



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

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**Committee on the Elimination of Discrimination  
against Women  
Fifty-fourth session**

**Summary record of the 1105th meeting**

Held at the Palais des Nations, Geneva, on Thursday, 14 February 2013, at 10 a.m.

*Chairperson:* Ms. Ameline

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(*continued*)

*Combined seventh and eighth periodic reports of Hungary*

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*The meeting was called to order at 10.05 a.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention** *(continued)*

*Combined seventh and eighth periodic reports of Hungary (CEDAW/C/HUN/7-8, CEDAW/C/HUN/Q/7-8 and CEDAW/C/HUN/Q/7-8/Add.1 and Add.1/Corr.1)*

1. *At the invitation of the Chairperson, the delegation of Hungary took places at the Committee table.*

2. **Ms. Asztalosné Zupcsán** (Hungary), introducing the combined seventh and eighth periodic reports of Hungary (CEDAW/C/HUN/7-8), said that the State party had gone through several socioeconomic processes that had affected the status of women since 2007. The new Fundamental Law of Hungary that had entered into force in 2012 granted wider citizenship rights and guaranteed the basic rights of every person without discrimination on any grounds. Following the enactment of the Fundamental Law, a number of cardinal laws had been passed, which had also had an impact on the status of women, such as the revised Labour Code and legislation relating to the protection of families, and the activities of NGOs. Since 2010, the system of public administration had undergone fundamental changes, with the number of ministries having been streamlined and responsibility for the advancement of women having become a cross-cutting task. The Ministry of Human Resources had primary responsibility for ensuring equality between women and men, while the tasks of the equal opportunities offices included shaping the attitudes of society, establishing partnerships and coordinating between non-governmental and other organizations involved in creating equal opportunities.

3. New Government priorities had been set in relation to the population, family policy and the status of women, one of which was to manage the challenging demographic situation, given that the number of births had reached a hundred-year low in 2010. Another priority was to enhance job opportunities for women and increase family benefits. The Government had allocated a record 11 billion forints (ft) to improve work and family life balance and childcare provision.

4. Hungary had made remarkable advances in combating human trafficking over the past two years, inter alia, by amending the legislation on crime victims, which made the provision of support to victims of trafficking mandatory. It had initiated the procedure for ratification of the Council of Europe Convention on Action against Trafficking in Human Beings, and was finalizing a new national strategy to combat human trafficking, due for completion in May 2013.

5. More attention had been devoted to the issue of domestic violence and a wide-ranging social dialogue was evolving on the topic. In September 2012, parliament had backed a citizens' initiative to classify domestic violence as a separate offence under criminal law and, as a result, a working group had been established to create an appropriate legal framework to deal with domestic violence. Tackling the problem of the Roma and addressing discrimination against Roma women was another national priority.

6. Women's employment was another area where the Government had implemented a range of far-reaching measures over the past two years. Its main objective was to create 1 million new jobs over the coming decade, and the revised Labour Code set out the framework required to establish a more flexible labour market.

*Articles 1 to 6*

7. **Ms. Šimonović** requested more information on cooperation with national NGOs and the role of the latter and of parliament in the reporting process. She enquired about the

status of international treaties ratified by Hungary and asked whether the Convention was directly applicable, or needed to be incorporated into domestic legislation. She requested examples of cases where the Convention was directly invoked before national courts and asked whether specific training was provided for the judiciary on the Convention and the Committee's jurisprudence. She requested more information on legislation enacted to prohibit all forms of discrimination and asked whether the State party had plans to accept the amendment to article 20 of the Convention.

8. **Ms. Schulz** said she was concerned at the Government's regressive approach to women's issues — evident in the stronger focus on family issues rather than on gender equality — and that the current legal framework would not provide the same level of protection of rights and against discrimination. She asked how the State party intended to continue to observe the provisions of the Convention in relation to socioeconomic rights, particularly article 2 (e); what measures were being adopted to ensure that the courts, civil service, police and social, medical and teaching staff were aware of the Convention; and what guarantees were in place to ensure that women had access to basic services and would not suffer disproportionately from the cuts in social, education and health spending. Had an analysis been carried out of the impact of policies and budget cuts on the situation of women?

9. **The Chairperson**, speaking in her capacity as an expert, recalled that there should be no inconsistency between family law and women's rights and asked what initiatives the State party would take to strengthen women's rights and how such initiatives would be resourced. She asked whether there was a national strategy on women's rights or a specific approach to women's rights, whether civil society was involved and how the relevant national networks operated. Lastly, what were the Government's objectives regarding domestic violence and how long would it take to draft legislation on the matter?

