



Submission of NANE Women's Rights Association, PATENT (People Opposing Patriarchy) Association, Hungarian Women's Lobby and Jol-Let (Well-Being) Foundation for the Universal Periodic Review (Third Cycle) as regards to the review of Hungary in the 39th session of the UPR Working Group

25 March 2021¹

Submitting organizations:

NANE Women's Rights Association, established in 1994, aims of ending violence against women and children. NANE operates a helpline for domestic and sexual violence victims, runs other services for survivors of domestic violence, offers youth prevention programs and trainings for professionals, publishes and translates different materials, organizes awareness-raising and advocacy campaigns, and monitors laws as well as state and institutional policies and practices.

www.nane.hu

PATENT Association of People Opposing Patriarchy 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.

www.patent.org.hu

The Hungarian Women's Lobby (HWL), established in 2003, is an umbrella organisation advocating for the women's human rights agenda as laid down by international norms. The HWL unites and represents the interests of Hungarian women's organisations with a gender equality

¹ The content of the present submission is based on the *Submission of NANE Women's Rights Association, PATENT (People Opposing Patriarchy) Association and Hungarian Women's Lobby to the Pre-sessional Working Group for the 80th session of UN CEDAW Committee (1-5 March 2021) as regards to the implementation of the CEDAW Convention by Hungary*, dated on 1 February 2021.

and human rights-based agenda. HWL is the Hungarian national coordinator organisation of the European Women's Lobby, the largest umbrella of women's organizations of the EU. www.noierdek.hu

Jol-Let Foundation (2002) promotes women's economic independence and equal opportunities at the workplace and in economic life, provides anti-discrimination and gender-conscious labour market advisory services, trainings, awareness raising and network building activities. (www.jol-let.com)

Submission of NANE Association, PATENT Association, Hungarian Women's Lobby and Jol-Let Foundation for the review of Hungary in the UPR Third Cycle

2021

Introduction

1. In the framework of the UN Universal Periodic Review Process (UPR) Hungary's Second Cycle review took place in 2016. The present submission provides an overview of the situation since this review, with regard to the promotion of equality between women and men and of women's rights, focusing on the recommendations made by State Parties in the Second Cycle. The submission reflects upon prior recommendations fully or partially accepted by Hungary (and one refusal), referencing corresponding recommendations in endnotes.

Context: legal, policy and institutional framework to promote women's rights

Context²

2. In the reporting period women's issues have been and are subordinated to and interpreted in a family policy framework/approach, on communicative, policy and administrative levels alike. Consequently, the interests of women have been interpreted as the interests of women *for the purposes of establishing a family*, and the interests of women have been conflated with the interest of the state to bind families together. The importance of advancing women's position has been consistently interpreted as the importance of strengthening women's image and standing *as mothers* or *would-be mothers*, and the importance of improving women's lives and position (in accordance with family values) was argued for by referencing the fact that "we all have women in our families...".

² Related UPR recommendations - HRC 33 (2016)/Second cycle/128.: 34. Enhance measures to protect the rights of children, women and other vulnerable groups (Lao People's Democratic Republic)

43. Intensify efforts aimed at implementing recommendations of treaty bodies and special procedures (Ukraine)

68. Support the gender integration in all spheres of life (Tajikistan)

53. Intensify activities to overcome gender stereotypes (Ethiopia)

59. Redouble efforts to combat stereotypical division of gender roles in family and society (India)

3. In 2013, the UN CEDAW Committee raised concerns about the “persistence of stereotyped division of gender roles in family and society and the support of such roles throughout the State party’s [Hungary’s] policies and priorities”. Since then, no measures have been introduced to correct this; rather the opposite. The leading “family mainstreaming” approach in legal, policy and educational frameworks has been strengthened. Furthermore, these interpret “family” restrictively (to mean a mother, father and child/children).
4. Hungary is among the countries where backlash against women’s rights and equality between the sexes has been widely visible and reported on. In recent years the government has become more vocal, not only on the national but also on the international level, in opposing the adoption of international norms and documents that refer to the term ‘gender’ – regardless of how the particular document defines the term.³ This excuse was used to block initiatives to advance women’s security, equality and rights.⁴

National mechanism for gender equality⁵

5. In the government structure, the Ministry of Human Capacities was responsible for gender equality and the promotion of women’s rights until the end of 2020. Within this body, under the State Secretary for Family and Youth Affairs, and the Deputy State Secretary for Family and Demographic Policy (later renamed for family policy only), a particular Department was responsible for women’s policy, including tasks related to the implementation of CEDAW. This Department was also responsible for other themes, mainly affairs related to family policy.
6. In October 2020, the government created the post of “minister without a portfolio responsible for families” via Decree.⁶ This minister, “in the framework of his/her responsibility for family policies [...] coordinates the tasks in relation to strengthening equality between women and men, and monitors the implementation of women’s rights”⁷. CEDAW-related tasks are not mentioned in the Decree, and tasks in relation to women’s policy and implementation of CEDAW were also deleted from the regulation on the operation of the Ministry of Human Capacities.⁸

³ I.e. regardless of whether the particular document employs the term’s original meaning of differentiated, hierarchical social expectations towards, and roles and norms applied to, women and men (such as the definition in CEDAW or the Istanbul Convention), or represents the newer trend of referring to gender as identity/internal sense of self.

⁴ <https://insighthungary.444.hu/2020/12/14/conservative-backlash-against-womens-rights-in-hungary>

⁵ Related UPR recommendations - HRC 33 (2016)/Second cycle/128.

55. Provide the national mechanism for gender equality of adequate human and financial resources (Togo)

32. Provide adequate resources and independence to the Equal Treatment Authority (India)

57. Take measures to reduce the inequality between sexes, sensitize the population and ensure that these measures are effectively implemented (Belgium)

25. Step up efforts to establish a monitoring mechanism to help address and ameliorate the conditions of women and children (Philippines)

49. Continue efforts in following up and monitoring any discrimination based on sex, race or any other form.

⁶ Government Decree No. 94/2018. (V. 22.) Available in Hungarian at:

http://njt.hu/cgi_bin/njt_doc.cgi?docid=208417.391857

⁷ Ibid. 143/B.-C. §

⁸ EMMI ordinance No. 16/2018. (VII. 26.)

