



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

Distr.: General
15 June 2006

Original: English

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

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

Sixth periodic report of States parties

Hungary*

* The present report is being issued without formal editing.

For the initial report submitted by the Government of Hungary, see CEDAW/C/5/Add.3, which was considered by the Committee at its third session. For the second periodic report submitted by the Government of Hungary, see CEDAW/C/13/Add.1 which was considered by the Committee at its seventh session. For the third periodic report submitted by the Government of Hungary, see CEDAW/C/HUN/3 and Add.1 which was considered by the Committee at its fifteenth session. For the combined fourth and fifth periodic report submitted by the Government of Hungary, see CEDAW/C/HUN/4-5 which was considered by the Committee at its Exceptional session.



6th Periodic Report of the Republic of Hungary to the United Nations on the Elimination of All Forms of Discrimination against Women

Table of contents

	<i>Page</i>
Foreword.....	3
Part I	
Article 1: Definition of discrimination	4
Article 2: Fight against discrimination	7
Article 3: Guaranteeing human rights and fundamental freedoms	13
Article 4: Interim measures	14
Article 5: Forms of conduct, stereotypes	15
Article 6: Prostitution and trafficking in women	17
Part II	
Article 7: The role of women in public life	21
Article 8: International public life	23
Article 9: Issues of citizenship	23
Part III	
Article 10: Education	23
Article 11: Employment	26
Article 12: Health.....	33
Article 13: Discrimination in economic life and in family allowances	38
Article 14: The position of women in rural Hungary	40
Part IV	
Article 15: Equality before the law	44
Article 16: Marriage, equality in family life.....	44
Annex: Tables and other information	53

Foreword

Hungary has adopted the most important international documents aiming at eliminating discrimination against women promoting gender equality, including the CEDAW Convention which was incorporated in Hungary's body of law by No. 10 Law Decree of 1982. By signing the Convention Hungary undertook to prepare reports from time to time analysing progress in the process towards equality between women and men, along with the challenges to be tackled. In line with this undertaking Hungary prepared country reports in 1982, 1986, 1991 and 2000. The consolidated country report prepared in year 2000 was released reaching the widest possible range of the general public. By preparing this - sixth - report Hungary fulfils its commitment assumed in the Convention, describing the achievements and the remaining challenges over the period between 2000 and 2006.

In Hungary gender mainstreaming is part of the processes at the highest level of government. One of the main tasks of the Minister of Youth, Family, Social Affairs and Equal Opportunities is to promote gender equality and to implement the political and strategic goals elaborated by the international organisations striving to ensure equal opportunities for women and men in the work of government. Elaboration and implementation of gender policies is a task of the Department for Gender Equality within the Ministry of Youth, Family, Social Affairs and Equal Opportunities. This Department is also in charge of the tasks relating to the coordination and control of the tasks outlined in the CEDAW, therefore the preparation of this country report was also coordinated by the Department.

This report is the result of the concerted efforts of a number of experts who contributed their outstanding knowledge of their specific fields of expertise along with thorough status analyses to providing a complete and objective presentation of the governmental measures taken during the years under review.

The recent years have seen quite a number of measures aiming to improve the situation of women. The Act on Equal Treatment and the Promotion of Equal Opportunities has entered into force. One of the most important target groups of the Act is women. A wide range of governmental actions and measures have been introduced with the aim of improving the position of women in the labour market. The modernisation of the family support system and of the system of allowances provided for the elderly may contribute to the prevention and alleviation of poverty among women. In order to help victims of family violence, in the framework of the pilot programme aiming to set up a Crisis Management Institution System a Regional Network was created and in April 2005 the National Crisis Management and Information Telephone Service was launched. A number of amendments to various pieces of legislation have been introduced in the field under review with the aim of improving the effectiveness of protecting victims and of repressing family violence. With the involvement of civil organisations involved in the fight against the trafficking in persons, the International Organisation for Migration and the US Embassy in Hungary the Government has set up a working group to repress trafficking in people, particularly trafficking in people for prostitution. A shelter has been set up to accommodate and help victims and the ministries concerned have signed an agreement to improve the effectiveness of the assistance provided for victims.

Cooperation between the governmental and the non-governmental sector is indispensable for improvement in the situation of any disadvantaged group of society, including women. For this reason the Government is making constant efforts to facilitate the operation of non-governmental organisations and to foster cooperation with them. The National Fund Programme for Non-Governmental Organizations enables non-governmental organisations to submit applications for support to their running costs, which can improve the reliability and effectiveness of their work and operations.

Women's organisations are regularly invited to events - workshops, conferences - organised by the Government (or more precisely, by the Ministry of Youth, Family, Social and Equal Opportunities Affairs (ICSSZEM)) making it easier to develop meaningful dialogue and concerted thinking. Furthermore, especially in the fight against family violence and trafficking in persons, particularly close working relationships have been developed with organisations engaged in providing support to victims and those working on developing social awareness. The crisis management institution system was also developed and is being operated with the involvement of such organisations.

As a matter of course, besides the achievements to date, there are other challenges to be prepared for. Quite a number of governmental and legislative measures still need to be taken in order to make gender equality an everyday reality that is perceptible for all.

The Government of the Republic of Hungary is committed to the accomplishment of equality in law and is making efforts to facilitate gender equality in public life, in the economy and in other important areas of life.

Achievements and efforts of the Government since year 2000

Article 1: Definition of discrimination

Article 70/A of the Constitution

The regulation is still based on *Article 70/A (1) of the Constitution*: “*The Republic of Hungary shall respect the human rights and civil rights of all persons in the country without discrimination on the basis of race, color, gender, language, religion, political or other opinion, national or social origins, financial situation, birth or on any other grounds whatsoever.*”

Act on Equal Treatment

Pursuant to Article 70/A of the Constitution on 22 December 2003 the Parliament adopted Act CXXV of 2003 on equal treatment and the promotion of equality of opportunities (hereinafter: Equal Treatment Act). The Equal Treatment Act is aimed to define the beneficiaries and the obligors of equal treatment and the content of the requirement of equal treatment in general terms for the entirety of the legal system and to provide effective legal remedy for persons whose rights have been violated. Accordingly, one of the most important parts of the Act is the precise definition of the term and the scope of discrimination. Its scope covers all organisations performing public tasks, along with those who make proposals for contracts or who invites proposals for contracts to be concluded with persons not specified in advance, along with organisations providing services or selling goods at premises

open to customers. The scope of the Equal Treatment Act is therefore very broad since it extends to both the public and the private sector (with precisely defined exception in the latter area, such as churches, parties, private contracts, relationships under the family law).

The Equal Treatment Act is a general anti-discriminatory act prohibiting discrimination against women based on ‘gender, marital status and maternity (pregnancy)’. The Equal Treatment Act prohibits violation of the requirement of equal treatment based on 18 characteristics (including gender) and other situations. Accordingly, the Equal Treatment uses the supplemented list of Article 70/A (1) of the Constitution.

This concept has been heavily criticised both by non-governmental organisations and in the course of its debate in Parliament. The key argument against it was that a separate act on the various social groups - particularly women and the Roma - would be much more suitable for addressing the problems for this could provide personalised protection. In order to create standardised and effective legal regulation - the Parliament adhered to an act with a general scope.

The requirement of equal treatment

The fact that instead of prohibiting discrimination the Equal Treatment Act introduced the requirement of equal treatment¹ may seem to be a symbolic change. This however, has brought about a real substantive change as well, since it has specified five different behaviours qualifying as violations of the requirement of equal treatment: direct and indirect discrimination, harassment, illegal segregation and retaliation - which may be committed both by active behaviour and by omission. The Act points out that an instruction to commit an act qualifying as discrimination also qualifies as violation of the requirement of equal treatment. The requirement of equal treatment is of outstanding importance because these anti-discriminatory rules have to be used in all branches of law (labour, civil etc.).²

The development of law in Hungary, the wealth of experience built up during the application and enforcement of the law and the Community law of the European Union all called for a precise definition in the Equal Treatment Act of the terms direct and indirect discrimination. This brought about a change in two aspects. On the one hand, this was the first time when direct discrimination was defined in the Hungarian law. On the other hand, all of the new terms have to be used in all branches of law, in contrast to the concept of indirect discrimination applied beforehand in the Labour Code.

An instruction as a consequence of which a person or a group, on account of its real or assumed characteristic (see above) receives less favourable treatment in comparison to another person or group of persons in a comparable situation, shall qualify as direct discrimination.³ By contrast, an instruction that does not qualify as a direct discrimination, apparently meeting the requirement of equal treatment, as a consequence of which persons or groups having the above characteristics, are in a less favourable

¹ Article 1 Based on the requirement of equal treatment natural persons staying in the territory of the Republic of Hungary, their groups, along with legal persons and organisations without legal personality must be treated pursuant to the provisions hereof with equal respect and care, paying equal attention to individual aspects.

² See Article of the Equal Treatment Act: "The provisions comprised in specific other legislation with respect to the requirement of equal treatment shall be applied in concert with the provisions hereof."

³ See Article 8.

situation in a materially larger proportion than other persons or groups in a comparable situation, shall qualify as indirect discrimination.⁴

In addition to direct and indirect discrimination, harassment shall qualify as violation of the requirement of equal treatment. The question whether the law should specify sexual harassment per se, was also debated over. The act contains a definition prohibiting a wider range of behaviours than sexual harassment, but it does not specify sexual harassment itself. Harassment is behaviour violating human dignity, which is related to the characteristics of the person concerned as specified in Article 8, whose goal or effect is to create an environment that is intimidating, hostile, degrading, humiliating or aggressive towards an individual.

Based on the *proposed amendment - No. T18902 - to various acts on the subject of equality of opportunities* the introduction of the concept of sexual harassment to the Hungarian law is in progress.

As it is widely known, victims of negative discrimination often fail to take legal action against the person violating their rights because they are afraid of retaliation or revenge. This process is referred to as victimisation and it was not previously prohibited by the Hungarian law in this form. Enforcing one's rights as a consequence of discrimination may, however, be effective only if the victim - or any other person capable of supplying information on the case - does not have to fear disadvantage as a consequence of his action or behaviour. According to the Equal Treatment Act, behaviour causing violation of one's rights, aiming at threatening violation of one's rights against the person raising objections, starting or participating in proceedings against a breach of the requirement of equal treatment, because of such involvement, qualifies as retaliation.⁵

Accordingly, the new regulation is based on the premise that effective law enforcement is assisted by having regulation that precisely defines and prohibits the most frequently encountered forms of discrimination. This means that in addition to general terms and concepts the Equal Treatment Act contains specific prohibitions as well, but those are grouped by the areas of negative discrimination, instead of by social groups. The legislation thus made an attempt to bring the level of detail in the regulation to the level that would have been provided for by specific acts on the various groups. For this reason, the Act contains detailed prohibitions in the following areas: employment, social security and health, education and training, the use and consumption of goods and services, as well as housing.

The concept of the regulation is clearly illustrated by the chapter on employment⁶, since violations of the requirement of equal treatment include direct or indirect discrimination, particularly in access to jobs, in public job advertisements, the conditions of employment, the creation and termination of employment relationships, in the promotion systems etc. Similarly detailed prohibitions applying specifically to the given particular areas, are contained in the other sub-chapters as well. In education for example, the requirement of equal treatment must be applied and enforced particularly in the evaluation of and decision making on job applications, in the evaluation of performances, in student hostel accommodation and the provision of the related services.

⁴ See Article 9.

⁵ See in Article 10 (3).

⁶ See Articles 21-23 of the Act.

Possibilities for exemption

By exemption the Equal Treatment Act means that the obligor is exempted from the legal liability for the violation of law and so he can apply differentiation lawfully. In the cases of exemption therefore, the effect of the Equal Treatment Act and the requirement of equal treatment still apply, but owing to certain circumstances the given procedure does not constitute illegal discrimination. The possible exemptions are aimed at preventing situations that are unlikely to occur in life, along with conflicts with other basic rights. Article 7 (2) of the Equal Treatment Act contains a general exemption possibility which may be applied to any case occurring under the scope of this Act. ‘The requirement of equal treatment shall not be violated by discriminatory behaviour or action for which, according to an objective assessment, there is a reasonable cause that is directly related to the given legal relationship.’ In addition to the general reasons for exemption the Equal Treatment Act offers special exemption options aligned to the specific features of the branch concerned. For instance, in the area of education, justified and proportionate discrimination that is based on all material and lawful conditions of relevance in respect of employment, does not constitute violation of the requirement of equal treatment.⁷

Article 2: Fight against discrimination

a. Constitution

The adoption of *Article 70/A-B of the Constitution* and of *Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities* as well as the establishment of the Equal Treatment Authority is in line with the recommendations of the Commission. The strengthening of the legal guarantees and institutional protection brings the guaranteeing of the right of women to equal treatment to a higher level.

The principle of equal pay for work of equal value

The principle of equal pay for work of equal value is still declared by *Article 70/B (2) of the Constitution*: ‘Everyone without any discrimination has the right to equal pay for work of equal value.’ Accordingly, this provision applies to women and seems to be a welcome rule, for anyone may base his or her argument on the violation of this principle. Another consequence of this provision is, however, that actually anybody, on the basis of any feature or situation, may claim equal pay. For this very reason, there is a need for rules on exemption.

One important step forward is that the *Labour Code (Act XXII of 1992)* introduced the concept of equal pay for work of equal value in 2001. The detailed rules on the principle of equal pay for work of equal value are laid out in Article 142/A of the Labour Code, providing detailed and adequate regulation of the terms equal work and pay. At the same time, the provisions laid out in the Equal Treatment Act regulate the establishment of the violation of the principle of equal pay, and this means that 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 for in the case of differences between wages paid to men and to women this possibility for exemption should not be made available.

⁷ Article 22 a) of the Equal Treatment Act.

b. Legal regulations

See under point c.

c. Courts and public institutions

The system of institutions providing legal remedy against discrimination has also been substantially transformed by the Equal Treatment Act, which has created the Equal Treatment Authority and its Advisory Body. Though the scope of authority of the Ombudsperson for Civil Rights remained unchanged, his role in the fight against discrimination has undergone a change.

Equal Treatment Authority (ETA) with regard to Commission Recommendations No. 13 and 14 for Hungary

In its Recommendations No. 13 and 14 for Hungary the Commission suggests that the right to life free from gender-based discrimination should be strengthened in the legal system and that procedures enabling effective enforcement of the prohibition of gender-based discrimination should be introduced.

The Equal Treatment Act has created a public administration organisation which is in charge of ensuring observance of the principle of equal treatment. The Equal Treatment Authority was launched in February 2005 pursuant to the provisions laid out in the Equal Treatment Act and Government Decree No. 362/2004. (XII.26.). The Equal Treatment Authority is a public administration organisation with nationwide competence controlling the application and enforcement of equal treatment operating under the direction of the Government, supervised by the designated member of the Government.

From among the ten powers conveyed on the Equal Treatment Authority the following should be highlighted here: 'based on a request or in the cases specified herein, *ex officio*⁸ shall carry out inspection to establish whether the requirement of equal treatment has been violated and shall make its decision on the basis of its findings'. If the authority finds that provisions concerning equal treatment have been violated, it may apply the following sanctions:

- a) It may order termination of the state constituting infringement;
- b) It may prohibit continuation of the behaviour constituting infringement;
- c) It may publish its decision establishing the infringement;
- d) It may impose a fine for discrimination.⁹

The amount of the discrimination fine - which is a genuinely novel feature of the regulation - may extend from HUF 50,000 to HUF 6 million. Another important change is the speed of the procedure:

⁸ Article 15 (5) The authority shall proceed on an *ex officio* basis as well, in relation to violations of the requirement of equal treatment by the agencies referred to in Article 4 *a)-d)* if no proceedings are in progress with respect to the case before any other public administration organisation.

⁹ See Article 16 (1) of the Equal Treatment Act.

the Equal Treatment Authority has to make its decision on the merits of the case within 75 days. A court procedure of two levels may be started against the decision of the Authority. Besides the procedure of the Equal Treatment Authority the anti-discriminatory competence of the consumer protection authority and the labour supervision are also retained and the client may chose from among the available procedures.

Additional competences of the Equal Treatment Authority include:

- Instituting legal action in exercise of the right to enforce claims in the interest of the public, to protect the rights of persons and groups whose rights have been violated;
- Commenting on bills affecting equal treatment;
- Making proposals concerning governmental decisions and legal regulations affecting equal treatment;
- Regularly informing the general public and the Government about the situation in respect of equal treatment;
- Cooperating in the course of the performance of its tasks with social and interest representing organisations as well as the state bodies concerned;
- Providing information and assistance on an ongoing basis for the persons concerned, to help action against violations of the requirement of equal treatment;
- Participating in the preparation of the governmental reports produced for international organisations including in particular the Council of Europe with respect to the requirement of equal treatment;
- Participating in the preparation of the reports to be submitted to the European Commission on harmonisation with directives concerning equal treatment;
- Elaborating annual reports for the Government on the operations of the authority and on experiences drawn from the application and enforcement of the Equal Treatment Act.

Accordingly, the Authority investigates - on request or, with respect to the public sector, *ex officio* - whether the requirement of equal treatment has been violated in specific cases, and in the area of enforcing claims in the interest of the public, the Authority also has a right to institute legal action. Furthermore, the Authority has governmental consultative competence (commenting on bills, making proposals for decisions and regulations), it informs the public and - once a year - the Government, about the situation in respect of the operation of the principle of equal treatment, and it also participates in the preparation of the governmental reports for the Council of Europe and the European Commission. In the course of its operations the Authority has to cooperate with the relevant governmental and non-governmental organisations.