10. **Ms. Neubauer** (Country Rapporteur) requested more information on the Department for Equal Opportunities, including on its involvement in gender equality policymaking, its staffing levels and financial resources. She also enquired about the council dealing with gender equality, which no longer seemed to be operational. She asked why the decision had been made to draft a new strategy on gender equality, rather than to continue implementation of the former one. While the Fundamental Law and Equal Treatment Act provided the legal basis for introducing temporary special measures, the use of the term "positive discrimination" was incorrect and contradictory; indeed, it was prohibited by the European Court of Human Rights. How did the Government intend to use temporary special measures to promote and achieve gender equality in all areas under the Convention?

11. **The Chairperson**, speaking in her capacity as an expert, asked whether the national strategy for the Roma population, developed by Hungary during its presidency of the European Union, was still being implemented.

12. **Mr. Tallódi** (Hungary) said that international human rights instruments, including the Convention, had served as the basis for the new Constitution and that the Convention had been incorporated into domestic legislation. He agreed that "preferential treatment" would be a better term than "positive discrimination". The Fundamental Law stipulated that efforts should be made to ensure the full enjoyment of social rights, within budget limits. Women rights should not be restricted in any way, indeed, they should be given preference when the provisions of the Family Law were implemented. In March 2014, the new Civil Code would come into force, which would have an important bearing on several laws, including the Family Law. In addition, a working group had been set up to examine the implementation of women's rights throughout the legal system, including in criminal law. New provisions had been introduced into the Criminal Code regarding domestic violence. Discussions were under way on accepting the amendment to article 20 of the Convention.

13. **Ms. Kormosné Debreceni** (Hungary) said that the demographic situation of Hungary was serious and that measures had been adopted to improve the birth rate. The former strategy on gender equality failed to reflect new developments and Government priorities. A new strategy was being drawn up, which accorded priority to family issues, but retained a focus on women's issues and gender equality. The council dealing with gender equality had been temporarily decommissioned following a review carried out by the Ministry of Public Administration and Justice. Concerning temporary special measures, there had been extensive parliamentary debates regarding the introduction of a quota system, but no consensus had been reached. However, discussions were under way in cooperation with the European Union to introduce quota policies.

14. **Ms. Galajda** (Hungary) said that instruction in women's issues was available for judges but that participation was voluntary. The Hungarian Association of Women Judges was working closely with a number of prominent NGOs to enhance and standardize the training programmes, particularly those dealing with domestic violence. It also compiled expert materials for distribution among the judiciary and had recently published a manual on violence in partnerships.

15. **Ms. Hajdu** (Hungary) said that in the prosecution service ongoing training was compulsory and every year around 40 prosecutors received instruction in family protection, violence against women, trafficking in human beings and other issues. Numerous publications on gender mainstreaming, prostitution, human trafficking and domestic violence had been produced by the specialist research division, the National Institute of Criminology. The new Criminal Code due to enter into force in July 2013 contained a definition of sexual violence that was in line with the Convention and its provisions had been invoked in decisions of the Constitutional Court and in civil court proceedings. A focal point for gender equality had been designated within the Chief Prosecutor's Office and a specialist division had been established to handle cases involving women and children, reflecting the importance accorded to the family as the primary social unit.

16. **Ms. Gregor** (Hungary) said that the Equal Treatment Authority had the right to express opinions and make recommendations on draft legislation, reports and Government decisions related to equal treatment. It organized legal and awareness-raising training for a predominantly female audience, including in rural areas, as well as workshops for police officers, Roma representatives, NGOs, civil servants, students and teachers.

17. **Ms. Buzás** (Hungary) said that the extensive legislative reforms of the past two years had precluded the preparation of a core document, but that the Government hoped to have a document ready for submission in 2013.

18. **Mr. Szóke** (Hungary) said that the Government was working closely with the NGO community to review the 1998 law on the rights of persons with disabilities and align it with international agreements and the new Fundamental Law. Gender equality and preventing multiple discrimination were guiding principles in that review. The National Disability Council was also due to be reformed.

19. **Ms. Szabó** (Hungary) said that there was a national network operating 20 volunteer houses that served as a forum for local-level consultation and cooperation between civil society organizations and helped to guarantee the practical implementation of equal opportunity provisions. To date the institutional response to domestic violence had tended to focus on protection (specifically the provision of a hotline and acute support services) but, in future, prevention, awareness-raising and empowerment would be given more prominence. It was envisaged that the national network would play a central role in that effort.

