



Hungary
Stakeholder Report for the United Nations Universal Periodic Review

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status with
ECOSOC since 1996

NANE Women's Rights Association,
a non-governmental organization based in Hungary

and
PATENT (People Opposing Patriarchy)
a non-governmental organization based in Hungary

for the 39th Session of the Working Group on the Universal Periodic Review
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Founded in 1983, **The Advocates for Human Rights** (“The Advocates”) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence.

NANE Women's Rights Association (NANE), established in 1994, is a grassroots NGO following a human rights approach, providing continuous services for victims of gender based violence, and running short and medium term public education, training and advocacy projects. NANE's mission is to contribute to a world free of any form of gender based violence stemming from, reinforced by, and serving patriarchal notions and goals.

PATENT (People Opposing Patriarchy) (PATENT) was established in 2006 as an expert organisation providing legal aid for victims of violence against women (VAW). It is the only legal

aid organisation in Hungary that focuses on women. In 2010, PATENT added the area of sexual and reproductive health and rights (SRHR) to its fields of activity, and is currently the only organisation framing SRHR as a women's rights and feminist concern in the country. We conduct a wide range of activities in these two areas, including legal aid, research, advocacy and awareness-raising. Combining the VAW and SRHR foci, the organisation also introduced a sexual education stream of activity in 2016. We established the Hungarian women's legal aid fund in 2020 to provide financial support for women who cannot afford the costs of seeking justice.

I. EXECUTIVE SUMMARY

1. Domestic violence and sexual violence are serious problems in Hungary. Despite high rates of domestic violence, the legal measures do not provide an adequate remedy. Only cohabiting persons or co-parenting couples are included in the Criminal Code's domestic violence definitions. Under the offense of domestic violence, the law also criminalizes only the second incident of physical violence that takes place within a short time period. Further, minor offenses of domestic violence either require private prosecution or require the victim's motion for punishment of the perpetrator.
2. While Hungary has added some funding and physical shelter spaces, NGOs continue to indicate that support, shelter, and resources for victims of domestic violence are insufficient. Despite the coronavirus pandemic causing increased isolation and rates of violence, authorities have halted promised efforts to increase resources for support of victims. NGOs also report that legal and police personnel are ill-trained to address violence against women. Monitoring demonstrates victim blaming and a lack of awareness or understanding of the imbalance of power in violent relationships.
3. Although Hungary signed the Council of Europe Convention on preventing and combating violence against women and domestic violence in 2014, a May 2020 vote by the Parliament blocked ratification of that treaty.

II. BACKGROUND AND FRAMEWORK

4. During its last Universal Periodic Review in 2016, Hungary received nineteen recommendations related to protecting the rights of women and combatting violence against women. Several countries recommended that Hungary amend legislation to criminalize domestic violence. Hungary accepted all the recommendations but has not taken steps to fully implement them.

A. 2016 Universal Periodic Review of Hungary

1. *Rights of women*

Status of Implementation: Accepted, Partially Implemented

7. Hungary accepted three recommendations to protect the rights of women and children¹, including one recommendation to implement recommendations from the Committee on the Elimination of Discrimination Against Women.²

2. *Istanbul Convention*

¹ *Report of the Working Group on the Universal Periodic Review: Hungary*, (July 8 2016), U.N. doc. A/HRC/33/9. ¶128.34 Enhance measures to protect the rights of children, women and other vulnerable groups (Lao People's Democratic Republic); 128.43 Intensify efforts aimed at implementing recommendations of treaty bodies and special procedures, including the Committee on the Elimination of Discrimination against Women...(Ukraine)

² *Report of the Working Group on the Universal Periodic Review: Hungary*, (July 8 2016), U.N. doc. A/HRC/33/9. ¶128.25 Step up efforts to establish a mechanism to monitor measures to help address and ameliorate the conditions of women and children (Philippines);

