



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

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

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**Responses to the list of issues and questions with regard to
the consideration of the sixth periodic report**

Hungary*

* The present document is being issued without formal editing.



Constitution, laws and national machinery

1. Please provide information on the impact of the Equal Treatment Act on the promotion of gender equality. Please also provide examples of the circumstances giving rise to exemptions under the Equal Treatment Act, referred to in the report.

Only on long-term is it possible to determine what permanent effects the law has on society. Of itself, it is a significant achievement that an unprecedented number of legal proceedings have been initiated on charges of discrimination against women, as the activity of the Equal Treatment Authority becomes better known. These cases have almost exclusively been in the area of employment. How successful they have been is another matter. Of the 202 cases investigated in 2006 (this number includes proceedings initiated at the request of all persons regarding all forms of illegal discrimination), decisions favoured plaintiffs in 27 cases, of which seven were gender-discrimination related. All concerned employment.

When plaintiffs' arguments were rejected, they were for the following reasons:

- The complaint was not employment related;
- The proceedings were deemed lawful under valid legislation;
- The proceedings found that there was no connection between the discrimination and the fact that plaintiff was a woman; and
- Proceedings were terminated with the plaintiff withdrawing the request for redress.

The Report contains mistaken conclusions on legal actions regarding exemptions to proceedings. In cases of employment discrimination, the authority applies special exemption rules in all cases. In other words, it is not satisfied with rational arguments such as reasons of general exemption, and during the presentation of exemption evidence, it accepts only proportionate exemptions justified by the nature of the work, with application resting on significant and lawful conditions.

Example:

A plaintiff turned to the authority with the complaint that she had suffered discrimination because of gender while an intern in an office that conducted commercial activity, because the internship ended without the company offering her a contract as a commercial agent. Plaintiff felt that the office had dealt in an "incomparably" different way with a male intern who began his internship later than she did. Plaintiff also raised an objection to the fact that there was no other woman working in that office in the same position as she had been during her time there. The Authority initiated proceedings and held two hearings. The Authority accepted defendant's argument that it had not employed gender discrimination.

The proportion of women and men working in the office did not verify the complaint that women were being discriminated against. There had been a woman working in the same position at the office since September 4, 2006. The defendant had the opportunity to become acquainted with the plaintiff during a six-week internship. Thus, defendant argued, it had objective work-related reasons – gleaned

through the experience of the managers and other staff members in working with plaintiff – for refusing to offer her a contract. These included a lack of interest in the work on plaintiff's part and failure to take advantage of the study opportunities she was offered. Defendant also cited subjective experience (a lack of loyalty to the office, differences of opinion on everything, a refusal to accept the given set-up within the office) and argued that this was not related to her gender. The defendant demonstrated adherence to the requirement of equal treatment, so the Authority rejected plaintiff's claim.

2. In addition to the complaints to the Equal Treatment Authority mentioned in the report, please provide information as to whether any court cases have been filed by women who faced discrimination, and their outcomes.

Only the Budapest Municipal Court has the authority to revisit a decision taken by the Equal Treatment Authority. In 2006, the court reaffirmed two decisions on gender discrimination (concerning dismissal of women over the age of 40 years and denial of a bonus to a plaintiff because of pregnancy). In two other cases defendant appeals to the court were withdrawn before the court reached a decision, thus Authority rulings for the defendant became binding. The court reaffirmed the Authority's decisions in all other cases when it ruled against the plaintiff. Although court proceedings are lengthy and, as we see, in most cases it takes a year to a year-and-a-half for the court to reach a decision, their rulings on appeals confirmed the correctness of the legal practices employed by the Equal Treatment Authority. Legally binding decisions against defendants included bans on the legally offensive behaviour as well as fines of 350,000-600,000 Hungarian Forints.

3. The report states that only a small percentage of the complaints filed with the Equal Treatment Authority related to discrimination against women and stressed that it was "very important to more efficiently inform those concerned about their rights and the available legal remedies, as well as to strengthen women's non-governmental organizations". What steps is the Government taking to ensure an adequate response to these requirements?

This conclusion is correct as far as existing but undiscovered cases of discrimination are concerned, but as far as complaints to the Authority go, the proportions of complaints against gender discrimination, ethnic discrimination and discrimination against persons with disabilities are about equal. Providing information to concerned parties is the second highest priority of Authority activity – preceded only by investigations of concrete cases. In 2006, the work done by the Equal Treatment Authority was cited by the media almost two hundred times, which included offers of information on several live phone-in shows. The Authority's website offers information to help people in claiming their rights; and includes a questionnaire people may download, which makes it easier for potential plaintiffs to verbalize the nature of the discrimination they may have suffered. The Equal Treatment Authority maintains regular ties with women's interest groups, NGOs that defend rights, and trade unions. Twice a year it evaluates the outcomes of cooperation and it participates in the further training organised by these organizations. It has printed an easily comprehensible informative booklet for them in 5,000 copies.

A most recent position of the Advisory Body concerned the questions that may be asked during job interviews. Among other things, it stated that questions on marital status, number of children, future plans to have children, or to begin a family can be grounds for confirming a claim of discrimination if employment is denied because of an answer to any of these questions.

The Equal Treatment Authority also considers it very important to offer incentives to NGOs to represent persons whose rights have been violated during proceedings, because their support is not only encouragement in achieving respect for rights. That support also can make a major contribution to the success of an evidentiary process.

4. The report states that based on the proposed amendment No. T18902, “the introduction of the concept of sexual harassment to the Hungarian law is in progress”. Please provide information on the status of this proposed amendment, including its content and a timetable for its entry into force.

The Government submitted the Bill T18902 on amending selected laws on equal opportunities on December 16, 2005. The bill was not adopted in that form.

The Bill T/1096, which again included an amendment on sexual harassment, was adopted by Parliament on November 27, 2006. The law was promulgated as Act CIV of 2006 on amending Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities, on 6 December 2006 and entered into force on the first day of the month following its promulgation, i.e. on 1 January 2007. Paragraph (1) of Article 10 of Act CXXV of 2003 was amended as follows:

“Article 10

(1) Harassment is conduct of a sexual or other nature violating human dignity which is related to the affected person’s characteristic referred to in Article 8 and whose purpose or effect is to create an intimidating, hostile, degrading, humiliating or offensive environment around a particular person.”

Thus, the concept of harassment, with the amendment effective from January 1, 2007 was expanded to include sexual harassment as a behaviour that violates human dignity, but the concept of harassment was not otherwise expanded. Eight cases were brought before the Equal Treatment Authority on claims of harassment but in only one was sexual harassment found to exist. In one other case, a woman plaintiff was harassed for a characteristic other than gender, and in six cases the plaintiffs withdrew their claims.

5. In its concluding comments in 2002, the Committee recommended that the Government assess the capacity of the national machinery for the advancement of women and 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. Please provide information on whether the measures taken do indeed strengthen the national machinery for gender equality and effectively respond to the concerns and recommendations previously expressed, including

information on the relationship and coordination among all the structures in place at the national and decentralized levels.

Government Decree 222/2003 (XII. 12.) on the Government Office for Equal Opportunity established the Government Office for Equal Opportunity as of January 1, 2004. The Office is a body of public administration with nationwide authority and operates under the direction of the government. The mandate of the Office is to promote the equality of women and men and to implement equal opportunity and equality.

In 2004, the Ministry of Youth, Family, Social Affairs, and Equal Opportunities was established by combining several ministries. Government Decree No. 289/2004 (X. 28.) on the tasks and competence of the minister defines promotion of equal opportunities for men and women as one of the basic responsibilities of the minister. From this time on, the Department of Equality of Women and Men in Society handled government tasks related to gender equality.

The current status of the organizational unit concerned with equality of women and men was established after the 2006 elections. The Division of Equality of Women and Men in Society is a division operating inside the Department of Equal Opportunity of the State Secretariat for Equal Opportunity within the Ministry of Social Affairs and Labour.

The Government established the Women's Representation Council with its Resolution No. 1059/1999 (V. 28) in order to accelerate legislation and action programmes on equal opportunities for women, and to involve non-governmental organizations representing the interests of women. The Council was a consultative, advisory and proposal making body, preparing the decisions of the government, and coordinating the implementation and control of action programmes promoting equal opportunities for women. The Council's members included representatives of NGOs working on the improvement of equal opportunities for women, social organisations with national competence that represented the interests of women, and individuals performing outstanding scientific and practical activities in relation to equal opportunities for women.

Establishment of the Council contributed to attaining a wider audience for subjects and debates on the status of women and men, but over the course of time, it essentially ceased to operate. The Council was revived and its name changed in October 2006. The Government Resolution No. 1089/2006 (IX.25.) established the Council for Equality of Women and Men in Society. At the same time, the Government Resolution No. 1059/1999 (V. 28.) on the establishment of the Women's Representation Council was repealed.

The constitutional session of the Council was on September 26, 2006 in the Hall of Mirrors of the Ministry of Social Affairs and Labour. The most important subject of the meeting was debate of the New Hungary Development Plan. The plan was sharply criticized by NGOs as well as by responsible government bodies. One aspect of the critique was that the Plan, as it was at that time, was blind to considerations intended to establish gender equality. The Division of Equality of Women and Men in Society took the necessary measures required for the factors needed to establish gender equality to appear in the New Hungary Development Plan as a horizontal consideration.

The House of Opportunities network operates under the professional guidance of the Ministry of Social Affairs and Labour. One task of the network is to disseminate information on the social equality of women and men and to implement programmes. The network operates on county-level.

Temporary special measures

6. The report states that “there is a lot to do before de facto equality is attained” and “this requires positive measures leading to real equality”. The report also states that “there is a legal possibility for applying quota systems and other preferential rules” under the Equal Treatment Act. Please provide details on the temporary special measures, in accordance with article 4, paragraph 1, of the Convention, that are in place and are planned, and give an assessment of their impact in terms of accelerated achievement of the goal of de facto equality.

