



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

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**Committee on the Elimination of Discrimination
against Women**
Exceptional session

Summary record of the 586th meeting

Held at Headquarters, New York, on Tuesday, 20 August 2002, at 10 a.m.

Chairperson: Ms. Manalo (Vice-Chairperson)

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Combined fourth and fifth periodic report of Hungary

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In the absence of Ms. Abaka, Ms. Manalo, Vice-Chairperson, took the Chair.

The meeting was called to order at 10.15 a.m.

Consideration of reports by States parties under article 18 of the Convention (*continued*)

Combined fourth and fifth periodic report of Hungary (CEDAW/C/HUN/4-5)

1. *At the invitation of the Chairperson, the members of the delegation from Hungary took their places at the Committee table.*

2. **Ms. Kaponyi** (Hungary) said that the Hungarian Government remained strongly committed to international protection of fundamental human rights and freedoms and especially to the promotion of women's rights. The recent elections had brought an unprecedented number of women into Parliament. Indeed, the Ministries of the Interior, of the Environment and Water Resources and of Welfare, Social and Family Affairs were all headed by women. A new Directorate-General for Equal Opportunities had just been established within the Ministry of Employment Policy and Labour; it was responsible for government policy and for coordinating government programmes to promote the equality of women, rehabilitation of disabled persons and employment of the Roma. It would also be proposing a new anti-discrimination bill and developing a new national plan of action. It was already planning a project to develop employment opportunities for women over 40 and women re-entering the labour market after taking leave to care for children, in cooperation with Phare, the programme of assistance for the countries that had applied for membership in the European Union.

3. The Government was aware that legislation alone would not change deeply rooted social attitudes and that it was essential to involve civil society, academic circles, members of Parliament and politicians in efforts to overcome discrimination and promote gender equality. Discrimination against the Roma was a particularly serious problem, and most of Hungarian society was still unaware of the situation of that community.

4. Hungary had ratified the Optional Protocol to the Convention in 2001. It was planning media campaigns and conferences on violence, trafficking, prostitution

and the elimination of gender stereotypes in order to publicize the Convention and the Protocol.

5. **Ms. Açar** asked to what extent NGOs had been involved in drawing up the periodic report and in drafting legislation, especially legislation on women's issues.

6. She requested further details on the mandate and powers of the Parliamentary Commissioner for Civil Rights (ombudsperson). So far the Commissioner had done little to examine or initiate legislation on gender issues, and she wondered what was being done to improve the situation.

7. Given that gender stereotypes were so persistent, she was concerned that the National Family Policy Conception, while encouraging motherhood seemed to do little to encourage a change in men's roles. She asked what the Government's intentions were.

8. **Ms. Ferrer Gómez** noted that women were still expected to fulfil all the functions associated with the family, although the only functions which only they could fulfil were giving birth and breastfeeding; all others could equally well be undertaken by men. The report stressed the importance of men's and women's roles within the family, but said nothing about the kind of family envisaged — whether one in which family rights and duties were shared equitably, or one in which women were responsible for caring for the home, children and the elderly.

9. The National Family Policy seemed to have no clear gender focus, or plans to use education to change cultural stereotypes. Although there were some gender-neutral social security provisions for those caring for children, household duties were not shared between men and women in practice. Current policy seemed to reinforce rather than challenge traditional roles. Women who took time out from work to bring up a family damaged their future employment and promotion prospects. Meanwhile, domestic violence was becoming more common, yet there was little training on how to provide assistance for victims.

10. The Roma suffered great discrimination and although they represented only 10 per cent of the population, 68 per cent of them lived below the poverty line. There was still no policy to deal with that situation. She asked what the Government was doing to develop such a policy and whether it had any plans to

improve Roma girls' access to higher education through scholarships.

