



Enjoyment of civil and political rights by women in Hungary

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I. INTRODUCTION

The present submission was written by the Hungarian Women's Lobby, NANE Women's Rights Association, and PATENT Association.¹

The **Hungarian Women's Lobby** (HWL), established in 2003, is an umbrella organisation advocating for the women's human rights agenda as laid down by international norms. The HWL unites and represents the interests of Hungarian women's organisations with a gender equality and human rights-based agenda. HWL is the Hungarian national coordinator organisation of the European Women's Lobby, the largest umbrella of women's associations in the EU.²

NANE Women's Rights Association (NANE), established in 1994, is a grassroots NGO following a human rights approach, providing continuous services for victims of gender based violence, and running short and medium term public education, training and advocacy projects. NANE's mission is to contribute to a world free of any form of gender based violence stemming from, reinforced by, and serving patriarchal notions and goals.³

PATENT (People Opposing Patriarchy) (PATENT), founded in 2006, is an NGO with a vision to contribute to a society where the equality of women and LGBT people is a reality. PATENT provides legal and psychological counselling and, in certain cases, legal representation to women and children victims of male violence and to victims of violence and discrimination against LGBT people. The organisation also conducts awareness raising, training activities, as well as lobbying for legal reforms.⁴

II. ENJOYMENT OF THE RIGHTS OF WOMEN UNDER THE CONVENTION

Article 2 and 3 – National context and framework to enable equal enjoyment of rights for women

Policy and institutional framework

Since the democratic transition, Hungary has lacked an adequate institutional, policy and legal framework to effectively advance gender equality, which has not been placed high on the consecutive governments' agendas.⁵ There has been insufficient progress in accomplishing international women's human rights norms. Recommendations of the CEDAW Committee to Hungary have not been duly implemented by

¹ The present report is grounded on the submission of the three organizations to the UN Human Rights Council in 2015, under the Universal Periodic Review Process, constituting that submission's restructured and updated version.

² See www.noierdek.hu

³ See www.nane.hu

⁴ See www.patent.org.hu

⁵ See a detailed analysis on that: *A nőtlen évek ára – A nők helyzetének közpolitikai elemzése 1989-2013 (The price of womanless years – Public policy analysis of the situation of women 1989-2013)*, Magyar Női Érdekvédelem Szövetség (Hungarian Women's Lobby), Budapest 2013. Available in Hungarian at: http://noierdek.hu/2/wp-content/uploads/2016/09/notlen.evek_ara_.pdf

any government up to now.⁶ No implementation plan has been elaborated for the CEDAW recommendations of 2013.⁷

In addition, the current government took a regressive approach to gender issues, promoting traditional gender roles and ‘family mainstreaming’ – replacing gender mainstreaming –, through several acts of communication and measures, in the context of a desired demographic increase.⁸ In relation to that the UN working group on the issue of discrimination against women in law and practice concluded in its country report on Hungary in 2017: “a conservative form of family whose protection is guaranteed as essential to national survival should not be put in an uneven balance with women’s political, economic and social rights and the empowerment of women.”⁹ At the same time, the misinterpretation and misuse of the concepts of ‘gender’ and ‘gender equality’ also appeared in recent years, similarly to other European countries.

The national machinery for gender equality has been consistently underfunded and understaffed since its establishment, together with its marginalized location in the government structure. Currently the Women’s Policy Unit under the Department for Family Affairs and Women’s Policy at the Ministry of Human Capacities is the responsible unit. On the other hand, domestic violence as a policy issue and the related (crisis) institution system belong to the Department for Creating Opportunities at the same ministry.

Although the *National Strategy for the Promotion of Gender Equality – Goals and Objectives 2010–2021*¹⁰ is in force, after its first action plan for the years of 2010–2011¹¹ no further plans have been elaborated. The government has communicated since 2012 that the Strategy will be replaced by a new one but it has not been adopted and women’s rights NGOs have not been consulted yet regarding this issue.

