



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

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## Committee on the Elimination of Discrimination against Women

Thirty-ninth session

23 July-10 August 2007

### Concluding comments of the Committee on the Elimination of Discrimination against Women: Hungary

1. The Committee considered the sixth periodic report of Hungary (CEDAW/C/HUN/6) at its 801st and 802nd meetings, on 31 July 2007 (see CEDAW/C/SR.801 (A) and 802 (A)). The Committee's list of issues and questions is contained in CEDAW/C/HUN/Q/6, and the responses of the Government of Hungary are contained in CEDAW/C/HUN/Q/6/Add.1.

#### Introduction

2. The Committee expresses its appreciation to the State party for its sixth periodic report, which followed the Committee's guidelines for the preparation of reports. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and additional written information, which elaborated on the recent developments in the implementation of the Convention in Hungary.

3. The Committee commends the State party for its delegation, headed by the State Secretary for Equal Opportunities, Ministry of Social Affairs and Labour, and which included specialists from various ministries. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

#### Positive aspects

4. The Committee commends the State party on the range of initiatives aimed at eliminating discrimination against women and promoting gender equality. In particular, it welcomes the adoption in 2003 of the Act on Equal Treatment and the Promotion of Equal Opportunities, and the establishment in 2005 of the Equal Treatment Authority, which is in charge of ensuring observance of the principle of equal treatment.



5. The Committee welcomes the ratification by the State party in December 2006 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The Committee notes with satisfaction that the State party is in the process of preparing a draft national strategy to combat trafficking in human beings.

6. The Committee welcomes the measures taken by the State party to prevent cancer among women, in particular the screening programmes for breast, cervical and colon cancer.

#### **Principal areas of concern and recommendations**

**7. While recalling the State party's obligation to implement all the provisions of the Convention systematically and continuously, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament in order to ensure their full implementation.**

8. The Committee is concerned that the State party has not implemented the Committee's recommendations, and specifically the recommendation to provide appropriate compensation to Ms. A.S., to review its domestic legislation pertaining to the principle of informed consent and ensure its conformity with international human rights and medical standards, and monitor public and private health centres which perform sterilization procedures, as contained in its views under the Optional Protocol to the Convention in respect of communication No. 4/2004, Ms. A.S. v. Hungary. The Committee is further concerned about the reasons given by the State party for non-payment of compensation to Ms. A.S. The Committee recalls that, in accordance with article 7 of the Optional Protocol, the State party is under an obligation to give due consideration to the views of the Committee, together with its recommendations.

**9. The Committee urges the State party to reconsider its stance on the Committee's views in respect of communication No. 4/2004, Ms. A.S. v. Hungary, and to provide appropriate compensation to Ms. A.S.**

10. The Committee is concerned that, although the Convention has been incorporated in domestic law, the Convention's provisions and the general recommendations of the Committee are not adequately used by the State party as a framework for all laws, policies and mechanisms aimed at achieving women's equality with men. The Committee is similarly concerned that the provisions of the Convention, the Optional Protocol and the general recommendations of the Committee are not sufficiently known, including by judges, ombudspersons, lawyers and prosecutors, and by women themselves.

**11. The Committee calls on the State party to take additional measures to ensure that the Convention is consistently used by the State party as a framework for all laws, policies and mechanisms aimed at achieving women's equality with men. The Committee calls on the State party to take additional**

measures to disseminate information about the Convention, the procedures under the Optional Protocol and the Committee's general recommendations, and to develop and systematically implement training programmes for prosecutors, judges, ombudspersons and lawyers that cover all relevant aspects of the Convention and the Optional Protocol. It also recommends that sustained awareness-raising and legal literacy campaigns targeting women, including rural women and non-governmental organizations working on women's issues, be undertaken to encourage and empower women to avail themselves of procedures and remedies for violations of their rights, including judicial procedures and recourse to the Equal Treatment Authority.

12. While noting the adoption in 2003 of the Act on Equal Treatment and the Promotion of Equal Opportunities, the Committee is concerned that there is no definition of discrimination against women in accordance with article 1 of the Convention in the Constitution or in the Act on Equal Treatment and the Promotion of Equal Opportunities. The Committee is concerned about the lack of information about the impact of the Act on the promotion of gender equality, as well as the insufficient use of the Equal Treatment Authority by women to address discrimination against women, including sexual harassment.

13. **The Committee recommends that a definition of discrimination against women in line with article 1 of the Convention be included in the Constitution or appropriate laws, such as the Act on Equal Treatment and the Promotion of Equal Opportunities. The Committee calls upon the State party to monitor, through measurable indicators, the impact of the Act on Equal Treatment and the Promotion of Equal Opportunities and of other laws, policies and action plans aimed at the promotion of gender equality, and the work of the Equal Treatment Authority, and to evaluate progress achieved towards the realization of women's substantive equality. The Committee requests the State party to include the results of such evaluation in its next report.**

14. The Committee is concerned that the national machinery for the advancement of women, i.e., the Department for Gender Equality, may lack sufficient authority, decision-making power and financial and human resources to coordinate effectively the Government's work to promote gender equality and the full implementation of the Convention, including coordination and cooperation with all other gender equality and human rights mechanisms at the national and local levels. The Committee is concerned that the restructuring of the Department for Gender Equality, as a department in the main Department of Equal Opportunities in the Ministry of Social Affairs and Labour, could reduce its importance and have negative implications for its ability to carry out its many tasks.