7. As of 1 January 2021, the Equal Treatment Authority was eliminated, and its tasks were delegated to the Commissioner for Fundamental Rights (Ombudsperson).⁹ Decision-makers justified the change by supposing that it will provide a more efficient enforcement of the equal treatment principle. The transformation raises several concerns, ranging from the lack of prior stakeholder consultation, through attaching a quasi-judicial function to a body to which such a function is alien, to “the ‘downgrading’ of the issue of non-discrimination” by placing the theme of equal treatment with a body responsible for a wider issue scope.¹⁰ As to our knowledge, no prior impact assessment was conducted to forecast potential outcomes to addressing discrimination against women.
8. In the Parliamentary structure, under the Committee on Culture, there is a Subcommittee for Women’s Dignity, with three members, all from the governing parties. Since 2018, no sub-committee meetings have been convened.¹¹

Legal and policy framework¹²

9. The National Strategy for Gender Equality - Guidelines and Objectives (2010-2021) was adopted by the previous government in 2010 and is still in force, albeit ignored.¹³ While the current government communicated in 2012 that a new strategy would be created, such a document was not adopted until October 2020. Since the first - and last - action plan for 2010-2011, no action plan has been developed to implement the National Strategy.
10. In order to absorb European Union funding, a government decision was issued in October 2020 *On the adoption of the Action Plan to “strengthen the role of women in the family and in the society” (2021-2030), and of the first Plan of Measures for 2021-2022 for its implementation.*¹⁴ Members of the government-led Thematic Working Group on Women’s Rights were notified of the process to establish this Action Plan only at the last minute, and were allowed to make comments within an unreasonably short time, only to be largely ignored in finalising the text. The government decision contains a Plan of Measures in the Annex, but not the Action Plan itself. The latter’s contents are unknown; it has not appeared in any other legal norm or public communication. The focus of the Plan of Measures and the stakeholder-briefing about the strategy suggest that it lacks a

⁹ Act No. CXXXVII. of 2020

¹⁰

<https://www.equalitylaw.eu/downloads/5304-hungary-draft-bill-submitted-on-abolishing-the-equal-treatment-authority-and-transferring-its-tasks-to-the-ombudsman-105-kb>

¹¹

https://www.parlament.hu/web/kulturalis-bizottsag/albizottsagok?p_p_id=hu_parlament_cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8&p_p_lifecycle=1&p_p_state=normal&p_p_mode=view&p_auth=muJtymia&hu_parlament_cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8_pairAction=%2Finternet%2Fcplsql%2Fogy_biz.biz_adat_uj%3FP_Ck1%3D41%26P_Biz%3DA491

¹² Related UPR recommendations - HRC 33 (2016)/Second cycle/128.

47. Reconsider policies on family, gender equality and non-discrimination (Bahrain)

58. Continue to take action towards a comprehensive gender equality strategy (Bosnia and Herzegovina)

66. Adopt a comprehensive, human rights based gender equality strategy (Slovenia)

¹³ Government Decision No. 1004/2010. (I. 21.) Available in Hungarian at:

http://njt.hu/cgi_bin/njt_doc.cgi?docid=134035.194182

¹⁴ Government Decision No. 1685/2020. (X. 22.) Available in Hungarian at:

http://njt.hu/cgi_bin/njt_doc.cgi?docid=222314.390502

comprehensive approach covering all relevant women's rights policy fields. Notably, the issue of violence against women is not addressed at all among the measures, despite women's rights organisations drawing attention to its pressing absence from the draft. Representatives of the coordinating Ministry responded to related queries at the Thematic Working Group meeting by noting that violence is not featured in the document because it is considered a marginal matter affecting only a small minority, and thus ought to be treated separately, not integrated to general or mainstream policy.

Recommendations:

11. *Establish responsibility for coordinating and implementing the tasks stemming from the international normative framework accepted by Hungary, including the UN CEDAW Convention, for the promotion of women's rights, in their entirety and of their own individual right, even beyond the family context.*
12. *Provide appropriate human and financial resources for the national mechanism for the advancement of women, and adequate staff training to this end.*
13. *Provide adequate human, financial, technical and training resources and measures for the effective transfer of the tasks from Equal Treatment Authority to the Commissioner for Fundamental Rights, targeting effective institutional operation and the realisation of women's human rights.*
14. *Adopt a comprehensive national strategy and public action plan for the promotion of equality between women and men, covering all important fields and issues of women's rights, and considering all women irrespective of their family status and position.*
15. *Introduce adequate impact assessment schemes of current and proposed laws to assess policies' effects on women and on equality between the sexes.*
16. *Raise awareness widely among women about their rights and the legal remedies available.*
17. *Ensure that promotion of equality between women and men and women's rights are made an integral part of initial and further legal education and training, including for judges and prosecutors, and for public administration personnel.*
18. *Include women's rights organisations from the early phases of any related policy-development process and integrate their expert input.*

Multiple discrimination¹⁵

¹⁵ Related recommendations - HRC 33 (2016)/Second cycle/128.