The Authority carries out its tasks in cooperation with the Advisory Body comprising individuals invited by the Prime Minister. The members of the Body are independent experts having outstanding experience concerning the protection of human rights and the enforcement of the requirement of equal treatment. The Advisory Body, which was set up in 2005 has adopted position statements, for example on issues related to furnishing evidence in discrimination cases.

During the first 10 months of its operation the Authority proceeded only on request. More than 500 complaints were submitted in 2005, only a small percentage of which were related to discrimination against women. Despite the possibility of legal remedy within 75 days, there have been a small number of complaints about discrimination against women. This is an indication of the fact that women do not take this opportunity for legal remedy as often as they could and the organisations dedicated to the protection of women's rights are not very active either. For this very reason it is 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 organisations.

Some of the decisions of the Authority are presented in the Annex.

Procedures facilitating effective exercise of rights

The legal procedure is essential from the aspect of providing effective legal remedy. In this field the Equal Treatment Act has created a new legal institution, that is the enforcement of claims in the interest of the public and it modified the rules on the reversal of the burden of proof.

Enforcement of a claim in the interest of the public is not usually applied in European legal systems and it is a new legal institution even in Hungary. Enforcement of a claim in the interest of the public means that a personality right related legal action may be instituted by the prosecutor, the Equal Treatment Authority as well as the relevant legal aid organisation on account of a violation of the requirement of equal treatment, i.e. the behaviours constituting infringement as specified by the Act. These organisations may exercise the right to enforce a plaint in the interest of the public if discrimination affects a larger group of person which cannot be precisely defined.¹⁰ In other proceedings started on account of violations of the requirement of equal treatment social and interest representing organisations and the authority may proceed as representatives based on authorisation by the person whose right has been violated.¹¹ In the public administration proceedings the social and interest representing organisation has the rights of the client.

The Member States have been obliged to reverse the burden of proof by the Community law of the EU (Directive 97/80/EC). The Equal Treatment Act has made the reversal of the burden of proof mandatory in all cases. In order to ensure effective legal remedy it divided the burden of proof between the defendant that has committed the infringement and the claimant who suffered violation of his/her rights. The claimant however, only has to prove that he/she has the characteristic specified by the Act on account of which he/she has suffered a disadvantage as a consequence of the procedure applied by the defendant. If this is proven, any other proof has to be supplied by the defendant.

¹⁰ See Article 20 (1).

¹¹ See Article 18 (1).

Ombudsperson for Civil Rights with regard to Commission Recommendations No. 17 and 18 for Hungary

From among the three ombudspersons the competence of the general ombudsperson includes the protection of the rights of women. It follows from the special features of the functions of the ombudsperson for data protection and those of the ombudsperson for the rights of minorities that they can deal with discrimination against women only in an indirect form, within the limits of their competences (to protect rights of minorities or to protect rights relating data protection). According to information provided by the ombudsperson for data protection and the ombudsperson for the rights of minorities, no such case was encountered during the ten years of the operation of the institution.

Governmental institutions

The first governmental institution - Secretariat for Equal Opportunities within the Ministry of Labour - tasked with facilitating the equality of the rights of women and men, was set up in 1995. The organisation unit continued operating from 1998 under the heading of Secretariat for the Representation of Women, within the Ministry of Social and Family Affairs. In 2002 this was developed into the Directorate for Equal Opportunities within the Ministry of Labour and Employment Policy which was set up to facilitate gender mainstreaming. In May 2003 the Director of the Directorate for Equal Opportunities was appointed minister without portfolio enforcing the requirements of equality of opportunities in the governmental activities. In January 2004 was set up the Government Office for Equal Opportunities controlled by the minister without portfolio in charge of equal opportunities. One of the fundamental tasks of the Government Office for Equal Opportunities was to facilitate the equality of the rights and opportunities of women and men.

The year 2004 saw the establishment of the Ministry of Youth, Family, Social Affairs and Equal Opportunities as a result of the integration of a number of ministries, including the Government Office for Equal Opportunities. The primary task of the minister is to promote gender mainstreaming. This involves the performance of the tasks relating to the coordination and control of the implementation of the CEDAW and the preparation of the reports on the application and enforcement of the provisions laid out in the Convention. Within the organisation structure of the Ministry the Gender Equality Department carries out the following tasks of direct professional relevance:

(1) Within its coordinating, planning and strategic tasks related to the accomplishment of gender equality the Department:

a) elaborates the strategic document entitled National Action Programme underlying the policy aiming at ensuring equality between women and men, the relevant policy directions and development concepts, action and technical programmes, monitoring their implementation,

b) coordinates the development and implementation of programmes aiming at equality between women and men involving several sectors and functional areas.

(2) Within its support and development tasks the Department for Gender Equality:

a) carries out application schemes facilitating gender equality,

b) develops the technical contents of the utilisation of international funds facilitating gender equality, participating in the technical/professional monitoring of programmes implemented with international funds.

(3) Among its international tasks the Department for Gender Equality:

a) elaborates reports at regular intervals on the implementation of the CEDAW Convention and its Recommendations, as well as on the accomplishment of the goals set by the United Nations' Fourth World Conference on Women,

b) participates in resolving complaints involving Hungary in relation to the provisions of the United Nations CEDAW Convention.

(4) The Department for Gender Equality operates the Council for the Representation of Women.

(5) the Department for Gender Equality participates in the development of a statistics supply system related to gender equality.

Council for the Representation of Women

The Council for the Representation of Women was set up by the Government in 1999 to speed up legislation and governmental programmes facilitating the equality of women and to enable the involvement of women's interest representing organisations. The Council is a consultative body which makes comments on the relevant issues and bills along with proposals, in preparation of the decisions to be made by the Government. In the course of the preparation of legislation and measures affecting the equality of women the Council also exercises its commenting right. Though the Council is in existence, it has had only three meetings since 2002. For this reason, the role and competence of the Council should be reviewed along with the rules of its operation to make it possible for the Council to perform its functions.

National Network for Equal Opportunities

The process of the development of the National Network for Equal Opportunities began in 2004. Today, in 2006, there are Coordination Offices for Equal Opportunities (House of Equal Opportunities) in 16 county seats. The aim of the Network is to participate in the prevention of all forms of discrimination, to develop cooperation with organisations and institutions operating in the region in order to reduce prejudice. The main target groups of the Network are women, children, the Roma community, the elderly and people with disabilities. The tasks of the Network include supporting the programmes launched by the ministry for equal opportunities to promote equality of opportunities and to convey integrating policies promoting the social inclusion of disadvantaged social groups. In order to prevent all forms of negative discrimination the Network cooperates with other organisations concerned and organises for a representatives of different sectors and functional areas. The units of the network are operating the Forum for Equal Opportunities providing opportunities for technical/professional coordination. Their priority task is to shape public opinion in order to do away with prejudice still to be found in society and to strengthen social solidarity.

Discriminatory practice

See under point c. (courts and public institutions p. 8)

Special measures

See under point c. (courts and public institutions p. 8)

Changing legal practices**To Recommendation No. 14 - Training of judges****With respect to Commission Recommendation No. 14 for Hungary**

The Ministry of Labour and Employment Policy and the National Judicial Council have been organising training sessions on a regular basis for judges specialising on the labour law and on the civil law. They also support publications on practical aspects of the application and enforcement of legislation against discrimination.

Discrimination under the criminal law

See the previous report. (CEDAW/C/HUN/4-5)

Article 3: Guaranteeing human rights and fundamental freedoms

The general prohibition of discrimination between genders is still enshrined in *Article 66 (1) of the Constitution*: ‘The Republic of Hungary guarantees the equality of men and women with regard to all civil, political, economic, social and cultural rights.’ *Act CXXV on Equal Treatment and the Promotion of Equal Opportunities* stipulated the prohibition of *inter alia* gender-based discrimination in all areas, particularly where political, economic or social rights are exercised.

Hungary ratified the *Supplementary Protocol to the CEDAW Convention* in 2001. The recommendations of the CEDAW Committee have been translated into Hungarian and were published in the autumn of 2003. The issue is being disseminated to the widest possible range of users.

From among the permanent committees operating within the organisation structure of Parliament a Women’s Rights Sub-Committee was set up in 1998 within the framework of the Committee for Human Rights, Minority and Religious Affairs. After the general elections in 2002 a Sub-Committee for Equal Treatment was set up in June 2003. This Committee, however, does not restrict its operations to issues pertaining to women. They are also addressing problems of disadvantaged social groups in general. The question of gender equality has been dealt with a number of committees of Parliament (e.g. Employment Policy Committee, Social Committee).

Further measures will be dealt with below.

Article 4: Interim measures

1. Attainment of *de facto* equality

The Equal Treatment Act guarantees *de jure* equality between women and men that is the right of both genders to equal treatment but there is still a lot to do before *de facto* equality is attained. This requires positive measures leading to real equality.

Providing preference

One of the most special concepts of the Equal Treatment Act concerning discrimination is positive discrimination, since its limitations are defined by the Act. Since the term ‘positive discrimination’ is disputed and is not in line with the contents of the legal institution on hand, the act applies the term ‘preference’. The constitutional foundation for preference is laid out in *Article 70/A (1) of the Constitution*. According to the Constitution Court the prohibition of discrimination does not mean that all forms of discrimination - even those aiming at providing for equality of opportunities - is prohibited. If some social target - which is not contrary to the Constitution - or some constitutional right can be achieved or exercised only in a way which prevents equality in the narrow sense of the term cannot be accomplished, such positive discrimination cannot be regarded to be contrary to the Constitution. The possibility of positive discrimination, however, is not unlimited. Its limitations lie in the prohibition of discrimination itself and in the basis rights enshrined in the Constitution.

All of these considerations were taken into account in the Equal Treatment Act¹², stating that a directive that is aimed at eliminating the inequality of opportunities of a precisely defined social group based on objective evaluation, does not violate the requirement of equal treatment. Giving preference, however, may appear in two forms. On the one hand, it may be based on an act, a government decree or a collective agreement but in this case it may cover only a definite period of time or extend until a specific condition is met. Accordingly, such regulations are fully in concert with the CEDAW Convention. So there is a legal possibility for applying quota systems and other preferential rules, but such measures are much more often applied with respect to the Roma community than to problems faced by women. According to the Equal Treatment Act preference may be given in the case of electing the executive and representative body of a party or in nominating candidates. To date only one party has introduced a 20 % quota concerning its candidates and managing bodies. In both cases preference is limited by that it must not violate anybody’s basic rights, it cannot provide unconditional preference and it cannot exclude taking individual considerations into account. So the benchmark is objective assessment or in other words reasonability. In essence, the Act permits the application of quota systems and it specifies its limitations.

Plan for equal opportunities

A ‘plan for equal opportunities’ is a special tool of giving preference, the use of which is mandatory according to the Equal Treatment Act. Based on the compromise reached through interest reconciliation the Equal Treatment Act restricts this obligation to the public sector. Accordingly, only budgetary organisations and employers in majority state ownership employing more than 50 people

¹² See in Article 11.

have to adopt plans for equal opportunities¹³. The plan for equality of opportunities is adopted by the employer and the trade union together, for a definite period of time. Such plans may be adopted by other employers at their discretion.

A plan for equal opportunities covers disadvantaged employee groups including particularly women and employees raising two or more children under 10 years of age or single parents with any children under the age of 10. The plan contains an analysis of the employment situation of the employees concerned - their wages, working conditions, promotion possibilities, training etc. - and the goals and means of the employer specified for the given year.¹⁴ The Act does not sanction failure to elaborate the required plan for equal opportunities; therefore no sanction may be applied to force employers to prepare such plans.

2. Special measures relating to maternity

Facilitating the employment of women and the returning of women raising children to the labour market is a special goal of Government. To this end, a number of measures have been introduced in recent years to help success of women in the labour market. This shall be discussed in detail in Article 11.

Article 5: Forms of conduct, stereotypes

a. Forms of social and cultural behaviour

The years following the transformation in 1989 saw a conservative turn in the views taken of the gender roles. Typically, Hungarians tend to take more conservative views about certain aspects of the roles of the genders in society (e.g. women going out to work, marriage, having children) than people in neighbouring countries. However, opinions tend to be more conservative than actual behaviour. In parallel with the decline of the employment of women, an increasing number of people started to think that it would be good if women not took up paid jobs. Recent surveys however, show signs of modernisation concerning the opinions about women going out to work. People are regarding part-time employment of women to be an increasingly attractive alternative, while in 2004 3.2 % of men and 6.3 % of women were employed in part time jobs.

About the appearances of women in the media it should be noted that in reports on topics of everyday life women (even women in high social positions or famous women) tend to appear as the person keeping the family together. In companionships women are usually presented as the ones naturally catering for the needs of the man (e.g. serving him at home). According to a survey on the campaign for the elections of the European Union representatives only about 1 % of the articles published in leading dailies with nationwide circulations dealt with gender issues (Ilonszky, 2005). According to media surveys the television is dominated by entertaining programmes (soap operas, light entertainment/musical programmes). Television serials are often created on the basis of western patterns, copying their scenarios, roles and values (Antalóczy, 2001).

¹³ See Article 36.

¹⁴ See Article 70/A of the Labour Code.

One of the most characteristic changes during the period following the system change was a growing acceptance of programmes and publications with pornographic contents (which used to be strictly controlled beforehand) in Hungarian commercial television channels as well. Moreover, the media is highlighting this area, introducing pornography in day-to-day life: on the one hand, porno actors and actresses are presented as stars; on the other hand, the private lives of 'regular' stars are being pornographised. Excessive growth of pornography is also indicated by estimates according to which about half of the whole Internet traffic is comprised of downloading pornographic materials (Szigeti, 2005). The strength of the effect of the sex industry is also shown by the fact that many of the tabloid papers features nude women (even on their front pages) on a daily basis. Women are often presented on giant posters as sex objects, women's bodies being a means of promoting the sale of the product, quite frequently in an 'incidental' manner. Photos are taken of women without any clothing of scantily dressed women (highlighting their figures) and in some cases only certain parts of their bodies are shown in the photos in order to trigger sexual instincts.

A series of programmes was launched by the Ministry of Youth, Family, Social Affairs and Equal Opportunities under the title 'Women in the media' in December 2005 with the participation of the Houses of Equal Opportunities operating at the county seats to foster the concept of equal opportunities for women and men in society, both at the level of society itself and among professionals. The Houses of Equal Opportunities are organising roundtable discussions in each county with the involvement of the representatives of the local and the national media and local non-governmental organisations focusing on the role and description of women in the media.

Act I of 1996 on radio and television assigns a significant role to the boards of trustees comprising representatives of social organisations and political parties in Parliament, in the supervision of the public media. Published contents are supervised by the National Radio and Television Board. The Act does not contain guarantees to prevent the publication of contents violating the interests of minorities and it does not regulate the presentation of sex stereotypes either.

b. Sharing of work within the family

A significant discrepancy is observed between attitudes and actual behaviour in respect of marriage and having children. Although recent research indicates that a large percentage of the population agrees that those living in marriage are happier than others, yet the number of new marriages is declining steadily, people are getting first married at increasingly older ages and there are a growing number of couples cohabiting without marriage. In their self-definition women attach special importance to maternity, but this child-oriented attitude is not reflected by the trends in the numbers of births.

Sharing of work within the family is very conservative both in actual terms and that of attitudes. According to research on time balance most of the housework is performed by women even in families where both wife and husband have a job. Younger and more highly educated people neither have much more modern views about gender stereotypes. The principle of mutual responsibility relating to parental roles, the presentation of the carer role of the father and an increased tolerance in terms of expectations at the work place towards commitments to the family, have been targeted recently by certain initiatives of the Department for Gender Equality, such as the 'Family-friendly work place' application scheme or the 'Dear child' photo exhibition and international symposium.

Article 6: Prostitution and trafficking in women

a. Prostitution

The legal regulation concerning prostitution has not changed since the most recent (No. IV and V) CEDAW reports. No progress has been achieved in respect of the issue of designating so-called zones of tolerance, which is part of the competence of the local governments, despite the numerous coordination efforts that have taken place to resolve the problem. The general deputy to the Parliamentary Ombudsperson for Civil Rights has also issued a recommendation on the issue.

A new concept was prepared in 2005 by the Ministry of the Interior, which is a summary of the problems of the existing regulatory system and the possible alternatives of stepping forward. Steps have also been made to create a National Programme aiming to prevent trafficking in people, to help victims and to enable their social reintegration.

The regulation by the criminal law of parasitic criminal acts related to prostitution is in line with the provisions of Law Decree No. 34 of 1955 on the promulgation of the international convention dated 21 March 1950 in New York, on the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (New York, 21 March 1950). (The criminal acts concerned: promoting prostitution, pimping and pandering). *Act CXXI of 2001 amending Act IV of 1978 on the Criminal Code* brought about changes in the definitions of the relevant criminal cases. It repealed committing the crimes concerned as members of criminal organisations from among the aggravated cases of promoting prostitution and pandering since these provisions are set out in Article 98 of Chapter V of the Criminal Code on imposing sentences, with consequences resulting in significant increases of the gravity of the relevant sentences.

The number of criminal acts recorded by *criminal statistics* declined during recent years (See Table 6.1. It should be noted that there must be a high level of latency in this field).

