

9th Periodic Report of Hungary
to the Committee on the Elimination of Discrimination
against Women

2019

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I. Introduction

1. The Hungarian Government supports the strategic principle of gender equality between women and men. At the same time, as the Fundamental Law also specifies the protection of families, the issue of gender equality for women and men is substantially approached from the perspective of family, especially since the gap is mainly coming from the fact that because of raising children, women are disadvantaged on the labour market and in many other areas.

2. The Government is committed to enforcing women's rights by creating harmonic cooperation between them. Since the previous country report (in the year of 2013.) comprehensive measures have been carried out in order to strengthen the situation of women. The Hungarian Government is committed to continuing to improve the status of women, which is also supported by a forthcoming new women's policy strategic action plan.

II. Implementation of the recommendations on the seventh/eighth Hungarian report

Re 9 -- Definition of equality and non-discrimination

Family and gender equality policies

3. The Hungarian Government is committed to enforcing women's rights by focusing on the creation and strengthening of the balanced cooperation between women and men in the family, at workplace, in the social system as well as in decision-making or in education. The social equality between men and women should be treated from a family perspective, because the primary difference is not the female or male nature, but rather the fact that they are raising a child or not. Family policy measures support mothers and future mothers especially in the area of employment, social protection, and it doesn't limit the equality rights of women. The Hungarian Government gives the freedom of choice to women in deciding about their family life and career and do not imposes traditional roles on them. Several measures especially aim to make it possible for women to return to the labour market after giving birth, which means that women can pursue a career while being mothers (> see paragraphs 38-67).

The concept of discrimination on the grounds of intersecting factors

4. Article XV of the Fundamental Law provides for the prohibition of discrimination in general and for the promotion of equal opportunities. It generally prohibits discrimination with a non-exhaustive list of protected characteristics, and expressly refers to the prohibition of negative discrimination by sex. It states that women and men shall have equal rights while provides for the protection of women as regards positive differentiation. In line with the Fundamental Law, these protected characteristics appear expressis verbis in paragraph 8 of Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities (hereinafter: Equal Treatment Act), practically covering every possible grounds of discrimination. The Equal Treatment Act refers to sex as a protected characteristic and to

motherhood or pregnancy as one, respectively. It must be pointed out that the regulation as provided for by EU Directives names a total of 6 protected characteristics which includes belonging to the female sex but does not include motherhood or pregnancy in this form. This is the case in the national law of several EU Member States, too, meaning that in general, in these Member States legal practitioners have to conclude from the fact that if one's belonging to the female sex as a protected property, the next logical step is that the legislator is actually willing to protect the motherhood or pregnancy of the female complainant, as well. According to the Hungarian regulation, no such further legal theory-related deduction is needed during the application of the law by the authorities.

5. The cited provisions of the Fundamental Law and the Equal Treatment Act contain a comprehensive regulation covering the whole Hungarian legal system as regards the protection of the rights of disadvantaged groups. The scope of the Equal Treatment Act covers the responsibilities of the public sector and the public private-law relations. Equal treatment between men and women have to be included in all sectoral laws.

6. The Equal Treatment Act provides protection against discrimination with a non-exhaustive list of protected characteristics in the fields of employment, education, goods and services, social security and healthcare, accommodation, so that the Equal Treatment Authority (hereinafter: Authority) is able to examine any infringement occurred on the ground of these protected characteristics. The Authority is able to examine the prohibition of multiple negative discrimination and applies it in its case law according to the followings.

7. If the complainant refers to several protected characteristics in its application submitted to the Authority, the latter shall examine whether the complainant has faced negative discrimination on any grounds covered by the Equal Treatment Act. Furthermore, the Authority shall inspect whether the concerned protected characteristics are related to each other and whether it is an intersectional discrimination case. The case law on multiple discrimination shows that the Authority takes into consideration the fact that the discrimination was based on more than one of the protected characteristics of the complainant when determining the sanctions.

8. The Authority has a wide scope for examining multiple discrimination, this was further expanded by the legislator by determining a relatively large number of protected characteristics with a non-exhaustive list in the Equal Treatment Act.

