

HUNGARY 2019 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 in April 2018, 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 has been prime minister since 2010.

The National Police Headquarters, under the direction of the minister of interior, is responsible for maintaining order nationwide. The Counterterrorism Center (known by its Hungarian acronym "TEK") is responsible for protecting the president and the prime minister and for preventing, uncovering, and detecting terrorist acts. It is directly subordinate to the minister of interior. The Hungarian Defense Forces are subordinate to the Ministry of Defense and are 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. This state of emergency was most recently renewed in September for another six months. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included 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; criminal penalties for libel (although court decisions limited their impact); 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 inhuman and degrading treatment abuse sometimes occurred. NGOs noted that 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 involving the mistreatment of detainees were permitted to continue working.

Throughout the year the national preventive mechanism under the Optional Protocol to the UN Convention against Torture (OPCAT) undertook seven visits (four to prisons, one to a special state child-care home, one to a police facility, and one to a social institution).

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 the most recent data provided by the National Penitentiary Headquarters, in 2017 the average occupancy rate decreased from 131 percent to 129 percent. The law requires payment of compensation to prisoners placed in overcrowded cells.

During the year the commissioner for fundamental rights (ombudsperson) issued four reports on the findings of prison visits in 2017-18. One report, on a prison department with medical care, noted that while medical treatment of physical illness was adequate, staff workload was high and psychiatric treatment and services were insufficient. Staff members also reportedly made prejudicial comments against lesbian, gay, bisexual, transgender, and intersex persons.

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 and artificial lighting in cells, a lack of adequate heating, and 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 ombudsperson or to the prosecutor's office responsible for supervising the lawfulness of detention. The ombudsperson 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 to conduct periodic and ad hoc visits to prisons and detention centers for both Hungarians and foreign nationals. The CPT visited the country in November 2018, but the report from the visit had yet to be published. There had been no independent NGO monitoring of police detention centers and prisons since 2017, when authorities terminated 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.

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.

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 individuals suspected of a crime or a petty offense into short-term arrest if they are unable or unwilling to identify themselves or 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. Persons who abscond from probation may be detained for 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 occur 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. The court, prosecution, or the investigating authority (police) may also order a defense counsel 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. A 2018 law on criminal procedures requires that police or the prosecutor have to suspend interrogation and wait for up to two hours for an attorney to arrive if the suspect invokes this right. Some attorneys reported the right to an effective defense was violated in several cases. For example, in some instances, detainees and their defense counsels 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 detainee’s short-term detention and its 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. The presence of defense counsel at hearings related to pretrial detention is not mandatory.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary. Courts generally functioned independently.

Multiple European institutions and international organizations expressed concern about weakening judicial independence and erosion of checks and balances in the country. On April 24, at a conference celebrating the 150th anniversary of the law that provides for judicial independence, the speaker of the National Assembly, Laszlo Kover, remarked that judicial independence is not absolute and is not an end in itself. “Judges may not be independent from the state,” and “like politicians, officers of the courts need to choose sides between those defending and constructing the state and those attacking and destroying it,” Kover stated.

On May 30, immediately following European parliamentary elections, the government announced it was postponing indefinitely the establishment of a new administrative court system called for by a 2018 constitutional amendment. The proposed establishment of a new administrative court system had drawn domestic and international criticism because the court would have jurisdiction over cases involving the government, while the minister of justice, a member of the government, would appoint its judges. On March 19, the Council of Europe’s European Commission for Democracy through Law--better known as the Venice Commission--assessed that “very extensive powers were concentrated in the hands of a few stakeholders” and that the legislation lacked “effective checks and balances to counteract those powers.” On July 2, parliament adopted the law on the court’s postponement and later repealed the underlying constitutional amendment. On October 31, Minister of Justice Judit Varga announced the government decided not to introduce a separate public administrative court system but would introduce new legislation regarding public administrative jurisdiction. On December 17, parliament adopted new legislation on judicial system reforms.

that grants state authorities the right to submit complaints to the Constitutional Court if they allege violations of rights by a lower court decision. Domestic legal experts alleged these reforms would allow the government to appeal unfavorable rulings via the Constitutional Court, which has consistently ruled in favor of the government in politically sensitive cases over the last five years.

International observers expressed concerns regarding the continuing dispute between the president of the National Office for the Judiciary (OBH), a parliament-elected official who conducts central management of the courts during a nine-year term, and the National Judicial Council (OBT), a panel of 14 peer-elected judges and the president of the Supreme Court (Curia) that supervises the activities of the OBH president. In 2018 and again during the year, the OBT issued reports accusing OBH president Tunde Hando of unlawfully bypassing the OBT in appointments of judges and court executives. Hando refused to address the OBT's concerns, and OBT member judges reported retaliatory administrative pressure, including the OBH president's initiation of disciplinary proceedings against judges in 2018; publication of defamatory articles about judges' personal lives and professional conduct; and dismissal of judges from professional working groups.

On March 14, the OBH president asked the ombudsperson to request a decision from the Constitutional Court on the legitimacy of the OBT; at year's end the case was pending. On May 3, the European Association of Judges released a report on its April fact-finding mission to the country which concluded that, since May 2018, the judiciary had faced "a very grievous situation which in some aspects comes close to a constitutional crisis" due to the OBH president's refusal to work with the OBT. On May 8, the OBT formally proposed that parliament impeach the OBH president and remove her from office. On June 11, parliament rejected the OBT proposal without holding a debate on the issue.