In December 2005 the Ministry of Health launched a pilot project providing mobile screening medical examination for prostitutes who are exposed to higher health risks. The examinations are carried out in a bus moving along a pre-defined route according to a given schedule, about which the target group is informed through the Prostitutes' Interest Representing Organisation. This medical examination is not free of charge: a complete set of tests costs HUF 10,000 according to the tariffs set by the National Institute of Occupational Health (OMFI) of the State Medical Officer's Service.

b. Human Trafficking

Regulation under the criminal law, criminal statistics

The criminal act of human trafficking was first regulated as a separate criminal act¹⁵ in *Act LXXXVII of 1998 amending the criminal Code* among 'Crimes against freedom and human dignity' (in Article 175/B of the Criminal Code).¹⁶ Since 1 April 2002 the definitions of certain criminal acts have been amended, including the regulation of human trafficking (Article 175/B of the Criminal Code) and

¹⁵ Amended by Act CXXI of 2001.

¹⁶ Act LXXXVII of 1998 entered into force on 1 March 1999.

pornography. The amendments were introduced in line with the requirements laid out in the Supplementary Protocol to Prevent, Suppress and Punish Human Trafficking, especially Women and Children to the United Nations Convention against Trans-national Organised Crime. Such aggravated cases are sanctioned by imprisonment of 1-5, 2-8, 5-10 and 5-15 years respectively, or by life sentence. One particularly important provision is that (pursuant to paragraph 69.) even preparations for such crime are penal.

In addition to the criminal act of human trafficking, the act described as ‘one who maintains the withdrawal of the personal freedom of a person acquired in relation to human trafficking and stripped of his/her personal freedom and forces the injured person to perform work’ is defined in Article 175 (2) and (3) of the Criminal Code as a qualified case of the criminal act of ‘*violation of personal freedom*’. This crime is sanctioned by imprisonment of 2-8 years. The sanction is imprisonment of 5-10 years if the aggravating circumstances referred to in paragraph (3) exist, that is if the crime is committed for an abject cause or purpose, under the pretence of an official procedure, by tormenting the injured person, causing significant violation to the interests of the injured person, against an injured person below the age of 18. (Statistics, see Table 6.2.)

The rights of victim, protection of the victim and of the witness in the criminal proceedings

A number of steps have been taken during recent years in the area of *protection and supporting of victims* of human trafficking. Such positive changes have been introduced partly in the framework of the *general* protection of victims and partly *in a targeted way*, focusing on the victims of human trafficking.

Increased attention has been paid during the recent decade to the broadening of the range of the rights of victims and the exercising of such rights, along with the protection of victims and witnesses. According to *Act XIX of 1998 on criminal proceedings* in a single structure including its amendments, victims of crime have a relatively broad range of rights in criminal proceedings. Special mention needs to be made of the reintroduction of the institution of substitute civil action and, in the case of *representation, of the role assigned to civil organisations engaged in the protection of victims in accordance with Article 58 (3) of the Act which provides that ‘public service organisations covered by the act on public service organisations that have been set up in order to represent the interests of victims or of certain groups of victims may also proceed in representation of victims’*.

Article 95 of the Act on criminal proceedings provides that in order to protect the life, physical integrity and personal freedom of the witness and in order to enable the witness to fulfil his/her obligation to give evidence and to do so without being intimidated, *witnesses must be protected*. A separate act - *Act LXXXV of 2001* - provides for the ‘*Protection Programme for those participating in criminal proceedings and those assisting the administration of justice*’. The Protection Programme ‘may be applied during the period of the criminal proceedings and even after the closure of the proceedings’.

Assistance of the victim, alleviation of damage

Act CXXXV of 2005 on assistance for victims of crime and alleviation by the state of damage expressly defines victims of trafficking in persons as belonging to the category of victims covered by the act.

(a) Among its services provided in the way of assistance for victims the state promotes the enforcement of the interests of the victim, it provides prompt financial aid and specialised legal assistance.

In the framework of promoting the *enforcement of interests* the victim assistance service of the judicial office helps the victim in exercising his/her fundamental rights and in accessing health, health insurance and social services.

The aid provided for victims in Hungary *as prompt financial assistance* covers extraordinary expenditures relating to accommodation clothing food and travelling, health and burial services if the victim cannot pay such costs.

In the framework of *specialised legal assistance* the state provides the assistance for victims specified in *act LXXX of 2003 on legal assistance*.

(b) A victim is also entitled to *alleviation of damage* under the act if he/she is in need of it and if the deliberate, violent criminal act specified in the act has been committed against him/her, as a consequence of which his/her physical integrity or health has been seriously impaired.

Victims of trafficking in persons are assisted by a number of *non-governmental organisations* as well. The large number of different forms of assistance includes the provision of safe accommodation as well, for victims. The institution of shelters providing longer term care and safety for victims of trafficking in persons had, for a very long time, been missing from the range of the available means of assistance. This deficiency was addressed last year and since March 2005 a *shelter* has been operating for victims of trafficking in persons for which the Government offered a real estate comprising four separate buildings. The shelter, the data of which are treated as confidential information, is maintained and operated by a non-governmental organisation.

Victims of trafficking in persons find their way to the shelter with the aid of the police, the immigration control authority, refugee administration agencies and the consular service as well as through the *telephone service* operated by the Ministry of Youth, Family, Social Affairs and Equal Opportunities. The National Crisis Management and Telephone Service operating a telephone line that can be called free of charge from anywhere in Hungary 24 hours a day is operating under supervision of the Ministry, which employs professionals (social workers, lawyers, psychologists) who speak a variety of foreign languages. Furthermore, the NANE Association (Women for Women Against Violence) and NANE-IOM are also running telephone services for women who have suffered from violence, including victims of trafficking in persons.

Action plan

The Ministry of the Interior has developed an '*Action plan against trafficking in person*' setting out concrete tasks for law enforcement agencies to facilitate

- prevention,
- increasing the effectiveness of the fight against trafficking in persons and
- protection of victims.

The action plan involves capacity building training and the maintenance of high technical/professional standards as well. The training programmes include human rights aspects and children's rights. All elements that are required for effective fight against trafficking in persons must be integrated in the training of the police and other organs involved in criminal investigation. One essential requirement is that the injured persons be treated as victims of serious crime and that they be protected against repeated victimisation.

A special criminal investigation team has been set up in the framework of the National Bureau of Investigation, dedicated to investigating crime relating to trafficking in persons. This facilitates the expansion of knowledge and expertise and ensures collection and utilisation of experience built up in this area.

Awareness raising campaigns and training courses

During recent years IOM has been *organising awareness raising campaigns and held training courses* to promote the fight against trafficking in persons. The Hungarian Ministry of the Interior and the Ministry of Foreign Affairs also participated in the campaign which was launched in the spring of 2005, with financial assistance provided by the Italian Ministry of Interior. *Handout leaflets* were also produced in the campaign, advertisements in the interest of the public were broadcast on TV and were played in cinemas, *free weekly programme brochures* were produced and the materials of the campaign was *published in a popular magazine* as well, for students of the higher grades of primary school and for those attending secondary school. IOM - with professional assistance provided by the Government of Hungary - held so-called 'train the trainers' courses for law enforcement agencies, judges, prosecutors, the media and civil organisations. Furthermore, a four volume manual on trafficking in persons (on general knowledge and methodology, on law enforcement agencies, for those working in the area of administration of justice and for non-governmental organisations) was published, and a CD-ROM was produced comprising the relevant legal regulations, domestic and international documents as well as data on the main non-governmental organisations providing assistance to victims, for the purposes of training and extension training.

Scientific research and conferences

Among *scientific research* projects, empirical surveys were carried out in 2003 and in 2005 by the National Institute of Criminology (OKRI) on trafficking in persons and on smuggling of persons, respectively. The research programmes of the Hungarian Scientific Research Fund (OTKA) also include one focusing on international trafficking in persons (2004-2007) which will be closed by a monograph at the end of the research period, at the Institute of Legal Sciences of the Hungarian Academy of Sciences. The problem of trafficking in persons has also been on the agenda of a number of scientific conferences and other events organised in Hungary in recent years.

The 14th Criminal Expo - an international conference and exhibition on security, crime prevention, criminal investigation, administration of justice, disaster protection and information technology - was jointly organised by the Ministry of the Interior, the Office of the Prosecutor General, the National Association of Prosecutors and the Public Foundation for a Safe Hungary in November 2005. One of the most important themes was the presentation by the Ministry of Youth, Family, Social Affairs and

Equal Opportunities of experience from the cooperation between the civil sector and the government in the fight against trafficking in persons.

Article 7: The role of women in public life

a. Voting, and the right to be elected

The rules on the right to be elected and, in general, the rules on elections, have not been changed since the previous report. Women have universal suffrage. However, there is a growing gap between the percentages of women and men participating in national elections (Table 7.1). As a matter of course, this table is based on a representative sample (owing to secret ballot). The figures show that in 1998 the proportions of women and men casting their votes (67.9 % and 67.4 %, respectively), but in 2002 there was an almost 3 % difference between the two ratios. Besides a decline in the interest in politics this may also be explained by a change in the political atmosphere.

b. Participation in governmental decision making

With respect to Article 7 b) of the Convention the General Recommendation (1997, point 29) specifies the methods by which the participation of women in positions in government, public administration and public bodies can be facilitated. For the time being however, such means have not yet been implemented.

The programme of the socialist/liberal coalition government formed after the general elections in 2002 expressed the requirement of observing and promoting the equality of opportunities in respect of social, economic and employment policy, including the equality between women and men.

The coalition that came into office in 2002 appointed three women ministers at first: the Minister of the Interior, the Minister of Health, Social and Family Affairs and the Minister of Environment Protection and Water Management. In 2003 the latter two were replaced by men, however, a woman minister without portfolio was appointed to take care of issues of equal opportunities, as a consequence of which there were two women ministers. Upon the dissolution of the ministry and upon the replacement of the Prime Minister and the change of government in 2004 two ministerial positions were assigned to women, and this is expected to remain unchanged until the end of this government term. Besides the Ministry of the Interior, the newly set up Ministry of Youth, Family, Social Affairs and Equal Opportunities (which is in charge of facilitating gender equality) is also headed by a woman minister. The national institution in charge of promoting gender equality is operating in the form of a department within the Ministry.

There are a small number of women in the highest levels of government. There are not more than one or two women among the political and the administrative state secretaries (Table 7.2). Some 26 % of the deputy state secretaries are women. In some ministries (Agriculture, Foreign Affairs) there were no women at all among the senior officials. It should be noted that the official registries are not adequate; no statistics by gender are produced. The number of state secretary positions changed as a result of the reorganisations, thus the calculations is based on the period when the largest number of

people was working in the various ministries. Where a woman worked in more than one positions, she was taken into account as many times.

Parliamentary committees are regarded to be one level of decision making, for they not only play an important role in the dimension of elections and political parties, because the committees are an important partner of government in legislation. Their tasks include amending proposals and submitting proposals for new legislation as well. Between 1998 and 2002 only one committee (Human Rights) was headed by a woman, with another five committees with woman vice-chairpersons. In the current government term four committees had woman chairpersons, two of them only during a certain part of the term; 9 vice-chairpersons were also women, five of them only for part of the term. It should be noted that the number of committees and positions also increased significantly, partly explaining the increase of the number of women in these positions. From among the two committees headed throughout the term by women, the Steering Committee does not play an important role from the aspect of governmental decision making, while the other one, the Social and Family Affairs Committee is regarded as an area of women's public policy.

While in the previous government term a total of 8.3 % of the MPs were women, they accounted for a lower percentage of the members of the committees. In the current term a total of 9.1 % of the MPs are women and they have 25 permanent positions.

At the level of local governments, official data do not or only partly cover the ratios between women and men. The aggregate data show, however, that 14.8 % of elected mayors are women. There are substantial differences between the various types of communities: the larger the municipality, the weaker the position of women is (Table 7.3) A comparison of the data on the 1998 and the 2002 local governmental elections shows, in part, a slight increase, yet it also indicates that women are under-represented on this level as well (Table 7.4).

c. Roles in politics and in public life

There is a clear dominance of men among party leaders: in three out of the four parties in Parliament the proportion of women among the members of the supreme organs of the parties varies between 0 % and 10 %. The Hungarian Socialist Party is the only exception, which has a well-established women's section with a network of nationwide coverage.

The combined election system has not changed since the previous report (individual electorates plus territorial/national compensation list). The proportion of women candidates is low, though in 2002 it increased both in the socialist party (MSZP) and in the liberal party (SZDSZ) (Table 7.5). The chances of women of winning the elections however, are also influenced by their positions in the party lists of candidates (Table 7.6).

One of the effects and consequences of the election system is the small percentage of women among MPs. After the elections in 2002 a total of only 35 women MPs (9.1 % of all MPs) started working in the Hungarian Parliament.

The European Parliament is a new venue of representation. The proportion of women among the members of the Hungarian delegation is 37.5 % (9 out of 24 persons) which is way above the 22.8 % average of the other post-communist countries and is also higher than the 32.5 % of the older Member States. The strategy of the parties in nominating candidates gave a clear indication of their intentions: socialists nominated women candidates on the list only in positions where there was a good chance of winning. It was also clear from the election process that the European Union and international expectations in general, may have a positive impact on the cause of equality of women and men.

Article 8: International public life

Women in international representations

The proportion of women increased during the past five years among diplomats. About a third of those on permanent Foreign Service are women and the same proportion is observed among those in 'diplomat' status. It should be noted however, that in senior positions, particularly abroad, women are still under-represented, which is partly explained by the specific form of work and way of life that is characteristic of the Ministry of Foreign Affairs.

The employees of the ministry can participate in tertiary and post-gradual education and training, in other training and extension training courses of various lengths. Since Hungary's European Union accession (2004) the range of possible training courses in which participation is based on applications, has widened substantially.

It is only estimated on the basis of diverse registries that the ratio of women to men among the Hungarian employees of the United Nations and its specialised institutions is about 1 to 9.

The proportion of women to men is more even among Hungarians employed by North Atlantic Treaty Organization (50 % each), while in the Council of Europe 40 % of the Hungarian employees are women, 60 % of them are men. Some 78 % of the Hungarian officials and those employed by the European Commission on the basis of temporary contracts are women.

Article 9: Issues of citizenship

No material change has been introduced to the legal regulation since the combined governmental report (see CEDAW/C/HUN/4-5).

Article 10: Education

Legal framework of equal opportunities in education

As has been discussed in detail in the previous report (see CEDAW/C/HUN/4-5), the act on public education adopted in 1993 and still in effect after the amendments in 2002 and 2003, lays emphasis on eliminating gender-based discrimination in all areas of education. The most significant changes that have taken place since the date of Hungary's European Union accession are those introduced to the regulation of tertiary education. *Act CXXXIX of 2005 on higher education* introduces a higher

education system in line with the Bologna Convention. Accordingly, from 2006 the new structure of higher education will be comprised of basic - bachelor - masters, doctors (PhD), tertiary vocational training and specialised extension training. Article 2 (1) (h) of the Act sets out a task of ensuring observance of the requirement of equal treatment and equal opportunities in tertiary education.

Pursuant to the law it will be possible to conduct gender studies at master's level under the heading of 'gender researcher and specialised politician for equality of opportunities', after completing the basic courses of social sciences.

a. Equal opportunities in obtaining diplomas in all types of schools

In general, the level of schooling attainment is somewhat higher among women than in men in Hungary. A higher percentage of women have secondary or tertiary qualifications in working age population than of men of the comparable ages (Table 10.1). By contrast, a higher percentage of men have diplomas providing vocational qualifications.

Primary and secondary education

The proportion of girls increased steadily in primary and secondary schools during the past 15 years (see: previous report with historical data series). In the 2005/06 school year the proportion of girls at nurseries and primary schools corresponds to their proportion in the population as a whole (Table 10.2). Girls are significantly over-represented in grammar schools and they are significantly under-represented in vocational schools. This means that girls tend to receive general secondary education and a smaller proportion of them acquire vocational qualifications at this level.

Girls are over-represented in secondary education. There is a definite gender segregation not only in general in the various types of secondary education but also within the choice of vocation: girls will more often choose vocations in trade and the light industries and less often those in heavy industries or ones of technical orientations, while many of the latter vocations tend to offer more highly paid jobs.

In contrast to the above general trend Roma women are faced with a substantial disadvantage in the schooling system. Surveys have shown that some 35-40 % of Roma women have not completed primary school. This proportion is some 10 percentage points higher than among Roma men, showing that Roma women are at a disadvantage both on account of their ethnicity and their gender. Similar inequalities appear at higher levels of education as well.

Tertiary education

The proportion of women in higher education as well as among those holding degrees from tertiary education exceeds that of men. Some 58 % of students in higher education are women in the 2005/2006 academic year. Though women make up a higher percentage at the lower level of tertiary education (college, 62%), they are over-represented in the higher (university) level as well, at 55%. Men make up a higher proportion only at the highest (PhD) level of education, but only with a slight margin, for in 2005/2006 47 % of the PhD students are women.

As in secondary schools, there is significant gender segregation in the choice of vocation in tertiary education as well. Some 70 % of students in tertiary teacher training in Hungary are women, while they make up less than 10 % of engineer students. Women make up some 60 % of those studying law and economics, 67 % and 54 % of those studying management and medical sciences, respectively. Gender segregation declined somewhat during the past 10 years, while the proportion of women among students increased by 5 %.

