

# Shadow Report

of the  
Hungarian Women's Lobby

on the realization of  
the Convention  
on the Elimination of All Forms of Discrimination Against Women  
in Hungary  
incorporated with the critical examination  
of the sixth periodic report of the Hungarian government presented  
at the 39th session of the CEDAW Committee of the UN

May 25, 2007



Hungarian Women's Lobby

Umbrella organization of 45 Hungarian NGOs

This report is submitted to the CEDAW Committee under the auspices of the Hungarian Women's Lobby

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# Foreword

In this report the Hungarian Women's Lobby will review the implementation of the CEDAW Convention in Hungary in the period covered by the 6<sup>th</sup> Periodic Report of the Hungarian Government (2002–2006).

Besides the general evaluation of the implementation of the Convention, this report also includes our reflections on the above mentioned Government Report. We will also touch upon the implementation of General Recommendations where necessary. Our report will review primarily relevant legislative and jurisdictional practice concerning general anti-discrimination regulations, violence against women and issues closely related to these. We limited ourselves to issues that are specifically concerning in Hungary, thus the present Shadow Report does not cover every Article of the Convention.

The present Shadow Report will not directly refer to the previous Shadow Report submitted to the CEDAW Committee in 2002 by NANE Women's Rights Association and Habeas Corpus Working Group, but it should be noted that many of the concerns raised there are still present today.

The Hungarian Women's Lobby is a non-profit, non-governmental, independent umbrella organization of 45 Hungarian NGOs working on the advancement of women's rights in diverse fields including participation of women in public life and in the labor market, non-discrimination, health, gender stereotypes in education, women and IT, violence against women, and others. The organization was founded in October 2003, and legally registered on November 25, 2003. It is the member of the European Women's Lobby as the Hungarian National Coordination.

# CHAPTER 1

## Executive Summary

The prevention and elimination of gender-based discrimination is not placed high on the agenda of the Hungarian Government, although the 6<sup>th</sup> Periodic Report of the Government to the CEDAW Committee (GR) gives the impression of that. As opposed to this, there is a lack of significant institutional mechanisms; gender equality policies are missing or are not shared with NGOs working in the specific fields, actions are scarce and *ad hoc* in nature. In general, whatever happens seems to have a superficial nature conveying the message that the measures taken are formal and only serve the purpose of facade.

The main concerns related to the institutional and policy level are the followings:

### **1.1 The discharging of the staff of gender equality machinery that has worked with gender issues for a long a time; the “downgrading” of gender issues after the recent elections**

The Ministry of Youth, Social, Family Affairs and Equal Opportunities (2002-2006) nearly fully changed the staff of the national machinery, its Main Department of Gender Equality in 2005. Since the elections in 2006, the gender equality machinery belongs to the Ministry of Social Affairs and Labour. In the new Ministry’s structure the Main Department of Equal Opportunities has been created. In parallel, the national machinery is being placed on a lower level in the hierarchy than before, as a Department of Gender Equality under the Main Department of Equal Opportunities. There are Main Departments for Roma Issues and for Issues of Persons Living with Disabilities, however.

### **1.2 Representation of gender issues in legislative and other bodies**

In fact, and in contradiction to the information in the GR, we have to state that there are no special committees or sub-committees in the Parliament for women’s issues at the moment. The previous Women’s Sub-committee ceased to exist and even while it formally existed, it never came up with any gender issues in a form that the general public or the women’s rights NGOs could learn of.

The two most important national human rights bodies having competence to examine cases of discrimination against women, the Parliamentary Commissioner for Civil Rights and the Equal Treatment Authority, have no appointed persons to deal with cases of gender-based discrimination; neither training programs are organized for their staffs on this kind of discrimination.

### **1.3 Lack of policies on gender equality and of meaningful application of gender mainstreaming**

There is still no National Plan of Action (NPA) for the advancement of women, already nearly for ten years since the previous Plan which was created in 1997 with deadlines of 1998 for the implementation. Virtually only some smaller activities of this Plan were implemented.

Act No. CXXV of 2003 on Equal Treatment and Promotion of Equal Opportunities prescribed the development of a National Program on Equal Opportunities. Only some initial preparatory plans and ideas have been formulated; the Plan has not been adopted for years. Furthermore, with the new amendments of the Act in 2006,<sup>1</sup> the legislators simply repealed the respective provisions on the Plan. NGOs were not notified in advance of the plan of the legislator to cancel this part of the Act.

Mainly thanks to the EU requirements, the importance of application of *gender mainstreaming* has appeared in policy documents and discourses. Despite some activities and projects, in the practice, however, the concept does not seem to be institutionally understood and applied. Even in documents addressing this concept, tools and instruments for its effective realization are missing. Besides, the policy documents referring to *gender mainstreaming* prepared under EU policy processes, can not be treated as mainstreaming a gender approach, not even in paper, because they are too weak in this respect.<sup>2</sup>

#### **1.4 Gender neutral approach in the legislation**

The few positive legislative steps taken are mostly the results of legal harmonization obligation with the directives of the European Union related to gender equality. However, even in these cases, the real aim and spirit of these directives are not followed, legislators tend to conduct formal, technical harmonization. It is often argued that general gender-neutral measures are sufficient to deal with gender issues as well and provide appropriate protection for women.

#### **1.5 The peculiar way the government relates to women's NGOs**

During most of the period of the previous government (2002-2006) the Council for the Representation of Women (a consultation body established by a government decree in 1999 consisting of NGO representatives, government appointed officials and independent experts) was not convened. Towards the end of the period, the Council was convened in a way that showed a clear disrespect to the self-government of the civil sector. The NGOs blocked this process because the Minister disregarded the clause of the decree according to which the NGOs themselves chose the representatives they wanted on the Council and instead had chosen the NGO representatives herself. The new government showed a greater eagerness to convene the Council, but has chosen to act the same way in convening it. NGOs are now put in a situation where they either participate in the process of disrespecting their self-governing rights in the hope that the Minister's intentions are serious regarding gender issues, or stop participating risking that the Council will lose its momentum and blocking possibly important development. In our view this shows a lack of respect for women's NGOs.

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<sup>1</sup> See Act No. CIV of 2006 on amending the Act on Equal Treatment and the Promotion of Equal Opportunities.

<sup>2</sup> The European Commission itself also pointed to this shortcoming in its report on the Hungarian National Action Plan for Social Inclusion. See European Commission: *Report on social inclusion 2005 – An analysis of the National Action Plans on Social Inclusions (2004-2006), submitted by the 10 new Member States.* (online) Luxembourg 2005, Office for Official Publications of the European Communities, p. 147.

## **1.6 Non-implementation of the CEDAW Committee's recommendations on the previous report and disrespect for the ruling of the Committee in the Hungarian complaint procedure**

Most of the recommendations of the Committee on the combined IV-V<sup>th</sup> Periodic Report of Hungary were not fulfilled by either governments up to now. The State Party failed to respond in the GR to some specific issues raised in the CEDAW's concluding comments. Regarding the complaint procedure before the CEDAW Committee in the A.T. case, neither the Committee's general recommendations toward the improvement of state response in domestic violence cases, nor the specific recommendations regarding the situation of the victim have been implemented. It seems that the Hungarian government has not taken this historical procedure and decision seriously.

## **1.7 Shortcomings in legislation and implementation of effective measures in specific fields of women's rights**

*As we will show in the present Shadow Report, even though there have been some developments – mainly in the last two years – regarding legislation and implementation of measures in specific fields, such as, for example, raising awareness on gender in education, or in fighting domestic violence, these also display a clear lack of a consistent gender policy. Sporadic and superficial initiatives and measures, of course, do not lead to any fundamental change, and the lack of commitment is often visible in the very limited financial resources women's rights fields receive. Fields outside the realm of the world of work, such as, for example, health, violence (from sexual harassment through domestic violence to prostitution and trafficking in women), gender stereotypes, reproductive rights, and others are either not addressed at all, or are addressed in an ad hoc manner not guided by a comprehensive policy on the advancement of women's human rights.*

## **1.8 The CEDAW Convention as a legal source**

As to the best of our knowledge, the CEDAW Convention and/or the ruling of the Committee on the case of A.T. vs. Hungary has been evoked in front of Hungarian courts only a few times, and then by the applicants. Judges do not seem to be familiar with the Convention, the use of which is further made difficult by the fact that Hungarian courts generally refrain from directly interpreting the Constitution as a human rights document, and, as a result, also other international documents (this being considered the responsibility of the Constitutional Court). Thus it is very difficult to base arguments on the Convention in front of a Hungarian court.

*Taking into consideration the critical points above, we recommend that the Government should:*

- elevate the governmental national machinery to an institutional level where it is given a power to significantly shape, influence and implement national policies for gender equality; and provide this machinery with sufficient human and financial resources to this end;

- develop a National Action Plan for Gender Equality, containing short- and long term goals, concrete measures with deadlines, responsible actors, budget and monitoring mechanisms allocated;
- respect the work, and use the expertise and experiences of NGOs working in the field; provide these NGOs with a partner status in preparation and implementation of laws and policies; allocate sufficient resources to provide constant support for these NGOs; and
- immediately and fully implement the recommendations made by the CEDAW Committee after the consideration of the fourth and fifth periodic report of Hungary in 2002; as well as the general and specific recommendations formulated by the Committee in 2005 in the case of A.T. v. Hungary.



# Chapter 2

## Article 1: Definition of discrimination

In the years 2000-2001 a bill on equal opportunities between women and men was prepared and submitted to the Parliament, but was turned down without being debated in the plenary session. In 2003 a general antidiscrimination act, the Act on Equal Treatment and Promotion of Equal Opportunities was adopted, using the argument that it will provide sufficient protection for women as well, so there is no need to have specific law on gender equality. Although the GR says that “one of the most important target groups of the Act is women”, actually the Act does not contain the definition of gender-based discrimination, neither any specific provision for this kind of discrimination. The only reference to gender is the listing of it in one word among the grounds of discrimination (twenty in total).

We have to mention here that naturally the general international human rights law is fully applicable to women. Despite this fact, in the international fora it was considered necessary “in order to deal more efficiently with the serious and multiple violations of the rights of women (...) to draw up separate gender-specific legal documents focusing on the particular needs of women.”<sup>3</sup> This approach should be understood and followed at the national level, in the Hungarian context as well.

Observing the scope of the Act in the light of the CEDAW Convention we have to mention that the Act does not provide the full protection of women against discrimination as the Convention does. According to Article 1 of the CEDAW Convention, the term discrimination against women shall be applied to all fields. Moreover, discrimination is not restricted to actions by or on behalf of governments, states should take all necessary measures to eliminate discrimination (including gender based violence) against women by any person, organization and enterprise. The scope of the Act does not apply to any of these fields – e. g. family law relationships, and relationships between relatives are out of its scope – and does not apply to all persons. It mainly applies to acts of public authorities, institutions, or to certain legal relations, mainly in the field of work and service providing.

Article 7 of the Act elaborates the exemptions where the differentiation is not illegal. For a stronger protection against certain kinds of discrimination, the amendment prohibits the application of exemption in cases of direct discrimination in four grounds of discrimination (race, color, nationality, and belonging to national and ethnic minorities), while not applying this strong protection in cases of discrimination based on gender. The rationale usually given for this is that women need to be protected also from a treatment which does not take their real differences from men into account, which is sometimes “necessary, understandable, and even protects them”, therefore it is not possible to ban all differentiation. This clearly shows the government’s and legislators’ approach toward discrimination against women.

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<sup>3</sup> *Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers.* Professional Training Series No. 9. United Nations New York and Geneva, 2003. p. 447.

Sexual harassment is not appropriately defined and prohibited in the Act. During discussions about the inclusion of sexual harassment, legislators reasoned that the definition of harassment covered sexual harassment as well, so it is not necessary to provide a specific definition on sexual harassment. The GR says that the introduction of the concept of sexual harassment to the Hungarian law is in progress. However, the only things that happened with the recent amendment in December 2006 is that the existing definition of harassment defining the conducts under the term was supplemented with the insertion of the expression “sexual or other nature” to the term of “conduct”. The GR gives the impression that this latter amendment is both sufficient and that the need for it only emerged as the Equal Treatment Authority realized that some gender-discrimination cases cannot be tackled without a clause on sexual harassment. However, it should be noted that a comprehensive evaluation of the proposed bill by the Hungarian Women’s Lobby before the Act of Equal Treatment was passed had called attention to this foreseeable difficulty already in 2003. The problem was denied in discussions at the time, and the recommendations were disregarded, as was every other lobbying effort of NGOs to this effect during the last three years. Among other concerns, NGOs have pointed out that the lack of a specific reference was not only a clear hindrance for women to exercise their rights to protection against sexual harassment, but this omission was also in opposition to international (UN and EU) norms and legislative obligations. This indicates a sad lack of taking the expertise, the evaluation and the work of NGOs working in the field of violence against women into consideration that has been characteristic at the time and, to some extent, is still observable today.<sup>4</sup>

*Taking into account the words and spirit of the CEDAW Convention, we recommend that the Government should:*

- incorporate the definition of discrimination against women, as it is stated in Article 1 of the CEDAW Convention, into the legal system;
- review and amend the legislation in order to ensure that concepts related to discrimination against women – including those of violence against women – are in accordance with international norms; and
- in order to fully comply with the CEDAW Convention, develop specific legislation to address combating discrimination against women and promoting gender equality.

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<sup>4</sup> The short reference to behaviors of sexual nature among prohibited conducts by the Act still falls short of both the definition of sexual harassment in Section 18 of General Recommendation 19 of the CEDAW Committee, and that of the European Union Directive of 1976 (76/207/EEC) amended by Directive 2002/73/EC Section 2., Paragraph 1, that Member States of the EU were obliged to implement into domestic legislation by October 5, 2005.

## Chapter 3

### Article 2: Policy measures to eliminate discrimination

As we stated in the Executive Summary, the lack of a significant institutional and policy framework is the main characteristic and critical point of the Hungarian situation. We have also noted that the applicable legislation is gender-neutral, and does not focus on the specific needs of women. Beside this general evaluation, we are referring below to some concrete concerns.

The Council for the Representation of Women was not operative for years, since 2002, as it was mentioned above; there were only two meetings for re-establishment in 2004, but without success. Both in 2004 and its re-establishment in September 2006 brought concerns about the transparency and democratic nature of it, though NGOs are now part of the Council, and trust that the Ministry will fulfil the promise of reinstalling it with unquestionable legitimacy (i.e. respecting the full self-government rights of NGOs) in 2007.

The Equal Treatment Authority does not have either a special department, or specialized staff members to deal with gender equality issues. Furthermore, training programs on gender based discrimination have not been organized for the Authority's staff. The Equal Treatment Advisory Board is not prescribed to have knowledge in gender issues. During its existence so far, the Board has not made position statement on gender-based discrimination specifically. The Board's sessions' report available on the website of the Equal Treatment Authority do not mention any gender issues discussed. They, however, mention issues of disabled, roma and children.<sup>5</sup>

The Office of the Parliamentary Commissioner for Civil Rights has no appointed staff members to deal specifically with cases of gender-based discrimination. Furthermore, specific training programs on this kind of discrimination have not been organized for the staff.

As the GR itself states, there are only a very few cases before these national bodies (e.g. the Equal Treatment Authority and the Parliamentary Commissioner for Civil Rights) dealing with gender-equality issues.

The Equal Treatment Authority does not use the category of gender-based discrimination in classification of cases, so such cases can only be collected from different categories used. The Authority uses the following categories, *inter alia*: cases on sex roles, cases on family status, cases on maternity (pregnancy) and paternity, and cases on harassment (in general). In their website, for the year of 2006 they referred to six completed cases regarding sex roles, three out of which were refused, and five cases regarding maternity (pregnancy) and paternity, two of which were refused.<sup>6</sup> None of these case descriptions contain references to the CEDAW Convention.