At this time Hungary does not have a mandatory quota system. For information on the possible introduction of a quota system, see Point 7.

Political participation and decision-making

7. Considering that there have been no significant changes to women’s access to decision-making posts, please provide details about the measures undertaken by the Government to improve women’s participation in political and public life, particularly at senior levels, including in the Parliament, Government Ministries and local government, taking into account general recommendation 25 on article 4, paragraph 1, of the Convention and general recommendation 23 on women in public life, within a given time frame.

In Hungary, the level of participation of women in political and economic life is still low. Initiatives to change this situation have been primarily taken by the Ministry of Social Affairs and Labour.

The Ministry of Social Affairs and Labour, the Association for Women’s Career Development in Hungary and Procter & Gamble Hungary held a conference “Women in Political Decision Making” in the Hungarian Parliament, Budapest, on 18 December 2006. In Hungary it was the first example that a government, a non governmental organisation and a multinational enterprise in cooperation achieved the objectives set together.

Invitations to the programme were sent to ministries, Members of Parliament and Members of the European Parliament, representatives of NGOs, the media, universities, businesses, interest groups (trade unions and chambers) European Union bodies and organizations, diplomatic missions, the Hungarian Academy of Sciences and other organizations.

As host of the Conference, the Speaker of Parliament (this position is currently held by a woman) delivered the opening address. The guests of honour and guest speakers at the conference were Vladimir Spidla, the European Union’s Commissioner for Employment, Social Affairs, and Equal Opportunities, and the United States of America’s Ambassador to Hungary. The chief patrons of the

Conference were the Minister of Social Affairs and Labour, and a Member of the European Parliament – the Vice Chairperson for the European Parliament’s Committee for Women’s Rights and Gender Equality. The book “Women in Political Power” was premiered on this occasion. The goal of the Conference was to call attention to ways of promoting the accession of women to political power.

The European Commission outlined the timetable concerning gender equality for 2006-2010, which the Division of Equality of Women and Men of the Ministry of Social Affairs and Labour envisages to implement by setting up separate working groups. Working groups on women in political and economic decision-making were established in November 2006.

Targets for 2007:

- Women in economic decision-making

This topic is extensive and diverse, so the working group members resolved to narrow it down to gender-based approaches to employment and organizational development. To do this, the working group plans to issue a volume of studies, authored by members of the group. The Procter & Gamble announced a case study writer competition among university and college students. The subject is the extent to which equal opportunity is achieved by various organizations. We are offering the authors of the best papers submitted in the contest the opportunity to have them published in our volume.

Experience shows that little is said in Hungary about the role of women in economic decision-making. Therefore, the role of the working group is to concentrate on shaping public awareness and on offering information. To do this, our goal is to organize a major conference outside of Budapest in the autumn of 2007 as well as several smaller meetings, in Budapest and also outside of Budapest. In addition, we plan to set up a dialogue in Budapest. Well-known speakers and researchers will give presentations on the subject, and will be supported by a volume of studies written by working group members.

- Women in political decision-making

The working group has targeted increasing the number of women participating in political decision-making and enhancing their role, which they would like to attain by introducing a quota. To handle this task, it is essential to collect the articles and papers already written on the subject and include them in a study volume the group plans to publish, a volume which also contains new and topical data. A particularly interesting aspect of the book is that it includes a series of interviews by a female journalist who works for Népszabadság, one of Hungary’s most widely read independent daily paper.

Experience shows us that the issue of women’s role in political decision-making and the advantages and disadvantages of a quota system are not on the public agenda in Hungary. Therefore, the role of the working group is to work attentively to shape and brief public opinion. To do this, it plans to hold a conference entitled “50 per cent-50 per cent” in the autumn of 2007. On this day, half of the participants in Parliament would be women and half of them would be men. Well-known

speakers and researchers will give presentations on the subject, and will be supported by a volume of studies written by working group members. In addition to the conference in Parliament, it would be important to organize smaller-sized workshops with NGOs, decision-makers, professionals, and others.

Violence against women

8. Please provide information on the implementation of the amendment of 2005 to act IV of 1978 of the Criminal Code and the amendment of 2006 to act XIX of 1998 on Criminal proceedings, regarding restraining orders, including how many restraining orders have been issued and under what circumstances, and what is being done to inform women about the availability of this means of protection.

The amendment to act XIX of 1998 on Criminal Proceedings introduced restraining order as a coercive measure with effect from July 1, 2006. The goal of the restraining order was principally to prevent domestic violence although application is not limited to domestic violence. Restraining orders can be issued if the actions of an abuser qualify as a felony. Under act IV of 1978 on the Criminal Code (hereinafter: Criminal Code) there are currently over twenty statutory approaches that include physical, psychological and sexual abuse and/or neglect and which cover the complete range of actions within a family that can be humanly condemned and legally sanctioned.

During criminal proceedings on charges punishable by incarceration, a restraining order can be issued if it is considered unnecessary to hold the defendant in custody, but there is reason to assume that defendant – if allowed to leave his or her home – might thwart, endanger or encumber the evidentiary process by influencing or intimidating the witness, or may complete an unfinished or planned felony, or may commit another felony punishable by incarceration against the victim.

Factors considered here are the nature of the felony, the behavior of the defendant prior to and during the proceedings, and the relationship between the defendant and the victim. The basic goal of a restraining order, therefore, is to offer an appropriate and quick-operating protective tool to the victim during possibly lengthy proceedings that can be applied before a legally binding verdict is reached, and that it will help to promote the success of the evidentiary process.

When under a restraining order, a defendant is mandated to leave a place of residence referred to in the court decision, in keeping with the rules of that decision. The defendant must stay away from that residence for the length of time defined by the court, and is prohibited from approaching the person named in the restraining order as well as the residence and workplace of that person, any pre-school or school or other educational facility regularly visited by the person, any healthcare facility the person regularly uses and any place of worship the person regularly visits. The defendant must refrain from getting into either direct or indirect contact with the person named. This latter includes the prohibition of face-to-face contact as well as contact by any means of communication such as the telephone or any electronic implement.

The defendant may be removed from a given piece of real property regardless of the type of leasehold. In other words, a restraining order may be issued not only in the case of a jointly owned or jointly rented home or a home owned or rented by the victim, but also in the case of the two parties being tenants at will, or when a home is owned exclusively by the defendant and the party remaining in the home is a tenant at will.

A restraining order must be issued for a specific period of time, defined in days. The shortest duration is ten days and the longest is thirty days. It may not be extended beyond that time. A public or private prosecutor, a substitute private prosecutor, a victim, the legal representative of an incompetent person or a person with limited capacity, as well as the legal representative of a minor who lives in the same household as the defendant may all initiate the issuance of a restraining order. In addition, once an indictment has been presented, the court may order coercive measures, including restraining order, *ex officio* during the phase of court proceedings.

If a restraining order is deliberately violated, the violator may be placed in preliminary detention, or, if this is not considered necessary, he or she may be fined. However, the defendant is given the opportunity to explain the reason for violating the restraining order and if a valid one, may be exempted from any legal consequence.

Issuance of restraining orders – statistics based on data provision by courts

A.

<i>Region</i>	<i>Investigative phase</i>	<i>Trial phase</i>
Debrecen Court of Appeals	0	0
Budapest Municipal Court of Appeals	0	0
Győr Court of Appeals	0	0
Pécs Court of Appeals	0	0
Szeged Court of Appeals	0	0
Total	0	0

B.

<i>Region</i>	<i>Investigative phase</i>	<i>Trial phase</i>
Budapest Municipal Court	6	0
Baranya County Court	2	0
Bács-Kiskun County Court	0	0
Békés County Court	2	0
Borsod-Abaúj-Zemplén County Court	2	1
Csongrád County Court	3	1
Fejér County Court	1	0
Győr-Moson-Sopron County Court	6	0
Hajdú-Bihar County Court	0	0
Heves County Court	1	0
Jász-Nagykun-Szolnok County Court	0	0
Komárom-Esztergom County Court	0	0
Nógrád County Court	0	0
Pest County Court	0	0
Somogy County Court	2	0
Szabolcs-Szatmár-Bereg County Court	0	0
Tolna County Court	1	0
Vas County Court	0	0
Veszprém County Court	0	1
Zala County Court	0	0
Total	26	3

9. Please provide updated information on the number of court proceedings involving violence against women, including domestic violence, and indicate the number of convictions and the sentences imposed.

The following table contains data on court cases of violence against women including domestic violence where final decision has been handed down (the Hungarian legal system does not use these terms, so a number of violations of the law translate into violence against women or domestic violence).

C.

