

## HUNGARY

### CEDAW A/39/45 (1984)

18. The Committee considered the initial report of Hungary (CEDAW/C/5/Add.3) at its 32<sup>nd</sup> and 36<sup>th</sup> meetings, held on 29 March and 2 April 1984 (CEDAW/C/SR.32and36).

19. The representative of Hungary stated that the report gave Hungary, as a State party, the opportunity to review the issue of what had been achieved in implementing its goals to ensure equal opportunities to all human beings and to define where the weaknesses were and what measures would have to be taken to improve the situation, as well as to compare their achievements with regard to the situation prevailing in other parts of the world.

20. He stated that, as could be seen from such an evaluation, although his country could certainly not claim to have fully reached all the goals, starting from a semi-feudal, semi-fascist society predating the Second World War, its record was rather respectable.

21. Hungary had been among the first countries to ratify the Convention and such a step had been taken because the Convention's provisions coincided with the goals of Hungary's socialist society. The principles and measures required by the Convention had been spelled out and the country had undertaken to implement its provisions and to comply with the obligations inherent therein. Moreover, in his country, some provisions went even beyond the scope of the Convention in some areas.

22. With regard to women's employment, there were countries where women faced mass unemployment. Hungary also had an employment-related problem but of a different nature. Because of extended paid child-care leave, a substantial number of Hungarian women remained at home three years after the birth of a child. That, in fact, affected a quarter of a million women in Hungary which in turn created a labour shortage, as for example in the textile industry.

23. What was important was that constant and consistent care should be taken to prevent discrimination against women. Such efforts should not result in tokenism since women represented a large segment of all societies. In Hungary they constituted 51.5 per cent of the total population with 79 per cent of those of working age being active earners. It was obvious that the economy could not function without women because, for example, women accounted for 83.4 per cent of pharmacists, 40.4 per cent of physicians, 89.7 per cent of lower grade teachers, 27.7 per cent of those devoted to scientific research and 47.4 per cent of jurists and lawyers.

24. The solution to problems confronting women was bound to lead to the emergence of other problems but that should never be a deterrent to coming to grips with a problem that presented itself as the most acute one at the present moment.

25. Women's participation in the political life of the country was at a respectable level. They

made up 27 per cent of the members at the National Assembly, 95 of the 352 deputies being women. However, he did recognize that the ideal 50 per cent had not been achieved, although through a projected electoral reform, the situation was likely to be improved.

26. Finally, although objective conditions had now been met for eliminating old prejudices, there remained a subjective element on which there was still a lot to do and which related to old concepts and prejudices.

27. The Committee commended the representative of Hungary for the sincere and frank exposition of the situation of women in Hungary and for the clear and thought-provoking presentation of his country's initial report.

28. In response to the introductory statement made by the representative of the State party, one expert noted that a very small percentage of women were not employed in Hungary and experts asked about benefits to women who were not employed and how women were affected in that regard.

29. One member of the Committee also noted that the three-year leave plan after the birth of a child for both men and women had led to a problem for women returning to work and sought clarification on what kind of re-entry programs, such as training, were made available to women. It was also asked whether the positions occupied by the women who took advantage of that leave period were kept for their return and whether their seniority was protected.

30. A further question was raised as to whether the three-year-leave period granted upon the birth of a child was paid leave and whether it was paid in addition to the pregnancy leave provisions which were 20 fully paid weeks.

31. Regarding the participation of women in political life, it was noted that 27 per cent of the representatives to the National Assembly were women. Although a 50 per cent target was desirable, it did not always mean that equality existed. Rather, equality meant that women's capacities were fully recognized and that the constitution guaranteed their full participation in the political and social life of the country.

32. Some experts commended the structure of the report in that it followed the structure of the Convention, some others found it refreshing to learn from the report that not everything was perfect in that country as yet. Yet others stated that the principle of equality in all forms of political, social and economic life had been implemented in Hungary already before the ratification of the Convention.

33. Clarification was sought on the percentage of women in legislative bodies, on the number of women who were involved in schooling and professional training, on the number of women who held managerial posts and posts in the higher courts or were on executive boards and on the number of women who presided over educational establishments. Another expert asked whether women were responsible for teaching in primary schools. Explanations were requested as to whether discrimination against women was considered as a crime or an offence, and the nature of the sanctions and examples of penalties against persons who had violated the Convention were

requested.

