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REPORT

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ON HIS VISIT TO HUNGARY

11-14 JUNE 2002

for the Committee of Ministers and the Parliamentary Assembly

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Introduction

In accordance with Article 3(e) of Committee of Ministers Resolution (99) 50 on the Council of Europe Commissioner for Human Rights, I was pleased to accept the invitation extended by Mr Laszlo Kovacs, Hungarian Minister of Foreign Affairs, to pay an official visit to Hungary. I would like to thank the Minister for his invitation and for the resources he placed at my disposal throughout the visit to Budapest and Göd, from 11-14 June 2002. During this time, I was accompanied by Mr Zoltan Pecze, from the Directorate of Human Rights at the Ministry of Foreign Affairs and Ms Caroline Ravaud and Mr Fernando Mora, members of my Office. I should also like to thank the staff of the Hungarian Permanent Representation to the Council of Europe for their excellent co-operation and readiness to help before and during this visit. Finally, I should like to thank the Hungarian authorities for their openness and transparency. As well as for all the documents they provided before, during and after this official visit.

The visit began with a long meeting with representatives of Hungarian non-governmental organisations (NGOs), held at the premises of the European Youth Centre in Budapest. I also had an opportunity to meet Ms Monika Lamperth, Interior Minister; Mr Péter Barandy, Minister of Justice; Mr Laszlo Kovacs, Minister of Foreign Affairs; Mr Andras Barsony, Political State Secretary of the Ministry of Foreign Affairs; Dr Ibolya David, Deputy Speaker of Parliament; members of the parliamentary Committee on Human rights, Minorities and Religious Affairs; the Ombudsmen; Ms Kinga Göncz, State Secretary for Health, Social Affairs and the Family; the Presidents of the Minority self-government, and representatives of the Roma/Gypsy minority. I also visited the detention centre for foreigners at Budapest airport, the TOPhAZ hospital for children suffering from mental disabilities in Göd, the District VIII by foot and a Refuge Foundation hostel located in the same District.

General observations

1. Hungary was one of the first countries to benefit from the special guest status created by the Parliamentary Assembly in June 1989 for the parliaments of central and Eastern Europe. Following its accession to the European Cultural Convention (November 1989) and the country's first free elections (in March 1990), Hungary became the first country from central and Eastern Europe to join the Council of Europe, on 6 November 1990. Now an applicant state to the European Union, Hungary is pursuing EU membership negotiations with a view to their completion by the end of 2002 and EU membership from 1 January 2004. At national level, this is reflected in far-reaching institutional changes and a willingness to conform to existing EU legislation.

2. As regards respect for human rights, Hungary has signed and ratified the European Convention on Human Rights and its Protocols N° 1, 4, 6 and 7; it has signed Protocols N° 12 and 13; it has also signed and ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the European Charter for Regional or Minority Languages, the Framework Convention for the Protection of National Minorities and, in 1999, the European Social Charter. Generally speaking, Hungary has made significant progress in a very short time, and this fact deserves to be highlighted. This report is based on the Hungarian Government's stated wish to improve the situation further. It was in this spirit that I found it essential to consider further in this report certain issues raised during my meetings with parliamentarians, members of the government, local authorities and non-governmental organisations (NGOs), as well as certain observations made during visits on the ground. These concern the rights of minorities and of the Roma/Gypsy community (I); protection of certain vulnerable groups (II); the rights of detained persons (III) and of foreigners and asylum seekers (IV); finally, certain questions relating to freedom of association (V).

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3. The major reforms undertaken in the economic and institutional fields in recent years have been reflected in considerable progress in Hungarian society. Nonetheless, the speed of these reforms has left certain disadvantaged groups behind, and they have borne the brunt of the economic crisis. The authorities are aware of the challenges now posed to Hungarian society by this two-tier development and are resolved to meet them head-on. I am confident that their work will produce the expected results.

I. Rights of minorities and of the Roma/Gypsy community

Rights of minorities

4. The legislative and institutional framework for the protection of minorities in Hungary is particularly well developed. During my visit, I had an opportunity to meet members of the 13 minority self-governments, which are officially recognised in Hungary. I was able to exchange views with representatives of the German, Slovak, Bulgarian, Ukrainian, Slovenian, Greek and Croat minorities, who informed me of their opinions and concerns. All acknowledged that the 1993 Law on National Minorities had helped considerably in resolving the discrimination and integration problems faced by minority communities in Hungarian society, but also indicated that certain problems persisted.

