be used as a tool to curb the content of critical reporting."

Violence and Harassment: There were no reports of violence against journalists or of physical or legal harassment. Nevertheless, government officials and government-aligned media regularly referred to independent journalists or media as the "Soros media" or "foreign agents."

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

The law mandates that every media service provider that delivers news to the public must report in a balanced manner, and it states in particular that public service media providers should pursue balanced, accurate, detailed, objective, and responsible news and information services. These requirements were widely disregarded, including by the public media.

The Media Council may impose fines for violations of content regulations, including on media services that violate prohibitions on inciting hatred or violating human dignity or regulations governing the protection of minors. The council may impose fines of up to 200 million forints (\$800,000), depending on the nature of the infringement, type of media service, and audience size. It may also suspend the right to broadcast for up to one week. Defendants may appeal Media Council decisions but must appeal separately to prevent implementation of fines while the parties litigate the substantive appeal.

As of September 1, the Media Council had issued 205 resolutions concerning various alleged violations of the media law, imposing fines totaling nearly 8.8 million forints (\$35,000) on 83 media service providers. The most common citations were for unlawful advertising methods violating the dignity of a person or group.

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

Public officials and individual public figures continued to use libel and defamation laws in response to criticism from citizens and journalists, and the HCLU reported the libel laws had a chilling effect on journalists reporting about politicians.

After the April 8 parliamentary elections, three opposition politicians successfully sued multiple progovernment media outlets for libel, accusing them of deliberately spreading false information about them before the election.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet and generally did not censor online content. There were no substantiated reports that the government monitored private online communications without appropriate legal authority.

In cooperation with internet service providers, the NMHH maintained a nonpublic database to block websites that violate the law, including content-related legislation. The system also blocked websites suspected of violating such laws, based on preliminary court rulings.

According to the International Telecommunication Union, 76.8 percent of the population used the internet in 2017.

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

In 2017 parliament used a fast-track procedure to amend the higher education law regarding the operation of foreign universities in the country. The amendment includes a provision requiring universities from non-EU countries operating in

Hungary to have a physical presence in their countries of origin, operate under an intergovernmental agreement between Hungary and the other country of accreditation, and ensure that the name of the university in Hungarian reflects an exact translation of the name in the country of origin. Three U.S.-accredited universities active in the country were found to violate the new requirements: Central European University (CEU), McDaniel College, and Boston University. In 2017 the government signed an agreement allowing the continued operation of McDaniel College.

In 2017 a legal opinion by the Venice Commission called on the government to exempt foreign universities already operating in the country from the obligation to provide education in their country of origin and challenged other provisions. Opposition MPs also filed a suit challenging aspects of the law in the Constitutional Court. The European Commission referred Hungary to the European Court of Justice, arguing that the higher education amendment violates EU rules on the freedom of education and enterprise, provision of services, and scientific activity. The lawsuit remained pending at year's end. On June 5, the Constitutional Court postponed its proceedings to review the legislation, stating it would wait for the ruling of the European Court of Justice.

In October 2017 parliament voted to extend until the end of 2018 the deadline for foreign higher education institutions to comply with the amended higher education law. Government officials pointed to the extension as responding in part to the Venice Commission's opinion. CEU established a presence and conducted courses at Bard College in New York, and the Hungarian government and State of New York negotiated the required intergovernmental agreement. The government argued, however, that CEU had not sufficiently complied with the provisions of the law and declined to sign the agreement that would allow it to stay. On December 3, CEU announced it would move its U.S.-accredited programs to Vienna.

A government decree effective as of October 13 eliminated gender studies from the list of master's degree programs (both state- and private-funded) that could be accredited in Hungary. The decree stated that enrolled students could finish their studies, but gender studies programs can accept no new students in the academic year beginning in 2019. Two Hungarian universities issued degrees in gender studies--Eotvos Lorand University (ELTE) and CEU.

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

### **Freedom of Peaceful Assembly**

The constitution and law provide for the freedom of peaceful assembly, and the government generally respected this right. By law demonstrations do not require a police permit, but event organizers must inform police of a planned assembly in a public place at least three days in advance. The law authorizes police to prohibit any gathering if it seriously endangers the peaceful operation of representative bodies or courts or if it is not possible to provide for alternate routes for traffic. Police may not disband a spontaneous, unauthorized assembly that remains peaceful and is aimed at expressing opinion on an event that was unforeseeable, but organizers must inform police immediately after organizing has begun. Police are required to disband an assembly if it commits a crime or incites the commission of a crime, results in the violation of the rights of others, involves armed participants, or is held despite a preliminary official ban. A police decision to prohibit or disband a public demonstration is open for judicial review. The police may disband public events in the geographic area affected by a terrorist act that has occurred or one that is threatened.

On June 20, parliament adopted a constitutional amendment that includes a provision to strengthen the protection of privacy by stipulating that freedom of expression and the exercise of the right of assembly shall not harm others' private and family life and their homes. Critics asserted this would be used to ban unwanted protests in public spaces near politicians' homes and could be used to ban protests in many other public spaces that have apartments nearby.