11. **Ms. Shin** said that she still did not understand the difference between the Council for Women's Issues and the Office for Women's Issues. She asked what proportion of the staff of the Ministry of Social and Family Affairs worked for the Office, and what its budget was. She also wished to know if the Office, as the body responsible for implementing the Convention, could propose legislation. If so, she asked what procedure the head of the Office needed to follow.

12. The Committee had been given two conflicting figures regarding the staffing levels at the Council for Women's Issues. She asked what the actual figure was, and what proportion were Government personnel from individual ministries, and what proportion were representatives of civil society organizations. She wondered whether the Council was purely a consultative body, or whether it had decision-making powers. If it did have such powers, she asked if it was able to monitor compliance with its decisions within other ministries, for example by designating ministry focal points.

13. **Ms. Tavares da Silva** noted that the Directorate-General for Equal Opportunities had previously had other names; she wondered whether those name changes had been deliberate, and reflected the customary progression from dealing with women's issues in isolation to dealing with equal opportunities comprehensively. She asked for more details about the precise tasks of the Directorate-General, and enquired whether it was responsible for coordinating and enforcing gender mainstreaming across Government departments. Gender mainstreaming had been introduced into Government policy in 1997, and its implementation deadline had passed. She wished to know how implementation had taken place, for example through a plan of action for each ministry.

14. Noting that the Directorate-General also dealt with rehabilitation of disabled persons and employment of the Roma, a minority, she expressed the hope that that did not mean that women were being treated as a minority.

15. The report was ambiguous about a number of concepts. She requested clarification of the special temporary measures to accelerate equality for women, within the meaning of article 4, paragraph 2 of the Convention. The term "positive actions" in the section

of the report covering article 2 of the Convention suggested that the measures being described were temporary special measures, but in fact they were not. The report also referred to "positive discrimination" and "negative discrimination"; in her view, discrimination was always negative. It was stated, in the section of the report covering article 4 of the Convention, that introducing a quota system, in other words, special measures, would be considered unlawful, yet the country had just such measures in place. She asked if that meant that the lawfulness of existing special measures could be challenged. She suggested that the wording used in such instances should be re-examined, or better still, that the terms used in the Convention itself should be adopted.

16. **Mr. Melander** said that he had been unable to determine from the report what the legal status of the Convention was in Hungary, and asked whether courts could refer to it directly, or whether it needed to be passed into domestic law. Although the Constitution prohibited discrimination, its definition of the term was not in line with that given in article 1 of the Convention. He wondered if there were any plans to enact legislation to change that definition and if there were plans to make women aware of the fact that they could appeal to the Committee. He also wondered what educational measures were in place to improve understanding of human rights in general and women's rights in particular in higher education and among the judiciary and law-enforcement officials.

17. The responses to the pre-session working group's questions had mentioned legal challenges before the Constitutional Court. He asked for further details of those cases, especially where they referred to recognizing natural differences between men and women.

18. **Mr. Kiss** (Hungary) said that the changes in the name of the national mechanism for the advancement of women were, indeed, an indication of changes in philosophy. The original mechanism had been an advisory body to the Minister of Employment and Labour, made up of invited representatives of non-governmental organizations, scholars and activists; it had been followed by an interdepartmental committee. The current Directorate-General for Equal Opportunity was a separate department, reporting directly to the Minister. Its future plans included a proposal to amend the decree on the role and procedures of the Council for Women's Issues, designating focal points for

women in each ministry and finding a more democratic method for selecting non-governmental organizations to be represented on the Council. The Directorate-General did have the power to introduce legislation, and planned to renew efforts to adopt specific anti-discrimination legislation by lobbying members of Parliament and establishing a women's caucus. As to why women, the disabled and Roma had been grouped together, that had been a practical more than a policy matter, as it had not been possible to reach agreement on anything but a very general definition of equal opportunity. Sub-departments dealt directly with the concerns of the disabled and employment programmes for Roma, while the Department of Equal Opportunity for Women and Men worked for gender mainstreaming.