There are no material gender differences in terms of those attending full time courses, evening classes or correspondence courses, though more women choose evening classes and correspondence courses.

Student hostels

Some 46 % of secondary school students living in student hostels in Hungary are girls.

b. Teachers - discrimination in school hierarchy

Hungarian schools also reflect the segregation of the genders observed in the labour market. Though a high proportion of teachers are women, the higher the prestige and level of management, the lower is of the proportion of women. Though some 87 % of primary school teachers are women, only 62 % of the schools are directed by headmistresses, with 86 % deputy headmistresses. There is a clearly visible 'glass ceiling' phenomenon: women can make it only to lower levels of the hierarchy, having weaker chances of holding higher positions than men.

Women are even more under-represented in leading positions in prestigious grammar schools: 71 % of teachers are women, headmistresses making up only 38 %, with 61 % deputy headmistresses.

The proportion of women is much lower among university teachers (38 % in the 2004/05 academic year). The proportion of women among full time teachers was the same, i.e. they are not disadvantaged from the aspect of the stability of their jobs. On higher levels of the university hierarchy, however, the proportion of women declines. Only 7 % of university professors and 24 % of assistant professors and lecturers are women. Less than 4 % of the members of the Hungarian Academy of Sciences are women (see figure 10.1 in the Annex, comparing the opportunities of men and women for promotion in sciences).

c. Gender roles

In relation to social gender stereotypes appearing in school books, a number of research projects¹⁷ have come to the same conclusions concerning the following issues: 1. Boys/men appear more often in school books than do girls/women; 2. In the teaching of literature and history, men are mentioned more often; 3. Family and social gender roles are presented - apart from a few exceptions - in the traditional and stereotyped ways. Content analyses prove that school books show clearly distinguished stereotyped male and female role models within work place, home and other social strata. Most textbooks fail to describe women outside the home. A restricted gender-specific offer of occupations is presented for boys as well as for girls.

¹⁷ For example Thun, É. (2005): Az oktatásról női szemmel (Education from the perspective of a woman).

The syllabuses of currently mandatory teachers' extension training programmes do not cover issues of gender equality.

d. Study allowances and research scholarships

As was pointed out in the previous report, students who are recipients of child care aid or child care fee are exempted from having to pay tuition fees for 4 terms in state education institutions. Furthermore, the repayment of the student loan may also be suspended during the period of the disbursement of the child care aid or child care allowance. These preferential terms are accessed primarily by female students of universities and colleges. In Hungary, 35.1 % of researchers, 64.1 % of research assistants and 65.3 % of other employees in research are women. The ratio of women among researchers of budgetary institutions increased from 31.1 % to 39.9 %, those working at research units at tertiary institutions increased from 29.1 % to 36.8 % between 1990 and 2002.

e-f. Adult education

A higher proportion of the participants of adult education are women. In the academic year of 2004/05 some 56 % of the total of 350,000 persons participating in education outside the schooling system (training courses, remote training, seminars and private lessons) were women. More women participate in adult training in the schooling system, than men. For example, in the 35-44 year age group, 3.1 % of women and only 1.6 % of men participated in training. Similar differences are observed in other age groups as well. Similar segregation trends are found in adult training: less than 20 % of those conducting studies for industrial, technical and architectural qualifications while 70-80 % of those studying for qualifications in education, cultural and personal services are women.

g. Equal opportunities in sports

Both boys and girls have to participate in the same number of sports classes per week, at school. However, a somewhat smaller percentage of girls participate in extra-curricular sports activities, only 46 % of the members of student sports clubs are girls.

h. Health education

There are no data broken down by gender available on health education.

Article 11: Employment

The number of employees increased only by 1.2 % in Hungary between 2000 and 2005 in the 15-64 year age group. Within this, the employment of women and that of men grew by 2.1 % and by a mere 0.5 %, respectively. The rate of employment of women used to be 13.1 % below that of men, by now the difference has shrunk to 12.1 %. *In 2005 a total of 51 % of women aged between 15 and 64 years were engaged in wage earning activities, in contrast to the 49.6 % recorded in 2000.* The corresponding ratio for men increased from 62.7 % to 63.1 %.

1. Discrimination in employment

(a) Access to wage earning jobs

Employment rate

Since year 2000 a major structural transformation has been underway in the Hungarian labour market, which has been more favourable for women than for men, as a consequence of which the gap between their employment rates narrowed from the 13.1 % in 2000 to 12.1 % in 2005 (Table 11.1). The domestic employment rates are still substantially below the average of the 25 EU Member States. In 2004, the rate of employment of women and that of men was 5% and 7.8% below the EU average (Table 11.2). The employment rate of the age group between 24 and 54 years - regarded to be the most ideal from the aspect of employment - is only 1.5 % below the average of the EU 25. By contrast, the corresponding figure for men is 6 % below the EU average. The reason for this may be that many people work in the 'informal' sector or outside the organised labour market. Lower employment is also related to the low ratio of part time employment, at least in the case of women. In 2004 3.2 % of men and 6.3 % of women worked part time in Hungary, in contrast to the corresponding 7 % and 31.4 % of the EU 25 (Table 11.3).

Unemployment

The inequalities in unemployment between the genders disappeared by year 2004. (Table 11.5). In year 2005 - partly as a result of the closure of an increasing number of factories, partly as a consequence of the conditions of interest activating the economically inactive - the number of unemployed started to grow increasingly rapidly and the rate of unemployment among women reached 7.5 %, exceeding the 7 % rate among men. In 2005 46.9 % of the unemployed men and 43.3 % of the unemployed women were permanently unemployed (i.e. for more than a year). The average period of unemployment among women was almost 2 months shorter than that of men (15 months and 16.9 months, respectively).

Exclusion from the labour market

The group of inactive persons of the economically active age is comprised of four large sub-groups: students, pensioners, those living on child support (child care aid, child care allowance, child care support) and the so-called 'other' group of inactive people. Most of these - almost 60 % - are women.

About a third of the inactive people are continuing their studies. The expansion of education continued even after the turn of the millennium. An increasing percentage of young people are acquiring higher qualifications whereby they improve their chances for employment and become capable of earning higher pays. The relative proportions of girls and boys in full time education have - in terms of absolute figures - remained more or less unchanged for years.

Another dominant form of becoming inactive (31%) is made up of early retirement. The number of people in this large group has increased since 2000, by 28 % and by 5 % among women and men, respectively. The ratio of women among active age pensioners did not change; it was around 42-43 % both in 2000 and in 2005. A large number of these women retire from employment where the retirement age is lower than the average owing to the circumstances of work (e.g. mining, armed

organisations, the railway company etc.). Another large group of retired is made up of people with health impairments. Initially, the number of pensioners was increased by retirements motivated by conditions in the labour market, but today there is practically no room for such retirements. Instead, people approaching the retirement age may be provided with pre-retirement unemployment benefit, if they have passed the time line for the regular unemployment benefit. Certain measures have been introduced in recent years to facilitate the employment of pensioners.

Some 8-9 % of women in the active age group are on child care leave, living on child care aid, child care allowance, child care support. Their number dropped from 295,000 in 2000 to 282,000 in 2005, but the *number of men on child care aid increased from 1,000 to 10,000*. (See point 2 for more details on this.)

The number of people who are not studying, not working and who are not unemployed either, was 390,000 (6 % of the active age population) in 2005, some 30,000 fewer than five years before. This group accounted for a higher percentage among women (8%) than among men (4.2 %), which is a consequence of the fact that as a result of the declining real wages during the past decade it was less and less worth for women to work for wages. For their pays were significantly lower than those of men and their work in the household is more valuable than that of men. These circumstances were improved - but the problem was not resolved - by the 50 % wage increase in the public sector.

b. Equal opportunities for employment

Structural changes in the groups of employed men and employed women

The decline of the number of employees involved primarily those of *lower schooling levels* (those having completed only primary school or not even that) among both men and women, at the same time the number of holders of degrees obtained in higher education institutions, that of skilled workers as well as that of people who have completed vocational secondary school has increased. Consequently, the schooling profile of employees has improved.

The fact that the proportion of women dropped in the lower schooling categories and has increased in higher schooling categories, *indicates that women have benefited more from the change of the schooling profile than have men*. One particularly welcome fact is that the proportion of women employees with college qualifications increased from 57.9 to 58.9 % and among those with university degrees it rose from 39.9 % to 43.4 % between 2000 and 2005. However, attention should also be paid to the actual vocations concerned, i.e. whether the holders of such qualifications have highly paid jobs or they have qualifications with which it difficult to even find employment.

Employment structure by sector and economic branch

For men and women are concentrated in different economic branches, but even if they are working in the same branch, women will work in different positions than men. (Table 11.5) From among all wage earner women, the proportion of those working in agriculture dropped from 3.6 % in 2000 to 2.7 % in 2005. By contrast, the percentage of men working in agriculture is still 6.9 %. The proportion of employment in *industry* has also dropped, but here the decline involved only women: in 2000 and 2005 the ratios of women working in industry were 21.5 % and 21.2 %, respectively.

The proportion of women working in *services* increased from 71.3 % in 2000 to 76.1 % in 2005 (Table 11.6). By 2005 the share of women in the total number of employees in the tertiary sector increased to 55.6 %, from the 54.4 % observed in 2000. The proportion of women increased relatively vigorously in the category of ‘other communal services’, in trade, in the provision of commercial accommodation, in public administration and in the health/social/welfare sector (which had already been feminised beforehand). The two-thirds proportion of women in financial services has stabilised but in others their proportion declined (transport/warehousing real estate transactions, education and training).

Horizontal segregation

About a quarter of all vocations have become completely feminised: these employ more than a third of all women employees and some 1.4 % of men employees (Table 11.7). The other end of the scale is made up of jobs dominated by men, employing 43.9 % of male employees and some 1.1 % of women. A small proportion (15-16 %) of occupations is balanced in terms of gender profile and the proportion of women and men employed in these areas is even smaller. *The fact that almost three quarters of wage earner men are working in 52 % of occupations of that are highly or fully segregated, and about as large a proportion of women are working in another 30 % of occupations with gender segregation makes the labour market rather inflexible.*

c. Equal rights for promotion and for starting up businesses

Vertical segregation can be measured in terms of the presence of women and men in the hierarchy of work. The number of both men and women in senior/managerial positions increased between 2000 and 2005 but the proportion of women remained unchanged. It is still about a third, showing a substantial under-representation of women in comparison to their 45.8 % share of employees. An even larger difference would probably be found by reviewing the percentage of women in managerial positions separately in the private and the public sector.

There is also a significant difference between men and women in terms of employment status. In 2005 nine of ten women and only eight men working for income were employees. The proportion of women entrepreneurs is still below one third.

d. Income differences

According to Eurostat data the gross average wage difference between men and women was 21 % in 2000 and only 11 % in 2004. In the private sector - where more men are working - the average wage is higher and the wage difference between the genders is also larger.

e. Right to social security and pension

f. Healthy work environment

For more information see 12.2.

2a-d. Child raising and employment, protection of parents in the labour market

The presence of small children in need of care usually prevents women from taking up paid employment. There was an almost 45 % difference between the average employment rate among

women without and women with small children, in 2002. In contrast to women, a higher proportion of men are forced by having small children than the lack of children, to take up employment. It must be mentioned here that *the employment rate of women between 25 and 44 years of age with at least one minor child is the lowest in Hungary among the EU Member States.*

One of the most important factors dominating this trend is the child care support system, which is extremely generous in terms of its duration (though not in terms of its amounts), whose recipients are qualified as inactive. (The main elements of the system have been in effect since the mid-eighties.) This categorisation however, is disputable in the case of *recipients of the child care fee*. For the child care fee is an insurance type benefit, which may be paid to those with at least 180 days covered by insurance during the two year period before it is applied for, until the end of the second year of the life of the child concerned. This support is income-proportionate, up to a specific income ceiling. Parents receiving the child care fee are entitled to returning to the employer before they worked before the birth of the child and for a 30 day period they may not be made redundant.

The three year absence to which a parent is entitled for a child (the system of which is discussed herein Article 13 of CEDAW/C/HUN/4-5 report), loosens the ties linking women to the labour market and weakens their chances of returning to work especially when they take this opportunity for several children continuously. a number of measures have been taken recently to coordinate having children and employment (for more detail, see below - e.g. support for training in the schooling system or in the labour market during the period of child care leave; the introduction of the 'child care aid for grandparents' to release the parents' capacities for the purposes of taking up employment etc.). Furthermore, from year 2005 the child's age limit from which the parent taking care of a child can return to work was reduced from 1.5 to 1 year. Accordingly, from 2006 it is possible to take up even full time employment, in comparison to the previous period when those concerned could take up only part time work. Employment however, is not permitted for recipients of the child care fee, meaning that the parent with at least 180 days covered by insurance before giving birth can go out to work only when the child has turned two, in comparison to those entitled to the child care aid, who can do so when the child turns one. Those returning to work after child care leave used to be protected against being made redundant for a period of 90 days. During the period under review this period was reduced to 30 days.

From the aspect of the employment of women with small children the *existence, accessibility and affordability of child care institutions* is of outstanding importance. In the nineties, as the number of women opting for home child care increased, certain elements of the traditional service providing systems assisting child raising (e.g. child care institutions of work places) were closed down and the capacities of local governmental institutions also dropped, particularly among *crèches*. The number of these dropped by about 50 % between 2000 and 2005, their capacity shrank by two thirds. The remaining institutions became over-crowded. In 2004 a total capacity of 8.4 was available for every 100 nursery age infant. Day care for children over 3 years of age is provided by *kindergartens*. The number of these has not dropped as dramatically as that of *crèches*. In 2004 a total capacity of 121.6 was available for every 100 pre-school age children, in contrast to the 92.2 observed in 2000. Coordinating family and employment obligations would be facilitated by *better adjustment of the working hours of child care institutions to the working hours of parents*. Development of the network

of child care institutions, creating a more flexible regime of working hours, creating alternative child care services, such as home schools or taking care of child care at home and making these services more accessible, contribute to reducing the number of women with small children giving up employment owing to the lack of child care services, being forced by these circumstances to extend the child care leave.

3. Additional measures to improve the employment of women

Hungary joined the European Union in 2004 and since then Hungary has been an eligible recipient of development funds from the Structural Funds. In accordance with the EU expectations and practices gender mainstreaming is one of the basic criteria to be observed in the planning of development projects and in utilising funding sources. This is supported by guidelines and expert assistance as well. Consequently, the issue of equal opportunities is becoming increasingly embedded in the development of policies and public awareness. Furthermore, the development funds support a number of positive measures that make a direct contribution to the improvement of the labour market position of women.

A number of programmes have been launched with the aid of the European Social Fund aiming directly at improving the employment of women. Between 2004 and 2006 a total of HUF 2.1 billion is available for supporting projects providing personalised employment support and services for women in disadvantaged positions. The EQUAL Community Initiative Programme was also launched in 2004, supporting innovative experimental initiatives aiming at alleviating gender inequalities and segregation in the labour market, with a total amount of HUF 814 million. A programme raising awareness and supporting the spreading of family friendly jobs was launched in 2005, which - besides drawing attention - helps adopting new forms of organisation of work by providing concrete expert assistance, while drawing attention to the necessity of a more equal sharing of work within the family.

Besides the above measures a number of amendments to certain acts contributed to facilitating gender equality and the elimination of discrimination, the most important of which were as follows:

(a) *Act CXI of 2004 on the promulgation of the No. 183 Convention adopted on the protection of motherhood by the 88th session of the General Conference of the International Labour Organisation* entered into force on the 8th day after its promulgation, its provisions however, have been applicable since 4 November 2004.

(b) *Act CXXIII of 2004 on facilitating the employment of career starter young people, unemployed people over 50 years of age and those seeking for jobs after giving care to child or dependant family members, as well as on the employment of those on scholarships* entered into force on 1 January 2005. The legislator found that for some groups in the labour market not only the lack of work experience causes difficulties in finding jobs but also a longer period of absence of the labour market. This includes most of women intending to return to the labour market after the expiry of unpaid holiday for child care, and those intending to return after the expiry of the period during which the nursing fee is provided for nursing relatives, along with job seekers over 50 years of age. They often find it difficult to get a job even if their qualifications are in demand in the market or if there is a shortage of labour in their region. Entering or returning the job market by these people should also be supported. This act is not directly aiming to assist employees, rather, it intends to stimulate employers

by setting a lower percentage - than the rate specified in *Article 19 of Act LXXX of 1997 on the persons eligible to the benefits and services provided by the social security system and to private pensions as well as on the coverage of such services in a combined single structure with Government Decree No. 195/1997. (XI. 5.) implementing the Act* - of contribution to be paid by employers if they employ persons in disadvantaged positions from the aspect of the labour market. The legislator intends to make employers want to employ their staff over a longer period of time.

(c) *Act CXXV of 2003 on equal treatment and the promotion of equal opportunities* entered into force on 27 January 2004, by the adoption of which all EU directives concerning equal treatment were integrated in the Hungarian law, fulfilling thereby Hungary's legal harmonisation obligation in this field. By its entry into force a number of provisions on equal treatment which used to be contained in Act XXII of 1992 on the labour code (hereinafter: Labour Code) were transferred into this act, however, the principle of equal pay for work of equal value which was entered in the Labour Code with effect from 1 July 2001, is still part of the Labour Code (Article 142/A).