Possible legal remedies in case of multiple negative discrimination

9. The Authority monitors the implementation of the principle of equal treatment in Hungary, being competent at a national level and is helped by a nation-wide network of equal treatment consultants. The Authority conducts its investigations within the framework of public administration procedures. When it is proven that a violation of the principle of equal treatment occurred, the Authority may a) order that the state of infringement be terminated; b) forbid the continuation of the violation; c) order that its final decision on the infringement to be made public d) apply other legal consequences defined by separate legislation. Against the decision of the Authority, legal remedy may be requested from the court.

10. Claims arising from the violation of the principle of equal treatment may be enforced in procedures laid down in separate legislation (including e.g. litigations related to personality rights, labour, public service).

11. According to Act CLI of 2011 on the Constitutional Court, in accordance with the Fundamental Law, complainants affected by judicial decisions contrary to the Fundamental Law may submit a constitutional complaint to the Constitutional Court if the decision made regarding the merits of the case or other decision terminating the judicial proceedings violates their rights laid down in the Fundamental Law, and the possibilities for legal remedy have already been exhausted by the petitioner or no possibility for legal remedy is available for him/her. Moreover, the Act states that Constitutional Court proceedings may also be initiated – by exception – if due to the application of a legal provision contrary to the Fundamental Law, or when such legal provision becomes effective, rights were violated directly, without a judicial decision, and there is no procedure for legal remedy designed to repair the violation of rights, or the petitioner has already exhausted the possibilities for remedy.

12. The Authority published Volume 5 of its series of publications with the title of Equal Treatment Authority Brochures which summarises its case-law on multiple discrimination.

13. The Authority has an opportunity to issue its opinion with regard to the discrimination-related aspects of the legal acts in force in certain cases.

Continuous access of women to good quality basic services

14. The Government of Hungary provides for the protection of the economic, social and cultural rights and equal access to basic services on the highest level, that is, in the Fundamental Law.

15. According to Article XI of the Fundamental Law, every Hungarian citizen has the right to cultivate himself. Primary and secondary public education institutions are free and accessible for everyone. According to the Act CXC of 2011 on National Public Education (hereinafter: Act on National Public Education), educational institutions should provide the supervision of students, establishment of healthy and safe conditions of education and organisation of regular health checks. See provisions supporting women in education in paragraphs 149-170.

16. The Government of Hungary is committed to improve the health status of its citizens. The current Hungarian healthcare system is based on social security, care is subject to compensation except for public healthcare and epidemiological care or most of the preventive care. Social security means common risk-bearing by the society, both employee and employer pays a contribution which ensures coverage for the employee. For those in need for social reasons, entitlement to healthcare services is provided for by law and the social security compensation for healthcare services is paid by the local government.

Re 11 -- Visibility of the Convention, the Optional Protocol and the Committee's general recommendations

17. The National Court Office provides regular information about certain topics of international law (and EU law) with regard to the training of judges.

Re 13 -- Legal complaint mechanisms

18. From 1 January 2012, the Equal Treatment Authority is an autonomous state administration body. The staff of the Official and Legal Department deal with discrimination issues, including the examination of individual discrimination-related complaints. According to the Equal Treatment Act, the Authority is a central budgetary organisation and its budget is a separate title within the budgetary heading of the National Assembly.

19. Access to the complaint management procedures of the Authority is widely ensured for women and, as well as of course, for the members of other vulnerable groups. Complaints may be submitted to the Authority in writing, electronically and in person at the headquarters of the Authority or at the consultation held by the equal treatment officer of the Authority which is accessible in every county. The Authority has been operating its county-level network of equal treatment officers since 30 June 2013. Its main purpose is that those living in the countryside can get information about the procedures or submit their complaints in person, naturally assisting disadvantaged rural women. The Authority informs the client in the case of a request or complaint does not belong to the remit of the Authority and where possible gives information about the potential way of remedy to the complaint.