19. The Council for Women's Issues had been involved in the preparation of the report, and experts nominated by the non-governmental community had provided input; the final version had been presented to those organizations at a conference. Non-governmental organizations would be involved as far as possible in the preparation of legislation.

20. The Directorate-General for Equal Opportunity had a staff of eight, including one man. Its budget came from several sources; the technical budget, covering salaries and operating costs, had been 20 million florins (250 florins was equivalent to US\$ 1) in 2001; that had been reduced to 18 million florins in 2002, even though costs had increased by 150 per cent. The budget for professional programmes had been 40 million florins in 2000. For 2002, it was projected to be 20 million florins, but actual expenditure was expected to be 24 million. The Directorate planned to double its programme budget request for 2003 to 50 million florins. Funds received from the European Union through the Phare project were aimed at specific projects such as reintegration of women over age 40 into the labour market; they were usually not directly administered by the Directorate-General but were contracted to non-governmental organizations.

21. **Ms. Kollonay-Lehoczyne** (Hungary), in reply to Mr. Melander, said that the Convention was part of Hungarian law but was not directly enforced in the courts because it did not establish the rights of the individual, but rather, the responsibility of States parties to establish the institutional and legal framework to secure individual rights. Under Hungarian law, only private parties could litigate. The case law of the Constitutional Court was not always in

line with the spirit of the Convention and equal rights, but the wording of some recent decisions gave rise to optimism.

22. She agreed with Ms. Tavares da Silva that the term "positive discrimination" was not ideal, but its use went back to a 1990 decision of the Constitutional Court. Because of the rigid approach to the concept of equality, the subject had been approached with a great deal of caution. A law was needed that would recognize the differences in the needs of individuals; thus far, the legislature had not had the courage to take up the issue.

23. There had been two significant developments on the subject of parental leave. First, a regulation waiving tuition fees for employees on family leave who wished to pursue further education made no distinction between father and mother. Second, an amendment to the law on employment and assistance to the unemployed allowed any person on childcare leave to be covered.

24. In a recent ruling the Constitutional Court had found that the term "widow's pension" discriminated between spouses and promoted a discriminatory view of the value of the work of each partner. It had also changed the wording of the rules on early retirement; now either parent, not just women, could add the years spent out of the workforce caring for children to their total for early retirement under the social security system. Job segregation was widespread; most textile workers were women and the name of the position even implied the sex of the worker. The Court had considered the case of a male textile worker whose request for an early retirement pension had been rejected because of his gender.

25. **Ms. Kaponyi** (Hungary) agreed that discrimination against the Roma people was the shame of Europe. Their situation had actually worsened since the political change in Hungary. Only 14 per cent lived in settled housing; the rest were in isolated slums with no services, and their risk of HIV infection was high. During the Socialist era, 60 to 80 per cent of Roma men and 35 per cent of women had been employed; currently, against a backdrop of 6 per cent general unemployment, the rate for Roma was many times that. The Roma population was concentrated in areas where Socialist-era industry had collapsed.

26. **Ms. Fehér** (Hungary) said that although domestic violence was not specifically covered by the Penal Code, it was punishable under the provisions on sexual

offences, battery or, in the case of homicide, crimes against the person. The Government was aware that an explicit prohibition would send a stronger message; approximately 27 per cent of all murders were committed by a spouse, partner or former partner. In one survey, nearly half the respondents had stated that they would be reluctant to seek help from the police and did not believe that domestic violence complaints were handled appropriately, and a survey on development cooperation had noted a lack of high-level cooperation between national authorities dealing with the problem. Much remained to be done, but at least the issue was being raised in various forums. A committee established under the Ministry of Social and Family Affairs had made proposals regarding amendments to the Code and a reform of police procedures; those proposals were being reviewed by a group of sociologists and psychologists who would make further recommendations regarding appropriate treatment for offenders and their families. Several non-governmental organizations (NGOs) provided assistance to victims of domestic violence. In 2002, the Ministry of Social and Family Affairs had sponsored two training sessions for NGOs, police officers and social workers on the topic of trafficking in women from the perspective of women's human rights and violence against women; role-playing exercises had forced participants to face the reality of the problem. The sessions had been a great success and would be offered again.