(d) Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICEF, CEEP and the ETUC was introduced to the Labour Code with effect from 1 July 2003, the primary goal of which is - within the framework of the European employment strategy - to spread part time employment in order to eliminate problems of reconciliation of work and family life and to provide easier access to education and training possibilities besides employment. Furthermore *Government Resolution No. 2017/2003. (II. 6.) on facilitating the spreading of part time employment* was adopted, according to which a proposal has to be produced in line with the EU legal harmonisation process, on eliminating factors hindering the spreading of part time employment forms in Hungary (payment of health contribution, service time giving eligibility to pension, the rules of calculation of average wage as a basis of pension if the employee is paid less than the minimum wage), in view of the relevant European practice and having reviewed the effects on the public finance system of the related measures. The deadline for the implementation of the tasks specified in the resolution was 31 March 2003.

(e) Article 138/A of the Labour Code on the working time allowance of fathers entered into force on 18 December 2002. This Article provides that a five working day time allowance is due to a father, covered by absence fee - refunded by the central budget to the employer - which must be allocated by the employer before the end of the second month following the date of birth, as requested by the employee. The allowance is due to the father even if the child is still-born or dies after birth. In order to arrive at a precise definition of those eligible to this allowance the term 'father' had to be defined with respect to the working time allowance. Accordingly, father is the father by blood or the adoptive father exercising the right of parental supervision. In the case of adoption the adoptive father is entitled to the working time allowance - in accordance with the general rules - within 2 months of the birth of the adopted child.

(f) Article 124 (7) of the Labour Code - in effect since 1 July 2001 - provides that in the case of a female employee, from the day of the establishment of pregnancy until the child turns one, or in the case of a man raising the child alone up to the end of the first year of the child, the weekly resting

days can be drawn together only with his or her consent. This rule is contained at present in paragraph (9) of the same Article of the Labour Code.

Article 12: Health

1. The health status of women and men

The 'National Programme of the Decade of Health' - adopted by Parliament on 7 April 2003 by its resolution No. 46/2003 - created by modernising and extending the 'National Public Health Programme for a Healthy Nation' set itself a goal of improving the health status of the Hungarian population. The most important points include improving the opportunities of disadvantaged social groups by attaining equality of opportunities and, in the various areas of life, by creating environments promoting good health. The 'Healthy Youth' sub-programme of the National Programme of the Decade of Health developed special measures to protect pregnant women, mothers, infants, children and adolescents, and to protect reproductive health. One goal under the programme - from 2003 - has been to develop family planning consultancy to promote responsibility in decision making on having children, to prevent frequent chronic illnesses and to prevent unwanted pregnancy. Another goal was in 2003 to improve the technical/professional conditions of the work of district nurses and its institutional background to facilitate activities relating to the protection of mothers, children and infants. Facilitating 'family friendly' maternity wards, the promotion by all reasonable means, of breast feeding as a general and naturally applied practice, are also parts of the programme.

Mortality rate, screening and treating gynaecological conditions

In Hungary, the life expectancy of women and men at birth is far below the level that would be justified by Hungary's economic development. In 2003 the life expectancy at birth was 68.4 years for men and 76.8 years for women. Hungarian men and women still expect a 7 and 5 years shorter life, respectively, than residents of other countries of the European Union. It should be noted that while among men mortality is in line with their schooling attainment, the mortality of women with higher levels of education is higher than that of those with secondary education.

In no other country of the world are there higher rates of mortality of malignant tumour cases than in Hungary. In 2004, among deaths of tumour lung cancer exceeded the mortality among women of breast cancer, so the dominant causes of death were lung cancer (45.4/100,000 women), breast cancer (43/100,000 women) and colon cancer (27.4/100,000 women). From among the tumours of the female genitals the ratio of deaths caused by the cancer of the ovary (12.5/100,000 women) was the highest. The proportion of deaths of cancer of the cervix (9.3/100,000 women) that of and of tumours of other parts of the womb (7.6/100,000 women) were also high. Screening for breast cancer was launched in 2000 as part of the National Public Health Programme, in the year 2003 almost three quarters of all women between 45 and 64 years of age participated. We have no reliable data on participation in screening for cancer of the cervix (estimate: 20-30 % of women). One unfortunate change is that a woman patient is dealt with over an average of 13 minutes at the gynaecological practices, which is significantly shorter than the 24 minutes recorded in 2000.

HIV prevention

In year 2004 a total of 12 women and 63 men were registered as HIV positive patients. Also in 2004, 4 women and 9 men were treated for AIDS and 2 women and 11 men died of AIDS. Hungary's National AIDS strategy is in line with the Millennium Development Goals and the National Public Health Programme.

Smoking

According to Hungarian Health Interview Survey (OLEF) data on 2000 and 2003¹⁸ the number of smokers continued to increase after year 2000, and women continued to catch up with this unhealthy habit of men. In 2000 one in every ten women (9.4 %) and one in four men (25 %) smoked at least 20 cigarettes a day. One step forward though has been that the *Amendment to Act LVIII of 1997 on economic advertising activities by Act I of 2001* introduced a general ban on advertising tobacco products. In relation to the labelling of tobacco products Hungary has fulfilled its EU legal harmonisation obligation when by the entry into force of *Act LVIII of 2002 on amendments to certain acts on health and social security* it defined the detailed rules on the texts to be displayed on packages in order to increase the effectiveness of health protection, in line with Directive 2001/37/EC. In the fight against smoking the Government promoted the work of numerous non-governmental organisations.

Alcohol consumption

Hungary is still one of the leading nations of the world in terms of the consumption of alcoholic beverages. Mortality of cirrhosis caused by alcohol was 0.0233 among women in 2004, which is one of the highest ratios worldwide.

According to 2003 figures, based on people's own reports, 3 % of women and 18 % of men consume quantities of alcoholic beverages that are harmful to their health.

In 2004 some 90 % of the 139 persons involved in applications aiming at treating alcohol addiction, supported in the framework of the National Public Health Programme were women.

Drug consumption

The problem of drug consumption has been drawing increasing attention in recent years. Medicine abuse is most frequent among women; addicts tend to use benzodiazepines, meprobamat and combined barbiturate in this order of frequency. The number of drug addicts registered since 2000 has declined among women, but it has increased among men. The secondary school age group is the most exposed group of society, but children are trying drugs at increasingly young ages. In order to effectively manage the problem the Government has set itself a goal referred to as 'reducing harm'. As a consequence of an amendment to the Criminal Code it is now possible to apply the legal institution of diversion not only in the case of addicts when committing the crime of drug abuse but also those giving it a try or using drugs before becoming addicted.

¹⁸ Only partial data are available for 2003 yet.

Violence

The Government Office for Equality of Opportunities launched a pilot *Crisis Centre Service* in January 2004 with the aim of providing telephone or personal assistance primarily for women suffering violence in the family or who felt being threatened by their relatives. By the model experiment of the Ministry of Youth, Family, Social Affairs and Equal Opportunities the telephone service was modernised by launching a round-the-clock assistance service that is accessible from anywhere in Hungary. As a successor to the Crisis Centre a National Crisis Management and Information Telephone Service (Országos Kríziskezelő és Információs Telefonszolgálat) (OKIT) has been operating since 1 April 2005. In cases requiring prompt intervention they initiate instant action, in other cases they provide information.

The effective regulation enables accommodation of victims of violence in institutions (temporary homes for children and families), based on the rights of the children, together for the child and the parent concerned. This necessitated a capacity increase to accommodate lone victims as well at existing institutions. In seven regions of Hungary and in Budapest capacity increase took place in **temporary families' homes** in the first half of 2005 as a pilot project.

Before the launching of the programme a five-day training programme was delivered concerning special features of the work, for staff members of institutions undertaking the task, for child welfare services operating in the region and for employees of methodology centres. Civil organisations operating in the area were also invited.

The primary goal of the pilot program was to make it possible for temporary families' homes participating in the programme to accommodate persons (parents-children, women) threatened by or victims of family violence and to provide them with special complex assistance. The target group of the pilot program is parents and their children, lone women and pregnant women suffering threat or violence in the family. The indirect target group includes those in relationships with the victims (the assailant, the family, relatives, friends, neighbours). Helping them is a pre-requisite for tackling the problem. In a broader sense, the entire society is a target group. Prevention, the development of social awareness and the provision of information are important elements of the programme.

After the closure of the first phase of the pilot program, staff members of the temporary homes of families and children that had participated in the programme, attended a one day workshop in July 2005, based on the experience and lessons drawn from the programme.

In view of the positive conclusions drawn from the pilot the programme continues in 2006.

The homes participating in the pilot program are working in close cooperation with both the National Crisis Management and Information Telephone Service and the authorities, child protection agencies and other agencies acting in the interests of clients.

In the autumn of 2005 the Ministry of Youth, Family, Social Affairs and Equal Opportunities started a programme aiming at informing the widest public about family violence and the phone number of the National Crisis Management and Information Telephone Service.

Secret shelter was opened at the beginning of 2006 to accommodate women fleeing with or without children, from violence.

Roma women in disadvantaged situation

The housing standards, living conditions (livelihood) and health status of the Roma population in Hungary are far below the average of the rest of the society. Their quality of life is influenced by poverty, prejudice and discrimination alike. The life expectancy of Roma men and women is about 8-10 years below that of the average in Hungary. Territorial inequalities in mortality rates follow social and economic inequalities. In poor villages with substantial Roma communities the average life expectancy at birth is below 60 years but no reliable data are available on the causes of death.

The vitality of Roma fetuses and infants is much lower than that of non-Roma Hungarians. Miscarriage, premature birth, lower body weight at birth, being raised under unfavourable living conditions after birth etc. originate from the young age of Roma mothers, their living conditions, and their smaller body weight resulting from insufficient nutrition in terms of quality and quantity, and their unhealthy behaviour patterns.

A survey carried out among the Roma population in 2002 found higher morbidity rates in the over 40 year age group. Only one in five Roma individuals aged between 40 and 50 years said they were healthy, and this ratio dropped to below 10 % among those older than 50. Symptoms of depression were much more frequent among young Roma women than among non-Roma women of the same age. Hepatitis A and B are outstandingly frequent among other infectious diseases.

The majority of Roma women are using some protection against unwanted pregnancy. More than 15 % of Roma women between 19 and 55 years of age do not use contraceptive pills because they cannot afford to. A history of obstetric problems is observed twice as frequently among pregnant Roma women than among other women in Hungary. According to a survey on Roma women the body weight of Roma women giving birth and that of smokers among Roma women giving birth was 3.3 and 4.0 kg below that of other women, respectively. The body weight of Roma women living in 'settlements' (i.e. parts of municipalities comprising four or more homes with very high density of residents and very low grades of convenience) was even lower, falling 2.1 kg below that of Roma women living elsewhere. Some 63 % of women covered by the survey were regular smokers, 48 % of them lived at settlements with low standards of hygiene or 'under settlement-like conditions'. Though Roma people are not formally excluded from health services, we assume that they use a smaller portion of higher standard, expensive and rare health services. The majority of curative interventions used by Roma citizens fall in the category of basic health services.

The Public Health Programme for a Healthy Nation in which a separate chapter is devoted to addressing the health inequalities of social groups facing multiple disadvantages, has set itself a goal of training 'health guards' from the Roma minority along with their employment by local governments, of special training of district nurses to enable them to more effectively deal with the Roma population as well as of launching special health improvement programmes.

2. Pregnancy, births

The number of births has been declining in Hungary and women decide on having children at increasingly older ages. The situation is different in the Roma community, at present Roma women are 20 years on an average when they have their first child, with 30 % of them having their first child before the age of 18.

According to data provided by the Central Statistics Office there were 55.7 abortions per 100 live births in 2004. This figure shows a decline, yet it is still a very high proportion. About 12 % of the abortions took place among women below the age of 20. Modern means of contraception are very expensive, so in some cases it may be cheaper to have an abortion paid for by the social security system than using contraceptives. At present there are incubators outside several hospitals where mothers can place their babies if they do not want to raise them. This solution has been introduced to reduce the number of infanticides and to make women to give birth to children instead of having abortions, enabling them to give up the babies without having to identify themselves. Babies left in these incubators are adopted through accelerated procedures which is possible without the parent's consent pursuant to *Article 48 (5) c) of Act IV of 1952 on marriage, family and guardianship*, if the parents do not call within 6 weeks to retrieve the child. This provision provides, at the same time, impunity for women giving up their children in this way.

Preparing young people for sexual life is a particularly important task. According to findings of a survey on women aged between 14 and 24 years (2002) the first sexual experience takes place between 16 and 17 years of age in the majority of cases. Some 80 % of young women use contraceptives, 3.5 % of them do not use such means for they would like to have babies, 16.5 % of them do not use contraceptives at all. The proportion of those using no protection against unwanted conception at all is, by the way, higher (27.5 %) in the whole female population. A total of 6.3 % of young women between 14 and 24 years of age, covered by the survey, have had surgical abortion(s), most of them one. The proportion of those who have had abortions is much lower among better off and more highly educated young women than among less affluent young women with lower levels of schooling attainment. A Teenagers' Ambulance Network has been in existence in Hungary since 1999. In 2003 the network was contacted by some 60,000 young people, most of them for sexual education, advice on issues of hygiene or for contraceptives.

Family protection services are organised on a territorial basis to foster family planning and child bearing; these are created alongside the organisations of the health authority on the basis of a micro regional or municipal territorial principle. The range of their tasks has been broadened by the introduction of genetic consultancy, provision of advice concerning family planning, contraception, preparation for child bearing and treatments for infertility in recent years. The work of professional supervision of district nurses and those providing nursing services facilitates the transmission of information, the organisation of further training and the raising of the technical/professional standards of work in the areas of prenatal care, mother and infant protection and child protection.

Upon the birth of every child a family is entitled to a one-off maternity contribution, as a contribution to the relevant costs. One pre-requisite for eligibility to the costs is that during the period of pregnancy the mother should use at least four times the free maternity consultancy service (or once in

the case of a premature delivery). Since 1 January 2003 the amount of the maternity support per child has been equal to 225% of the lowest possible amount of the old age pension in effect at the time of the birth of the child, or 300% in the case of having twins.

From among health services all persons staying in the territory of the Republic of Hungary - irrespective of whether they have or have no legal relationship with the social security system - are entitled to ambulance (rescue), emergency services and prenatal services. From among specialised health services and those provided by nursing institutions, gynaecological and oncology services are available without having to be referred to the institution by one's GP. *According to Article 15 of Act LXXXIII of 1997 on the services provided by the mandatory health insurance system* insured persons are entitled to intra-uterine treatments of the foetus, to parental care and to abortion based on medical indication. Pursuant to the provisions of specific other legislation, insured are entitled to mothers' milk supplies. Insured persons are also entitled to treatment of infertility under conditions provided for in specific other legislation based on doctor's indication.

Article 54 (1) of Act XCIII of 1993 on labour protection is intended improve the effect of working conditions on health, declaring that the employer is obliged - in order to ensure safe work that does not endanger human health - to take the human factor into account in creating work places, in choosing means of work and work processes, with a special emphasis on making efforts to reduce the time of monotonous work or work of fixed pace, paying attention to reducing its detrimental effects and to scheduling working time. At the same time, there is still a need for a synthesising overview on the basis of which decisions concerning occupational health prevention priorities can be made. The higher percentages of women in certain branches must be taken into account in deciding on preventive actions, in making estimates and in making decisions on providing compensations.

Article 13: Discrimination in economic life and in family allowances

a. Family allowances

From the aspect of access to family allowances the Hungarian law does not distinguish between father and mother: either parent may use the benefits concerned. The only exceptions to this are prenatal - child bearing aid and the one-off maternity aid after the birth of the child (but this is available for either parent in the case of adoption)

b. Economic life

After 1990, no adequate data were collected in a breakdown by women and men, especially as regards small and medium-sized enterprises. Since Hungary's EU accession however, in order to ensure transparency of the utilisation of EU funds and to meet the requirements of accounting for the utilisation of the funds, there has been an increasing pressure on institutions to have specific data in their registries on women employees, on Roma women and on women employees with disabilities.

Little attention was paid in legislation to the requirements of collecting data on the basis of breakdown by genders. In the debate of *Act XXXIV of 2004 on small and medium-sized enterprises and on the promotion of their development* it was proposed that credit institutions should produce

reports in a breakdown by the gender of the borrower. This proposal was not accepted but two important provisions were integrated in the law. According to one of them, programmes whose goal is to 'provide for equality of opportunities in accessing market information' may be provided with financial assistance from the Targeted Appropriation for Small and Medium-sized Enterprises. The other provides that the Enterprise Development Council, which participates in the development of the strategy, may invite - and give the right of consultancy to - representatives of civil organisations concerned, in respect of issues relating to equality of opportunities.

Although the law imposes a general obligation on the Central Statistics Office, the Hungarian Financial Supervisory Authority and other institutions, to supply data, there is no obligation on any of these organisations to collect data in a breakdown by genders.

Lending only to women or to women as well

The Association of Hungarian Businesswomen - as the Hungarian member of Women's World Banking - set itself a goal of resolving the financing problems of Hungarian micro-enterprises in 1994. In 1999 the Association was provided with an USD 40,000 support from the Citicorp Foundation of CitiBank. Applications for support from this amount - referred to as 'Trust' Small Family Loan - may be submitted by members of the Association. The amounts are disbursed by Civil Savings Bank, at interest rates always in line with the base rate applied by the central bank.