Thanks to the UPR mechanism, the government established the Human Rights Working Group consisting of ministry representatives in 2012.¹² A Human Rights Roundtable and thematic working groups involving NGOs were also created, including the Thematic Working Group on Women’s Rights. HWL is a member of the working group. Although information sharing was an element worth mentioning regarding the working groups’ operation in certain cases, relevant legislative proposals – e.g. the draft law on the ratification of the Council of Europe Convention on preventing and combating violence against

⁶ For more information see *Alternative report submitted to the UN CEDAW Committee for consideration in relation to the examination of the combined seventh and eighth periodic reports of Hungary*, by the Hungarian Women’s Lobby and the European Roma Rights Centre, January 2013. Available at:

http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/HUN/INT_CEDAW_NGO_HUN_13260_E.pdf

⁷ See Committee on the Elimination of Discrimination against Women: Concluding observations on the combined seventh and eighth periodic reports of Hungary, adopted by the Committee at its fifty-fourth session (11 February–1 March 2013), CEDAW/C/HUN/CO/7-8, 26 March 2013, available at:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fHUN%2fCO%2f7-8&Lang=en

⁸ The CEDAW Committee also expressed concerns in this regard in its Concluding observation in 2013: “The Committee is further concerned that taking this direction increases the prevalence of gender stereotypes by portraying women mainly, if not exclusively, in the role of mothers and caregivers.” See point 8 of the Concluding observations, *ibid*.

⁹ See: Report of the Working Group on the issue of discrimination against women in law and practice on its mission to Hungary; United Nations Human Rights Council Thirty-fifth session 6–23 June 2017.

A/HRC/35/29/Add.1. p. 19. Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/29/Add.1

¹⁰ The Strategy was adopted by the Government Decision No. 1004/2010 (I. 21.)

¹¹ The action plan was adopted by the Government Decision No. 1095/2010 (IV. 21.)

¹² See the related government website at: <http://emberijogok.kormany.hu/en>

women and domestic violence – have not been discussed in the working group. Substantive outcomes and results have not been achieved by this body so far.¹³

Situation of women's rights NGOs

Starting from 2010, women's rights NGOs have experienced a lack of cooperation from the state. Furthermore, a still ongoing communication campaign was started by government-friendly media and state actors in 2013 against a group of NGOs dealing with democracy and human rights, accusing those NGOs mostly of being "leftist fake NGOs", "paid political actors", or "serving foreign interest". HWL and three of its member organizations – dealing with combating violence against women and with LGBT and reproductive rights – were included on the list of NGOs considered problematic by the government in 2014.¹⁴ Afterwards, these organizations faced a Government Control Office audit as grantees of the EEA/Norwegian NGO Fund. The legality of that procedure was objected to by these grantees, by the NGO consortium managing the grant as well as by the Norwegian Government. Furthermore, between January 2015 and February 2016 HWL and PATENT Association – together with some other NGOs – were under a taxation authority audit, covering nearly three years of operation. Related audits have been undertaken at the contractual partners, service providers of these NGOs.¹⁵

In the last year two legislative measures followed the previous actions. One is the Act on transparency of organizations receiving foreign funding, adopted in 2017. It requires NGOs receiving a certain amount of foreign funding to register themselves as such at court, and to label themselves as such in their publications and communication. The law affects women's rights NGOs as well that use or plan to use foreign funds. Currently, in the framework of the related infringement procedure, the law is before the European Court of Justice.¹⁶ In addition, several affected NGOs – as well as MPs from the opposition parties – turned to the Constitutional Court in 2017 for a review of the law.¹⁷

The other measure of a legal nature is the government's draft law package called "Stop Soros".¹⁸ This proposal – among others – plans to introduce stricter requirements for the 'public benefit status' of NGOs, requiring as a basic condition that at least half of the benefits received by the organization in the subject year derives from supporters residing or seated in Hungary, and the amount offered by taxpayers as a determined part of their personal income tax reaches at least half of the amount of the financial support received from abroad. If the law was adopted, several HWL member organizations would lose their public benefit status, e.g. NANE Association and PATENT Association, both providing unique services for victims of violence against women/domestic violence. At the same time, those who do not have this status and do not meet the basic conditions could not request it, like the Hungarian Women's

¹³ See more information at the Working group in Hungarian at: <http://emberijogok.kormany.hu/nok-jogaiert-felelos-tematikus-munkacsoport>