54. Take effective measures to address the needs of women belonging to minorities, such as Roma women, to eliminate all forms of discrimination against them (the former Yugoslav Republic of Macedonia)

56. Address the discriminatory situation of women belonging to minorities, including Roma women (Bangladesh)

61. Take further steps to address root causes that affect the rights of women belonging to disadvantaged groups (Latvia)

71. Implement a comprehensive plan of action to protect the rights and improve the life conditions of women and children pertaining to ethnic minorities (Uruguay)

89. Eliminate segregation of Roma girls in the education (Nigeria)

94. Include specific components in public policies and budgets to address the needs of persons belonging to minorities, including Roma women and children (South Africa)

95. Adopt more policies and allocate more resources specifically directed towards Roma women and children (Spain)

19. The absence of a strong and comprehensive policy foundation to realise women's rights creates an obstacle to duly address multiple and intersecting forms of discrimination against women, such as Roma women, lesbian women, women with disabilities, and migrant women.
20. Roma women and girls continue to face multiple intersecting forms of discrimination in specific fields, from education through employment to (reproductive) health. The National Social Inclusion Strategy (updated in 2014), its actions plans, and programs financed by the EU Structural Funds sets the basis for policy and programmatic response to the situation of Roma women. Two major EU-funded programmes aimed at training Roma women in social services and health care. A third EU-funded flagship initiative addressed the early school leaving of girls, but its effects were substantially reduced by the government lowering the obligatory school age from 18 to 16 years (2012). While acknowledging the increased attention on Roma women's issues as a positive development, the civil society monitoring report on the implementation of the Strategy concluded that "[a] lack of transparency and impact assessment is a tangible shortcoming of these policy actions. It also requires further analysis to assess to what extent traditional gender roles and thus enduring inequalities are transformed or endorsed by these initiatives."¹⁶ The draft of the new National Social Inclusion Strategy (2030) also contains measures to address the situation of Roma women.¹⁷ The document highlights in general that data, public policy indicators, research and evaluation for assessing the situation of target groups are not available in all intervention fields.¹⁸ This challenge shall be addressed regarding the situation of Roma women and girls specifically.

Recommendations:

21. *Adopt policies and measures to duly address the situation of women affected by or vulnerable to multiple intersecting forms of discrimination - such as Roma women, women with disabilities, lesbian women, migrant women, etc.*
22. *Guarantee transparency of the programmes aimed at Roma women - and also other women affected by multiple forms of discrimination. Introduce adequate impact assessment and evaluation of such programmes.*
23. *Conduct comprehensive research programmes into the situation of Romani women and girls and other disadvantaged groups, in order to enhance evidence-based policy making and programming.*
24. *Increase the compulsory school age to 18 years, and ensure integrative educational programs..*

¹⁶ Civil society monitoring report on implementation of the national Roma integration strategies in Hungary - Focusing on structural and horizontal preconditions for successful implementation of the strategy <https://op.europa.eu/hu/publication-detail/-/publication/b5fa7f29-b1aa-11e9-9d01-01aa75ed71a1> p. 27.

¹⁷ http://romagov.hu/wp-content/uploads/2020/12/MNTFS2030_1201-tervezet.pdf

¹⁸ *Ibid.*, p. 160.

Family policies¹⁹

25. In 2020, the adoption regulation introduced significant restrictions. Married (heterosexual) couples are now prioritised and the relevant authority may consider adoption by single persons only in case no such couple can be found, insofar it is “in the interest of the child”.²⁰ A Civil Code amendment entering into force 1 March 2021 further restricted the rules for adoption for non-married persons. As a main rule, a child can be adopted only by spouses. Exceptions are when relatives and the parent’s spouse will adopt; or in exceptional cases, eligibility of single persons for adoption can be established.²¹ In these cases, the minister responsible for families will *personally* and individually give such permission. These new regulations discriminate against single, lesbian, and unmarried partnered women who intend to adopt a child.
26. The government introduced several measures incentivising marriage and the creation of large families, such as beneficial joint loans tying spouses together, and other allowances conditional upon having at least three children. The policy package is called the Family Protection Action Plan. In 2019, a seven-point programme was announced as “Hungary’s response to demographic decline”.²² In 2020, further measures were announced reducing VAT for purchasing new homes and providing levy exemption for family-loan (CSOK) based home purchase.
27. The general concern about this set of measures is that rather than providing long-term support to struggling families and single mothers, it primarily gives bonuses and exemptions to large families with higher incomes and societal status. In contrast: the sum of universally available family allowance (benefits) has not changed since 2009, and gives an extremely low support of 12.200 HUF (cca. €34) per month to support a child. Single mothers receive an “extra” of 1.500 HUF (€4).²³
28. A specific concern in the Family Protection Action Plan relates to women victims of intimate partner violence, in the lack of specific risk assessment and risk-mitigating measures taking violence into account. Resorting to the promoted loans often force women to stay in such relationships due to the negative consequences of not meeting loan conditions upon separation. Considering the risk of pressuring women into joint loans with potentially abusive partners constitutes significant concern in and of itself, but is

¹⁹ Related recommendations - HRC 33 (2016)/Second cycle/128.

22. Continue to provide protection to the family as the natural and fundamental unit of the society (Egypt)

123. Raise the legal age of marriage for women and men to 18 years (Maldives)

126. Amend the legislation on the protection of families in order to widen the definition of family (Brazil) - that recommendation was refused by Hungary

²⁰ NM Decree No. 15/1998. (IV. 30.), 147. § paras 2-3.

²¹ Act V. of 2013 on Civil Code, 4:121. §

²² Containing the following measures: (1) preferential loan to women under 40 for their first marriage; (2) extension of loan programme supporting home purchase for families (CSOK) - allowing purchase of resale homes; (3) car purchase subsidy for expensive new cars for large families; (4) loan remittal (up to 1M HUF) of mortgages for families with two or more children; (5) lifetime exemption from personal income tax for women raising at least four children; (6) pledged establishment of 21,000 new nursery places over three years; (7) subsidized parental leave for grandparents caring for infant grandchildren.

<http://abouthungary.hu/blog/hungarys-family-protection-action-plan-its-coming-july/> . The nursery places pledged have not been created by this year.

²³ See in Hungaria: <https://officina.hu/belfoeld/38-csaladi-potlek>

even more serious given that economic empowerment measures for victims of domestic violence are generally inexistent, and that any divorce has detrimental economic effects on women and children. Single female-headed households with one or more children are severely financially disadvantaged in Hungary, and no measures have been taken to support such families.