Status of Implementation: Accepted, Not Implemented

8. Hungary accepted recommendations from seven countries to ratify the Istanbul Convention.³ In May 2020, Parliament voted against ratification.⁴

3. *Violence Against Women*

Status of Implementation: Accepted, Partially Implemented

9. Hungary accepted nine recommendations to combat violence against women⁵, including five recommendations to pass domestic violence legislation to explicitly criminalize domestic violence.⁶

B. Domestic Legal Framework

10. Hungary has not passed specific domestic violence legislation outside of the criminal code. Section 212/A of the Criminal Code⁷ defines and prohibits domestic violence and Section 222 prohibits harassment.⁸ Recent amendments to legislation have provided for restraining orders during criminal prosecution for up to four months.⁹ Nonetheless, as more fully described in paragraphs 14 and 15, Hungary's domestic laws do not provide adequate protections against domestic violence and fail to properly criminalize and punish such violence.
11. Hungary signed the Istanbul Convention in 2014.¹⁰ Yet, it has not ratified the Convention. In fact, in 2020, Parliament voted against ratification.¹¹

³ *Report of the Working Group on the Universal Periodic Review: Hungary*, (July 8 2016), U.N. doc. A/HRC/33/9. ¶128.6 Ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Italy) (Montenegro) (Netherlands) (Turkey) (Belgium); ¶128.134 Strengthen efforts to combat violence against women, inter alia, by ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Poland); ¶128.8 Ratify the Istanbul Convention without delay (Bosnia and Herzegovina).

⁴ "Hungary's Parliament Blocks Domestic Violence Treaty," *The Guardian* (May 5, 2020), <https://www.theguardian.com/world/2020/may/05/hungarys-parliament-blocks-domestic-violence-treaty>.

⁵ *Report of the Working Group on the Universal Periodic Review: Hungary*, (July 8 2016), U.N. doc. A/HRC/33/9. ¶128.131 Take additional measures to effectively combat violence against women and promote the participation of women in political life and their insertion in the professional life (France); 128.132 Continue efforts, including by raising awareness, in order to prevent domestic violence and violence against women (Georgia).

⁶ *Report of the Working Group on the Universal Periodic Review: Hungary*, (July 8 2016), U.N. doc. A/HRC/33/9. ¶128.60 Adopt a comprehensive law on domestic violence (Islamic Republic of Iran); ¶128.130 Consider adopting a law on domestic violence and criminalizing different types of violence against women (Turkey); ¶128.133 Promote public policies to prevent violence against women and girls, including domestic violence and sexual violence (Mexico); ¶128.135 Establish a law to criminalize all forms of violence against women (Sierra Leone); ¶128.137 Define rape criminally based on the lack of voluntary consent in addition to reinforcing and making more accessible to victims the health-care services (Spain); ¶128.138 Criminalize different types of violence against women, to amend the Criminal Code to ensure that rape is defined according to the recommendations of the Committee on the Elimination of Discrimination against Women (Lithuania).

⁷ CRIMINAL CODE §212/A. (Hungary). (2013).

⁸ CRIMINAL CODE §222. (Hungary). (2013).

⁹ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶¶96-97

¹⁰ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶134.

¹¹ "Hungary's Parliament Blocks Domestic Violence Treaty."

12. Citing concerns about the gender terminology in the Convention, the State parliament voted on May 5, 2020, not to ratify the Convention.¹² The Justice Minister for the State Party asserts that existing domestic-violence legislation and support systems are more stringent than the E.U. in general.¹³ NGOs point out that efforts put forth by the State are still insufficient and do not approach the actions that would be required under the Istanbul Convention.¹⁴ Passage of the Convention unfortunately has become a political matter rather than something authorities are working together to achieve.¹⁵

III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Right or area 29.2. Gender-based violence