¹⁴ The list was provided by the Prime Minister's Office on the request of a journalist. See the related article in Hungarian at: <http://444.hu/2014/05/30/itt-a-kormany-listaja-a-szervezetekrol-akik-miatt-nekimentek-a-norveg-alapnak/>
The "blacklisted" NGOs are the following: Transparency International Hungary, K-Monitor, Asimov Foundation, Hungarian Civil Liberties Union, Roma Press Center, Krétakör Foundation, NANE Women's Rights Association, Foundation for Democratic Youth, Hungarian Women's Lobby, Labrisz Lesbian Association, PATENT – People Opposing Patriarchy, LiFE – Association of Young Liberals, Szivárvány Misszió Foundation

¹⁵ See *Timeline of Governmental Attacks against Hungarian Civil Society Organisations*, 17 November 2017. Available at: https://www.helsinki.hu/wp-content/uploads/Timeline_of_gov_attacks_against_HU_NGOs_17112017.pdf

¹⁶ See the related announcement here: http://europa.eu/rapid/press-release_IP-17-5003_en.htm

¹⁷ See the related submissions at:

http://alkotmanybirosag.hu/ugykereso/talalatok?hatarozat_sorszam=&hatarozat_evszam=&ugyszam_sorszam=&ugyszam_evszam=&dontes_szerv=&lezaras_modja=&befejezo_dontes_tartalma=&rendelkezo_resz=&indoklas=&velemenyek=&alkotmanybiro=&inditvanyozo_tipusa=&eljaras_tipusa=&ugyallapot=&alkotpanasz_ugyall=&jogszabaly=&lenyeg=felt%C3%BCntet%C3%A9si&feltetel1=2&feltetel2=2&befejezes_tipusa=

¹⁸ See the proposal in English at: <http://ecnl.org/wp-content/uploads/2018/01/Stop-Soros-Legislative-Package-Proposal.pdf>

Lobby. Not having public benefit status means both being excluded from some tax and other benefits, and having taxation obligation on the client's side for the free of charge services provided by NGOs.¹⁹ All the above measures, actions, communication and approach in general have led to the situation that the work of women's rights NGOs – which provide services, professional and public awareness raising and capacity building as well as advocate for and contribute to legislative and policy changes – has been significantly hindered. Previous good cooperation with state stakeholders has ceased – at the expense of the cause of promoting and protecting women's rights.

Elimination of gender stereotypes

There is no comprehensive state policy on gender equality in the field of education. The current National Core Curriculum was adopted in 2012. As opposed to the earlier versions introduced in 2003 and 2007, in this document gender equality is not included among the tasks and values of public education, in the areas of development, or among the objectives of education. It is included, however, among key competences in the section called “Social and Citizenship competences”. The issue of gender equality is not emphasized in teacher training, it is only present as local programs and individual initiatives, rather than at the policy level. At the same time, several cases have been revealed in recent years on sexist contents in schools textbooks.²⁰ In 2017, the national frame curricula and the special requirements for the secondary school leaving examination were modified by removing references to “gender” and “gender theory”. It left only a reduced, biologically based distinction between the sexes and an outdated approach to ‘complementary sex-roles’ in the documents.²¹ The new National Core Curriculum is currently under a reviewing process and is to be introduced in 2019.

The media laws and the Public Service Code in media do not pay attention to gender equality and to the elimination of prejudices and practices which are based on the idea of the inferiority or superiority of either of the sexes or on stereotyped gender roles. At the same time, women are persistently under-represented in the news media.²² The Media Council, following a complaint about a problematic report that depicted violence against women in a trivializing way as a “tradition”, rejected the complaint on the grounds that the report did not depict violence against women in a humiliating way.²³

Article 7, Article 24: Elimination of violence against women

Ratification of the Istanbul Convention

Hungary signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) in 2014, but has not ratified it yet. In order to prepare for the signature and ratification of the Istanbul Convention, the government established an inter-ministerial

¹⁹ See the assessment of the draft at: <http://ecnl.org/stop-soros-assessment/>

²⁰ The textbook of 6th grade nature study says, among others, that “boys and girls are different with regard to certain physical capabilities and intellectual abilities”. Furthermore, a reader for the 4th grade contains a sexist joke, saying that shouting is taking place just because the father explains the 4th grade homework to the mother.

