

# Hungary

## (Exceptional Session)

301. The Committee considered the combined fourth and fifth periodic report of Hungary (CEDAW/C/HUN/4-5) at its 586th and 587th meetings, on 20 August 2002 (see CEDAW/C/SR.586 and 587).

(a) *Introduction by State party*

302. Introducing the combined fourth and fifth periodic report, the representative of Hungary indicated that her Government remained strongly committed to international protection of human rights and fundamental freedoms. She emphasized that the protection of women's rights, the promotion of equal opportunities for women and the elimination of all forms of discrimination against them was a priority and began at home.

303. The representative stated that Hungary considered that the periodic dialogues with the Committee provided a unique opportunity for States parties to highlight achievements and discuss any difficulties confronting the implementation of the Convention at the national level. Consideration of reports also effectively contributed to the elaboration of more appropriate ways to accelerate the enjoyment by women of the rights enshrined in the Convention.

304. The representative informed the Committee that, since Hungary's elections in May 2002, major changes had occurred. The number of women elected to Parliament was higher than ever before. The current parliamentary Speaker was a woman, and a number of women had been elected to chair parliamentary committees. Women also headed the Ministry of the Interior, the Ministry of Environment and Water Resources and the Ministry of Welfare, Social and Family Affairs.

305. Since 16 June 2002, when the newly elected Government had taken office, several structural changes to the institutional framework for women's advancement had been initiated. A new Directorate-General for Equal Opportunities had been established within the Ministry of Employment Policy and Labour. The Director had been tasked with the elaboration of government policy to promote equality for women, rehabilitation of persons with disabilities and the employment of Roma. The Directorate-General was expected to propose a special anti-discrimination law, which would bring together existing anti-discriminatory provisions and modifications to existing norms. It would also develop a new national plan of action in conformity with the Government's agenda. The Directorate-General had already announced a project aimed at developing employment opportunities for women over 40, and for those re-entering the labour market after raising their children.

306. The representative stated that experience had indicated that discrimination could not be addressed by governmental measures alone. Accordingly, it was important that civil society become active in combating discrimination, including that against women. The Government gave high priority to the involvement of civil society in improving equal opportunities for women in all spheres and at all levels of life, and encouraged cooperation between civil society, academia, women parliamentarians and others in the development of programmes to promote gender equality. Anti-discrimination legislation and policies would not be fully effective unless they were accompanied by activities which sought to address deep-rooted social attitudes and increase mutual understanding within society. She also said that changing attitudes required public awareness and education.

307. The representative indicated that the situation of the Roma community in Hungary differed from that of other minorities. The social integration of the Roma was a question of both minority and social policy; at the same time, it required the establishment of a tolerant social environment. As the great majority of Hungarian society was still not aware of the problems confronting the Roma community, education was essential so that the foundations of prejudice could be exposed. Positive results in that context could only be achieved through a long-term economic development policy and mobilization of additional financial resources.

308. The representative informed the Committee that Hungary had ratified the Optional Protocol to the Convention in 2001 but that greater efforts with respect to its dissemination were required. As a signal of Hungary's commitment to improving the situation of women and ensuring their equality with men, regular mass media programmes, conferences and seminars on violence, trafficking in human beings, prostitution and the elimination of stereotypes were being convened in order to raise awareness of the Convention, the Optional Protocol and the aims of those instruments and to ensure their implementation.

(b) *Concluding comments of the Committee*

**Introduction**

309. The Committee expresses its appreciation to the State party for its combined fourth and fifth periodic report. It commends the State party for the extensive written replies to the issues raised by the pre-session working group.

310. The Committee commends the State party for its delegation and expresses appreciation for the oral presentation, which provided additional information on the current status of the implementation of the Convention in Hungary. It also appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

**Positive aspects**

311. The Committee commends the State party for its accession on 22 December 2000 to the Optional Protocol to the Convention.

312. The Committee commends the State party for its recent legislative measures on trafficking in persons, especially women and girls, including changing the definition of trafficking in persons to reflect the definition in article 3 (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the introduction of victim and witness protection measures.

**Principal areas of concern and recommendations**

313. The Committee expresses concern that, although the State party indicated that the Convention is incorporated in domestic law and the Constitution contains a provision prohibiting discrimination based on sex, there is no legislative definition of "discrimination against women" reflecting article 1 of the Convention. The Committee is further concerned that Hungarian law does not provide for procedures accessible to women to enforce their rights under the Convention or the Constitution or provide remedies to redress violations of their rights as set forth in these instruments.