On July 20, parliament also amended the law on assembly to give more power to the government to regulate public demonstrations, including the ability to hold organizers liable for damages caused by their events and to ban protests in advance. According to the amended law, authorities may ban or dissolve gatherings that unnecessarily and disproportionately harm others' human dignity, the dignity of the Hungarian nation, or other national, ethnic, or religious communities. The new rules also permit police to prevent demonstrations that hinder diplomats from performing their duties, threaten public order, or disturb others' rights to free movement. Although the police's decision is not subject to appeal, the organizers may contest it in court within three days. The police can fine demonstration organizers if they fail to restore a demonstration site to its original state or clean it up. The new legislation also criminalizes the nonviolent disturbance or impediment of a demonstration.

On July 20, parliament amended the criminal code to make harassment of "official persons" (including members of parliament, judges, and prosecutors) when they



are not performing public duties a crime punishable by up to three years' imprisonment.

### **Freedom of Association**

The constitution and law provide for freedom of association, and the government generally respected it, with some exceptions.

During the year the government passed legislation that introduced new criminal and financial penalties for migration-related work of NGOs and their staff (see section 5).

On July 23, the Budapest local municipality ordered the Aurora Civil and Cultural Center--which provides office space for several NGOs--to close, claiming Aurora's lease was invalid because it predates the center's registration; Aurora claimed that it had not violated any rules and that the issue with the date was an administrative mistake. This was the second attempt to shut down the center within one year.

The Fidesz-dominated city assembly of Pecs passed a resolution in December 2017 calling on local residents, businesses, and organizations not to rent or provide any space within the city to the NGO With the Strength of Humanity because it received an approximately \$490,000 grant from the Open Society Foundations (OSF) to support community building in the region. The NGO sued the city mayor for libel but lost the case in a July ruling. The NGO said it would appeal the decision. In March a local municipality-owned company rejected an attempt by the same NGO to rent premises for an event. The Equal Treatment Authority fined the company in June.

A 2011 law on religion deregistered more than 300 religious groups and organizations that had previously held incorporated church status; most were required to reapply for registration. The government had not approved any applications for incorporated church status since it amended the same law in 2012, but many applications were approved allowing for status as a lesser religious organization. On December 20, parliament passed an amendment to the law that creates four different statuses for religious organizations. Observers noted that while the amendment provides a simpler procedure for religious entities to gain an intermediate level religious status, it only restores some of the rights they had before 2011.

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

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

#### **d. Freedom of Movement**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. In 2017-2018, asylum and border management laws underwent significant legal modifications and limited access to asylum procedures.

Abuse of Migrants, Refugees, and Stateless Persons: Human rights advocates, the UN High Commissioner for Refugees (UNHCR), and the European Commission criticized the government's treatment of migrants and asylum seekers. Specifically, these organizations reported that migrants and asylum seekers were pushed back to the external side of the border fence on the Serbian-Hungarian border, even if they had not entered Hungary through Serbia. Reports included instances of police violence against refugees and migrants attempting to cross from Serbia to Hungary.

Domestic and international human rights organizations reported fewer complaints regarding the excessive use of police force and abuse against refugees and migrants while the number of asylum seekers decreased, compared with previous years. Human rights organizations, however, stated that in most cases, the government did not take formal action against alleged perpetrators and noted that few victims were willing to lodge formal complaints.

The law permits the detention of rejected asylum seekers for a maximum of 12 months (30 days in cases of families with children). Immigration detention generally took place in immigration detention centers.

The asylum law requires mandatory detention of all asylum seekers other than unaccompanied minors younger than 14. All new asylum seekers were detained in two guarded transit zones (Roszke and Tompa) on the Serbian-Hungarian border, which they could not leave without abandoning their asylum claims.

#### **Protection of Refugees**

Refoulement: In 2015 two Bangladeshi asylum seekers, Ilias Ilias and Ali Ahmed, filed suit against the government, asking for release from a transit detention zone

and a halt to their expulsion to Serbia. Authorities kept the men in the transit zone for more than three weeks before sending them back to Serbia, considered a safe country under a 2015 government decree. In 2017 the ECHR ruled the men's return to Serbia as well as their detention was unlawful, but the government appealed the ruling. The ECHR's Grand Chamber heard the case on April 18; a final judgement remained pending.

Access to Asylum: The law provides for asylum and establishes a procedure for persons in the country to apply for it, but often little or no opportunity to apply was afforded. Since 2017 police were allowed to push back to the Serbian side of the border fence any migrants who could not prove their right to stay in the country, regardless of whether or not they entered the country from Serbia. There is no judicial remedy concerning such "push-backs."

On June 20, parliament adopted a legislative package that introduced new criminal penalties, including a prison sentence of up to a year, for "facilitating illegal migration." It criminalizes providing assistance to asylum seekers who were not subject to persecution in their home country or who had already transited a safe country to submit asylum claims; conducting human rights-focused border monitoring activities; or issuing or distributing information leaflets about asylum procedures. Parliament also modified the constitution to state that persons arriving in Hungary "through a country where he or she was not exposed to persecution or a direct risk of persecution should not be entitled to asylum."

