



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

### List of issues and questions in relation to the ninth periodic report of Hungary\*

#### Visibility of the Convention, the Optional Protocol thereto and the Committee's general recommendations

1. Please provide updated information on measures taken to ensure the full implementation of the Convention in line with the international obligations of the State party. Please report on measures taken to implement the Committee's previous recommendations and to ensure that the Convention and the Committee's views under the Optional Protocol, as well as the Committee's general recommendations, are made an integral part of training for all judges, lawyers and prosecutors ([CEDAW/C/HUN/CO/7-8](#) and [CEDAW/C/HUN/CO/7-8/Corr.1](#), para. 11). Please provide information on any capacity-building programmes on the Convention and the Optional Protocol thereto conducted for the benefit of government officials, police officers and law enforcement officials. Please inform the Committee about measures taken to ensure that the practice of the judiciary for the application of national law is in conformity with the Convention; please provide information about legal cases in which the Convention has been invoked. Please also provide information on measures taken to ensure that women in the State party are aware of their rights under the Convention and about the communications and inquiry procedures provided for under the Optional Protocol thereto, and on support available for them to invoke those rights, including by lodging complaints through the legal system when their rights have been violated.

#### Women's rights and gender equality in relation to the pandemic and recovery efforts

2. In line with the Committee's guidance note on the obligations of States parties to the Convention in the context of the coronavirus disease (COVID-19) pandemic, issued on 22 April 2020, please indicate the measures implemented by the State party: to redress long-standing inequalities between women and men and to give a new impetus to the implementation of gender equality by placing women at the centre of recovery as a strategic priority for sustainable change, in line with the Sustainable Development Goals; to meet the needs and uphold the rights of women and girls, including those belonging to disadvantaged and marginalized groups and women in situations of conflict or other humanitarian emergencies; and to ensure that, in the

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\* Adopted by the pre-sessional working group on 5 March 2021.



context of lockdown measures, whether partial or total, and in post-crisis recovery plans, women and girls are not relegated to stereotypical gender roles. Please indicate the measures in place to ensure that all COVID-19 crisis response and recovery efforts: effectively address and are aimed at preventing gender-based violence against women and girls; guarantee the equal participation of women and girls in political and public life, decision-making, economic empowerment and service delivery, particularly in the design and implementation of recovery programmes; and are designed so that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic. Please explain how the State party is ensuring that measures taken to contain the pandemic, such as restrictions on freedom of movement or physical distancing, do not limit the access of women and girls, including those belonging to disadvantaged and marginalized groups, to justice, shelters, education, employment and health care, including sexual and reproductive health services.

### **Definition of equality and non-discrimination**

3. In its report, the State party notes that Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities (Equal Treatment Act) refers to sex as a protected characteristic and that the Equal Treatment Authority can examine allegations of multiple discrimination, including whether the concerned protected characteristics are related to each other and whether it is an intersectional discrimination case ([CEDAW/C/HUN/9](#), paras. 3–13).<sup>1</sup> Please clarify how the definition of discrimination in the Equal Treatment Act ensures the effective protection of women from intersecting forms of discrimination. Please elaborate on the legal standards and compensation programmes for women who are victims of intersecting forms of discrimination. Please provide examples of cases adjudicated by the Equal Treatment Authority involving multiple or intersecting forms of discrimination against women. Please provide information on the applicability of the Equal Treatment Act to matters of family and private life and on the effective application of the discrimination ground of family status. Please also provide information on the legal definition of the concepts of gender and sex.

4. In the light of the Committee's previous recommendations ([CEDAW/C/HUN/CO/7-8](#) and [CEDAW/C/HUN/CO/7-8/Corr.1](#), para. 9), please elaborate on the specific measures taken to ensure that family and gender equality policies promote the full enjoyment by all women of their right to non-discrimination and equality, irrespective of their marital status and whether or not they have and raise children. Please explain how the State party ensures that women have continuous access to good-quality basic services in the field of economic, social and cultural rights, despite the policy on privatization of health, education and other services. Please inform the Committee about the State party's plans to adopt a law on equality between women and men covering all spheres of public and private life, to ensure the design and effective implementation of gender equality policies, including the establishment of a gender equality machinery, as required by the Convention. Please provide information on the State party's plans to establish a mechanism at the level of parliament and of the executive to follow up and monitor the implementation of the Convention and the recommendations of the Committee.