34. In connection with the question of the participation of social and political bodies, clarification was sought as to whether the terms of article 68 of the Hungarian Constitution authorizing citizens to make proposals of public interest with respect to social and political organizations specified a particular political party and whether citizens had to be active members of that political party in order to be allowed to exercise that right or whether mere citizenship was sufficient. The Committee also wondered whether trade unions played a legislative role in Hungary and asked what was meant by the “traditionally” important role played by women in the trade unions.

35. One expert was eager to learn whether all the other national councils had the same threefold legislative, executive and informative task as the National Council of Hungarian women.

36. In connection with the provision contained in article 19 of the Labour Code, clarification of the meaning of the word “preference” was sought, and the question was asked whether in case of a job application made by a man, a woman and a pregnant woman, the employer would give preference to the pregnant woman.

37. One expert asked whether the mutual obligation of the spouses to help each other, as contained in article 24 of the Family Law, referred to material or to intellectual help and what were the sanctions in case of non-compliance.

38. Noting the attention paid in the report to the concept of equality in both public life, work and the family, one expert wanted to know what was done not only to promote conditions for women, but also to encourage men to perform their double role as earners and caretakers of family and home. He also wanted to know whether in analogy to article 20 of the Labour Code men would be assigned to perform work which was liable to be injurious. He asked for an explanation as to what types of work figured on the list of work qualified as harmful to one’s health.

39. Information was requested as to whether women had free access to abortion and what penal measures existed in the field of prostitution.

40. Since women could choose under Hungarian law to keep their maiden name after marriage, clarification concerning the names of children was requested.

41. The Committee inquired also whether the provision concerning remuneration according to quality and quantity of work was equivalent to the article of the Convention concerning equal pay for work of equal value.

42. One expert asked for more detailed information on the phenomenon of feminization of certain professions, which existed also in other countries. She further inquired about the measures taken by the Government to change the professional orientation of young women. She asked whether, in view of the retirement age fixed by law, women were forced to retire at the age of 55 even if they preferred to go on working and whether the system of part-time work had been introduced in Hungary. Another expert inquired about the reason for the difference in the retirement ages of men

and women (55 for women and 60 for men).

43. Another question referred to the role of women in the struggle for peace and disarmament.

44. Information was sought on the type of grants given to parents for children up to the age of three, whether for children older than three years a monthly grant was paid to their parents and, if so, what the percentage of such grants was compared with the average monthly salaries. It was also asked what percentage of children between three and six years attended kindergartens and whether the needs of such children were met by child-care institutions. Another question referred to whether or not children were guaranteed maintenance in case of dissolution of the marriage.

45. With regard to article 55 of the Labour Code, it was asked what guarantees were given that secured the right to fair remuneration and if there was a salary scale which could be used as a basis for comparative analysis.

46. One expert was concerned about the legal avenues open to women who sought redress in case of discrimination and, if such legal provisions existed, could examples be cited as to how they were applied; also, were there cases which had served as precedents and were there court decisions. In that regard, it was also asked what specific legislative measure provided for the application of the Convention and its implementation. One expert also inquired whether there were penalties for discrimination against women.

47. Going back to women's participation in the political life of the country and society, it was said that clarification was needed with regard to whether a woman could be elected as President of the country; also, in which main direction was the official policy of the Government moving to attain the desired goal of equality and the assurance to women of their rights. Moreover, it was asked whether the Government was taking any steps to encourage women to run for elections.

48. In discussing the National Council of Women and its role, it was asked whether it could initiate and propose the introduction of new laws, whether it was taken seriously and whether specific statistics could be given on the female-male ratio within the Communist party, and at what levels.

49. It was asked whether Hungary had ratified the convention with reservations and how did the Government feel its legislation went beyond the requirements of the Convention.

50. More information was also requested regarding the profile of women's employment, and whether girls were encouraged to enter into unsegregated professions. Moreover, it was asked how the Hungarian Government was dealing with the introduction of new technologies and how women were being integrated in that process.

51. On the subject of family law, it was asked whether a single parent could adopt a child and why was there a different age for men (18 years) and women (16) to enter into marriage. The law requested parental consent if marriage was sought at a younger age, and it was asked what that age was and whether the matter was left to the discretion of the parents.

