



**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 587th meeting

Held at Headquarters, New York, on Tuesday, 20 August 2002, at 3 p.m.

Chairperson: Ms. Manalo (Vice-Chairperson)

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

The meeting was called to order at 3.05 p.m.

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

Combined fourth and fifth periodic reports of Hungary (continued) (CEDAW/C/HUN/4-5; CEDAW/PSWG/2002/EXC/CRP.2/Add.6; CEDAW/PSWG/2002/EXC/CRP.1/Add.7)

1. *At the invitation of the Chairperson, Ms. Fehér, Ms. Kaponyi, Mr. Kiss and Ms. Kollonay Lehóczkyné (Hungary) took places at the Committee table.*

Articles 10 to 14

2. **Ms. González** said that, while the decrease in the number of abortions was particularly welcome, the abortion rate remained disturbingly high despite the efforts made by the legislature and the Government. A more integrated approach incorporating reproductive and health education was required. For example, the State party could conduct an information and education campaign for both men and women so as to raise awareness among men of their responsibility to avoid unwanted pregnancies. It was particularly important to make known the serious medical risks for women who had not yet had children and the risks associated with repeated abortions.

3. The report lacked specific information on the general health status of women, including the morbidity rates for various illnesses, mortality rates, main causes of death and the nature and extent of substance abuse. How were such problems addressed? Information was also lacking on how the right to health was ensured among rural women.

4. **Ms. Schöpp-Schilling** pointed out that the laws currently invoked against domestic violence were not specific to acts committed against women. While the State party had conducted studies into domestic violence and had recognized that the problem was a matter of public concern, a new law was required specifically to address that problem, including provisions for restraining orders, shelters and training.

5. While the efforts made by the Government to combat discrimination against the Roma were impressive, the lack of gender-disaggregated data made

it difficult for the Committee to consider the situation of Roma women. It would be of interest to the Committee to learn the proportion of Roma girls enrolled in schools with special curricula, as well as the drop-out rates among girls and boys.

6. A number of measures specifically protecting women remained in force in the Labour Code, including a provision that prohibited overtime work for mothers of children under one year old. Such provisions could be an obstacle to the employment prospects of young women, many of whom were unemployed, receiving public assistance or financially dependent on men. Did the Government attempt to ensure gender balance among the beneficiaries of employment and retraining programmes? The State party was to be commended for ratifying the Optional Protocol to the Convention. Did the Government intend in the near future to accept the amendment to article 20, paragraph 1, of the Convention?

7. Putting questions on behalf of Ms. Livingstone Raday, she noted that, while the gender gap in wages was relatively small, it was apparently increasing. What measures was the Government considering to reverse that trend? Did it intend to use job or wage classification tables? If so, it should exercise caution, as such instruments sometimes contained stereotypical notions that could perpetuate gender imbalances in the workplace. What position had the trade unions taken in that regard? Lastly, had the State party considered adopting the Swedish model for parental leave, whereby resources were allocated for leave for the father, but entitlement lapsed if such paternity leave was not taken? That practice had helped to foster a more just distribution of family responsibilities.

8. **Ms. Kollonay Lehóczkyné** (Hungary) agreed that protective measures in the Labour Code could impair women's employment opportunities and their chances for higher wages and career advancement. Although many such provisions had been repealed in recent years, the two that remained prohibited night work and overtime work for mothers of small children, both of which were lucrative for the worker. Other such restrictions had been made contingent on the consent of the worker. That was a sensitive issue, as employers could obtain the consent of workers through constraint. Laws specifically worded to protect mothers and single fathers were being phased out, as it had been found that they unnecessarily confirmed stereotypical roles in the family.

9. Perhaps unemployment was lower among women than among men because many women had simply withdrawn from the job market. Another possible explanation was that economic restructuring had led to more employment in service sectors, where the proportion of women workers was higher, to the detriment of predominantly male sectors such as mining and heavy industry. The statistics concerning the wage gap could be misleading, as data from private industry were in flux. While the gap might be 12 or 13 per cent for people in a given job, overall it could be as high as 28 per cent. Until July 2001 there had been no law applying a positive rule that obliged employers to pay equal wages for equal work. Under the new law, wages must be based on performance, and the attributes of both genders must be taken into consideration.