On October 28, the Fidesz parliamentary caucus proposed OBH President Hando's appointment to the Constitutional Court. On November 4, parliament elected her as a Constitutional Court justice for a 12-year term, which prematurely ended her term as OBH president and placed her on the court of final appeal. Parliament elected civic and economic judge Gyorgy Barna Senyei as the new OBH president on December 10.

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 they committed an offense but may order their 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 that 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 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. Work on private property restitution process took place in the 1990s and was finalized by 2001. 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 necessary research and determining the value of unreturned heirless property in the country. The government agreed in principle on a timetable to conclude this research, but at year's end negotiations on a settlement had not been completed.

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 the TEK, or in certain cases the national intelligence services, to obtain prior judicial authorization for surveillance in national security cases 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. A decision to approve a covert intelligence action is not subject to appeal.

The country's criminal procedure code, in force since July 2018, 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. There were some formal restrictions on content related to “hate speech.” At the end of 2018, allies of the ruling Fidesz party consolidated what experts estimated to be between 80 and 90 percent of all media outlets into the hands of the nonprofit Central European Press and Media Foundation (KESMA), established and managed by Fidesz allies.

Freedom of Expression: Criminal law provides that any person who publicly incites hatred against any national, ethnic, racial, religious, 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 law prohibits 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; such crimes are punishable by up to three years in prison. The law also prohibits as a misdemeanor 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. The media law, which was amended in June and entered into force on August 1, also prohibits media content intended to incite hatred or violence against specific minority or majority communities and their members. The new law includes the provision that media content must not have the potential to instigate an act of terrorism.

A law approved in July 2018 imposes a 25 percent tax on 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). At year’s end no entity had paid any tax under the law, and no known Tax Office investigation or audit had been conducted to that effect.

In December 2018 the ECHR unanimously ruled in favor of the publisher of a large domestic independent news site in a 2013 case. The site had previously been found guilty of disseminating defamatory information by including a hyperlink to a YouTube video that featured inaccurate allegations against the Jobbik party. While the Supreme Court found that the website was at fault, the ECHR stated “...objective liability for using a hyperlink could undermine the flow of information on the Internet, dissuading article authors and publishers from using such links if they could not control the information they led to. That could have a chilling effect on freedom of expression on the Internet.”

Press and Media, Including Online Media: 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. MerteK Media Monitor and other independent organizations estimated that KESMA controlled between 80 and 90 percent of the country’s media outlets. An August 2018 report by the Center for Media Pluralism and Media Freedom and commissioned by the European Commission concluded that KESMA “poses a risk to the diversity of the Hungarian press, as one type of editorial position characterizes a large number of outlets.” The reports also found that some progovernment outlets relied almost completely on government advertising for their revenues. According to Freedom House, the government “...avoids censorship, force, or outright intimidation of journalists, and instead... resorts to tools designed to co-opt the media.” These tools include “legal, extralegal, and economic strategies for applying pressure to critical outlets, and supporting friendly ones.”

The new media law that entered into force on August 1 allows individual broadcasters to operate an unlimited number of radio stations in the same city. The law provides that radio frequencies will be awarded for 10 instead of seven years and that licenses be extendable without a bid for an additional seven years, as opposed to the earlier five. According to independent analysts, these changes further consolidate media, benefiting progovernment outlets and hindering media independence. Independent and opposition media were often excluded from government-organized events and press conferences.

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 consists exclusively of persons named by the governing parties.

The state news agency, MTI, which offers its services free of charge, 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. Opposition politicians complained that they rarely were able to appear on state-run broadcasts and noted that state media outlets underreported large antigovernment protests that took place in Budapest in December 2018.

National Assembly Speaker Laszlo Kover continued to ban parliamentary access for various individuals--primarily journalists--for alleged violations of parliamentary rules. Banned reporters were mostly, but not exclusively, working for independent or opposition outlets. As of August the appeal by the Hungarian Civil Liberties Union to the ECHR to overturn the bans remained pending.

Violence and Harassment: There were no reports of violence against journalists or of physical or legal harassment. Nevertheless, government officials and government-aligned media continued to refer to some independent journalists or media as the “Soros media” or “foreign agents.” At the end of November 2018, an investigative reporter for an independent news website was admonished in a summary procedure before a district court in Budapest for alleged abuse of personally identifiable information for using publicly available information in an article on a person who criticized Sweden’s migration policy. The reporter demanded a full trial. On September 4, another court notified the reporter of its nonbinding resolution exonerating him, since the person in question was a public figure who must tolerate in-depth scrutiny in the public interest.

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 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. A former reporter at the M1 public news station stated in an August interview that public broadcaster reporters were informally instructed by their superiors to interview only government-friendly public figures and to portray the political opposition as ridiculous.

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 (\$666,000), 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 the implementation of fines while the parties litigate the substantive appeal.

As of September 1, the Media Council had issued 101 resolutions concerning various alleged violations of the media law, imposing fines totaling nearly 28.4 million forints (\$94,600) on 68 media service providers. The most common citations were for unlawful advertising methods, breaching broadcasting regulations, and violating the dignity of a person or group. In a prominent case, the Media Council concluded in July that a government-friendly commercial television station had violated the obligation to provide balanced reporting in a segment shown in September 2018. The Media Council made that decision only after being compelled to do so by two binding court rulings and imposed no fine. Instead, the station was instructed either to make the Media Council resolution public or allow the plaintiff, an opposition member of the European Parliament, to present his views in the same program.