20. **Ms. Török** (Hungary) said that the Office of the Minister of State for Social Inclusion took an overarching approach to social inclusion that covered education, health

and employment and encompassed all persons in all stages of life, although the Roma community was accorded particular attention. By 2014, more than 60 different measures should be in place, including vocational training programmes to help disadvantaged children, employment schemes for Roma women, programmes to upgrade health services in underprivileged, rural regions and a project to empower the Roma to improve their living conditions and create community centres in their settlements.

21. **Ms. Kormosné Debreceni** (Hungary) said that the composition of the delegation reflected the Government's integrated approach to women's issues. The main forum for civil society input was the NGO Round Table, but separate working groups had also been established to examine specific issues related to gender equality and equal opportunities. NGOs were often lobbied to assist with applications for funding under the various European Union schemes, to boost the Department of Family Policy's budget of around Ft 240 million (about US\$ 1.1 million).

22. **Ms. Asztalosné Zupcsán** (Hungary), reminding the Committee of the major Government reorganization that had taken place since the 2010 elections, said that the delegation was unable to give account of the report preparation process as none of its members had been personally involved. However, NGOs had certainly been consulted and would be in future.

23. **Ms. Schulz** asked what proportion of the substantial European Union funds that Hungary was due to receive would be earmarked for women's projects and how the implementation of those projects would be monitored. Noting the emphasis placed on support for families, she sought reassurance that unmarried cohabiting couples were not disadvantaged. Lastly, she asked when the State party would ratify Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe.

24. **Ms. Neubauer** asked whether the Government conducted gender impact assessments prior to adopting new laws, strategies and programmes. Because certain provisions of recently enacted legislation could have a detrimental impact on women, she feared that such assessments may have been overlooked.

25. **Ms. Patten**, noting that domestic law did not establish a requirement to provide reasonable accommodation for persons with disabilities and that such an omission constituted a form of discrimination, asked what legislative and policy measures were envisaged to give effect to the rights of girls and women with disabilities.

26. **The Chairperson**, speaking in her capacity as an expert, asked when Hungary would ratify the landmark Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention).

27. **Ms. Asztalosné Zupcsán** (Hungary) assured the Committee that the focus on family rights was not detrimental to women's rights. The Government would examine social security, pension and widows benefits, among other issues, in order to ensure equal rights for partners and that a couple in a civil partnership was not disadvantaged relative to a married couple.

28. European Union strategic funds were applied to women's projects in a cross-cutting manner and all programmes undertaken had components that benefited women. Those components were given priority and no action plans were formulated without considering the impact on Roma and other disadvantaged women. That approach reflected the Government's vision of gender equality as a horizontal concept.

29. **Ms. Szalai** (Hungary) said it was important to remember that Hungary had experienced a severe economic crisis during the reporting period. Although the economy had since recovered, it had been necessary to allocate a significant proportion of

development funds to creating jobs and maintaining existing jobs and other advances already achieved. However, gender equality, along with the environment, remained the central consideration in all development projects using European Union funds. Every euro allocated through the European Union was conditional upon respect for those guiding principles and those criteria would be maintained in the next planning period.

30. **Ms. Kissné Horváth** (Hungary) said that despite scarce resources the health sector had been restructured in the previous two years to improve conditions for patients. European Union funds were used to support key projects, such as the cervical cancer prevention programme.

31. **Mr. Tallódi** (Hungary) said that ratification of Protocol No. 12 was considered an important part of the ongoing legislative reform process. There were no objections in principle; it was simply a question of time. Under new regulations, impact assessments were obligatory prior to the adoption of any new legal provision, act or instrument, making gender mainstreaming a compulsory element of every new act. The Government was aware of the need for a more robust legal framework to combat domestic violence and would be considering ratification of the Istanbul Convention and other related international instruments.

32. **Ms. Šimonović** enquired about the reason for the delay in signing the Istanbul Convention. Having reviewed the recommendations made by the Committee in paragraph 19 of its concluding comments on the sixth periodic report of Hungary (CEDAW/C/HUN/CO/6), she could see no clear evidence of progress in preventing and addressing domestic violence. That lack of progress was also reflected in a recent case brought before the European Court of Human Rights (*Kalucza v. Hungary No. 57693/10*) in which the State party had been found to have failed to provide the petitioner with effective protection against an abusive former partner. Its failings in that case had echoed those highlighted by the Committee in 2005 in its Views on communication No. 2/2003 (*A.T. v. Hungary*). Information about action taken to redress those shortcomings and any plan to enact a comprehensive law on domestic violence was therefore needed. She also sought information about the systems used to collect and analyse data on violence against women as well as up-to-date annual figures for the number of women killed by their partners or husbands.