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<sup>5</sup> See [www.egyenlobanasmod.hu](http://www.egyenlobanasmod.hu)

<sup>6</sup> *Ibid.*

In the Commissioners' practice there have been three cases referring to Article 66 of the Constitution on equality between men and women from 2002 to 2006.<sup>7</sup> One of these cases referred to the CEDAW Convention, in one sentence.

In the period between 2000 and 2006 the Constitutional Court referred to Article 66 of the Constitution on equality between men and women in eight of its decisions, four of which rejected the proposal. Two of these decisions refer to the CEDAW Convention, one of which is on discrimination of men.<sup>8</sup>

As the GR says, one of the causes of the few number of cases is that women are not aware of their rights. In our opinion this is a sign that in fact the government has failed to provide continuous and wide-range publicity for the CEDAW Convention and other respective international norms, or to fund any such activity—in contradiction with what the GR sates about the wide publicity given to the CEDAW Convention<sup>9</sup>. Women victims of discrimination are not provided with specialized help to bring such cases to the relevant forums. Moreover, officials dealing with cases of discrimination in the lack of knowledge often do not recognize or respond to cases of gender-based discrimination appropriately.

The CEDAW Convention is applicable in the national courts, since it is part of the Hungarian legal system. However, taking into consideration of the low awareness on the Convention among attorneys and judges, we assume that the Convention is rarely invoked before the courts.<sup>10</sup> Only the few women's rights NGOs and lawyers active in the field of gender equality constitute the exemptions.

Although training programs have been conducted on equal treatment in general, we have no knowledge about widespread training programs organized specifically on gender-based discrimination and gender equality for the government officials and judiciary. In general we can say there is no interest in, or even openness to, gender-specific training programs. As an example we have to mention that MONA Foundation – Foundation for Women in Hungary – offered the National Council of Judges to conduct a training module for judges on gender equality free of charge, but the offer was refused. The few trainings on women's rights issues that in fact were accepted by the National Office of Justice (the office of the Supreme Court responsible, among other things, for the training for judges) were held on domestic violence by NANE Women's Rights Association in cooperation with the Office—also mainly offered from the financial resources of the NGO and some contribution by the Office, and were only possible because of a committed member of the Office. In other words, no comprehensive and systematic interest on the part of the courts can be discerned.

Experiences show that the 'Houses of Equal Opportunities' (a network established a few years ago with the goal of forwarding equal opportunities issues) in the lack of appropriate knowledge or capacity are not prepared for being effective focal points in gender issues. No specific gender-

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<sup>7</sup> Cases OBH 1927/2005, OBH 5159/2005, and OBH 5726/2005.

<sup>8</sup> Namely, Decisions of 58/2001 (XII.7.) and 28/2000 (IX.8.), both of them were presented in the previous Shadow Report.

<sup>9</sup> Section 3 of the Government Report.

<sup>10</sup> No research has been conducted on this topic so far.

sensitivity can be discerned in this network: activities in the field are dependent on the personal interests and sensitivity of the staff in each House. Yet, there have not been any efforts to provide gender-training to the staff of these Houses.

*Based on the above, we recommend that the Government should:*

- fully integrate the gender perspective into the work of national bodies having competence to deal with cases of discrimination against women;
- organize and fund mandatory training programs on gender based discrimination and gender equality for all government officials in all sectors, for the judiciary, and all the relevant legal personnel dealing with cases of discrimination against women; and
- organize regular nationwide awareness raising programs to ensure that women are informed about their rights, as laid down in the CEDAW Convention.

## Chapter 4

### Article 4: Temporary special measures to achieve equality

Although the Act of Equal Treatment and Promotion of Equal Opportunities provides the legal possibility to apply preferential treatment in general, the respective provisions do not integrate the gender perspective, making it questionable whether it is appropriate to accelerate *de facto* equality for women, in the light of the CEDAW Convention. In the practice, we have no knowledge about such concrete temporary special measures neither at legislative, administrative, executive, nor in policy levels.

The state has failed to take steps to initiate discourse or raise awareness on the necessity and importance of such measures. When the need of this instrument appears in the public discourse, it occurs only regarding the political quota,<sup>11</sup> by not even targeting the fields of education, economy and employment.

Although the GR admits that there is a lot to do to accelerate *de facto* equality, it fails to present the reasons of not applying temporary special measures for this purpose.

*Based on the above we recommend that the government should*

- initiate public discourse regarding the introduction of temporary special measures and should apply such measures with the aim to accelerate *de facto* equality for women; as it was requested by the CEDAW Committee in its Concluding comments and recommendations in 2002.

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<sup>11</sup> See more information on this later, in Chapter 7 and Chapter 8.

# Chapter 5

## Article 5: Sex roles and stereotyping

In general, the GR article about gender roles and stereotypes is a description of recent research on Hungarian people's attitude to and actual behaviour regarding gender roles. As for the government's actions to overcome negative perceptions of women and their roles in society, individual, random initiatives are mentioned (e.g.: a photo exhibiton on fathers with their children, local roundtable discussions on women and the media), which in themselves have little effect on public attitudes towards gender inequalities. In this area, like in others, there is no comprehensive policy targeting gender stereotypes.

### 5.1 Forms of social and cultural behaviour

This section of the GR can be supplemented by noting that there are no comprehensive governmental policies and campaigns (1) to support women's part-time employment; (2) to motivate men for an equal sharing of domestic duties; (3) to raise awareness about the imbalanced representation of women and men in the media; (4) to influence women's stereotypical representation in the media. Since 2006, with the setting up of a working group on fighting gender stereotypes in society, we have seen more openness and willingness to deal with these issues on the part of the Ministry of Social Affairs and Labour, despite the contrary action of reducing the administrative weight of the department of gender equality (see above in this report), but *ad hoc* actions instead of responsible policy making still seem to prevail.

In the paragraph about pornography a gender-neutral language is used when referring to the consumers of pornography and media products that represent women as sex objects. Since it is the government's task to introduce legislation, it is curious that after describing the negative consequences of the increasing pornographisation of women's representation and the objectification of women's bodies in the media, the GR does not refer to the government's legislative role and responsibility in the regulation of the appearance of pornographic content and content that violates women's human rights in the media.

Male domination in the news media is not referred to, despite the widely available Global Media Monitoring Report, to which IGEN Association contributed with a national report on Hungary in 2005,<sup>12</sup> which showed only a 12% representation of women as news subjects in a limited number of roles.

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<sup>12</sup> IGEN Association: Hungarian National Report of the Global Media Monitoring Project, 2005. [www.whomakesthenews.org/research/country\\_reports](http://www.whomakesthenews.org/research/country_reports).

## **5.2 Sharing of work within the family**

In connection with the issue of sharing work in the family, the GR refers to discrepancies between the positive attitude towards marrying and having children and the reality of contrasting demographic trends, as well as to the high prevalence of stereotyped gender roles within the family. Despite the government's awareness of the relevant data and trends, there have been very few governmental initiatives to raise awareness about the imbalance between women and men in household work and to motivate men for an equal sharing of domestic duties. However, with the setting up of a working group of experts on the issue of work-life balance in 2006, the government has shown a certain degree of openness to influencing negative attitudes towards gender roles.

In contrast to the recommendations in the Committee's concluding comments on the last report, the issue of paternity leave is not addressed in the GR. Although a form of non-transferable paternity leave was introduced in 2003, as this means only 5 days of paid leave for working fathers, it is deemed as a rather symbolical policy. Also, despite the availability of the different forms of childcare leave for both women and men, only a small proportion (approx. 6%) of carers on these leaves are men, which signifies the need for policies that do not only target attitudinal change but the realisation of equal financial and labour market status for women and men.



# Chapter 6

## Article 6: Trafficking and prostitution

### 6.1 Legal regulation and implementation of regulation on prostitution and human trafficking

There are relatively new regulations in effect concerning both prostitution and human trafficking. However, as the regulations were amended and/or drafted without any deeper knowledge about the social reality of both prostitution and human trafficking, a strange situation has developed in which Hungarian regulations deal with the two questions totally independently of each other, without any regard to the close relationship between the two, in different thematic environment. The wording of the regulations poses many theoretical and interpretation problems, and due to this and to the ignorance of the close relationship between human trafficking and prostitution there are severe shortcomings in the implementation as well.

The GR, following the approach of the legal material, commits separate subchapters to prostitution and human trafficking. In the latter the terms prostitution or sexual exploitation are not even mentioned even though it is well known that human trafficking all over the world and also in Hungary concerns most of all women and children, and in the majority of cases this activity serves the purposes of some sort of sexual exploitation, in the majority of cases, prostitution.

Here we have to emphasise that the chapter of the GR on Article 6 of the Convention (Prostitution and the trafficking of women) consistently fails to mention the following words (and of course their content): woman, women, trafficking in women, child, gender, sex, sexual, sexual exploitation, sex industry, pornography, violence, force. Thus the GR talks about prostitution and human trafficking as a phenomenon which is neutral and does not relate to the social situation of women, something that does not affect the human rights of women, including their right to economic and sexual autonomy, a phenomenon that does not mean any violence or force on them. In the way the GR describes it, we cannot even understand exactly why prostitution and trafficking should be discussed in a report examining discrimination against women.

### 6.2 Prostitution

The regulation of prostitution was changed in 1993 in Hungary in order to implement the obligations of the so-called New York Convention,<sup>13</sup> already 40 years in force, and thus cancelling the punishability of the prostituted person. However, this change took place without the amendment of the description or interpretation of other crimes related to prostitution.

Articles 205-207 of the Penal Code (“promoting prostitution”, “living on earnings of prostitution”, and “pandering”) together with some of the types of sexual violence are still to be found under the subchapter “crimes against sexual morale”. The Penal Code thus implies as if the victim of such

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<sup>13</sup> Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

crimes was not the person against whom they are committed, but in general the sexual morale of the society. Although in 2002 the CEDAW Commission, when it discussed the fourth and fifth combined report of Hungary, announced that “the Committee remains concerned that the Hungarian Penal Code currently treats sexual crimes as crimes against decency rather than violations of women’s rights to bodily security,” and called on the Hungarian Republic to “reform its law to define sexual crimes as crimes against violations of women’s rights to bodily security” this has not happened up to now.

When the Penal Code was amended, the definition of prostitution was not revised either. Although the punishability of the prostituted person was cancelled (Article 204 on sanctioning prostitution was deleted), but the definition of other participants of prostitution, including brothel managers, panderers, pimps, i.e., of organisations and persons establishing and operating prostitution has not changed: they, according to the Penal Code, only promote and exploit prostitution (the law does not define who is the aggrieved party of their action), but, according to Article 110/A of the interpreting statute, prostitution itself is still “committed” by the prostitute who is now not punishable.

This ambiguity concerning interpretation is reflected in the relevant paragraph of the GR: the crimes above are termed by the report as “parasite-like crimes around prostitution”.

Prostitution therefore, according to the Penal Code and GR is a phenomenon which is not committed by anybody and which has no aggrieved party, however there are people who promote and exploit it in a criminal way. However, as the Hungarian state still consistently thinks that in prostitution the prostitute has the main role, it actually smuggled back the punishability of the prostitute into Hungarian law with an amendment to the Code on Offences by the Act on Organised Crime effective from 1999<sup>14</sup>. This law now prescribes so-called “tolerance zones”, where prostitutes in the street can meet customers, and protected zones, where they can not. The prostitute, if she appears outside the allocated tolerance zone, or in the protected area, commits an offence. The allocation of tolerance zones is the task of municipalities. However, municipalities so far have not allocated these zones.

The GR expresses its sorrow that, in spite of the recommendation of the general deputy of the Human Rights Commissioner of the Parliament, municipalities have not allocated the tolerance zones stipulated by the law. The GR, and of course the legislator do not take into consideration, that the CEDAW Commission in its opinion in 2002 particularly called the attention of the Hungarian Republic to the fact that the statute on zones endangers the safety of prostitutes and renders the investigation against and the punishment of the exploiters of prostitution more difficult.<sup>15</sup>

Municipalities do not postpone the adherence to the legal statutes because they had read the recommendations of the CEDAW Commission, but because of the strong opposition of the public.

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<sup>14</sup> Act LXXV of 1999 on the rules of actions to be taken against organised crime and certain phenomena related to it, as well as pertinent amendments.

<sup>15</sup> “...the Committee is still concerned that current regulations establishing so-called “zones of protection” where prostitution is prohibited and “zones of tolerance” where prostitution is permitted may be rendering the exploitation of women in prostitution difficult to punish and thereby worsening their situation.”

Thus, the idea of tolerance zones stipulated by the Act effective since 1999 has not been approved by either the Commission supervising the adherence of the Convention, or the municipalities giving in to the pressure of the public.

Hungarian society, as it is reflected by the already quoted articles of the Penal Code, still considers the prostitute the “reason” of the problem of prostitution. This is the view of the legislative Parliament, the government, the media, and of course of the police. Thus an Act which cannot be enforced came in handy. As there are no tolerance zones, street prostitutes all commit an offence. In the beginning hundreds of them were arrested, and were immediately fined with the highest possible fine, and as they could not pay, some of them were given severe, long-term prison sentences, until a human rights organisation revealed the illegalities. Due to the more powerful intervention of the police, street prostitution disappeared from the busy streets of bigger cities, most of all from the downtown of Budapest. However, elsewhere, and most of all near the roads there are still prostitutes. From police reports we know that every week dozens of prostitutes from the roads are arrested, some of them are minors, and in an accelerated procedure they are imposed a fine, or if they cannot pay, they are sentenced to detention. As can be seen, due to the peculiar application of the tolerance zone act street prostitution was curbed to some extent. Street prostitutes fearing police proceedings, fines and detention are confined to flats, to smaller or bigger illegal brothels, and this process was also facilitated by the boom in Internet and mobile phone use.

However, the police still acts very rarely against the actual operators and exploiters of the prostitution industry (the actions termed by the GR “parasite-like crimes around prostitution”). Police data quoted also in the GR account very few and a decreasing number of cases (100-200 during the recent years). Concerning this, the GR only mentions that “there must be a high level of latency in this field”. This finding is probably right. Experts dealing with the topic (police officers, researchers etc.) all estimate that the number of prostitutes in the country is tens of thousands. If we calculate only one criminal offender for each one of them (panderer, person living on the earnings of prostitution, letting rooms for prostitutes, brothel owner), we have to put the number of offenders to tens of thousands. Thus latency might be a hundred times higher.

We cannot have illusions concerning the trends in the volume of prostitution. It might be true that street prostitution proliferating the downtown districts of Budapest has disappeared, but we have no reason to think that women and girls previously working as street prostitutes were set free from the system of prostitution. Police officers interviewed do not think either that the number of prostitutes have decreased. They only delude themselves with the thought that prostitution – now behind walls – is currently run without pimps as these participants of street prostitution also disappeared from the streets. Many police officers believe prostitution in the flat is a work pursued by women of their own accord, and do not think a more concentrated police intervention is necessary against these less visible variants of prostitution.

The GR also discusses a so-called “model programme”, which was to be launched by the Ministry of Health, and in the framework of which on a regularly circulating bus prostitutes would have been

provided health screening. The model programme actually was not launched (it was only discussed and organised), because finally there was no state subsidy to finance it.<sup>16</sup>

### 6.3 Trafficking in human beings

As we have indicated earlier, the GR discusses trafficking in human beings not even mentioning that there should be any connection between trafficking and prostitution.

The Penal Code deals with the crime of trafficking among “Crimes against freedom and human dignity” (Article 175/B.). The statute has been effective since 1999, and has been amended several times since then. As the GR accounts, only 20–40 cases are registered by criminal statistics under this title each year. Police officers interviewed in a survey were of the opinion that based on this article it is very difficult to investigate trafficking cases. During the procedure it has to be proven that the action of trafficking (sale and purchase of a human being, and the maintenance of ownership over the person by the purchaser) took place. As the offended victims are usually intimidated, deceived women and girls already “broken in”, the crime is very difficult to prove.