<i>Region</i>	<i>Definition of felony</i>	<i>Sentence</i>
Debrecen Court of Appeals	assault against decency	6 years 10 months penitentiary (maximum security)
	endangerment of minor	acquittal
Szeged Court of Appeals	homicide (six cases)	no information
	criminal assault and battery resulting in life-threatening injury	no information.
	sex crimes (eight cases)	no information
Baranya County Court	homicide, criminal assault and battery resulting in life-threatening injury (five cases in all)	life imprisonment and 4 years, 8 years, 13 years and 15 year incarceration
Csongrád County Court	19 cases of assault against decency and rape	sentences of incarceration of from 4 to 8 years
Heves County Court	rape	2 years prison, medium security suspended
	rape	5 years and 6 months penitentiary, maximum security
	rape and other felonies	4 years penitentiary, maximum security
	defloration (3 cases)	no information
Jász-Nagykun-Szolnok County Court	assault against decency	1 year and 2 months prison, medium security
	assault against decency	5 years penitentiary, maximum security
	homicide	10 years prison, medium security
	manslaughter	1 year minimum security jail, suspended
	criminal assault and battery resulting in life-threatening injury	2 years prison, medium security, suspended
	homicide	11 penitentiary, maximum security

<i>Region</i>	<i>Definition of felony</i>	<i>Sentence</i>
Tolna County Court	criminal assault and battery, resulting in injuries requiring more than 8 days to heal	4 months prison, medium security, suspended for 2 years
	criminal assault and battery, resulting in injuries requiring more than 8 days to heal	acquitted
	criminal assault and battery, resulting in injuries requiring more than 8 days to heal and other felony offences.	1 year 4 months prison, medium security
	criminal assault and battery, resulting in injuries requiring less than 8 days to heal	1 year prison, medium security
	criminal assault and battery, resulting in injuries requiring more than 8 days to heal	10 months prison, medium security, suspended for 2 years
	criminal assault and battery, resulting in injuries requiring more than 8 days to heal	1 year and 2 months prison, medium security, suspended for 2 years
Veszprém County Court	endangerment of minor	1 prison, medium security, suspended for 2 years
	endangerment of minor	40,000 Ft fine
	endangerment of minor	1 year and 6 months prison, medium security, suspended for 3 years
	endangerment of minor	80,000 Ft fine
	endangerment of minor	8 months prison, medium security, suspended for 1 year
	endangerment of minor	8 months prison, medium security, suspended for 2 years

<i>Region</i>	<i>Definition of felony</i>	<i>Sentence</i>
Veszprém County Court	endangerment of minor	8 months prison, medium security, suspended for 2 years
	endangerment of minor	1 year and 6 months prison, medium security, suspended for 3 years
	endangerment of minor	1 year prison, medium security, suspended for 3 years
	endangerment of minor	30 days community service
	endangerment of minor	acquittal
	endangerment of minor	1 year prison, medium security, suspended for 3 years
	endangerment of minor	1 year prison, medium security
	endangerment of minor	proceeding terminated
	endangerment of minor	30 days community service
	endangerment of minor	2 years prison, medium security, suspended for 5 years
	endangerment of minor	3 years prison, medium security
	endangerment of minor	10 months prison, medium security, suspended for 2 years
	endangerment of minor	50,000 Ft fine, suspended for 2 years

<i>Region</i>	<i>Definition of felony</i>	<i>Sentence</i>
	endangerment of minor	90,000 Ft fine
	endangerment of minor	1 year and 6 months prison, medium security
	endangerment of minor	1 year prison, medium security, suspended for 2 years
	endangerment of minor	8 months prison, medium security, suspended for 2 years
	endangerment of minor	1 year prison, medium security, suspended for 3 years
	endangerment of minor	8 months prison, medium security
	endangerment of minor	10 months prison, medium security, suspended for 2 years
	endangerment of minor	1 year and 2 months prison, medium security, suspended for 2 years
	endangerment of minor	9 months prison, medium security
	endangerment of minor	8 months prison, medium security, suspended for 2 years
	endangerment of minor	1 year and 6 months prison, medium security
	endangerment of minor	1 year and 2 months prison, medium security, suspended for 2 years
	endangerment of minor	1 year incarceration, suspended for 4 years

<i>Region</i>	<i>Definition of felony</i>	<i>Sentence</i>
	endangerment of minor	1 year prison, medium security, suspended for 2 years
Veszprém County Court	incest and other felonies	3 years and 6 months prison, medium security
	criminal assault and battery, resulting in injuries requiring less than 8 days to heal, qualified as misdemeanour	24,000 Ft fine, suspended for 1 year
	criminal assault and battery, resulting in injuries requiring more than 8 days to heal	5 months prison, medium security, suspended for 2 years
	criminal assault and battery, resulting in injuries requiring more than 8 days to heal	24,000 Ft fine, suspended for 1 year
	criminal assault and battery, resulting in injuries requiring less than 8 days to heal, qualified as misdemeanour	acquittal
	criminal assault and battery, resulting in injuries requiring less than 8 days to heal, qualified as misdemeanour	pre-sentencing probation for 2 years
	criminal assault and battery, resulting in injuries requiring less than 8 days to heal, qualified as misdemeanour	pre-sentencing probation for 2 years
	criminal assault and battery, resulting in injuries requiring less than 8 days to heal, qualified as misdemeanour	pre-sentencing probation for 1 year
	criminal assault and battery, resulting in permanent disability	2 years prison, medium security
	criminal assault and battery, resulting in injuries requiring more than 8 days to heal	acquittal
	homicide	life imprisonment
	homicide	mandatory medical treatment
	criminal assault and battery, resulting in life-threatening injuries	2 years and 6 months prison, medium security
	homicide	3 prison, medium security

Nine courts provided data on pending cases involving violence against women:

1. The Győr Court of Appeals reported 14 pending cases. Of these, 7 are homicides, 5 are criminal assault and battery cases resulting in life-threatening injuries, or fatal assault and battery, 1 is assault against decency, and 1 is human trafficking for purposes of forcible sodomy.
2. The Szeged Court of Appeals has 5 pending cases, 2 of which are homicides, 1 is a fatal assault and battery, 1 is criminal assault and battery resulting in life-threatening injuries, and one is robbery.
3. The Baranya County Court and the circuit courts in its jurisdiction have 199 felonies of this kind on their dockets. Of them, 39 are criminal assault and battery resulting in injuries requiring more than 8 days to heal, 6 are violations of personal liberty, 3 are vigilantism, 12 are rape, 5 are assault against decency, 1 is obscenity, 12 are robbery, and 29 are felony or misdemeanor-level vandalism.
4. The Győr-Moson-Sopron County Court and its circuit courts have 48 such cases on their dockets, but no details were given
5. The Heves County Court and its circuit courts reported 8 such cases on their dockets. Of these, 4 were rape, 3 were cases of defloration, and 1 was assault against decency.
6. As primary court, the Jász-Nagykún-Szolnok County Court has 10 such cases on its docket. Of them 6 are homicides, 1 is an attempted homicide, 1 is criminal assault and battery resulting in life-threatening injury, 1 is fatal assault and battery, and 1 is a felony abuse committed during an official procedure. As appeals court, the county court is hearing two cases, 1 of which is a violation of personal liberty and 1 is rape
7. The Nógrád County Court and its circuit courts have 25 such cases on their dockets but no details were given.
8. As primary court, the Pest County Court has 16 cases on its docket. Of them, 6 are homicides, 6 are criminal assault and battery resulting in life-threatening injuries, 1 is fatal assault and battery, 2 are criminal assault and battery resulting in injuries requiring over 8 days to heal, and 1 is rape. As court of second instance, the county court has 13 cases on its docket, 11 of which are criminal assault and battery resulting in injuries requiring over 8 days to heal, 1 is a violation of personal liberty, and 1 is rape.
9. The Tolna County Court and the circuit courts operating in its jurisdiction reported 2 such cases on its docket but gave no details.

10. Please provide information on the implementation of the national strategy for the prevention and effective treatment of violence within the family, adopted by Parliament, including the goals and given timetables under the strategy.

The following measures have been taken in the course of strategy implementation:

(a) Legislative bills elaborated:

Introduction of the “restraining measures” into Hungarian law: Amendment of the Code of Criminal Procedure included the institution of the restraining order (act LI of 2006, amending

Act XIX of 1998 on Criminal Proceedings). The new law took effect on July 1, 2006. The amendment regulated restraining as one of a series of coercive measures.

The law governing misdemeanours is currently under amendment. The amendment is intended to introduce the concept of threatening harassment and a misdemeanour form of restraining. In addition, an amendment to the Act governing police procedures is also expected to be amended. Efforts are underway to introduce more stringent witness protection regulations and to introduce new witness protection rules so that the law becomes able to grant effective protections to victims of domestic violence and to offer personal safety and human dignity to witnesses when testifying.

Act CXXX of 2005, amending act III of 1952 on the Code of Civil Procedure makes it possible for the court to take temporary measures in a lawsuit involving a marriage, granting exclusive use of a home to one of the parties and mandating that the abuser must leave the common home. Act XXXI of 1997 on Protection of Children and Public Guardianship (hereinafter: Child Protection Law) allows an abused woman and her child(ren) and an abused pregnant woman to be placed in a shelter called a “transitional home for families.”

(b) Rules and protocols designed:

The Minister of the Interior issued Instruction 34/2002 BM on the tasks to be implemented to improve the effectiveness of protection of crime victims, in particular of victims of domestic violence. On that basis, National Police Headquarters issued Measure 13/2003 (III. 27.) ORFK, which guarantees that police operations related to domestic violence are conducted with a proactive victim-centric outlook, in accordance with society’s expectations, and that the concept underlying police task-implementation is a uniform one.

In keeping with a measure by the national police chief, the police force has rejected its earlier outlook which considered domestic violence a private matter for which there was no police intervention until a tragedy occurred. The new norm issued by the police chief offers guidelines to police on how to manage these cases, how police should conduct themselves, and how to cooperate with government bodies and NGOs that assist abuse victims. This requires education and training for professionals to assure that the response to citizens, victims, witnesses, volunteers and even perpetrators is effective, professional, and helpful.

Accordingly, the Crime Prevention Academy, Ministry of the Interior organized a training programme for working police officers as of April 2004 in managing domestic violence combined with training to enhance their social skills. Instructors came from the Academy, the National Centre for Crime Prevention and the Organization of Women for Women against Violence.

(c) Institutional network:

The first experimental crisis management centre was established in 2004. An improved version was opened on April 1, 2005 as the National Crisis Management and Telephone Information Service,

which operates around the clock and offers a telephone hotline with information and, in an acute crisis situation, immediate action for persons requiring it.