20. As regards monitoring mechanisms for submission-related decisions, it is laid down that final decisions of the Authority which state the offence are enforceable. Therefore, if the provisions of these decisions are not fulfilled by the infringer, sanctions imposed by the Authority (e.g. a fine or obligation to implement a certain act) may be requested to be enforced. The Authority regularly measures the satisfaction of its clients with the county-level officers' activities in general as well as among clients in whose cases the Authority took a rejecting or a positive decision. The assessed satisfaction of clients with the procedure of the Authority is published online. The Authority prepares statistics about procedures conducted by it, e.g. queries may be made about the proportion of women contacting the Authority or reference to belonging to the female sex as a protected property. The Authority publishes on its website a short summary of all of its decisions stating the offence or of those concluded by an agreement. Belonging to the female sex may be set as a search filter. The Authority also prepares an annual written report about its activities published on its website and sent to the National Assembly.

The mandate of the Commissioner for Fundamental Rights

21. The office of Commissioner for Fundamental Rights (hereinafter: Commissioner) is a national human rights institution of the UN. The procedures of the Commissioner guarantees the protection of women's rights with regard to Article XV(3) of the Fundamental Law which declares that women and men shall be equal.

22. According to the Fundamental Law, the Commissioner shall investigate any violations related to fundamental rights that come to his or her knowledge, or have such violations investigated, and shall initiate general or specific measures to remedy them. Act CXI of 2011 on the Commissioner for Fundamental Rights (hereinafter referred to as Act on CFR) pays special attention to the protection of the rights of the most vulnerable social groups. Furthermore, the Commissioner shall promote the enforcement and protection of fundamental rights; raising awareness and cooperating with those organisations and national institutions that pursue promotion of the protection of fundamental rights.

23. According to Act on CFR, anyone may turn to the Commissioner if, in his/her judgment, the activity or omission of an authority infringes a fundamental right of the person submitting the petition or presents an imminent danger thereto. Furthermore, the Ombudsman may conduct ex officio proceedings. In the course of his/her procedure, he/she investigates the case and applies the measure as provided for by the law. If the Ombudsman concludes that infringement of a fundamental right exists, he/she may address a recommendation to the supervisory organ of the authority subject to inquiry or may initiate redress of the impropriety by the head of the authority subject to inquiry if the latter is able to terminate the infringement related to fundamental rights within its competence. The ombudsman may initiate the action of the prosecutor, as well. The Ombudsman may turn to the Constitutional Court if he/she deems that the act is incompatible with the Fundamental Law. Furthermore, he/she has to initiate a (criminal, administrative offence or disciplinary) procedure in certain determined cases. If the Ombudsman does not agree with the position or measures taken by the supervisory organ or by the authority subject to inquiry or if the supervisory organ or the authority failed to take a measure, he/she may submit the case to the National Assembly and requests the examination of the case.

24. It is a step forward and expands the range of accessibility that a notification which is in the public interest may be submitted in the protected electronic system operated by the Commissioner, as from 1 January 2014 based on Act CLXV of 2013 on Complaints and Public Interest Disclosures. A notification in the public interest calls attention to a circumstance the remedy or termination of which serves the interest of the community or the whole society.

25. The Commissioner joined the movement entitled White Ribbon which is the most known and common movement throughout the world combating for the elimination of violence against women and girls, calling attention to the seriousness and dimensions of this phenomenon.

26. As regards the Ombudsman's practice, the number of complaints concerning especially the rights and the situation of women is low, compared to other vulnerable social groups (e.g., disabled, homeless, ill and old people). Focused thematic examinations concern the situation of women in Hungary in other contexts only. Such examinations researched reproduction rights and different aspects of self-determination-related rights.

Re 15 -- National machinery for the advancement of women

27. Since the adoption of the current national strategy the governmental priorities have changed, so the Hungarian Government aims to develop a new women's policy action plan, which is currently under negotiation.

Cooperation with NGOs dealing with equality between women and men

28. The social dialogue and involvement of the civil society in the decision making mechanism has an important role in the work of the Hungarian Government. Therefore the Government has efficient cooperation with several NGOs (such as Hungarian's Women's Union, The National Association of Large Families, and Association of the Young Families).

Conditions for the effective functioning of the national mechanism

29. The Ministry of State for Family and Youth Affairs was established in 2014 and a new unit was created dealing with women's policy issues.