27. **Ms. Kaponyi** (Hungary) said that dissemination of the Convention had been unsatisfactory but that further efforts were being made, *inter alia*, through awareness campaigns, web sites and distribution of the instrument to NGOs. The Government attached great importance to the complaint procedure provided for in the Optional Protocol; a training programme for judges, conducted with a view to Hungary's accession to the European Union, would probably provide sufficient funding for its dissemination.

28. No complaints involving violations of women's rights had been brought before the Parliamentary Commissioner for Civil Rights, but the procedure was well known and available to all. A Council of Europe programme on human rights education had been incorporated into the national school curriculum and the Government was working to integrate the issues of human rights and equal opportunity into all levels of education in order to promote justice, democratic

citizenship and partnership between women and men; however much remained to be done. The subject of human rights was taught regularly in the primary schools and occasionally in the secondary schools, and several human rights courses were offered at the university level; she had taught a course on the Convention for the past 10 years.

29. **Mr. Kiss** (Hungary) said that the Government was preparing to review the National Family Policy. It did not want to interfere with families, but rather to promote partnership and sharing, think in terms of parenthood rather than motherhood and give citizens an opportunity to make real choices.

30. **Ms. Feng Cui** said that she welcomed the increased level of women's participation in the May 2002 elections. However, the report and the delegation's statement had mentioned only isolated activities designed to promote such participation; she wondered whether the Government had a general policy in that area and, in particular, how it planned to address political parties' lack of interest in nominating women candidates and to promote the participation of Roma women. The delegation should also clarify the Government's position on positive discrimination; article 4 of the Convention was an important tool for enhancing women's role in politics. She hoped that a study of the issue would be undertaken.

31. **Ms. Corti** said she welcomed the news that a university course on the Convention had been taught for the past 10 years. However, in light of Hungary's highly educated female population, she was surprised by the statement that women were not interested in politics and that political parties were not interested in nominating women candidates. If Hungary wished to become a member of the European Union, it would need to improve its democratic institutions; it was disturbing that half the population was not participating actively in political decision-making. The countries of the European Union had national mechanisms to promote women's involvement in the political arena. Improvement would not come by itself, nor was it enough merely to show films and organize discussions; the Government should develop a strategy and work with NGOs to lobby for increased representation of women. She hoped that the next report would include more information on the issue and would have positive results to report.

32. She requested clarification of the statement on page 17 of the report that the serious demographic problems of Hungarian society required modification of the Convention's priorities; as a party to that instrument, the Government was required to ensure every aspect of women's de facto and de jure equality.

33. **Ms. Gaspard** expressed concern that efforts to eliminate trafficking in women into foreign countries were impeded by a lack of cooperation among the authorities concerned and that there was no specific strategy for preventing the problem. She hoped that progress would be made during the next reporting period. The report also stated that as from 1 March 2000, new legislation had increased the penalties for "prohibited soliciting". She asked whether that term referred to prostitutes or their pimps; it was important to ensure that prostitutes were not doubly victimized by the law itself and that they could safely lodge complaints against those who exploited them.

34. She also wondered what percentage of women candidates had been elected to Parliament in the most recent elections; whether any Roma candidates and, in particular, Roma women had run for or been elected to Parliament; and whether the Women's Subcommission of the Parliamentary Committee on Human Rights, Minorities and Religion was still in existence.

35. **Ms. Achmad** noted that more women were being elected to public office in rural municipalities. It would be useful to have additional information on the situation of women in those areas.

