

NGO STATEMENT
to the Committee for the Elimination of Discrimination against Women on the Sixth
Periodic Report of the Government of Hungary
39th Session

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Hungarian Women’s Lobby

I am representing here the Hungarian Women’s Lobby, a nation-wide umbrella organization of 45 member NGOs. My colleague is going to talk about Romani women.

In the present statement I would like to highlight three main areas of concern:

1. lack of legislative measures
2. insufficient national machinery
3. backlash in the field of violence against women

1. Despite the several legislative and institutional measures implemented, **these actions could not bring real change in women’s lives, as they were not introduced in the framework of a systematic policy on gender issues.**

The lack of commitment is often visible in the very limited financial resources women’s rights fields receive. Areas outside the realm of the world of work, such as, health, violence (from sexual harassment through domestic violence to prostitution and trafficking in women), gender stereotypes, reproductive rights, and others are either not addressed at all, or are addressed in an *ad hoc* manner not guided by a comprehensive policy.

The Government should fulfill all the recommendations of the Committee on the previous periodic report of Hungary, as the concern raised there are still present today.

In case of any initiative to introduce temporary special measures the Government **refuses such legislation stating that they raise constitutional concerns.** This was the case in the legislation process of restriction order and now we fear the same is going to happen to the act on political quota just before the Parliament.

- **We urge the Government to develop a National Action Plan for Gender Equality in co-operation with NGOs.**

2. **A downgrading process of gender issues has been started in the national machinery after the elections in 2006.**

The Ministry of Youth, Social, Family Affairs and Equal Opportunities turned into Ministry of Social Affairs and Labor and the national machinery of Gender Equality has been placed on a lower level in the hierarchy than before, not main department but a *department* under the Main Department of Equal Opportunities with 4-6 employees. In contrast, the Main Departments for Roma Issues and for Issues of Persons Living with Disabilities are still functioning. In February 2007 a parliamentary sub-committee on gender equality was set up under the Committee of Human Rights, Minority, Non-Governmental and Religious issues, but the public does not know about this sub-committee, women’s NGOs were not informed about the existence and the mission of this body, and so far we do not know any result of their work.

The Government’s policy is that gender-neutral bodies as the ombudsman and the *Equal Treatment Authority* are able to address effectively the problem of gender discrimination,

however, our experience shows that the lack of gender-sensitive officials at national human rights bodies impedes women to turn to these fora.

The two most important national human rights bodies having competence to examine cases of discrimination against women, the *Parliamentary Commissioner for Civil Rights* (general ombudsman) and the *Equal Treatment Authority*, have no appointed persons to deal with cases of gender-based discrimination; neither training programs are organized for their staffs on this kind of discrimination. Indeed, in its 2 and a half years of history, the Equal Treatment Authority had only one case of sexual harassment.

The *Equal Treatment Advisory Board* is not prescribed to have knowledge in gender issues. During its existence so far, the Board has not made position statement on gender-based discrimination specifically. The latest amendment to the Equal Treatment Act excluded exemptions rules in case of four grounds of discrimination (race, color, nationality, and belonging to national and ethnic minorities), while not applying this strong protection in cases of discrimination based on gender.

- **We recommend that the Government shall integrate the gender perspective into the work of national bodies having competence in cases of gender discrimination.**

3. In the area of violence against women there is a strong resistance against any progressive, human rights based legislative attempt.

Sexual harassment is only partially covered by the Equal Treatment Act and there has been one case only before the Authority.

Stalking is legally non-existent and the plan to rule it as a misdemeanour is concerning.

The Parliament has not ruled *domestic violence* as a sui generis crime, neither defined the term of domestic violence or violence against women in any legally binding document. The implementation of the national strategy on domestic violence failed due to lack of political will.

The *restraining order* does not provide immediate and effective protection to victims of violence.

Restraining order can only be issued where a criminal proceeding is in progress. The law does not provide for a deadline within which the judge must decide on the restraining order. The police officer arriving at the site cannot issue a restraining order; it is only the judge who can do so. Restraining order requested by the victim can only be issued after the payment of HUF 6000 (USD 33). In Hungary, the judge may issue a restraining order from a minimum of ten to a maximum of thirty days. Following the maximum of thirty days, it is not possible to lengthen the period of the restraining order, but another application may be submitted.

As offended party in the criminal procedure, victims of domestic violence have limited rights: the prosecutor does not contact them obligatory, they do not get the decisions of the court handled (often they do not receive the verdict either), they are not warned before releasing the perpetrator from prison, they have to pay for getting official documents of their cases. Further more in the criminal procedure of private accusation a personal hearing must be held by the court, where the accuser and the accused parties are confronted.

Regarding the first optional protocol case, *A.T. case*, neither the Committee's general recommendations, nor the specific recommendations regarding the situation of the victim have been implemented. The Government is of the official standpoint that the state cannot be obliged to pay compensation by the CEDAW Committee.

Visitation right is hardly ever limited even in cases of incest.

The Hungarian Parliament amended the Penal Code in 2005, declaring criminal the practice of parents imposing obstacles against the other parent's exercise of visitation rights. As a result, mothers who defy visitation orders by not sending the child to see his or her abusive father may end up in prison for a maximum of one year.

The government has failed to re-name crimes against sexual self-determination and they are still called "crimes against sexual morale".

Rape together with assault against decency and "seduction" (sexual intercourse with a minor) may only be **punished on private motion**. The definition of rape is still based on the use of force rather than lack of consent.

- **We therefore recommend the Government to amend all laws failing or hindering to provide protection against violence, preferably in a separate piece of legislation.**