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 other public figures continued to use libel and defamation laws in response to criticism from citizens and journalists. Courts tended to pass verdicts that protected private individuals from libel or slander by government-affiliated media and their reporters. In a milestone ruling in July, the Constitutional Court rejected the complaint of a high-profile informal advisor to

the prime minister, who had sued an independent news website for publishing compromising photographs taken during his vacation, which he alleged violated his privacy rights. The Constitutional Court ruled that the advisor was a public figure and declared that “without the freedom and diversity of public debate there is no free public opinion and there is no rule of law.” In another prominent case, the Supreme Court ruled in January that a pundit working for a government-affiliated outlet had to apologize and pay 300,000 forints (\$1,000) in compensation to an opposition politician for calling him a degrading name in public.

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.

Academic Freedom and Cultural Events

A 2017 amendment to the higher education law regarding the operation of foreign universities introduces a provision requiring universities from non-EU countries operating in the country to have a physical presence in their country of origin, operate under an intergovernmental agreement between Hungary and the other country of accreditation, and ensure that the university’s name 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. Boston University decided to leave based on the new requirements.

In 2017 the Venice Commission issued a legal opinion that 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 of the law. The European Commission referred Hungary to the European Court of Justice (ECJ), arguing that the higher education amendment violates EU rules on the freedom of education and enterprise, provision of services, and scientific activity. The first hearing before the ECJ took place in June. Opposition members of parliament also filed a suit challenging aspects of the law

in the Constitutional Court, which postponed its review of the legislation to wait for the ECJ to rule.

In 2018 the CEU established a presence at Bard College in New York, and the Hungarian government and the 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 in the country. In December 2018 CEU announced it would move its U.S.-accredited programs to Vienna. In July, CEU was accredited as an Austrian private university under the name of Central European University, and in November it officially opened its campus in Vienna.

On July 2, parliament passed a law that effectively gives the government control over the funding of 15 research institutes. Under the new law, the institutions, which until then had been funded and managed by the Hungarian Academy of Sciences, were to be brought under a new government-run entity. The changes, which took effect in September, give the government influence over two-thirds of the nation's research institutions' budget and gives the prime minister the final say over personnel decisions for the governing board of the new entity. On July 17, the Conferences of Rectors of Germany, Austria, and Poland criticized the law as infringing upon the principles of academic freedom and the self-governance of scientific institutions.

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for the freedom of peaceful assembly, and the government generally respected this right. The constitution and law provide for freedom of association, and the government generally respected this right, with some exceptions.

Freedom of Peaceful Assembly

The constitution includes a provision on the protection of privacy, which stipulates that freedom of expression and the exercise of the right of assembly shall not harm others' private and family life and their homes, potentially restricting protests in public spaces near politicians' homes and protests in other public spaces that have apartments nearby. The law also permits the government to regulate public demonstrations, including holding organizers liable for damages caused by their events, and to ban protests in advance. Under the law authorities may ban or dissolve gatherings that unnecessarily and disproportionately harm the dignity of

the nation or other national, ethnic, or religious communities. The law also criminalizes the nonviolent disturbance or impediment of a demonstration.

The criminal code provides that harassment of “official persons” (including members of parliament, judges, and prosecutors) when they are not performing public duties is a crime punishable by up to three years’ imprisonment.

Freedom of Association

The European Commission brought an infringement procedure challenge in the ECJ against the law requiring NGOs that receive more than 7.2 million forints (\$24,000) per year from abroad to register as foreign-funded organizations; as of August the challenge remained pending. The Commission asserted the law unduly interferes with freedom of association (see section 5).

In late 2017 the Fidesz-dominated city assembly of Pecs called on local residents, businesses, and organizations not to rent or provide any space to the NGO With the Strength of Humanity, which received a grant of approximately \$490,000 from the Open Society Foundations to support community building in the region. The NGO sued the city mayor for libel but lost the case in a 2018 trial court ruling. In May the appeals court ordered the municipality to pay a fine but did not condemn the mayor for his public statements.

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 law in 2012, but it approved many applications for a lesser status of religious organizations. On April 15, an amendment to the law entered into force creating four different statuses for religious organizations. Observers noted that while the amendment provides a simpler procedure for religious entities to gain an intermediate-level 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 <https://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.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: Human rights advocates, the Office of 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 Serbian side of the Serbia-Hungary border fence, even if they had not entered Hungary through Serbia. In September 2018 the CPT published a report on the treatment and conditions of detention of foreigners in transit zones at the border and other establishments with irregular migrants, based on its 2017 visit to the country. The report noted that many detainees alleged police officers had physically mistreated them during their "push-back" to Serbia, and several displayed recent traumatic injuries as a result of alleged police mistreatment.

During the year domestic and international human rights organizations reported receiving fewer complaints of excessive use of police force and abuse against refugees and migrants, as the number of asylum seekers decreased from previous years. Human rights organizations asserted, however, that in most cases, the government did not take formal action against alleged police perpetrators and noted that few victims were willing to lodge formal complaints.