²¹ See Decree of the Minister of Human Capacities No. 24/2017 (X. 3.) on modification of certain ministerial decrees regarding public education

²² Results of the 2015 Global Media Monitoring Project (GMMP) revealed that the overall presence of women in the Hungarian news in the analysed print media, radio and television channels was 21%. See more information at www.whomakesthenews.org

²³ Decision No. 1000/2016. (VIII. 1.) of the Media Council

working group in 2013.²⁴ Women's rights NGOs active in the field of the elimination of violence against women were not invited to the group, not even occasionally. No public information on the working group's results are available.

The draft law was prepared on the ratification of the Convention, and opened for public consultation in February 2017.²⁵ The public consultation lasted 9 days. Afterwards, the government's communication referred to the fact that the ratification required whole-of-government cooperation, the necessary legal and other measures as well as budgetary considerations needed to be examined, which would take a long time.²⁶

In the last couple of months negative changes in state's approach could be detected. The latest communication of government actors has argued that further questions were raised on the subject of ratification during the consultations, and they had to be explored. Moreover, the representative of the Ministry of Justice said at the end of November that the ratification would not happen in the current Parliamentary cycle.²⁷

In parallel, several voices were raised against the Convention. Stakeholders from the governing party started to communicate that they do not support the Istanbul Convention as a whole. The fraction leader of the governing Fidesz party stated in a press conference in December that the Convention is not only about the elimination of violence against women. He argued that the Convention contains that no biological sex but only gender exists, and he think it would be absurd for the fraction to support a measure which would replace biological sex with gender in the legislation. So he said that there are parts of the Convention which are unacceptable for them.²⁸

National legal, policy and institutional responses

Hungary does not have a strategy or action plan on preventing and combating violence against women, although the issue is addressed as one of the priority areas in the currently 'non-active' Gender Equality Strategy.

Some positive steps have been made in the criminal law response to domestic violence and sexual violence in recent years, but with room for improvement. While a specific legal provision regarding 'relationship violence' (that is domestic violence in merit) was incorporated in the Criminal Code in 2012, it does not cover all kinds of intimate partnership and all forms of violence. The law on restraining orders²⁹ does not provide effective and long term protection to victims, as it can be issued by the police only for 72 hours and extended by the court for a maximum of 60 days without an option to extend it further. There is still no systematic data collection – and publicly accessible data – on the number of investigations, prosecutions and convictions in cases of violence against women, or on the number of restraining orders issued, and related claims refused.

Compulsory mediation for domestic violence cases is broadly applied in civil lawsuits. The preliminary results of NANE Association's research show that courts and child protection authorities fail to recognise and take into account domestic violence in custody and visitation cases. Consequently, forced visitation with abusive parents (mostly fathers) is a widespread practice. Moreover, women who do not allow the

²⁴ See the respective order here: http://njt.hu/cgi_bin/njt_doc.cgi?docid=164584.251344

²⁵ See the related news (announcement) here:

<http://www.kormany.hu/hu/dok?page=10&source=5&type=302&year=2017#!DocumentBrowse>

²⁶ See such a response for example at <http://www.parlament.hu/irom40/18611/18611-0001.pdf>.

²⁷ See the article at: <https://zoom.hu/hir/2017/11/20/van-meg-idonk-raerosen-kezeli-a-nok-jogait-a-kormany/>.

²⁸ See the related press conference at: <http://www.fidesz.hu/hirek/2017-12-12/a-kvotak-a-soros-tervbe-illeszkednek/>. (The respective part is starting at 17th min.)

²⁹ See Act No. LXXVII of 2009 on restraining orders applicable in cases of violence between relatives

visitation of an abusive father face fines and, ultimately, may be punishable with up to one year of imprisonment under the criminal offence “barring/obstructing visitation”.³⁰

The legal definition of rape is still not based on the lack of consent, and a reference to sexual morals is still present in the Criminal Code. Criminal procedures for many of the offences relevant to domestic violence and sexual violence still require the victim’s active involvement, such as the request for a private motion (a statement from the victim within 30 days requiring the punishment of the perpetrator) as a prerequisite of the procedure. Some other relevant cases are put under private prosecution.