29. According to the law, a child who has reached 16 years of age can get married with the permission of the guardianship authority.²⁴

Recommendations:

30. *Review and amend family policies and other measures to ensure that these “do not restrict the full enjoyment by women of their right to non-discrimination and equality”.*²⁵
31. *Introduce support framework, measures and programs for families that are available for single mothers, women with disabled children, with lower income and societal status, and capable of improving the situation of women and children living in poverty. Improve the lives of children living with single mothers, and of unmarried/divorced mothers.*
32. *Introduce risk management, assessment and mitigation of the Family Protection Action Plan to enable victims of domestic violence to leave abusive relationships.*
33. *Increase the legal age of marriage to 18 years.*

The situation of civil society organisations working for women’s rights²⁶

34. Women’s rights NGOs active in monitoring and evaluating the state’s performance in their fields were targeted by state actors, authorities and pro-government media. This has invoked a number of UPR recommendations in the previous cycle.²⁷ In the current reporting period, these NGOs have continued to face several difficulties in their operation.
35. The Hungarian Women’s Lobby and some of its member organizations are members of the aforementioned Thematic Working Group on Women’s Rights. These NGOs report that rather than conducting substantial consultation, this forum is merely a formality used to present the government’s programs and achievements, while avoiding or rejecting to include agenda items and comments the state deems uncomfortable. The organisations report insufficient consideration

²⁴ Government Regulation No. 149/1997. (IX. 10.) 34-36. §.

²⁵ Committee on the Elimination of Discrimination against Women: Concluding observations on the combined seventh and eighth periodic reports of Hungary, adopted by the Committee at its fifty-fourth session (11 February–1 March 2013), CEDAW/C/HUN/CO/7-8), para. 9 (a)

²⁶ The outcome of the second UPR review cycle resulted on several recommendations that addressed the civil society organizations can operate freely, without discrimination and undue restriction, and can access to and utilize funding, including foreign funding. The recommendations were also addressed to ensure and improve meaningful consultation processes and (public) dialogue between the government and civil society organizations, and the implementation of the respective recommendations of UN Special Rapporteurs. (See related recommendations - HRC 33 (2016)/Second cycle/128: 36. (Switzerland), 38. (Australia), 40. (Czech Republic), 165. (Ireland), 167. and 168. (Norway), 162. (Colombia), 161. (United Kingdom of Great Britain and Northern Ireland), 166. (Libya), 163. (Germany))

²⁷ *Ibid.*

of their input and expertise - if and when they are allowed to provide insight at all.²⁸ Even in such cases, very short deadlines are set for commenting.

36. No public or NGO/expert consultation took place for drafting the national plan to the EU's Recovery and Resilience Facility aiming to mitigate the consequences of the coronavirus. This would have been of special relevance from the women's rights perspective. Only a 13-page briefing document is publicly available.²⁹ The past years have seen a deterioration of the relationship between state/public actors and women's rights NGOs seen as "problematic" by the government. This also results in women's NGOs reduced opportunities to gain EU funding (often requiring institutional partners) and institutional personnel's unwillingness to participate in roundtables, research and other elements of women's NGOs' EU projects.
37. Women's rights NGOs and their staff members active in evaluating state performance are often targeted by pro-government media.^{30,31}
38. While women's rights NGOs were marginalized, other dubious actors appeared in the field (in policy work, organising programs, and service provision) often with no prior expertise in women's rights, and not following the women's human rights approach (indeed, sometimes even opposing it).³² These new actors tend to have connections to those in power, and have access to large state-managed funds inaccessible to women's rights NGOs from either state or any other source.³³

Recommendations:

39. *Do not vilify, but recognise, encourage and support the work and expertise of women's rights NGOs with long-standing experience in the field, and meaningfully include them. Utilise their expertise in related legal and policy processes as well as in service-provision.*

²⁸ So-called men's/father's rights organisations with convicted perpetrators among their membership are equally included in Ministry working groups (such as the Ministry of Justice Civil Working Group on Family Law) and women's NGO's victim support expert input is routinely cast aside by citing "opposing views with equal merit".

²⁹ <https://www.palyazat.gov.hu/helyreallitasi-es-ellenallokepessegi-eszkoz-rrf>

³⁰ E.g. 2017, article about NANE and PATENT: "they have no real mass base, yet they still get into the public discourse through the pro-Soros press. In addition to articulating political messages in their demonstrations, they are primarily trying to thwart the government's family support efforts by hiding behind women's struggles." (The quote refers to George Soros.) <https://pestisracok.hu/soros-gyorgy-civil-csapjai-atfonjak-az-egesz-magyar-kozeletet/>

³¹ E.g. 2019, after NANE and PATENT posted about a domestic violence infanticide case in which the state was implicated by serious negligence, another media article called these organizations "stomach-crurning Sorosist branches [keen] to gain political capital out of the death of two innocent children."

<https://magyarnemzet.hu/belfold/ismet-az-igazsagszolgalatatast-vettek-celba-a-soros-szervezetek-7600451/>

³² Ibid. note 28. The Minister of Justice that invited so-called men's/fathers' rights groups to the Family Law Working Group commented in her 2020 Parliamentary hearing that: "[w]e have also consulted several times with PATENT Association and NANE. Otherwise the fathers' associations sits right opposite to them, so their arguments often extinguish each other". <https://www.parlament.hu/documents/static/biz41/bizjkv41/IUB/2006301.pdf>

³³ See a related article here:

<https://magyarnemzet.hu/archivum/belfold-archivum/ketszazmilliot-kap-retvari-bence-rokonanak-noegylete-3855574/>