Refoulement: On May 8, UN High Commissioner for Refugees Filippo Grandi issued a statement calling the forced expulsion of two Afghan asylum-seeking families from the country deeply shocking and a flagrant violation of international and EU law.

Access to Asylum: The law provides for asylum and establishes a procedure for persons in the country to apply for it, but often authorities afforded little or no opportunity to apply. In 2017 and 2018, asylum and border management laws underwent significant legal modifications that limited access to the country's territory and asylum procedures and deterred asylum seekers from applying for protection. Police are allowed to push back to the Serbian side of the border any migrants who cannot prove their right to stay in the country, regardless of whether

or not they entered the country from Serbia. According to UNHCR observations published in November 2018, these legislative amendments failed to draw the necessary distinction between the situation of refugees and asylum seekers and that of other aliens.

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 designation of Serbia as a safe third country on the grounds that it does not have effective asylum procedures. In 2018 parliament modified the constitution to state that persons arriving in the country “through a country where he or she was not exposed to persecution or a direct risk of persecution should not be entitled to asylum.” Parliament also amended the asylum law and restricted the right to asylum to only those persons who arrived in Hungary directly from a place where their life or freedom were at risk. Since asylum applications can only be filed in either of the two transit zones at the Hungary-Serbia border, anyone who wants to submit an asylum claim can do so only by entering a transit zone from Serbia. Because Hungary considers Serbia as a safe third country, the new inadmissibility provision triggered the automatic rejection of any asylum claim. Since the new rules entered into force in 2018, NGOs were aware of only three positive decisions concerning asylum applications filed after July 2018 by asylum seekers passing through Serbia. The immigration authority declared all other applications inadmissible.

Freedom of Movement: The asylum law requires mandatory placement of all asylum seekers other than unaccompanied minors younger than 14 in two guarded transit zones (Roszke and Tompa) on the Serbia-Hungary border, which they may leave only by entering Serbia. If the asylum seekers leave the zones, they forfeit their asylum claims.

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. Since July 2018 rejected asylum seekers were placed under alien policing procedure (no longer the asylum procedure), and the designated compulsory place of stay was the transit zone.

In April 2018 the ECHR’s Grand Chamber heard the case of two Bangladeshi asylum seekers, Ilias and Ali Ahmed, who in 2015 filed a lawsuit against the government seeking their release from a transit zone and a stay of their deportation to Serbia. The chamber found the applicants’ confinement in the Roszke border

zone violated their rights because it had amounted to detention without formal, reasoned decision and without appropriate judicial review. The chamber also found their deportation to Serbia was unlawful. Authorities kept the men in the transit zone for more than three weeks before sending them back to Serbia. Following the government's appeal, the chamber on November 21 ruled that Hungary had violated the ECHR prohibition of torture, inhuman or degrading treatment by expelling them without assessing the risks of not having proper access to asylum procedures in Serbia or being subjected to chain refoulement, but that their stay in the transit zone was not deprivation of liberty because they had entered it on their own initiative and in practice were able to return to Serbia.

Access to Basic Services: Services for persons under an alien policing procedure included only basic health care but not the provision of food, with the exception of children younger than 18 and pregnant or nursing mothers. As of August 1, the immigration authority had declined in a total of 17 cases to provide food to 27 individuals detained in the transit zones after August 2018. In each case the Hungarian Helsinki Committee successfully requested interim measures from the ECHR ordering Hungarian authorities to immediately start providing food to the individuals concerned. On July 25, the European Commission launched an infringement procedure against the country for the nonprovision of food to persons awaiting deportation who were detained in a transit zone.

In 2016 parliament amended the law to reduce benefits and assistance to persons given international protection on the grounds they should not have more advantages than Hungarian citizens. 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 asylum seekers 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. The authorities hired a psychologist and a psychiatrist who visited the transit zones once per week for four hours per zone. Officials denied transit zone access to certain NGOs and a UNHCR contractor, which prevented several asylum seekers arriving to Hungary from war-affected countries who had previously suffered torture and posttraumatic stress disorder from receiving specialized care.

The government provided UNHCR and the International Federation of the Red Cross access to refugees and asylum seekers, with the exception of those held in the alien policing sectors in the transit zones. A few domestic charities were

allowed access to the transit zones; attorneys contracted by an NGO were allowed access only when asylum seekers specifically requested their assistance.

On October 8, the ECHR ruled that refusing a journalist access to a reception center for asylum seekers in order to report on living conditions there was a violation of freedom of expression and may discourage the sharing of accurate information that is in the public interest, particularly regarding the situation of vulnerable groups. The case involved a local journalist who requested access to the Debrecen Reception Center to conduct interviews but was rejected on the grounds that press coverage would interfere with the private lives of persons accommodated there.

On July 17, after an official visit to the Hungary-Serbia border, UN Rapporteur Felipe Gonzalez Morales described prison-like conditions in the transit zones, with asylum seekers chained to hospital beds. Morales stated general hygiene conditions were acceptable but that medical care was insufficient. He added that doctors were available for only a couple of hours a day, and there were no gynecologists or pediatricians, even though the majority of asylum seekers were women and children. Interpreters were scarce and communication with doctors could be difficult.

On July 25, the European Commission referred Hungary to the ECJ, stating the legislation that criminalizes providing assistance to asylum seekers who were not subject to persecution in their home country or who had already transited a safe country curtailed the asylum seekers' right to communicate with and be assisted by national, international, and nongovernmental organizations (see section 2.b.).