33. **Ms. Acar** expressed concern about the stereotypes that persisted in all layers of Hungarian society but were particularly pervasive in education. Their damaging effect included an underrepresentation of women in politics and the media and a growing gender pay gap. Targeted actions supported by an integrated policy framework were needed to combat the popular perceptions that confined women to caregiving roles. The State party's family focus, although not contrary to gender equality, could reinforce those stereotypes.

34. She was concerned about the State party's tendency to refer to domestic or family violence as opposed to violence against women, which was a far broader concept. She wished to know, in that connection, whether domestic legislation criminalized all forms of domestic violence, including sexual, economic and psychological violence; how "enforcement" was distinguished from rape; whether sexual intercourse without free and full consent was always punished as rape; and whether Hungarian law criminalized stalking.

35. **Ms. Haidar** (Hungary) asked whether the State party had developed systems that provided sufficient data disaggregated by gender and ethnicity to allow it to measure and monitor the impact of measures adopted. Such tools were vital for measuring progress in combating not only domestic violence, but also hate crimes and other forms of discrimination, as well as for identifying best practices.

36. **Ms. Neubauer** asked whether the 2008–2012 national strategy to combat human trafficking had brought measurable improvements; what obstacles had been encountered in its implementation; how many female victims of trafficking had been provided with residence permits or international protection; how many had benefited from safe accommodation and support services; whether the State party intended to establish a transnational referral mechanism and provide repatriation and reintegration services; whether any special programmes had been developed to address the particular vulnerability to trafficking of Roma women, especially those raised in orphanages; and what measures were in place to ensure that minors in prostitution were treated as victims rather than offenders. Noting that, despite a certain level of regulation, protection for female sex workers was very poor, she also wished to know what measures were envisaged to guarantee dignity and adequate working conditions for those workers and ensure that their rights were not violated, including, for instance, by the police.

37. **Ms. Asztalosné Zupcsán** (Hungary), referring to legislation on domestic violence, said that the aim was to protect women in a wider context and thus to prohibit all forms of violence, in any kind of relationship, not only in a partnership or within the family.

38. **Ms. Szabó** (Hungary), said that no separate action plan had been drawn up for the 2008–2012 national strategy to combat human trafficking, as it was already action-oriented. Moreover, since it was the first national strategy in that field, it laid down the institutional framework for relevant measures. In terms of legislative progress made, the human rights provisions in the new Constitution prohibited a range of offences, including human trafficking. There was also a national trafficking coordinator, who was responsible for representing Hungary at the international level, as well as for organizing informal round table discussions with Government agencies and NGOs.

39. Since Hungary was primarily a country of origin or transit for trafficking, the Government cooperated with other countries on various relevant projects, including on a new cooperation mechanism in the framework of new European Union regulations. The provisions of the new Criminal Code would also make it easier to comply with international standards relating to violence against women. Special assistance was provided to victims, and measures were adopted to raise awareness among vulnerable groups. There was also an inter-agency information network, which shared information on victims. A new strategy to combat trafficking would be finalized in May 2013; it had been devised with input from NGOs. It should be noted that under Hungarian law, child victims received special protection.

40. The existing system of shelters and halfway houses for victims was currently under review, with a view to tailoring protection to meet individual needs. Its primary aims remained tackling crisis situations and helping victims to fully reintegrate into society.

41. Although the Government took a conservative stance on the issue of the rights of sex workers and it was difficult to develop universally acceptable solutions, it did cooperate with the association of sex workers, including to organize meetings on health and safety. In addition, training and awareness-raising courses for the police were organized on subjects such as criminal law and victim protection. The aim was to create a transparent legislative framework, which took account of relevant international legislation, and to ensure an appropriate level of empathy towards victims. However, it was sometimes difficult to gauge the success of measures and efforts at local level.

42. **Mr. Tallódi** (Hungary), said that Hungarian legislation now criminalized all forms of violence against women, including of a sexual nature. Legislation on violence within a relationship was currently being drafted and would draw on various relevant international instruments, including some that the State party had not yet ratified.

43. **Ms. Kristófné Kontra** (Hungary) said that there were different types of restraining orders, depending on the nature and severity of the offence. In the case of family violence, the police could immediately issue a provisional restraining order, which had to be reviewed by the courts after 72 hours. The police also served the relevant summons on a voluntary basis. Restraining orders were reviewed by courts of appeal.