Violence against women³⁴

40. Hungary signed the Council of Europe's Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) in 2014, but despite various recommendations to this end in the previous UPR cycle³⁵, does not intend to ratify it, as confirmed by the Parliament's vote to reject ratification on 5 May 2020.³⁶ The international attacks and misinformation campaigns against the Istanbul Convention are widely present in Hungary, and are openly represented by the government since 2019. The main excuses against the Convention concern its gender- and migration-related content based on a deliberate misinterpretation and distortion of the Convention's aim, content and definitions.³⁷ It has also been argued that intimate partner violence is "genderless", and to state that it disproportionately affects women and stems from inequality between the sexes is discriminatory. Simultaneously, Hungarian officials and government-related NGOs participate in an international coalition petitioning against the EU's accession to the Istanbul Convention.³⁸
41. The government argues that compared to the Convention, Hungary already provides the same or better protection for victims of violence. However, the day-to-day experience and joint assessment of women's victim support NGOs shows that neither the legislative and policy framework, nor legal practice, institutional responses and service-provision are in compliance with even basic international standards.³⁹ Major problems include legislative gaps in adequately addressing violence against women. The law, for example, does not provide protection against intimate partners the victim has not cohabitated with and with whom she has no children; legal practice still considers the use of force as a prerequisite to qualifying sexual assault as rape; and the victim's active role in prosecution is required for most crimes. Furthermore, no (comprehensive) state policy is in place to address violence against women or its specific forms.
42. The laws that *are* in place are not implemented in practice. The lack of adequate professional training (and thus of competence) and adequate protocols to properly handle cases constitute systemic problems. Victim-blaming attitudes persist among legal and institutional professionals just as in society more broadly. Perpetrators' continued access to victims is secured by guardianship authorities and custody decisions casting aside history of abuse as irrelevant. Forced visitation and mediation are routinely ordered in cases of domestic violence.

³⁴ Related recommendations - HRC 33 (2016)/Second cycle/128.: 6. (Italy, Montenegro, Netherlands, Turkey, (Belgium); 8. Ratify the Istanbul Convention without delay (Bosnia and Herzegovina); 134. (Poland); 132. (Georgia); 136. (Portugal); 139. (Maldives); 130. (Turkey); 131. (France); 133. (Mexico); 135. (Sierra Leone); 137. (Spain); 138. (Lithuania); 60. (Islamic Republic of Iran)

³⁵ *Ibid.*

³⁶ On 5 May 2020, the Parliament (National Assembly) adopted a political declaration in which they reject that the Istanbul Convention has a binding effect on Hungary and the European Union, and call on the Government to act (that is, not act/not ratify) accordingly. The proposal's text in Hungarian:

<https://www.parlament.hu/irom41/10393/10393.pdf>. The proposal went through the entire parliamentary process only within 1 day. The vote took place during the coronavirus lockdown, so no protests could be organized in response.

³⁷ <http://abouthungary.hu/blog/yes-to-protection-of-women-no-to-gender-ideology-and-illegal-migration/>

³⁸ <https://stopgenderconvention.org/en/>

³⁹ See in details for example the submission of The Advocates for Human Rights to the Pre-sessional Working Group for the 80th session of the UN CEDAW Committee (2021)

43. There are no adequate specialized services for victims of intimate partner, and especially sexual violence against women. The government boasts of improving victim service infrastructure, but new institutions (victim-support centres) are generic, do not distinguish between victims of different types of crime, and improvements seem elusive as victims are told that unless they can provide evidence of imminent life-threatening danger, they may not access a shelter.
44. In 2019 and 2020, several cases of domestic violence (including the killing of children) gained public attention and outrage. These acts were enabled by professional negligence or misconduct by authorities ignoring clear risks. Upon public outrage, the Minister/Ministry of Justice started a process and conciliation to address the issue. Relevant women's organizations were invited to the table, as were so-called fathers' rights groups. So far, the expertise and experience of women's NGOs have not been significantly utilised in this process, despite the various meticulous proposals submitted on their part.
45. No up-to-date representative survey is available on violence against women and girls or on its specific forms in Hungary. There are also gaps in respective administrative data collection, including in public access to data.⁴⁰ For instance, the ratio of unreported and reported cases is not measured; the points at which cases fall out of the judicial process are not identified; there is no data on how many victims have been accorded special status as per the European Victim's Directive, and which of the listed measures have been taken in what number of cases to guarantee special victims' rights in the process.
46. The "victim support centres" the government points to as evidence for improved infrastructure to victims of violence against women are designed for victims of any crime. (Employees receive no special training on assisting special victims in particular.) They collect no data on the type of cases and the sex of victims turning to them.⁴¹
47. Despite the above, Hungary refused to partake in the current EU-wide representative survey on gender-based violence, coordinated by EUROSTAT.⁴²

Recommendations:

48. *Ratify the Council of Europe's Convention on preventing and combating violence against women and domestic violence. Stop blocking the ratification of the Convention by the European Union.*
49. *Amend the legislation on preventive restraining orders to extend the duration of such orders and to cover all types of partnerships, and provide training to all police officers so that they employ such orders.*
50. *Amend existing criminal legislation to provide accountability for perpetrators for any forms of intimate partner violence, including sexual violence, and in any type of partnership, irrespective of cohabitation.*
51. *Criminalize rape upon the lack of meaningful consent, instead of the use of force.*

⁴⁰ https://eige.europa.eu/sites/default/files/documents/2017.7328_en_03_hungary.pdf

⁴¹ They made promises in 2021 to start collecting data on the type of victims assisted.

⁴² The predecessor of this survey conducted by the Fundamental Rights Agency of the European Union (FRA) had huge gap-filling importance in Hungary in the last decade by providing representative data both on the prevalence of violence and on the victims' attitudes and experiences in seeking help.