**314. The Committee recommends that the State party take steps to include in its legislation a specific right to non-discrimination on the grounds of sex, defined in accordance with article 1 of the Convention. It calls on the State party to introduce procedures that will allow effective enforcement of the prohibition on discrimination based on sex and introduce measures, including awareness-raising campaigns about the Convention, the Constitution and remedies to uphold women's right to**

**equality, including for, inter alia, the judiciary and parliamentarians. The Committee requests that the State party report on progress made in this regard in its next periodic report, as well as information on whether the Convention has been invoked before domestic courts.**

315. Taking into account the recent restructuring of the national machinery for the advancement of women in June 2002, the Committee is concerned that the Directorate-General for Equal Opportunities and its Department of Equal Opportunity for Women, newly established within the Ministry of Employment Policy and Labour, unless supported by enhanced supplementary mechanisms, may lack sufficient power to promote effectively the advancement of women and gender equality. The Committee is concerned that the national mechanism may have inadequate financial and human resources.

**316. The Committee recommends that the State party assess the capacity of the national machinery for the advancement of women, including its mandate and resources. The Committee recommends that the national machinery be given the power, visibility and human and financial resources required to advance the State party's efforts to implement the Convention. It also recommends that the State party fully implement gender mainstreaming strategies, inter alia, by clearly defining the coordinating role and mandate of the Council of Women's Representation, composed of government representatives and representatives of non-governmental organizations, scholars and other members of civil society concerned with women's issues.**

317. While welcoming the fact that the Parliamentary Commissioner for Civil Rights (Ombudsman) may investigate cases of violations of women's rights and may recommend remedies in this context, the Committee notes that the Commissioner has only considered one case of discrimination against women. The Committee is concerned that the Parliamentary Commissioner for Civil Rights has not made efforts to initiate legislation or regulations concerning gender issues.

**318. The Committee recommends that the State party take measures to ensure that the institution of the Parliamentary Commissioner for Civil Rights actively and fully incorporates a gender perspective in its work.**

319. The Committee is concerned about the persistence of entrenched traditional stereotypes regarding the role and responsibilities of women and men in the family and in society at large.

**320. The Committee urges the State party to design and implement comprehensive programmes in the educational system, including human rights education and gender training, which includes dissemination of information on the Convention, with a view to changing existing stereotypical attitudes, including advancing the notion of parenting as a social responsibility of both mothers and fathers. It recommends awareness-raising campaigns directed at both women and men as required by article 5 of the Convention. The Committee recommends that men be encouraged through measures, such as non-transferable parental leave, to make this transformation.**

321. The Committee is concerned about the prevalence of violence against women and girls, including domestic violence. It is particularly concerned that no specific legislation has been enacted to combat domestic violence and sexual harassment and that no protection or exclusion orders or shelters exist for the immediate protection of women victims of domestic violence.

**322. The Committee urges the State party to place high priority on comprehensive measures to address violence against women in the family and in society, and to recognize that such violence, including domestic violence, constitutes a violation of the human rights of women under the Convention. In the light of its general recommendation 19 on violence against women, the Committee calls upon the State party to ensure that**

such violence constitutes a crime punishable under criminal law, that it is prosecuted and punished with the required severity and speed, and that women victims of violence have immediate means of redress and protection, including access to shelters that provide them with effective and confidential protection from their abusers. It recommends that training measures be taken to ensure that public officials, especially law enforcement officials, the judiciary, the medical profession and social workers, are fully sensitized to all forms of violence against women. The Committee invites the State party to undertake awareness-raising measures in cooperation with women's human rights NGOs, including a campaign of zero tolerance, to make such violence socially and morally unacceptable. It recommends the introduction of a specific law prohibiting domestic violence against women, which would provide for protection and exclusion orders and access to legal aid as well as specific legislation prohibiting sexual harassment.

323. Noting that the State party is considering a new draft law on prostitution, the Committee is still concerned that current regulations establishing so-called "zones of protection" where prostitution is prohibited and "zones of tolerance" where prostitution is permitted may be rendering the exploitation of women in prostitution difficult to punish, thereby worsening their situation.

**324. The Committee requests the State party to include in its next report information on the review of its draft law on prostitution and information on any legislative changes to ensure that the exploitation of women in prostitution is effectively prohibited and that they are provided with access to health and social services and alternative means of support for the protection of their human rights.**

325. While noting that there has been an increase of three seats occupied by women in Parliament since the latest elections, in May 2002, and that the Speaker of Parliament is a woman and three women are ministers in the Government, the Committee is concerned about the overall low representation of women in high-level elected and appointed bodies and in the diplomatic service.