### **National human rights institutions**

5. The Committee notes that the Equal Treatment Authority has ceased to exist since January 2021 and that its tasks have been transferred to the Commissioner for

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<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the ninth periodic report of the State party.

Fundamental Rights. Please provide data on the number, type (not limited to pregnancy and maternity), regional distribution and outcome of complaints of gender-based discrimination filed with the Equal Treatment Authority between 2013 and 2020, indicating whether any redress was provided to victims in cases in which a violation was found. Please provide information on the new mandate and the financial and human resources of the Commissioner for Fundamental Rights. Please specify whether the mandate of the Commissioner includes the duty to promote and protect the rights of all women and to protect them from all forms of discrimination, and provide information on capacity-building activities planned on gender equality issues.

#### **National machinery for the advancement of women**

6. Please provide detailed information about the impact of the National Strategy for the Promotion of Gender Equality 2010–2021 (para. 36), including with regard to the participation of women in education and science, political and public life and the labour market, as well as with regard to the prevention of social disadvantage of and violence against women and women’s digital literacy and skills. Please provide information on the priority areas of the new national strategy adopted at the end of 2020 to promote equality between women and men (paras. 27 and 36) and the human, technical and financial resources that will be allocated for the strategy and the institution in charge of its implementation, monitoring and evaluation. Please also provide information regarding the adoption and implementation of a national gender equality action plan and the mainstreaming of gender equality in all ministries and decentralized government structures.

7. The Committee notes that, according to compound indicators, Hungary ranks twenty-seventh on the Gender Equality Index 2020 of the European Institute for Gender Equality, following the country’s negative trend in that respect since 2010. Please provide information on steps undertaken: to establish, in the shortest feasible time frame, a government institution at the highest possible level, external to and independent from the Ministry of State for Family and Youth Affairs, responsible exclusively for the promotion and advancement of gender equality; to establish local gender focal points and gender coordination units in various ministries; to define clearly their mandates and responsibilities in the implementation of national legislation and policy frameworks on gender equality; and to plan and conduct systematic training on women’s rights and gender equality for civil servants.

#### **Women human rights defenders, civil society and non-governmental organizations**

8. In its report, the State party stresses the efficient cooperation with several non-governmental organizations (para. 28). Please provide detailed information about agreed processes of regular consultation and cooperation with civil society organizations working for women’s rights and gender equality on matters relating to the implementation of the Convention. Please explain how these organizations participate systematically and meaningfully in the development and implementation of relevant legislation and policies and provide examples. Please elaborate on measures taken to ensure a safe environment in which organizations working for women’s rights and gender equality can collaborate with the State party.

9. The Committee notes that the Court of Justice of the European Union has issued a judgment concluding that the restrictions laid down in the law on the transparency of organizations receiving funding from abroad does not comply with European Union law (Case C-78/18, *Commission v. Hungary*). Please provide information on the intention of the State party to repeal the law, remove undue restrictions and ensure that organizations, including those working for women’s rights and gender equality, are able to exercise their rights to freedom of expression, assembly and association without undue interference.

**Temporary special measures**

10. The State party sets out in its report statistical data on the participation of women with regard to various positions (paras. 71–75). Please explain the temporary special measures taken, in line with article 4 (1) of the Convention and the Committee’s general recommendation No. 25 (2004) on temporary special measures, to accelerate progress towards the achievement of substantive equality between women and men and to increase the representation of women on the lists of candidates of political parties, in parliament, on municipal councils and in senior government and other public service positions. Please elaborate on the groups of women targeted by temporary special measures, the short- and long-term goals of such measures, whether they apply to the public or private sector and the budget allocations and time frames for implementing such measures. In this respect, the Committee emphasizes that the special measures aimed at protecting maternity do not constitute temporary special measures according to article 4 (1) of the Convention. Therefore the “preferential treatment” adopted and applied by the Government with the intention of supporting women in performing their traditional family roles as mothers cannot be considered temporary special measures. Please provide information on the measures taken to familiarize all relevant State officials and policymakers with the concept of temporary special measures to achieve de facto or substantive equality between women and men.