Rape, sexual violence and sexual harassment cases have received more public attention since 2014, after several cases went public. Although some legislative measures were introduced, and some institutions started to address the problem, legal and policy developments have not followed the cases yet.

The comprehensive prevention, protection and prosecution approach in the field of violence against women and domestic violence – as prescribed, among others, by the Istanbul Convention – is not reflected in the state response. Highly likely in relation to that, Hungary is among the EU countries where the rate of femicide committed by both intimate partners and family members is higher.³¹ In addition to legislative gaps, improper application of existing legislation and regulations, the lack of systematic training and protocols for professionals – often leading to inefficient and ineffective response –, as well as limited availability of proper support services are considered by women’s rights NGOs as major obstacles for victims to access justice.³²

Women’s rights NGOs either have not been consulted at all in the relevant legislative and policy processes, or their expertise and experience – including the experience and needs of victims they are providing assistance to – have not been taken into consideration. In the last couple of years the role and place of those NGOs have narrowed significantly. The latest example of that: the Chief of National Police adopted in January 2018 the order on the implementation of police tasks regarding domestic violence.³³ Women’s rights NGOs active in preventing and combating domestic violence were not consulted before its adoption, while the previous norms replaced by this new one had been elaborated in close collaboration and symbolic cooperation with these NGOs. Leaving out NGOs not only has a symbolic message but also a “professional expense”; to mention but one: the respective police norms use the term “family quarrels”.

Article 8 – Elimination of trafficking in women and children

There have been some improvements in recent decade in criminal legislation in combating human trafficking and child prostitution. However, there is still room for improvement not only in the legislation, but also in others fields of (state) intervention.

The Group of Experts on Action against Trafficking in Human Beings (GRETA), tasked to evaluate the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings,

³⁰ Criminal Code, Article 210

³¹ See at: <https://www.europeandatajournalism.eu/eng/News/In-depth/Femicide-in-Europe-is-a-widespread-issue>

³² For more information see Judit Wirth ed.: *System Failure – Male violence against women and children as treated by the legal system in Hungary today*, PATENT Association, NANE Women’s Rights Association, 2011. Available at: <http://nokjoga.hu/sites/default/files/filefield/system-failure-2011.pdf>

³³ See the Order of the Chief of National Police No. 2/2018. (I. 25.)

issued the first evaluation report concerning Hungary in 2015.³⁴ The report sets a number of recommendations to improve the state response, among others, in the following fields: core concepts and definitions, comprehensive approach and coordination, training of professionals, data collection and research, awareness raising, social, economic and other initiatives for groups vulnerable to trafficking, identification of and assistance to victims, substantive law, non-punishment of victims, investigation, prosecution and procedural law, protection of victims and witnesses.

Based on similar concerns as GRETA Report raised, the 2017 Trafficking in Person Report of the U. S. Department of State downgraded Hungary from the until then constant Tier 2 category to Tier 2 Watch List status.³⁵

The Lanzarote Committee (the Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse) visited the transit zones at the Serbian/Hungarian border in 2017 and addressed concerns related to the new immigration law regarding the identification and protection of trafficking victims. The report³⁶ – among others – points out the necessity of proper needs and age-assessment of migrant and asylum seeker children. It sets out a number of recommendations to the Hungarian government in order to prevent sexual exploitation and sexual abuse of children in the transit zones, to protect children against such exploitation as well as to provide assistance to victims, for example:

- “In the framework of immigration procedures, the Hungarian authorities should treat all persons under the age of 18 years as children without discrimination on the ground of their age and ensure that all children under Hungarian jurisdiction are protected against sexual exploitation and abuse. (...)
- The Hungarian authorities should pay special attention to the heightened vulnerability of unaccompanied children, especially girls, and systematically place them in mainstream child protection institutions to prevent possible sexual exploitation or sexual abuse against them by adults and adolescents in the transit zones.”