10. Training projects had been carried out for judges and labour inspectors so as to encourage gender equality in the workplace. Although the delegation could offer no specific data on the subject, gender equality was an issue of concern to the trade unions, which considered that the *acquis communautaire* should already apply in Hungary. Because about one third of women were engaged in the public sector, the 50 per cent pay increase scheduled for public servants in September 2002 would have a significant impact on average wage levels of women.

11. It was generally agreed that the granting of non-transferable parental leave to fathers would be welcome and advantageous. She expressed the hope that a law instituting such leave would be adopted in the near future.

12. **Ms. Fehér** (Hungary) said that Hungarian society had recognized that domestic violence was not a private affair. A new law against domestic violence had been drafted by the former Government and circulated to staff in the various ministries. She was confident that the bill would be adopted by the time the Committee considered Hungary's next report. In addition, the Penal Code would soon be amended. Although in theory police intervention was authorized, the police required practical guidance and encouragement to take effective action in that field.

13. **Mr. Kiss** (Hungary) said that the Government understood the importance of the acceptance of the amendment to article 20, paragraph 1. He would raise

the issue the next time he spoke to the Commission on Foreign Relations and other parliamentary bodies.

14. **Ms. Kaponyi** (Hungary) said that the new Government had drawn up strategy guidelines for the provision of health care, including the establishment of local women's health centres and the creation of independent health-care services offering gender-sensitive information, education and practical care. It was particularly important to draw public attention to problems that had not previously been apparent, such as sexualized domestic violence and eating disorders. Gender-related knowledge and skills must be developed at all levels of the health system.

Articles 15 and 16

15. **Ms. Goonesekere** said the Committee was concerned about the issue of sexual exploitation. Countries must enact laws on trafficking, especially in the current context of Internet communications which facilitated the spread of such phenomena. The Government had conceded in its report and presentation that few trafficking cases had been prosecuted. As the State party had acceded to the Optional Protocol, the exhaustion of domestic remedies could now serve as a basis for bringing cases to the attention of the Committee. It was thus of particular importance to reform the legislation and to ensure that domestic remedies existed.

16. When drawing up remedies and reviewing legislation, it would be advisable to change the emphasis of the law, shifting from a focus on issues of decency and morality and concentrating instead on the violent infringement of a woman's right to bodily security. The rape laws must be recast so that the prosecution did not bear the burden of proof that violence was used. Rape should be defined simply as sexual intercourse without consent. It was of concern as well that the definition of "seduction" in Hungarian law apparently corresponded to statutory rape. The issue of consent was not relevant in cases where sexual intercourse took place with a minor.

17. It would be advisable to ensure equality in parental responsibility, for example by adopting appropriate laws concerning parental leave. Maternity leave must not be perceived as a form of positive discrimination, but rather as a measure for the fulfilment of a social right and obligation.

18. **Ms. Kwaku** noted that, while the minimum age for marriage was 18 — the age of majority in Hungary — under act IV of 1952 on Marriage, Family and Guardianship, minors aged 16 years or over could marry with the permission of the public guardianship authority. She asked how the public guardianship authority functioned; whether minors aged 14 or 15 years, who had attained the legal age of consent but could not marry, were allowed to cohabit; if so, whether there were any data on the rate of cohabitation in that age group; and whether minors could exercise parental rights. Observing that polygamy continued to be practised in certain, usually Muslim, States, she enquired whether the prohibition on bigamy applied to foreign nationals resident in Hungary; what the penalties for bigamy were; what protection second wives were afforded under the law; and what the status of the children of bigamous marriages was. The report highlighted the decline in the marriage rate and the increasing prevalence of cohabitation; she wished to know whether the Government was taking any measures to promote marriage and what the rights and responsibilities of common-law spouses were. Lastly, she sought clarification concerning the meaning of article 6, paragraph 1 (d), of act LXXIX of 1992 on the Protection of Foetal Life, which provided that pregnancy could be interrupted up to the twelfth week if the pregnant woman was “in serious crisis”.