Durable Solutions: Refugees are allowed to naturalize, but according to civil society organizations the applications of refugees and stateless persons were approved at a lower rate than those of other naturalization seekers. The Hungarian Helsinki Committee criticized the procedural framework for naturalization, noting decisions were not explained to applicants and no appeal of rejections were allowed. There were no reported cases of onward refugee resettlement from the country to other states. Domestic media reported at the beginning of the year that since 2018, the country had admitted approximately 300 individuals with Hungarian ancestry from Venezuela under a special government program involving a local charity that is different from the standard asylum procedures.

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.

On July 29, the ECJ ruled that judges may grant international protection status to asylum seekers if an administrative body has overruled their decision without establishing new elements in the case. A 2015 regulation had stripped the courts of the right to overrule immigration authorities on asylum applications.

g. Stateless Persons

Not applicable.

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 in April 2018 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, decided by a first-past-the-post system.

Nationwide municipal elections were held in October under a single-round national system to elect local council representatives, mayors, and ethnic minority self-government members. With 48.6 percent turnout, the elections resulted in governing Fidesz-KDNP candidates retaining the majority of mayoral positions in smaller towns and villages, and the opposition capturing the mayoral seats of Budapest, 14 of the capital's 23 districts, and 11 of the country's 23 county seats. Observers suggested the relative success of the opposition resulted from the nomination of a single opposition candidate running against Fidesz-KDNP in most key races. Domestic observers noted the lack of changes to the electoral and media environment and referenced the findings of the OSCE mission deployed to the country in 2018 (see below).

A mission representing the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) observed the 2018 national 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 report on the 2018 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 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 2018 elections noted, “Women are underrepresented in political life and there are no legal requirements to promote gender equality in elections.” Following the elections, women constituted 12.5 percent of members of parliament. As of September the 12-person cabinet included two women, and 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 in the 2018 elections, only one--the German minority--obtained enough votes 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. Regarding the 2018 election campaign, ODIHR stated it was informed of several instances where pressure was put on Romani voters not to register as minority voters and instead to vote for national lists. Due to privacy laws regarding ethnic data, no official 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 by public officials, few such cases were lodged or prosecuted during the year. The European Commission and NGOs contended that the government did not implement or apply these laws effectively and that officials often engaged in corrupt practices with impunity.

Corruption: Anticorruption NGOs alleged government corruption and favoritism in the distribution of EU funds. The Corruption Research Center Budapest identified several cases of bid rigging and other corruption risk indicators in public tenders with EU funding. The Research Center 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 its annual report released on September 3, the European Antifraud Office reported investigating nine cases related to the use of EU funds in the country and recommended local authorities open criminal investigations into seven of them. The Antifraud Office also recommended that the country repay 3.8 percent of the funds it received from the EU between 2014 and 2018.

On July 22, domestic and international media reported that Microsoft Hungary (a wholly owned subsidiary of Microsoft Corporation) and Microsoft Corporation agreed to pay approximately \$26 million in fines. The case involved Microsoft Hungary employees who requested discounts on software licenses from Microsoft headquarters that they claimed were necessary to secure the software sales to government agencies, although they knew the agencies had already agreed to pay full price. The inflated margins reportedly funded a corrupt payment scheme to bribe government officials and secure software deals. Microsoft and its Hungarian subsidiary cooperated with the investigation and took remedial measures.

Microsoft Hungary dismissed four employees and cancelled contracts with many of its vendors. After Microsoft Hungary dismissed CEO Istvan Papp in 2016, the government appointed Papp as vice president of the Hungarian Investment Promotion Agency, a position he held for eight months. Similarly, the government appointed Microsoft Hungary's former government relations director Viktor Sagyibo as a ministerial commissioner in the Prime Minister's Office until August 2018. Authorities had closed the investigation into Microsoft Hungary in 2018, declaring they had found no evidence of criminal activity. In August, however, the Prosecutor General's Office stated it would reopen the investigation.

In February the European Commission's *European Semester* report on the country noted that corruption remained an important concern. Although the commission had noted minimal improvement during the previous year, it stated further steps were necessary to strengthen transparency and competition in public procurement. The report also called for the Prosecutor General's Office to pursue corruption cases more effectively and determined that "action by Hungarian authorities to prosecute high-level corruption was lacking."

Financial Disclosure: The law requires members of parliament, senior government officials, the president of the Supreme Court and his deputies, and the prosecutor general to publish asset declarations on a regular basis. NGOs claimed that public officials circumvented the required disclosures 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 also obliged to submit asset declarations, which are not publicly accessible. 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

In 2018 the Constitutional Court postponed its proceedings on a legal challenge to the NGO law which requires NGOs that receive more than 7.2 million forints (\$24,000) per year in funding from abroad to register as foreign-funded organizations. The court stated it would wait for the ruling of the ECJ on an infringement procedure brought by the European Commission. The commission asserted the law unduly interfered with freedom of association. The lawsuit remained pending at year's end. 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.

In December 2018 the OSCE and the Venice Commission concluded jointly that a 2018 law introducing an additional 25 percent tax on activities “providing material support for the operation of NGOs whose activities support immigration” violated freedom of expression and association as guaranteed by the European Convention of Human Rights and other international legal norms and should be repealed.