52. At its 36<sup>th</sup> meeting, the Committee heard the replies of the representative of Hungary to the questions raised. He said he welcomed the interest of the Committee in the situation of women in Hungary.

53. He referred to the Hungarian Constitution where discrimination in any form was prohibited. That prohibition was accompanied by measures providing for additional protection of women which was a necessary precondition for actually realizing the principle of equality. Problems related to implementation were complex in nature and required a comprehensive approach. The Constitution went further than the Convention in that, not only did it enshrine the principle of equality but it legislated against all forms of discrimination, and special measures had been devised which acted as a corollary to guarantee the practical realization of the targets laid down by the principles in the Constitution.

54. As a result of the above provisions, steps had been taken successfully in Hungary to remove discrimination in some areas, such as in the labour field, which had been enforced by the competent labour tribunals and resulted in appointments, promotions, etc. being made.

55. The Constitution guaranteed the exercise of women's political rights. More specifically, the voting age for women and men was 18 years; a woman could be elected President; encouragement was given to more women to run for office; both de jure and de facto, women could perform any public function. One third of the deputies to the National Assembly were women and one out of two deputy speakers in Parliament was a woman; women were represented in the Presidential Council, in the Council of Ministers and in the Political Committee of the Party. Thirty-one per cent of municipal and county council members, and 30.7 per cent of local council members were women while 51 per cent of the elected posts in trade unions and 42 per cent in youth organizations were held by women. There was a considerable number of women in the Supreme Court, the Court of Appeals and district courts.

56. The Hungarian National Council of Women, a voluntary membership organization, played a fundamental role in the political life of the country. That Council had the right to take initiatives and to promote the views of its members on all the issues where women were directly or indirectly concerned, and it was taken very seriously by the Government. In addition, it provided guidelines to Parliament and recommendations to the trade unions, which could be made into law.

57. Education was another facet of Hungarian society where women participated fully. At the present time, 50 to 60 per cent of students attending institutions of higher education, 60 to 80 per cent of secondary school students, and 33 per cent of vocational school students were women. Also, 40 per cent of graduates and 54 per cent of those who had completed secondary education were women. Illiteracy had been eradicated with compulsory primary education.

58. Regarding labour, he explained that if anyone was unable to work because of health reasons he or she was entitled to special allowances. The picture in the Hungarian labour force was as follows: women comprised 45 per cent of the total and 32.2 per cent of those in industry. Other sectors were as follows: non-material sectors, 26 per cent; agriculture and forestry, 18.6 per cent; trade, 14.2 per cent; transport and telecommunications, 4.5 per cent; construction, 3.1 per cent;

Management of Water Supplies, 0.8 per cent. The highest percentages of women were in the fields of health, social and cultural services with 75.4 per cent.

59. As to the level of employment, women's positions were generally lower than men's. The percentage in managerial posts was approximately 10 per cent. It was expected that, with more women attending institutions of learning, that figure would increase. It was also stated that, although the principle of equal pay for equal work was part of Hungarian legislation, women's average earnings were 20 to 30 per cent less in their main occupational groups, and in leading positions they also were 15 per cent less than their male counterparts.

60. Occupations harmful to women were determined with the help of the trade unions and the Women's Council. Protective legislation also covered pregnant women who, for example, were prohibited from working on the night shift from the fourth month of pregnancy to the end of the child's first year.

61. It was forbidden to terminate a woman's employment during pregnancy or while nursing, during child-care leave, and during paid or unpaid leave granted to take care of a sick child.

62. The age for retirement of women was 55, but that was not compulsory and there were options for part-time work to supplement the pension payments.

63. Since 1967 the Government had given child-care allowances to working mothers after 20 weeks of paid maternity leave. Child-care leave, as explained in the report, was granted up to three years and in no way interfered with acquired rights such as pension, salary and other benefits. Vocational courses had been organized and measures taken to provide the necessary pre-conditions for those who wanted to go back to work. Child-care leave was an option and a new regulation allowed a mother on such leave to undertake part-time employment which should not exceed four hours a day on the monthly average.

64. Regarding marriage laws, both spouses had a right to choose their partners, to marry or divorce, to adopt children and to perform the tasks of being parents. Both parents were equally responsible for their child's health, development, welfare and education. Upon divorce, the children's fate was decided by common agreement or by court decision.