44. While there were currently no provisions in place to ensure the immediate enforcement of restraining orders, the courts filled the legal gap by referring to the relevant provisions of the Convention on the Elimination of All Forms of Discrimination against Women. The media had also helped to raise awareness and to encourage victims to seek the protection of the courts.

45. Current legislation did not cover violence involving former partners. However, in line with the provisions of the Convention, a woman could seek a legal remedy if she had a child from the former relationship.

46. **Ms. Hajdu** (Hungary), said that the State party could provide gender-disaggregated statistics from the police force and prosecution service on various offences, if necessary.

47. **Ms. Galajda** (Hungary) said that specific data were also available on women's access to justice. If children were involved in cases where a restraining order had been issued, the guardianship office would be contacted and take immediate action; in addition, the case would be reported to the prosecutor.

48. **Ms. Acar** asked whether psychological and economic violence were also considered to be forms of domestic violence and therefore punishable under law. She also wished to know whether stalking was a criminal offence.

49. **Ms. Neubauer** asked what measures the Government was taking to ensure that municipalities met their obligations by allocating specific zones to sex workers. She also wished to know whether the State party intended to ratify the Council of Europe Convention on Action against Trafficking in Human Beings, and requested further information on minors involved in prostitution, namely whether they were viewed as offenders or as victims.

50. **Ms. Haidar** (Hungary) stressed the need for more specific disaggregated data in terms of gender and ethnicity, in order to properly assess progress made in combating violence and discrimination against women.

51. **Ms. Šimonović** requested further information on restraining orders, in particular concerning the length of restraining orders issued and their impact on victims of violence. Did the Government see any need to amend the existing legislative provisions?

52. **Mr. Tallódi** (Hungary) said that economic and psychological violence were covered in the Criminal Code and that stalking had been criminalized in 2008. All actions which interfered with the private life of an individual, including various forms of psychological violence, were punishable offences, in accordance with international law. While the situation of both the victim and the perpetrator were taken into account, priority was accorded to the situation of the victim.

53. **Ms. Hajdu** (Hungary) explained that different types of restraining orders could be issued, and that their length depended on the severity of the offence and whether it would normally carry a prison sentence.

54. **Ms. Mészárosné Halász** (Hungary) agreed that there was a need to address the problem of gender stereotypes, particularly in the media, which did not reflect the fact that Hungarian women were generally well educated and well represented in many sectors, including the judiciary. She acknowledged, however, that women were underrepresented, in other areas, such as in politics.

55. **Ms. Galajda** (Hungary) said that procedures to ratify the Council of Europe Convention on Action against Trafficking in Human Beings were under way and should be finalized by May 2013. Underage sex workers were always treated as victims and never as offenders.

56. **Ms. Kissné Horváth** (Hungary) said that although there was cooperation with the sex workers association, and specific tolerance zones existed, Hungary did not have permissive legislation in the area; many of the women in the sex industry were therefore less visible, especially students, and worked on the grey or black markets. Health workers and NGOs were best placed to raise awareness in that regard.

57. **Ms. Bareiro-Bobadilla** expressed concern about the low level of representation of women in the Hungarian parliament, and the fact that there was only one female minister. While it was an encouraging sign that Hungary now had one female Roma member of parliament, there was still the impression that neither the political leaders — given the lack of support for the introduction of quotas — nor Hungarian society viewed the advancement of women to be an important issue. She wished to know what measures the State party was taking to support women's associations.

58. **Ms. Asztalosné Zupcsán** (Hungary), speaking as a working mother, said that women were represented at high levels of government, and that no distinctions were made on the basis of gender, only ability. Following a Government reshuffle, the number of ministries had been reduced and therefore there were, proportionally, fewer female ministers. She suggested that it was more useful to look at the participation of women in public office in general.

59. **Ms. Mészárosné Halász** (Hungary) explained that the issue of quotas was a difficult one, and that while the political parties and the majority of the Hungarian population were in favour of the idea, the proposed legislation had nevertheless not been adopted by parliament. National NGOs had also tried to keep the issue on the agenda, but had been unable to collect a sufficient number of signatures for a referendum.

60. **Ms. Buzás** (Hungary) said that the Government supported the participation of women at international level, and that although no disaggregated statistics were available, Hungarian women held posts in the diplomatic corps, foreign missions and international organizations.

61. **Mr. Tallódi** (Hungary) said that although the new legislative provisions reduced the number of members of parliament, they did provide for the mandatory inclusion of representatives of minority communities. While there was no general obligation to introduce quotas, the political parties could set their own quotas.

*The meeting rose at 1 p.m.*