UNHCR and the Council of Europe Commissioner for Human Rights said the law restricts the ability of NGOs and individuals to support asylum seekers and refugees. On June 25, the Venice Commission and the OSCE published a joint opinion on the law, asserting it seriously hindered the operation of legitimate civil groups. On July 19, the European Commission initiated an infringement procedure against Hungary for violating EU and international laws with the introduction of new nonadmissibility grounds for asylum applications and curtailing the right to asylum. In July the European Commission also referred Hungary to the European Court of Justice, asserting its asylum and return legislation did not comply with EU law, namely for holding asylum applicants too long in transit zones at the border and failing to give them proper access to asylum procedures and legal safeguards.

The government provided UNHCR and the International Federation of Red Cross access to refugees and asylum seekers. Cooperation with UNHCR and other humanitarian organizations in providing protection and assistance (as opposed to access) varied (also see Access to Basic Services, below). Access by other

humanitarian organizations was more limited. A few domestic NGOs were provided access to the transit zones, and a few other NGOs were provided access only when asylum seekers specifically requested their assistance. Human rights NGOs alleged the government granted access only to certain cooperative organizations, making it difficult to verify information.

Safe Country of Origin/Transit: The government issued lists of “safe countries of origin” and “safe third countries.” Both lists included Serbia, Bosnia and Herzegovina, and Kosovo. UNHCR repeatedly objected to the government’s recognition of Serbia as a safe third country on the grounds that it does not have effective asylum procedures.

Freedom of Movement: In 2015 the government set up two transit zones at the country’s southern border with Serbia, capable of hosting 200-300 persons each, where asylum seekers were required to wait while their requests for refugee status were processed. The government also closed reception facilities for asylum seekers, so that by summer only the facility in Vamosszabadi remained open. The Vamosszabadi facility hosted persons granted international protection for up to 30 days.

Access to Basic Services: In 2016 parliament amended the law to reduce benefits and assistance to those given international protection on the grounds they should not have more advantages than Hungarian citizens. The law requires mandatory and automatic revision of refugee status at least every three years, sets the maximum period at 30 days of stay in open reception centers after recognition, and establishes an eligibility period of six months for basic health-care services following recognition. Authorities do not provide housing allowances, educational allowances, or monthly cash allowances to asylum seekers or beneficiaries of subsidiary protection.

The two transit zones for migrants provided clothes, soap, meals, water, and shelter. Charities provided some educational and social activities in English or Hungarian, as well as supplemental nutrition for children. The government also provided basic medical assistance on site. Between November 2017 and June, a psychologist visited the transit zones for six hours per week without any translation available; the psychologist was subsequently allowed to use government translators. Officials denied transit zone access to certain NGOs and a UNHCR contractor, which prevented several migrants who had previously suffered torture and asylum seekers suffering from posttraumatic stress disorder from receiving

specialized care. At the beginning of the year, a government-funded psychiatrist started visiting the two transit zones once per week.

Based on new asylum rules that went into effect July 1 regarding transit by asylum seekers through countries the government considered safe (including Serbia) prior to entering Hungary, immigration authorities rejected all post-June 30 asylum requests heard by December 14. They also interpreted the new rules to mean no food should be given to asylum seekers who appeal their denials, with the exception of children and nursing mothers. The ECHR granted interim measures in five cases in August and ordered the country to feed the asylum seekers. The government subsequently began providing meals to all rejected asylum seekers who appealed.

Durable Solutions: Refugees are allowed to naturalize, but research by the Hungarian Helsinki Committee (HHC) in 2015 (commissioned by UNHCR) found that the applications of refugees and stateless persons were approved at a dramatically lower rate than those of other naturalization seekers. High fees (for example, for certified translations) made the naturalization process more difficult. The government applied preferential conditions to applicants with Hungarian ancestry (via the so-called simplified naturalization process), but not to refugees or stateless persons. The HHC criticized the procedural framework for naturalization, noting decisions were not explained to applicants and no appeal of rejections is allowed.

There were no reported cases of onward refugee resettlement from the country to other states.

Temporary Protection: The law provides for a specific temporary protection status for situations of mass influx, but organizations working on the problem reported that it was not used in practice. Under the law, all forms of international protection (refugee status, subsidiary protection, tolerated stay, stateless status, etc.) are temporary by nature, with periodic review of the entitlement to protection.

### **Stateless Persons**

The country operates a dedicated statelessness determination procedure and provides a humanitarian residence permit to persons recognized as stateless. According to UNHCR, 139 stateless persons lived in the country at the end of 2017, and the government maintained what UNHCR characterized as a good

stateless-person determination process. The law provides for naturalization by stateless persons.

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

The constitution and law provide citizens the ability to choose their government in periodic elections held by secret ballot and based on universal suffrage.

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

Recent Elections: National elections were held on April 8 under a single-round national system to elect 199 members of parliament. The elections resulted in the ruling parties gaining a third consecutive two-thirds supermajority in parliament, receiving 49 percent of party-list votes while winning 91 of the country's 106 single-member districts, allocated through a first-past-the-post system.

A mission representing ODIHR observed the April parliamentary elections. In its final report on the elections, the mission characterized the election as “at odds with OSCE commitments” and concluded that a “pervasive overlap between state and ruling-party resources” undermined contestants’ ability “to compete on an equal basis.”

The ODIHR election observation mission report highlighted that despite the “large number of contestants, most did not actively campaign, ostensibly registering to benefit from public campaign finance entitlements or to dilute the vote in tightly contested races.” The report called attention to the lack of a “periodic review of constituency boundaries in a transparent, impartial, and inclusive manner by an independent body.”