13. Domestic violence and other forms of violence against women remain serious problems in Hungary. According to the European Institute for Gender Equality, 27.7% of women in Hungary have experienced physical and/or sexual violence since age 15.¹⁶ ¹⁷ Based on the most recent census data, the latter statistic indicates more than 200,000 women have experienced violence in the past year.¹⁸ In 2015, the Ministry of Human Capacities registered 2,067 domestic violence-related calls to its 24-hour toll-free hotline.¹⁹ While Roma women are particularly vulnerable in the context of domestic violence,²⁰ this report is intended to provide an assessment of domestic violence in Hungary generally without focusing on any specific group within the country's population.
14. The domestic violence law remains inadequate. Specifically, the criminal offence of domestic violence necessitates that the victim cohabitate or have children with her abuser

¹² Hillary Margolis, *Hungary Rejects Opportunity to Protect Women from Violence*, Human Rights Watch, 8 May 2020, <https://www.hrw.org/news/2020/05/08/hungary-rejects-opportunity-protect-women-violence>

¹³ *Violence against Women: Coronavirus Delays Stricter Rules While Cases Reportedly Rise*, Hungary Today, 26 November 2020,

<https://hungarytoday.hu/violence-against-women-domestic-abuse-istanbul-convention-cases-rise-police-campaign/>

¹⁴ *Violence against Women: Coronavirus Delays Stricter Rules While Cases Reportedly Rise*, Hungary Today, 26 November 2020,

<https://hungarytoday.hu/violence-against-women-domestic-abuse-istanbul-convention-cases-rise-police-campaign/>

See Written Communications to The Advocates for Human Rights from an attorney, (January 29, 2021) (on file with authors).

¹⁵ *Violence against Women: Coronavirus Delays Stricter Rules While Cases Reportedly Rise*, Hungary Today, 26 November 2020,

<https://hungarytoday.hu/violence-against-women-domestic-abuse-istanbul-convention-cases-rise-police-campaign/>

¹⁶ European Institute for Gender Equality. *Gender Equality Index*. (2015). Available at <http://eige.europa.eu/gender-equality-index/2015/domain/violence/HU>.

¹⁷ European Union Agency for Fundamental Rights, *FRA Violence Against Women Survey*, Europa <http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-violence-against-women-survey>.

¹⁸ Judit Wirth and Zsuzsanna Winkler, *NŐK ELLENI ERŐSZAK az adatok tükrében - FRA-népesség-bűnügyi statisztikák (Violence against women in the light of data – FRA - population-criminal statistics)*, (NANE: 2015), . 8, 10. Available in Hungarian at <https://nokjoga.hu/sites/default/files/filefield/nane-fra-nepesseg-envyubs-final-2014-w-w-2015jun19.pdf>.

¹⁹ U.S. Department of State, *Country Reports on Human Rights Practices for 2016, Hungary, Section 6: Discrimination, Societal Abuses, and Trafficking in Persons*, 43. Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265428>.

²⁰ The European Roma Rights Center, *Written Comments of the European Roma Rights Centre Concerning Hungary For Consideration by the United Nations Committee on the Elimination of Discrimination against Women at its 39th Session*. July 23-August 10, 2007. Available at <http://www.errc.org/cms/upload/media/03/7A/m0000037A.pdf>.

to prompt prosecution.²¹ It also requires at least two separate instances of domestic violence to occur within a short timeframe to trigger criminal liability for the specific offense.²² This means that single incidents of violence do not fall within the scope of the domestic violence offense and must be adjudicated under other provisions, like the crime of simple battery.²³ Public prosecution is unavailable for many smaller criminal offenses, and thus victims must privately prosecute, an action most victims are unwilling or lack the resources to do. To pursue legal action of a criminal nature in other cases, the victim must file a private motion - a statement that the victim wishes the perpetrator to be held accountable.