5. One problem mentioned by all the representatives concerns appropriate representation of minorities in Parliament. Parliamentary representation of minorities, provided for in the Constitution, was to have been introduced via implementing legislation, something the Constitutional Court pointed out as far back as 1992. Even now, however, this constitutional requirement has still not been matched by appropriate legislative action. At the same time, political representation of minorities does exist at local level; but here too, the minority representatives expressed their concern that representatives are not elected solely by members of each minority, but by the electorate as a whole; this concern was again expressed by representatives of Roma/Gypsy organisations whom I had occasion to meet during the visit I carried out to District VIII in Budapest. The Deputy Speaker of Parliament and the members of the Parliamentary Committee on Human Rights, Minorities and Religious Affairs, to whom I conveyed these reservations, acknowledged that it is time to analyse the effects of the 1993 Law and, if necessary, amend it.

6. We also discussed a draft law on the fight against discrimination. Ms Lamperth, Interior Minister, expressed an interest in receiving my opinion on this draft law, which has been presented by the Ombudsman for minorities. Needless to say, I am prepared to examine the draft law in question as soon as it is finalised and when the Minister considers it timely to contact me.

7. Finally, the national minorities are also calling for greater resources so as to develop their programmes, and a better co-operation policy with the local administrative authorities.

The Roma/Gypsy community

8. The Hungarian authorities have been making considerable efforts to improve this community's situation for some time. Indeed, it is clear that the Roma/Gypsy community in Hungary includes an intellectual elite and is fighting for its rights, with tangible objectives. By including Roma/Gypsy candidates on the electoral lists of national parties, the Roma/Gypsy community has succeeded in obtaining a number of seats in Parliament. In addition, the various representatives and leaders of the Roma/Gypsy community whom I personally met are perfectly conscious of the nature and scale of the problems they must tackle. They are also

ready to act in a determined and organised way. For my part, I must pay tribute to their lucidity, resolve and willingness to fight at all levels of public life to ensure that their rights are fully recognised, in particular through exercise of their civil rights in the various electoral processes. To a certain extent, this situation is also due to the authorities' official policy, and I hope that this will continue. I was informed that the Prime Minister intends to establish a post of deputy State Secretary with responsibility for Roma/Gypsy affairs, within his office, in the very near future, and this is a particularly positive move. Indeed, I met the Roma Member of Parliament who, in theory, is to be appointed to this post, and had an opportunity to speak to him, particularly during my visit to Budapest's District VIII.

9. Following the visit to District VIII, the Roma/Gypsy community organised, at my request, a meeting with leaders from Hungary's various regions at the premises of Radio C, a Roma/Gypsy radio-station based in this District. Several NGOs and Roma/Gypsy organisations were present and we had a long discussion that was both very cordial and productive on the problems encountered by the community.

10. The Roma/Gypsy community is undoubtedly the group most directly affected by the adverse impact of Hungarian society's transition to a market economy. Its members must now deal with difficult situations arising, *inter alia*, from job insecurity, discrimination in access to education and the lack of decent housing.

11. In terms of access to employment, there is no doubt that Roma/Gypsies were the first to lose their jobs when the market economy was introduced. Frequently less technically qualified than other employees, they were – and still are - the first to be made redundant. In addition, the prejudices to which they are often subject mean that they face considerable difficulties in maintaining or re-finding employment. According to information I received from community representatives, more than 60% of Roma/Gypsies would appear to be currently unemployed. I know that governmental employment programmes exist already at county level with a view to ensure training assistance for unemployed individuals and that the government has the strong intention to improve the situation in this field. I welcome this stand.

12. Unemployment has an immediate impact on access to housing, and the situation is scarcely better for those who do have accommodation. Frequently, the latter can no longer pay rent or maintenance costs, and landlords take advantage of this situation to evict them, demolish substandard buildings and subsequently erect new buildings in which flats are offered at rates that they cannot afford. Many Roma/Gypsy families thus find themselves homeless or in run-down and unsanitary housing, as I saw for myself when visiting Budapest's District VIII; according to various sources, this district is not in fact the city's most dilapidated. The same phenomenon, or even worse, is to be found in other regions of Hungary, particularly in the east of the country, where living conditions for all citizens, and Roma/Gypsies in particular, are especially difficult and the unemployment rate is highest.