52. *Introduce legislative and institutional measures to ensure that child custody and visitation processes and adjudication exercise due diligence in recognising and taking into consideration case histories involving domestic abuse.*
53. *Provide appropriate and easily accessible healthcare and victim support services for women victims of violence. Grant immediate medical and forensic examinations to victims of intimate partner and sexual violence automatically and free of charge.*
54. *Conduct effective awareness-raising campaigns to combat prejudices and victim-blaming attitudes against victims of sexual violence.*
55. *Improve standard administrative data-collection and give access to data on intimate partner and sexual violence against women and girls; as a minimum, collect sex-disaggregated data on perpetrators and victims and data on the relationship between them.*
56. *Provide adequate and meaningful (in lengths and substance), systematic pre- and in-service training for all relevant professionals and practitioners coming into contact with cases of violence against women. Introduce guidelines and protocols to effectively handle the cases and effective complaints and accountability procedures to handle institutional/professional misconduct.*
57. *Recognize, encourage and support the work of women's rights NGOs active in the victim support field, and include them, utilising their expertise in related legal, policy and service development work.*

Hate speech, hate crimes⁴³

58. In 2013, the UN CEDAW Committee raised concerns about Hungarian statesmen's statements in Parliamentary debates that discriminated against women and reinforced gender stereotypes.⁴⁴ State stakeholders, even at the highest level, continued to make statements and comments that discriminate against women, are sexist and/or misogynistic, either targeting particular female politicians, or the role and place of women in general.⁴⁵

⁴³ Related recommendations - HRC 33 (2016)/Second cycle/128.

99. Take action against the worrying increase and public use of hate speech, most often addressed at migrants, asylum seekers but also civil society organizations and vulnerable groups (Austria)

103. Implement effectively its legislation and policies against hate speech and hate crimes with particular focus on the human rights protection of Roma, Jews, LGBTIs and other vulnerable groups (Czech Republic)

104. Ensure that the constitutional amendment prohibiting speech that would violate the dignity of the Hungarian nation cannot be used to silence criticism and limit freedom of expression as guaranteed under the ICCPR (Czech Republic)

108. Identify efforts to combat all forms of discrimination and to ensure that hate crimes motivated by racism, xenophobia or other forms of discrimination are effectively investigated and perpetrators are brought to justice (Italy)

⁴⁴ See CEDAW Concluding Observations (2013), para. 24

⁴⁵ See for example several comments by the Prime Minister or by the Speaker of the Parliament quoted in this article: <https://insighthungary.444.hu/2020/12/14/conservative-backlash-against-womens-rights-in-hungary>

In addition, the minister without portfolio responsible for families - also tasked with women's issues - featured in a video on how a woman can be successful. Among the things not to do, she advised not to believe that women should compete continuously with men, or should at least be in the same position with the same salary as the others. https://www.youtube.com/watch?v=IANg9226Aro&feature=emb_logo

59. Pornography is insufficiently regulated and continues to inspire perpetrators of violent acts imitating those in pornography.⁴⁶

Recommendations:

60. *Take steps to counterweight the detrimental effect of public speech that reinforces stereotyped roles for women and men and discriminate against women.*
61. *Address sexist hate speech, including pornography that incites violence against women, by adequate legislative, policy or other measures.*

Education⁴⁷

62. In the National Core Curriculum in force (from February 2020), equality between women and men/girls and boys and the prevention or elimination of discrimination against women and girls does not appear among the “Tasks and values of public education”, nor in the “Fields of development - aims of education”, while “Morality education” and “Preparation for family life” are included.⁴⁸ Under the theme “Homeland and folkloric knowledge”, the following aim is listed: “[pupils are] to be equipped with adequate patterns of behavior to prepare for the traditional male and female roles, in order to be able to acquire the basics of the traditional family model.”⁴⁹
63. Various school textbooks still contain sexist contents that reinforce gender stereotypes and expectations (including references to girls’ lesser intellectual capacities, and different “natural” subjects of interest and roles for boys and girls).⁵⁰

Recommendations:

64. *Revise educational policies (including the National Core Curriculum) to exclude sexist indoctrination and stereotypes and include non-discrimination, equality between boys and girls/women and men, the promotion of women’s rights, mutual respect, non-violent conflict resolution, prevention of sexual and intimate partner violence against women and girls, and the right to personal integrity. Guarantee that the curriculum on “educating for family life” and “morality studies” serve the eradication rather than the promotion of sexist prejudices, stereotyped roles and discriminatory and violent practices.*
65. *Guarantee that the women’s rights perspective, including adequate, consent- and mutuality-based comprehensive relationship and sexuality education and violence-prevention, are meaningfully addressed in basic and continuing training of educational personnel.*

⁴⁶ See e.g. the 2017 case of a man suffocating his partner during sex.

<https://24.hu/belfold/2017/03/07/nem-kerul-bortonbe-a-gyori-ferfi-akinek-megfulladt-az-elettarsa/> Peer violence against adolescent girls is also rising due to exposure to pornography.

⁴⁷ Related recommendation - HRC 33 (2016)/Second cycle/128. 176. (Greece)

⁴⁸ See Government Decree No. 110/2012. (VI. 4.) on issuing, introduction and application of the National Core Curriculum, Annex - I.1

⁴⁹ *Ibid.*, Annex - II.3.4.3. In the previous regulation on the National Core Curriculum, there was at least a short reference among the social and citizenship key competences: "It is important to have knowledge about the basic concepts related to [...] equality between the sexes..."

⁵⁰ See some examples in this article:

<http://politicalcritique.org/cee/hungary/2017/sexism-and-racism-the-new-hungarian-schoolbooks-teach-everything-you-dont-want-your-child-to-learn/>

66. *Introduce protocols and processes to ensure that school employees do not engage in discriminatory treatment based on sexist stereotypes and prejudices, and that misconduct and abuse of power (including sexual abuse) in educational institutions is uncovered and adequately responded to.*
67. *Introduce data collection on bullying, especially sexist and sexualised bullying, in schools.*

Employment⁵¹

68. Amnesty International released a report in 2020 that concluded: “many of the measures introduced by the government in recent years have had a particular and disproportionate impact on women employees, especially those who have a low socio-economic status and/or who come from disadvantaged backgrounds. Moreover, there are several legal and practical barriers to access to justice that hinder victims of gender-based discrimination to seek effective remedies.”⁵² The report argues that “one of the key reasons for widespread discrimination against women employees in the labour market is the incomplete transposition of these relevant international and regional human rights obligations into domestic law.”⁵³ The report also concluded that “Gender-based discrimination against pregnant women and women with young children in employment is widespread across the different sectors in Hungary.”⁵⁴
69. A global survey conducted in 27 countries in 2020 and considered representative in Hungary revealed that 61% of Hungarian respondents disagree with the statement that workplaces in Hungary treat women and men equally.⁵⁵

Recommendations:

70. *Introduce legislative and other measures to eliminate discrimination against women in the workplace, including against the wage gap between women and men.*
71. *Improve the salaries and working conditions of state/public employees in the health and social care, educational and bureaucratic support sectors where women are over-represented.*
72. *Introduce wide-scale measures to inform women about their rights as regards employment relationships, and about available legal remedies.*

⁵¹ Related recommendations - HRC 33 (2016)/Second cycle/128.