Political Parties and Political Participation: The ODIHR observation mission report on the April elections noted several problems with media influence that “undermined the level playing field for campaigning and raised questions with regard to the abuse of administrative resources and the blurring of the line between state governing and party campaigning, which is at odds with OSCE commitments.” The report also noted that campaign finance laws limited the transparency and accountability of political parties.

Citizens living abroad but having permanent residency in the country were required to appear in person at embassies or consulates to vote, while citizens without Hungarian residency could vote by mail, but only for party lists. ODIHR

election observers noted that the practice of applying different procedures to register and vote depending on whether or not a person had a permanent address in the country “challenged the principle of equal suffrage.”

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process. Representation of women in public life, however, was very low. The ODIHR report on the April elections noted, “women are underrepresented in political life and there are no legal requirements to promote gender equality in elections,” adding that “the empowerment of women received scant attention as a campaign issue, including in the media.” Following the elections, women constituted 12.5 percent of members of parliament, and the 12-person cabinet included one woman, who served as minister without portfolio. Only 16 percent of subcabinet-level government state secretaries were women. The UN Human Rights Committee’s *Sixth Periodic Report* also expressed concern that women were underrepresented in decision-making positions in the public sector, particularly in government ministries and parliament.

The electoral system provides 13 recognized national minorities the possibility of registering for a separate minority voting process in parliamentary elections, by which they vote on the minority candidate list instead of the party list. While all 13 national minorities registered candidate lists, only one--the German minority--obtained enough votes in April to win a minority seat in parliament. National minorities that did not win a seat were represented in parliament by nonvoting spokespersons whose competence is limited to discussing minority issues. With regard to the April election campaign, ODIHR stated it was informed about several instances where pressure was put on Romani voters not to register as minority voters and vote for national lists. Due to privacy laws regarding ethnic data, no statistics were available on the number of members of a minority who were in parliament or the cabinet.

#### **Section 4. Corruption and Lack of Transparency in Government**

While the law provides criminal penalties for corruption of public officials, few such cases were lodged or prosecuted. The European Commission and NGOs contended that the government did not implement these laws effectively and that officials often engaged in corrupt practices with impunity.

Corruption: The European Antifraud Office (OLAF)’s annual report for 2017 released in June reported investigating 10 cases in Hungary related to the use of EU funds and recommended local authorities open criminal investigation in seven

cases. Citing irregularities and conflicts of interest regarding EU-funded public lighting projects in Hungary, OLAF recommended local authorities open a criminal investigation into ELIOS, the projects' primary contractor. In November the National Bureau of Investigation announced it found no evidence of a crime.

Anticorruption NGOs also alleged government corruption and favoritism in the distribution of EU funds. The Corruption Research Center Budapest (CRCB) identified several cases of bid rigging and other corruption risk indicators in public tenders with EU funding. The CRCB concluded that companies with close links to the government faced significantly less competition and were able to obtain higher prices when bidding for EU-funded projects. In March the European Commission's country report on Hungary noted that during the previous year very limited progress had been made in strengthening transparency and competition in public procurement. The report also called for the Prosecutor General's Office to pursue corruption cases more effectively.

Financial Disclosure: The law requires members of parliament, senior government officials, the president of the Curia and his deputies, and the prosecutor general to publish asset declarations on a regular basis. NGOs claimed required disclosures were circumvented by placing assets in the names of spouses, who are not required to file asset declarations. The vast majority of public-sector employees, including law enforcement and army officers, judges, prosecutors, civil servants, and public servants, were obliged to submit asset declarations, which are not accessible by the public. NGOs noted there were no criminal or administrative sanctions for submitting inaccurate asset declarations and asserted there was no effective method to detect violators.

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

A 2017 law requires NGOs that receive more than 7.2 million forints (\$29,000) per year in funding from abroad to register as foreign-funded organizations and to publish their foreign-funded status on their websites and publications. These requirements were added to the existing reporting obligations that require all civil society organizations to submit annual financial reports detailing their funding by source and the way it was spent.

On June 5, the Constitutional Court postponed its proceedings on a legal challenge to the NGO law, stating that it would wait for the ruling of the European Court of Justice on an infringement procedure brought by the European Commission. The



commission asserted the law unduly interfered with freedom of association. In 2017 a Venice Commission opinion stated the NGO law would cause disproportionate and unnecessary interference with the freedoms of association and expression, right to privacy, and the prohibition of discrimination.

On June 20, parliament adopted a law introducing new criminal penalties for NGOs and their staff, including imprisonment for up to a year, for assisting migrants and asylum seekers, conducting human rights-focused border monitoring activities, or issuing or distributing information leaflets about asylum procedures. Several international organizations criticized the legislation (see section 2.d., Freedom of Movement).

On July 20, parliament approved a 25 percent tax on “providing material support for the operation of NGOs whose activities support immigration” through activities defined by the law as “conducting or participating in media campaigns and media seminars,” “organizing education,” “establishing or operating networks,” or “propaganda that paints immigration in a positive light.” The base for the tax is the financial support earmarked or spent by an NGO on immigration. NGOs expressed concern that the tax limited freedom of expression. A joint OSCE-Venice Commission opinion published on December 14 concluded the tax violated freedom of expression and association as guaranteed by the European Convention of Human Rights and other international legal norms and should be repealed.