The regulation discusses as a separate, aggravating circumstance the infringement of personal freedom. In other words, the crime where the aggrieved party has been deprived of their freedom and sold and purchased as such, is a more severe crime. Likewise, the previous Article (Art. 175) discussing the infringement of personal freedom, in its second clause, also forecasts more severe punishment “for the maintenance of the deprivation of the personal freedom of an aggrieved person procured in relation to trafficking *and* deprived of personal freedom.” It follows, that Articles 175 and 175/B do not regard the sale and purchase of a human being and their treatment as a property as the infringement of personal freedom in itself.

Police practice, based on the experience of the aforementioned study only regards the fact of trafficking proven if the condition of the infringement of personal freedom is present, in other words the person sold and purchased is owned by the buyer, and cannot free themselves, even if they want to. According to the police, if only money was paid and accepted for them, it might be employee placement.

The regulation about human trafficking does not even mention prostitution or sexual exploitation among the possible aims of human trafficking. Possible purposes – and also aggravating circumstances – listed in the statute might be work, unwanted physical contact with a sexual organ or intercourse, or illegal use of the human body. This is not surprising in the light of the legal regulations mentioned above about prostitution which do not mention human trafficking as a phenomenon in close relationship with prostitution. It is obvious that according to the legislator’s intent prostitution, or human trafficking for the purpose of sexual exploitation is to be considered under the aggravating circumstance “for the purpose of work” (Art. 175/B (2) c)). By this, the legislator implies to police officers, prosecutors and judges investigating in these cases that prostitution, and, within this, the type of prostitution the aggrieved parties proven to be procured via trafficking are obliged to pursue, is work.

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<sup>16</sup> “... This was a health care service. It would have operated a Crisis bus, the bus was ready, and then the whole programme stopped. As far as I remember the National Health Insurance Fund did not provide further subsidy.” (Interview with the district mayor, 2007.)

#### **6.4 The protection of the aggrieved party and witnesses, the help to victims**

The GR discusses legislative changes concerning the rights of the aggrieved parties and witnesses, measures helping victims and damage remedy in the part about human trafficking. The GR accounts of the opening of a safe shelter consisting of four buildings, built from state subsidy for the victims of human trafficking. Only the state-owned National Crisis Treatment and Information Service and the police can send applicants to the shelter, operated by an NGO, for security reasons. The NGO operating the shelter, as far as we know, does not report either to the state organ providing subsidisation or the public on the conditions to be fulfilled in order for someone to get into the shelter, and on how many people are provided for in what sort of accommodation. Since the writing of the GR we have been informed that in 2005 two of the four buildings allocated for the purposes of the shelter had to be closed down as there were too few candidates applying at the NGO and they also use the services for a relatively short time.

Authors of the present Shadow Report are satisfied to see that already there are legal boundaries to at least partially compensate, protect and support women and children who fall victims to this global and incredibly destructive form of violence against women. It is an important result that lately there is a state-subsidized shelter providing longer term accommodation. However, so far all this has not resulted in providing efficient protection, support and representation of girls and women exposed to the various forms of sexual exploitation. Among others, the education and training of lawyers, health care professionals, psychologists and social workers does not contain studies on the special characteristics of the symptoms of victims, and of the special tools of treatment and representation of victims of such crimes.

Legal and institutional controversies and failures lead to the fact that prostitution is not considered a real crime, and if it is, the prostitute is considered the offender. As a result of the aforementioned “offence trick” street prostitution, which was considered the most disturbing in Budapest and other large cities was curbed, thus the investigating authorities are not forced by any factor to make serious efforts to investigate the institutional system of prostitution. Since it would be the thorough investigation of prostitution cases that would lead to the uncovering of trafficking cases, trafficking in human beings mostly remains undetected in Hungary.

Thus, victims of an undetected crime would have hope for the detailed protective measures described in such detail in the law on the protection of victims in vain.

*Based on the above we recommend the following measures be taken by the Hungarian government:*

- Regulations concerning prostitution have to be redrafted; they must be taken out from the circle of crimes against sexual morale, and must be discussed, together with other crimes infringing sexual autonomy, among crimes against persons. It has to be declared that prostitution is a crime related to the maintenance, operation, exploitation of the institution of prostitution, and not the commitment (suffering) of the activity itself. In the meantime, it has to be declared that there is an offended party of the crime and that is the prostitute, who is forced and used within the institution of prostitution, and who, in the meantime suffers

- severe legal, physical, mental and economic damage in this process. An aggravating circumstance for prostitution should be the presence of trafficking.
- The legal circumstance of trafficking should be drafted in a way so that its existence should not be proven by the purchase and the keeping of the person as property simultaneously. We believe that even in case of legal employment, if a person receives extraordinarily high revenue by mediating another person to perform a job (over 50 per cent of the person's revenue) this fact should be considered sufficient as a proof of trafficking. In case of illegal employment we cannot talk about "mediation" (labour exchange). In this case any remuneration can be sufficient to be considered trafficking. When trafficking is legally regulated, we have to take into consideration that all over the world, including Hungary, trafficking is committed at the expense of women and children, and mostly for the purpose of sexual exploitation. These circumstances cannot be ignored. Legal regulations concerning prostitution and trafficking have to be connected to each other both formally and with respect to content.
  - The fight against prostitution should be listed as a priority of police work. They have to be prepared, together with prosecutors and judges that the victims of trafficking are to be searched for and found most of all among prostitutes. It has to be achieved that detailed and traceable statistical data be available about both the offenders and the victims these crimes. Data about proceedings initiated against prostitutes (offences) should also be collected. Behaviour towards the victims has to be taught to police officers and prosecutors. They have to understand that victims of trafficking and prostitution had to suffer very peculiar strain: they suffered such physical, psychological and mental damages which render the acceptance of help and cooperation with the authorities very difficult for them.
  - Sociological, psychological, health, economic and criminal research (in respect to organised crime) have to be carried out about prostitution and trafficking. The society has to be informed that prostitution is not good, not advantageous, not a job, not a work, not entertainment. The public as well as political, state and law enforcement leaders have to be made aware that prostitution (whether legal or illegal) and trafficking are operated by dangerous organised crime syndicates also active in other areas (drug trafficking, terrorism).
  - The support and protection of victims shall be regarded as the responsibility of the state, partially or fully outsourced to NGOs and professional organisations. This has to be realised by tenders/grants, where the state sets forth the scientifically supported tasks and conditions winning organisations have to meet. These professional standards and the appropriate legal and financial institutional conditions have to be elaborated and approved in open scientific debates, and they need continuous control. A very important element of the support and protection of victims is the controlled operation of a shelter adapting to several different needs. In the meantime, other services have to be provided to support victims, like outpatient psychological and health care, and legal assistance with the cooperation of experts who are competent in this very special field.

# Chapter 7

## Article 7: Political and public life

The GR's articles on the role of women in national and international public life should be considered in the light of the areas of concern and recommendations pointed out by the Committee in its consideration of Hungary's combined fourth and fifth periodic reports submitted to the Committee in 2002, as these include concern about the overall low representation of women in high-level bodies – both elected and appointed – and in diplomatic services.<sup>17</sup>

Although the main message of the Committee after the consideration of the previous reports was that temporary special measures were needed to guarantee women's equal access to participating in all areas of public life and politics, as the GR states, no such measures have been introduced since then. The present Government Report, similarly to the previous combined report, provides data about the continuing very low representation of women in public and political life, especially in the highest-level decision-making bodies. Apart from the statement of the government's general commitment to equal opportunities for women and men, particularly with regard to policies in the social, economic and employment spheres, the GR proves that no effective attention is given by the government to the problem of the persisting barriers to women's full and equal representation in public and political life.

Only quite recently, with the consideration of the European Union's Gender Equality Roadmap (2006-2010), has the Ministry of Social Affairs and Employment of the present government attached some importance to the issue by setting up a working group of experts for the promotion of equal gender participation in economic and political decision-making. The working group has planned to implement awareness-raising activities, especially on the issue of gender quotas in political life.

### **7.1 Voting and the right to be elected**

This subchapter of the GR states that despite the same rules on elections and on universal suffrage as in the time of the previous report, women's participation in national elections fell somewhat short of men's participation in the last elections. However, it seems problematic that the report attributes this fact to a decline in the interest in politics and an unspecified change in the political atmosphere only. It fails to analyse the possible effects of the lack of specific measures to promote equal

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<sup>17</sup> The recommendations refer to the following specific measures in this area:

“The Committee urges the State party to take measures to increase the representation of women in elected and appointed bodies through, inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, in order to realize women's right to equal participation in all areas of public and political life and, particularly, at high levels of decision-making. The Committee recommends that the State party increase its efforts to offer or support programmes for current and future women leaders and to carry out awareness-raising campaigns targeting both women and men regarding the importance of women's equal participation in political decision-making as a sine qua non of democracy. In this regard, the Committee urges the State party to carry out research into the obstacles to the participation particularly of young women in political decision-making.” (Article 26)

participation of women and men in political life, or without assessing whether the perceived decline of women's interest in politics is connected with that.

General Recommendation No. 23 on Article 7 and 8 of the Convention refers to a range of social and cultural factors that counteract women's equal rights to elect and be elected, resulting in a decline in their participation in voting and also in that women's critical opinions about the process and the contents of political elections do not come to the fore. Such factors, like the persisting double burden of work for women that limits their possibilities of following or taking part in political campaigns, are known to prevail in Hungary as well. However, the government so far has not made visible efforts to directly address and encourage women to exercise their right to vote and to influence politics.

General Recommendation No. 23 (22) points out that election systems, the distribution of seats among parties in the parliament and the choice of constituency have an important effect on the proportion of women's parliamentary representation. The voting system in Hungary is a combined one of individual voting in a single-winner system and of national and territorial compensation lists. When examining how the women members of the present Parliament – where the proportion of women is 10.9% – were elected, it is seen that 35.7% of them were voted in from their constituencies, while 64.3% received their mandates through compensation lists. In the case of men, these proportions are more balanced. However, when looking at the gender proportion of all the mandates from compensation lists, this shows a similarly low number of women (12.8%) as in the whole Parliament, which signifies the need for special measures promoting the full and equal representation of women, as these lists are not utilized for the promotion of women politicians at present either. To date, the rules on elections have not been critically assessed or amended to promote a more balanced gender representation in elected political institutions, nor has the government encouraged political parties to ensure equal opportunities and to strive for achieving a balanced number of women and men among their candidates.

## **7.2 Participation in governmental decision making**

The Government Report acknowledges the lack of special measures to facilitate the fuller participation of women in the government, public administration and public bodies. The report provides an accurate description of the gender representation in these bodies by presenting aggregate data where available, and reveals a certain degree of concern on the part of the government regarding the low representation of women in the highest decision-making bodies and the horizontal segregation between the different ministries and committees. Nonetheless, beyond registering the problem, the report does not reveal any intention as to how the government would tackle it.

It was a welcome development that the socialist/liberal coalition government elevated the issue of equal opportunities, including the issue of equality between women and men, to ministerial level. However, the presence for a short time of equal opportunities machinery within the government appears to have had no direct effect on the government's appointing policies.

From the special measures pointed out by General Recommendation No. 23 to promote women's fuller representation in senior posts of decision-making, several seem necessary to be implemented.



As without the proportionate representation of women the democratic operation of decision-making bodies is not viable, there is a clear need for legislation that ensures the full and equal representation of both genders, such as a minimum of 40% proportion of either gender in appointed bodies. The government also failed to consult women's organisations on appointing suitable female candidates for high-ranking posts, especially in connection with the issue of gender equality.

### **7.3 Roles in politics and in public life**

The GR correctly shows that within parliamentary parties there is vertical gender segregation, i.e., there are only very few women among highest-ranking politicians. The Hungarian Socialist Party is mentioned as an exception, where in fact there are mechanisms in place to promote women's fuller participation, in the European Parliamentary election process as well. The perception in the report seems valid that in the latter case the promotion, by most parties, of women's political participation was mainly in response to international expectations.

As for the government's role in encouraging political parties to adopt measures that ensure fair gender representation in their internal positions as well, such direct measures are missing. Nonetheless, Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities allows for political parties to introduce measures to promote a fairer participation of members of disadvantaged social groups, such as women, in their own ranks. However, the lack of binding legislation for all parties regarding this issue will most probably continue to preserve the present low level of women's political participation. The subchapter does not discuss the issue of women in decision-making bodies in other official organizations, such as trade unions or non-governmental organizations.

## Chapter 8

### Article 8: Participation at the international level

The chapter of the Government Report on women in international representations is based on statistical data that is difficult for the public to access. However, besides the welcome trend that the proportion of Hungarian women working in international organisations has increased, the reference to the specific form of work and way of life required by working for the Ministry of Foreign Affairs as an impeding factor for women's participation in international representative bodies raises concerns. In order to achieve, in accordance with General Recommendation No. 23 (39.), an integration of a gender perspective and women's human rights into the agenda of international bodies, the removal of barriers to women's full participation, such as changes in the discriminatory requirements for work within these organisations, as well as the introduction of temporary special measures seems inevitable.

# Chapter 9

## Article 10: Equality in education

Section 6 of the GR on education is examined on the basis of the principle areas of concerns and recommendations regarding education made by the Committee after the consideration of the combined fourth and fifth periodic reports of Hungary in 2002.<sup>18</sup>

Compared with the previous GR (4-5<sup>th</sup>), the section on education improved a lot from the aspect of gender awareness. However, it still contains little more than the compilation of relevant statistic data; it contains very little qualitative assessment and analysis of the provided data. It also lacks referring to policies concerning gender equality in education, which can be explained by the fact that there is no comprehensive state policy in the field of education focusing on gender issues and determining the required steps taken towards gender equality. The GR does not imply that the government considers such policies necessary and research based on interviews with educational decision-makers reaches similar conclusions.<sup>19</sup> No public awareness raising campaigns have been launched by the state, although a working group was formed in the Ministry of Social Affairs and Labour, with invited NGO experts participating, to organize such campaigns. The group, along with 5 other working groups following the priorities of the European Gender Equality Roadmap 2006-2010, was founded at the end of 2006; the public actions of the working groups are yet to be seen.<sup>20</sup>

### 9.1 Legal framework of equal opportunities in education

According to the Government Report, “the act on public education adopted in 1993 and still in effect after the amendments in 2002 and 2003, lays emphasis on eliminating gender-based discrimination in all areas of education.” However, although the 2003 amendment includes a section on discrimination, referring to gender as one among the 14 bases of discrimination, gender-based discrimination is not mentioned specifically anywhere in the text, therefore the emphasis is not visible. This clearly reflects the general attitude in educational decision-making that gender is not a prioritised issue.

While it is a highly welcome development that in the new higher education system consistent with the Bologna Convention, “it will be possible to conduct gender studies at master’s level”, the GR does not contain information on the actual state of accreditation regarding the gender studies BA and MA programs submitted by various Hungarian universities. Also, we have to note that this

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<sup>18</sup> The Committee clearly stated in recommendation 20 that it “(...) urges the State party to design and implement comprehensive programmes in the educational system, including human rights education and gender training, which includes dissemination of information on the Convention, with a view to changing existing stereotypical attitudes, including advancing the notion of parenting as a social responsibility of both mothers and fathers. It recommends awareness-raising campaigns directed at both women and men as required by article 5 of the Convention. (...)”

<sup>19</sup> For a detailed study of gender issues in Hungarian public education, see: Rédei Dorottya, “Gender in Hungarian Educational Discourse: Democratic Transition since 1990.” In: Justyna Sempruch, Katharina Willems, and Laura Shook (ed.). *Multiple Marginalities: An intercultural Dialogue on Gender in Education*. Helmer Verlag, 2007.