15. **The Committee recommends that the State party ensure that the national machinery for the advancement of women has the authority, decision-making power and human and financial resources that are necessary to work effectively for the promotion of gender equality and women's enjoyment of their human rights. This should include capacity for effective coordination, including mainstreaming of gender equality, and cooperation with the various gender equality and human rights mechanisms and with civil society.**

16. The Committee continues to be concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society in Hungary, which are reflected in

women's educational choices, their situation in the labour market and their underrepresentation in political and public life and decision-making positions. The Committee is also concerned about the continuing stereotypical portrayal of women in the media and about the increase in the extent of pornography.

**17. The Committee encourages the State party to strengthen its efforts and take proactive measures to eliminate gender stereotyping. It recommends that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project positive images of women and the equal status and responsibilities of women and men in the private and public spheres. The Committee requests the State party to enhance the training of teaching staff in regard to gender equality issues. The Committee urges the State party to disseminate knowledge about the Convention and its concept of substantive gender equality through the educational system, with a view to changing existing stereotypical views on and attitudes towards women's and men's roles. The Committee calls on the State party to further encourage diversification of the educational choices of boys and girls. It urges the State party to develop and implement programmes aimed at counselling women and girls and men and boys on educational choices, bearing in mind their subsequent equal opportunities and chances in the labour market.**

18. While noting the development of the national strategy to prevent and effectively manage family violence and other measures that have been taken, including the creation of a free telephone service and the opening of some shelters for victims of domestic violence, the Committee continues to be concerned about the prevalence of violence against women in Hungary, including domestic violence. The Committee is concerned that the initiative to introduce restraining orders has not been effective in providing protection to women victims of domestic violence. The Committee continues to be concerned about the lack of a specific law on domestic violence against women which provides for effective protection of victims, including restraining orders, and their access to legal aid.

**19. The Committee urges the State party to implement effectively, with specified time frames, the national strategy to prevent and effectively manage family violence and to monitor its impact. The Committee calls upon the State party to ensure that all women who are victims of domestic violence, including rural women, have access to immediate means of redress and protection, including protection orders, and access to a sufficient number of safe shelters and legal aid. The Committee reiterates its recommendation that the State party elaborate a specific law on domestic violence against women which provides for such redress and protection. It calls on the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with applicable legal provisions and are sensitized to all forms of violence against women and respond adequately to them. It urges the State party to work towards a comprehensive approach to preventing and addressing all forms of violence against women and to improve its research and data collection on the prevalence, causes and consequences of violence against women and to include the results of such research in its next periodic report.**

20. The Committee reiterates its concern that the Penal Code continues to treat sexual crimes as crimes against morality or crimes against decency, rather than as

violations of women's rights to bodily security and integrity. It reiterates its concern that the definition of rape is based on the use of force, rather than lack of consent, and that the age of consent continues to be 14 years. It also reiterates its concern that a minor between 16 and 18 years of age may legally marry.

**21. The Committee urges the State party to reform its law to define sexual crimes as crimes involving violations of women's rights to bodily security and integrity and that the State party define the crime of rape as sexual intercourse without consent. The Committee reiterates its recommendation that the age of consent be raised and that the State party incorporate the concept of statutory rape and prohibit sexual intercourse with underage girls. It reiterates its recommendation that the State party raise the legal age of marriage for women and men to 18 years, in line with article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women, the Committee's general recommendation 21 and the Convention on the Rights of the Child.**

22. While noting the ratification by the State party in December 2006 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 preparation of a draft national strategy to combat trafficking in humans, the Committee remains concerned about the persistence of trafficking in women and girls in Hungary.

**23. The Committee calls upon the State party to ensure that the definition of trafficking in its legislation and related policies and plans is in line with 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. The Committee calls upon the State party to accelerate the formulation of its national strategy to combat trafficking in human beings, to ensure the effective implementation, with specified time frames, of all measures taken to combat human trafficking and to ensure that an effective monitoring system is in place to track progress. The Committee urges the State party to collect and analyse data from the police and international sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls. It also recommends that the State party address the root cause of trafficking by increasing its efforts to improve the economic situation of women, thereby eliminating their vulnerability to exploitation and traffickers, and take measures for the rehabilitation and social integration of women and girls who are victims of trafficking. The Committee requests the State party to provide, in its next report, comprehensive information and data on trafficking in women and girls, on the exploitation of prostitution and on the measures taken to prevent and combat such activities.**

24. While noting that the Equal Treatment Act allows for the application of temporary special measures and also noting the statement by the delegation that the Parliament will discuss at its autumn session a draft bill relating to list-based voting which is aimed at the introduction of a 50 per cent male/female quota for local and national list-based elections, the Committee is concerned about the continuing underrepresentation of women in public and political life and in decision-making positions, including in Parliament, government ministries and local government, as

well as in diplomacy. The Committee is also concerned about the low number of women professors among academic staff.