In July the press reported that a foreign private intelligence company admitted it was involved in a campaign to discredit certain NGOs ahead of the country’s April parliamentary elections. Between December 2017 and March, agents using false identities reportedly contacted domestic NGOs receiving funding from organizations affiliated with Hungarian-American business executive and philanthropist George Soros to secretly record them in what was seen as an attempt to undermine their credibility. Prime Minister Orbán cited the recordings to criticize some civil society organizations during the parliamentary election campaign.

On May 15, the OSF announced it would close its Budapest office at the end of August and relocate to Berlin because it faced “an increasingly repressive political and legal environment.”

**Government Human Rights Bodies:** The constitution and law establish a unified system for the Office of the Commissioner for Fundamental Rights (ombudsman). The ombudsman has two deputies, one responsible for the rights of national

minorities and one for the interests of “future generations” (environmental protection). The ombudsman is nominated by the president and elected by a two-thirds majority of parliament. The ombudsman is solely accountable to parliament and has authority to initiate proceedings to defend the rights of citizens from abuse by government authorities and entities providing public services. The constitution provides that the ombudsman may request a review of laws by the Constitutional Court. The ombudsman is also responsible for collecting electronically submitted reports of public benefit, e.g., whistleblower reports on public corruption. The ombudsman operated the national preventive mechanism against torture. The ombudsman’s recommendations are not binding, but it is viewed as independent and effective within the scope of its responsibilities.

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

### **Women**

Rape and Domestic Violence: Rape of men or women, including spousal rape, is illegal. Although there is no crime defined as rape, the equivalent crimes are sexual coercion and sexual violence. These crimes include the exploitation of a person who is unable to express his or her will. Penalties for sexual coercion and sexual violence range from one year in prison to 15 years in aggravated cases.

The criminal code includes “violence within partnership” (domestic violence) as a separate category of offense. Regulations extend prison sentences for assault (light bodily harm) to three years, while grievous bodily harm, violation of personal freedom, or coercion may be punishable by one to five years in prison, if committed against domestic persons.

By law police called to a scene of domestic violence may issue an emergency restraining order valid for three days in lieu of immediately filing charges, while courts may issue up to 60-day “preventive restraining orders” in civil cases, without the option to extend. Women’s rights NGOs continued to criticize the law for not placing sufficient emphasis on the accountability of perpetrators.

In July the Supreme Court convicted a man and sentenced him to 11 years in prison for drugging his former partner and putting acid on her sexual organs. The trial court in 2016 had sentenced him to four years, which was increased to nine years by an appeals court in 2017. The Supreme Court annulled the ruling and ordered a new procedure in which the appeals court upheld its nine-year sentence.

After an appeal, on July 12, the Supreme Court delivered a final ruling and 11-year prison sentence.

The Ministry of Human Capacities continued to operate a 24-hour toll-free hotline for victims of domestic violence and trafficking in persons. The ministry also operated shelters for victims of domestic violence. The government sponsored a secret shelter house for severely abused women whose lives were in danger.

NGOs criticized the limited availability of proper victim support services and lack of training for professionals. The UN Human Rights Committee's *Sixth Periodic Report* expressed concern about reports that domestic violence continued to be a persistent and underreported problem.

Sexual Harassment: Under the law, harassment of a sexual nature constitutes a violation of the equal treatment principle but is not a crime.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides for the same legal status and rights for women as for men. According to *The Economist's* 2018 glass ceiling index, women held 14.5 percent of the members of company boards, based on 2017 data.

The Hungarian Women Lobby, the NANE Women's Rights Association, and the Patent Association asserted that Romani women could suffer multiple forms of discrimination on the basis of gender, ethnicity, and class, and experienced barriers to equal access in education, health care, housing, employment, and justice.

In 2017 the Equal Treatment Authority ruled in favor of a Romani woman who was harassed with ethnic slurs by hospital staff while giving birth. This was the first case before the authority that involved harassment based on ethnicity in the area of health care. The hospital was required to publicize the decision and pay a fine.

## **Children**

Birth Registration: An individual acquires citizenship from a parent who is a citizen. Births were registered immediately. NGOs asserted that the law provides only partial safeguards against statelessness at birth because all children of foreign parents born in the country are registered on birth certificates as being of unknown

nationality. In addition, the NGOs claimed that children born to stateless parents or to noncitizen parents who cannot pass on their nationality to their children were in some cases born and remained stateless.

Education: Although the law provides for free and compulsory education between the ages of three and 16 and prohibits school segregation, NGOs reported the segregation of Romani children in schools and frequent misdiagnosis of Romani children as mentally disabled, which limited their access to quality education and increased the gap between Romani and non-Romani society.

Education research conducted by the Hungarian Academy of Sciences published in February concluded that school segregation increased by almost 10 percent between 2008 and 2016. According to the Civil Public Education Platform, the number of schools where the ratio of Romani children exceeds 50 percent increased from 270 in 2007 to almost 350 in 2015. The UN Human Rights Committee's *Sixth Periodic Report* expressed concerns that segregation in schools, especially through the rising number of church schools, remained prevalent and the number of Romani children placed in schools for children with mild disabilities remained disproportionately high. By law church schools are exempt from requirements to enroll any student who resides within the local school district.