**Discriminatory stereotypes**

11. With reference to the Committee’s previous recommendations ([CEDAW/C/HUN/CO/7-8](#) and [CEDAW/C/HUN/CO/7-8/Corr.1](#), paras. 18–19), please explain the steps taken to put in place a comprehensive strategy, with a budget and results-oriented targets and benchmarks, to eliminate stereotypes about the roles of women and men in the family and society, in conformity with articles 2 (f) and 5 (a) and (b) of the Convention. The Committee takes note of information provided in the report on efforts to combat discrimination through the national core curriculum (para. 86). Please explain how gender equality has been included in educational policies, the national core curriculum and related documents, as well as in basic and continuing education for teachers and other service providers.

**Gender-based violence against women**

12. Please provide updated information on the legislative and policy-related measures taken since 2013 to combat all forms of gender-based violence against women and girls, including: the steps taken to criminalize stalking; the steps taken to amend legislation concerning restraining orders with a view to providing adequate protection to victims of all forms of domestic violence in all types of cohabitation, and for ensuring protection by criminal law to couples that are not cohabiting or sharing children; the steps taken to increase victims’ access to civil protective orders without the necessity of reporting violence to the police, and to increase the available duration of such civil orders, including removal of the perpetrator, to increase the power of the courts to provide protection; measures planned to increase the awareness of and training for the judiciary and prosecutors, specifically on the issue of domestic violence history being taken into account in child custody and visitation cases; and measures envisioned for the prevention, monitoring and analysis of instances of femicide. Please report on the measures undertaken to criminalize rape on the basis of lack of consent, instead of the use of force. Please elaborate on the new criminal offence of “sexual coercion” described in the State party report (para. 132), in particular how it relates to the offence of rape in the Criminal Code, and provide the number of complaints based on this new offence filed since its adoption, in addition to the number of prosecutions, convictions and sentences imposed.

13. Noting the State party report (paras. 107–119), please provide information on the measures taken to provide assistance to women and girls who are victims of gender-based violence, including by providing shelters, in particular: the human and financial resources and geographical distribution of specialized assistance centres and other centres and shelters, including on the support services for women provided by non-governmental women's organizations; the number of women and girls who are victims of gender-based violence to whom the shelters provide services; and whether the services are accessible to all women and girls who are victims of gender-based violence. Please indicate whether the State party has provided training on the strict application of legal provisions dealing with violence against women to law enforcement personnel, prosecutors and members of the judiciary. Please provide information on the measures undertaken by the Government to ensure the safety and emergency protection of women and girls who are victims of gender-based violence during the pandemic, including on the additional financial resources allocated in that context. Please provide information on the State party's plans to adopt a comprehensive law on gender-based violence against women, in line with the Convention and the practice under the Optional Protocol, and with general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, which includes a definition of the notion of violence against women, measures and policies aimed at its elimination, institutions responsible for its implementation and coordination mechanisms.