19. **Ms. Kollonay Lehóczkyné** (Hungary) said that minors could not exercise parental rights. Thus, when a minor gave birth to a child, a guardian was appointed, usually one of the child’s grandparents. That procedure did not apply, however, in the case of minors aged 16 years or over who married with the permission of the public guardianship authority, since they acquired full legal capacity upon marriage. There were no laws to prevent persons aged 14 or 15 years from cohabiting, although, as minors, they required their parents’ consent. The public guardianship authority was a local government body staffed by highly trained personnel, which, inter alia, acted as guardian in respect of children whose parents had died, lacked full legal capacity or had been deprived of their parental rights.

20. **Ms. Fehér** (Hungary) said that the prohibition on bigamy did not apply to foreign nationals resident in Hungary. However, under act IV of 1952 on Marriage, Family and Guardianship, when a Hungarian citizen entered into marriage with a foreign national, whether in Hungary or abroad, both parties must satisfy the

requirements of the personal status laws of their respective countries in order for the marriage to be deemed valid. Thus, if a Hungarian citizen took a second wife, even in a State in which polygamy was still practised, the marriage would be considered bigamous in Hungary and he would be liable to prosecution.

21. She wished to assure the Committee that the amendment of the provisions of the Criminal Code relating to trafficking in persons and of the definition of that offence, following the signature by Hungary in December 2000 of the Protocol to Prevent Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, had facilitated the prosecution of traffickers. Under the amended provisions of the Criminal Code relating to pornography, which had entered into force in April 2002, the possession and supply of child pornography constituted offences, whereas, in the past, only the production of child pornography had been prosecutable. The police had established a special unit to investigate Internet pornography.

22. Regarding the categorization of rape and other sexual offences as crimes against sexual morals and assaults against decency, she acknowledged that the relevant chapter of the Criminal Code was outdated. A new law on sexual offences would be formulated, along with legislation on domestic violence and stalking. Under the new law, there would be no differentiation between heterosexual and homosexual activity, and the pejorative language used in the existing provisions to describe homosexual acts would be eliminated. Rape would be defined as sexual intercourse with a woman without her consent.

23. **Mr. Kiss** (Hungary) said that the Hungarian public was deeply divided over the issue of abortion. The language of article 6, paragraph 1 (d), of act LXXIX of 1992 on the Protection of Foetal Life represented a compromise. The “crisis” referred to might be of an economic or social nature. The pregnant woman’s own assertion that she was “in serious crisis” would satisfy the requirements of the law; no independent investigation into the veracity of that assertion would be carried out.

24. **Ms. Kaponyi** (Hungary) said that more detailed information on the issues raised by the experts would be provided in the next report.

25. **Ms. Hazelle**, Rapporteur, sought clarification of the provisions on incest; it appeared that that offence was not prosecutable if the victim was aged 14 years or over.

26. **Ms. Saiga**, noting that the State party was reorganizing its national machinery for women, said that the proposed structure was still not clear to her and asked when the new system would be in place.

27. **Ms. Fehér** (Hungary) said that incest was a felony punishable by imprisonment for a period of from one to five years. Sibling incest was a misdemeanour punishable by imprisonment for up to two years. In addition to the provisions on incest, Hungary had a full complement of laws aimed at protecting children's physical, moral and material well-being, and the penalties for the offences prosecutable under those laws were more severe if the perpetrator was responsible for the education, supervision, care or medical treatment of the victim.

28. **Mr. Kiss** (Hungary) said that the Directorate-General for Equal Opportunities had been established at a high level within the Ministry of Employment Policy and Labour. The Ministry itself had been established only a few weeks earlier, and some aspects of its structure and procedures were still being elaborated. The process would be completed by year-end.

29. **Ms. Abaka** said that the State party should review the penalties for incest, which failed to reflect the seriousness of that crime.

30. **Ms. Kapalata** said that she fully endorsed the comments of Ms. Goonesekere regarding the need for a comprehensive review of the legal provisions on sexual offences, trafficking in persons and violence against women. She trusted that there would be an increase in women's participation in political life and their representation in the diplomatic service, including in senior posts.

31. **The Chairperson** thanked the delegation for its responses to the experts' questions.

32. **Ms. Kaponyi** (Hungary) expressed appreciation for the experts' valuable comments.

The meeting rose at 4.25 p.m.