In April the Metropolitan Court of Budapest delivered a decision in a case that had been pending for 10 years. In its ruling the court established the ministry in charge of education was directly responsible for segregation existing in 18 schools in 14 localities and ordered the ministry to desegregate the schools based on a plan to be prepared by experts. The court--for the first time in the country's case law--ordered the ministry to collect ethnic data of Romani children in primary schools based on third-party identification in order to monitor segregation. The court imposed a fine of 50 million forints (\$200,000) to fund civil society monitoring of the desegregation processes. The ruling was not final.

In 2016 the Appeals Court of Pecs adopted a decision ordering the desegregation of a Romani-only school in Kaposvar. Despite the judgment, the municipality, in cooperation with the local school authority and the county government, attempted to restore segregation by allowing and supporting a private foundation to establish a new school in the same building in which the segregated school was operating. The municipality proposed to offer education in a private school for the Romani children residing in the close vicinity of the building and thus avoid their integration into mainstream schools. The Ministry of Human Capacities intervened to prevent the private school from opening. In October 2017 the

Supreme Court affirmed the lower court ruling that segregation is illegal and ordered the desegregation of the school. Local activists reported that the Romani children who were the subject of the desegregation case were placed in Romani-only classes in nearby schools and that, therefore, they were still segregated.

In 2015 a lawsuit was filed on behalf of 62 children against the municipality of Gyongyospata and the Klebelsberg School Maintenance Center for their segregation in the primary school in Gyongyospata, for damages stemming from the low quality of their education, and for nonpecuniary damages related to their segregation. On October 16, the trial court ruled in favor of the children, ordering the state to pay them compensation totaling 89 million forints (\$356,000).

A report prepared during the year by Romani and pro-Romani NGOs stated that half of Romani students drop out of the education system. Only 24 percent of Romani students finish high school, compared to 75 percent of non-Romani students. Only 5 percent of Romani students entered university, compared to 35 percent of non-Romani students. The report noted that segregation of Romani children in schools and lowering the mandatory school age to 16 years contributed to high dropout rates.

Child Abuse: Efforts to combat child abuse included a “child protection signaling system” to detect and prevent the endangerment of children, law enforcement and judicial measures, restraining orders, shelters for mothers and their children, and removal of children from homes deemed unsafe. The law provides that, if a parent does not “cooperate” with the doctors, district nurses, teachers, or family supporters in the signaling system, it automatically constitutes gross endangerment, even without any other signs of negligence or endangerment.

Early and Forced Marriage: The legal minimum age of marriage is 18. The Social and Guardianship Office may authorize marriages of persons between the ages of 16 and 18.

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

The minimum age for consensual sex is 12, provided the older partner is 18 or younger. Persons older than 18 who engage in sexual relations with a minor

between the ages of 12 and 14 may be punished by one to five years' imprisonment. By law statutory rape is a felony punishable five to 10 years' imprisonment if the victim is younger than 12.

Law enforcement authorities arrested and prosecuted children exploited in sex trafficking as misdemeanor offenders. NGOs strongly criticized this practice for blaming or punishing the victim.

Institutionalized Children: A study in Nograd County commissioned by the European Roma Rights Center published in 2016 showed that 80 percent of the children in state care in the county were of Romani origin.

NGOs noted that institutionalized children living in state care were especially vulnerable to human trafficking for prostitution and criticized the lack of special assistance for child victims of human trafficking. A documentary by BBC Three in February reported that, after being placed in the care system by local authorities, Romani children were exposed to risks of drug abuse and physical and sexual violence from both older children and staff.

In a report published in March, the ombudsman stated that one-third of children placed in child protection care were removed because of their families' poor financial circumstances, which violated the children's rights.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

## **Anti-Semitism**

According to the 2011 census, 10,965 persons identified their religion as Judaism. According to estimates from the World Jewish Congress, the Jewish population numbered between 35,000 and 120,000 persons. The overwhelming majority of Jews lived in Budapest.

The Action and Protection Foundation registered 37 anti-Semitic hate crimes in 2017, according to its report for the year. These were 13 cases of vandalism and 24 cases of hate speech.

During the year, TEV published its 2017 annual report on anti-Semitism, which concluded that approximately 37 percent of the population held anti-Semitic views.

According to a study published in June by *Szombat*, a leading Hungarian Jewish news outlet, two-thirds of Hungarian Jews believed anti-Semitism in the country was a serious problem, although fewer than half said they had experienced it firsthand. The study reported that 48 percent of survey respondents said they had heard anti-Semitic remarks on the street in the year preceding the survey.

Jewish groups expressed concerns about Prime Minister Orbán's past praise (and support from other government officials) for World War II-era anti-Semites and Hitler allies and about public messaging that could incite anti-Semitism. Several events took place to honor Miklos Horthy, who served as Regent of Hungary from 1920 to 1944. Horthy implemented anti-Semitic laws in 1920 and issued nearly 300 anti-Jewish laws and decrees before the March 1944 occupation of the country by Nazi Germany. Horthy allied Hungary with Nazi Germany and oversaw the deportation of Hungarian Jews to concentration camps.