Article 17 – Sexual and reproductive health and rights

Even though the provision of the Fundamental Law granting the right to life to the fetus³⁷ has not resulted in the amendment of Act No. LXXIX of 1992 on the Protection of Fetal Life, a slow, sneaking restriction tendency on access to abortion has been observed. Abortion is available generally up to the 12th week of pregnancy and 18th week in case of a minor on the basis of grave crisis situation of the woman. However, there are two mandatory counselling sessions before someone applies for abortion with a 3-days waiting period in between them. This legal precondition is still in place, in spite of the concerns of the CEDAW Committee in 2013, which called on the government to ensure access to safe abortion without subjecting

³⁴ See GRETA Group of Experts on Action against Trafficking in Human Beings: *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Hungary – First evaluation round*. Adopted 20 March 2015, Published 29 May 2015. Available at

http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA_2015_11_FGR_HUN_en_w_cmnts.pdf

³⁵ See: Trafficking in Persons Report – June 2017. U. S. Department of State. p. 200-203. Available at:

<https://www.state.gov/documents/organization/271339.pdf>

³⁶ Special report Further to a Visit Undertaken By a Delegation of the Lanzarote Committee to Transit Zones at the Serbian/Hungarian Border (5-7 JULY 2017) In: <https://rm.coe.int/special-report-further-to-a-visit-undertaken-by-a-delegation-of-the-la/1680784275> (09.02.2018.)

³⁷ Fundamental Law of Hungary, art. II (*adopted* April 25, 2011) (Hung.) (“Everyone has the right to life and human dignity, the life of a fetus will be protected from conception”)

women to mandatory counselling and a medically unnecessary waiting period³⁸. The counselling is provided by Family Protection Services. The first counselling session has to be "in the interest of keeping the fetus", while following the minimum three-day waiting period, the second session is supposed to be only informative and administrative. In spring 2014, PATENT Association conducted a first of its kind research about the practice of compulsory counselling³⁹ and found that in half of the cases women had been informed about the danger of infertility and damages to the uterus, psychological trauma, depression as a result of abortion, and 15% mentioned information on the heartbeat first. Often the nurses called the fetus baby or child and the pregnant woman mother or even mummy. One third of the interviewees felt that nurses tried to influence their decision in the course of the counselling. 13% of the applicants experienced blaming and arousing guilt, and also felt that the nurse treated them as if they were not adults who could make decisions.

Currently medical abortion is not available, as the Hungarian Government hindered the distribution of EU-widely registered drug Medabon, and pushed the only one private clinic providing medical abortion to stop its activity in August 2012. At the same time, the Government stated publicly that the pill would not be distributed in Hungary due to the fact that Hungarian experts cannot agree on its benefits and risks.⁴⁰ Hungarian human rights NGOs filed an official request for information with the Government, asking for details of the controversial professional opinions expressed on the use of the abortion pill, but the Government did not respond, instead declared the whole procedure of drug administration confidential.

Despite the recommendations of various UN treaty monitoring bodies, no one contraceptive method is subsidized by the state, which poses an obstacle to access to family planning.

In January 2015 the European Commission decided that the emergency contraceptive ellaOne can be sold over-the-counter across the European Union.⁴¹ However, Hungary, with a quick modification of the respective national law, remained the only EU member state that kept the emergency pill available upon prescription only.

The legal regulations of sterilization also got stricter as of March 2014: only people above 40 years old or who already have 3 children can apply for sterilization for non-medical reasons.⁴²

The recognition of independent midwives as a professional group is still missing, in spite of the government decree creating the legal framework for home birth, which entered into force as of 1st April 2011.⁴³ The resolution is highly restrictive, excluding most women from giving birth outside hospitals, based on "medical contraindications" and by not providing state funding. It also fails to create the system of investigating birth complications outside hospitals, so independent midwives still face criminal procedures and the biased opinions of forensic medical experts instead of a midwife protocol to follow. Hungary's foremost defender of women's reproductive rights, Dr. Ágnes Geréb, obstetrician-gynecologist, was sentenced to two years' imprisonment and suspended from working as an obstetrician-gynecologist and midwife for ten years after she was found repeatedly guilty of negligent malpractice by a criminal court on 9th January, 2018, after the re-opening of the procedure and confirming the original decision of February 2012. Dr. Geréb is supposed to start her jail sentence on March, 6th, 2018, if no presidential pardon is granted to her.