In addition, family shelter capacities have been expanded. In seven regions of the country and in Budapest, homes have been able to bid to offer shelter to women who are either alone or with children in their attempts to escape the violence. Prospective caregivers are required to undergo training so be able to offer complex (legal, psychological, social) assistance (Regional Crisis Management Network).

It is important to emphasize that of the bodies operating these shelters, 7 are NGOs and 1 is a local government facility. This verifies the cooperation of NGOs and government in working to combat domestic violence. One of the most significant results is that it has become possible to find shelter for people requesting it at country level. The regional crisis management network operates in close cooperation with the National Crisis Management and Telephone Information Service.

(d) Protecting the lives and physical integrity, and overall safety of abused family members during administrative actions related to domestic violence:

The situation of the child-victim is both better and worse than that of an adult. Although the child is less able to advocate for himself or herself than an adult, there are several organizations and networks of institutions whose primary tasks is protecting and advocating for children. To continue, paragraph (2) of Article 17 of the Child Protection Law specifies that all persons within child welfare services who might come across signs of child abuse (pediatrician, family practitioner, health visitor, school personnel, family caregivers, police, prosecutors, courts, social organizations, etc.) are mandated to report these signs. The law also authorizes persons in the above professions – as well as all citizens and social organizations – to initiate action by the authorities whenever there is suspicion of child abuse. It is generally accepted in legal practice that a parent commits a felony endangerment of a minor, manifest in emotional abuse, when that parent abuses another family member in front of a child under the age of 18 years. If we compare this with the requirement to report all cases of suspected child abuse, we can conclude that the above-listed institutions, organizations, and persons are legally mandated to report to the authorities in all cases when the physical, emotional, or moral development of children is threatened, even if the threat is indirect. We must consider the fact that domestic violence – which occurs in the intimate sphere of life where witnesses are rarely present – is hard to prove on the one hand, and on the other, is more subject to of false accusations (Criminal Code, Articles 233-237) than other occurrences. Therefore, under paragraph (3) of Article 17 of the Child Protection Law, cooperation and an exchange of information among the above-listed persons and institutions is a requirement that facilitates the evidentiary process when implemented in practice.

Witness protection, one of the most important procedural institutions for victims of domestic violence, is part of the evidentiary process. There are two known forms of witness protection relevant to domestic violence: (1) the personal data of the witness is sealed, which prevents the perpetrator of

the violence from learning who testified against him or her, and (2) personal protection regulated under Article 98¹ of the Law on Criminal Procedure is offered.

In the case of a witness who is a minor, the opportunity to testify using a closed-circuit telecommunication network (Law on Criminal Procedure, Article 244/A) offers protection against the secondary victimization of the witness. In addition, the presence of a psychologist is mandatory during such witness testimony, when a minor is the victim or the witness, or when the person is the victim of certain types of crimes (such as crimes against sexual norms). To protect witnesses and victims, the role of the victim protection specialist² working within the police force is to inform victims of their rights and obligations and to brief them on the course of the criminal procedure. The network of institutions known as “The People’s Attorney” is also part of this process and offers legal counsel free of charge to persons who cannot afford to pay. Legal protections, in which NGOs play a key role, are mandatory during criminal proceedings in cases when the domestic violence has resulted in a homicide, in a fatal assault and battery, in a felony that violates sexual morals or in a case when a minor is endangered. In addition, victims are supported by the damage mitigation offered by the government to victims of certain violent felonies, which under Government Decree 209/2001 (X.31.) Korm., which offers cash assistance to victims whose incomes are less than three times the minimum wage.

(e) National campaign to disseminate information and raise awareness of the public:

In order to alter society’s outlook and shape public opinion, in the autumn of 2005, the Ministry of Youth, Family, Social Affairs and Equal Opportunity (the predecessor to the current Ministry of Social Affairs and Labour) initiated an information programme. The programme had a twofold goal: to call attention to the problem of domestic violence on the one hand and on the other, to offer publicity to institutions that offer help, in particular the National Crisis Management and Telephone Information Service. To do this, social service advertisements were broadcast on public television’s channel MTV 2 and information pamphlets were distributed nationwide. As part of the information programme, the Regional Crisis Management Network has been working to increase awareness in all regions of the country by including local media and, in 2006, by preparing television public service ads specific to their region broadcast by local television.

It is expected that a case study will be published by May 2007. It was prepared by the Regional Crisis Management network for professionals and all interested parties and is called “Assistance and Care for Abused Persons and Case Studies on Crisis Situations.” Results of a research project on abused males should also be published in May. For organized training programmes related to strategy implementation, see Point 11.

¹ Government Decree 34/1999 (II. 26.) on the conditions for ordering personal protection for participants in Criminal procedure and for members of the authority conducting the procedure, and on the rules of implementation: Article 13 (1) The body providing personal protection shall determine the mode of that protection after weighing the level of endangerment and considering the opinion of the entity authorized to initiate and order the personal protection. More than one means of protection may be employed simultaneously. (2) No means of personal protection against which the protected person protests may be employed unless the threat to the person’s security is immediate and cannot be averted in any other way.

² At present there are 231 victim protection specialists working for the police force.

11. The report states that “no training was provided on an organized and regular basis on the specific topic of family violence for those in charge of the application and enforcement of the law” (see CEDAW/C/HUN/6, footnote 30). Please indicate the steps being taken to provide such training and to ensure that public officials, especially law enforcement officials, the judiciary, health professionals and social workers, are fully sensitized to all forms of violence against women, as recommended by the Committee in its 2002 concluding comments.

In many cases, The Education Department of the Office of the National Law Enforcement Council and the Hungarian Judicial Academy, since it began operations, have organized conferences and extension training sessions, in which NGOs have participated as have non-governmental professionals – in many cases from other countries. Most recently, the Supreme Court of the Republic of Hungary organized a session on the legal institution of the restraining order, on December 13, 2006.

For those involved in the administration of law, the Ministry of Social Affairs and Labour (and its legal predecessors) have supported the following training courses:

(a) February 2004: The first one-day meeting for judges, NGO members, police, etc.

(b) Autumn 2004: A 7-8-person delegation from the United States visited Hungary in return for a combined NGO-government training course organized earlier. The justice administration agreed to continue the meetings and the National Council of Justice organized this one. This programme consisted of a 3-day seminar that covered a broad sector of justice administration bodies.

(c) December 2004: In cooperation with the International Office for Migration, a 3-day seminar was organized for judges on human trafficking and domestic violence. This seminar operated with a textbook and materials on a CD. The follow-up was a one-week course in The Hague, attended by among others, 2 or 3 judges.

(d) September 2005: Within the framework of the Daphne II programme, the NGO Women for Women against Violence organized a competition to train judges and offered a three-day course for 20 judges.

(e) December 2006: A one-day conference was held on restraining orders and mediation in cases of domestic violence. Regular courses for social workers and healthcare professionals are organized in the regions by the regional network, with ministry support.

12. The report refers to a number of initiatives, including a National Crisis Management and Information Telephone Service, a pilot programme providing temporary homes for victims and the Secret Shelter. Please indicate whether these initiatives remain in place and whether the pilot programme has been extended to other regions of the country. Please also indicate how many shelters exist for victims of domestic violence, whether victims have access to legal aid and describe any other services and assistance offered to victims of domestic violence.

To offer appropriate, complex and immediate assistance to a women alone or a mother and children attempting to escape from a violent home, we had to design special institutions to provide information and assistance, and to upgrade existing child protection facilities to handle these special tasks.

The first experimental crisis management centre was established in 2004. It was advanced and on April 1, 2005, it expanded operations as the National Crisis Management and Information Telephone Service, which provides round-the-clock information and – in crisis situations – immediate measures to help persons in need. The pilot programme was successful and therefore the National Crisis Management and Information Telephone Service continues to operate, managed in the background by the Ministry of Social Affairs and Labour.

In addition, family shelter capacities have been expanded. In seven regions of the country and in Budapest, homes have been able to bid to offer shelter to women who are either alone or with children in their attempt to escape the violence. Prospective caregivers are required to undergo training so be able to offer complex (legal, psychological, social) assistance (Regional Crisis Management Network). There are currently 9 Regional Crisis Centres operating in Hungary, the location of two of which are kept secret. There is also a “secret house” that accommodates people from all over the country.

It is important to emphasize that of the bodies operating these shelters, 7 are NGOs and 1 is a local government facility. This verifies the cooperation of NGOs and government in working to combat domestic violence. One of the most significant results is that it has become possible to find shelter for people requesting it at country level. The regional crisis management network operates in close cooperation with the National Crisis Management and Telephone Information Service.

The network is monitored (semi-annually) and in order to define the directions in which it should be advanced, regional professional workshop days are organized on a regular basis. The workshops explore problems and difficulties encountered during operations and design proposals to remedy them.

We organized seminars on April 19 and from May 15-18, 2006 within the framework of a model programme to assist and support perpetrators of domestic violence and their victims, and to prevent domestic violence from occurring. The goal of the model programme is to include the perpetrator, the victim, and their immediate and more extensive environments in family meetings that include social professionals to design modes of resolution adequate for the given case. This contributes to preventing future violence while helping the victim. Trained professionals include staff from the Regional Crisis Management network, psychologists, police experts, social workers and child protection officers. They all will undergo supervision on May 2-3, 2007. We are continuing the programme, with training for jobless persons in becoming coordinators on May 4-5, 2007.

Regarding prostitution and human trafficking, we signed a cooperation agreement with the NGO that offers accommodations and care to victims who are in, or arrive in Hungary. Through the

National Crisis Management and Telephone Information Service the ministry plays the role of a “filter” and if necessary it briefs the NGO to assist it in accommodating persons who need placement.