In year 2005 Budapest Bank brought out a product in the bank card business called Lady Credit Card, offered for both private individuals and women entrepreneurs. The card offers 5-10 % discounts at some six businesses, but what may make it a very popular product among women entrepreneurs is that it offers credits between HUF 50,000 and HUF 1,000,000 through a very simple credit appraisal process, though at very high interest rates.

Use of financial and credit products according to findings of research

In line with the trends of earlier years men and women make up 70 and 30 % of all entrepreneurs, respectively. In respect of legal forms of businesses, women account for a substantially higher percentage of individual entrepreneurs than men, with a slightly higher percentage of men in limited partnerships, while twice as men than women own limited liability companies which is a much more prestigious form of business. In terms of a sectorised breakdown the proportion of men is significantly higher in industry and construction and that of women is significantly higher in trade and services. As regards the number of employees, more women work in one-person businesses and businesses with less than 10 employees. From the aspect of the use of financial instruments it should be noted that a much larger percentage of men entrepreneurs than women are to be found among the - otherwise small number of - users of bank loans. A general trend of refraining from the use of external funds was also proven by the research carried out by the SEED Foundation in Vas County in 2004. Some 77 % of the total of 350 women respondents launched their businesses using their own savings, 29 % of them resorted to loans from family members and friends, while the amount of the initial capital was increasing. On the whole, it should be noted that according to data yielded by the research women entrepreneurs are the users of account keeping services and their traditions, the primacy of family assistance and their oft-proven need for security, keeps them away from riskier external funding sources.

Article 14: The position of women in rural Hungary

No comprehensive survey or assessment was made in Hungary during the past 15 years concerning the situation of women living in rural areas. The latest CEDAW report (see CEDAW/C/HUN/4-5) described primarily the situation of women living in small villages.

The situation, lack of equal opportunities in rural Hungary does not stem from the lack of legal regulation; instead, it is often related to disadvantaged situations resulting from local conditions. This disadvantaged situation often affects both men and women but in certain cases it imposes larger burdens and pressures on women. The lives of women living in rural Hungary, in villages, are more strongly influenced by traditions and by the more modest role of women concentrating on the family: they often bear extra burdens in the family.

a. Participation in development

Women living in villages have similar opportunities to men in terms of participating in working out development plans. However, the activities of women in public life are rather restricted in villages (as they are in other types of communities in Hungary).

b. Health services

Women living in villages have the same access to health services as men living in similar communities have. The smaller the municipality, the smaller the access to the various levels of health institutions is available, with some regional differences. Inequalities for the smallest villages and for villages at larger distances from towns are also aggravated by transport difficulties.

The behaviour of women living in villages differs - in terms of demography - from that of women living in towns: both among young women and among women in the age group above 49 years of age, past fertility, the number of children born live per 1000 women is higher in villages than in towns. This aspect shows an even more definite difference in terms of a breakdown by the size of municipalities: the smaller the community, the more children are had by women living there. In regions that are becoming increasingly disadvantaged economically, having children for the sake of the aid, has appeared again as a survival strategy.

Despite relatively high levels of productivity, women in rural Hungary can rely on relatively few children's institutions in going out for salaried employment. In order to increase employment primarily the number of institutions providing daytime care for children - especially for those aged up to 3 years - should be increased (at present there are 515 such institutions) and day-care centres (now 70). For this reason the normative transfer relating to infant nursery services was increased in 2005 by 25 %, along with a 50 % increase of the normative transfer provided from the central budget for home school services. In order to increase the capacity of nursery schools and to improve access to such services, since 1 July 2005 it has been mandatory to include crèches in every municipality with populations over 10,000.

Hungary has set itself a goal of increasing the number of capacities for infants up to 3 years of age by 10 % by year 2007. During the period between 2004 and 2006 crèche capacity for some 1000 infants was created, partly with support from the European Regional Development Fund.

c. Social security services

Equal participation in social security services is guaranteed for women living in rural Hungary by law. At the same time, the different age profiles of men and women and their different marital status often cause special difficulties for women. In all age groups below 60 years there are fewer women than men in villages, while over the age of 60 there are 1.58 times as many women than men. This means that within the populations of villages that have a number of disadvantages anyway, there are a very high proportion of elderly women. Furthermore, many elderly women live alone, according to data on their marital status. In villages, 21 % of women over 15 are unmarried, 51 % of them are married, and 7 % and 21 of them are divorced and widowed, respectively. The proportion of widows is higher in villages than in towns (18 % in the latter type of communities), but the most salient difference is more visible if this proportion is compared to the number of men living in villages, for only about 4 % of men living in villages are widowers. Elderly widows in villages stand a good chance of shifting below the poverty line for not all of them have pensions on their own rights: many of these women are recipients only of the survivors' pension. Even some of those receiving pensions on their own rights live on small amount pensions because they have completed short periods of service time and/or even when they were working for a salary, they had low incomes. Accordingly, elderly lone women living in villages are especially in need of some form of supplementary social/welfare services.

In year 2006 and 2007 a 50 % increase of the survivors' pension is to be introduced, as the first step of which a 10 % increase will take place (up to 55%), and from 1 January 2007, their pension will be raised to 60 %.

d. The participation in education of women living in villages is lower than that of women living in other types of communities

Almost all women living in Budapest but only about 85 % of women living in villages have at least some basic schooling attainment (Table 14.1.). There is an even larger difference by type of municipality in the group of women holding GCSE (Budapest: 65%, other towns: 48%, villages: 3%). Some 7 % and 1 % of women living in towns and villages have degrees from tertiary education. Similar differences are also found between the percentages of men holding different levels of qualifications between the various types of municipalities, indeed, the proportion of men living in villages, holding GCSE is only 25 %, falling short of the corresponding proportion of women. In villages, women having higher level qualifications, find employment primarily in education institutions and perhaps in public administration. As a consequence of a lack of employment (and other disadvantages) more highly qualified young people are leaving smaller communities or young people do not return to their home towns or villages after the completion of their secondary or higher level studies in larger towns. The only exceptions to this are municipalities in regions of higher economic development and those lying close to large towns.

There are major differences between the standards of education in villages and in towns. In all areas (understanding written texts, cognitive capabilities, thinking in terms of mathematics etc.) the

performance of children in villages fall short of those living in towns, particularly those living in Budapest. The reason for this does not only lie in the lower level of effectiveness of teaching in village schools but also in the differences between the levels of schooling attainment of parents living in villages and those living in towns (OKI 2000).

e. Economic opportunities

Access to jobs

The employment rate of those living in rural municipalities is about 5 percentage points lower (37 % and 27 % in the case of men and women, respectively) than the national average in 2001 (41 % and 32 %, respectively). This is indicative of a substantial decline of employment in respect of both genders, but the gap between the rates diminished: in 1990 the rate of employment of women was 68 % of that of men; in 2001 the corresponding ratio was 73 %.

In 2000, the number of men and that of women was below the corresponding figures by 248,000 and 132,000 than a decade before (down 25 % and 19 %, respectively). Accordingly, the employment of men declined more in the wake of the system change than that of women, but the 19 % decline among women resulted in a dramatic situation as a consequence of the fact that the employment of women was already very low in 1990. The smaller the municipality the higher is the percentage of inactive population and smaller the ratio of the income earner population (Table 14.2). The changes that were unfavourable for rural Hungary were even more unfavourable for the Roma population living there.

The lower levels of qualifications that had been characteristic of the population of villages even before the system change are hindering women's participation in a still shrinking labour market. On the demand side there are numerous factors preserving the level of inactivity, including primarily the lack of adequate jobs, the high costs of commuting that make it difficult to take up jobs in remote work places (that, according to findings of surveys, are restricting the inclination of women in the worst positions, to commute) and the persistence between the wages paid to men and to women the negative discrimination in the labour market against women with small children. On the other hand, we see rigid individual and family life strategies. Women living in small villages and in disadvantaged rural areas who cannot find jobs - because of lack of employers or because the existing employers are not easy to access, what employment there is, offers low pays, such as work for unskilled labour, the schedule of shifts is not aligned to the requirements of raising children - are forced to adapt themselves to the existing conditions in order to survive. Part of this strategy is that they turn these circumstances into choices they make voluntarily, i.e. they increase the value of work in and around the household, in agricultural production for own consumption and that of raising children.

The types of farming

A breakdown of the total of 959,000 farmers by genders reveals that 76 % and 24 % of farmers are men and women, respectively. The average age of men and women engaged in such activities is 53 and 60 years, respectively. Furthermore, the average number of working days completed by men and by women farmers is 79 and 65 days, respectively.

Some 74 and 26 % of family members in non-farmer status are women and men, respectively. The average age of non-farmer family members is 32 and 46 years, among men and women, respectively. The number of working days completed by such people is 46 and 55 days among men and women, respectively. Accordingly, women tend to work not much less in agriculture but in a lower status in general, than men (Table 14.3).

Differences that are characteristic of men or women are found not only in the production of commodities but also in farming and ownership. For example, the average arable land owned by male farmers is 2.1 hectares, more than twice as large as the 1 hectare owned on an average by female farmers. Men and women also differ in terms of their distribution regarding the production of produce of different value. In view of the typical 1:3 ratio of women to men, it seems to be a general rule that the lower the value of the produce the higher the proportion of women engaged in production is to men, and vice versa. The two extremes are where in the lower than HUF 100,000 produce value the ratio of female to male farmers is 1:2, in the highest produce value category the ratio of women to men is 1:11.

f. Self-organisation

For the time being, little attention has been paid to eliminating the multiple disadvantages of women living in villages. There are few forms of self-organisation or of initiatives that are aimed at reintegrating women living in rural Hungary in the labour market or at improving their opportunities. The programme relies on the activity of those concerned, on their participation in local public life and on the strengthening of local communities.

g. Ownership, credit

There are no restrictions in Hungary on women's ownership of agricultural land. There is no discrimination in this aspect. Likewise, women have the same access to agricultural loans and services, as do men. There are a very small number of agricultural entrepreneurs but a slow and steady growth is observed in this field. The proportion of agricultural entrepreneur women equalled 0.7 % of all persons working for an income in 2002. The proportion of agricultural entrepreneur men is also very small within the employment structure (2.1 %). It is assumed that the majority of - men and women - agricultural entrepreneurs are working in family farms. In such family farms in the majority of cases women carry out a large proportion of the financial, accounting and administrative tasks relating to the farming operations.

h. Living conditions

It is clear from the above that the status - in terms of employment, schooling and health - of women living in rural Hungary is not as favourable as is that of women living in towns. Mention should also be made of regional differences. In economically more successful regions of Hungary (central Hungary, western Transdanubia) women in smaller villages are not living under worse conditions than are women living in towns, but in regions of economic disadvantages (primarily in northern Hungary and in the northern Great Plain) they are facing greater disadvantages. The opportunities in the labour market and the economic status of women are more strongly determined by regional differences, than

those of men. Further differences are caused in the conditions of women living in villages by the differences in their age profiles, schooling and employment.

Article 15: Equality before the law

No change has taken place in this field since the previous report.

Article 16: Marriage, equality in family life

a. Right to wedding

Women and men have the same rights to wedding in Hungary, and the relevant legal regulations have not changed since the previous report (see CEDAW/C/HUN/4-5).

b. Freedom of choice of spouse

The behaviour of the Hungarian population - particularly that of young adults - has become highly similar to that of people living in Western Europe. People are usually free in choosing their spouses and in deciding whether they want to get married at all. In the Hungarian society marriage used to be the primary - almost only- form of woman/man relationship up to the early 1990s. Since then however, the proportion of weddings has declined significantly and there has been an increase in the number of life companions (Table 16.1). In comparison to Western European countries, there are still a small proportion of life companions in Hungary within the total number of permanent woman/man relationships but their number is on the increase. According to the 2001 census, some 11.3 % of 'marriage-type' relationships were between life companions. The largest group of young people cohabiting or living without permanent partners in Hungary - as in earlier decades - is comprised of young people with the lowest levels of schooling, living in depressed economic regions, in small villages, without permanent jobs.

At present, re-codification of the rules of the civil law and family law is in progress in Hungary. This process has a substantial impact on cohabitation as well. One of the most intensely disputed issues in the course of the codification process is the extent to which the range of entitlements under the family law should be broadened for life companions. According to one expert proposal is that the regulation on life competitors should be included in the category of family laws after resolving issues pertaining to marriages, stipulating that cohabitation as a legal category can be set up between members of the same or the opposite sexes alike, without registration. The proposal would extend the rights and obligations of life companions but they would not be identical with those of married couples.

c. Divorce

The regulation of terminating marriages has not changed since the previous report.

d. Parental rights

The regulation of parental rights has not changed since the previous report.

Some 60 % of couples deciding to divorce have at least one child, i.e. the number of children living in a family of a lone parent at some stage of their lives, is on the increase. Decision on the right to supervise the child upon a divorce is made by the court. It is usually assigned to the mother, but joint supervision is also steadily increasing.

One important negative consequence of divorce is that the chance of both the divorced parents and the child concerned for temporary or permanent poverty increases. Women raising their small children alone stand a higher than average risk of becoming poor along with men who do not establish new relationships and live in small villages. About half of the homeless men - whose number has increased dramatically since the system change - have become homeless after divorce, owing to unresolved housing problems. The welfare of a Hungarian family is still based on two earners. When this is broken up by divorce or unemployment, the probability of the family sinking below the poverty line increases substantially.

e. Having children

Like other European societies, Hungary is also an ageing society. The decline of the number of births has been a crucial political issue for decades. As a consequence of the decline of the number of marriage, the spreading of cohabiting and the growth of the number of those living alone, people tend to decide on having children at an increasingly older age. Married women had their first child at the age of 25 on an average in 1998 and at the age of 27.5 years in 2004. Some 10-15 % of today's young people are envisaging their lives without children.

The decline of the number of marriages and the change of public opinion concerning traditional forms of family has had an impact on the number of children born out of wedlock. While in 1980 less than 10 % of children were born out of wedlock, this proportion grew to 13 % in 1990 and to 34 % in 2004. Women having their first child before turning 20 have their first child out of wedlock in a particularly high proportion. As a matter of course, any of the children born out of wedlock are children of life companions.

Act LXXIX of 1992 on the protection of foetal life described in Report No. IV-V was modified in 2000. The amendment was necessitated by a decision taken by the Constitution Court in 1998 stating that a critical state of a pregnant woman is not contrary to the Constitution as a legal title for abortion, however, a mother having an unconditional right to abortion based on this legal title, is contrary to the constitution. The Constitution Court stated that a balance has to be created between the mother's right to self-determination and the state's obligation to protect foetal life by precisely defining the concept of 'crisis' or by introducing new means for the protection of foetal life.

As a result of the amendment, Article 5 of the Act stipulates that pregnancy may be terminated only in the case of endangerment or in a serious crisis in the life of the pregnant woman, defining serious crisis as one that results in bodily or spiritual impairment or social complications. However, the law still not require any means of evidence to prove the existence of a serious crisis; the mother's statement is enough to confirm it.

The regulation has broadened the scope of responsibilities of the Family Protection Service on the one hand by tasks relating to consultancy throughout pregnancy (on a continuous basis instead of one

occasion) and by providing assistance to resolving crises. The trained employee of the Family Protection Service provides detailed information to the pregnant women about the state and other supports to having children, about possibilities of adoption and the various forms of state, local governmental and social assistance in order to resolve crises as well as about the risks of surgical abortion. The law emphasises that all this has to take place in observance of the feelings and dignity of the pregnant woman concerned.

The law defines a wide range of responsibilities of the state not only in order to protect pregnancy but also in order to prevent unwanted pregnancy. The aim is that the employee of the Family Protection Service provides information on the adequate possibilities of family planning but also - depending on need - he should also provide their clients with means for preventing pregnancy as appropriate.

The year 2000 amendment highlights that the surgical prevention of pregnancy is the most dramatic means of the prevention of unwanted childbirth thus it lays emphasis on the development of the consultancy service, on the provision of access to contraceptives for those in need and on effective cooperation between governmental and non-governmental organisations.

The costs of the intervention are financed by the Health Insurance Fund if abortion takes place on account of medical reasons. If abortion is based on other causes - precisely defined by law - a fee is charged, as defined by a decree of the Minister of Health. Those socially in need pay a reduced fee.

The number of lives lost to abortion is still very high: in 2000, 2001, 2002, 2003, and 2004 a total of 59,249, 56,404, 56,075, 53,789 and 52,539 abortions took place, respectively. In terms of a breakdown by age group, the statistics on 2004 are - in terms of proportions - characteristic of the preceding years. The highest numbers of abortions took place among the 25-29 age group, followed by 20-24 and the 30-34 year groups: 13,678, 11,045 and 10,084, respectively. A smaller number of abortions took place in the group of women below 20 (though these are still a large number in absolute terms): in 2004 5,978 abortions were recorded in the 15-19 age group and 203 among those below 14.

f. Guardianship

The rules on guardianship, trusteeship and asset management have not changed in relation to the corresponding rights of the sexes. One change is to be highlighted in relation to adoption, which may have a negative impact on women intending to adopt children as lone parents. Before 2003 both married couples and single persons could adopt children, but this was not possible for life companions. The situation changed since January 2003 in that according to Article 49 of the Family Law preference is given to adoptive parents living in matrimony, in the interests of the child, by the guardianship authority permitting and administering the process of adoption.

g. Vocation, choice of name

Hungarian laws provide the same rights for husband and wife in terms of the choice of trade and vocation and - since 2005 - also in enabling married persons to choose their family names. The husband may adopt the wife's name or he may combine it with his own name and the previous rules are also in effect, i.e. the wife may take on the name of the husband in various combinations.

h. Economic rights

Joint assets may be managed under the laws of Hungary by either member of the married couple. Sometimes however, the divorce procedure is protracted by the partners' failure to agree on the sharing of the jointly acquired wealth, particularly with respect to their residence. Conclusion of a contract on the ownership of assets before marriage is still a rarely applied solution in Hungary.

i. Marriage of minors

Marriage is a state monopoly in Hungary; it is registered in all cases. Minors may get married with permit issued by the guardianship authority, in which case the authorities always take account of the interests of the child of the couple.