15. Another gap in the current law is that sexual violence is not included in the offense of domestic violence.²⁴ Sexual violence by an intimate partner is not recorded as “domestic violence” under the language of this law. Sexual offenses are separately accounted for within the laws pertaining to sexual violence, which carry a greater sentence than domestic violence.²⁵ Basic, or non-aggravated, cases of sexual coercion and sexual violence require a private motion.²⁶ If the act is committed against a relative or by abusing the position of power and influence of the perpetrator, however, these are considered aggravated cases not requiring a private motion.²⁷ At the same time, if the intimate partners are not considered relatives by law, and if there are no other aggravating circumstances as provided by the law, the private motion of the victim is required to start or continue procedures against the abuser.²⁸ Further, “sexual morals” are still referred to in the title of the respective section of the law.

Protective orders

16. In criminal proceedings, the court may issue a restraining order against the suspected perpetrator of domestic violence based upon the motion of the prosecutor or of the victim.²⁹ With the changes in the law, restraining orders are available before indictment until the court reviews the case, up to four months.³⁰ The order is valid throughout the criminal case proceedings and shall be reviewed every six months.³¹ The State Party reports that violations of the orders are punishable by a fine, arrest, and stricter rules or coercive measures, and that decisions made about the order shall be conveyed to the victim.³²
17. The amendments to the restraining order are commendable, but the provisions remain insufficient to fully protect victims. The changes affect criminal proceedings but not lesser

²¹ See CRIMINAL CODE §212/A. (Hungary). (2013).

²² See CRIMINAL CODE §212/A. (Hungary). (2013).

²³ CRIMINAL CODE §164 (Hungary). (2012).

²⁴ CRIMINAL CODE §197 (Hungary). (2012).

²⁵ CRIMINAL CODE §197 (Hungary).

²⁶ CRIMINAL CODE §207 (Hungary).

²⁷ CRIMINAL CODE §196, 197 (Hungary).

²⁸ CRIMINAL CODE §207 (Hungary).

²⁹ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶¶96-97.

³⁰ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶¶96-97.

³¹ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶¶96-97.

³² Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶¶96-97.

actions stemming from domestic violence. A remaining gap is that the law on restraining orders does not apply to persons who are not considered relatives by law.³³

18. Further, civil “preventive restraining orders” issued by the court are limited to a duration of 60 days.³⁴ Beyond that time limit there is no option to extend the order.³⁵ And the restraining orders are not always implemented in practice the way they are intended. In one region, police frequently decline to make the required decision to grant or deny the restraining order, as is required by the law.³⁶ The law requires a written decision by police whether to grant or reject a temporary (72-hour) restraining order.³⁷ If the temporary order is issued, the police send the file to the court for a decision whether to extend the order up to 60 days.³⁸ In practice, however, police in one region merely send documents to the court without deciding, thereby failing to meet the procedural prerequisites for the court’s order.³⁹ This shifts the responsibility to the court to make a decision, often without sufficient information from the police.⁴⁰

Victim services

19. In its 2020 State Party Report to CEDAW, Hungary asserted that in 2016, shelter budgets increased by 50% for all crisis centers and by 100% for secret shelters.⁴¹ The State further noted that shelters could apply for a car and for the addition of a security system.⁴²
20. Despite some additional funding, existing resources for victims of domestic violence are insufficient to meet actual needs. Shelters, for example, are crucial to state protection for victims of domestic violence. However, according to the Ministry of Human Resources, just 98 shelter beds are available to provide immediate accommodation and complex care for abused individuals and families for up to 90 days.⁴³ Another 144 beds are located at a secret address and available for women who are at high risk of serious harm and allow a maximum stay of 6 months.⁴⁴ According to women’s human rights NGOs, these “shelters”

³³ Act on Restraining Orders due to Violence among Relatives, § 6(3-4), §15(6) and §16(2). (2009)

³⁴ U.S. Department of State, Country Reports on Human Rights Practices for 2019, Hungary, Section 6: Discrimination, Societal Abuses, and Trafficking in Persons. Available at: <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/hungary/>.