13. The community's representatives called for the immediate adoption of an assistance plan. Such a plan would be targeted at fighting discrimination as regards employment, through the adoption of a legislative text and particularly the introduction of tangible measures to encourage the creation of small enterprises. More specifically, it would appear necessary to envisage measures that would facilitate access to loans by Roma/Gypsies, e.g. by making provision for direct financial assistance and/or providing partial government guarantees for loans contracted between Roma/Gypsy enterprises and banking institutions. Consideration might also be given to granting tax breaks for entrepreneurs who employ Roma/Gypsies.

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14. At the same time, it is necessary to set up vocational training programmes for the community, so that those individuals who are unemployed because of insufficient qualifications can find work.

15. The Roma/Gypsy community's third cause for concern is access to education. The absence of good-quality education may indeed be a factor in current and future discrimination against this community. I took note that particular emphasis was put by the Hungarian authorities on scholarships to Roma/Gypsy students by increasing the total scholarship amount by 16 in the last 5 years. For the school year 2001-2002, for example, the number of scholarships announced is 12777.

16. According to the information I received from the community representatives and my other speakers, Roma/Gypsy children are systematically placed in so-called special, or "C", classes; these classes are also said to receive children from underprivileged backgrounds, who suffer from a social handicap as a result, and the academic level is consequently lower. About 70% of the pupils in "C" classes are said to be Roma/Gypsy children and follow a simplified curriculum, without experienced teachers and with poor facilities. Thus, poverty and Roma/Gypsy origin are allegedly a fat of discrimination in access to education, and this inevitably makes it highly likely that inequalities and social discrimination will be perpetuated. It is clear that this situation must end as soon as possible: the "C" classes must disappear and the State must instead provide resources for academic support and assistance to the most disadvantaged children, so that this flagrant discrimination is halted.

II. The situation of certain vulnerable groups

17. The situation of certain particularly vulnerable groups was mentioned during my meetings with NGOs and the Hungarian authorities. The latter informed me of the measures they intend to take and the programmes that they wish to develop.

Domestic violence against women and children

18. According to the information received, domestic violence is common, and women would appear not to receive adequate protection from the police, who are often the first authority to be contacted by them. Apparently, the concept of inviolability of the marital home means that, where assault occurs, the police allegedly often do no more than inform the female victim of her right to begin formal proceedings.

19. The other problem raised was the lack of reception facilities for battered women. Very few such centres currently exist, and most of these are run by private humanitarian organisations. In fact, the state subsidies that were granted in the past have been cut or have even disappeared, with the result that many centres have had to close their doors.

20. With regard to child victims of sexual violence, the main problem is that proceedings sometimes last for more than two years: there are no appropriate centres where child victims can stay during this time and the child would remain within the circle that abuse of him. This shortcoming could be particularly serious in cases where the presumed aggressors are family members.

21. The Interior Minister, to whom I conveyed my observations, was sensitive to these problems and aware of the need to analyse the phenomenon of domestic violence in depth and take tangible measures to tackle it, beginning with more intensive training for police officers in

the area of protection for women and children. I found the same awareness at the Ministry for Health, Social Affairs and the Family, together with a wish to tackle this social scourge with appropriate and urgent measures, according to the Junior Minister.

Children suffering from mental disability

22. I visited the TOPhAZ centre for children suffering from mental disability in Göd (about 30km from Budapest). 220 children, aged from one to eighteen have been placed here (although I thought that I could spot several who were clearly older). Some of them are very badly ill. I observed the considerable pedagogical efforts being made by the staff, and their devotion and tenderness towards the patients, some of whom have been bed-ridden for several years on account of illness.

The building, opened in 1977, is showing its age, resources are uncertain but suitable and there is a clear need for additional space, particularly to enable the centre to accept patients in the 3-4 year age-group, who remain on waiting lists for at least six months to a year. According to the Director, there is an acute shortage of such institutions and those that do exist require additional resources if they are to fulfil their role properly.

23. These establishments must immediately be provided with the necessary material and human resources, as appropriate, as well as financial resources corresponding to their needs.