30. The Government established the Human Rights Working Group in its decision adopted in February 2012 with the main purpose of monitoring the implementation of human rights in Hungary, conducting consultations with civil society organisations, representative associations and other professional and constitutional bodies as well as of promoting professional communication on the implementation of human rights in Hungary.

31. The Working Group established the Human Rights Roundtable in 2012, which currently operates with 72 civil organisation members and further 40 organisations take part in the activities of the thematic working groups based on invitation. The Roundtable holds its meetings in 11 thematic working groups; each of them is intended to deal separately with legal and practical problems of and sectoral political proposals for vulnerable groups of society. Thematic Working Group Responsible for Women's Rights aims to monitor the enforcement of women's fundamental human rights in Hungary, particularly in the field of employment, education, health care and partnership. This working group invites various participants of the civil society: 26 civil society organisations are members and an additional 10 organisations participate with consultative status in the work of the Thematic Working Group.

The financial resources of family and women's policy

32. The budget of organisational units engaged in family and women's policy between 2014 and 2018 in the Hungarian budget on the 20/16/6 Family policy programmes chapter line was the following:

33. Family policy programmes

It includes providing resource for carrying out professional programmes and actions in the fields of family issues and equality between women and men, reinforcing the family, improving the situation of women, serving the reconciliation of family and work, which reinforce a family-friendly public thinking, as well as support civil society organisations providing representation of interest for families and coordinating cross-border family organisations.

34. Supporting of childcare-related professional tasks

The proposal provides coverage for performing professional development targets and methodological tasks concerning the daytime care for children for the nominated organisations.

	Family policy programmes	Supporting of childcare-related professional tasks
2015	HUF 1,008,000,000 (USD 3,370,000)	
2016	HUF 604,000,000 (USD 2,000,000)	

2017	HUF 654,000,000 (USD 2,247,268)	HUF 45,000,000 (USD 154,628)
2018	HUF 3,546,900,000 (USD 12,187,822)	HUF 50,000,000 (USD 171,809)

Subcommittee on Women’s Dignity of the Hungarian National Assembly

35. In June 2015 the Subcommittee on Women’s Dignity was founded, which is one of the professional committees of the National Assembly. Men and women are involved in the work of the Sub-Committee to an equal degree. The utmost target of the Sub-Committee is to increase the role of women in the economy and to improve female employment, however, it is also a forum for professional and political dialogue regarding the questions related to women’s rights as well as social topics. It has sessions 2–4 times per year in topics specifically concerning the life of women.

Strategy on gender equality

36. In connection with the National Strategy for the Promotion of Gender Equality 2010-2021 comprehensive measures have been taken in order to strengthen the position of women. In the formulation of the next women’s policy strategic action plan that is to be elaborated in 2020, the concluding observations will be taken into consideration.

Beneficial retirement conditions for elderly women

37. The program named Women 40 is an empowerment of a group of women acknowledging their multiple burdening and engagement. > *see paragraph 227*

Expanded childcare services

38. The large-scale extension of the number of nurseries and their capacities was carried out over the last 9 years, which enabled the employment of women having children of ages 0–2. There has been a significant development in the nursery system of Hungary both legally, financially and in the form of operational support.

39. The new daycare system of children introduced from 1st January 2017 is more flexible, differentiated and gives women with small children a hand with the new demand-driven forms of daycare services (nursery, mini-nursery, in-office nursery, family nursery). From 2018 on, the municipalities above 10 thousand inhabitants need to ensure the daily care of small children, where the number of children under the age of 3 is more than 40, or in case if this number is lower, but at least 5 parents with small children indicate their demand for the service.