62. Take concrete measures to improve access to decent work for all women, eliminate all discrimination against women at work, and create more socioeconomic opportunities for disenfranchised women (Malaysia)

2. Consider ratifying the ICRMW, ILO Convention 189 (Philippines)

171. Take further steps to ensure better labour market access and access to basic social and health services for marginalized women, including women with disabilities, Roma women and migrant women (Republic of Korea)

⁵² No Working Around It - Gender-Based Discrimination in Hungarian Workplaces. Amnesty International, 2020. P.

51. Available at: <https://www.amnesty.org/download/Documents/EUR2723782020ENGLISH.PDF>

⁵³ *Ibid.*, p. 6.

⁵⁴ *Ibid.*, p. 51.

⁵⁵ Global views on acceptable behavior and equality in the workplace - International Women’s Day 2020. Ipsos, The Global Institute for Women’s Leadership, King’s College London. p. 36. Available at:

<https://www.ipsos.com/sites/default/files/ct/news/documents/2020-03/international-womens-day-global-views-on-gender-equality-and-acceptable-behavior-in-the-workplace-us.pdf>

73. *Introduce measures to improve the detection and remedying of workplace sexual harassment. Conduct representative survey and other data collection on workplace sexual harassment, also addressing underreporting.*

Participation in political and public life⁵⁶

74. Since the previous review process, one national and one local election took place in Hungary (2018, and 2019 respectively). These elections did not bring significant positive changes in political participation/representation of women. According to the ranking of the Interparliamentary Union, Hungary is currently at the 156th place out of 188 regarding the percentage of women in national parliaments.⁵⁷ At the moment there are 3 female ministers in a 15-person cabinet.⁵⁸

Recommendations:

75. *Introduce tangible, result-oriented legislative or other measures - including temporary special measures such as quotas - to promote women's participation as candidates in elections.*⁵⁹

76. *Refrain from and step up against public speaking and other communication that question women's capability for and place in public positions, including politics.*

77. *Collect and make accessible statistics on the ratios, positions and remunerations of male and female employees in governmental and state bodies and institutions.*

⁵⁶ Related recommendations - HRC 33 (2016)/Second cycle/128.

64. Make efforts to ensure women's participation in political life and in decision-making (Pakistan)

63. Introduce effective legislative measures to increase women's participation in political life and decision-making (Namibia)

65. Establish effective legislative measures, such as quotas, to improve the participation of women in political life and decision-making (Algeria)

124. Follow the recommendations of the 2014 OSCE election observation missions's report (United States of America)

131. Take measures to promote the participation of women in political life and their insertion in the professional life (France)

⁵⁷ <https://data.ipu.org/women-ranking?month=1&year=2021>

⁵⁸ <https://kormany.hu/a-kormany-tagjai>

⁵⁹ See CEDAW Concluding Observations (2013), paras 17. a) and 25. a)

*Trafficking in human beings*⁶⁰

78. According to the law⁶¹, prostitution is legal in Hungary, with certain restrictions (eg. municipalities can designate prostitution-free areas within their territory, the requirement of a health certificate). The violation of these provisions pose a minor offence⁶², which was the case also for children between the age 14-18 years, who fell victim to prostitution, but without the involvement of the use of force by another person (therefore by “their free will”). This meant, that in case of a violation of the regulations of prostitution, a child above the age of 14 could have been fined and even confined to a detention center, thus children were treated as offenders of a minor offence, not as victims, who need help and support. In 2020, the Parliament adopted an act that amended certain laws necessary to combat the exploitation of victims of trafficking in human beings, which entered into force on 1 July 2020. According to this Act, children involved in prostitution cannot be penalized for the violation of the regulations of prostitution in the future, regardless of age.
79. Notwithstanding this positive change, the concerns of the Ombudsperson regarding the state’s obligations to protect child victims of prostitution, are still relevant⁶³. First of all, there is no strategy or action plan in place which focuses on addressing child prostitution. It is also a matter of concern that child protection institutions lack comprehensive training, guidance, or protocols both on methods of adequately supporting children who have been victims of prostitution, and on practices on how to prevent children living in child protection institutions from being groomed into prostitution and from eventually running away. Additionally, the Ombudsperson noted the lack of cooperation among the police and child protection institutions, and expressed concerns about the lack of data on the effectiveness of prevention campaigns, conducted by the police.

⁶⁰ Related recommendations - HRC 33 (2016)/Second cycle/128.