Homeless persons

24. I believe it is essential to mention the situation of one particularly vulnerable section of society: homeless persons.

25. In Budapest alone, which has a population of two million, there are allegedly about 6000 homeless persons, according to estimates provided by the Refuge Foundation; this figure does not include individuals who have not been identified as homeless because they have not requested assistance or contacted a refuge. In calculating the number of homeless persons, it is now necessary to include pensioners, who, on account of the closure of “workers’ hostels” (at prices they could afford), are said to be unable to afford moderately priced accommodation and end up on the street.

26. Budapest has 60 night shelters and three hostels for homeless people. I was able to visit the Refuge Foundation’s centre in Budapest’s District VIII, where I observed for myself the scale of the problem and noted that the homeless population includes not only elderly people, but also individuals of about 45-50 years who had lost their jobs. When I asked whether many members of the Roma/Gypsy community used these centres, I was told that this did occur, but not frequently, on account of the tradition of family solidarity within that community.

27. This experience leads me to emphasise the need to establish protection programmes for the most disadvantaged groups in society, who have been hit by the economic crisis and who cannot be reintegrated into the labour market on account of their age or physical or mental health. Accordingly, it is essential to create suitable establishments and allocate sufficient resources for running them, or to consider partnerships with non-profit private organisations that are willing to co-operate in ending this worsening situation.

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The homosexual community

28. With regard to the homosexual community, the two main issues raised by NGO representatives are, firstly, the continuing difference in treatment between homosexuals and heterosexuals as regards the age of consent for sexual relations, as set out in Article 199 of the Criminal Code. This article has recently been abolished by the Constitutional Court. The Justice Minister's opinion in this matter is that the question should be resolved by legislative means rather than through the courts.

29. The second problem concerns the exclusion of homosexuals from military service, solely on the basis of their sexual orientation, on the grounds that they are allegedly suffering from mental illness, which is obviously unacceptable.

III. The rights of detained persons

30. This heading will cover certain issues concerning arrest, police detention, custody and prison conditions, as well as various questions concerning committal to psychiatric units.

Arrest, police violence

31. The Hungarian police has been subject to frequent and numerous criticisms in recent years, including that made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in its reports on visits in 1994 and 1999 (particularly the report on the visit from 5-16 December 1999, para. 14 onwards). In particular, this criticism has focused on the severity, even brutality, which the police has allegedly shown towards Hungarian citizens, especially members of the Roma/Gypsy minority (a matter also raised by the European Commission against Racism and Intolerance (ECRI) in its 2nd Report on Hungary, adopted on 18 June 1999). Although the situation has now improved, certain grievances persist. According to human rights organisations, 1,200 complaints are lodged annually against the police for ill treatment, but on average few are successful on the grounds that the majority are allegedly based on unreliable testimony.

32. Criticism is also heard of the police's inability to protect citizens effectively, especially the vulnerable groups in society.

33. During my visit to the police station in Budapest District III, I met the heads of the municipal police, who assured me they were aware of the problem; however, they claimed that the police cannot respond fully to citizens' expectations, firstly because of a lack of suitable staff training and, secondly, because of inadequate financial and staff resources. Specifically, they believe there are currently 10,000 police officers working in Budapest, and that an additional 1000 police officers were needed, 600 of whom are needed for road safety duties alone.

34. I discussed this situation with Ms Monika Lamperth, the Interior Minister, who informed me of the measures she had taken. She had already begun by appointing a new Director General of Police, and she expected that new measures would be adopted rapidly in order to eliminate such behaviour. In particular, Ms Lamperth informed me of her intention to integrate members of the Roma/Gypsy community into the police force, a move that would certainly facilitate better relations between the police force and this community.

Detention conditions in prisons

35. According to data provided by Mr Istvan Bökönyi, National Director of the Prison Administration, there are 32 prisons in Hungary, 14 of which are exclusively for convicted adults prisoners, the remainder being for persons in pre-trial detention and minors (562 youths, aged 14-18). In total, there were said to be 11,011 places available and on the day of my visit to the Budapest District Prison, the prison population was 17,823 detainees. 4122 people were seemingly in pre-trial detention, and about 13,000 persons had been sentenced to imprisonment. There were said to be 1082 women prisoners, 288 of whom were being held in pre-trial detention. Finally, there were allegedly 853 foreigners being held in the Hungarian prison system.