The law contains a provision, adopted in 2018, that mandates criminal penalties, including imprisonment for up to a year, for “facilitating illegal migration.” The law also 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. On February 28, the Constitutional Court ruled the law was constitutional but could not be applied “if the purpose of the action is only to reduce the suffering of those in need and treat them humanely.” The court emphasized that the new criminal action can only be committed deliberately and that the perpetrator must know that he or she is helping someone who is not subject to persecution or whose fear of direct persecution is not well founded.

Local authorities sometimes took administrative actions that harassed or interfered with the legitimate work of NGOs. In March, for example, the Budapest municipal authorities forced the Aurora NGO Center, which provided office space for several smaller human rights organizations, to close its bar at 10 p.m., citing complaints from local citizens. In August it ordered Aurora to close the bar completely, depriving Aurora of a significant source of revenue. In September far-right activists disrupted an event at Aurora, and in October a group of neo-Nazis vandalized the center and burned the pride flag that was hanging outside (see also section 6 on violence based on sexual orientation). In November the newly elected (as of October) mayor of the district in which Aurora is located declared the center could remain open and that “Aurora can count on the partnership and protection of the municipality.”

Government Human Rights Bodies: The constitution and law establish a unified system for the Office of the Commissioner for Fundamental Rights (ombudsperson). 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. He is solely accountable to parliament and has the authority to initiate proceedings to defend the rights of citizens from abuse by authorities and entities providing public services. The constitution provides that the ombudsman may request that the Constitutional Court review laws. The ombudsman is also responsible for collecting electronically submitted reports of public benefit, e.g., whistleblower reports on public corruption, and operated the national preventive mechanism against torture. Ombudsman recommendations are not binding. The office was 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 and the tendency of authorities to blame the victims. In one case, the Appeals Court of Budapest in January sentenced a 29-year-old mother to 10 years in prison for allegedly attempting to kill the father of her child by drugging and stabbing him. The couple met in 2011, and later the relationship turned abusive. In 2016 police found each of them with multiple stab wounds. Women’s rights organizations began a petition asking for a pardon for the woman, on the grounds that she was not a perpetrator of domestic

violence, but a victim who had not received the proper support to leave a five-year abusive relationship. She started serving her sentence in April.

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 sponsored crisis centers and secret shelters for victims of domestic violence operated by civil society organizations and church institutions. The crisis centers provided immediate accommodation and care for individuals and families for up to 90 days. The secret shelters addressed the needs of severely abused women whose lives were in danger; they were allowed a maximum stay of six months at the shelters. The newest type of service was the “crisis ambulance,” which provided mobile walk-in consultations--but not accommodation--for victims of domestic violence.

NGOs criticized the lack of training on gender-based violence for professionals and emphasized the need for broader awareness-raising efforts among the public to encourage victims to seek assistance and report violence without stigmatization. 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: By 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. Women’s rights organizations 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.

Children

Birth Registration: An individual acquires citizenship from a parent who is a citizen. Births were registered immediately. NGOs asserted 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 2018 concluded that school segregation increased by almost 10 percent between 2008 and 2016. 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 2018 the Metropolitan Court of Budapest ruled, in a 10-year-old case, that the Ministry of Human Capacities, which is in charge of education policy, was directly responsible for the segregation in 28 schools in 14 localities and ordered the ministry to desegregate the schools based on a plan crafted by experts. The court also prohibited the opening of first grades in the next school year if desegregation is not completed. The court ordered the ministry to collect, for the first time in the country's case law history, ethnicity data on Romani children in primary schools through third-party identification in order to monitor segregation. The court also imposed a fine of 50 million forints (\$167,000). In February the appeals court upheld the ruling but dropped the requirement to prohibit the opening of first grades.

In 2018 a trial court ruled in favor of 62 Romani children in a 2015 suit against the municipality of Gyongyospata and the Klebelsberg School Maintenance Center for their segregation in the primary school in Gyongyospata. The court ordered the state to pay compensation totaling 89 million forints (\$297,000). In September the appeals court confirmed the ruling and increased the compensation to be paid to Romani children to 99 million forints (\$330,000).

A report prepared during the year by Romani and pro-Romani NGOs stated one-half of Romani students dropped out of the education system. Only 24 percent of

Romani students finished high school, compared with 75 percent of non-Romani students. Only 5 percent of Romani students entered university, compared with 35 percent of non-Romani students. The report noted that segregating 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 failure of a parent to “cooperate” with the doctors, district nurses, teachers, or family supporters in the signaling system 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 by five to 10 years’ imprisonment if the victim is younger than 12.

Law enforcement authorities arrested and prosecuted children who were the victims of 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 and 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 trafficking. In a report published in 2018, the ombudsman stated that one-third of children were placed in child protection care because of their families' poor financial circumstances.

In November 2018 a former director of the state childcare home in Bicske and an employee received eight- and three-year prison sentences, respectively, for sexually abusing several boys younger than age 18 between 2004 and 2016. In April the prosecution announced it had requested that the appeals court increase the sentences due to serious psychological traumas suffered by the victims. The appeals court affirmed the ruling in September.

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/reported-cases.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. According to a study published in 2018 by *Szombat*, a leading Hungarian Jewish news outlet, 82 percent of Hungarian Jews had a direct family member or ancestor who lost their life in the Holocaust. Jewish organizations considered the Holocaust to represent a defining element in the identity of Hungarian Jews, and they regarded it as vital to preserve the memory of what occurred during the Holocaust.