<sup>20</sup> For more information on these working groups, see Section 5.

possibility in itself does not enhance equal opportunities for women and men, though in the long run it will certainly be a significant asset to have trained gender equality experts. In fact, Hungary already has a number of gender and equal opportunity experts trained either at Central European University and Hungarian state universities or abroad, but their labour market positions are rather weak: neither the state nor the private sector has a great demand for such professionals.

The GR refers to Act CXXXIX of 2005 on Higher Education in the context of the Bologna process, but does not mention its regulations concerning gender equality. This piece of legislation was enacted in the spring of 2006 and is harmonized with the Equal Treatment Act. Equal opportunities and equal treatment is mentioned among the act's aims, basic principles, principles of institutional operation, the operation of Senates in higher education institutions, and the principles of funding. The act decrees that the Senate of the university has to establish an equal opportunities committee, whose task is to monitor the proportionate representation of women and men in the decision-making bodies. To date, none of the major universities have established their equal opportunities committees.

## **9.2 Equal opportunities in obtaining diplomas in all types of schools**

### *9.2.1 Primary and secondary education*

In this section only numerical differences are mentioned; qualitative differences and inequalities between girls and boys in school are not discussed.

Regarding the issue of equal access to primary and secondary education, the GR states that in the past 15 years the proportion of girls has become correspondent with their proportion in the population. In order to avoid reaching the false assumption that this is the result of some long term policy implemented specifically to increase girls' educational level, we have to state that there has been no such policy, it is rather the consequence of education having been mandatory for both sexes for decades now, with a gradually rising age limit, now reaching the age of 18.

The GR mentions that girls are significantly over-represented in grammar schools and underrepresented in vocational schools, and that there is gender segregation in the choice of vocation, leading to boys tending to choose vocations in which they can find more highly paid jobs. (And ones with more social prestige, we might add.) This is a correct evaluation of the available data but the GR fails to make the connection with the stereotypical assumptions about the gender roles of women and men deeply embedded in the contents and methodology of education.

In general, by merely stating that girls are overrepresented in primary and secondary (and tertiary) education, the GR seems to reflect the commonly used, gender-blind line of argument that gender equality in education is already achieved, so there is nothing more to do (except pay more attention to boys' equal opportunities, because they are in minority now). The authors of this shadow report would like to emphasize, however, that this fact does not by default affect structural, institutional inequalities and their reproduction by education. Data shows that higher levels of education do not automatically guarantee a better labour market position for women, although the expansion of higher education has been favourable for women in the sense that it has caused a slight increase in highly educated women's chances of finding jobs and returning to the labour market after having

children.<sup>21</sup> However, in 2004 in the private sector the wage gap between women and men was approximately the same (76-80% of the salary of men with the same qualification) for women with university, secondary vocational and technical qualification. In the state sector the wage gap is the largest for women with university and with primary school qualification.<sup>22</sup>

### 9.2.2 Tertiary education

Again, as in the section on primary and secondary education, only quantitative data is presented to show that women are quite overrepresented on college level, slightly overrepresented on undergraduate level and slightly underrepresented on graduate level. It is necessary to point out here that these data reflect the pyramidal hierarchy in favour of men in higher education, and that this hierarchical structure spirals upward among university faculty, researchers and decision-makers. The GR mentions that “gender segregation declined somewhat during the past 10 years.” It has indeed declined “somewhat” but not significantly, and this is mainly caused by the already mentioned traditional, stereotypical gender education, one of whose aspects is that boys are steered towards “masculine” professions and disciplines, girls towards “feminine” ones, and by the lack of policies to encourage and support women to choose “male” professions and disciplines – which generally have more social and financial prestige.

We also have to mention that, paradoxically, the reason why there are more women in higher education is partly based on gender inequality on the labour market, i.e. women often need more and/or higher qualifications than men, in order to be able to find suitable jobs. The GR claims that “there are no material gender differences in terms of those attending full time courses, evening classes or correspondence courses, though more women choose evening classes and correspondence courses.” ‘Material’ means ‘significant’ in this sentence, and we do find it significant that while in full time courses the proportion of women and men is about equal, women make up about two thirds of students in evening and correspondence courses.<sup>23</sup> The reason why this fact is significant is twofold: on the one hand, degrees attained by full time study have a higher prestige and more value on the labour market; on the other hand it sheds light on women’s potential difficulties and hindrances in attaining tertiary education, namely their domestic and childcare duties, their worse financial situation (having to do full time work to earn tuition fees) and the need to attain several qualifications in order to be able to find better jobs.

## 9.3 Teachers – discrimination in school hierarchy

In this section the glass ceiling phenomenon is described on all levels of education and the academia. We add that the pyramidal hierarchy exists not only among teachers and scholars but also among educational decision makers. On the top decision making level there are hardly any women. The position of women and men in the hierarchy has another, hidden discriminatory aspect. Salaries at state universities are regulated by legislation regarding civil servants, so there is no wage gap

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<sup>21</sup> Frey Mária: “Munkaerőpiaci változások nemek szerint 2000 óta.” [Changes in the Labour Market since 2000 with Regard to Gender] 2006. Manuscript.

<sup>22</sup> *Munkaerőpiaci Tükör 2005* [Labour Market Mirror] (eds.: Fazekas Károly, Koltay Jenő). MTA Közgazdaságtudományi Intézet, Országos Foglalkoztatási Közalapítvány, Budapest, 2005.

<sup>23</sup> Ministry of Education (2006). *Oktatás - Statisztikai Évkönyv 2005-2006*. [Statistical Yearbook of Education 2005-2006.] [http://www.okm.gov.hu/letolt/statisztika/okt\\_evkonyv\\_2005\\_2006\\_060927.pdf](http://www.okm.gov.hu/letolt/statisztika/okt_evkonyv_2005_2006_060927.pdf).

between women and men in the same academic position. However, since women are clustered at lower positions and participate less in decision making bodies, they still end up earning less in general. And the male, linear model of academic career is not suitable for most women, therefore it is more difficult for them to advance and gain higher positions.

#### 9.4 Gender roles

As a result of the advocacy efforts of IGEN (International Gender Equality Network) Association, the presently effective National Core Curriculum, revised in 2003, includes equal opportunities for both genders as a basic principle, enumerated along with other priorities such as democracy, humanism, respect for the individual, cooperation of basic communities (family, homeland, Europe, the world), solidarity and tolerance. However, the Curriculum does not build the issue of gender equality into the education system as a special topic or a horizontal issue to be included in all disciplinary areas.

Similarly, due to IGEN's lobbying in 2005, the school textbook accreditation decree<sup>24</sup> was amended so that stereotypical gender representation is included among the general criteria for assessing whether the textbook is suitable for accreditation. However, no gender experts are appointed in the assessment committees, and the general practice is that if the book passes the professional criteria, assessed by two experts of the given discipline and pedagogy, the general criteria are ignored. Thus, in both cases, the inclusion of the concept of gender equality appears to be mere lip-service.

The GR refers to studies (Kereszty 2005, Thun 2005) discussing the stereotyped and distorted representation of women and men in school textbooks. With the above described decree on textbook accreditation, no improvement can be expected, unless renegotiation of the regulation with gender and education experts happens.

Gender representation in textbooks is a very important issue, and so are the contents of the official curricula and aspects of the hidden curriculum. As for the contents of the official curricula, women are underrepresented both as the objects and the subjects of knowledge, a male-dominated perspective prevails in the teaching of all school subjects, with no gendered approaches. As for the hidden curriculum, which includes everything children learn in school apart from what's described in the official curriculum, the role of teachers is very important. Their views on and attitude towards gender issues directly and indirectly influence the way they interact with boys and girls in the classroom and the messages they consciously and unconsciously send to students about gender roles. Literature shows that teachers's classroom interactions tend to be unconsciously male-biased; boys receive more attention, more time, and more praise for their work than girls.<sup>25</sup> This directly influences children's gender socialisation and reproduces the unequal power relations and traditional, stereotypical gender roles prevalent in society.

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<sup>24</sup> 10/2006. (III. 27.) OM rendelet a tankönyvvé nyilvánítás, a tankönyvtámogatás, valamint az iskolai tankönyvellátás rendjéről szóló 23/2004. (VIII. 27.) OM rendelet módosításáról [10/2006. (III. 27.) ME Decree on the amendment of decree 23/2004. (VIII. 27.) on the order on school-book accreditation, school-book support and book supply for schools], Budapest.

<sup>25</sup> In Hungary this was examined in the study by Rostás, Fodorné Bajor, and the results were very similar to those in earlier international studies. Rostás, Rita – Fodorné Bajor, Borbála (2003): "...könnyebb a lányoknak, mert a fiúk elevennek születtek." ["... it's easier for girls because boys were born to be more vivacious."] In: *Új Pedagógiai Szemle*, December, 2003. Source: <http://www.oki.hu/cikk.php?kod=2003-12-mu-Tobbek-Konnyebb.html>.

Despite the above, the vast majority of syllabuses of teacher training courses do not cover gender issues. Systematic gender training for teachers, teacher trainees and students (including changing stereotypical attitudes, and dissemination of information about the CEDAW Convention) is missing, except for a few individual professors' courses. Without such training teachers cannot be expected to master and use a critical approach towards the contents of the curriculum, teaching methodologies and their own role in gender socialisation.

Human rights and gender educational programs are offered to schools by NGOs,<sup>26</sup> and there is an increasing number of schools that welcome these programs and organize "human rights days" when the NGOs are invited to hold lessons. These events appear to be popular among students, which shows that there is raising interest and awareness concerning human rights and gender issues among students and teachers. On the part of the educational administration no serious intention to support such programs and cooperate with these NGOs and their educational experts is visible.

### **9.5 Study allowances and research scholarships**

As we have mentioned earlier, similarly to other fields of education, there is no policy to support the academic career and advancement of women scholars.

### **9.6 Adult education**

As we have also mentioned earlier, women's higher proportion of participating in adult education is partly due to their worse labour market positions.

### **9.7 Health education**

The GR simply mentions in this section that there's no data broken down by gender. The Committee, at its eighth session in 1989, recommended all State parties to make every effort to have gender-disaggregated statistical data provided in censuses and surveys.<sup>27</sup> Simply declaring 18 years later that there is no such data available, is not a responsible standpoint and we suggest the Committee to emphatically remind the government to take recommendations more seriously.

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<sup>26</sup> Amnesty International, Fiona Foundation, IGEN, Labrisz Lesbian Association and NANE are some of the most active NGOs active in the field of non-formal gender and human rights education.

<sup>27</sup> See: General Recommendation No. 9.

# Chapter 10

## Article 11: Employment

The Government Report provides a number of statistics and refer to a number of problems regarding the situation of women in the labor market – including the existence of the gender pay gap, horizontal and vertical segregation, reconciliation between work and private life. However, it fails to provide information on the causes of slow improvement, if any, in the respective fields.

Although some initiatives, actions, and legal changes have taken place, in general we can conclude that targeted and comprehensive state policies to improve the situation of women in the field of work do not exist. We have no knowledge about such policies addressing the horizontal and vertical segregation, gender pay gap, and reconciliation between work and private life targeting both sexes.

Existing traditional gender stereotypes influence the world of labor as well, as well as the reconciliation between work and private life. The publication of the Central Statistical Office points out that 53 percent of men between 18–75 years find it proper if the work is more important for the men while the household and caring for the family is more important for the women.<sup>28</sup>

Although the Act on Equal Treatment contains specific provisions on the observance of equal treatment principle in the field of employment, it uses a gender-neutral approach, making no references to the situation of women.

The doubling of the highest labor force fine imposed for the infringement of certain labor laws and regulations – including observation of equal treatment and regulation concerning the employment of women – to six million Hungarian Forints (about 24,490 Euros) is a welcomed fact. However, the Act on Labor Inspection does not allow the investigation regarding the observation of equal treatment *ex officio*. Moreover, with an amendment of the Act the situation has become worse: since 2002 only those persons are entitled to initiate the procedure whose rights or rightful interest are affected by the case. (The affection of right or rightful interest had not been a condition for initiating a procedure before this amendment.)<sup>29</sup>

As the GR points out, the gender pay gap is still significant. However, there is still no job classification or evaluation system in the competitive sector, which could help to compare jobs in application and monitoring the observance of equal pay principle. We have no information about any state initiatives in this regard.

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<sup>28</sup> Central Statistical Office (KSH), *Társadalmi helyzetkép 2003* (The Society in 2003) (Budapest: Központi Statisztikai Hivatal, 2004).

<sup>29</sup> The Equal Treatment Authority has the power to conduct *ex officio* investigations in those of the above cases, but only where the employer belongs to one of the following categories: the Hungarian state, local and minority self-governments and all bodies thereof, organizations exercising public powers as authorities or armed forces and policing bodies.



Introduction of the Equal Opportunities Plans can have a positive effect on improving the situation of women in the labour market. However, as it was mentioned in the GR, not all employers have to adopt such plans (state employers, and non-state employers whose majority is owned by the state, with over 50 employees). Other employers are only recommended to do so.

Furthermore, according to researchers of the field not only most of these employers do not have Equal Opportunities Plans, the ones that have it tend to consider it a “confidential document” that is not available to the public, and some do not even provide it for research goals. All the while, the Act on Equal Treatment authorizes the Authority to carry out investigation (based on request or *ex officio*) as to the availability of such Plan at any given employer obliged to have it, and impose the necessary sanctions in case of omission on the part of employers. We do not have knowledge of any such procedures to date.

This far, we have no knowledge about specific support from the government to employers for the preparation of these plans.

The right for the fathers to have a five days work-time allowance upon the birth of their child has only rather a symbolic importance, than a real measure of reconciliation between professional and private life. Furthermore, there are only a few sporadic, occasional proactive programs to facilitate the fair division of responsibilities between both parents with regard to raising and caring for a child. Policy documents addressing childcare generally recognize the need for maintaining the position of women in the labor market along with domestic work, and promote this through programs aiming at better facilities for only women to combine paid and unpaid work. These documents, however, do not address the need for sharing work between women and men within the family, nor do they address the need to lessen women’s double burden.

Although the Labour Code provides prohibition of dismissal from the pregnancy until 30 days after the termination of childcare leave, practice shows that women can not easily turn back to their work; after these 30 days period employers often initiate the termination of their employment.

We are deeply concerned about the GR’s following statement: “(...) as a result of the declining real wages during the past decade, it was worse and worse for women to work for wages. For their pays were significantly lower than those of men and their work in the household is more valuable than that of men.” Even though in the Hungarian version the original reads “is considered more valuable”, we would rather see some conclusions the GR draws for changing this attitude.

The “Family Friendly Workplace Award” – referred also in the GR – is to motivate employers to change and to raise their awareness concerning the need for family friendly work environment, by publicizing and sharing good practices. The original approach of this program has a very gender equality sensitive definition of the problem, however practice shows that it moves away from this approach towards more gender neutral grounds allowing the program to divert from its initial purpose, including support for facilitating leisure activities, open days for families, sport activities, health care services etc.<sup>30</sup>

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<sup>30</sup> See Andrea Krizsán and Enikő Pap “Equal Opportunities for Women and Men in Hungary” in Equal Opportunities for Women and Men. Monitoring Law and Practice in New Member States and Accession Countries of the European Union. Open Society Institute, Budapest, 2005.

*Based on the aboves we recomend that the government should*

- develop targeted policies, based on the problems already indetified, to improve the situation of women in the labor market;
- better address the problem of reconciliation between work and private life, with special regard to the role of men; and
- scrutinize employers under the obligation of creating and implementing Equal Opportunities Plans, and apply the necessary sanctions in every case where such Plans do not exist.