65. Several members of the Committee congratulated the representative on his thorough answers, and noted that major progress had been made in Hungary. It was stated that the articles of the Convention coincided with provisions in the Constitution and that the Hungarian Government was making efforts to ensure equality.

66. One expert asked whether a single person could adopt a child, while another noted that the achievement of equality by women was not only a social issue but also a cultural and economic one.

67. In replying, the representative of the State party informed the Committee that a law was being drafted which would enable a single person to adopt a child, and he agreed that equality was a

socio-economic, cultural and health issue which should be tackled in all of its complexities.

68. Some members of the Committee expressed the view that the provisions of the Convention were fully implemented in Hungary and that women were playing a major role in that country.

## **CEDAW A/43/38 (1988)**

672. The Committee considered the second periodic report of Hungary (CEDAW/C/13/Add.1) at its 124<sup>th</sup> and 127<sup>th</sup> meetings, on 1 and 2 March 1988 (CEDAW/C/SR.124 and 127).

673. Before answering the questions presented to him, the representative of Hungary distributed statistical data on topics such as the structure of the population, employment, household statistics, housing, education, social welfare, public health and employment. In introducing the report, he stressed his country's deep commitment to the Convention, which his country considered as one of the most significant parts of contemporary international law.

674. In reply to a question concerning the introduction of legal and other measures since the initial report, the representative referred to the introduction of the child-care fee in 1985, which represented a much higher level of social protection than the child-care allowance; a new family law in 1986, which gave an increased protection to marriage and family; the revision of the maternity leave provisions; and the 1983 Act on the election of members of parliament and of councillors, which had introduced the mandatory nomination of two or more candidates.

675. Regarding the actual progress made in promoting the full advancement of women, the representative gave as examples the increase in participation of women in the socially-organized labour and the higher level of education attained by women. Further examples were an increased involvement of women in public life and continuing improvement in their living conditions. They represented 49.2 per cent of the economically active population in 1986. He also mentioned the Government's long-term demographic and social policy programmes, which included, *inter alia*, an increased material support to families with children, a wider network of child-care facilities, genetic counseling and improvement of pre- and post-natal care.

676. No significant changes had occurred in the status and equality between women and men since the initial report. As far as any remaining obstacles to the achievement of equality between women and men were concerned, the achievement of equality could never be considered as completed. No new institutions had been established to ensure the principle of equality.

677. Regarding the existence of any programmes to modify patterns of conduct based on the idea of inferiority or superiority of either of the sexes, he said that such an idea was incompatible with the values of the Hungarian socialist society.

678. The Convention had become part of the legal system of the country and it had been published in the Official Gazette, he said, as well as in the widely distributed publications of the National Council of Women, and was included in school textbooks. The report of Hungary to the Committee had received publicity in the daily press and in periodicals. Any similar report would receive the same treatment.

679. Anybody, without exception, could be prosecuted for violating the constitutional provisions prohibiting discrimination against women. There were no special institutions to deal with



complaints by women relating to discrimination because Hungarian courts operated on the basis of the territorial principle. Judges could, however, be designated on the grounds of their competence and experience to deal with specific cases. No statistics were available about cases of complaint about discrimination and no examples could be given.

680. No answer was given to the question concerning the introduction of measures to overcome obstacles to equality arising from prejudices, customs or practices. There were no general programmes aimed at overcoming domestic violence and sexual harassment, but specific cases were always investigated and prosecuted. Regarding programmes aimed at assisting men and women in performing their dual role as earners and caretakers of the family, he referred the Committee to the information given in the report.

681. Prostitution was defined as a crime regardless of sex, but the other party was not liable to prosecution.

682. Concerning a possible increase of the number of women in legislative bodies, the representative referred the Committee to the information given in the report. No replies were provided to questions concerning the actual level of participation of women in governmental positions, managerial posts, higher courts, education boards and the direction of educational establishments, and in management of trade unions. Figures on the membership of trade unions showed that the number of both women and men had increased. Women slightly outnumbered men in trade union executive bodies.

683. Referring to questions concerning the role played by the National Council of Women in government and legislation, the appointment of its executive members and the part played by the Council in the preparation of the report, the representative referred the Committee to the information given in the report. The presidium of 35 members was elected by the Council and the Council contributed to the advancement of women by putting out various publications. The Council had taken part in the preparation of the report.