36. These figures reveal a serious problem of prison overcrowding (60% more prisoners than places). The authorities are aware of the problem, especially the Minister of Justice, who told me that new prisons are being built. However, these measures will not be sufficient to resolve the problem completely. At best, the rate of prison overcrowding would fall by 20% or 30%. This situation raises questions about the reasons for the size of the prison population and the possible use of alternative forms of punishment for minor offences, rather than prison sentences. The Minister himself suggested that this solution be looked into.

37. I observed the problem of prison overcrowding when visiting a prison establishment in Budapest's District V, used exclusively for receiving and redistributing detainees (in transit) from other regions or towns; consequently, this establishment is not used as a detention centre for prisoners serving sentences. In the course of various meetings and individual conversations with prisoners, I heard no allegations of ill treatment within the prison, but there were criticisms of the clear lack of space and absence of activities for prisoners (apart from the daily one-hour walk).

Pre-trial detention in police stations

38. The question of persons held in pre-trial detention in police stations deserves particular mention. In order to understand the experience of these detainees more clearly, I asked to carry out an unscheduled visit to a police station in which persons in pre-trial detention are held. The visit took place in District III of Budapest, and I must thank Ms Monika Lamperth, the Minister, for her co-operation in arranging this.

39. This police station had eleven cells, in which up to three persons were held. In one cell there were three women; in another, two minors. Six of the detainees had been held for more than 150 days; they were on the fourth floor, and could go out for only one hour per day to a very small courtyard. The detainees with whom I spoke did not report ill treatment: on the other hand, they did complain about the length of time they had been held in such conditions and the total lack of contact with the duty lawyers.

40. However, this problem is widespread, since approximately a third of persons in pre-trial detention are held in unacceptable conditions in police stations for many months at a time, a fact the CPT had already highlighted in the above-mentioned 1999 report (para. 42-44 of the CPT report, *ibid*).

41. The authorities confirmed that although some police stations had been closed because of their dilapidated state, there were apparently between 400 and 500 persons currently still detained (under police arrest or in pre-trial detention) in 13 district police stations in Budapest, which would appear not to have appropriate facilities for detention of this kind.

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42. Conscious of this situation, Parliament has established a maximum period of two months for pre-trial detention in the Code of Criminal Procedure. However, the entry into force of this reform, essential for protecting detainees' human rights, has been postponed until 2003.

43. It is now urgent that this reform enter into force as rapidly as possible, so that pre-trial detention occurs in prison establishments that have been designed for this purpose and that meet the required criteria, which police-stations clearly do not.

Committal to psychiatric establishments

44. Committal of an individual is an extremely sensitive issue: it is the state authorities' duty to surround the procedure with a maximum number of practical and legal guarantees in order to avoid any form of abuse. In the case of Hungary, placement of patients suffering from mental illness in psychiatric hospitals is governed by recent legislation and requires a medical report within three days of the patient's admittance.

45. With regard to the living conditions in these establishments, the CPT had criticised the use of caged beds and net-beds in its report on Hungary. During my meeting with the NGOs, they drew my attention to the existence of such net-beds in eight of the 52 establishments included in a recent study. Following my conversations with the Ombudsmen on this subject, they said that this had indeed been the case until very recently, but that these beds had now practically disappeared. The State Secretary for Health, Social Affairs and the Family, and the Justice Minister, referred to the 1991 Law, which clearly prohibited the use of caged beds; there are still net-beds, but their number is very small and the procedure was gradually disappearing as progress was made in providing more staff for psychiatric establishments. The Minister and the State Secretary believe that the problem lies not so much at legal level as in the fact that the law is not always respected in everyday practice. I call on the relevant authorities to ensure that these procedures are totally abandoned and that both legislation and practice guarantee effective and ongoing supervision of any decision regarding committal to psychiatric units.

46. The question of placing certain patients suffering from mental illness in "welfare hostels" raises other problems. Those welfare hostels are intended for elderly people and, consequently, do not have the appropriate resources to provide medical care for people suffering from mental illness; equally, since they are not classified as internment centres, there is no medical or judicial framework for these persons' placement.