Leading Jewish groups, Holocaust scholars, and others expressed concern about the announcement that the government in 2019 would open the House of Fates, a new Holocaust museum and education center in Budapest that would focus on the rescue efforts of non-Jewish Hungarians. These groups and individuals criticized the project as an attempt to obscure the involvement of the country and Horthy in the Holocaust.

On July 16, state-financed public television appointed Beatrix Siklosi to run its cultural channel. When Siklosi previously was nominated as chief editor of religious programming for public television in 2014, media reported she had made racist and anti-Semitic comments on social media. The Catholic, Reformed, Lutheran, and Jewish communities published a letter stating that Siklosi was unacceptable to them. Siklosi resigned from the position but remained in charge of nationalities programming.

The November 29 edition of the government-friendly weekly *Figyelo* published on its cover page a photo montage of Andras Heisler, president of the Federation of Hungarian Jewish Communities (Mazsihisz), surrounded by banknotes. On December 3, World Jewish Congress president Ronald Lauder said the magazine cover contained "one of the oldest and vilest caricatures of the Jewish people."

On July 19, Prime Minister Orban visited Israel and met with Israeli Prime Minister Benjamin Netanyahu. After their meeting, Orban stated that Jews could feel safe in Hungary and that his government had zero tolerance for anti-Semitic statements.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The constitution and the law prohibit discrimination against persons with physical, sensory, or intellectual disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services.

Both the central government and municipalities continued to renovate public buildings to make them accessible to persons with disabilities. There were no data available on the percentage of government buildings that complied with the law, but NGOs asserted that many public buildings remained inaccessible. NGOs also noted that public transportation had limited accessibility. NGOs claimed public elementary schools were not obligated to enroll children with disabilities.

The government continued to implement its 30-year (2011-41) strategy to reduce the number of persons with disabilities living in institutions with capacities greater than 50 persons, but NGOs reported no meaningful progress. Between 2007 and 2013, only approximately 600 of 23,000 such persons moved to group homes or smaller institutions with up to 30 beds. NGOs also claimed the strategy covered only 10,000 of the 23,000 persons with disabilities living at large institutions.

The constitution provides that a court may deprive persons with disabilities who are under guardianship of the right to vote due to limited mental capacity. The international NGO Mental Disability Advocacy Center criticized this as an “unsophisticated disguise for disability-based discrimination.”

In 2017 the ombudsman announced a finding that the state was failing in its duty to provide suitable and accessible education for students with disabilities in violation of international agreements. The ombudsman found that, as the state had no data on the exact number of students with disabilities, it failed to establish institutions to serve them, and that there was a lack of properly trained teachers.



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

Roma were the largest ethnic minority. According to the 2011 census, approximately 315,000 persons (3 percent of the population) identified themselves as Roma. A University of Debrecen study published in February, however, estimated there were 876,000 Roma in the country, constituting approximately 9 percent of the country's population. The study claimed the 2011 census underestimated the size of the Romani community, since Romani respondents often preferred not to disclose their minority status. To avoid biased responses, instead of asking respondents to self-report their ethnicity, the researchers gathered data from municipal governments and from Romani self-government bodies.

Human rights NGOs continued to report that Roma suffered social and economic exclusion and discrimination in almost all fields of life. According to a 2017 study by the Pew Research Center on religious belief and national belonging in Central and Eastern Europe, 54 percent of respondents in Hungary would not be willing to accept Roma as members of their family, 44 percent as neighbors, and 27 percent as citizens of their country.

Domestic media reported in July that the Hungarian Scouts Association (HSA) refused to accept Romani children from a school in a village in the northeastern part of the country that helps underprivileged (mainly Romani) children graduate high school. When the school tried to enroll Romani students in an HSA summer camp, the HSA rejected them on the grounds the camp was open only for registered scouts. The HSA subsequently denied the school's application to form a scout troop. In February the HSA wrote a letter to the school principal stating that it had "reservations about a scouting group made up exclusively of Roma." HSA president Judit Poto told media in July the students' religious practice was an important factor in the case.

Segregation of Romani children in schools and their frequent misdiagnosis as mentally disabled remained a problem (see section 6, Children). Observers claimed that the public education system continued to provide inadequate instruction for members of minorities in their own languages as required by law and that Romani-language schoolbooks and qualified teachers were in short supply.

The law establishes cultural autonomy for nationalities (replacing the term "minorities") and recognizes the right to foster and enrich historic traditions,

language, culture, and educational rights as well as to establish and operate institutions and maintain international contacts.

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

The law prohibits discrimination based on sexual orientation. In addition, the law prohibits certain forms of hate speech and prescribes increased punishment for violence against members of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community. Victims of discrimination have a wide choice of remedies, including a procedure by a designated government agency (Equal Treatment Authority), enforcement of personality rights via civil court procedure, and sectoral remedies in media law. Only the civil procedure allows for the awarding of pecuniary and nonpecuniary damages. The Constitutional Court also offers possibilities to challenge allegedly discriminatory legislation. NGOs reported that the Equal Treatment Authority, ombudsman, and courts enforced these antidiscrimination laws. There were no reported cases of violence against LGBTI persons.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The labor code provides for the right of workers to form and join independent unions without previous authorization and conduct their activities without interference, although unions alleged requirements for trade union registration were excessive. The labor code prohibits any worker conduct that may jeopardize the employer's reputation or legitimate economic and organizational interests and explicitly provides for the possibility of restricting the workers' personal rights in this regard--including their right to express an opinion during or outside of working hours. With the exception of law enforcement and military personnel, prison guards, border guards, health-care workers, and firefighters, workers have the right to strike. The law permits military and police unions to seek resolution of grievances in court. The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity.