684. Concerning the measures adopted to ensure that women were equally represented in all government boards and committees, the representative replied that an equal representation was an overall desire, but not on a pure basis of statistics and that women in some cases could be in majority. Regarding the proportion of women in the communist party, at all levels, he said that no statistics were available, but that women were quite fairly represented.

685. Referring to measures taken to involve more women at decision-making levels of management in delegations to international forums, he said that the Government encouraged women to be more and more involved in decision-making.

686. As regards any increase in the proportion of women entering training in traditionally male areas, he gave percentages of girls attending various levels of education and having completed university, secondary and vocational education. The lowest percentages of women could be seen in engineering (18.4 per cent), agricultural (35.3 per cent) and veterinary schools (14.8 per cent). Women in industry represented 30.6 per cent and their number had increased in agriculture to 18.6

per cent. Their participation in trade, transport, public administration, post and communications and social and cultural services was continuously increasing. No specific programmes existed to encourage girls and boys to seek education and training in non-traditional areas nor were specific programmes available for family life, family health and family planning. All sporting facilities were equally open to either sex and he gave several examples of women who had accomplished outstanding performances in sports.

687. It was stated that 87.1 per cent of teachers in lower grades and 75.6 per cent in higher primary schools were women. Female teachers in kindergarten represented 99.9 per cent. The percentages of children enrolled in kindergarten had risen from 79.8 per cent in 1980 to 92.6 per cent in 1986.

688. An affirmative reply was given to the question of whether the new child-care allowance scheme reflected a pro-family policy aimed at encouraging women to have more children and stay at home. Concerning the way in which the rule that employment preference be given to pregnant women was carried out in practice, the provision was monitored by legal departments, trade unions and various organizations. No further information was given regarding the question whether restrictions on assigning work considered harmful to health applied also to men. Concerning the questions as to which measures had been taken to encourage young women to enter male-dominated professions, the representative said that the country's long-term objective had been to eliminate deeply-rooted traditions in people's choice of professions, and he gave the ratios of women in different branches of research.

689. No action had been taken to provide the same retirement age for women and men.

690. As regards the family-allowance system, he explained that the allowance depended on the number of children and served family-planning purposes. The monthly amounts, for which the corresponding figures were given, were paid to the parents or to single mothers or fathers.

691. It was explained that women's wages were about one fourth less than men's wages and some of the reasons for that phenomenon were traditions, subjectivism and the employment of women mainly in lower-paid jobs. As a result of technological developments, new job opportunities had appeared for women, in fields such as microelectronics, computer technics, telecommunication and chemical and machine industries.

692. Concerning the level of employment of women and the measures taken to increase employment opportunities for women, it was stated that the problem of unemployment did not exist for the period under review. It was further stated that during the last five years, the disproportion between women's and men's wages had decreased.

693. No significant changes were reported on with respect to birth and fertility rates, life expectancy of men and women, maternal and infant mortality. Family-planning services were available to all women free of charge and were accessible also to rural women. The Government endeavoured to increase the birth rate. A woman could have an abortion only if the Abortion Committee gave her permission. The permission was usually granted if she was not married or had at least two children or had health problems.

694. Regarding the proportion of women living in rural areas and any changes in that respect, 41 per cent of the total population lived in rural areas and the percentage had decreased by nearly 20 per cent during the last 27 years. As to the measures taken to improve the situation of rural women as a result of the implementation of the Convention, the position of rural women in some areas was even better than that of women in cities. Concerning the access of rural women to health services, education, employment and training, similar facilities existed all over the country. The National Council for Women, in collaboration with other social organizations, paid special attention to rural women, and the members of the Committee as well as of the presidium held frequent meetings in different parts of the country.

695. After the conclusion of marriage, all property earned or purchased by husband and wife was considered joint property and there were no restrictions on the right of married women to own or sell land, as far as their own property was concerned, to enter into contracts or to obtain credit. The consent of any of the spouses for any of those transactions as only needed in cases of common or joint property.

696. As regards family relations and marriage, the age of marriage had been increased for both partners to 18 years, either of the spouses could be held liable by a court decision to pay maintenance after separation or divorce and children born in and out of wedlock had the same rights. Joint property had to be divided equally between the partners if the marriage broke up and either of the partners could be obliged to pay alimony. A supplementary alimony could be requested from the man only if the woman was on maternity or child-care leave and had to face major expenses in connection with maternity. The maximum amount of maintenance was 45 per cent of the wage earned by the father if the children stayed with the mother.