³⁵ United States State Department, *Country Reports on Human Rights Practices for 2019, Hungary, Section 6: U.S. Department of State, Country Reports on Human Rights Practices for 2019, Hungary, Section 6: Discrimination, Societal Abuses, and Trafficking in Persons.* Available at: <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/hungary/>.

³⁶ Written Communications to The Advocates for Human Rights from an attorney, (January 29, 2021) (on file with authors).

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⁴⁰ Written Communications to The Advocates for Human Rights from an attorney, (January 29, 2021) (on file with authors).

⁴¹ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶109.

⁴² Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶109.

⁴³ U.S. Department of State, *Country Reports on Human Rights Practices for 2016, Hungary, Section 6: Discrimination, Societal Abuses, and Trafficking in Persons*, 43. Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265428>.

⁴⁴ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶116.

do not fulfill basic safety requirements and do not comply with best standards and practices related to services for domestic violence victims, such as trainings, protocols, a victim-centered approach, risk-assessment, cooperation with women's rights NGOs. A basic problem is that victims are not provided with assistance to get to safe places; instead, they are left to transit to safe places alone with their children, without financial resources.⁴⁵

21. In addition to shelters, according to official reports, the Ministry of Human Resources also operates six halfway houses, which provide long-term housing opportunities (for a maximum of five years) and professional assistance for families that have graduated from shelters in order to prevent secondary victimization.⁴⁶ Despite these efforts, women's rights NGOs allege that services for domestic violence survivors are not transparent and either operate with limited capacity or do not meet international standards of good practice.⁴⁷ They note that victims often have difficulty locating information about the assistance they need.⁴⁸ One lawyer found it almost impossible to find official data on the number of shelters.⁴⁹ The civil society organizations contend that victims seeking help shelters are placed on the reserve list because there are insufficient beds available.⁵⁰ In light of deficient resources, the city government of Budapest undertook additional measures, such as adding shelters and helplines.⁵¹ Such measures should be made available nationwide for all victims, according to the mayor.⁵²
22. The global pandemic has stifled efforts to expand resources for victims.⁵³ Plans formed at the beginning of 2020 to increase support centers and produce awareness-raising campaigns have been halted because of the coronavirus epidemic.⁵⁴ Despite a drastic increase in the incidence of domestic violence under the isolation of pandemic measures, the State Party has failed to match the additional need with adequate resources.⁵⁵

⁴⁵ Personal Communication from Hungarian NGO to The Advocates for Human Rights, via email, Feb. 1, 2021 (on file with The Advocates).

⁴⁶ U.S. Department of State, *Country Reports on Human Rights Practices for 2016, Hungary, Section 6: Discrimination, Societal Abuses, and Trafficking in Persons*, 43. Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265428>.

⁴⁷ U.S. Department of State, *Country Reports on Human Rights Practices for 2016, Hungary, Section 6: Discrimination, Societal Abuses, and Trafficking in Persons*, 43. Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265428>.

⁴⁸ Written Communications to The Advocates for Human Rights from an attorney, (January 29, 2021) (on file with authors).

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⁵⁰ Written Communications to The Advocates for Human Rights from an attorney, (January 29, 2021) (on file with authors).

⁵¹ *Violence against Women: Coronavirus Delays Stricter Rules While Cases Reportedly Rise*, Hungary Today, 26 November 2020, <https://hungarytoday.hu/violence-against-women-domestic-abuse-istanbul-convention-cases-rise-police-campaign/>

⁵² *Violence against Women: Coronavirus Delays Stricter Rules While Cases Reportedly Rise*, Hungary Today, 26 November 2020, <https://hungarytoday.hu/violence-against-women-domestic-abuse-istanbul-convention-cases-rise-police-campaign/>

⁵³ *Violence against Women: Coronavirus Delays Stricter Rules While Cases Reportedly Rise*, Hungary Today, 26 November 2020, <https://hungarytoday.hu/violence-against-women-domestic-abuse-istanbul-convention-cases-rise-police-campaign/>