³⁸ See the Concluding observations of the CEDAW Committee in 2013, *op. cit.*

³⁹ <http://abortusz.info/kutatas/2014>

⁴⁰ Veronika Gulyas, *Hungary Reopens Abortion Controversy with Pill Debate*, EMERGING EUROPE (May 24, 2012, 8:50 AM), <http://blogs.wsj.com/emergingeuropa/2012/05/24/hungary-reopens-abortion-controversy-with-pill-debate>

⁴¹ <http://www.ec-ec.org/european-commission-decision-grants-120-million-women-direct-access-to-ellaone/>

⁴² See the international petition against the proposal:

http://tasz.hu/files/tasz/imce/international_open_letter_sterilization_signed.pdf

⁴³ Government Decree No. 35/2011 (III. 21.) on the rules, conditions and exclusion criteria of giving birth outside institutions.

Article 25 – Women’s participation in the conduct of public affairs and in public office

Equal participation in political and public life

There are no female ministers in the current government, while the proportion of female state secretaries is only about 13%. The constantly low representation of women in the Parliament did not improve after the 2014 elections, currently it is at 10.1%.⁴⁴ Women’s representation in local and regional level political life stands at 21%.⁴⁵ No measures have been introduced by the state in the reporting period to remedy the situation. A lot of male members of parliament have made openly sexist and degrading comments at women, while the Prime Minister has said that women were not capable to cope in Hungarian political life, which is based on “character assassination”⁴⁶.

Ahead of the upcoming national elections in 2018 it can be observed that among the candidates of the major parties for single-member constituencies the proportion of women is relatively low, quotas for women are applied to the nationwide constituency lists by only two of the major parties, and one major party that is currently in opposition has a female candidate for prime minister.

Addressing multiple discrimination and intersectionality

With the general lack of effective gender equality policies in place, intersectionality and multiple discrimination against women have not been given due attention in related policies.

In Hungary, the Roma constitute the largest minority group. Roma women in Hungary may suffer from multiple discrimination, based on gender, ethnicity and social class (Roma are overrepresented among people living in deep poverty in Hungary), or may suffer from the manifestations of intersectionality. Roma women experience barriers to equal access to education, healthcare and adequate housing, employment as well as justice.⁴⁷ “The high dropout rates of Romani girls are related to school segregation, early marriage and early childbearing, requiring integrated policies as stressed by various NGOs.”⁴⁸ The employment rates of Roma women are lower compared to women from the mainstream society in Hungary – due to lower levels of education, territorial disadvantages, and to conservative gender roles. Roma victims of domestic violence may face special difficulties when turning to law enforcement authorities, given the lack of mutual trust between Roma communities and the police.

Hungary in general lacks laws, policies and programmes to address the specific situation and multiple discrimination against women with disabilities⁴⁹ and of the girl child.⁵⁰

⁴⁴ Table on “Women in national parliaments” on the website of the Interparliamentary Union: <http://archive.ipu.org/wmn-e/classif.htm>

⁴⁵ “Cracks in the glass ceiling: Women in regional and local V4 politics” on the website V4 Revue: <http://visegradrevue.eu/cracks-in-the-glass-ceiling-women-in-regional-and-local-v4-politics/>

⁴⁶ “Orbán elárulta, miért nem enged nőket a politika csúcsára” [in English: Orbán has revealed why he will not let women access the highest level of politics] on the news website 444.hu: <https://444.hu/2015/10/06/orban-elarulta-miert-nincsenek-nok-a-magyar-politika-legfelso-szintjein>

⁴⁷ Written Comments of the European Roma Rights Centre Concerning Hungary For Consideration by the United Nations Committee on the Elimination of Discrimination against Women at its 39th Session. (23 July-10 August 2007), available at: <http://www.errc.org/db/03/7A/m0000037A.pdf>; see also the National Social Inclusion Strategy.

⁴⁸ European Parliament: *Empowerment of Romani Women within the European Framework of National Roma Inclusion Strategies, Country Report on Hungary*, 2013, p. 26.