Workers performing activities that authorities determine are essential to the public interest, such as schools, public transport, telecommunications, water, and power, may not strike unless an agreement has been reached on provision of "sufficient services" during a strike. Courts determine the definition of sufficient services.

National trade unions opposed the law on the basis that the courts lacked the expertise to rule on minimum service levels and generally refused to rule on such cases, essentially inhibiting the right to strike.

The government effectively enforced laws providing for freedom of association and collective bargaining. Penalties were generally inadequate to deter violations. The labor inspectorate does not use inspections, remediation efforts, or monetary penalties in enforcement efforts. Administrative and judicial procedures were sometimes subject to lengthy delays and appeals.

Authorities and employers generally respected freedom of association and the right to collective bargaining. Trade unions alleged that national prosecutors restricted trade union activities and in some cases reported antiunion dismissals and union busting by employers. There were also reports of unilateral termination of collective agreements. Unions reported the government continued to attempt to influence their independent operation.

While the law provides for reinstatement of workers fired for union activity, court proceedings on unfair dismissal cases sometimes took more than a year to complete, and authorities did not always enforce court decisions.

#### **b. Prohibition of Forced or Compulsory Labor**

While the law prohibits all forms of forced or compulsory labor, observers asserted the government failed to enforce it effectively. Penalties for forced labor were comparable to penalties for other serious crimes.

Groups vulnerable to forced labor included those in extreme poverty, undereducated young adults, Roma, and homeless men and women. Hungarian men and women were subjected to forced labor domestically and abroad, and labor trafficking of Hungarian men in Western Europe occurred in agriculture, construction, and factories. The government increased law enforcement efforts and sustained its prevention efforts.

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

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

The constitution generally prohibits child labor. The law prohibits children younger than 16 from working, except that children who are 15 or 16 may work under certain circumstances as temporary workers during school vacations or may be employed to perform in cultural, artistic, sports, or advertising activities with parental consent. Children may not work night shifts or overtime or perform hard physical labor. Violations may be punished with imprisonment not exceeding three years.

Through the end of December 2017, the employment authority reported four cases, involving four children, of child labor younger than 15. The employment authority also reported 10 cases involving 12 children ages 15 and 16 who were employed without the consent of their parents or legal representatives during the school year as well as 15 cases involving 23 children ages 16 to 18 who were employed without the consent of their parents or legal representatives. The employment authority noted the increase was the result of tighter legislation, which requires presentation of parental permission during an inspection.

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

The constitution and laws prohibit discrimination based on race, sex, gender, disability, language, sexual orientation and gender identity, infection with HIV or other communicable diseases, or social status. The labor code provides for the principles of equal treatment. The government failed to enforce these regulations effectively. Penalties took the form of fines but were generally inadequate to deter violations.

Observers asserted that discrimination in employment and occupation occurred with respect to Roma, women, and persons with disabilities. According to NGOs, there was economic discrimination against women in the workplace, particularly against job seekers older than 50 and those who were pregnant or had returned from maternity leave. A government decree requires companies with more than 25 employees to reserve 5 percent of their work positions for persons with physical or mental disabilities. While the decree provides fines for noncompliance, many employers generally paid the fines rather than employ persons with disabilities. The National Tax and Customs Authority issued “rehabilitation cards” to persons with disabilities, which granted tax benefits for employers employing such individuals.

#### **e. Acceptable Conditions of Work**

In 2017 the net national minimum monthly wage for full-time employment of unskilled workers did not reach the poverty level, while the special minimum monthly wage for skilled workers slightly exceeded the poverty level.

The law sets the official workday at eight hours, although it may vary depending on industry. A 48-hour rest period is required during any seven-day period. The regular workweek is 40 hours with premium pay for overtime and two days of rest. The labor code sets the maximum limit of overtime at 250 hours per year and provides for 10 paid annual national holidays; overtime is owed only if the aggregate hours worked during a year exceed 40 hours per week. On December 13, parliament amended the labor code; this new labor code enters into force on January 1, 2019, and allows for up to 400 hours of overtime per year that can be paid and reconciled up to three years after the labor is performed. A number of demonstrations took place across the country against the new labor code.

The government set occupational safety and health standards, which were up to date and appropriate for the main industries. Workers have the right to remove themselves from situations that endangered their health or safety without jeopardy to their employment, and authorities effectively protected employees in such situations. Labor laws also apply to foreign workers with work permits. Labor standards were not enforced in the informal economy.

The employment authority and the labor inspectorate units of government offices monitored and enforced occupational safety and health standards and labor code regulations. According to the Labor Protection Directorate of the Finance Ministry, 23,387 injuries occurred at workplaces, most of them in the mechanical engineering and manufacturing industries in 2017. There were 79 workplace fatalities, most of which took place in the construction, processing, transport, warehousing, and logistics sectors.