Supplement to article 16: Family violence

1. Current situation

Much progress has been made since the previous report in the fight against family violence and violence against women. Until the end of 2001, research, scientific publications and conferences were not organised around the theme of 'family violence', they dealt with certain victims and forms of violence as with special individual cases. In later years however, numerous research programmes focused on family violence, publications came out on the subject of the dynamic, characteristics or statistics of violence against women, battering of children or family violence.¹⁹ Based on an initiative of the Office of the Prosecutor General, the National Criminology Institute, with the support of the national Committee for the Prevention of Crime (Minister of Justice) has carried out the broadest research to date on this subject, analysing criminal statistics on the period between 1997 and 2002 and the total of 1478 finally closed cases of family violence.²⁰

It is clear from criminal statistics that the frequency of crime within the family is insignificant in comparison to that of all crimes in Hungary: only 5.6 % of all known perpetrators (7 500 individuals a year) commit crimes against family members or relatives. However, in the relevant category of crime, its frequency is significant: a quarter of all crimes against persons are committed in the family. Rapes and cases of indecency known to the authorities show a similar proportion, while some 30 % of assaults and almost half (45%) of attempted and completed homicide cases are carried out against relatives.

A total of 83 % of perpetrators committing family violence (a small proportion of all crimes) are men. Women commit much less criminal acts, but in almost all categories, crimes that are committed by women, take place in the family. Most violent acts within the family - 43 % of crime in the family - are aimed against the actual or former partner. The proportion of such crime committed by parents against children is - unfortunately - quite large (21%) and is on the increase. The most serious crimes against human life in the family are suffered by men. Two thirds of people so killed (63%) are men, one third are women.

¹⁹ Publications on family violence, e.g.: Tóth O.: A családon belüli, partner elleni erőszak, Századvég Kiadó, 2003; Nagy H.: Holtomiglan holtodiglan, Tanítómester Kft, Budapest, 2004; Tamási E.: Bűnös áldozatok, BM Duna Palota Kiadó, Budapest, 2004; Virág Gy. (publisher): Családi iszonyok, KJK, Budapest, 2005.: www.eszteralapitvany.hu; www.csagyi.hu.

²⁰ The detailed description of research data was called for question 22 to the No. IV government report.

Research shows that most cases of family violence known to the authorities are preceded by lengthy conflicts. Aggravated assaults account for the largest number of crimes, 83% of which are committed by men and 60 % of which are suffered by women (Figure 16.1).

In respect of violence against women, it has been found that family violence is most often aimed at the partner (most of the woman). In 40 % (600 cases) of the 1500 cases covered by the research the act was suffered by only the woman or the woman and the child. Most of such cases are aggravated assaults. Family violence against the woman was always committed by men. The typical perpetrators were men between 36 and 45 years of age, married or living with life companion, raising minor child(ren), of low qualifications (having completed not more than primary school or vocational school) of a poor socio-economic status.

In the cases under review women were battered roughly, humiliating the isolated and dependant victim. In many cases the court does not - according to the reasons appended to the verdicts - make attempts to explore the precise reasons of the conflict and battering between the parties preceding the case (Figure 16.2).

National action plan and actions taken against family violence

Parliament Resolution No 45/2003. (IV 16) aiming at preventing family violence and its effective addressing condemns all forms of violence, including verbal abuse. The resolution states the primacy of the protection of human rights for all and declares that family violence is not a private matter. The resolution calls for a national strategy to repress family violence, calling for action by social institutions in the fields of prevention, helping victims and education, through concerted actions by governmental and civil organisations.

2. Legislation between 2001 and 2005

A number of pieces of legislation have been introduced since 2002 on family violence, victim protection and actions by those in charge of the application and enforcement of the law. After a lengthy process of legislation decision was made on not sanctioning acts of family violence in Hungary as a specific crime.²¹

Directive No. 34/2002 of the Ministry of the Interior provided for the tasks required for improving the effectiveness of the measures aiming at the protection of victims of family violence. The National Police Chief issued his directive No. 13/2003²² with respect to the tasks of the police relating to the

²¹ According to the established legal practice (which is the basis of the statistics collected): family violence includes criminal acts against persons living in the same household and relatives specified in Article 137 6. of Act IV of 1978 on the Criminal Code, between former relatives, former spouses, former life companions and between minors in child protection institutions, or those suffered by such persons by the persons contained in this list, such crimes including: homicide, manslaughter, failure to provide care, coercion, violation of personal freedom, violation of private home, violation of the secrecy of correspondence, unauthorised inspection of private secrets, slander, libel, changing of placement of a minor, sex crimes, ruffianism, endangering of a minor, violation involving prohibited pornographic recordings, failure to provide sustenance, lynching, causing damage and the violations listed in Act LXXIX of 1999 on infringements, such as libel, violation of private homes, forcing children to beg, dangerous threatening.

²² The regulation specifies the tasks under Act XXXI of 1997 on the protection of children and on guardianship. It specifies among other things when and how police should participate in the child protection signalling system, it institutionalises the forum system of child protection cooperation that had more or less developed in practice, the data sheet to be used for reporting cases for the purpose of child protection, and provides a sample resolution for temporary placement by the police. The measure is a novel and unprecedented one, in that the most important civil organisations operating in the area were already involved in the formulation of the model text.

management of family violence and the protection of minors. Methodology guidelines were released, training was organised and internal regulations were developed within the police organisation to guarantee safety of victims and injured persons and to ensure effective participation in the child protection signalling system.²³

Political attention to family violence coincided with civil initiatives covered by the media and the beginning of a broad social debate. Two MPs submitted an initiative on the basis of which a *Parliamentary Resolution (No. 45/2003 (IV. 16) on the development of a national strategy to prevent and effectively manage family violence)* was adopted. The national strategy imposes the following requirements on the police and other investigating authorities in this field:

- quick response to calls for help,
- prompt signalling of investigations on account of threatening of children, to the relevant authority.

Prevention of family violence was assigned priority in *Parliament Resolution No. 115/2003* as well.²⁴ This need to be mentioned because shifting the issue on the plane of criminology has changed public speech: most civil organisations are of a feminist standpoint, considering that family violence is based on social and family power a gender hierarchy.

Another positive factor concerning the protection of victims was the adoption of *Act CXXXV of 2005 on the assistance of victims of crime and the alleviation by the state of damage* in order to reduce the social, moral and financial damage suffered by victims of crime, whose quality of life is at risk as a consequence, based on the principles of social solidarity and equity. To this end, any natural person who has suffered damage as a direct consequence of crime, particularly bodily or spiritual harm, or financial damage, is entitled to financial aid and specialised legal assistance.²⁵

The amendment by Act CXI of 2005 to Act IV of 1978 on the Criminal Code entered into force on 1 September 2005, specifying restraining order as a behavioural rule in the framework of supervision by probation officer. According to Article 82 (5) (b) of the Criminal Code the court - if it postpones the imposing of a sanction for a probationary period - or if it suspends a prison sentence or a fine or if releases the person sentenced to prison, on parole, or if the prosecutor postpones charging the individual, the court may order that the person under supervision by the probation officer must keep away from the victim of the crime, his/her home, workplace or education institution.

²³ According to the report of the National Police Headquarters assessing the implementation of the measure: *'No harmonised practice was developed at the competent authorities about notifying the victim of family violence about the release of the perpetrator. In some cases the victim was not notified or it was not or not adequately documented, and the task is carried out in different ways at different local or regional organs. ... The police stations made sure that the staff concerned receive proper training. ... Conflict management training was provided only in 3 counties for personnel, at 2 territorial organs the task was scheduled for the second half. ... The Personnel Directorate of the National Police Headquarters took action to introduce actions and tasks relating to family violence in the training programmes of police education institution.'* www.im.hu/csaladonbelul/.

²⁴ This is the first document in the history of legislation in Hungary elevating the issue of and action against family violence to the level of institutional intervention, stating that battering is not a private matter, setting tasks and deadlines for the Government to introduce effective actions at all legislative, infrastructure and operational levels. The resolution takes into account the international agreements and recommendations undertaken by Hungary as well.

²⁵ This is part of the victim assistance services of the county (Budapest) judicial office.

Act CXXX of 2005 on the amendment to Act III of 19532 on the civil proceedings was adopted by Parliament in November 2005 and its provisions entered into force on 1 January 2006. According to the act, Article 287 of the Act on civil proceedings which broadened the range of temporary measures that may be applied in matrimonial litigations by stipulating that the court may make temporary decisions on the use of the home of the spouses as well, may be a means for reducing family violence. The court practice has developed the contents of the concept of subjective indivisibility of the home according to which with a view to the earlier behaviour - of family violence - the use of the home by the spouse results in grave violation of the interests of the other spouse or of the minor child, thereby it prevents continued cohabitation. The court must take this factor into account by restricting the use of the home by the spouse, thereby reducing the number or situations ending in tragedies.

The Parliament adopted the amendment to *Act XIX of 1998 on criminal proceedings* on 14 February 2006. According to this amendment, in the case of well founded suspicion of a crime for which a prison sentence may be given, the judge involved in the investigation may order that the suspect stays clear of the joint place of residence and institutions and places frequented by the injured person for a period of 10-30 days. Restraining also prohibits personal encounters and communication by telephone or other electronic media. Violating the rules entails detention or a fine.²⁶ The greatest benefit of the restraining order is that it provides for prompt procedure, i.e. a final decision can be made on matters of family violence in contrast to procedures taking 6-12 months.

3. Political measures

To facilitate more effective inter-departmental cooperation provided for in several laws (police act, child protection act etc.), efforts have been made by the Ministry of the Interior and the Ministry of Youth, Family, Social Affairs and Equal Opportunities alike. Furthermore, campaigns have been launched by other ministries supervising systems and authorities providing for services against such violence as well. In December 2003 the Ministry of Justice made an attempt to address the public, later the Ministry of Youth, Family, Social Affairs and Equal Opportunities followed suit in April 2004 to draw attention to the problem of family violence. Almost simultaneously, the Ministry of the Interior organised a campaign in cooperation with the Government Office for Equality of Opportunities. The aim of this latter was primarily to draw the attention of those living around victims of crime and to notify them about help lines that can be called when necessary, the relevant civil organisations and a dedicated web page²⁷, as well as the police Telephone witness programme. All campaigns and the ministries concerned made efforts to draw attention to the problem and its gravity. No survey has been produced on the effectiveness of these programmes.

In the spring of 2004 the ministries concerned organised a campaign against family violence in the media.

²⁶ The problem with the act on restraining is that no standard training was provided or any group in charge of enforcing the law, so prompt protection of victims can be still ensured (along with removing the perpetrator) by arrest only. It is still not regulated as to what mandatory or voluntary (assisting, therapeutic other rearmament or nursing) assistance is provided for the injured person or the perpetrator and what organisations provide such services.

²⁷ www.bunmegelozes.hu; www.im.hu/csaladonbelul/.

Before the public campaigns, in 2003 a one year comprehensive programme of the ESZTER Foundation was launched against family violence.²⁸ This is a unique programme because in addition to the traditional media campaign elements, by training experts, by organising a national inter-sectoral conference and by making an attempt; to reach victims of family violence it implemented the first social awareness raising campaign of a holistic approach.²⁹

The significance of the civil movements - often characterised as radical - is indubitable in starting the growing social debate about family violence. Their simple, understandable emotionally based communication and actions have made the problem of family violence palpable for many, showing the impossibility of the existing situation in terms of legal regulation and the actual practices. A number of organisations have been directly participating in the training of officials, and by their publications they made efforts to raise awareness of family violence. The main organiser of the 'silent witness' movement that is the Women for Women against Violence (NANE) provided regular training for police on the nature of family violence against women and the possible forms of help.³⁰

Social pressure was felt primarily by the police, for the police play a leading role among organisations in charge of the application and enforcement of the law as regards increased effectiveness of action against family violence and prevention. The issue of family violence has been added to the training programme of the Hungarian police for school children (D.A.D.A.) and in general, the police have been actively participating in this social dialogue of varying levels of intensity.

The so-called Robot Cop 2000 Integrated Administrative System has become capable of processing the provisions of the Measure by computer, and cases of violence are now available for research in Net Cop (in the preparation of the crime map data are taken from the databases of the systems referred to as 'Net Cop' and 'Robocop'). Based on data so obtained, according to the report produced by the Controlling Department of the National Police Headquarters (NPH), in 2004 investigations were ordered in 2004 on account of a total of 2010 criminal acts that qualify as family violence according to Section 2 of the NPH Measure. The largest number of investigations took place at the NPH. Proceedings were started in 212 cases in Pest County and in 184 cases in Hajdú County. According to the survey, family violence is least prevalent in Vas, Zala and Fejér counties. A total of 455 criminal proceedings were completed by proposals for raising charges, in 66 cases in Szolnok County, 53 cases in the area of competence of the Budapest Police Headquarters, and 34 cases in Szabolcs County. The investigation was terminated in 274 cases in Hungary, (32 and 19 cases in Budapest and Pest County, respectively). From among crimes falling in the category of intra-family crime the largest number of cases (935) falls in the category of crimes against marriage, family, youth, and sexual morals. This accounts for 47 % of all family violence cases of which the police had been informed. Crimes against life, bodily integrity and health (669) accounted for 33 %, those against public law and order and ones against property, accounted for 14 % and 6 % in the group of cases under review.³¹

²⁸ The police also participated in the campaign, their promotional materials (posters, handouts) were placed by the employees of the Crime Prevention Service across Hungary, in toilets used by the clients of police facilities.

²⁹ For more information on the campaign and its organiser, ESZTER Foundation, see: www.eszteralapitvany.hu.

³⁰ In response to question No. 24 concerning Governmental Report (see CEDAW/C/HUN/4-5) it should be noted that no training was provided on an organised and regular basis on the specific topic of family violence for those in charge of the application and enforcement of the law.

³¹ From among forced measures (taking people into custody, arrest), a total of 497 cases involved arrests in 2004. In this respect, the largest number of cases took place in the area of the Budapest Police Headquarters and in Somogy county, (136 and 82 cases). The largest number of

In response to question No. 23 concerning Government Report (see CEDAW/C/HUN/4-5), it should be noted with respect to the protection of victims, that so-called 'high quality hearing rooms' were constructed between 2001 and 2005 in all counties where police hears children or witnesses or injured persons having suffered substantial injuries (e.g. victims of sexual violence) in the presence of psychologists.³² The tasks of victim protection are carried out, as a general rule, by the victim protection officers working at police headquarters.³³

At the time of the submission of the CEDAW/C/HUN/4-5 Report, the Public Foundation for a Safe Hungary was already functioning. Victims of violence (including family violence) could submit applications for financial compensation to the Foundation. The number of applications submitted to the Foundation has been declining ever since 2003. Today almost only cases well founded on the personal and the objective side as well, are received by the Public Foundation, i.e. some form of a preliminary screening is carried out before the applications are submitted. Nevertheless, in some cases the person entitled to a compensation for his or her loss does not take it for reasons of reference or for other reasons.

people were detained (36) and taken into custody (9) in Budapest. Information was provided as specified by the law on child protection (police being part of the child protection signalling system, having to inform the guardianship authority, the child welfare service if the child is also affected - as witness or injured person - in family violence) in 530 cases, while in 137 cases the police initiated consultation with other members of the child protection signalling scheme and it participated in case conferences in 44 cases.

³² In accordance with the action taken by the National Police Headquarters referred to on several occasions, police stations must spare no efforts to prevent persons becoming secondary victims, and they have to treat those who have suffered crime against sexual morality with proper empathy and understanding. According to official police reports legal assistance and information is provided for victims, and the management of data in a closed system has become a customary and routine procedure in criminal proceedings. One negative feature is however, that complaints are have been recorded, for years, in the foyer, at open counters and in some (recently delivered police buildings) the rooms used for recording complaints have been designed fully disregarding the requirements of victim protection, using the old type system of windows through which documents are put through.

³³ Their number varied between 200 and 230 during the period under review, i.e. such experts are working in principle at every police headquarter. In reality however, one policeman (without special training for the protection of victims) carries out this task in a combined position. The protection of victims does, in these cases, not extend beyond the provision of information, publications and posters.

Annex: Tables and other information

Article 2

Examples of applications submitted to the Equal Treatment Authority:

2.1. A young mother was oriented by the labour centre to two potential employers but she was not employed because she was participating in an artificial insemination programme. The Authority established the discrimination and the employer was banned from continued infringement.

2.2. In many cases the employment of women over 50 was terminated and they were replaced by younger employees. The Authority established the discrimination based on age and imposed a HUF 450,000 fine on the employer, but gender discrimination could not be proven. The majority of women seeking remedy at the Authority owing to redundancy programmes are women past the age of 45.