⁴⁹ See in detail the Joint Submission of the Hungarian National Council of Persons with Disability (FESZT), the European Disability Forum (EDF) and the International Disability Alliance (IDA) on Hungary to the UN Committee on the Elimination

Since 2017 asylum seekers are detained in transit zones. A recent report of the Hungarian Helsinki Committee points out that “even though women, children and unaccompanied minors between 14 and 18 years old are accommodated separately from single men in the transit zones, in the absence of any procedure to recognise non-visible signs of vulnerability, vulnerable asylum seekers are not separated from others.”⁵¹

III. RECOMMENDATIONS

Proposed recommendations addressed to the Hungarian State are:

- *By the adoption of respective implementation plans, duly implement the recommendations of international mechanisms addressed to Hungary, with special regard to the recommendations of the UN CEDAW Committee issued in 2013;*
- *Put in place and duly implement a human rights based, comprehensive gender equality strategy guaranteeing that the document sets deadlines and responsible actors, and provides appropriate budget and monitoring mechanisms for effective implementation;*
- *Strengthen the position of the national machinery for gender equality, and equip it with the necessary financial and human resources; ensure the effective operation of other bodies of the institutional mechanism for the advancement of women;*
- *Stop harassment of NGOs dealing with democracy and human rights issues, utilize instead the expertise and experiences of those NGOs for the purpose of policy development. Repeal laws stigmatizing NGOs that use foreign funding. Meet the international norms and standards for the protection of human rights defenders.*
- *Utilize the expertise and experiences of women’s rights NGOs when planning and implementing respective legislative and policy measures, and make real use of the established consultative forums in this regard;*
- *Introduce policies, systematic teacher training programs as well as other awareness raising measures on gender equality and the elimination of stereotypes and prejudices targeting the public education system;*
- *Encourage the setting of guidelines and self-regulatory standards in media in order to prevent spreading harmful gender stereotypes and prejudices and to combat violence against women; call the attention of broadcasters to the better promotion of gender equality, and support the organization of training programs for media professionals in that regard;*
- *Ratify the Istanbul Convention without delay, and duly implement it in cooperation with women’s rights NGOs active in the field;*
- *Amend the Criminal Code and the Act on restraining orders in order to provide effective protection to all victims of domestic violence and against all type of acts. Extend the maximum duration of the restraining order;*

of Discrimination against Women Pre-sessional Working Group, 54th session. Available at:

http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/FESZT_EDF_IDAjointSubmission_PSWG_Hungary.pdf

⁵⁰ See the Submission of the Hungarian Women’s Lobby to the UN Committee on the Rights of the Child in relation to the consideration of the third to fifth periodic reports of Hungary, June 2014. Available at:

http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/HUN/INT_CRC_NGO_HUN_18113_E.pdf

⁵¹ See: Gruša Matevžič: *Unidentified and Unattended – The Response of Eastern EU Member States to the Special*

Needs of Torture Survivor and Traumatized Asylum Seekers – May 2017. Hungarian Helsinki Committee. p. 33. Available at: <https://www.helsinki.hu/wp-content/uploads/Unidentified-and-Unattended.pdf>

- *Provide adequate training and capacity buildings for all relevant professionals dealing with cases of violence against women and domestic violence;*
- *Collect the necessary statistical data on all forms of violence against women disaggregated by sex and victim-perpetrator relationship;*
- *Duly implement the recommendations of the Group of Experts on Action against Trafficking in Human Beings (GRETA) to Hungary issued in 2015, by the adoption of a respective implementation plan, and/or by making relevant revision of the respective national strategy;*
- *Duly implement the recommendations of the Lanzarote Committee settled in their report in 2018;*
- *Remove barriers in the access to abortion services such as the unavailability of medical abortion, biased counseling and the mandatory waiting period requirements;*
- *Enable access to affordable contraceptive methods by (partially) covering the costs of modern contraceptive methods under the public health insurance;*
- *Improve access to emergency contraception by eliminating the prescription requirement;*
- *Recognize individual midwives as professionals equally competent as hospital doctors in relation to childbirth;*
- *Rehabilitate dr. Ágnes Geréb;*
- *Introduce effective legislative measures – e.g. quotas as temporary special measures – to increase women’s participation in political life and decision-making;*
- *With attention to national and international promising practices, implement specific policy measures for the benefit of women who may suffer from multiple discrimination, or from the negative impacts of intersectionality (Romani women, women living in deep poverty, homeless women, women with disabilities, girl children, rural women, women asylum seekers, lesbian women, etc.). Pay due attention to these groups of women and girls while implementing general public policy measures.*