# Chapter 11

## Article 12: Health care and family planning

### 11.1 General issues

Commencing from the second half of 2006 a comprehensive restructuring of the healthcare system has been started as the realisation of Act CXV of 2006, amending various acts on healthcare services. The new rules stipulate that only those shall be entitled to use the full range of healthcare services who comply with their payment obligation and for whom payments are made from the budget, such as children, pensioners, people receiving social allowances, etc. The new regulation, entering into force as of April 2007 results in an indirect discrimination affecting women victims of domestic abuse, as frequently economical violence comes forward in the form of the prohibition of wives, female partners of work outside the household, unpaid work by women in family enterprises, or work done by women mainly for male family members without salary, social security and social benefits. These women were entitled to receive full healthcare services based on their “dependant” status in the old regime, but they can end up in remaining without health insurance in case they are in active age and do not receive childcare benefit or the family falls into a higher income level based on the per person actual income and the earner fails to pay contribution after his spouse, which is a realistic scene in families and partnerships where domestic violence is present. People qualified as not insured in the new system can only get services of the “basic package”, which covers emergency care, services to protect mothers and infants and epidemic services or should pay the entire fee for the services exceeding the fore-mentioned. Even those who qualify as insured can only obtain basic healthcare services upon the payment of a minimum amount of USD 1.64 (HUF 300) visit fee (co-payment for medical adviser and outpatient clinic consultancy) and the same amount of daily allowance for hospitalization. This rule can also lead to the practice that women with or without children escaping from the home in a rush without money shall be refused to get medical care service if their lives are not in direct danger. USD 5.5 (HUF 1000) should be paid for medical services at night or off consultation hours if it is not justified by an emergency situation. On top of that a fee of USD 16.5 (HUF 3000, it was USD 11, HUF 2000 in 2006) should be paid for issuing a medical report on injuries caused by violent acts. This practice impedes many women from initiating legal procedure because of violence, as the main proof of evidence in such cases is most frequently the report released by the doctor examining the victim.

The recent restructuring of the Hungarian health system is just one example, which clearly shows that national legislation leaves the special needs and interests of women out of consideration and ignores the distinctive features typical for women in comparison to men as opposed to General Recommendation 24 of the CEDAW Committee about women and health. As it can be observed from the 6<sup>th</sup> Periodic Report of the Republic of Hungary the legislator has not realized yet that women differ from men not only biologically but also from the gender perspective. Most health-related legal norms apply the same for both sexes and the regulations highlighted in the state report refer to women only because some physical characteristics are given solely for the female population, e.g. regular check-ups for cervical cancer are recommended for women. The state report

does not mention state actions in the area of the successful handling and preventing the negative health effects of violence against women and other manifestation of unequal power of men and women as there have been no such state actions.

## **11.2 Family planning, birth, sex education**

The “National Programme of the Decade of Health” adopted by Parliament Resolution No. 46/2003 only mentions the two social groups of Roma population and people living with disabilities under the chapter of Equal Opportunities for Health. In the Programme women’s health issues are not discussed in the context of their general healthcare, but stressing their reproductive function, providing services to present and future mothers, not women. Although it is not laid down *expressis verbis*, married couples are prioritised by incentives and compensations to encourage childbearing. Family planning services are listed in the chapter “Healthy Youth”. These services are integrated into the national healthcare system and focus on prenatal and postnatal care. District nurses occupy a key role in the Programme in family planning and protecting pregnant women, mothers, infants, children and adolescents. However, district nurses are not able to fulfil this duty, because one nurse is responsible of the attendance of 200-350 families. District nurses are not only overburdened but in most cases lack basic knowledge of gender based violence and therefore not able to recognize and prevent domestic violence, even though they are provided with sufficient legal authorization. On the contrary they often support the conservation of gender inequality by stressing the inferior social status of women and by their victim-blaming attitude towards abused mothers of abused children.

Another point of concern, that the National Programme of the Decade of Health appoints the same Family Protection Services to provide family planning consultancy and contra-abortion counselling. According to Act LXXXIV of 1998 on Family Support, maternity allowance can be granted to those women who attended prenatal care consultation on at least four occasions during their pregnancy. The amount of maternity allowance was USD 317.7 in 2006 (HUF 58.050). The average Hungarian salary is USD 834.

Medical professionals generally have a negative attitude toward alternative pregnancy, birth and child-rearing methods that are still deemed to be deviant. Homebirth is still seen an undesirable act and women giving birth in their homes often experience inhuman treatment by medical professionals. The legal background of homebirth such as the medical and non-medical attendance of birth, the issuing of birth certificate of the baby born at home are still unclear and instead of written law, common law practice dominates which leaves space to the goodwill of the official in charge. While the 2005 report on the implementation of the National Programme lists two programs focusing on men (“Men’s Week”, “Men’s Health”), it does not mention any project with women as target group.

The Programme indicates “family friendly” maternity wards, but during the implementation process these have transformed into “baby friendly” hospitals indicating those hospitals that encourage breastfeeding playing down the needs of mothers again. The National Programme promotes breastfeeding “by all reasonable means”. This term illustrates that the State has no understanding of the difference between women’s health rights and obligations. Policies respecting women’s bodily

integrity and dignity would provide them with complex and full-range information and let women make their own choices considering all personal circumstances.

Patient advocates are not trained on the special health situation and needs of women, they are not able to see the connection between power imbalance and certain illnesses and they do not examine most of the complaints submitted by women, because they question minor abuses related to the attitude of medical staff that are part of the system and can not be described in terms of serious violation of law. It can be concluded based upon the National Programme of the Decade of Health that family planning, fertility control, contraception are worded as women's liability, while men's role in this aspect is still not challenged in either public discourse or law-making.

There is no general policy or unified practice regarding sex education at schools. The National Basic Education program contains a sex education and family planning curriculum to be completed by students between the 6<sup>th</sup> and 10<sup>th</sup> grade. Sexuality education programmes include four chapters: intimate partners, contraception, sexually transmitted diseases, and aggression, assault and sexual violence. Classes are held 10 hours per year for 6 years. However there is no compulsory material to be taught in the framework of sex education; the convictions, beliefs and attitude of the teacher/priest forms the direction of these classes. Apparently religious schools are more eager to teach sexuality to their students, which impedes many adolescents from getting comprehensive, ideologically neutral information. These classes do not stress male responsibility in safe sex and they do not pay attention to sexually transmitted infections.

### **11.3 HIV/AIDS**

Hungary adopted its National AIDS Strategy in 2004. The document sets all its principles in accordance with international human rights documents, but it lacks any concrete action to be completed, detailed budget and responsibilities assigned. Moreover, the Republic of Hungary was one of the few countries, which did not submit its country progress report in the subject of monitoring the declaration of commitment on HIV/AIDS at the High Level Meeting on AIDS organized by the United Nations in May/June 2006. Although the AIDS Strategy declares that heterosexual women are in an increasing risk of HIV-infection, there is no further reference made to the special needs of this social group. Free of charge anonymous AIDS-testing is available for everybody from 1<sup>st</sup> January 2003 in theory, but this possibility is rarely known by the Hungarian population. Vulnerable social groups like homosexuals, injecting drug-users and prostitutes, just like people in danger of getting infected are dealt with as a homogeneous group, neglecting the facts of gender inequality and imbalance in power. The National AIDS Strategy offers education as the main tool of fighting the epidemic, leaving out of consideration that many women are not in the position of asserting their interest against men's will. (At this point we would like to mention that the National AIDS Strategy's wording suggests that prostitutes are deviant members of society who are responsible for the spread of the HIV/AIDS epidemic.)

### **11.4 Smoking/Alcohol/drug**

National policies addressing substance abuse do not tackle the cause, only handle symptoms. They do not acknowledge that substance abuse on the victim's side can be the consequence of suffering from violence, on the contrary they name alcohol one of the causes of violent behaviour.

## **11.5 Violence**

The Republic of Hungary is in complete lack of researches conducted in the issue of the health consequences of violence against women and therefore its implications are usually ignored by professionals.

We are not providing information on the health status of Romani women, as this topic is introduced in details in the alternative report submitted by the European Roma Rights Centre.

## **11.6 Abortion**

Even though there has been a slight decline in the number of abortions from year to year, it is still a widespread method of family planning. The main reasons for this is that there are still no contraceptives covered by health insurance, women need prescription for hormonal contraceptives, and both condoms and pills are expensive. While Hungary's health policy provides for free or highly subsidized health services for its (insured) population, reproductive health is addressed as maternal health care. A pocket of contraceptive pills range between USD 7–USD 34 and a package of condoms of 3 pieces costs USD 1–USD 2.4.

According to Act LXXIX of 1992 on the Protection of Fetal Life, a pregnancy can be terminated until the 12th week if the health of the mother is at serious risk, the fetus has a serious impairment, the pregnancy is a result of a crime, or the woman is in a situation of crisis. The pregnancy can be terminated until the 18th week if any of the above conditions apply and the woman has no or limited legal capacity, or if she did not know about the pregnancy for reasons beyond her control. The pregnancy may be terminated up to the 24th week in case the likelihood of genetic or congenital defect of the fetus is greater than 50%. The pregnancy can be terminated with no time limit if the life of the mother is in danger, or if the infant would not be able to survive after birth.

Women wishing to undergo abortion apart from medical indication have to refer to their severe crises and present themselves before the Service for Family Protection. As a result of the Constitutional Court's decision, as of 2000 women are required to undergo two biased counselling sessions, to wait a minimum of three days, and are provided with state-funded brochures developed by anti-abortion groups that give misleading medical information on the harms of abortion. The brochure exaggerates the physical effects of abortion, claims that abortion causes breast cancer, characterizes abortion as the killing of babies and includes drawings of babies being mutilated with knives. While counselling focuses on all the positive aspects of having a baby, the Service for Family Protection does not provide information on the negative physical, psychological and financial consequences of giving birth.

The cost of abortion in 2006 was USD 126 in public hospitals and USD 400-500 in private clinics, only those entitled to social benefits may pay less.

Hungarian medical regulations allow the conscientious objection of a doctor to refuse to perform abortions with reference to their religious convictions, unless abortion calls for an immediate medical intervention. However we receive reports from women who had gone through abortion that medical service providers treat them in a degrading way and violate their patients' rights as well by performing the operation without painkilling, making comments on the patient's morals during the operation or leaving the patient naked on the corridor of the hospital.

In 2004 the antiabortion league, Alfa Association launched an initiative and called all hospitals to hold an "abortion-free day" on 28<sup>th</sup> December, during which abortions can be performed only in cases of life-threatening emergency. This day is held every year since then. Many state hospitals joined the initiative infringing patients' rights to unlimited access to healthcare services and the right to non-discrimination.

Our comments made in the shadow report submitted to the CEDAW Committee in 2002 regarding the limited access to abortions in cases of sexual violence, the high cost of abortion and family-planning services targeting women only remain invariably valid for the subject period, as there have no steps been made by the government in this regard.

### **11.7 Artificial insemination**

In December 2005 the Parliament amended Act CLIV of 1997 on Health, according to which some single women are also entitled to participate in artificial insemination procedures in the future. Article 167 (4) stipulates: "In case of a single woman reproduction procedures may be performed, if the woman most probably cannot bear a child through natural means as a result of her age or health status (infertility)." The new rule entered into force on July 1, 2006. Before this modification only married women or women living in heterosexual common-law partnership were granted such services. Although it is not mentioned in the law but the implementation resolution makes a distinction between the two categories of women: the cost of such medical intervention is financed by the state for those who undergo the procedures for medical indication, while women of advanced reproductive age are obliged to pay all related expenses by themselves. Such age is not fixed in the law; two separate doctors' opinion must be submitted to prove the compliance with the legal pre-conditions. After this amendment, the law still discriminates young single women and lesbian women living in partnership. Most members of the parliament and medical professionals agreed that the Parliament is responsible to promote the model of "healthy, two-parent families".

### **11.8 Sterilization**

The Constitutional Court of Hungary repealed the restrictions on sterilization upon an individual request on November 12, 2005. The Court found the law granting requests only to women over 35 or those who had given birth to at least three children discriminatory and therefore annulled respective sections of the health act calling the Parliament to create new regulations by June 30, 2006. As the law was not changed by the deadline, thus contraceptive sterilization procedures on request were legally available to any man or woman over 18 after the three month waiting period. However the Hungarian Bar of Obstetricians and Gynecologists refused to perform such intervention until the new law was accepted. The decision of the Court aroused loud protest of professional, political and religious groups and after collecting 50,000 signatures a popular initiative

has been submitted to the Parliament in order to restrict current regulation of sterilization, which was refused by the members of the Parliament on May 7, 2007. The new regulation entered into force as of January 1, 2007. As the topic of sterilization shall be discussed in details in the separate alternative report of the European Roma Rights Center, at this point we will only outline the main characteristics of the law. In accordance with the new legislation sterilization may be performed only after a physician appointed by the healthcare provider shall provide information to the applicant (in contrast to the previous law, in which both the applicant and her/his spouse or common-law spouse were obliged to participate at the counseling) about other methods of contraception, as well as on the nature of the intervention, and the possible risks and negative consequences. After a six month waiting period the applicant shall declare to maintain her/his decision on sterilization. The intervention shall be performed only after another six months starting from the repeated expression of will of being sterilized except when emergency operation is inevitable. Applicants older than twenty-six years are subjected to two three month long waiting periods. In both cases we consider the waiting period extremely long, especially compared to international practice. We notice that quality counseling is substituted by unwisely postponed intervention. We also miss any information about the positive consequences of sterilization from the counseling session, which questions the objective and informative kind of this service.

*Based on the above we recommend the following measures to be taken by the government of Hungary:*

- Conduct comprehensive research on the specific health needs for women not limited to biological needs but taking into account the difference deriving from social-traditional factors. Such research shall detect all health policies, regulations and practices resulting in the direct or indirect discrimination of women. The government is encouraged to provide statistical data on a regular basis to point out the correlation between traditional gender roles, violence, other forms of sexual discrimination and women's health status.
- Prepare a comprehensive action plan on women and health based on findings of international organizations and human rights bodies (e.g. WHO) involving women's NGOs in the drafting activity. Such action plan shall include, but shall not be limited to, general access to sexual and reproductive health services, including state subsidized contraceptives, special HIV/AIDS treatment and prevention programme for women and girls, obligatory sex education at school for boys and girls with a pre-set curriculum.
- Eliminate biased counselling practices within family planning services that violate women's human rights and aim to promote a traditional family model. Sexual education should encourage the equal participation and responsibility of both sexes in family planning.



# Chapter 12

## Article 13: Economic and social benefits

### 12.1 Family allowances

Among family allowances, except for pregnancy and childbirth allowance and one-time motherhood subsidy, all the allowances can be paid to either parent, and caretaking allowance can be obtained by persons of both sexes. However, due to the traditional attitude towards gender roles it is worth examining these allowances in more details than the approach in the national report.

According to access to social protective allowances the traditional attitude of the regulations is quite visible. According to this categorisation we can distinguish:

- services based on insurance,
- universal supplies and
- allowances.

In case of services based on insurance, the so-called sick leave benefit-based services, the contradiction is obvious: while there is no maximum limit for sick leave benefit to be obtained by both sexes, the maternity leave benefit (GYED) has an upper limit, though it can be obtained by both sexes, and is based on the sick leave benefit (it was HUF 87,500 in 2006), which is slightly more than half of the average wage in 2006.<sup>31</sup>

The biological attitude towards gender roles is mirrored in the amount of the childcare allowance, and the caretaking fee, each used mostly by women, the sum of which is very low, and calculated based on a percentage of the minimal pension. The situation of those using this service is rendered more difficult by the fact that although this allowance is based on pension, the beneficiaries are not entitled to all the other benefits given to pensioners and helping them, e.g. in mobility (e.g., monthly public transport pass, free for people over 65), or in cultural activities (e.g., museum tickets).

All these benefits are calculated based on the existence of a male breadwinner in spite of the fact that over 50 per cent of marriages today ends up in a divorce,<sup>32</sup> their majority because of problems related to the birth and bringing up of children, before the child reaches 4 years of age. In addition, in 2006 children were born in 35.6 per cent outside marriage.