⁵⁴ *Violence against Women: Coronavirus Delays Stricter Rules While Cases Reportedly Rise*, Hungary Today, 26 November 2020, <https://hungarytoday.hu/violence-against-women-domestic-abuse-istanbul-convention-cases-rise-police-campaign/>

⁵⁵ *Violence against Women: Coronavirus Delays Stricter Rules While Cases Reportedly Rise*, Hungary Today, 26 November 2020, <https://hungarytoday.hu/violence-against-women-domestic-abuse-istanbul-convention-cases-rise-police-campaign/>

23. In its 2020 State Party Report to CEDAW, the government described several awareness-raising public campaigns which emphasized the wrongfulness of domestic violence and advertised crisis management centres.⁵⁶ The State Party also noted prevention programs it promoted in the schools for students aged 14-18.⁵⁷ Further, the State Party implemented a 2018 program of trainings for district police officers to improve their response to reports of domestic violence.⁵⁸
24. Although those programs are commendable, they do not address all the reasons victims do not report violence. NGOs criticize the lack of priority given to holding perpetrators accountable.⁵⁹ They note the ongoing problem of placing blame on victims rather than on perpetrators.⁶⁰ Victims are deterred from reporting because of their distrust in justice systems actors, including law enforcement and the judiciary, stemming from ineffective prosecution of abusers.⁶¹ NGOs point out the lack of training for legal professionals and lack of awareness efforts for the public about violence against women.⁶² Authorities often maintain that domestic violence is a private problem and fail to act or vigorously investigate unless the physical injuries are severe.⁶³
25. Research confirms victims' views of the legal systems. A research paper published in 2019 - based on research commissioned by NANE Women's Rights Association - demonstrated that abusers use custody and visitation rights as an extension of intimate partner violence.⁶⁴ Reviewing cases of child custody and visitation following separation from a violent partner, researchers documented that the abusive partners used legal proceedings as a weapon to maintain power and control over the other parent.⁶⁵ Yet the

⁵⁶ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶¶123-124.

⁵⁷ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶¶121-122.

⁵⁸ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶¶102-106.

⁵⁹ U.S. Department of State, *Country Reports on Human Rights Practices for 2016, Hungary, Section 6: Discrimination, Societal Abuses, and Trafficking in Persons*. Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265428>.

⁶⁰ U.S. Department of State, *Country Reports on Human Rights Practices for 2016, Hungary, Section 6: Discrimination, Societal Abuses, and Trafficking in Persons*. Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265428>.

⁶¹ See, *A quest for justice: Hungary's victims of domestic violence*, Euronews, 22 November 2019, <https://www.euronews.com/2019/11/22/watch-the-difficult-quest-for-justice-of-hungary-s-victims-of-domestic-violence>

See PATENT Association, *NANE Association System Failure: Male violence against women and children as treated by the legal system in Hungary today*, Available at: <http://www.nokjoga.hu/sites/default/files/filefield/system-failure-2011.pdf>. 2011.

⁶² United States State Department, *Country Reports on Human Rights Practices for 2019, Hungary, Section 6: Discrimination, Societal Abuses, and Trafficking in Persons*. Available at: <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/hungary/>

⁶³ *Violence against Women: Coronavirus Delays Stricter Rules While Cases Reportedly Rise*, Hungary Today, 26 November 2020, <https://hungarytoday.hu/violence-against-women-domestic-abuse-istanbul-convention-cases-rise-police-campaign/>

⁶⁴ Júlia Galántai, Anna Sára Ligeti, and Judit Wirth, "Children Exposed to Violence: Child Custody and its Effects on Children in Intimate Partner Violence Related Cases in Hungary," *Journal of Family Violence*, 17 June 2019, p. 399-409, Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6588710/>