47. I drew the authorities' attention to the risk of abuse inherent in this situation, particularly on the part of unscrupulous families, who could take advantage of a family member's temporary or permanent disability. The Junior Minister for Health, Social Affairs and the Family indicated that she was in agreement with ending placements in these establishments and substituting more suitable forms of care for persons suffering from mental illness persons.

IV. Foreigners and asylum-seekers

48. Its geographical location makes Hungary a transit country for economic migration, and it is consequently subject to the pressure of illegal immigration flows towards European Union countries. The authorities are fully aware of this situation, and show a genuine desire to control the phenomenon whilst simultaneously respecting human rights. Considerable progress has been made in the area of right to asylum, and the situation of asylum-seekers has improved substantially. The 1997 Law on Asylum allows asylum seekers to obtain legal aid and

assistance. It further gives the UNHCR representatives the possibility to take part in the process that determines the status of refugee.

49. However, out of a total number of 9000 asylum-seekers in 2001, only 174 obtained refugee status; in addition, it appears that in most cases insufficient reasons were given for decisions rejecting asylum applications. In my meetings with the Interior Minister, I emphasised the need to guarantee all asylum seekers effective access to the procedures for deciding on refugee status, including the right to have a lawyer and to appeal should one's application be rejected. While noting that Hungary's average acceptance rate for asylum applications was higher than that in European Union countries, Ms Lamperth informed me of her intention to call a meeting of specialised NGOs in the near future so that they could discuss arrangements for co-operation. I can only support this initiative.

50. In addition, it seems that very few measures have so far been taken to facilitate the integration of those receiving refugee status or persons whose entitlement to temporary protection has been recognised. I am aware that the government is in the process of setting up an integration programme for such individuals in Debrecen, a region that has been badly affected by the economic crisis and is relatively poor; according to local NGOs, it offers few opportunities for successful integration. I conveyed this concern to the Interior Minister, emphasising the need for a policy that will avoid the creation of ghettos. I am sure that she is monitoring this affair very closely.

51. As for the detention of foreigners who enter the territory illegally and are threatened with expulsion, the period of detention should in principle be limited to 30 days; after this period, foreigners should be transferred to open establishments where they could be at large until such time as they are repatriated.

52. Finally, I should like to congratulate the immigration service at Budapest airport on all the measures it has taken to provide an appropriate transit area and reception centre where the rights of persons arriving on Hungarian territory illegally or without papers are respected.

V. Freedom of association

53. The right to set up and belong to a trade union organisation is not only recognised by Article 11 of the European Convention on Human Rights and guaranteed in the European Social Charter, but is also one of the essential pillars of any democracy. In Hungary, this right is also recognised in the Constitution. It is exercised through legally constituted trade unions; I met the representatives of these organisations.

54. The Hungarian trade unions condemned the resistance, not to say obstruction, put in the way of exercise of freedom of association, particularly by foreign-capital companies that have entered the Hungarian market and primarily hypermarkets and supermarkets. Although the presence of foreign investors is of prime importance for economic development, in a democratic society this goes hand-in-hand with fundamental social rights, such as freedom of association, the right to respect for employees' dignity, the right to have a salary commensurate with one's experience and professional skills, and non-discrimination in access to employment. Prime responsibility for ensuring that these rights are respected lies with the authorities; without these rights, prosperity would be short-lived. Bearing in mind the unemployment figures, the difficulties in access to employment experienced by women (between 45-50) and disadvantaged groups, such as the Roma/Gypsies, and the fact that the lowest wages are taxed, the social divide between those with resources to survive and those without them is likely to widen. Experience shows that trade unions are aware of social unease before it is too late and tend to propose solutions. In the ministries, I met people who are willing to take tangible

measures. For this reason, I believe it is important that dialogue continue between both sides of industry or be introduced where it is lacking. Management and labour can only benefit from such a move.