The employment willingness of women who received benefits for welfare reasons or unemployment is lower than that of men. This is shown by the fact that the sum of unemployment benefit calculated from earlier wages is lower for women, and that 7 per cent more men are given regular social benefit related to their earlier jobs and a higher percentage of women receiving allowances stay inactive.

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<sup>31</sup> [http://hvg.hu/karrier/20070119\\_realkereset.aspx](http://hvg.hu/karrier/20070119_realkereset.aspx).

<sup>32</sup> <http://www.ksh.hu/pls/ksh/docs/mdb/NL101/NL2A01/HU/575>.

## 12.2 Economic life

### 12.2.1 Earning differences between the sexes, accelerating property

Due to differences in earnings between men and women, in the case of men higher annual revenue is generated and if this extra revenue is not consumed, their property grows quicker than that of women. If savings are accumulated, men will get into a permanently more advantageous financial situation. As during divorces – previously more or less balanced – common property is eliminated, differences in income and property result in the relative impoverishment of women.

### 12.2.2 Access of women to services and subsidies helping them become more independent

The progress concerning regulation guaranteeing equality between the sexes is due to the country's EU membership. In this respect, the EU directive 2004/113/EC about equal rights and access to products and services is predominant. However, the access to services promoting the economic independence of the sexes like pensions, insurance funds, access to financial and accommodation services, or transport does not include education and content in the media and advertising. These contribute to the conservation of the traditional attitude about gender roles and stereotypes, including the participation of men and women in economic life.

Bank advertisements clearly indicate a negative trend in gender roles: while in the 90-ies bank clients were diverse, in today's advertisements the financial decision is in the hands of men, be it enterprise or apartment purchase.

Exclusion of education from the directive results in the fact that in Hungary so far there is no chance to pass a law concerning this matter. This fact contributes to the fact that employment segregation is regenerated, affects career ideas related to gender and thus shapes income relationships of the sexes in the future. In 2006 applications to higher education institutions also reflect career ideas related to stereotypes: application to pedagogical majors by women is over 90 per cent, while to IT and engineering faculties the percentage of applying men is 90 per cent.<sup>33</sup>

With regard to the equality of men and women actual positive measures – which is allowed by the directive itself and also by the CEDAW Convention – would be very important concerning the access to financial services and subsidies for individuals and enterprises.

*This could be even more substantiated as due to the traditional gender socialisation and roles the entrepreneurial willingness of women is lower than that of men. Even in fields traditionally occupied by women, successful women entrepreneurs complain that they have difficulties in making themselves accepted. Hungarian women, if they even think about launching an enterprise, they subordinate their enterprise to their private life duties. They think in smaller steps, they are characterised by under-capitalisation, and in case of negative experiences they often wind up the*

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<sup>33</sup> [http://www.felvi.hu/index.ofi?mfa\\_id=3&hir\\_id=7758](http://www.felvi.hu/index.ofi?mfa_id=3&hir_id=7758).

*enterprise*<sup>34</sup>. 70 per cent of individual entrepreneurs (basically self-employed individuals) who can manage to survive are men with a higher education degree, who can find their way in the expanding business opportunities. At the same time, “helping family members” (a category of tax-payers in Hungary) is 72 per cent women (2006), who also represent the traditional role differentiation in the enterprise as well. So their dependence is doubled: they obtained their work experience in the family enterprise, and their earnings are ensured by their partner, who is also their employer.<sup>35</sup>

72 per cent of the state-subsidy to facilitate the self-employment of those who are driven out of the employment market which can be obtained in Job Centres was utilized by men in 2005 in Budapest.<sup>36</sup>

However, making benefits and bonuses equal may have negative and positive effects, which, depending on the given financial services, can have different effect on men and women. In case of third party vehicle insurance a bonus is only paid when someone has years of driving experience. This example, which is also characteristic of other countries, means an increase of fees for women who cause significantly less accidents. The same effect is expected at life insurances, where these services are offered to male and female clients on different prices where morbidity and health care risks are very different. The State Financial Supervisory Authority therefore examined in what insurance branches financial service providers (most of all insurance companies and pension funds) can request exemption from the introduction of “unisex” fees. The consequence of equal treatment of policies would eliminate discrimination, but the fees would be unjust: women who bear less risk would pay more, while people with higher risk, like men would pay less than it would be substantiated.<sup>37</sup>

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<sup>34</sup> SEED Alapítvány: Vállalkozó nők a XXI. Században. (Seed Foundation: Women as Entrepreneurs in the 21st Century.)

<sup>35</sup> JÓL-LÉT Közhasznú Alapítvány: Az atipikus foglalkoztatásban rejlő lehetőségek, elterjedésének ösztönzői és gátjai, különösen a munka és magánélet, valamint a nemek közti egyensúly szempontjából. 2007. május (Weeé-Being Foundation: Possibilities in Atypical Employment. May, 2007.)

<sup>36</sup> [www.afsz.hu](http://www.afsz.hu).

<sup>37</sup> [http://www.pszaf.hu/engine.aspx?page=pszafhu\\_biztositaspiaciter](http://www.pszaf.hu/engine.aspx?page=pszafhu_biztositaspiaciter), A „Gender” direktíva hazai implementálásának kérdései.

# Chapter 13

## General Recommendations No. 12, 19, and 24: Violence against Women

General Recommendation No. 12 from 1989 specifically calls forth for the “protection of women against violence occurring within the family, [and] at the workplace”, and for legislation on “sexual harassment”. General Recommendation No. 19 from 1992 clarifies for State Parties that violence against women is a form of discrimination, elaborates exactly on what constitutes violence against women, and what State Party obligations are. General Recommendation No. 24 from 1999 tackles the issue of violence from a point of view of equal access to health for women and clarifies that violence against women constitutes a health-problem that State Parties are obliged to address. When the Committee considered the combined fourth and fifth periodic report of Hungary in 2002, it raised concerns over the lack of legislative, implementation and institutional measures to “address violence against women in the family and in society, and to recognize that such violence [...] constitutes a violation of the human rights of women under the Convention”, and recommended to take the necessary steps.

In its 32<sup>nd</sup> Session on January 2, 2005, the Committee has issued its deliberation in the case of *A.T. vs. Hungary* considered by the Committee based on the Optional Protocol. The decision included the findings that Hungary had not fulfilled its obligations to provide immediate protection of the human rights for the applicant (victim of domestic violence), and requested that the State Party take all the necessary measures both in the specific case and in general to remedy this situation and similar situations in Hungary.

In light of General and specific Recommendations above, and also in light of the Government Report, we would like to give an overview of the situation of violence against women in Hungary.

### 13.1 Sexual Harassment

According to the Government Report, Annex, p. 87., “a number of applications were submitted to the [Equal Treatment] Authority on account of sexual harassment.” The Government Report also states that the Authority has found in the course of its procedures that Act CXXV of 2003 on Equal Treatment is insufficient. However, the website of the Authority contains reference only to harassment in general, and within that mentions one case of sexual harassment — which ended with the sanction of forbidding the employer to continue the harassment. In a case related to alleged discrimination based on sexual orientation, the Authority concluded as a general principle that the harassment has to be recurring (“it rarely occurs as a one-episode event”) and always has to be deliberate.<sup>38</sup> This, however raises the serious concern that the Authority disregards the very wording of the Law which states that harassment is “a conduct violating human dignity [...] with the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment around a particular person” (our emphasis). This approach may be specifically detrimental in real-

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<sup>38</sup> The case was dismissed based on these “principles”.

life cases of sexual harassment taking into account the usual excuses harassers use — invariably employing all kinds of reasoning “proving” that their intention was far from being harassing.<sup>39</sup>

Other serious flaws of the Act on Equal Treatment include, for example, the lack of incentive provided for victims to come forward with their cases in spite of the fact that it is well known that these cases are rather unpleasant to reveal. In the thorough analysis the Hungarian Women’s Lobby provided in 2003 we suggested several concrete changes to the bill, then disregarded, but the suggestions are still valid.

*In the light of the above we recommend that regarding sexual harassment the State Party be required to*

- implement the changes to the Law on Equal Treatment suggested by the Hungarian Women’s Lobby, in particular, to fully harmonize the law with international legal documents, and to implement measures that make victims interested to come forward (specifically, to allow for the payment of damages within one procedure in front of the Authority instead of referring the offended party to another lengthy court procedure in front of a civil court);
- make sure cases based on gender discrimination form a specific and independent category easily identified both on the website of the Authority and in any official document, including sexual harassment cases;<sup>40</sup>
- draft, pass, and implement an official Code of Conduct including detailed complaint mechanisms to be obligatory at least at the same employers’ as the Equal Opportunities Plan, specifically prescribing rules in cases of sexual harassment; and
- conduct public education campaigns and campaigns specifically targeted toward employees.

## **13.2 Domestic Violence**

The Government Report contains references to different legislative and practical measures, as well as some data and research that have been carried out since the previous report. Although some important improvements were made after the Government Report was completed (which indicate some positive changes in the attitudes of governmental bodies toward working with NGOs in the field), we will limit ourselves to the situation the reporting period covers.

### *13.2.1 Statistics and research*

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<sup>39</sup> Anecdotal evidence suggests that harassers often even turn the issue around and state that they only wanted to be nice, or that they have a genuine romantic interest in the victim with the most serious intentions.

<sup>40</sup> As it was mentioned above, presently the website contains categories such as discrimination based on maternity, paternity, and gender roles, while the one sexual harassment case is listed under harassment. Although it is clear that some overlapping may occur because of the many categories of protected characteristics listed in the Act itself, and that the possibility to list a category of sexual harassment was lacking because of the delayed legislative change, this situation still indicates that gender-based discrimination is still a legal notion the Authority is not very familiar with. Besides, breaking down the cases without a clear indication of their being gender-related makes research difficult and may make it even somewhat arbitrary.

The Government Report refers to some statistical data, and concludes that domestic violence is “insignificant in number in comparison to that of all crimes in Hungary”, and that it constitutes “a small proportion of all crimes”. This “finding” is based on criminal statistics which, in turn, are based on “all known” crimes. However, it should be noted that this finding is in stark contradiction with the still only representative study carried out in 1998 by sociologist Olga Tóth<sup>41</sup> which found that about every fifth woman in Hungary lives in an abusive relationship once in her lifetime. Research in recent years (mostly referred to by the Government Report and carried out under the auspices of the National Criminology Institute, a research institute under the Office of the Prosecutor General, i.e. a non-independent, state body) was based on the evaluation of legally closed cases, referred to in the Government Report as the “broadest research to date on this subject”. However, we strictly call into question the results of a research based on finished court cases in the light of the fact that most domestic violence cases never even get reported, victims are still often diverted by the police from initiating a criminal procedure, and most cases do not get to the courts.

The Government Report states that “[t]he most serious crimes against human life [in domestic violence cases] are suffered by men”. According to police statistics for the year 2006, however, women have committed 36 homicides and 308 physical assaults against men, while men committed 75 homicides and 1879 physical assaults against women. 11 women were killed, and 111 women were physically assaulted by women in the same year, while 29 homicides and 738 physical assaults were committed by men against men in the family.<sup>42</sup> This means that altogether 86 women and 65 men were killed in domestic violence in Hungary in 2006. In the light of these official police statistics, we do not understand how the government report came to the conclusion that “two third of people so killed [in domestic violence] (63%) are men.” The Annex of the Government Report does not contain any references as to the source of this statement. If it comes from the criminal statistics the National Criminology Institute used, it should be noted that, for example, in cases where the perpetrator committed suicide after killing his/her partner/former partner, no court case will be available for evaluation.<sup>43</sup>

In our observation, there is a tendency to downplay the gendered nature of domestic violence in Hungary, and this is visible both in the methodology of research employed by state research institutions and in the superficial evaluation of available data. Thus, for example, the reported data that more men are killed in domestic violence shows a clear lack of the use of the thorough definition of domestic violence (as opposed to interpersonal violence) commonly used by international research and practice, and not, as implied by the interpretation, an indication of Hungary being different in this regard from the rest of the world.

Police statistics have been started to be collected in 2005, and by now the police have elaborated a relatively thorough method of collecting statistic regarding domestic violence in a gender-disaggregated way in spite of the fact that their job is made difficult by the lack of a specific *sui generis* crime, and even the lack of a general agreement on the criminal definition of domestic violence.

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<sup>41</sup> See at: [www.tarki.hu/adatbank-h/kutjel/pdf/a396.pdf](http://www.tarki.hu/adatbank-h/kutjel/pdf/a396.pdf), with an abstract in English.

<sup>42</sup> Statistical data acquired from Ms Ildikó Farkas, Crime Prevention Unit of the National Police on May 22, 2007.

<sup>43</sup> According to the media-reports monitored yearly by NANE Women’s Rights Association, there were at least 11 such cases in 2005.

*In the light of the above, we recommend that regarding statistics and research about domestic violence the State Party be required to*

- make more use of police statistics;
- provide a clear definition of domestic violence in a legally binding document based on international (UN, and Council of Europe) definitions;
- introduce domestic violence as a *sui generis* crime in the Penal Code of Hungary also in order to facilitate the collection of reliable statistical data (and for human rights reasons);
- make gender-disaggregated statistical data collection an obligation from the first level of contact of victims with any authority and state institution (such as, for example, family support units, child protection authorities, municipalities);
- widen the collection of gender-disaggregated data to include quantitative data on sanctions applied (i.e. exactly what kind of punishment or lack of punishment the case ended with);
- collect statistical data broken down according to gender on attrition (where and in what proportion cases fall out of the criminal justice system); and
- employ a detailed questionnaire with pre-set indicators to reveal a thorough history of the events in each case to be used and recognized in the criminal and civil procedures including domestic violence.

### *13.2.2 Legislation*

The Government Report refers to several legislative documents forming the basis of action against domestic violence in Hungary. The most relevant of these, and the ones that we are going to evaluate here, are

- the National Police Chief Directive No. 13/2003 (III. 23.) on the tasks and obligations of the police in cases of domestic violence;
- Parliament Resolution No. 45/2003. (IV. 16.) aiming at preventing family violence and its effective addressing;
- Act CXXXV of 2005 on the assistance of victims of crime and the alleviation by the state of damage; and
- the amendment to Act XIX of 1998 on Code of Criminal Procedure on 14 February 2006 introducing the restraining order into the Hungarian legal system.

The GR mentions the *amendment by Act CXI of 2005 to Act IV of 1978 on the Criminal Code* (entering into force on September 1, 2005), specifying restraining order as a behavioural rule the judge may order, and the probation officer may enforce, as the „first appearance of the restraining order” in Hungarian law (p. 81). However, it should be noted that — not surprisingly — no judge ever ordered it in the lack of the backing of a more detailed law in a climate where grave „constitutional concerns” were constantly voiced against the „banning of men from the lawful use of their property”<sup>44</sup>. Likewise, the GR mentions *Parliament Resolution No. 115/2003 (X. 28.)* on the National Program of Crime Prevention as “the first document in the history of legislation in Hungary elevating the issue of and action against family violence to the level of institutional intervention, stating that battering is not a private matter, setting tasks and deadlines for the government to introduce effective actions at all legislative, infrastructure and operational levels.” Besides simply not being true (the first such document was the Parliament Resolution 45/2003 six

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<sup>44</sup> This was a concern generally raised by legal professionals, politicians and others opposing the restraining order.

months earlier), this second Resolution actually speaks mostly of children and adolescents as victims of domestic violence, and of the need to provide sports and other free-time programs for the victims and for the youth in order to divert them from crime and prevent them spending much time at home if there is violence there. While the document lists women (among other groups) in general in the beginning of the chapter dealing with domestic violence as a category of usual victims, it does not refer to women in any of the specific fields of action. The reason that the GR still considers this document as the most important of its kind, may be that the government found it important to downplay the women's rights approach of the Parliament Resolution 45/2003, as evident in the text.<sup>45</sup>

Unfortunately, it indeed shifted the focus:<sup>46</sup> e.g., it prompted the National Institute of Criminology to come out in the subsequent years with studies that deny the gendered nature of domestic violence as reflected in the GR; it led to the emergence of views stating that men are the main victims of domestic violence (as also reiterated in the present GR), and provided a fertile ground for the different political and practical measures mentioned in the GR to be carried out mainly ignoring women's rights NGOs active in the field of violence against women, and creating campaigns with false messages, and thus deepening the non-cooperation between organizations for a long time following this.<sup>47</sup>

#### *13.2.2.1 Police: Directive No. 13/2003 (in March) of the National Police Chief*

The Ministry of Interior and the police were the first institutions to react to the call of the public and the NGOs: Directive No. 13/2003 (in March) of the National Police Chief was a document drafted in cooperation with the NGOs and thus it reflects a human right approach. The document is one that every police officer is supposed to know and implement. Indeed some training was implemented, often with the help of NGOs. The trainings, however, were not systematic: they did not get to all officers in the necessary depth. Thus, according to the experience of the helpline of NANE and of

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<sup>45</sup> "shifting the issue on the plane of criminology has changed public speech: most civil organisations are of a feminist standpoint, considering that family violence is based on social and family power a gender hierarchy" P. 79 of the Government Report.