The Ministry of Social Affairs and Labour works in cooperation with the International Office for Migration. In the autumn of 2006 and in February and March of 2007, they organized a project to combat human trafficking which included seminars in all regions of the country for education and youth protection professionals and social workers. The goal of the project was to make professionals more consciously aware of the dangers of human trafficking and to sensitize them to it and the mechanisms through which it operates by holding seminars to combat human trafficking.

A secret shelter for victims of domestic violence opened on April 1, 2006 to receive abuse victims from all over the country. It operates in coordination with the National Crisis Management and Telephone Information Service.

There are attorneys and psychologists working in all shelters to help abuse victims manage their problems. The warning system operates well. The participants hold team meetings and case conferences. They also jointly design action plans and implement them together. The Regional Crisis Management Network, the Secret Shelter, and the National Crisis Management and Telephone Information Service operate using professional protocols.

Shaping public awareness: To promote a change in social outlook and heighten social awareness, in the autumn of 2005, the Ministry of Youth, Family, Social Affairs and Equal Opportunity (the legal predecessor to the Ministry of Social Affairs and Labour) initiated an information programme. The programme had a twofold goal: to call attention to the problem of domestic violence on the one hand and on the other, to offer publicity to institutions that offer help, in particular the National Crisis Management and Telephone Information Service. To do this, social service advertisements were broadcast on public television’s channel MTV 2 and information pamphlets were distributed nationwide. As part of the information programme, the Regional Crisis Management Network has been working to increase awareness in all regions of the country by including local media and, in 2006, by preparing television public service ads specific to their region broadcast by local television.

It is expected that a case study will be published by May 2007. It was prepared by the Regional Crisis Management network for professionals and all interested parties and is called “Assistance and Care for Abused Persons and Case Studies on Crisis Situations.” Results of a research project on abused males should also be published in May.

13. In its 2002 concluding comments, the Committee recommended 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. Please provide information on the steps taken to implement the Committee’s recommendation.

The Council of the European Union adopted Framework Decision No. 2004/68/JHA on combating the sexual exploitation of children and child pornography (hereinafter: Framework Decision) on 22 December 2003. In accordance with the Framework Decision, the system for defining the criminal aspects of sexual relations with children has been defined in accordance with the age of the child. Sexual relations with a child below the age of twelve, who by law is considered unable to defend herself or himself, are qualified as sexual assault/abuse or – with respect to any other behavior of a sexual nature – a violent violation of sexual norms. (Criminal Code, Articles 197-198). If the child is between the ages of twelve and fourteen, under Article 201 of the Criminal Code the action qualifies as statutory rape.

In other words, the minimum age of consent has been set at fourteen – which is in keeping with society's value judgments and expectations. This means that all sexual relations with children under the age of fourteen qualify as felonies irrespectively of whether there was some form of payment or consent, while a person over the age of fourteen is free to establish a sexual relationship (with a partner who is also over the age of fourteen, of course).

Laws governing prostitution were amended in 1993 and 1999, and no longer define it as a felony. It only becomes a misdemeanor if the sexual services are provided in a "toleration" zone.

With respect to prostitution, laws offer special protections to minors. It is considered more serious and is punishable by two to eight years incarceration if the person promoting and "running" the prostitute does so with a person below the age of eighteen. Under Article 2 (b) of the Framework Decision, Member States shall take the necessary measures to ensure that recruiting a child into prostitution or into participating in pornographic performances is punishable. The law does not define prostitution, nor does the 1950 New York Convention give any precise definition on human trafficking and forcing others into prostitution. According to the generally accepted definition, the concept of prostitution coincides with the category of selling sex for money described in Article 210A, paragraph (1) of the Criminal Code, which defines it as sexual intercourse or sodomy performed regularly for profit.

The definition of abuse through prohibited pornography is set in act LXXIII of 1997 on the amendment of act IV of 1978 on the Criminal Code which conforms to the 1989 New York Convention on the Rights of the Child. It is in chapter XIV of the Criminal Code, between crimes against marriage, the family, and children and adolescents. Abuse through prohibited pornographic images is legally similar to defloration, since the former is intended to protect the moral and sexual development and freedom of children while the latter is intended to protect the healthy sexual development of pre-adolescents below the age of fourteen. Therefore, placement of abuse with pornographic images deserves to be listed among felonies involving abuse of sexual morals, which is in chapter XIV., Title II.

Under valid rules, children are entitled to protection by the criminal justice system against abuse through pornography.

According to article 3 of the Council Framework Decision No. 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography, the following actions are considered to be offences concerning child pornography:

- production of child pornography
- distribution, dissemination or transmission of child pornography
- supplying or making available child pornography
- acquisition or possession of child pornography

Hungary's Criminal Code, Article 195/A essentially coincides with the requirements of the Framework Decision but a new perpetrator behavior has to be added to the prohibitions on pornographic images. According to Article 195/A, Section (3) of the Criminal Code anyone making pornographic images available to the public is subject to criminal sanctions, but under the Framework Decision anyone who makes it available to fewer persons (either one or more than one) must also be sanctioned.

Of the regulations offering exemptions from criminal sanctions, Hungary is taking advantage of Article 3, Paragraph (2), Subparagraph b) of the Framework Decision, which offers an exemption from criminal liability if images of children over the age of fourteen and under the age of eighteen are produced and possessed by the perpetrator, with their consent and solely for their own private use. This exemption – considering the seriousness of the offence – is not valid if the person possessing or preparing the images is a family member of the minor, or is responsible for the education, supervision, care, or medical treatment of the person. Under the Framework Decision, a realistic portrayal of child pornography in which the subject is a non-existent child (presumably created by photo-montage or other editing techniques) does not qualify as abuse of illegal pornographic image but, under Article 272 of the Criminal Code, it is defined as an outrage to public decency.

14. At its thirty-sixth session in August 2006, the Committee decided to bring to a close its follow-up to the views of the Committee in communication No. 2/2003, Ms. A. T. v. Hungary, adopted on 26 January 2005, and also decided that any further information on follow-up to the views would be requested in the framework of the reporting procedure under article 18 of the Convention. Please provide information on further action taken in follow-up to the recommendations of the Committee concerning the author of the communication.

As far as we know, the housing problem of the claimant has been resolved. The disputed real estate was sold by the former partner of the claimant and the two of them divided the price. T.A. currently lives in rented housing together with her children and her former partner has been ordered by a court to pay child support.

Exploitation of prostitution and trafficking

15. In its 2002 concluding comments, the Committee requested 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. The report refers to a new concept that was prepared in 2005 by the Ministry of Interior, which is “a summary of the problems of the existing regulatory system and the possible alternatives of stepping forward,” and also refers to a pilot project providing mobile screening medical examination for prostitutes. Please provide information on the content and status of this new concept, whether it is being implemented, and other steps taken by the Government to implement the Committee’s recommendation.

In July 2006, the chairperson of the Association for the Protection of the Interests of Hungary’s Prostitutes (hereinafter: Association) called on the Ministry of Justice and Law Enforcement with the request that it establish contacts with the Association and clarify questions regarding the current regulation and interpretation of the laws on prostitution in Hungary. In accordance with this, over the course of last year the Ministry of Justice and Law Enforcement began coordination with the Chairperson, which it has been continuing since that time. The most recent meeting was on March 26, 2007. At that time, an agreement was reached to the effect that the ministry would include specialists in law enforcement as well as in criminal justice and constitutional law – to clarify the law enforcement aspects of the issue – in further dialogue with the Association. The Criminal Code is currently being revisited within the ministry and in parallel with this a new concept of the law on misdemeanours is being elaborated. The ministry is including the NGOs involved and is incorporating their opinions and comments in its draft. Since both laws affect prostitution and the qualification of related behaviours when committing it, the Ministry is offering the Association the opportunity to voice its position on the legal findings.

16. Please provide data on the number of women and girls who are trafficked to, from and through Hungary and also provide information on the numbers of prosecutions and convictions of traffickers

Cases involving human trafficking

D.

<i>Region</i>	<i>No. of Cases</i>	<i>No. of Persons Sentenced</i>
Debrecen Court of Appeals	2	11
Budapest Court of Appeals	1	7
Győr Court of Appeals	0	0
Pécs Court of Appeals	0	0
Szeged Court of Appeals	0	0
Total:	3	18

<i>Region</i>	<i>No. of Cases</i>	<i>No. of Persons Sentenced</i>
Budapest Municipal Court	0	0
Baranya County Court	0	0
Bács-Kiskun County Court	1	6
Békés County Court	0	0
Borsod-Abaúj-Zemplén County Court	0	0
Csongrád County Court	0	0
Fejér County Court	0	0
Győr-Moson-Sopron County Court	0	0
Hajdú-Bihar County Court	0	0
Heves County Court	0	0
Jász-Nagykun-Szolnok County Court	0	0
Komárom-Esztergom County Court	0	0
Nógrád County Court	0	0
Pest County Court	0	0
Somogy County Court	No data	No data
Szabolcs-Szatmár-Bereg County Court	0	0
Tolna County Court	0	0
Vas County Court	0	0
Veszprém County Court	0	0
Zala County Court	0	0
Total:	1	6
Grand total:	4	24

There are no separate statistics on the number of human trafficking victims.

17. The report states that steps have been taken “to create a National Programme aiming to prevent trafficking in people, to help victims and to enable their social reintegration”. The report also refers to some other initiatives, such as an action plan against trafficking in persons developed by the Ministry of Interior. Please provide information on the status of the proposed national programme and/or action plan, including whether adopted and in force as well as on measures taken. Also indicate the results of any assessment undertaken of the national programme, the action plan and other initiatives to combat trafficking and protect the victims, and steps taken in response to such an assessment.

Human trafficking is one of the most serious violations of human rights. Therefore, it is the job of all nations to act decisively to prevent it and to punish perpetrators. The problem requires a complex solution resting on international cooperation and a national action plan. In addition, efforts must extend equally to prevention, law enforcement, and victim assistance.