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

327. The Committee expresses concern about women's disadvantaged position in the labour market, including the decline in women's employment and vertical and occupational segregation with wage differentials between women and men. The Committee is also concerned that government policy regarding these wage differentials rests on general job classification schemes and does not specifically address the need for women to be guaranteed equal pay for work of equal value. The Committee is concerned about discrimination in hiring women of childbearing age, mothers with small children and older women.

**328. The Committee urges the State party to ensure equal opportunities for women and men in the labour market, inter alia, through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. It recommends that efforts be made to eliminate**

**occupational segregation, inter alia, through education, training and retraining. The Committee urges the State party to collate sex-disaggregated data regarding the type and extent of wage differentials and to apply job classification analysis to eliminate the practice of women receiving unequal pay for work of equal value. The Committee recommends that measures allowing for reconciliation between family and professional responsibilities be strengthened and that the sharing of domestic and family tasks between women and men be promoted.**

329. While noting that abortion rates have fallen in the reporting period, the Committee remains concerned about the high rate of abortion among women, including young women without children, and the possible connection to difficulties in accessing family planning methods and the prohibitive cost of contraceptives, particularly for women with low incomes. The Committee is concerned that the report does not include data on women's general health situation, access to health care or information about the general health policy of the State party, including information on the access to health care of rural women. Furthermore, it notes that the report lacks statistical data on the prevalence of alcohol, drug and substance abuse by women of different age groups or detailed information on the main causes of death among women.

**330. The Committee draws attention to its general recommendation 24 on women and health and recommends that comprehensive research be undertaken into the specific health needs of women, including reproductive health, HIV/AIDS, the financial and organizational strengthening of family planning programmes addressed to women and men and the provision of wide access to contraceptives for all women. The Committee urges the State party to reinforce programmes on sexual education for both girls and boys. The Committee calls on the State party to take all appropriate measures to foster responsible sexual behaviour and take all appropriate steps to stop the use of abortion as a means of birth control. The Committee requests the State party to provide in its next report detailed information on women's general health, government policy on health, access to health care and the major causes of death among women, in particular rural women, as well as information and statistical data disaggregated by sex and age on the prevalence of alcohol, drug and substance abuse and measures aimed at preventing and reducing such abuse, the availability of counselling and rehabilitation measures for these women and girls.**

331. Noting that the report contains extensive information about the overall situation of the Roma minority and a range of programmes and initiatives of the State party, particularly with regard to education, the Committee regrets the lack of information and statistical data disaggregated by sex on Roma women.

**332. The Committee requests the State party to include in its next report statistical data disaggregated by sex and information about the situation of Roma women and any gender-specific policies and programmes aimed at their economic empowerment and ensuring their access to health-care services, social security, adequate housing and educational opportunities.**

333. While welcoming the State party's comprehensive review of its current law on sexual crimes, the Committee remains concerned that the Hungarian Penal Code currently treats sexual crimes as crimes against decency rather than violations of women's rights to bodily security. It is particularly concerned that the definition of rape, including that within marriage, is based on the use of force rather than lack of consent, as well as the issue of seduction of girls below the age of 14 years. The Committee is also concerned that Hungarian law permits early marriage of girls between the ages of 16 and 18 in certain circumstances.

**334. The Committee recommends that the State party reform its law to define sexual crimes as crimes involving violations of women's rights to**

**bodily security and that the State party define the crime of rape as sexual intercourse without consent, and amend its law on seduction of girls less than 14 years of age to incorporate the concept of statutory rape and prohibit sexual intercourse with underage girls. The Committee also urges the State party to take measures to raise the minimum age of marriage for girls in line with article 1 of the Convention on the Rights of the Child, which defines a child as being below the age of 18, and the provision on child marriage in article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women. The Committee urges the State party to develop awareness campaigns on the negative implications of early marriage on the health and education of girls.**

**335. The Committee encourages the State party to accept the amendment to article 20, paragraph 1, of the Convention, relating to the Committee's meeting time.**

**336. The Committee requests that the State party respond in its next periodic report to the specific issues raised in the present concluding comments. It also requests that the report address the general recommendations of the Committee and provide information on the impact of legislation, policies and programmes to implement the Convention.**

337. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.

**338. The Committee requests that the text of the present concluding comments be widely disseminated in Hungary so as to inform the public, in particular administrators, officials and politicians, of the measures taken to guarantee de jure and de facto equality between men and women and of the supplementary measures to be adopted in that area. The Committee also urges the State party to give broad publicity to the Convention, its Optional Protocol, the general recommendations of the Committee, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century", which was held in June 2000, particularly among women's associations and human rights organizations.**