40. Based on the data of the Hungarian Central Statistical Office of 2018 the capacities of day care services of children under 3 in total exceeds 47 thousand, which means that the nursery capacities have increased by almost 50% compared to 2010. In 2018 nursery care was

provided for 17.5% of the age group between 0–2, which is so far the highest proportion in the history of Hungarian nurseries. This figure will keep on growing in the upcoming period, the number of nursery capacities will be increased to 70 000 by 2022. Based on the data of the service providers' registration as of January 2019 already 1971 institutions and service providers provide nursery care (787 nurseries, 187 mini-nurseries, 9 workplace nurseries and 977 family nurseries) with a capacity of more than 49 thousand spaces. Compared to the data of 2017 it means 200 more nursery forms and 2,000 more spaces. Free catering is provided for 67% of children in nurseries in Hungary. As the result of developments at the end of 2018 and in 2019 an additional 5–6 thousand new nursery spaces will be presumably established.

41. In the 2014–2020 development period in the operative programmes of the EU an amount of HUF 110 billion (USD 377,980,000) is available for the purpose of nursery, mini-nursery, family nursery and kindergarten development.

42. From the central budget in 2017 HUF 1.1 billion (USD 3,779,800) was set for nursery development in 2017, while HUF 10 billion (USD 34,361,900) in 2018 and in 2019 a total of HUF 22 billion (USD 75,600,000) development will be realized concerning the capacity increase and renovation of nursery institutions and services.

Obligatory kindergarten attendance

43. Since 2015 it is obligatory to participate in the institutional kindergarten from the age of 3. It significantly supports to compensate early childhood disadvantages and the return of women to the labour market. (Since 2010 family allowance is provided conditionally to school attendance of the children and since 2015 to kindergarten attendance as well.)

Family and Career Points for the employment of women

44. A tender of HUF 14 billion (USD 48,107,000) was issued in 2017 entitled “Women in the Family and at the Workplace” in order to improve the employment situation of women. Within the framework of this tender, projects are supported which contribute to the flexible employment of women and the reconciliation of work and private life. Local governments, NGOs, churches, and other associations could apply for this call for submissions. 71 Family and Career Points were established nationwide, where trainings and coaching are organized on the personal development, entrepreneurial, and self-employment skills of women. Providing services related to rural development, small-scale activities, local traditions, childcare, and other services are also important aspects of the operation of Family and Career Points. There are 4 Family and Career Points in each county situated mainly in the more disadvantaged areas where the employment of women needs improvement.

Women's Public Leadership Training Program

45. The Women's Public Leadership Training Program was launched in 2018 as a free training for such young women between 18–36 speaking Hungarian and English languages, who are ambitious to take a role in public life. The aim of the training is to provide practical leadership knowledge for the participants and to create a community, which facilitates female executives, who were educated in Hungary to make advantage of their knowledge in the long-term, primarily at domestic or regional institutions or companies. Furthermore, the programme highlights the importance of female executives as well as their impact on the economy, society and public life.

Family-friendly obstetrics, the support of infertility treatment

46. In 2017 the Government extended the support for in vitro fertilization and reinforced the public institution system for artificial insemination. >see paragraph 217.

47. The “Development of infrastructural conditions for family-friendly and family-centred obstetrics and the intensive care for premature infants” tender announced in 2018 played a significant role in these developments, the planned budget of which at the time of announcement was HUF 8 billion (USD 27,490,000). The key objective to be achieved with the investments was the positive birth experience, the creation and extension of family-friendly provision and the realization of a mother-baby, family-friendly and family-centred obstetrics, focusing on the unity of the baby, mother and father.

48. As a three-priority principle a good professional programme, a complex and unified obstetrics procedure was defined and the family-friendly feature was assessed based on which 44 institutions were found worthy for support. The awarded resource is altogether HUF 6.3592 billion (USD 21,851,000), which fundamentally serves to cover the costs of infrastructural construction investments and equipment procurement. The amount of resources was increased by an additional HUF 2 billion (USD 6,872,000), so the total available budget for 2018, 2019 and 2020 is HUF 10 billion (USD 34,361,900), out of which HUF 6.3592 billion (USD 21,851,000) has been distributed so far.

49. From the remaining amount the preparation of the family-friendly directive is becoming possible by the 4 basic pillars (family, methodology, educational and infrastructural pillar), which provides the spreading and active practice for this mindset in addition to the already ensured infrastructural background. It is related to supporting pregnancy, giving birth and nursing, psychological guidance and the training of the concerned professionals, vocational workers and families. In connection with the tasks specified in Government Resolution No. 1098/2018. (III. 19.) the preparation for the regulation regarding the development of graduate and post-graduate training system in connection with mother and baby-friendly obstetrics and supporting nursing is in progress, as well as the development of obstetrics and infant nutrition professional guideline.