The Action and Protection Foundation (TEV), a Jewish group monitoring anti-Semitism, registered 32 anti-Semitic hate crimes in 2018. These were 19 cases of hate speech, 10 of vandalism, and three of assault.

Research of Median Public Opinion Institute conducted on behalf of TEV published in July indicated that approximately 33 percent of the population held anti-Semitic views. Another survey on anti-Semitic attitudes issued by the Anti-Defamation League in November found 42 percent of Hungarian respondents harbored anti-Semitic attitudes; 71 percent said it was probably true the Jewish community had too much power in the business world, and 59 percent believed Jews talked too much about what happened to them in the Holocaust.

Leading Jewish groups, Holocaust scholars, and others continued to express concern about the government's planned opening of the House of Fates, a proposed new Holocaust museum and education center in Budapest that would focus on non-Jewish Hungarians' rescue efforts of Hungarian Jews. These groups and individuals criticized the project as an attempt to obscure the involvement of the World War II-era Hungarian state and its leader, Miklos Horthy, in the Holocaust. Controversy around the museum concept delayed its opening. The Unified Hungarian Jewish Congregation (EMIH), which owned the museum, prepared a new concept and presented it on June 4 at the International Holocaust Remembrance Alliance meeting in Luxembourg. In November, EMIH chief rabbi Slomo Koves stated the museum should be ready to open in 18 months.

Jewish groups expressed concerns about praise by government officials for Hungarian World War II-era leaders and Hitler allies known for their anti-Semitism and about public rhetoric that could incite anti-Semitism and hate speech. On September 4, the Federation of Jewish Communities in Hungary (Mazsihisz) issued a statement condemning government officials' participation in the unveiling of a statue of Gyula Kornis in the town of Vac. Kornis was a monk and leading educator in the Horthy era who helped to prepare and implement the country's anti-Semitic education laws in the 1920s. Mazsihisz criticized the presence of government officials in the ceremony honoring the man who "wanted to exclude nearly one million people from the nation because of their origin."

On November 16, far-right party Mi Hazánk (Our Homeland), joined by a few hundred participants, marched in Budapest to commemorate the 100th anniversary of Horthy's entry into Budapest. Fidesz parliamentarian Janos Lazar laid flowers at Horthy's grave, praising him as "a heroic soldier, a true Hungarian patriot whom we should remember by bowing our head." Mazsihisz president Andras Heisler stated he was deeply disappointed by Lazar, who as a previous leader of the Prime Minister's Office had striven to build good relations with Jewish organizations and had accepted Jewish values but had now denied them with his act.

On August 18, five young men in Nyiregyhaza told a Jewish community activist on the street that he and his wife were "filthy Jews" who "belong in the gas chamber."

On August 20, the Living Memorial social movement stated on its Facebook page that unknown assailants vandalized its memorial to Hungarian Holocaust victims. The Living Memorial, located on Budapest's Liberty Square and consisting of memorabilia of victims and their families, was created in protest against the

government's controversial memorial to "the victims of the German occupation" of 1944. Critics of this memorial, including prominent Hungarian Jewish groups, believed it whitewashed the country's complicity in the Holocaust. Also on August 20, the national Saint Stephen's Day holiday, the far-right website kuruc.info published an article entitled, "Liberty Square was waiting for National Day to be cleaned--our reader cleaned up the Jewish garbage," including a photograph of memorial objects in a nearby garbage can.

In November posters appeared in Budapest showing two journalists from the independent online news site *Index.hu* in front of an Israeli flag with the caption, "We have also come from beyond the border." The poster featured the *Index.hu* logo next to the words, "Constant complaining, latent anti-Hungarian feelings, betrayal of the homeland." TEV reported the case to police.

The country successfully hosted the European Maccabi Games, often referred to as the "Jewish Olympics," in Budapest between July 29 and August 7. Prime Minister Orban stated on that occasion that his government provided protection and major support to the Hungarian Jewish community for preserving its identity and for the renaissance of Hungarian Jewish life.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The constitution and the law prohibit discrimination against persons with physical, sensory, intellectual, communicational, and psychosocial 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 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. They also asserted many children with autism, intellectual

disability, or profound and multiple disabilities were often segregated in special schools or were forced to be home schooled without financial compensation to the family.

The government reviewed its 2019-36 deinstitutionalization strategy to reduce the number of persons with disabilities living in institutions with capacities greater than 50 persons, but NGOs reported no meaningful progress and received complaints about mistreatment, forced medicalization, and inhuman living conditions in large-scale institutions. In April a human rights NGO received audio and video recordings about physical and verbal abuse of persons with disabilities living in an institution in Baranya County. The ombudsperson called on the director of the institution to conduct an investigation. A grassroots movement advocated for creating a personal assistance service to facilitate independent living of persons with disabilities instead of their institutionalization or 24-hour family care.

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. NGOs noted that depriving persons with intellectual or psychosocial disabilities of their legal rights violated international conventions on the rights of persons with disabilities.

In August the disabled persons' federation Meosz announced it was suing the progovernment media outlet *PestiSracok.hu* for publishing an article that offended the human dignity of persons with reduced mobility. In a response to Coca-Cola advertisements promoting tolerance of same-sex couples, a journalist from the outlet wrote in that article that while "we do not hate disabled people...we do not fill our children's heads with the nonsense that it is just as natural to live in a wheelchair as to walk on two feet and that it is not worse, only different."