14. With regard to the Committee's previous recommendations ([CEDAW/C/HUN/CO/7-8](#) and [CEDAW/C/HUN/CO/7-8/Corr.1](#), para. 21 (f)), please provide statistical data on all forms of violence against women, disaggregated by sex and age, and on the relationship between the victims and the perpetrators in cases of domestic and sexual violence against women. Please provide data on the number of prosecutions, convictions and sentences imposed. Please inform the Committee when the State party intends to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

#### **Trafficking and exploitation of prostitution**

15. Please provide comprehensive, disaggregated data on the patterns and dynamics of trafficking in the State party. Please also provide data on the number of women and girls who have fallen victim to trafficking, as well as on the number of criminal proceedings initiated in that regard and their outcome, sentences imposed and compensation paid. Please provide updated information on the measures taken since 2013 to combat trafficking in persons, including: information on the strategy against trafficking in human beings for the period 2013–2016 and on the impact of its implementation (para. 135); information on the time frame for the adoption of the new strategy against trafficking in human beings, on its scope, content and key features and on the body responsible for its implementation. Please elaborate on the assistance and services provided to women who are victims of trafficking, including the human, financial and technical resources allocated (para. 136). Please provide information on measures taken to eliminate stigma and discrimination against women and girls in prostitution, in order to ensure their access to health services and other support and protection services, such as shelter and legal aid, free from discrimination.

#### **Participation in political and public life**

16. The Committee notes that women constitute only 15.4 per cent of ministers in the Government, 11.6 per cent of parliamentarians (2018) and 13.2 per cent of diplomats (annex to the State report, table 1). Since July 2019, the Government has had only 2 women ministers (Minister without Portfolio for the Development of

Public Assets and Minister of Justice) and 12 men. According to the Gender Equality Index 2020, Hungary has the lowest score in the European Union in the domain of power and has continually ranked last since 2015. With reference to the Committee's previous recommendations (CEDAW/C/HUN/CO/7-8 and CEDAW/C/HUN/CO/7-8/Corr.1, para. 25), please elaborate on the specific measures taken to accelerate and increase the representation of women in political and public life. Please indicate whether the State party has established benchmarks and specific timetables to achieve those goals. Please provide data on the representation of women in the judiciary and in academic institutions. Eurostat 2019 data indicate that the share of female board members in the largest publicly listed companies is only 12.9 per cent in Hungary, while the European Union average is 28.8 per cent. Please indicate measures taken to improve the gender balance on company boards and in senior executive positions in Hungary.

### **Education**

17. The Committee takes note of the initiative to observe the International Day of the Girl Child launched in 2012 in the State party (para. 153). Please describe new strategies envisaged to encourage women and girls to choose subjects and courses in the areas of science, technology, engineering, mathematics and information and communications technology. Please provide data on the enrolment and dropout rates of Roma girls, refugee and asylum-seeking migrant girls at the primary and secondary educational levels and on their participation in higher education, indicating measures taken to increase their inclusion in education. Please explain how educational programmes on family life skills adequately address the principle of non-discrimination and substantive equality of women and men and the prevailing stereotypes against women in the light of the banning of gender studies academic programmes. Please report on measures and mechanisms put in place, besides legislative ones, against violence and harassment in educational settings.

### **Employment**

18. The Committee notes that the activity rate of women aged 15–64 years has increased by 6.6 per cent (para. 172). Please provide detailed information on measures taken to improve the rate of employment among women, namely:

(a) To close the gender pay gap, appraised at 14 per cent in 2016 (para. 185), and enforce the principle of equal pay for work of equal value, in line with the Equal Remuneration Convention, 1951 (No. 100), of the International Labour Organization;

(b) To address occupational segregation in the labour market (para. 173);

(c) To raise awareness among employers in the public and private sectors of the prohibition of discrimination against women in employment, apply provisions of the Equal Treatment Act prohibiting discrimination practices related to employment (para. 184) and establish mechanisms to conduct job evaluations in accordance with International Labour Organization standards in both the public and private sectors;

(d) To encourage the use of flexible working arrangements by women and men to promote the equal sharing of family responsibilities;

(e) To amend the legislation concerning parental leave in order to grant rights to both men and women individually, and not just as a joint right, increasing the length of paternal leave, as well as adopting incentives for effective use of the parental leave by fathers.