Family tax benefit

50. An emblematic tool of Hungary's family support system is a generous family tax benefit, offered gradually to more and more citizens in recent years. The amount of the personal income tax can be reduced with HUF 10,000 (USD 34.3) in case of one child, HUF 20,000 (USD 68.7) in case of two children and HUF 33,000 (USD 113.3) in case of three or more children per month per child. From 2014 the family tax benefit may be deducted from the pension and health care contributions besides personal income tax, which means that a greater number of individuals may benefit and that citizens with a relatively low income are now in a more favourable position. (Between 2016 and 2019, the amount of tax benefit for families with two children doubled.)

51. The tax benefit can be divided between mothers and the fathers, but in most of the cases (54%) the beneficiaries are women. It also contributes to the economic independence of women, and it serves the purpose that mothers may spend the income on their children.

Child Care Fee Extra Programme

52. The Child Care Fee Extra Programme, introduced in 2014 aims to ensure that having children does not exclude individuals from the labour market and that mothers with children will not be forced to decide if they want to be at home with their children or take up employment. As of 1 January 2016 women may take up employment without restrictions when the child reaches 6 months of age without losing their eligibility for child home care allowance and child care fee. When a sibling is born, the parents remain eligible for the previous allowances as well (sibling child care fee), for twins born in 2014 or later, the child home care fee period is one year longer, it expires when the child (children) reach(es) three years of age (twin child care fee). In the framework of degree holder's child care fee, students of higher education are eligible for one year of childcare benefit, which was increased to two years of childcare benefit from January 2018. In 2018 about 103,819 parents with young children were beneficiaries of these measures, among them mainly women, out of whom 58,503 parents took up employment after their child reached 1 year of age, 44,464 parents got the allowance for more children at the same time and 852 students were beneficiaries of the degree holder's child care fee.

Birth grant for Hungarian mothers

53. From January 2018 the Hungarian Government extended the Birth Grant (a one-off lump-sum payment of 225% of the minimum old-age pension or 300% per child in the case of twins) for Hungarian mothers living outside the borders.

Family Home-Start Subsidy

54. Housing is promoted with a non-repayable grant (housing allowance for families), loans with subsidized interest, and state-supported housing savings programmes. As of 1st July 2015 Family Home-Start Subsidy is offered to a wider range of beneficiaries to promote the achievement of housing-related objectives of families who bring up children in the form of a non-refundable subsidy for building or buying a flat/house or for enlarging the flat-area of the owned family house.

55. As of 1 January 2016, families who are currently raising three or more children or who undertake to raise at least three children in the future may uniformly receive a one-off in-cash support of HUF 10 million (USD 34,361) when building or buying a new estate. In addition, these families are eligible to HUF 15 million (USD 51,543) reduced residential loan with a State interest-rate subsidy. The amount of the subsidy could vary between HUF 600 thousand (USD 2,061) and 10 million (USD 34,361) according to the number of children and whether it is a new house.

56. From 1 December 2018 the HUF 10 million (USD 34,361) residential loan with reduced interest rate subsidy is expanded to families with two children when building or buying a new property. In case of families with three or more children the amount of the possible residential loan is increased from HUF 10 million (USD 34,361) to HUF 15 million (USD 51,543).

57. From July 2015 to November 2018, nearly 94,000 families benefited from the family home-start subsidy in the amount of HUF 270 billion (USD 927,771,000), so a family received approximately HUF 2.9 million (USD 10,000) in subsidies on average.

Diminution of mortgage loans

58. Hungary was severely hit by the global economic crisis of 2008, since low-interest foreign currency loans were highly popular from 2004 on. Measures have been taken to help individuals with foreign-currency loans. From 2018, when having a third or a further child, families with mortgage loans can reduce their mortgage loans by HUF 1 million per child, from the 3rd month of the pregnancy. From 1st July 2019 this diminution is extended to families having their second child HUF 1 million (USD 3,436) and in the case of families having their third children, the amount of diminution is increased to HUF 4 million (USD 13,744) (for each additional child the Government takes over HUF 1-1 million (USD 3,436)).