2.3. The authority may start proceedings on account of violation of the principle of equal pay for work of equal value as well. The small number of applications concerning this may show that employees do not have sufficient knowledge about their access to legal remedy where this important principle is violated. Other cases show that applicants often misunderstand the term 'work of equal value': equal wage is payable only in the case of two formally identical positions.

2.4. The Interest Representing Association of Hungarian Prostitutes complained about the local culture hall refusing to provide them with a room for their press conference. The Authority established that the complainant suffered violation of the requirement of equal treatment, since the goal of the Association is to reintegrate prostitutes in society, i.e. they act in the interest of the women concerned.

2.5. A number of applications were submitted to the Authority on account of sexual harassment. In the course of its procedures the Authority found that Article 10 of Act CXXV of 2003 is not sufficiently detailed, it contains a very narrow definition of harassment, therefore, the Authority proposed that the legislator should provide for a definition of harassment that includes sexual harassment in a way that is clear and understandable for all.

2.6. The Authority intermediated successfully in several cases between employees and complainants in cases where Roma women lost their jobs or were not employed probably on account of their belonging to the Roma minority.

2.7. The Authority dealt with employment for definite periods of time in several procedures, particularly with regard to public employees or in public service, where the majority of employees are women. The Authority established violation of the requirement of equal treatment, because the education institution failed to extend the fixed term appointment of the teacher when she announced that she was pregnant. The sanction applied by the Authority was publishing its decision on its home page and on the notice board of the local government running the school.

Tables and figures

*Article 6***6.1. Number of registered sexual crimes**

Crime	1999	2000	2001	2002	2003	2004
Promotion of prostitution Article 205	99	77	59	51	45	47
Pimping Article 206	93	59	80	67	69	51
Procuring Article 207	198	94	116	99	97	76

Source: ERÜBS

6.2. The trends in registered trafficking in persons based on criminal statistics

Crime	1999	2000	2001	2002	2003	2004
Trafficking in persons	2	11	34	34	19	22
Violation of personal freedom in relation to trafficking in persons	7	6	20	16	11	21

Source: ERÜBS

*Article 7***7.1. Percentages of participation in national elections among women and men**

Year of election/ number of respondents	All respondents		Percentage in electors %	
	Women	Men	Women	Men
1990/N=886	475	411	77.1	78.6
1994/N=1289	694	595	77.4	78.0
1998/N=1500	797	699	67.9	67.4
2002/N=1523	811	712	81.9	84.8

CSO. Women and men in Hungary 2004 Table 11.1

7.2. Proportions of women and men at top governmental level. 2002-2004

	2002				2003				2004			
	Men		Women		Men		Women		Men		Women	
	pers ons	%	pers ons	%	pers ons	%	pers ons	%	pers ons	%	pers ons	%
Ministers	12	80	3	20	15	88	2	12	15	88	2	12
Political state secretaries	24	96	1	4	13	87	2	13	23	92	2	8
Administrative state secretaries	14	93	1	7	22	92	2	8	13	87	2	13
Titular state secretaries	3	100	0	0	4	80	1	20	4	80	1	20
Deputy state secretaries	58	79	15	21	60	77	18	23	60	74	21	26

Authors' calculations on the basis of data from home pages of ministries and Magyarország Politikai Évkönyve (Hungarian Political Yearbook) (editors Kurtán S. - Sándor P. – Vass L., of the relevant years.

7.3. Gender profile of candidates in local governmental elections in 2002

	Men		Women	
	Persons	%	Persons	%
Municipal governmental candidates	56 906	72.5%	21 651	27.5%
Candidates on Budapest/county lists	5 648	1 267	81.6%	18.4%
Candidates for mayors	6 867	1 409	83%	17.0%

Source: authors' calculations based on the homepage of the Central Data Processing and Registration Election Office of the Ministry of the Interior www.election.hu.

7.4. Gender profile of elected local governmental representatives. 1998-2002

	Mayors		Local governmental representatives		County assembly members	
	1998	2002	1998	2002	1998	2002
Men	87.4	85.2	77.4	74.5	91.1	88.3
Women	12.6	14.8	22.6	25.5	8.9	11.7

Source: Bocz, 1995, Bocz-Sághy, 2003, Zongor 2004.

7.5. Percentages of women candidates of political parties

Party	1990	1994	1998	2002
MSZP	10.0	10.8	8.0	23.4
SZDSZ	11.9	12.0	14.1	18.7
Fidesz-MDF+	12.3/5.9	7.9/8.3	9.1/6.1	8.5

+ Fidesz and MDF formed an election coalition in 2002.

Source: Sebestény, 1999 in: Ilonszki – Montgomer, 2002: 15 and authors' calculation.

7.6. Number and positions of women candidates on lists and the number of mandates that won in 2002

Party	Total number of women on lists	Number of positions on lists considered to stand a good chance of election	Number of actually won mandates on lists
MSZP	101	12	8
SZDSZ	84	20	1
Fidesz-MDF	39	11	7

Source: authors' calculations.

*Article 10***10.1. Schooling attainment of women and men aged between 15 and 64 years. 2004**

	Women	Men
< 8 grades primary	4.4	3.6
8 grades primary	35.4	30.1
skilled worker	14.8	31.0
Secondary	33.0	23.8
Tertiary	12.4	11.4

Source: Women and men in Hungary, 2004, ICSSZEM.

10. 2. Proportions of women in primary and secondary schools. 2005/6

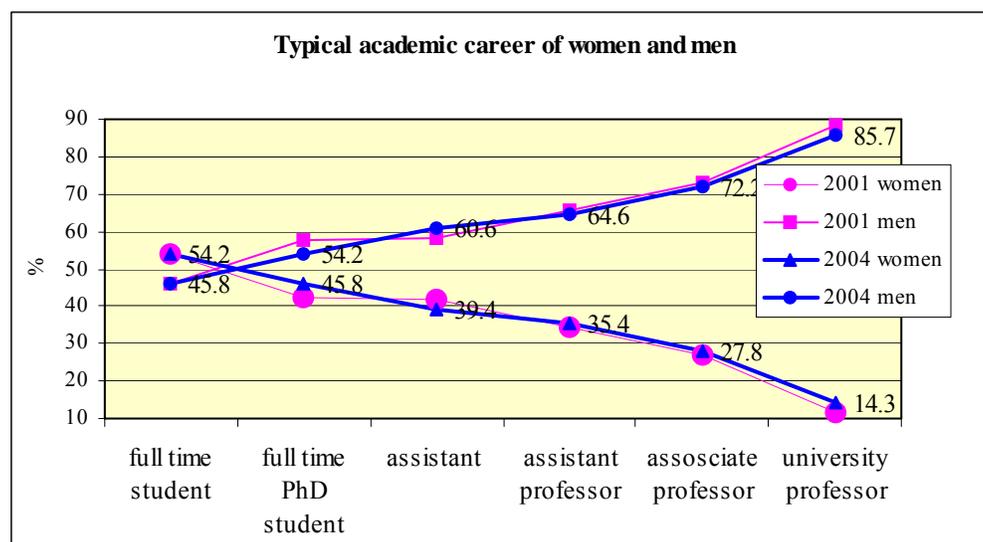
	2005/6
Pre-school	48%
Primary school	48%
Vocational school	38%
Grammar school	58%
Vocational secondary school	50%

Source: Yearbook of the Ministry of Education, 2005.

10.3. Gender profile of teachers and managers in various school types

Full time education and adult education						
	Primary school		Grammar school		Secondary vocational school	
	Headmaster / headmistresses	Deputy headmaster/headmistresses	Headmaster/headmistress	Deputy headmaster/headmistress	Headmaster /headmistress	Deputy headmaster/headmistress
Total	3069	3981	462	787	532	985
of which women	1890	3420	176	496	200	565
Percentage of women	61.6	85.9	38.1	63	37.6	57.4
Percentage of women among teachers	87.0	87.0	71.3	71.3	64.3	64.3

Figure 10.4.



Article 11

11.1. Employment of the 15-64 year population *

1992-2005

Year	Number of employees (1000 people)			Employment rate. %		
	Men	Women	Together	Men	Women	Together
1990 ^{a)}	2745.1	2338.9	5084.0	82.9	67.3	74.9
1992 ^{b)}	2127.6	1838.3	3965.9	64.0	52.3	58.0
1993	1994.4	1730.8	3725.2	60.0	49.3	54.5
1994	1974.0	1679.3	3653.3	59.6	47.8	53.5
1995	1974.7	1615.5	3590.2	56.5	45.9	52.5
1996	1978.4	1601.1	3579.5	59.6	45.5	52.4
1997	1997.2	1594.2	3591.4	59.9	45.4	52.5
1998	2010.4	1665.8	3676.2	60.3	47.3	53.6
1999	2063.3	1717.0	3786.3	62.2	48.9	55.4
2000	2091.6	1740.4	3832.0	62.7	49.6	56.0
2001	2102.4	1747.4	3849.8	62.9	49.8	56.2
2002	2100.3	1750.0	3850.3	62.9	49.8	56.2
2003	2112.7	1784.5	3897.2	63.4	50.9	57.0
2004	2102.0	1772.7	3874.7	63.1	50.7	56.8
2005	2101.2	1777.4	3878.6	63.1	51.0	56.9

* Up to 1997, data with old weighting factors, from 1998, data with new weighting factors.

- a) The 1990 data are results of calculations based on the 1990 census of the CSO as of 1 January 1990.
- b) The first labour survey was carried out in 1992. The 1992-1995 data come from the time series of the CSO labour survey.

Source: Labour survey time series, 1992-200, CSO, Budapest 2004.

Labour survey 2003, CSO, Budapest 2004/a.

2004-2005 year data: tables of CSO labour survey

11.2. Trends in employment rates by age group and gender

2000-2004

Age group	Hungary						EU25					
	2000			2004			2000			2004		
	Men	Women	Total									
15-24	37.3	29.7	33.5	26.3	20.8	23.6	41.4	34.7	38.1	39.8	33.8	36.8
25-54	79.2	66.9	73.0	80.5	67.0	73.6	86.0	66.1	76.0	85.2	68.5	76.8
55-64	33.2	13.3	22.2	38.4	25.0	31.1	47.7	26.9	36.6	50.7	31.7	41.0
15-64	62.7	49.6	56.0	63.1	50.7	56.8	71.2	53.6	62.4	70.9	55.7	63.3

Source: Employment in Europe 2005, Brussels, p. 260, 261, 276.

11.3. Percentages of part time employees by gender

2000-2004

Year	Hungary			EU25		
	Men	Women	Together	Men	Women	Together
2000	2.0	5.2	3.5	6.1	29.5	16.2
2004	3.2	6.3	4.7	7.0	31.4	17.7

Source: Employment in Europe 2005, Brussels, p. 260, 261, 276.

11.4. Trends in unemployment * 1992-2005

Year	Number of unemployed people (1000 persons)			Unemployment rate. %		
	Men	Women	Together	Men	Women	Together
1992	265.9	178.3	444.2	10.8	8.8	9.9
1993	316.0	202.9	518.9	13.3	10.3	11.9
1994	274.8	176.4	451.2	11.8	9.3	10.7
1995	261.5	155.0	416.5	11.4	8.7	10.2
1996	243.7	156.4	400.1	10.7	8.8	9.9
1997	214.1	134.7	348.8	9.5	7.7	8.7

1998	188.7	125.3	314.0	8.5	6.9	7.8
1999	170.0	115.3	285.3	7.5	6.3	7.0
2000	158.9	104.8	263.7	7.0	5.6	6.4
2001	142.4	91.7	234.1	6.3	5.0	5.7
2002	138.0	100.8	238.8	6.1	5.4	5.8
2003	138.5	106.0	244.5	6.1	5.6	5.9
2004	136.8	116.1	252.9	6.1	6.1	6.1
2005	159.0	144.1	303.1	7.0	7.5	7.2

Source: CSO labour survey time series.

**In line with the ILO recommendation the CSO labour survey considers those people as unemployed who, during the week under review, did not work for income for at least one hour, or who had no jobs from which they were temporarily absent, and who were actively seeking for work and could have started working within 30 days.*

11.5. Sectoral distribution of employees by gender

Sector	2000		2005		Proportion of women in the various groups	
	Men	Women	Men	Women	2000	2005
Agriculture	9.1	3.6	6.9	2.7	24.8	25.1
Industry	41.1	25.1	41.8	21.2	33.7	30.0
Services	49.8	71.3	51.3	76.1	54.9	55.6
Total	100.0	100.0	100.0	100.0	45.4	45.8

Source: Labour survey time series.

11.6. Change of distribution of women and men employed in service provision, by branch, 2000-2005

Branch	Distribution of women		Distribution of men		Proportion of women within the branch	
	2000	2005	2000	2005	2000	2005
Trade. repairs	22.5	23.5	25.1	24.6	51.6	54.4
Accommodation	5.7	6.1	6.0	6.5	53.0	54.1
Transport. warehousing	6.9	5.4	21.6	19.6	27.7	25.5
Financial operations	4.5	3.9	2.7	2.5	66.7	66.9
Real estate transactions	7.5	9.1	10.5	14.1	46.0	44.6

Public administration. mandatory social security	10.9	11.1	13.9	13.5	48.2	50.9
Education	20.2	18.5	6.8	6.7	78.0	77.5
Health. social benefits	14.8	15.0	5.7	5.4	75.5	77.8
Other communal and personal services	7.0	7.4	7.7	7.1	51.5	56.0
Total services	100.0	100.0	100.0	100.0	54.4	55.6

Source: CSO labour survey.

11.7. Employment segregation, 1994-2003

Categories of vocations by ratios of women to men	Distribution of individual vocations				Employees. those working under contracts	
	1994	1999	2001	2003	Men	Women
					distribution	
Fully segregated (90-100% women)	12	11	10.5	10.8	1.4	34.8
Highly segregated (60-89% women)	19	19	19.8	19.6	11.5	38.7
Balanced (40-59% women)	16	16	15.3	16.4	12.6	14.7
Highly segregated (60-89% men)	26	27	27.4	26.0	30.5	10.6
Fully segregated (90-100% men)	27	27	26.9	26.0	43.9	1.1
Total	100.0	100.0	100.0	100.0	100.0	100.0
Number of vocations	617	617	620	627		

Source: Calculations using CSO labour survey data (Váradi Leventéné).

Article 14**14.1. Schooling attainment of women by municipality type**

	Completed at least primary school from among those aged at least 15, %	Holders of GCSE from among those aged at least 18, %	Completed tertiary education from among those aged at least 25, %
Budapest	95	65	26
Other town	89	48	16
Towns. total	92	52	18
Villages	85	30	7

Micro-census 2005.

14.2. Numbers of individuals in following categories per 100 employed women, by municipality type

	Number of unemployed women	Number of inactive women of active age	Number of sustained women
towns	10	100	70
Villages	16	136	99
Total	12	110	78

Micro-census 2005.

14.3. Distribution of farmers by purpose of farming and gender

Purpose of farming	Number of farmers (1000 persons)	Distribution %	Male farmers %	Female farmers %
Producing for own consumption	576	60.3	73	27
Own consumption. selling surplus	301	31.5	80	20
Producing for market	76	8	80	20
Service provider	2.2	0.2	89	11
Total	955	100	74	26

Source: Kovács – Bóday 20056.

Article 16

16.1. Number of weddings per 1000 unmarried women at least 15 years of age

1970	1980	1990	2000	2004
107.9	106.1	74.8	38.9	31.7

Demographic yearbook 2004.

16.2. Main ratios of live births 1960-2004

Year	Number of live births	Total fertility ratio	Live births per 1,000 15-49 year old women
1960	146 461	2.02	58.9
1970	151 819	1.97	56.6
1980	148 673	1.92	57.6
1990	125 679	1.84	49.4
2000	97 597	1.33	38.1
2004	95 137	1.28	38.4

Demographic yearbook 2004.

Figure 16.1: Victims of family violence

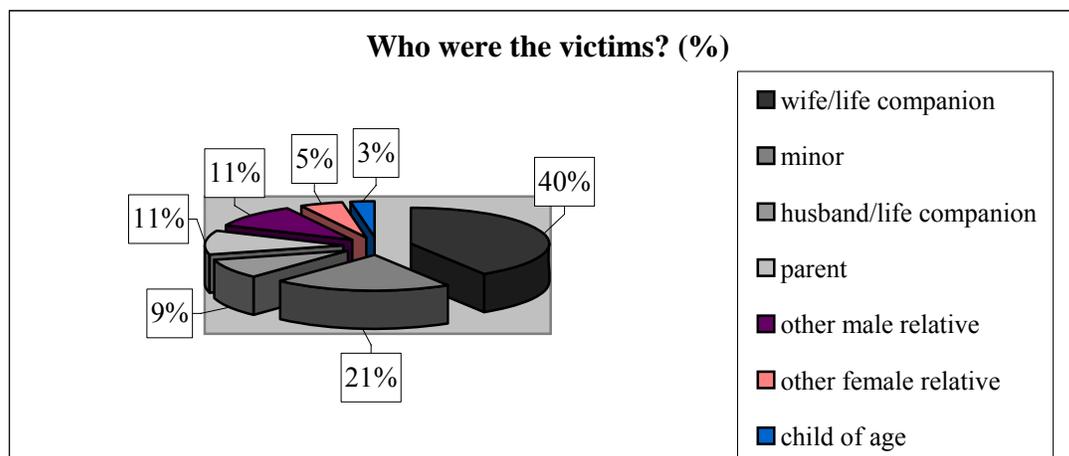


Figure 16.2: Sanctions