<sup>46</sup> Women's rights NGOs have made tremendous efforts for years to actually shift the focus to the perpetrator, and both public opinion and legislation showed signs of acceptance of the human rights approach. One of the proofs of this is exactly Parliament Resolution 45/2003 which, far from "coinciding with civil initiatives", was a direct result of the collection of fifty thousand signatures around the country demanding legislation on domestic violence, and which was drafted in close cooperation with the women's rights NGOs.

<sup>47</sup> The largest conference on domestic violence at the time, between September 30–October 1, supported by seven ministries and the prime minister, was dominated by experts and researchers known for denying that domestic violence is a form of gender-violence, and considering women's rights organizations as "feminists" and, consequently, one-sided (which view, interestingly, also found its way to the present GR). The conference was opened by the then Minister of Justice, Mr. Péter Bárándy, who, a few month earlier, told the delegation of NGOs visiting him in order to advocate for legislation on the restraining order that he did "not believe in the existence of such a thing as domestic violence". The campaign that was run in this climate by ESZTER Foundation was entitled "Help is available", in a time when not only we had a Minister of Justice who thought domestic violence is nonexistent, but Hungary did not have a law on the restraining order, or any other law specifically directed at the protection of victims of domestic violence, when police had merely started training as a result of the Chief of Police Order issued six month earlier, when the only services provided specifically for victims of domestic violence was a helpline run by volunteers at NANE Women's Rights Association and a low profile legal aid service provided by Habeas Corpus Working Group without any public funding, both considered "too" feminist and, therefore, one-sided. Neither of the webpages mentioned in footnote 27 of the GR, one of them still available since the campaign, contain links to either NANE Women's Rights Association with its helpline, or to Habeas Corpus Working Group, then the only organization offering specialized legal assistance.



victims coming into contact with other NGOs (e.g. the legal aid program of Habeas Corpus Working Group and, recently, of PATENT Association) or the short-lived Crisis Center set up and closed down by the Ministry within a year, testify to the fact that police still need training, but even more urgently, they need a solid legal basis (preferably both in the Penal Code and the Code of Criminal Procedures) instructing them in the most exact terms what constitutes domestic violence, and what their duties and possibilities are. It can be said that in most domestic violence cases the Police Directive is not carried out sufficiently. Typical complaints by victims include: the police not considering their requests for private motion, the police not doing much but letting the victim know that it does not make much sense to take the perpetrator away for a short time because he will come back even more angry, or the police does not respond to the call.<sup>48</sup>

#### *13.2.2.2 Parliament: Parliamentary Resolution No. 45/2003 (IV. 16.)*

Parliamentary Resolution No. 45/2003 (IV. 16.) on the development of a national strategy to prevent and effectively manage family violence has set deadlines for action for several state bodies, including the government. These deadlines were all missed by one to two years, and the measures contained in the Resolution have been carried only partially. The legislation on the „restraining order” as it is now does not provide protection to the victims (see below); statistical data is still not broken down according to gender in many areas mentioned; the network for safe places for women victims of domestic violence has been started only in 2005;<sup>49</sup> and even today the crisis places available for women without children is accessible only for 30 days; the Crisis Center was closed down soon after it opened, and in its stead a telephone hotline was created by the Ministry instead of supporting the long-standing NGO helpline to make it available 24 hours; the Ministry installed and supports a so called “family group conference” model that is similar to mediation (including in the “conflict resolution conference” friends, relatives and other community members if they are available, together with local family support centers) in domestic violence cases, etc. Thus, even though there are developments and initiatives, we can say that the systematic implementation of the Resolution did not happen, and is still lagging behind three years after the deadlines set in the document.

#### *13.2.2.3 Act CXXXV of 2005 on the assistance of victims of crime and the alleviation by the state of damage*

This piece of legislation could be a very useful one for victims of violence against women. However, it has three major shortcomings for victims of this crime: a) it can be put to work only if there is a criminal procedure in the case (which, in almost all types of violence against women is often missing, since victims are either afraid or cannot initiate a procedure), b) request for the assistance must be submitted within three days of the commission of the crime (i.e., not within three

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<sup>48</sup> Sources of these problems are the victims calling the NANE helpline. In the Hungarian version of the booklet entitled „Integrated Client Services for Victims of Domestic Violence” the Association provided a list of the most common types of problems: [www.nane.hu/kiadvanyok/kezikonyvek/integralt\\_magyar\\_nane\\_hcm.pdf](http://www.nane.hu/kiadvanyok/kezikonyvek/integralt_magyar_nane_hcm.pdf). The booklet, unfortunately without this list, in English can be downloaded from: [www.nane.hu/english/integrated\\_english\\_nane\\_hcwg.pdf](http://www.nane.hu/english/integrated_english_nane_hcwg.pdf).

<sup>49</sup> As of early 2007 eight Temporary Family Homes were included in the network, each providing four places specifically for victims of domestic violence. The facilities chosen by, and were invited to participate in a tender of, the Ministry (then called Ministry of Youth, Family, Social Affairs and Equality, the legal predecessor of the present Ministry of Social Affairs and Labor). At the time, the Ministry informally forbade cooperation with women’s rights NGOs for the project. This approach, fortunately, has changed recently, and good cooperation is now possible to hope for.

day of the start of the criminal procedure, meaning that even if a woman decides within the legal time limit of 30 days to submit a private motion, she cannot request victim assistance services), and c) it does not offer representation before the court.

#### 13.2.2.4 Criminal Procedure: Amendment to Act XIX of 1998 on criminal proceedings

The amendment to *Act XIX of 1998 on criminal proceedings* on 14 February 2006 introduced the “restraining order” into the Hungarian legal system in a way far less possible to ignore by the courts than the first attempt mentioned above. The amendment became effective on July 1, 2006. The previous drafts of the bill were negotiated between the ministry and NGOs<sup>50</sup> for about a year and was before the Parliament, when finally the Ministry of Justice decided to withdraw the bill. It took more than another year for the ministry to come up with a new bill, this time omitting negotiations with the NGO experts, and this is the version finally passed by the Parliament. The present version of the law is not sufficient to provide victims with any protection, as was foreseen by the NGOs during the Parliament discussion of the bill when it became public. The following shortcomings of this law are significant:

- The amendment does not contain a definition of domestic violence, and it contains no reference to women (its language is “gender neutral”). While this would not be a major shortcoming in general, it is highly problematic in a country where the very fact that protection against domestic violence is mainly an instrument for the better protection of the human rights of women is constantly denied. Likewise, the fact that domestic violence is often described in Hungary by various experts as either a sociological or an individual psychological problem that the law has not much to do with (i.e. laws can, at best, be viewed as secondary to education and culture),<sup>51</sup> it would have been fundamentally necessary to provide a definition of domestic violence in law.
- The restraining order may be issued by the court only upon request, most likely by the victim, and can only be considered if a criminal procedure based on the motion of the victim (or his/her legal representative) or *ex officio* has already been started.<sup>52</sup> Thus, in most cases, the burden of initiating the removal of the perpetrator from the joint premises falls on the shoulder of the victim. It can not be issued (even temporarily) by the police, which clearly delays the intervention, and questions the very rationale of the instrument (which is that of offering immediate protection from violence). A survey carried out by a criminal judge in Hungary half a year after the law entered into force<sup>53</sup> revealed three basic negative trends resulting from these shortcomings:
  - o Judges typically did not impose the restraining order unless it was either supported or requested by the prosecutor. In other words, if the victim was alone with her motion, judges did not employ the protective measure.
  - o The prosecutors only requested the restraining order in cases where the perpetrator was in custody. This means that, quite contrary to the intention of the restraining order as an

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<sup>50</sup> NGOs active in this negotiation included women’s rights organizations, human rights organizations and others.

<sup>51</sup> This is mirrored by the Greeting Letter of the former Ministry of Justice upon the opening of the conference mentioned above, still available at the former website about the program “Joining Forces against Domestic Violence” in 2003 of the Ministry of Justice see at: [www.im.hu/csaladonbelul/?ri=483](http://www.im.hu/csaladonbelul/?ri=483).

<sup>52</sup> In most domestic violence cases procedures are not started *ex officio*, because most often, the police decides before even investigation, that the case is subject to a private motion action (usually prejudicating physical assault with a healing period under eight days, or other crimes falling under the requirement of a private motion).

<sup>53</sup> Lecture given by Dr. Magdolna Czene at the conference entitled “New Measures in the Hands of Justice” organized by the Supreme Court on December 13, 2006, available in manuscript form. There were about 20 cases in six months.

immediate protective measure when the case does *not* substantiate custody, prosecutors use this possibility to put perpetrators at large even when custody is well established, instead of using the possibility in cases where there is not enough evidence for custody, but some protective measure still seems necessary.

○ Judges did not provide justification when dismissing a claim, while they did when issuing the order. This means that either judges did not have any sound arguments for dismissing a claim, or did not feel they need to provide an explanation to the victim for doing so. Besides being unprofessional, this also leads to a situation when victims and other actors (such as support persons, legal representatives, etc.) can not know what the shortcoming of their motion was, and what needs to be better substantiated in other cases.

○ According to the finding of the survey, generally, the restraining order issued did not oblige the perpetrator to leave the joint apartment. This seems very strange, since we can not know what then actually the restraining order contained.

According to the judge carrying out this survey, “if the attitude of the judiciary remains as it is mirrored in the decisions up to now, the institution of the restraining order in cases when it is motioned by the victim can never be successful.”

- The prerequisite for a request for a restraining order is a criminal procedure in process. This means that victims who are afraid to press charges, and also victims, in whose case the procedure is not based on the Penal Code (for example, life-threatening [more or less: stalking] is not a crime in Hungary, but a minor offence regulated in the Code of Minor Offences) are closed out of the possibility to use this legal tool.

- The law does not specify a deadline for the court to issue the restraining order, nor does it allow for its extension over 30 days.<sup>54</sup> This jeopardizes the safety of the victims especially in cases when criminal and civil procedure are in process.

In general, while NGOs welcomed the possibility of legislation, they strictly opposed the passing of this useless law amendment because of the foreseeable results. We still hold that this law cannot actually be called “restraining order”, and must be amended to provide real protection to victims.

*Our recommendations regarding legislation are that the State Party be required to:*

- review every law, ministry order, or other legislative act relevant from the point of view of domestic violence with the aim to find all the gaps leading to a lessening of the protection of women from this crime;
- amend the regulation on the restraining order, and any other law failing or hindering to provide protection against domestic violence, preferably in a separate piece of legislation on domestic violence;
- remove all financial obstacles (such as fees for medical records to be used as evidence later, or fees for requesting a restraining order, for example) hindering women to access legal remedies;
- introduce a *sui generis* crime for stalking and domestic violence;
- fully implement the Parliament Resolution; and
- work in close cooperation with NGOs active in this field on the above measures.

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<sup>54</sup> According to the slowly developing legal practice, courts consider the restraining order again, if it is required again after the expiry of the 30 days. However, again, this puts an extra burden on the victim.

### *13.2.2.5 Practical measures in the field of domestic violence*

The GR mentions several actions the government took in order to either implement Parliamentary Resolution No. 45/2003 (IV. 16.) or to take other steps in order to combat domestic violence. However, a common characteristic of these steps during the reporting period was a sharp lack of cooperation with women's rights NGOs active in the field, and an opposition to implement measures on this issue from a human rights approach. This seems to have changed in the last 1-1.5 years, and we certainly hope the trend will not be reversed.

Yet, some fundamental problems remain, and we will mention them in the hope that mentioning them may contribute to further developments.

- As mentioned above, the Crisis Centre Service launched by the government in January 2004 was shut down after a year of operation and the telephone line was taken over by the National Crisis Management and Information Telephone Service. The closing of the Crisis Centre, however, was not substituted for by any other service providing in-person legal and/or mental support for victims, not even in the form of providing state-funding to NGOs already doing this kind of work from international funding;
- The state-run telephone line created as a successor of the Crisis Centre is not specialized in violence against women or domestic violence cases. They are usually presented as receiving calls from people in a general crisis situation, though, on other occasions, they are said to be specifically dedicated for servicing victims of domestic violence. The staff was recruited from persons inexperienced in the area of violence against women and NGOs acting in this field were at no point involved in the training of the personnel. On occasion, women victims of violence have complained about male operators of the national telephone line who treat them rudely or in an aggressive, less empathic manner. Women's rights NGOs have no professional control over this service as they claim most of their activities are confidential. Besides, NANE Women's Rights Association, with 13 years of experience of servicing victims of violence against women have found it peculiar that the state has created a state-owned phone service instead of providing support for the NGO to widen its services (limited in nature because of the fact that it is fulfilled by volunteers). It may be a sign of mistrust on the part of the Ministry, though the NGO has never been directly approached with any criticism. This makes cooperation rather difficult on both sides.
- Originally, the national crisis telephone service was the only one with access to shelter places for single women, the "secret shelter" (one shelter opened by the Ministry of Social Affairs and Health specifically for victims of domestic violence) and they are solely entitled to transfer victims of trafficking in women to the shelters maintained by a non-governmental organization (see chapter on trafficking and prostitution above). Due to recent developments in the cooperation between the Ministry and the NGOs dealing with violence against women, the NGO operating a helpline for abused women (NANE) has received access to the phone numbers of these shelters. We certainly hope that in the future good cooperation can be built with these shelters.
- Most battered women find accommodation in state-funded institutions. These fall into two categories: families' temporary homes, and crisis homes. Neither is specifically for battered women. Apart from these there are some homes operated by religious groups and different churches. Most homes have a waiting list, so they do not provide immediate help

in urgent situations. Recently the Ministry of Social Affairs and Labor created a network for accommodating battered women (and their children, if necessary)<sup>55</sup>, however, none of these institutions are not operated on a unified, standardized method led by internationally recognized best practices regarding domestic violence. On the contrary, we know about several shelters where there are unacceptable orders and they seriously infringe women's and children's human rights, e.g. a woman was prohibited to leave the shelter more than three times a week, a woman was forced to cease breastfeeding her toddler, people are obliged to return every day by 6 p.m. Women's rights organizations were not consulted in training temporary family homes personnel to accommodate victims of violence, and only recently (in 2006/2007) has openness for cooperation reached a level where further steps for improving standards is now within hope.

With all respect for both the good-will of the service providers in the field and the Ministry, we found it necessary to mention these problems in order to be able to avoid facing them again.

*Therefore, our recommendations regarding practical measures for combating domestic violence and supporting victims are, that the government:*

- continue and strengthen cooperation with NGOs working in this field,
- increase the number of shelter-places for victims,
- introduce training courses for staff with the participation of NGOs having worked in the field of combating domestic violence and other forms of violence (rape, stalking, trafficking, prostitution) against women,
- provide financial support for existing services (telephone line and personal legal and psychological counseling) provided by NGOs.