36. The increase in the number of women elected to public office in the recent elections had been due in part to the efforts made to increase awareness of female underrepresentation, in particular the screening of films and the related round-table discussions. It would be interesting to know whether those discussions had referred specifically to the Convention and/or to the Committee's General Recommendation No. 23 and whether Hungarian political parties had been involved. It was crucial to develop initiatives targeting both women themselves and the political parties in order to overcome women's disinterest in political participation. She inquired whether the new Directorate-General for Equal Opportunities would be taking any such action in the near future and also whether non-governmental organizations would play a greater role in liaising with political parties on the subject of gender equality, since the specific expertise

of those organizations meant that their intervention could be particularly effective. Unless the political parties were convinced that women could make a valuable contribution to the democratization process, underrepresentation would continue.

37. Professional and well-educated women needed to be empowered to overcome the social conditioning which had led them to accept that the political arena was reserved for men. She asked whether the Government would be organizing training courses for women to raise their awareness of their rights and responsibilities with regard to public and political life.

38. She hoped that Hungary's next report would contain more information on those issues at both the national and the regional level, particularly given the marked absence of gender equality mechanisms at the regional level.

39. **Ms. Fehér** (Hungary) said that Hungary had made significant progress in dealing with violence towards women. However, there was still more to be done, especially in the legislative sphere.

40. It was difficult to obtain accurate estimates of the prevalence of prostitution because of its clandestine nature. However, the Government was aware that a problem existed. The thinking behind Act No. LXXV of 1999, which defined the concept of "zones of tolerance" where prostitution was permitted within certain limits, was to encourage prostitutes to become independent from their pimps, thereby eliminating one form of exploitation. However, only two such zones had been created and they were situated in towns which lacked the necessary infrastructure. Prostitutes had therefore been forced to offer their services in areas where such activities were prohibited; that had resulted in an increase in pimping activities because prostitutes had to rely on pimps to protect them from the police. A new draft law had recently been drawn up and distributed to non-governmental organizations and Government ministries. It was currently being discussed by those bodies and it was hoped that a workable solution to the problem would emerge.

41. She confirmed that support programmes for prostitutes and their families did exist in Hungary: they were run by non-governmental organizations and funded by the Government. Hopefully such programmes would become more widespread in the near future.

42. Turning to trafficking in human beings, she said that severe penalties were imposed on perpetrators of trafficking and those who prepared the ground for such activities and that Hungarian legislation on trafficking had been updated. As Hungary was both a transit and a destination country, the issue was high on the political agenda, not only in terms of legislative provisions but also as regards support and protection for victims and witnesses.

43. **Mr. Kiss** (Hungary), referring to article 7 of the Convention, said that 9.1 per cent of the successful candidates in the recent Parliamentary elections were female, as was the current Speaker of Parliament. Women accounted for 18.75 per cent of Government ministers and occupied 11.3 per cent of the so-called “top political offices”; 25 per cent of local councillors were women. The Government was planning to set up training courses for women entering public and political life at all levels and, with the support of non-governmental organizations, to take action to raise the awareness of political parties to the gender equality issue and create a strong women’s lobby movement within Parliament.

44. Lastly, he confirmed that the Joint Subcommittee on Women’s Issues had been re-established within the framework of the Committee on Human Rights, Minorities and Religion.

45. **Ms. Kaponyi** (Hungary), agreed with Ms. Corti that, as it hoped to join the European Union, Hungary was bound to comply with the Copenhagen accession criteria. To do so it would need to incorporate into law provisions to ensure de facto equality between the sexes, and to amend the Constitution so as to allow for temporary special measures to achieve gender equality in public and political life. In order to encourage women to participate in the country’s political life, it would also have to adopt legislation to reconcile political and family responsibilities.

46. In terms of supportive measures, it could create a database containing the names of women who were willing to take up positions in public and political life, organize training and confidence-building workshops for such women and encourage young people to take an interest in the country’s political life.

47. Roma women were the victims of twofold discrimination, on account of both their gender and their ethnicity. To address the situation the Government had set up an Interministerial Commission on Roma Issues which comprised representatives, the majority of

whom were female, from each ministry. However, much still remained to be done in that regard.

The meeting rose at 1 p.m.