**25. The Committee encourages the State party to speedily adopt and implement the proposal aimed at having a 50 per cent male/female quota for local and national list-based elections. It further encourages the State party to take other sustained measures, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations 25 and 23, and as provided for in the Equal Treatment Act, to accelerate women's full and equal participation in elected and appointed bodies in all sectors and at all levels. Such measures should include the establishment of benchmarks, numerical goals and timetables, as well as training programmes on leadership and negotiation skills for current and future women leaders. The Committee urges the State party to adopt policies to increase the number of women professors among academic staff. It further urges the State party to undertake awareness-raising campaigns about the importance of women's participation in public and political life and at decision-making levels.**

26. The Committee continues to be concerned about the occupational segregation of women and men in the labour market, the gap between their wages and discrimination in hiring women of childbearing age or mothers with small children.

**27. The Committee recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to adopt measures to narrow and close the wage gap between women and men by applying job evaluation schemes in the public sector connected with wage increases in sectors dominated by women. It also recommends that efforts be strengthened to ensure women's access to vocational training in all sectors. The Committee urges the State party to ensure the effective implementation of legislative provisions, including those in the Labour Code, on equal pay for work of equal value and on equal opportunities in employment. The Committee requests the State party to provide in its next report detailed information, including statistical data indicating trends over time, about the situation of women in the fields of employment and work in urban and rural areas and in the public, private, formal and informal sectors and about the impact of measures taken to realize equal opportunities for women. The Committee reiterates its recommendation that measures allowing for the reconciliation of family and professional responsibilities be strengthened and that the sharing of domestic and family tasks between women and men be promoted.**

28. While noting the screening programmes and other measures taken to prevent cancer among women, the Committee remains concerned about the high rates of mortality among women due to cancer. The Committee is also concerned that, while the abortion rate has decreased, it remains relatively high. It is further concerned that a comprehensive range of contraceptives is not widely available.

**29. The Committee urges the State party to take concrete measures to enhance and monitor access to health-care services for women, including in rural areas, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. The Committee recommends the strengthening of measures to prevent breast, lung, cervical and colon cancer among women. It requests the State party to strengthen**

measures aimed at the prevention of unwanted pregnancies, including by making a comprehensive range of contraceptives more widely available, without any restriction, and by increasing knowledge and awareness about family planning. The Committee requests the State party to include in its next report further information on women's health and on the impact of measures it has taken to improve women's health, as well as information on women's access to health-care services, including family planning.

30. While noting the Programme for the Decade of Roma Inclusion 2005-2015, the Committee is concerned about the situation of Roma women and girls, who face multiple and intersecting forms of discrimination based on sex, ethnic or cultural background and socio-economic status. The Committee is also concerned that Roma women and girls remain in a vulnerable and marginalized situation and subject to discrimination, including with regard to education, health, housing, employment and participation in political, public and economic life. It is further concerned about the prevalence of violence against Roma women and girls, including harassment and abuse at school, as well as about the gaps in Roma women's formal education and the high rates of school dropout among Roma girls.

31. **The Committee urges the State party to take a holistic approach to eliminating the multiple and intersecting forms of discrimination that Roma women face and to accelerate their achievement of de facto equality through the effective coordination of all entities working on Roma, non-discrimination and gender equality issues. It urges the State party to implement targeted measures, within specific time frames, in all areas and to monitor their implementation. The Committee calls on the State party to ensure that a gender perspective is integrated into all aspects of the Programme for the Decade of Roma Inclusion 2005-2015. The Committee urges the State party to take concrete measures to overcome stereotypical attitudes towards Roma people, in particular Roma women and girls. It encourages the State party to organize training programmes for the police on Roma culture. The Committee also recommends that the State party address the high rate of unemployment among Roma women and adopt measures to enhance their participation in public life at all levels. The Committee recommends that the State party collect and make available statistical information pertaining to the education, health, employment and social, economic and political status of Roma women and girls, with a view to developing further specific policies to respond to their needs. The Committee requests the State party to report on the results achieved in its next periodic report.**

32. The Committee remains concerned about the limited information on the situation of rural women, including their access to adequate health-care services, education, credit, social security and other facilities, and their participation in decision-making.

33. **The Committee requests the State party to provide, in its next report, a comprehensive picture of the de facto situation of rural women in all areas covered by the Convention. It calls on the State party to ensure that a gender perspective is integrated in all rural development policies and plans.**

34. **The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

35. The Committee urges the State party to utilize fully, in its implementation of the obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

36. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals, and requests the State party to include information thereon in its next periodic report.

37. The Committee notes that States' adherence to the seven major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Hungary to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

38. The Committee requests the wide dissemination in Hungary of the present concluding comments in order to make people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in this regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

39. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which was due in September 2006, and its eighth periodic report, which is due in September 2010, in a combined report in 2010.

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.