⁶⁵ Júlia Galántai, Anna Sára Ligeti, and Judit Wirth, "Children Exposed to Violence: Child Custody and its Effects on Children in Intimate Partner Violence Related Cases in Hungary," *Journal of Family Violence*, 17 June 2019, p. 399-409, Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6588710/>

legal systems actors did not take into consideration the violence of the abusive ex-partner in setting visitation arrangements, ignoring its effect on the wellbeing of the children.⁶⁶ The analysis confirmed that the systems actors did not demonstrate an understanding of the dynamics of control and violence in setting visitation arrangements, and that lack of understanding allowed abusive partners to maintain control over the lives of the other parent.⁶⁷

26. From 2015 to 2016, the PATENT association conducted a Court Watch Program where it used monitors to observe and document civil and criminal judicial proceedings involving domestic violence.⁶⁸
27. PATENT's research in the form of court monitoring found overall judicial insensitivity to victims, often resulting in blaming and distrust of those victims. For example, judges, at times, found fault with victims for returning to the abusive situation or blamed them for failing to protect their children from witnessing or experiencing violence by the abuser.⁶⁹ One monitor documented how a judge stated that "family problems" should not be resolved at court and that "s/he could not do anything for battered women because they kept going back or did not leave their partner at all."⁷⁰ One judge asked a victim, "Were you forced into this relationship?" Another monitor reported that the judge "did not seem to believe the wife (victim/witness)." This last case also illustrates the behavior of judges who allow the defendant's lawyer to belittle the victim. The monitor described how the judge "was nice to the defendant. The judge did not even try to restrain the defendant's lawyer when s/he asked humiliating questions, such as 'Why didn't you leave the room once your husband had told you to get out?'"⁷¹
28. Court monitoring also revealed that judges promote reconciliation in domestic violence cases, including in criminal proceedings involving physical violence. The monitor documented how the judge refused them entry and instead recommended the offender and victim come to "an understanding and make peace."⁷²
29. Court monitoring also revealed a judicial lack of understanding of the dynamics of domestic violence and best practice standards. For example, monitoring revealed how judges often see domestic violence as conflict between two equal parties.⁷³ One monitor documented how misperceptions can lead judges to overlook long-term violence. In this case, the judge instructed the parties not to talk about anything but what happened on the "given day and hour. S/he does not want to hear about previous occasions or the battering

⁶⁶ Júlia Galántai, Anna Sára Ligeti, and Judit Wirth, "Children Exposed to Violence: Child Custody and its Effects on Children in Intimate Partner Violence Related Cases in Hungary," *Journal of Family Violence*, 17 June 2019, p. 399-409, Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6588710/>

⁶⁷ Júlia Galántai, Anna Sára Ligeti, and Judit Wirth, "Children Exposed to Violence: Child Custody and its Effects on Children in Intimate Partner Violence Related Cases in Hungary," *Journal of Family Violence*, 17 June 2019, 399-409, Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6588710/>

⁶⁸ PATENT Association, *Monitoring How Courts Treat Domestic Violence in Hungary: A Court Watch Program*, (2016). 12. Available at http://patent.org.hu/dokumentumok/kozpolitika_kutatas/zarotanutmany_ang_webre.pdf

⁶⁹ PATENT Association, *Monitoring How Courts Treat Domestic Violence in Hungary: A Court Watch Program*, (2016). 12. Available at http://patent.org.hu/dokumentumok/kozpolitika_kutatas/zarotanutmany_ang_webre.pdf

⁷⁰ PATENT Association, *Monitoring How Courts Treat Domestic Violence in Hungary: A Court Watch Program*, (2016). 12. Available at http://patent.org.hu/dokumentumok/kozpolitika_kutatas/zarotanutmany_ang_webre.pdf

⁷¹ P PATENT Association, *Monitoring How Courts Treat Domestic Violence in Hungary: A Court Watch Program*, (2016). 16. Available at http://patent.org.hu/dokumentumok/kozpolitika_kutatas/zarotanutmany_ang_webre.pdf