697. Regarding special measures to protect women who were victims of domestic violence, it did not constitute a problem in the country, and, if needed, the offender was punished. Rape was a crime severely punished even if committed within marriage.

698. No information was provided as to whether alcoholism caused special problems for women and whether any measures existed in that respect.

699. As regards percentages on the distribution of the population by marital status or living in de facto relationships, the representative referred the Committee to the statistical data that had been distributed during the meeting. The divorce rate was 2.6 in 1980 and had increased to 2.8 in 1986.

700. Experts thanked the representative for his co-operation in the adopted procedure for the consideration of second periodic reports, which had been used for the first time on a trial basis, for having dealt with most of the questions raised by them and for having provided ample additional information. While the information provided orally and the statistical material were commended, disappointment was expressed at the way the second periodic report was presented. It was said that except for the information on the new social security measures, the new family laws and some statistical data, the second report did not differ at all from the initial report. It was not sufficient to report on legal measures; the experts were interested in the results of their implementation and in the de facto situation of women. It was also said that some of the articles of the Convention were

not addressed with sufficient depth by the State party. It was remarked that the repetitions in the second report were perhaps attributable to the absence of appropriate guidelines for second periodic reports.

701. Whereas most experts expressed the hope that the subsequent report would contain a more in-depth study of the situation of women in Hungary and give answers to all the remaining questions, some members of the Committee were not at all dissatisfied with the report and the replies given. Firstly, it was said that social processes were complex and lengthy and a time-span of four years was not long enough to make it possible to identify significant changes. Secondly, it was stated that at the time of presentation of the initial report, the status of women was already quite high in the country. The analysis of the report and the answers provided by the representative attested to a continuous tendency of the country towards implementing the concept of equality of the sexes. It was said that the socialist system had established the broad social framework for the advancement of women, which could be expanded even further. Not all problems had been solved yet, but the setting of goals constituted already the first step for achieving them. Given the actual status of women in Hungary and the very powerful women's movement in the country, the report was rather modest and did not describe fully the positive situation. When introducing the report, the representative of the State party should be given the opportunity to speak more at length about the underlying fundamental principles of a State.

702. Some members asked additional questions regarding the recent reforms undertaken by the Government affecting the status of women. Others wanted to learn to what extent the National Council of Women had succeeded in implementing a change of legislation in favour of women.

703. It was asked whether men participated in domestic work and whether the two parties in a marriage were being educated in sharing their household tasks through enlightenment campaigns.

704. Congratulations were expressed for the high representation of women in Parliament. It was asked, however, why the ration had decreased since 1982 and whether consideration had been given by the country to overcoming traditional stereotypes.

705. More clarification was sought concerning statistical data on education, in particular as to the reason why the percentage of students in vocational secondary schools had risen, whereas the number of students in grammar schools had dropped. Furthermore, it was asked how the high number of undergraduates of high level education compared with the low number of diplomas obtained.

706. It was asked whether it was considered at all to grant women the same retirement age as men, and whether paternity leave existed. More information was requested on the existence of temporary special measures.

707. It was commented that sex segregation existed in education and on the labour market, which could have a negative impact on women's wages. Could it even be that women were lower paid because they often were to be found in professions dominated by women. Further information on the practical implementation of the principle of equal pay for work of equal value was requested

therefore in the forthcoming wage reform, such as affirmative action programmes to integrate women in male-dominated areas.

708. More statistical material was requested and it was said that statistical data made it easier for experts to assess certain developments.

709. It was said that most of the social security measures were not a reflection of the rights of women, but rather seemed to aim at the protection of women in their function as mothers. It was felt that those measures emphasized the role of women as being reproductive machines, and it was asked whether women who were not interested in having children were given similar incentives in their conditions of work. Experts asked how the two policies of encouraging women to have more children and of improving their status of work could be reconciled. It was felt that the encouragement for women to have more children be met by a considerable increase in the contribution by men in performing household work and child care. It was also asked whether the years lost in child bearing were counted for seniority in job promotions.