19. Please provide updated information, including statistics, on the unemployment rate among women, including women working on a part-time basis, women with disabilities, Roma women and migrant women (para. 175). Please inform the

Committee about measures taken to tackle sexual harassment at work and about the number of cases considered under the Equal Treatment Act in the past five years. Please explain how the 2021 national recovery and resilience plan related to COVID-19 incorporates the perspective of gender equality and whether it contains targeted measures for equality between women and men in employment in relation to the issues mentioned above.

### **Health**

20. Please provide information on the status of women's health, including sexual and reproductive health, and specifically on the prevalence of HIV among women and girls, maternal mortality, breast and cervical cancer and measures taken to address those issues. Please provide information on the incidence of unsafe abortion and its impact on women's health, including maternal mortality. Please provide information about measures taken to eliminate all kinds of violence and harassment of women during childbirth. Please provide information on measures taken to strengthen access for women and adolescent girls to sexual and reproductive health services, in particular for women with disabilities, women with low income, Roma women, women living in rural areas and migrant women. Please indicate whether the State party plans to provide affordable contraceptives and ensure access to safe abortion without subjecting women to mandatory counselling. Please inform the Committee about the State party's plans to include age-appropriate sexual and reproductive health and rights education in curricula at all levels of education, especially education designed to prevent violence, and about plans to train teachers in that respect, in line with the provisions of the Convention.

### **Economic and social benefits**

21. Please indicate any steps taken to address the higher risk of poverty and exclusion among women, in particular with regard to single mothers and their children, women with disabilities and women belonging to other groups in disadvantaged situations (para. 242). Please elaborate on any economic improvements for women resulting from the amendment of Act LXXX of 1997 on Social Security Pension Benefits in effect from 2011 (para. 227), introducing a new form of early retirement for women according to which women who have completed a period of at least 40 years of employment and child raising become eligible for a pension, regardless of their age. Please indicate if the coverage extends to women working in the informal economy. The Committee notes the State party's position on the World Bank Women, Business and the Law Index for 2019 (para. 232) and the conference on innovative female entrepreneurs and female leaders held in Budapest in March 2017 (para. 230). Please provide information on further measures taken to promote women's entrepreneurship.

### **Disadvantaged groups of women**

22. Please provide information on measures taken to address, in legislation, policies and programmes, the needs of women belonging to minorities, including Roma women and women with disabilities, in order to eliminate all forms of discrimination against them. The Committee takes note of the statement that "migrant and asylum-seeking women receive appropriate help and they can benefit from the advantages offered by the measures promoting integration and family reunification" (para. 236). Please provide detailed information on the measures taken and the type of support services provided to migrant and asylum-seeking women. In the light of the Committee's previous concluding observations ([CEDAW/C/HUN/CO/7-8](#) and [CEDAW/C/HUN/CO/7-8/Corr.1](#), para. 37), please provide comprehensive disaggregated statistical data on the situation of disadvantaged groups of women, in particular older

women, women with disabilities, rural women and women belonging to minorities, including Roma women.

**Marriage and family relations**

23. Please provide a detailed explanation on the fourth amendment to the Fundamental Law of 25 March 2013 (art. 1), incorporating the provision that “family ties shall be based on marriage and the relationship between parents and children”, and its impact on the definition of the family in the State party. Please explain how introducing that amendment does not exclude the legal protection of family relationships in a broader sense provided for in State laws, policies, programmes and strategies (para. 244). Please explain how the Family Protection Plan Act does not prevent women from leaving an abusive relationship. In the light of the Committee’s previous recommendations ([CEDAW/C/HUN/CO/7-8](#) and [CEDAW/C/HUN/CO/7-8/Corr.1](#), para. 39), please indicate measures taken to more efficiently address and prevent child marriages and ensure compliance with the legal age of marriage at 18 years, without any exceptions. Please provide information on any cases of child marriage that have been investigated and prosecuted and on the sanctions imposed (para. 250).

**Climate change and disaster risk reduction**

24. Please describe the steps taken to ensure that policies and programmes related to climate change contain gender perspectives in line with the Committee’s general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change. Please specify any measures taken to ensure the participation of women in decision-making processes related to climate change, disaster risk reduction and land and resources management.

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