National/Racial/Ethnic Minorities

Roma were the country's 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 2018, however, estimated there were 876,000 Roma in the country, or 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, the researchers gathered

data from municipal governments and from Romani self-government bodies instead of asking respondents to self-report their ethnicity.

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 the country would not be willing to accept Roma as members of their family, 44 percent as neighbors, and 27 percent as citizens of their country.

On May 9, the Appeals Court of Debrecen affirmed a lower-level court ruling that the municipality of Miskolc was responsible for direct discrimination and harassment of local Romani inhabitants by conducting raids in the segregated neighborhood and carrying out evictions without providing alternative housing. This was the country's largest antidiscrimination lawsuit, covering a period of five years and affecting the rights of several thousand persons.

In January and October 2018, a group of young Roma was denied entry to dance clubs in Nyiregyhaza and Budapest. In December the Equal Treatment Authority ordered the security firm employed by Gozsdu Courtyard in Budapest to pay a fine of 500,000 forints (\$1,670) for discrimination.

In January media broadcast recordings of Tamas Sneider, the leader of the opposition party Jobbik, making racist comments and promising to defend the country against Roma. In May approximately 400 persons attended a protest against "Gypsy crime" organized by the far-right party Mi Hazank (Our Homeland) in Torokszentmiklos in the southern part of the country.

Segregation of Romani children in schools and their frequent misdiagnosis as mentally disabled remained a problem (see section 6, Children). Observers claimed 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 (the 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.

In July 2018 authorities suspended the implementation of a law granting transgender persons the right to legal gender recognition; as of August no requests for legal gender recognition had subsequently been processed. The ombudsman criticized the situation. The Constitutional Court's December 2018 deadline for parliament to adopt legislation allowing transgender persons without Hungarian citizenship legally residing in Hungary to have their legal gender recognized expired without any legislative action.

During the month-long Budapest Pride Festival, protesters disrupted six events, including, in some cases, with acts of physical violence against event organizers. According to LGBTI groups, police failed to act promptly to secure the events. After the Budapest Pride March, protesters harassed, kicked, and spat on a couple who had participated in the event. Police conducted and closed a criminal investigation, and the case was pending with the prosecution at year's end.

In September far-right activists disrupted an LGBTI event at Aurora NGO center, and in October a neo-Nazi organization burned the rainbow flag flying at Aurora. LGBTI organizations highlighted that neither the relevant government officials nor the public bodies responsible for promoting nondiscrimination and respect for human rights condemned these events at the time. In November, Budapest police announced they had brought in for questioning nine persons in connection with the attack and ordered an investigation to be carried out on suspicion of disorderly conduct.

During the year the Equal Treatment Authority issued several decisions in cases concerning discrimination based on sexual orientation and gender identity. In one case it fined the Budapest Mayor's Office one million forints (\$3,300) for blocking access to all LGBTI-related websites from its local network; the new mayor of Budapest elected in October lifted the ban after assuming office.

In May, National Assembly Speaker Laszlo Kover compared same-sex couples who want to adopt children to pedophiles. In June, Fidesz deputy caucus leader Istvan Boldog called for a ban of the Pride March. In August he called for the boycott of Coca-Cola for its advertising campaign featuring same-sex couples. The local government in Pest later levied a 500,000-forint (\$1,670) fine against Coca-Cola for this ad campaign.

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. Violations of this law could result in a fine to compensate for damages in case the employer turns to court, although this labor code provision was rarely implemented and there were no reported instances during the year. With the exception of law enforcement and military personnel, prison guards, border guards, health-care workers, and firefighters, workers have the right to strike. In other spheres of the public sector, including education or government services, minimum service must be maintained. 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 to be 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 adequate to deter violations. In the public sector, administrative and judicial procedures to determine adequate services 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 <https://www.state.gov/trafficking-in-persons-report/>.

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. The government performed spot-checks and effectively enforced applicable laws; penalties were sufficient to deter violations.

Through the end of 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 between the ages of 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 between the ages of 16 and 18 who were employed without the consent of their parents or legal representatives. The employment authority noted the increase 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 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 2018 the net national minimum monthly wage for full-time employment of unskilled workers and the special minimum monthly wage for skilled workers 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. On January 1, amendments to the labor code became effective that increased the limit on maximum overtime from 250 to 400 hours per year. The code also provides for 10 paid annual national holidays. Under the new code, overtime is to be calculated based on a three-year time period, i.e., employees have a right to overtime pay only if, over a three-year period, they have worked an average of more than 40 hours per week. Observers noted the provision could allow employers to avoid paying overtime for work in one year by requiring employees to work less than full time during both or one of the two other years if it lowered their average workweek over the entire three-year period to 40 hours or less. The changes to the labor code led to a series of worker demonstrations in late 2018 and early 2019, following which most employers agreed not to take advantage of the overtime calculation provision of the new labor code and continue paying overtime in the following pay period.

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 inspectors regularly provide consultations to employers and employees on safety and health standards. 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, 23,738 injuries occurred at workplaces, most of them in the mechanical engineering and manufacturing industries in 2018. There were 79 workplace fatalities, most of which took place in the manufacturing, processing, transport and warehousing, education and administration, retail, and construction sectors.