Tax allowance for first-wed new couples

59. Tax allowance for first-wed new couples, a new tool to decrease the tax base, was introduced in 2015. This measure is intended to encourage young couples to marry: a newly-wed couple is eligible for a tax allowance of HUF 5,000 (USD 17) per month provided that it is the first marriage of at least one of them. From 2017 on couples continue to be eligible for this allowance for a maximum period of two years. Between 2015 and 2018 a total of 150,000 couples took advantage of this allowance.

Diminution of student loans

60. From 1st January 2018, for female students having a student loan the repayment is suspended for 3 years when being pregnant with the first child, from the third month of the pregnancy. Being pregnant with the second child, the repayment is also suspended for 3 years and after the birth of the child 50% of the debt is released. After the birth of the third child, 100 % of the debt is released.

Support for young people

61. From 1 January 2018, the Government reimburses the first successful B level language exam for young people who have not yet reached the age of 35. This step greatly contributes to the competitiveness of young people, among them young women.

62. From 2018 the Government reimburses the theoretical exam required for a driving license for young people under the age of 20. State support in obtaining a driving license also contributes to making young people more likely to find a job.

Development of the early-childhood system

63. Early childhood development relieves the multiple burdens of mothers and strengthens the labour market situation of women. In 2013, according to the 15/2013 (II.26.) Decree of the Minister of Human Capacities on the operation of the institutions of pedagogical assistance services a pedagogical assistance service institution was established in each county which provides care for children and in each district a member institution was established. The purpose of the concept is to provide complex care in the framework of unified management

with uniformed procedures and professional protocols using a unified IT monitoring system. Early development has become a task assigned to district institutions, which means the affected people will receive appropriate care in the closest place. Thanks to the measures the number of participants has increased.

64. Children in the early childhood development system:

1.10.2010	1,974 children,
1.10.2016	4,542 children,
01.10.2017	5,149 children.

Sure Start Children's Houses - provisional supportive measure for multiple disadvantaged children and mothers

65. The aim of the Sure Start Children's Houses is to ensure healthy development, compensation of developmental delays of disadvantaged children, including Roma children, as well as strengthening the child-raising skills of their parents. Children's Houses provide support for families with children under the age of 3. These institutions ensure early education and development for children, as well as provide opportunities to acquire parental competences and give support to parents in returning to the labour market.

66. The establishment of Children's Houses began according to the English Sure Start Program from 2003 with modelling experiment. Currently there are 110 Children's Houses nationwide operating with the support of the central budget and 70 from EU support. In the Houses there are around 2500 children with parents per year. Sure Start Children's Houses contribute to a good mother-child relationship and they strengthen the child-raising competences of mothers.

67. **Job Protection Action Plan** > *see paragraph 178.*

Re 17 -- Temporary special measures

68. **Women 40 program** > *see paragraph 227.*

Reinforcement of Roma civil organizations

69. Reinforcement of the active engagement of Roma women and their civil organisations is further helped by the flagship project entitled Support for Catching-up Cooperation which ensures professional support for complex settlement programmes running in different municipalities. The presence of Roma women is a special resource for complex settlement programmes since they are present as bridges in the mutual attitude formation of different (Roma, non-Roma) social groups, and in the establishment of local communities and civil organisations aiming at the solution of common issues which may reinforce the social engagement of Roma women beyond the settlements, too.

70. The flagship programme undertook to launch 50 Roma female civil initiatives and it is expected that 20 registered Roma female organisations are going to be established. With

strengthening the social activity of Roma women and their civil organisations, not only their public empowerment grows but their positive social image is also reinforced.