142. Enact laws aiming at combating human trafficking (Lebanon)

143. Ensure the prosecution and punishment of perpetrators of human trafficking, and provide adequate assistance and protection services to victims (Turkey)

144. Continue its efforts to strengthen the protection of victims of trafficking (Azerbaijan)

145. Take steps to reduce and prevent trafficking and provide adequate incentives and protection to victims (Bulgaria)

146. Take additional measures to combat trafficking in human beings (France)

147. Intensify efforts to effectively prevent trafficking in women and girls and strengthen measures for the rehabilitation and social integration of victims of trafficking (Georgia)

148. Take measures to ensure the effective investigation and prosecution of human trafficking cases and establish remedy procedures for the victims (Greece)

149. Strengthen mechanisms to prevent the trafficking in boys and girls and provide the support needed for victims of trafficking to be reintegrated into society (Mexico)

⁶¹ Act LXXV of 1999 on the rules for combating organized crime and certain related phenomena

⁶² Act II of 2012 on infringements, infringement procedures and the system for registering infringements, 172. §

⁶³

<https://www.ajbh.hu/-/a-prostitutacio-aldozatava-gyermekek-jogainak-vedelme-es-a-megelozes-lehetseges-eszkozei-a-z-alapveto-jogok-biztosanak-utovizsgalata>

Recommendations:

80. *Create a comprehensive strategy and action plan to prevent children's involvement in prostitution.*
81. *Introduce related protocols and provide adequate training for professionals working in child protection institutions and for members of the police.*

Sexual and reproductive health and rights⁶⁴

82. Several women's rights problems exist in the field of sexual and reproductive health and rights. Still no contraceptive is subsidized by the state in Hungary. The emergency contraception ellaOne can be available over-the-counter in the EU since 2015⁶⁵, while Hungary remained the only EU member state that kept the pill upon prescription. Women report that gaining access to emergency contraception is becoming increasingly complicated: even fewer hospitals are allowed to prescribe it, and the prescription is not instantly available. Emergency contraception is also extremely expensive and there is no state support available.
83. Only surgical abortion is available in Hungary, and not a medical one. Although in 2012 the EU-wide registered abortion pill Medabon received a marketing authorization in Hungary, the ministry in charge decided that supply, production and state-subsidy will not be taking place.⁶⁶ Currently, surgical abortion is available on the condition of attending two compulsory counselling sessions, the first aiming at dissuading the woman from terminating her pregnancy. Research showed that these sessions provide selective information on the risks of abortion vis-a-vis carrying the pregnancy to term, and employ guilt-inducing strategies that violate women's dignity.⁶⁷ The curriculum of healthcare and public service employees (state nurses) that go on to provide counselling is becoming increasingly pseudo-scientific (e.g. refer to "dormant motherly feelings" to be woken up in women seeking termination). Furthermore, some religious organisations now also have permission to provide counselling recognised by the state.
84. In 2017, media reported that two church run hospitals in Budapest received large state funding on the condition that they will not perform abortions in the new obstetrics and gynaecology unit that will be established from the funding, based on the cooperation of the two hospitals.⁶⁸ Another article also revealed that a training course promoted/announced by the Catholic Charity and funded by the respective Ministry set the condition for attendance that the participant will not use contraception pills and methods as well as artificial insemination at least until 31 December 2019.⁶⁹

⁶⁴ Related recommendations - HRC 33 (2016)/Second cycle/128.

172. Continue to enhance access to sexual and reproductive health services for women, in particular women with disabilities, with low income, with HIV/AIDS, and living in the rural areas (Thailand)

⁶⁵ <https://www.ec-ec.org/european-commission-decision-grants-120-million-women-direct-access-to-ellaone/>

⁶⁶ See in Hungarian: <http://abortusz.info/tenyek-az-abortuszrol/item/252-abortusztabletta-1>

⁶⁷ http://abortusz.info/kutatas/2014/item/download/12_5e43f66859209e6bfe84185a8cd22234

⁶⁸ See in Hungarian:

<https://444.hu/2017/02/09/ket-korhaz-a-kormanytol-kapott-penzert-cserebe-vallalta-hogy-nem-vegez-abortuszt>

⁶⁹ See in Hungarian:

<https://rontgen.444.hu/2019/03/18/meregdraga-tanfolyamon-stromankent-hasznalja-az-emmi-a-katolikus-szeretetszo-legalatot>

85. Notwithstanding the declared aim of making women mothers, the rates of obstetric violence during birthing is rampant, obstetric and gynecological training is outdated and does not prepare doctors for respecting women's bodily autonomy, and there are no significant advancements to enabling women's exercise of autonomy in deciding about their birthing experience (e.g. choosing home birth or other, alternative treatment during birthing).⁷⁰ There is also evidence of discrimination of Roma mothers.⁷¹
86. In October 2020 the Hungarian Government together with five others co-sponsored a virtual gathering for signing the Geneva Consensus Declaration On Promoting Women's Health and Strengthening the Family. The declaration was signed by 32 countries first hand.⁷² The document stated that "there is no international right to abortion, nor any international obligation on the part of States to finance or facilitate abortion, consistent with the long-standing international consensus that each nation has the sovereign right to implement programs and activities consistent with their laws and policies".⁷³ The signature raises questions whether the government plans to introduce restrictions on abortion. Hungary has hosted three so-called Demographic Summits to date, where politicians gathered to share strategies on raising birth rates in response to decreasing and aging populations.

Recommendations:

87. *Improve the quality of and women's access to sexual and reproductive health services, including those related to birthing, especially for women belonging to disadvantaged groups*
88. *Provide adequate access to affordable contraceptives, including emergency contraception, available to all women (e.g. by providing state subsidy)*
89. *Ensure that in case of abortion women are not subjected to mandatory counselling and a medically unnecessary waiting period*
90. *Introduce measures to provide adequate and respectful care during birthing (e.g. respecting women's bodily autonomy, and avoiding unnecessary medical intervention)*
91. *Introduce comprehensive education on sexual and reproductive health and rights in school curricula, and provide adequate training for teachers to address this topic.*⁷⁴

⁷⁰ <http://www.youngfeminist.eu/2016/08/stop-bawling-obstetric-violence-in-hungary/>

⁷¹ See in Hungarian:

<https://www.life.hu/eletmod/20160419-romanok-helyzete-es-lehetosegei-a-magyar-szuleszeti-ellatasban-szuleshaz-egyesulet.html>

⁷²

<https://www.hhs.gov/about/news/2020/10/22/trump-administration-marks-signing-geneva-consensus-declaration.html>

⁷³ *Ibid.*

⁷⁴ See CEDAW Concluding Observations (2013), para 31.