⁷² PATENT Association, *Monitoring How Courts Treat Domestic Violence in Hungary: A Court Watch Program*, (2016). 14. Available at http://patent.org.hu/dokumentumok/kozpolitika_kutatas/zarotanutmany_ang_webre.pdf

⁷³ PATENT Association, *Monitoring How Courts Treat Domestic Violence in Hungary: A Court Watch Program*, (2016). 21. Available at http://patent.org.hu/dokumentumok/kozpolitika_kutatas/zarotanutmany_ang_webre.pdf

that happened later than what is the subject of the case... Even though the police record s/he read out stated that there were other occasions, too, both before and after the one in question.”⁷⁴ Another judge’s behavior revealed misperceptions about injuries and the harms of domestic violence. In this case, the judge asked the victim, “How come none of your bones were broken if you weighed only 50 kilograms at that time?”⁷⁵

30. Research shows the general attitudes the public holds toward rape. The 2016 Eurobarometer survey revealed that 47% of Hungarian respondents believe sexual intercourse without consent can be justified in at least one situation out of the listed options.⁷⁶ This percentage was the second highest among the participating countries.

IV. RECOMMENDATIONS

- Criminalize all forms of domestic violence, including the first instance of domestic violence and economic and psychological violence.
- Increase domestic violence prosecution in cases involving couples who are not cohabiting or sharing children.
- Establish a broader definition of domestic violence, both in criminal legislation and in the law on restraining orders.
- Increase victims’ access to civil protective orders and increase the available duration of such civil orders to provide better protection to victims.
- Collect data on the total number of domestic violence cases, separating cases by the gender, age, ethnic background, and relationships status of both the victim and the offender. Collect data on the number of temporary preventive restraining orders issued by the police and courts in such cases publicly available.
- Establish policies and procedures to ensure that victims of domestic violence are protected from their abusers, even without the involvement of criminal authorities and allow for removal of the abuser, no contact in any way with the applicant, and for children to stay in the home with the applicant.
- Establish measures to ensure the safety of victims of domestic violence apart from criminal measures.
- Provide more awareness and legal training to the judiciary and prosecutors, as well as child protection personnel to ensure that domestic violence is understood and vigorously addressed.
- Please provide disaggregated data about domestic violence cases over the reporting period,
- Include sexual violence as a form of domestic violence.
- Criminalize rape based on a lack of consent, instead of the use of force and establish special services for the victims of rape and other forms of sexual violence.

⁷⁴ PATENT Association, *Monitoring How Courts Treat Domestic Violence in Hungary: A Court Watch Program*, (2016). 16. Available at http://patent.org.hu/dokumentumok/kozpolitika_kutatas/zarotanutmany_ang_webre.pdf.

⁷⁵ PATENT Association, *Monitoring How Courts Treat Domestic Violence in Hungary: A Court Watch Program*, (2016). 16. Available at http://patent.org.hu/dokumentumok/kozpolitika_kutatas/zarotanutmany_ang_webre.pdf.

⁷⁶ Manasi Gopalakrishnan, “More than a quarter of Europeans say rape can be justified,” D.W., 2 December 2016, Available at: <https://www.dw.com/en/more-than-a-quarter-of-europeans-say-rape-can-be-justified/a-36591603>

- Establish victim-centered professional and public awareness-raising measures to adequately address the issue of rape and sexual violence, in compliance with international standards.
- Take steps to increase the number of shelters in both rural areas and cities to meet the Council of Europe's recommended provision of 1 bed per 10,000 citizens.
- Take measures to ensure victims of domestic violence receive social and legal assistance proportionate to the scope of the need. Establish policies and procedures to ensure that such assistance is accessible to victims and to minimize barriers to eligibility.
- Take steps to prioritize the safety of domestic violence victims during the coronavirus pandemic.