The preparation of the draft of the national strategy to combat domestic trafficking in humans is on the agenda. It is expected that in a matter of weeks the draft will have been coordinated with public administration and with the NGOs concerned with the issue.

Stereotypes and education

18. In its 2002 concluding comments, the Committee urged 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. Please provide further details on the State party's comprehensive response to implement the Committee's recommendation. Please include information on measures to eliminate gender role stereotypes from school textbooks, within a given time frame.

Within the education system, Article 8, Paragraph (3) of the Decree No. 23/2004 (VIII.27.) OM of the Minister of Education on the order of adopting a book as a textbook, on supports for textbooks and on supplying textbooks to schools sets forth the following:

“When conducting a procedure to adopt a book as a textbook, the features that must particularly be considered are:

- (a) The harmony between the book and general human norms, values, and the general requirements of humanism, and
- (b) Whether it contains any statements, images, photos, or graphics that violate the requirement for equal treatment and gender equality, or incite hatred or reinforce stereotypes that further the denial of equal opportunity to national or ethnic minorities or religious communities.”

Act LXXIX of 1993 on Public Education as amended by Act LXI of 2003 – parallel to the Dakar Framework for Action – is in conformity with the international convention on combating discrimination in education (Hungary issued Law Decree 11 in 1964, which was 40 years ago, proclaiming gender equality in education). The goal of the regulation is to preclude all measures, behaviours or non-actions that could violate the principle of equal treatment, either directly or indirectly. The Public Education Act bans all forms of discrimination.

The Ministry of Social Affairs and Labour established a working group in October 2006. Its subject was “Eliminating Gender Stereotypes in Society.” Professionals from NGOs and government officials both participated in the joint effort. Including coordinators, there were 12 people in the group. The goal of the working group was to offer variegated information and briefings to sensitize people to the subject. It employed info-communication technologies in its programmes, in education, training

and cultural presentations to promote the principle and practice of gender equality. The working group collects and disseminates the results of research that exposes gender stereotyping, as well as related data, information, studies, and publications. The working group makes recommendations on what elements to include in legislation to promote a reduction in gender stereotypes.

The working group is setting up a website in the first half of 2007 to facilitate a widespread dissemination of information. Targeting the youngest people as well, it is preparing an education DVD, in the form of a motion picture that processes 5 different stereotypes. It targets adolescents aged 13-16 years, and will be distributed in schools as part of the campaign, helping the issue to become a subject for discussion in primary and secondary schools. A teachers' guide is being prepared alongside the education material and we plan to offer the teachers training in how to process the material. We plan to publish a brochure on stereotypes, which will include expressions, concepts, definitions, and explanations.

19. The report states that “there is definite gender segregation not only in general in the various types of secondary education but also within the choice of vocation” and that “there is significant gender segregation in the choice of vocation in tertiary education as well”. What measures are in place to encourage women and men to pursue non-traditional studies and careers, and what is their impact?

Hungarian education policy, which strives for gender equality, has managed to achieve a steady reduction in gender differences among the young generations. On the level of higher education, it appears as follows: while in recent decades the ratio of university and college graduates among women has been steadily increasing, among men it has remained constant, excepting a peak among 45-54-year olds.

E.

Proportion of those with different education levels within corresponding age-groups, %

<i>Education levels</i>	<i>Age Groups</i>			
	55-64	45-54	35-44	25-34
	years			
	<i>Men</i>			
8 grades primary	92.3	93.5	97.2	97.5
Secondary	35.6	62.0	76.8	80.8
Academic secondary	22.4	35.8	33.6	36.5
College, University	11.2	14.4	11.4	11.0
	<i>Women</i>			
8 grades primary	89.6	89.1	96.4	96.0
Secondary	17.1	42.3	61.9	70.3
Academic secondary	12.5	34.6	74.2	49.1
College, University	4.5	8.5	10.5	13.9

Source: Central Statistics Office, Census.

Hungarian education policy treats the requirement for gender equality as having been achieved in practice and when advancing education it focuses equally on both genders.

Employment

20. The report discusses the wage differentials between women and men. In addition to the 50 per cent wage increase in the public sector, and considering that in the private sector the wage difference is higher, please indicate what other efforts have been made to address this problem and what has been the impact of such steps.

In the period of 2000-2005, the gap in the average earnings of women in Hungary compared to men dropped significantly, from 21 per cent to 11 per cent, just as Eurostat reported in its data. In 2005, the earnings difference was better than in most European countries, where the average gap was 15 per cent.

The requirement for equal pay for men and women is set in Hungarian law. The earnings difference tends to reflect the place of women in the division of labour and their position on the labour market.

As the question itself indicates, the significant improvement in average earnings for women was principally the result of outstandingly high wage increases in the public sector between 2000 and 2003 since two-thirds of public sector employees are women, although they are about 50 per cent on national economy level. Another factor that contributed to the improvement in the earnings situation for women is that their education and skills levels have improved at a higher rate than the corresponding levels have for men.

21. The report states that under the Equal Treatment Act “if the employer pays a lower wage to a woman he will be exempted from liability if there is a rational reason — directly related to the given legal relationship according to an objective evaluation — for the difference between pay levels. This rule is not adequate in the case of differences between wages paid to men and to women, this possibility for exemption should not be made available”. Please indicate whether this exemption is still provided under the Act, and if so, what efforts are being made to change this, within a given time frame.

In cases of employment discrimination, the Equal Treatment Authority decides on whether reasons given for special exemptions are acceptable. The law has been tightened still further by an amendment that went into effect on January 1, 2007, which states that remuneration for employment or following other legal relationship aimed at conducting work, in particular, the setting and payment of salaries, always violate the requirement for equal treatment if they violate gender and/or ethnic equality. In other words, these differences qualify as discrimination and leave no room for exemptions. The Authority took a decision of precedential value in one case when a private limited liability company paid a 30 per cent lower salary to a women worker with the same education as a male co-worker but more experience, when working on the same job. The case is now in the court system on appeal.

22. The report refers to horizontal segregation of the labour market, stating that about a quarter of all professions have become completely feminized. It also refers to vertical segregation, whereby women are underrepresented in senior/managerial positions. Please provide information on measures being taken to address this situation, including through the use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, and the Committee's general recommendation 25.

In accordance with the Committee's general recommendation 25, based on article 4, paragraph 1, of the Convention, the Hungarian employment policy endeavours to introduce measures to eliminate discriminatory factors influencing job availability for women and to improve their opportunities on the labour market.

Government measures taken to improve job opportunities for women:

1. Government measures to assist parents of young children to return to the labour market
 - Both parents may access the benefits under identical conditions, and from the time the child reaches the age of one, grandparents also become eligible for childcare allowance
 - While at home receiving childcare aid, a parent may enroll in a programme to learn a new skill free of charge
 - People receiving childcare aid may participate in supported labour market training
 - Regulations limiting the employment of a parent receiving childcare aid have been repealed – from the time the child reaches the age of one, the parent may take a full-time job and continue to receive the full amount of childcare aid
 - The number of crèche accommodations is being increased by about 800 using funding from the National Development Plan I. between 2006 and 2008
2. Incentives to employers
 - Wage supports may be provided (if the job-seeker is raising a child under the age of 18 or if the person received childcare allowance, childcare fee, child raising support, pregnancy and confinement aid, or a nursing fee in the 12 months preceding the employment)
 - As of 2005, an employer is entitled to a 50 per cent reduction in social insurance contributions when employing an employee returning to the workforce after caring for a child or nursing an adult family member
 - As of 2005, certain employers have been required to design an equal opportunity plan (which must contain measures focused on improving equal opportunities for women)
3. Measures to reconcile family and job responsibilities
 - Annual competition to win title of Family-Friendly Workplace. The goal is to discover and disseminate good business practices, positive solutions and examples of ways to promote the return of women to the workforce, to shape outlooks and popularize a "Family-Friendly" culture
 - Promotion of balancing family and work responsibilities – this programme is supported by HRD OP. The goal is to offer professional services to assist in introducing family friendly measures and the adjustment to the workforce of people returning after caring for children

4. Programmes

(a) The central programme aimed at finding ways to shift the burden of family obligations that prevent employment, and to promote careers for women in the labour market.

- Goal: To promote the elimination of family bonds and training shortcomings that prevent women from taking jobs by providing social services
- Applicants: employers

Central programmes being initiated within the framework of “European Year of Equal Opportunities for All”

(b) Programme in support of “Equal Opportunities in the World of Work ” communications

- Goal: To expose inequalities in employment with communications and media assistance, and to present best practices to contribute to evolving equal employment opportunities
- Applicants: Associations, foundations, public service corporations, trade unions, businesses

(c) Central “Equal Opportunities in the World of Work ” programme

- Goal: to support programmes and services that help to recognize discrimination in employment and to evolve human resource strategies that help to overcome it (such as offering extra support to assisting women returning to work after childcare leave, or after receiving childcare aid, and to advance on the job)
- Applicants: Associations, foundations, public service corporations, trade unions

(d) Targeted reductions in mandatory contributions: Start-Plus programme introduced as of July 2007. This support is available to an employer who employs a person

- Whose childcare aid, childcare assistance, childcare fee or nursing fee has expired or otherwise been terminated and who wishes to begin working within one year after that, or
- Whose child is over the age of one and who wants to continue working while continuing to receive childcare aid, if, while the person was on unpaid leave to receive the benefit, her employment was terminated, or if she has no employer from where to continue working

5. Measures being taken within the framework of National Development Plan II

- Initiation of complex programmes to assist women in initially adjusting or in returning to the workforce
- Development of the basic facilities of child welfare (including crèches, family daycare centres, and childcare in the home) – Goal: to establish about 600 new accommodations a year
- Initiation of coordinated programmes of assistance to reconcile family and job obligations

Health

23. The report refers to the high rates of mortality among women due to cancer, including lung, breast, colon and ovarian cancer. Please elaborate further on the preventive and other measures taken to address this situation and their impact.