710. Questions were raised as to whether any new legislation was contemplated to modify the family law and whether single persons could adopt children, and concern was expressed at the increasing divorce rate. It was asked whether studies on that topic existed.

711. The representative said that Hungary's third report would be prepared in such a way as to address those questions which might have remained unanswered. The repetitions between the initial report and the second were intentional. The Government wished to enable the experts to make comparisons.

712. Electoral reforms had been established in Hungary. At the present time, it was possible to nominate more than one candidate for a seat, which would certainly open the door for women's participation in Government. Twenty-one per cent of all Parliamentary seats were held by women. If there had been a decrease in the percentage of women elected, it was not due to lack of interest, since 99 per cent of all women in Hungary voted. There were no provisions for the establishment of quotas or targets.

713. The National council of Hungarian Women was involved in both proposing and commenting on new legislation.

714. At the present time, Hungarian legislation provided for 24 weeks of paid maternity leave. After that, either of the two parents could remain at home for three years. There were no statistics on how many fathers took advantage of that leave provision. Pension benefits were equal for men and women. However, if indeed certain positive discrimination remained, it referred to retirement age, since women could retire at 60 while men retired at 65. That was justifiable in view of her additional responsibility in child rearing and child care.

715. If there were differences in the wage levels between men and women, they were due to the unavoidable job segregation. Men would actually take jobs in foundry and mining which were better paid, while women were found in lower paid jobs as cashiers or hostesses. However, there

was progress registered concerning teachers and physicians which showed that younger women were joining those careers. There had also been an increase in the number of women taxi drivers, train conductors, etc.

716. Alongside the electoral reform, a financial accounting reform had taken place introducing a system of income tax and value added tax. Those reforms would undoubtedly have an effect on the family and employment and the effects would have to be evaluated in due course.

717. Regarding family relations, there was very little any Government could do in that regard. Experience had shown that it was a matter of education as, for example, a married professional couple tended to share more of the housework with each other. The same was true of the size of the family which, as an average, was almost two children per couple.

718. He added that adoption laws did not discriminate between married or single parents. A legal requirement was to have reached majority.

719. The Committee once more thanked the representative of Hungary and noted with satisfaction that Hungary was the first country to present a second report.

## **CEDAW A/51/38 (1996)**

229. The Committee considered the third periodic report of Hungary (CEDAW/C/HUN/3 and Add.1) at its 304<sup>th</sup> and 305<sup>th</sup> meetings, on 30 January 1996 (see CEDAW/C/SR.304 and 305).

230. In his introductory statement, the representative of Hungary stressed the importance and high priority attached by his Government to the Convention, to the achievement of equality of women and men, and to the integration of women's human rights into the mainstream of human rights activities. Human rights education at all levels was considered to be the appropriate tool to promote the elimination of discrimination.

231. The transition to a new political system resulting from democratic elections in 1990 opened up new opportunities for civil society. At the same time, the transition from State socialism to democracy had unwanted consequences regarding women's role and position in society. The concepts of parity, democracy and of equal rights of men and women, while enshrined in the Constitution and in legislation, are not yet a reality. While women participate in local politics, their representation at the national level remains low, and women's organizations are not strong or representative enough to influence government policy on equality issues.

232. A difficult economic situation, falling living standards and economic stabilization measures restrict the possibilities for implementing the Convention, in particular with regard to women's de facto equality. While there has been a dramatic increase in unemployment, so far it has affected men more than women. However, the situation of elderly women is very precarious, and young women are disadvantaged in the labour market, owing to their lower level of skills and qualifications. The labour market remains segregated. A rise in prostitution is also attributed to high unemployment and other economic hardships.

233. Recent changes introduced in the country included the modification of the family support system, according to which most financial support to families will now be need-based. Financial child-care benefits are being abolished, and the number of State-sponsored day-care facilities has decreased. The cost of private child care often exceeds the financial means of Hungarian families. Efforts are under way to educate female employees about their rights in the workplace, which is considered very important in a time of drastic economic change. A women's machinery was established within the framework of the Ministry of Labour.

234. The situation of the Roma minority, many of whom live in extreme poverty, is of particular concern to the Government. A programme of action is therefore being elaborated to address educational, employment, social welfare and anti-discrimination aspects.

### Concluding comments of the Committee

#### Introduction

235. The Committee expressed its satisfaction with the manner in which the State party had

submitted its third periodic report and engaged in a constructive dialogue with the Committee.