Final comments and Recommendations

55. Human rights are respected in Hungary. Having successfully taken up the challenge of consolidating democratic institutions and moving to a market economy, the country is now facing the challenge of joining the European Union. The authorities are conscious of the advantages and disadvantages entailed by the rapid development of Hungarian society. In order to assist and encourage them in their task, and in accordance with Article 8 of Resolution (99) 50, the Commissioner recommends that Hungary:

1. adopt legislation that would allow for representation of minorities within Parliament, as provided for in the Constitution, and analyse the effects of the 1993 Law with a view to amending it if necessary;
2. pursue the already existing employment programmes and provide an assistance plan for the Roma/Gypsy community, with a view to combating the discrimination they face in access to employment, through legislative measures and targeted financial help;
3. increase the number and improve the quality of vocational training programmes for the Roma/Gypsy community, and provide their children with high-quality and non-discriminatory education;
4. analyse the phenomenon of intra-family violence and draw up a programme of specific measures to tackle it, beginning with more targeted training for police officers in the area of protection for women and children;
5. establish care programmes for elderly people and persons suffering from mental illness, including the opening and/or rehabilitation of suitable establishments to which sufficient funds are allocated;
6. develop further training programmes for police officers, particularly in order to eliminate potential police violence, and ensure that adequate procedures exist in cases of abuse;
7. put into effect the revised provisions of the Code of Criminal Procedure concerning pre-trial detention, and simultaneously take urgent measures to ensure that pre-trial detention occurs in prison establishments intended for this purpose;
8. ensure that both legislation and practice guarantee effective and ongoing supervision of any decision regarding committal to psychiatric establishments;
9. consider the possibility of cooperating with the specialised NGOs in the reception process for foreigners and asylum-seekers;
10. ensure that freedom of association is scrupulously respected by all interested parties in Hungary and that social dialogue is instituted where absent.

56. In accordance with Article 3(f) of Resolution (99) 50, this report is addressed to the Committee of Ministers and the Parliamentary Assembly.

Additional comments

57. This report has been presented to the Committee of delegated Ministers of the Council of Europe, on September 11, 2002. At the end of this presentation and in the light of the comments brought by the permanent representative of Hungary, the Commissioner decided to add the following precise details concerning the measures taken by the hungarians authorities following his visit:

I. Measures in relation to the Roma/Gypsy community

- Within the Prime Minister's Office under the authority of Political State Secretary Mr. László Teleki, a State Secretariat in charge of Roma affairs was established during the recent administrative changes. For the improvement of coordination within the administration, special ministerial commissioners responsible for Roma issues are being appointed in the ministries concerned.
- Within the Ministry of Employment Policy and Labour a Directorate General for Equal Opportunities was created this summer. One of the main tasks of this Directorate General is to facilitate the integration of the Roma community in the field of employment. The Directorate General also intends to reduce the inequality of opportunities hitting disabled persons and women. Simultaneously the Ministry of Employment and Labour has launched a programme for equal opportunities which aims at overcoming social and regional disadvantages.
- In August 2002 within the Ministry of Education a ministerial commissioner responsible for the disadvantaged and Roma children's rights was appointed. The task of the commissioner is to ensure equal access to education, and to establish integrated education.
- The draft Law on the National Housing Fund is under preparation. This piece of draft legislation aims at improving the housing conditions of the disadvantaged families with low income. The government supports the social housing programme, and with the involvement of local authorities has launched a programme directed at assisting families living in unsanitary conditions.
- The new comprehensive anti-discrimination act, which is likely to be adopted during the course of next year, will be a milestone in the fight against discrimination in general, and also in particular in the struggle against the discrimination of the Roma community in access to employment and education, and police misbehavior. The draft law is being prepared with the involvement of a wide-range of non-governmental organizations.
- Professional conciliation on the amendment of the Criminal Code had started at the beginning of August 2002. According to this draft, hate-speech will be considered as a crime, and will be punished with imprisonment up-to three years.

II. Measures taken concerning asylum-seekers and refugees

According to the recent (2002) amendment of the 1998. Government Decree on the provision and assistance of asylum seekers and refugees the Office of Immigration and Nationality may launch programmes targeted at facilitating the social integration of refugees. The first such pilot project will be launched in September 2002.

III. Reform of the criminal procedure

Act No. 19 of 1998 on Criminal Procedure will enter into force on the 1st of January 2003. Its provisions substantially amending the institution of detention on remand will enter into force on the 1st of January 2005.

IV. Steps taken with respect to income policy

As of 1 September 2002, the minimal wage is exempt from taxation.

58. The Commissioner take note with satisfaction of those developments.

Alvaro Gil-Robles,
Commissioner for Human Rights