### **13.3 Stalking**

Stalking is not covered by any legislation under Hungarian law. No specific legislation on stalking as a form of violence against women exists, and because of the nature of stalking (it is made up of a series of actions that often do not qualify as criminal acts in themselves) stalking is not covered by the general provisions of the Penal Code either. Accordingly, stalking victims, based on the experiences of the NANE and PATENT legal aid services, do not receive due protection.

*Based on this, our recommendation regarding stalking is that the State Party be required to*

- introduce a bill in Parliament to amend the Penal Code with a provision on stalking that calls for both the prevention and punishment of stalking, the protection of victims, and when setting the extent of punishment it takes into consideration the fact that stalking very often ends in the woman's physical injury or death and should therefore be considered a grave criminal act.

### **13.4 Rape**

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<sup>55</sup> See Section 13.2.2.2 and footnote 49.

In general, it should be noted that nothing has changed in terms of either legislation or implementation of laws regarding rape (either by strangers or partners) since the last GR or since the recommendations of the CEDAW Committee for that GR. Recently Amnesty International Hungary has released a report on the attitudes of the police on rape in general and on marital rape in particular which revealed that many officers of the Hungarian police hold views and attitudes permeated with prejudices that make them absolutely unfit for investigating crimes of this kind.<sup>56</sup>

*We recommend that Hungary*

- pass and implement legislation in line with international standards and CEDAW Committee recommendations,
- lift the 30 days deadline for private motion on this crime,
- take all and any further necessary steps to effectively combat this crime in line with international obligations.

### **13.5 Names of sexual crimes and private motion**

The government has failed to re-name sexual crimes as crimes against persons; the current penal code continues to include such categories as crimes against decency, “blood infection” (for incest) etc, and the very naming of the category of crimes against sexual self-determination also remained “crimes against sexual morale”. This is so despite the recommendations following the previous report of Hungary to the CEDAW Committee in 2002.<sup>57</sup>

We are particularly concerned about the provision of Article 209 of the Criminal Code stating that basic cases of rape, assault against decency and even “seduction” (sexual intercourse with a minor) may only be punished on private motion. It is the injured party who is entitled to submit the private motion. According to Article 22 punishability shall be precluded by the absence of private motion. The Hungarian regulation, by “appointing” the victims instead of the state actors to decide about the punishability of perpetrator, is put a heavy burden to the victims. Furthermore, in this way the state fails to punish with due diligence such cases, and fails to emphasize that these crimes constitute serious violation of women’s human rights. The deadline set for initiating the procedure by private motion is 30 days, which further hinders women’s access to legal remedies.

### **13.6 Age of consent**

The government has failed to increase the age of consent from 14 years to 18, as recommended previously in 2002<sup>58</sup> and is so in breach of Article 16 paragraph 2 of the Convention on child marriage.

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<sup>56</sup> For the Report of Amnesty International Hungary see: <http://web.amnesty.org/library/index/engneur270022007>. A police officer responsible for investigating rape cases and considered an expert in the field is reported to have said to the interviewer on victims of marital rape: “85 percent of them are whores. They wanted to fuck and then had problems about consent issues. Openly or secretly they are prostitutes.”

<sup>57</sup> CEDAW/C/2002/EXC/CRP.3/Add.10/Rev.1.

<sup>58</sup> CEDAW/C/2002/EXC/CRP.3/Add.10/Rev.1

### **13.7 Lack of systematic training for professionals**

Generally, the professions that encounter violence against women (police, lawyers, social workers, child custody officers, psychologists, etc) do not receive training in the areas of violence against women. Where they do, it is usually not part of the obligatory curriculum and is usually the effort of individual teachers rather than the policy of the given school or profession. Neither are the contents of the training systematic: sometimes these courses are held by well-informed professionals, but other teachers may have sexist attitudes and may lack the specific knowledge and skills to treat cases of domestic violence or other forms of violence against women and girls.

For lawyers, training on violence against women is incorporated in some universities as a seminar on human rights in general, or, rarely, as a separate issue, but neither is the part of mandatory courses. Even in most these, there is no time for attitude formation or the learning of skills necessary to provide assistance for such special victim groups as victims of trafficking or battered women, as is evident from reports of clients of the NANE and PATENT legal aid service.

Psychologists receive no systematic training specifically on violence against women, occasional seminars or lectures may take place on the effects of trauma in general. Psychologists are not trained on the structural nature of violence against women. At the same time, they are taught to look for causes in the human psyche therefore they regard especially domestic violence but often also other forms of violence against women as the result of the individual pathology of the victim or sometimes the perpetrator. This leads to misguided efforts to treat the woman's "provocative," "castrating" or "promiscuous" ways, or the man's aggressiveness in general, without ensuring the woman's (physical, financial, emotional) safety first or clearly assigning responsibility to the perpetrator.

Neither is there training on the specific needs of victims of domestic violence, trafficking, prostitution etc. "Softer" forms of violence and inequality in relationships, such as financial control or verbal violence are not covered by the curriculum either.

Psychological theories about the sexual desires of children towards parents, about women's masochism, about families being systems where all family members equally contribute to the malfunction of the family are widespread among these professionals and provide grounds for blaming victims of incest, intimate partner violence and other forms of domestic violence. It would be necessary to uproot these attitudes with specific training on violence against women.

With the exception of one school for social workers, the training of social workers does not include mandatory courses on violence against women. In universities and colleges where there are courses on violence against women, they are the efforts of individual teachers and usually concentrate on prostitution and/or trafficking and not other forms of violence against women. This is especially dangerous, as it is usually social workers who work in the above mentioned mother's and family homes and shelters. As no shelters specialized for domestic violence victims exist, but the women who are forced to leave their homes are directed to these shelters, victims meet professionals who have not been provided adequate training in the area of domestic violence.

Police officers receive in-house training in police headquarters on trafficking in persons, which includes training on trafficking in women. Because this training sees trafficking in women as primarily an organized crime phenomenon, and so lacks a gender perspective, it is questionable if this training effectively reduces police officers' victim blaming attitudes. When a prostitute is apparently not a trafficked person, police may harass her. For instance we have been informed by a street worker working in a rural town that the majority of the local police force sees prostitution as a profession and usually does not interfere with prostitutes' and procurers' ways. However, they routinely incarcerate prostitutes but not procurers at the end of the month or the year to fill monthly and yearly case quotas. Therefore the effect of the above mentioned training on police attitudes and practices is highly questionable.

The GR mentions the training of the police force in three places. One is the training of the police force on the child protection signaling system,<sup>59</sup> another is the lack of any training regarding the restraining order,<sup>60</sup> and the third is the training provided by NANE on domestic violence.<sup>61</sup> These references speak of the low level of training of the police force on domestic violence and need no further comment. The first reference indicates that police staff was trained of the signaling system in only three counties in Hungary. The second reference is about the absence of any training on the restraining order. The third reference is to the occasional training that one NGO provides to select police officers, usually from international funding. We are unaware of any other training for police officers in the area of domestic violence, let alone other forms of violence against women.

Sometimes when these trainings exist, they are held by so-called "professionals" who have victim blaming attitudes. One of the professors<sup>62</sup> at the country's most prestigious university, ELTE, has repeatedly voiced his opinion that women and men are equally violent, that women provoke men, and have denied any connection between women's social status and the violence against them (a connection which has been explicated by the 19th General Recommendation on violence against women).

In sum, training on violence against women is either entirely missing, or where it exists, it is often not an obligatory part of the curriculum, or is done on an occasional basis. The attitudes transferred are often victim blaming, and the knowledge and skills acquired, if any, do not respond to the structural nature and reality of violence.

#### *Recommendations regarding systematic training for professionals*

- We recommend that the State Party be required to introduce mandatory courses on the various forms of violence against women in the training of lawyers, social workers, psychologists and related professionals. The training should provide knowledge on the connection of violence against women to the inequality of men and women, it should aim to dismantle victim blaming attitudes, and should provide skills in interventions that ensure victims' safety and call perpetrators to account. The training material should be evaluated by women's rights NGOs and should follow the approach of relevant international documents.

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<sup>59</sup> Government Report, p. 49.

<sup>60</sup> Government Report, p. 50.

<sup>61</sup> Government Report, p. 51.

<sup>62</sup> Dr. András Grád, constitutional lawyer. He has written several articles in the Hungarian press stating these ideas.



### **13.8 Victim blaming by professionals**

Callers at the domestic violence helpline of NANE and clients of the legal aid service of PATENT have witnessed widespread victim blaming attitudes and the resulting lack of action and malpractice on the part of professionals dealing with domestic violence (police, lawyers, social workers, psychologists, child custody officers etc). Similarly, Amnesty International (AI) has documented the same phenomenon in its research on marital rape. Although the following examples refer mostly to cases of domestic violence, we have no reason to believe that attitudes and practices documented here are fundamentally different for other forms of violence against women.

As attested by clients of both the above mentioned services of NANE and PATENT and AI's research, police is often biased when persecuting perpetrators of domestic violence. While in other cases the victim is seen as a credible person and the police looks for evidence to support the victim's case, in cases of domestic violence the police questions the victim's credibility and tries to come up with evidence to falsify the victim's case. This is also evident in the work of forensic psychologists who very often examine the victim only, and the mother in incest cases, while the male suspect remains unexamined. In addition, these examinations seek to establish if she is lying, not whether the suspect could have committed the crime. The involvement of a psychologist in these cases directs attention to the supposed psychological problems of the claimant and not the actions of the suspected perpetrator. In most cases, the police fail to investigate domestic violence cases thoroughly, often on the grounds of an already biased forensic psychologist expert report. Because of a lack of training, police personnel often see the fragmented and incoherent testimonies of trauma survivors as proof of their lying or lack of credibility. Lack of special hearing procedures for victims of violence against women (i.e., female police officer, use of video recording) further reduce the chances of women victims finding their voices and expose them to further traumatization and abuse.

Social and psychological interventions in domestic violence usually lack a gender perspective. Family group conference, mediation and family therapy are routinely used in domestic violence cases, while the international literature has serious reservations on the applicability of these techniques in domestic violence cases. Research has shown that in such interventions, where the victim and perpetrator of systematic abuse are to negotiate an outcome that is acceptable for both parties, the safety of the victim, the articulation and enforcement of the victim's interests and justice are often injured. Nevertheless, victims of domestic violence can be prescribed to participate in mediation within a procedure of the child custody authority. In addition, since January 2007 mediation is possible in crimes punishable with up to three years of imprisonment, including crimes perpetrated as part of domestic violence. The Ministry for Youth, Family, Social Affairs and Equal Opportunities (ICSSZEM) promoted family group conference - a mediation technique without any gender perspective - as the method for the rehabilitation of both victims and perpetrators of domestic violence in 2006. This technique aims to achieve a resolution of a conflict between equal parties and so disregards the fact that a woman disempowered by months or years of abuse cannot negotiate her interests in face of the abuser. Clients of PATENT legal aid and NANE report that these social services often regard joint custody as an ideal outcome of domestic violence cases, which disregards children's need for safety from the perpetrator.

### *Recommendations regarding victim blaming by professionals*

- We recommend that the State Party be required to organize and support trainings to change professionals' victim blaming attitudes. The government should promote the creation of clear standards and procedures for the various professions that should be followed in domestic violence cases, with prostitutes, in rape cases, etc. to ensure that women's safety and human dignity is ensured.
- The government should also make efforts to monitor the application of these standards and procedures.
- We also suggest that the government issue a legal regulation to expressly prohibit the use of mediation, family or couple therapy, family group conference and similar methods in domestic violence cases.

### **13.9 Lack of clear standpoint against domestic violence**

It is alarming that the state funded National Criminology Institute, whose research and publications have a substantial effect on what is considered scientific truth in Hungary, share victim blaming attitudes. As evaluated above, in several of their publications, professionals working for this institution have voiced their views that men and women are equally violent and women provoke men who abuse them in turn, as exemplified by the title of the study also quoted in the GR "Guilty Victims."<sup>63</sup> In the fall of 2005, two of the influential authors quoted in the GR<sup>64</sup> (Tamási and Virág) misrepresented their research findings on crimes that entered criminal statistics when they gave high publicity to the figure that two thirds of murder victims in the family were men. As could be expected, many concluded that two thirds of perpetrators were women and this idea gained wide publicity in the media. They failed to give balanced publicity to the finding in the same study that the majority of perpetrators were also men, and that intimate partner violence (which is a subset of family violence in this study) is directed against women in the majority of cases, in accordance with police statistics cited above.

Government officials working in the field of equal opportunities and other professionals have voiced dubious attitudes on domestic violence. The government portal that serves to provide information on domestic violence<sup>65</sup> is replete with statements that diminish perpetrators' responsibility and/or blame victims. "Even professionals debate [domestic violence] a lot. How it is defined, depends on cultural and social norms."<sup>66</sup> "Slapping or the shock caused by it can be useful

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<sup>63</sup> Tamási E.: *Bűnös áldozatok*, BM Duna Palota Kiadó, Budapest, 2004. Quoted in the Government Report, p. 47.

<sup>64</sup> Government Report, p. 47.

<sup>65</sup> <http://www.im.hu/csaladonbelul/>

<sup>66</sup> Kinga Göncz, then political state secretary of the Ministry of Equal Opportunities, Social and Family Affairs (currently Foreign Minister of Hungary): Van, amikor segíteni kell, bár nem kéri ("Sometimes help must be given even it is not requested"), <http://www.im.hu/csaladonbelul/?ri=504&ei=13>. Downloaded: 18. 05. 2007.

in developing a sense of fear in the child.”<sup>67</sup> “It is impossible to bring up children without using violence.”<sup>68</sup>

In sum, although the government may have committed itself to comply with international standards against violence, its offices, officials and the institutions it funds continually issue statements that go contrary to those commitments. These statements undermine and question the few information and education efforts the GR mentions, as they make violence appear as something acceptable and relative to cultural and social norms. These statements reflect the fact that the way of thinking of government officials needs to be transformed before any real change can be expected in the area of violence against women.

*Recommendations regarding standpoint against domestic violence*

- We recommend that the State Party be required to organize trainings for its officials in order to promote to a change in their attitudes on violence against women with the inclusion of the NGOs writing this report. The government should accept a clear policy across its offices and institutions that every government employee should condemn even the slightest form of violence against women in his or her public statements.

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<sup>67</sup> Katalin Gönczöl ministerial commissioner of the Justice Ministry, former commissioner of civil rights: Meg kell érteni, hogy ezt másként is lehet (“It needs to be understood that it is possible in another way”), <http://www.im.hu/csaladonbelul/?ri=504&ei=10>. Downloaded: 18. 05. 2007.

<sup>68</sup> Péter Somlai, sociologist: Beszélgetés Somlai Péter Szociológussal (“Discussions with sociologist Péter Somlai”), <http://www.im.hu/csaladonbelul/?ri=504&ei=34>. Downloaded: 18. 05. 2007.

# Chapter 14

## Closing Remarks

We have attempted to give an overall picture of the situation of women in Hungary, and highlight some of the most pressing issues. We have to conclude that while the government of Hungary undoubtedly took some very important steps towards ensuring a better protection of the rights of women, these measures were still not coordinated during the reporting period. We find it a fundamental flaw of the actions of the Hungarian state that NGOs dealing with women's rights from a human rights approach have not been viewed as partners in these actions. We also believe that actions taken by the government in this field—though improving in this regard—are still not guided by an overall strategic plan taking into consideration the recommendations of women's rights NGOs.

We hope the Shadow Report presented here will be of help for the Committee to fully understand the situation of women in Hungary, and to recommend the Hungarian State Party further steps necessary for the improvement of women's enjoyment of their rights to equality and to safety.

Budapest, May 25, 2007