236. The report describes the major changes that have occurred in the country and the serious difficulties confronting women with regard to their rights and their effective recognition.

237. The Committee noted that the report and the oral presentation provided an objective analysis of the situation.

#### Factors and difficulties affecting the implementation of the Convention

238. The Committee is aware that Hungary is undergoing a period of social and political transition the economic consequences of which are not conducive to advancing the status of women.

239. The economic recession and the emergence of neoconservative and neoliberal ideas have had a substantial negative impact on the country's overall situation, creating a feeling of heightened insecurity. In addition, the change in attitudes towards the traditional family, with a system of values where the mother is the central element of the household, seems to limit women's opportunities.

240. Women's issues are consequently no longer a matter of primary concern for the country. The Committee is aware that this transition period is delaying implementation of the Convention and compliance with the commitments made by the State party at the Fourth World Conference on Women.

#### Positive aspects

241. The Committee noted with satisfaction that Hungary's Constitution and legislation guarantee equal rights to women without any discrimination.

242. The Committee particularly appreciated the legislative and structural reforms recently introduced by the Government to guarantee women's social and political rights, including the Embryo Protection Act, which has considerably reduced the number of induced abortions.

243. The Committee was pleased with the inclusion of human rights teaching, including women's rights as an integral part thereof, in the curricula of primary and secondary schools and at universities.

244. The Committee applauded the cooperation being developed by Hungary with international institutions such as the European Union, the Council of Europe and the International Labour Organization (ILO) for the further training of the labour force, thereby, inter alia, providing women with opportunities to improve their situation.

245. The Committee noted with interest a resurgence of women's non-governmental organizations, which are extending links of solidarity with each other, with a view to making women aware of their rights.



246. The Committee noted with satisfaction the emergence of businesswomen in Hungary, which could help to stimulate the country's economy.

#### Principal subjects of concern

247. The Committee was concerned that there was no coherent policy or any powerful body with special responsibility for coordinating action in favour of women.

248. The Committee regretted that women's issues were not a priority for the Government political parties or public opinion.

249. Since their specific needs were not being taken into account, de facto enjoyment of women's rights was undeniably meeting obstacles.

250. The Committee noted with concern the undue emphasis placed on women's role as mothers without balancing it with their role as citizens.

251. The Committee expressed concern about the low level of female representation in the decision-making process and in the conduct of public affairs.

252. The Committee noted with alarm that the number of acts of violence and sex crimes against women more than doubled between 1988 and 1993, and consequently deplores the lack of special criminal legislation designed to curb these crimes.

253. The Committee noted with regret that the economic constraints resulting from the transition process were having a negative impact on women's employment and health; female unemployment was increasing and the quality of social services provided to women was deteriorating.

254. In addition, the state of health of the female population was unsatisfactory when judged by international standards. In particular, the high cost of contraceptives prevented women from freely planning when to have children. The very high increase in the rate of abortions was of concern to the Committee.

255. The Committee noted with concern the scale of the problem of prostitution, which affected girls and women in ethnic minorities in particular.

256. The Committee also noted the very precarious situation of refugee women, who are more often exposed to discriminatory treatment.

#### Suggestions and recommendations

257. The Committee recommended that the State party ensure that the provisions of the Convention are implemented and that the commitments it made at the Fourth World Conference on Women are honoured, by instituting a high-level national mechanism responsible for defining

and coordinating a policy for the advancement of women.

258. The Committee invited the Government to take the necessary measures to improve the level of representation of women in all areas of political and public life.

259. The Committee requested the Government to take urgent legislative and concrete measures to provide female victims of violence with protection and appropriate and suitable services.

260. The Committee requested the Government to offer sex education programmes to all young people and to subsidize contraceptives in order to promote family planning and reduce the number of abortions.

261. The Committee urgently requested the Government to take all necessary measures to rehabilitate and reintegrate prostitutes into society.

262. The Committee urged the Government to guarantee social protection for minority and refugee women.

263. The Committee recommended that the Government support women's non-governmental organizations. It should also facilitate the establishment of a network of non-governmental organizations with a view to strengthening their actions.

264. The Committee urgently requested the Government to take further steps to disseminate the Convention and the general recommendations of the Committee.

### **CEDAW A/57/38 part III (2002)**

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.