At this time, there are three types of screening included in organized screening programmes: breast cancer screening, cervical cancer screening, and colorectal cancer screening. The Hungarian government has resolved to offer these three screening modalities on a regular basis as follows:

- Mammograms every two years for women between the ages of 45 and 65 years to screen for breast cancer
- Cytological testing as part of a gynaecological examination once every three years for women aged 25-65 following a one-time negative test, and
- As an experimental programme, testing every two years for men and women between the ages of 50 and 70 by the laboratory testing of stool samples for concealed blood (immunochemical tests).

Breast cancer screening. The screening for the targeted population began on December 19, 2001. Various screening units have regularly joined the programme. By now, there are screening facilities offering coverage to the entire country. They include 38 Complex Mammography Centres and 7 Mammography Screening facilities with only a screening capacity. That means there are 45 mammography screening facilities in operation. The target population is 1.37 million women between the ages of 45 and 65 years, who are notified of the need for screening every two years. During the first two-year period (2002-2003), only 1.3 million women received invitations and only 544,410 or 41 per cent of the women invited appeared for the screening. There were significant differences from one county to the next (ranging from 23.7 to 76 per cent attendance). During the second period (2004-2005) the rate of participation declined slightly: 1.24 million were invited for screening and 461,432 or 37.2 per cent attended.

Cervical screening. Between September 2003 and September 2006 about 2 million women received invitations and 96,000 or not quite 5 per cent appeared for the tests. There were significant differences from one county to the next (ranging from 2.26 to 18.26 compliance rates). The biggest problem with organized cervical screening is the low participation rate.

We have recommended direct communication as a means to motivate women and increase their willingness to participate. This requires central – government – level coordination, which was achieved in the ‘Liliom’ (Lily) programme. The Liliom programme, which is intended to increase the rate of participation in organized cervical screening, was initiated in October 2005. It involved complex communications and a game that offered prizes to women who participated in the screening programme. The programme proved successful, with a total of 35,000 women submitting eligibility slips for the prizes. More important, 41 per cent of the women who showed up for the screening had never before participated in an organized screening programme.

Colorectal cancer screening. The government took a decision to introduce colon cancer screening in stages, within the framework of a model programme. The programme was designed to include 180,000 persons in 2004 and 2005, because it appeared necessary to gain a measure of experience with the methodology, regarding both the screening method and the mobilization of residents. The programme evolved differently than planned and national introduction of the screening modality was hindered by methodological difficulties. It became necessary to revisit the validity of the method. The model areas of the colon cancer screening programme were set by a colon cancer

screening work group. Thus, after circumspect preparations, model testing was begun in the autumn of 2004 in Budapest's Districts IX and XIV, in the Managed Patient Care Model of the city of Kecskemét, and in the hospital in the city of Békéscsaba. Data collection and evaluation are underway.

Pulmonary cancer screening. The opinion of the profession is that pulmonary cancer screening on nationwide level cannot be implemented because of a lack of evidence. Since the entire pulmonary screening infrastructure is still available, we need to reorganize traditional screening, which focuses on tuberculosis, and establish selective screening that includes groups at high risk for cancer (persons over the age of 40, smokers). The prerequisite for this is having digital X-ray facilities.

24. Please elaborate further on the efforts to address smoking, alcohol consumption and medicine abuse among women.

Reducing cigarette smoking:

School smoking prevention programme. Efforts to prevent people from starting to smoke, as one way to cut overall smoking within the framework of the Public Health Programme, have involved distributing information in a playful form – a game – to as many children as possible. The game demonstrates the hazards of smoking and the differences in the way of life of smokers and non-smokers. The distribution tool was a CD available free of charge and a computerized touchscreen placed in schools. The CD has been available since 2004, and has been distributed to 1,370 schools since that time. It is not possible to determine exactly how many students have seen it, since the game also can be downloaded from the website of the National Institute for Health Promotion.

Cigarettes are a Drag website. The goal of the project is to prevent children from starting to smoke and to convince the ones already started to quit, by helping 12-18-year-olds to design and maintain their own website. Based on experience with the Hungarian website (Cikiacigi [approximate equivalent: Cigarettes R a Drag]) and American anti-smoking websites for teens (such as NoTobacco or TobaccoFree), the website offers youngsters information on the advantages of a smoke-free environment and the damaging effects of smoking in a manner geared to their age group.

- shaping generational opinions, maintaining smoke-free environments,
- reviewing methods through which young people who smoke can quit and offering them help in doing so.

New websites focused on smoking prevention and on offering help in quitting are targeting the 5-8, 9-14, and 15-20 age groups. We plan to present a variety of games and images and animations showing the damaging effects of smoking in addition to the current text information. The goal is to include preschoolers and young schoolchildren in developing the website so that we learn the opinions of children and teachers while constructing the website and make use of them and their proposals. One part of the process might be a dialogue with students which can give us useful and valuable information on the way they see smoking and the concepts they use.

Telephone hotline to help quit smoking. We upgraded the menu of our telephone hotline number as part of the project. Another measure taken as part of the preliminary plan was to design decorative stickers popularizing the hotline, which we distributed at various events. The automated system operating the hotline recorded the phone calls to date, which were processed and evaluated. We collected all phone-in material on the hotline from the day it began in May 2005 until November 8, 2006.

- Number of calls: 757
- Duration of recording: 29 hours and 42 minutes.

Alcohol. In the early 1980s, mortality in Hungary due to cirrhosis of the liver was similar to other countries where there was high alcohol consumption. Since then, however, it has increased substantially. Among men, the number of deaths due to alcohol-induced cirrhosis of the liver was 1,194 in 1980, 4,218 in 1997, and 4,565 in 2001. Among women, the corresponding mortality figures were 362 in 1980, 1,394 in 1997, and 1,892 in 2001. That is 94 deaths due to cirrhosis per 100,000 residents for men and 35 for women.

The National Institute of Addictology began designing an Alcohol Police Concept and Strategy in 2006, with these numbers in mind. The draft currently on the drawing board presents the broader context of domestic alcohol consumption and formulates a proposal on the main line of action in domestic strategy, and on opportunities for intervention.

In recent years, it has become obvious that the factors behind many physical ailments that are of outstanding importance from the aspect of public health, and the risk factors triggering many of them, are mental in nature. This is particularly valid in Hungary where there can be no doubt regarding the role played by emotional factors in avoidable death (stress, self-defeating coping strategies, alcohol, suicide, hypertension, cardiology disorders). To date, these factors have not appeared in various programmes, or have merely been touched on, so the national emotional health programme (LEGOP), currently being put together, is of particularly outstanding importance.

The Emotional Health Programme is a programme document put together as the result of many years of development by the healthcare and social sectors, in a joint effort. Following professional and social coordination, and adoption by the ministries, the document defines the professional policy touching on emotional health and sets all developments required to achieve it.

Consumption of medicines. Since 2003, there has been a continuous decline in consumption of tranquilizers and sleeping pills taken in abusive amounts. Nevertheless, as of 2005, the abuse rate was still 25 per cent, which means that not only do these drugs account for the highest ratio of legal drug abuse, but the number of abusers also exceeds the number of abusers of all illegal drugs excepting cannabis. Essentially, the rate of women abusing tranquilizers and sleeping pills is significantly higher than that of men. The number of persons treated for multiple substance abuse (tranquilizers, sleeping pills, and alcohol) shows some fluctuation, but has been pretty much on one and the same level over the past 5 years. This combination of substances is particularly typical of women over the age of 30-35 years, who make up 11 percent of all consumers. The health ministry has recognized the growing

rates of co-morbidity among addicts and together with the Ministry of Social Affairs and Labour, it has called for bids that prioritize in advancing methods for treating this particular patient group.

25. The Committee recommended in its 2002 concluding comments that the State party reinforce programmes on sexual education for girls and boys, 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 report states that in 2004 the abortion rate was still high, that about 12 per cent of abortions were of women below the age of 20 and that modern means of contraception were very expensive. Please provide updated data on the abortion rate and indicate efforts taken to ensure that there is wide access to family planning information and affordable contraceptives.

Preparing informative bulletins on family planning, and distributing them through healthcare services (health visitors, primary care physicians, pharmacies, etc.):

- (a) Pamphlet called “The Life is Miracle” showing foetal development (600,000 copies)
- (b) Pamphlet called “We Want a Family and Children,” covering the significance of responsible partnerships, offering information on family planning, on the importance of preparing to have a child, on the way to conduct that preparation, on the conditions needed for the healthy physical, emotional, and social development of a child and on forms of family support that are available.
- (c) Pamphlet called “Ways of Contraception” designed for the reproductive-age population, to help prevent unwanted pregnancies. The pamphlet underlines the importance of a responsible partnership as a couple and briefs readers on ways of contraception including who to turn to, how, and where (1,200,000 copies)
- (d) “Safe Love” is a pamphlet for teens on how to prevent an unwanted pregnancy (1,800,000 copies)

A pamphlet to assist Health Visitors in offering family planning counselling was published as a guideline for the College of Health Visitors in 5,500 copies. It was made available to all health visitor counselling facilities. The number of school health visitors was increased from 481 (2005) to 908 (2006). The goal is to offer primary, secondary, and tertiary prevention within the school system, with a particular focus on health education, group sessions, and one-on-one counselling.

The manner in which school health visitors operate has been changed. The subjects they cover during group sessions with students have been standardized to include “Friendship, Love, Couples, Family Planning.” As of 2004, the types of group sessions are being monitored. In the 2004/2005 school year, 18,377 sessions were held in schools. In 2005/2006 the number was 25,154.

An ancillary material prepared for the session on “Friendship, Love, Couples, Family Planning,” for health visitors is a textbook called “Let’s Talk about This” in 4,000 copies, which includes a “Teachers’ Guidebook.” One-third of all schools participates in this programme and has been provided with 150,000 copies of the book.

In 2005, there were 48,689 abortions performed in Hungary, while the preliminary and in part estimated figure for 2006 was 46,500. In all age groups, there has been a decline in abortion frequency, and this includes teenagers and women in their early twenties. In 2006 there were 47 abortions for 100 live births, which is still very high by international comparison, but it is a 6.0 decline compared to the 50/100 of 2005.

Roma women

26. The report refers to a series of problems and disadvantages faced by Roma women, including in respect of education, health, housing and economic opportunities. Please provide further details on the measures taken to address these problems. In particular, please indicate whether a specific policy or strategy is in place, with goals, targets and timetables, to ensure that disadvantages faced by Roma women are overcome.

The multiple disadvantages of Roma women living in Hungary are well known. In many areas, they are worse off than non-Roma women, including education, housing, access to healthcare services, employment, and advancement once they have a job.

For instance, adult Roma women generally have lower educational levels, and often have children while quite young. Many times they have over three children which reduces their chances of attending school or working. The life expectancy of Roma/Gypsy society is considerably lower than it is for non-Roma/Gypsies. The life expectancy for Roma women is slightly better than for Roma men, but is nevertheless the lowest among females of all ethnic, minority groups.

There is no separate government strategic programme focusing on improving the social and economic situation of Roma women. However, the Programme for the Decade of Roma Inclusion 2005–2015, which focuses on the entire domestic Roma community and contains strategic goals, calls for completing a variety of tasks in the education, employment, housing, and healthcare arenas. A horizontal consideration in the document is gender equality. For instance, within the employment chapter, one measure called for improving the implementation of special programmes to promote the employment of Roma women. In April of this year, the government will most likely approve a strategic document through a Parliamentary resolution. Following that, in accordance with it, a two-year action plan will be set up. It will define the concrete tasks for the various organizational units and ministries to implement, including the promotion of employment and education for women. Consistent implementation of the measures planned can result in a spectacular improvement in the situation of Roma women.

Rural women

27. The report states that the status of rural women, including in respect of employment, schooling and health, is not as favorable as that of women living in towns. On the other hand, it recognizes that the disadvantaged situation in rural areas “affects both men and women but in certain cases it imposes larger burdens and pressures on women”. In view of this situation, please indicate whether a gender perspective is integrated in rural development policies/plans

and what the priorities are under those policies/plans in regard to the promotion of gender equality.

After studying the reasons behind the disadvantaged status of rural women and the effects of measures to date (including PHARE, SAPARD and AVOP [Operational Program for Agricultural and Rural Development] measures), the Ministry of Agriculture and Rural Development, which is responsible for designing and implementing the New Hungary Rural Development Program funded by the European Union's European Agricultural Fund for Rural Development, has attempted to carefully consider issues related to gender equality. Above and beyond using an appropriate breakdown of data and giving positive feedback when evaluating the project, the following trends are being reinforced in rural development.

The average age of women working in agriculture is higher than that of men, so efforts to alter the age structure have to be focused particularly on women farmers. Many elderly farmers operate in uneconomic forms of ownership, with farms too small for economies of scale, and without the funding to improve their farms. As a result, they are unable to produce competitively in keeping with European Union requirements. Most of these farmers can be seen as forced to be entrepreneurs.

The goal is to improve the age breakdown of farmers and design a more favorable ownership structure, with a particular interest in farmers who are too young to receive a pension, but who have permanent difficulties keeping the farms running. In 2003, 2.6 per cent of men had college educations in farming while the figure for women was 0.7 per cent. In 2005, the corresponding figures were 2.2 per cent for men and only 0.6 per cent for women. Among private farmers there is a lack of European Union-related knowledge (market and production regulation, the support system, quality specifications for produce, requirements when keeping livestock, environmental specifications) as well as in farm management. One reason for this is that extra-curricular adult education and specialist advisory services are undeveloped. The result is that farmers do not have the skills necessary to adjust to new market conditions and to take the initiative. Therefore, this issue needs to be corrected as quickly as possible with European Union support.

An innovative ability and entrepreneurial skills are essential to taking appropriate advantage of rural development resources and increasing abilities to absorb these resources. There is sore need to organize training courses to increase interest by demonstrating what market opportunities and expected trends look like.

Given the less favorable employment situation in rural regions compared to the nationwide average (higher level of unemployment), improvements require taking advantage of attractive scenery, natural resources and the cultural heritage to promote tourism. The rural catering establishments are characterized by low level of services and unused capacities. Revenues from tourism can boost the local economy and thus contribute to improving quality of life and overcoming regional economic disadvantages.

As far as qualifications and enterprise in agriculture are concerned, the huge gap facing women can be reduced by supporting human resource development, which includes supports towards the

establishment of successful rural small businesses to improve local economies that have the potential to boost rural quality of life, income status and employment levels. For this to happen it is necessary to reduce employment tension in the rural areas, increase opportunities to earn a living, and to improve rural quality of life through the complex use of cultural and natural sustainable values, as well as to improve basic services for rural residents.

Through the implementation of local rural development plans which have an integrated outlook, and extensive partnerships that offer sustainable and innovative use of internal resources, continuation of the successful LEADER program requires support with the aim of promoting an improvement in rural quality of life based on local solutions. Therefore, the New Hungary Rural Development Program is supporting incentives leading to sustainable and competitive, new local procedures. This includes reinforcement of the rural economic potential through integrated programs relying on local conditions, advancing the human infrastructure and services, and improving local cooperation and capacities that can evolve partnerships, while enhancing skills to this end.

In summing up, we can conclude that the measures being implemented through the New Hungary Rural Development Plan can help to improve the employment status and quality of life for rural women. These measures will likely boost the various effects of the Structural Funds (such as operative programs aimed at improving regional and human resources) closely coordinated with the Rural Development Program (such as balancing family and work life and community development, and improving community transport, and community services).

Marriage and family relations

28. The reports states that “minors may get married with permit issued by the guardianship authority” and that “the interests of the child of the couple” are taken into account. Please provide further information on the reasons that justify underage marriages and on how the interests of the minor are taken into account.

We do not have any analysis going into the social and/or sociological reasons behind the marriages of minors. Under Article 10 of Act IV of 1952 on Marriage, Family and Guardianship (hereinafter: Family Law), the dominant rule is that any man or woman who has reached his or her *majority* may marry, while a *minor*, whether man or woman, requires a prior permit from the guardianship authority to marry. In order for the minor to receive that permit, he or she must be at least 16 years old by the date of the wedding, and the marriage must be “justified by circumstances.” The guardianship authority is mandated to hear the opinion of the parents (legal guardians), too. The marriage of a minor without a guardianship authority permit, or of one who is not yet 16 years old is *ex lege* (by law) invalid.

The civil law consequence of marriage is that the person is considered to have reached his or her majority. In other words, under Article 12 of Act IV/ of 1959 on the Civil Code of the Republic of Hungary (hereinafter: Civil Code), the legal opinion is that the fact of marriage grants the minor his or her majority.

Under Article 12 of the Civil Code, a minor is a person under the age of eighteen. Hungarian law specifies that, taking the interests of the minor(s) in question into consideration, a person may marry two years before reaching his/her majority – the age at which the person becomes responsible for his or her own actions – assuming primarily that the couple who wish to marry are biologically and emotionally mature.

In Government Decree No. 149/1997 (IX. 10.) on guardianship authorities, child protection and public guardianship procedure, articles 34-36 contain the guidelines for the guardianship authority to use when considering whether to grant the permit. One prerequisite to granting the permit is a certificate from the family practitioner that the minor is biologically and intellectually mature enough to marry. In addition, the couple wishing to marry must submit a certificate of income. That income must be sufficient to conclude that support for any child that the minor(s) who is/are over the age of 16 years may already have (or who may be born before the 18th birthday of the minor(s)), is secure and that the child will have a place to live even after the marriage. In addition, the minor(s) must attend counselling by the family protection service, certified by a statement from that service.

Before reaching its decision, the guardianship authority hears the couple who wish to marry and the legal guardian of the minor wishing to marry. It also will investigate living conditions.

An absolute condition for granting permission is that the marriage must be in the interests of the minor when all circumstances are considered, and that the minor must submit the request for the permit of his or her own free will, and free of any outside influence. Of itself, the fact that a minor may be pregnant is not sufficient to grant permission for the marriage – for all other circumstances must also be carefully investigated and considered – but the interests of the child born (about to be born) of minor parents must receive equal consideration.

Article 1, paragraph (2) of the Family Law sets forth as a basic principle that when applying this law, the interests of minor children must always be considered and procedures must guarantee their rights. This principle must be applied when considering whether to grant minors permission to marry.

On the whole, the combination of the laws themselves and the manner in which they are applied guarantee that the interests of minors are considered in all cases when considering whether to grant permission for a minor to marry.

Optional Protocol and amendment to article 20, paragraph 1

29. Please describe governmental measures planned or in place to publicize the Optional Protocol and encourage its use. Please also indicate any progress made towards acceptance of the amendment to article 20, paragraph 1, of the Convention.

The Optional Protocol was ratified by Hungary in 2001. The published version of the CEDAW report includes the Optional Protocol and with widespread dissemination of the publication, the Optional Protocol is also publicized. The full text of the Optional Protocol (in Hungarian) is accessible on the Ministry of Social Affairs and Labour website. Several legal defence organizations

disseminate information on the Convention as well as on opportunities inherent in the Optional Protocol, both in electronic and in printed form.

With adoption of the amendment to article 20, paragraph 1, communications between the country and the Committee have become faster and more effective.