Equal participation of women in public and political life and decision-making

71. The Government of Hungary believes that it is important to motivate and train women and to enhance their self-confidence so that they may participate in public and political life in greater numbers. This purpose is served by the Women's Public Leadership Training Program (> *see paragraph 45.*) as well. Currently, there are two female ministers in the Hungarian Government, which is an increase compared to the previous years. Another great step is the composition of the management of the Ministry of Human Capacities, from 2018 on, half of the State Secretaries are women, which illustrates the attitude of the Minister of Human Capacities as the Minister responsible for female policy issues towards the empowerment of women in public and political life.

72. The number of female staff members is high in the Ministry of Foreign Affairs and Trade both in the central administration units of the Ministry (61.6%) and at the diplomatic and consular missions (48.5%). The number of women in senior positions has increased continuously in the last ten years, in particular as regards the Ministry's organizational structure (currently 51%). The selection criteria for positions, both at Missions and in the Capital are primarily regulated according to qualifications and professional requirements. The proportion of competent and professionally trained female staff members, including those in senior positions, is significant in the organizational structure. Certain measures such as; semi-adjustable working time frames are also available to assist and encourage women to plan their professional carrier within the Ministry in the long run.

73. The number of female international experts delegated to international organisations by the Government of Hungary is 13 (out of 41).

74. We can observe women in higher numbers in several areas of public life as compared to men. For example, 65% of judges are women (2013), 56% of general practitioners and general paediatricians are women (3,497), and 56% of all medical practitioners are women (20,245 in 2017).

Women in decision-making in science

75. Among others, decision-making of women in scientific life is to be supported by the project entitled Evaluation Framework for Promoting Gender Equality in R&I for 2016-2019, supported by the European Commission in which the Hungarian Women in Science Association participated as a partner. The objective of the project is to provide indicators for measuring how the initiatives on equal opportunities influence the research & development and innovation system. As the result, an online toolset was elaborated for decision-makers, assessors and programme promoters showing which indicators are able to measure which measures related to equal opportunities. The Women's Policy Unit also joined the project through participation at workshops and conferences and by testing the online toolset as well as making conclusions.

Education and employment for women in rural areas, Roma women and women with disabilities

“Woman is the Chance” program

76. The aim of the “Woman is the Chance” programme is the education of Roma (primarily Roma women) embedded in employment, and also their further employment, mainly in social, child protection and public education service provider institutions. The innovation of the program is that there is indeed an education embedded in employment: selection (eligibility application), employment contract and training, followed by specialized vocational training and there is a continuous work during the training.

77. In the framework of the training and employment programme for Roma women, which ended in 2015, 1,012 Roma women acquired vocational qualification in one of the following fields: kindergarten teacher, caregiver and educator of young children, paediatric intensive care nurse, social care provider and nurse, social work assistant. From 2016 the program was anticipated to realize the education of 1,100 Roma women embedded in employment, and the 24-month supported employment was followed by 12-month mandatory further employment.

78. As regards the employment of Roma women, it can be stated that Government measures resulted in improvement. The proportion of Roma women who were covered by social security before the birth of their child has significantly increased since 2013.

Employment of women with disabilities

79. Although the Act on the Promotion of Equal Opportunities has no express provisions regarding the requirement of reasonable accommodation, the Equal Treatment Authority consequently applies this concept in its established practice related to negative discrimination based on disability. The Authority applies the rules requiring reasonable accommodation with regard to the employment of persons with disabilities as provided for by Act I of 2012 on the Labour Code, Act CXCIX of 2011 on Public Service Officers and Act CXXV of 2018 on Government Administration repealing the latter as well as the definition provided for by the Convention on the Rights of Persons with Disabilities (CRPD) based on Act XCII of 2007 on the promulgation of the CRPD and the related Optional Protocol in cases referring to the lack of reasonable accommodation during the examination of the cases.

Equal opportunity plans

80. The promotion of equal opportunities is not only the task of state institutions but employers also have an important role here. The reduction of negative discrimination necessitates special rules. In this regard, the Labour Code was supplemented according to the following: the employer may adopt an equal opportunity plan cooperating with the trade union represented with it or, in the absence of such, with the works council which can help the companies to recognise the importance of equal opportunities.

81. The equal opportunity plan - following the principles determined in the CRPD - may cover disadvantaged employees' groups and may include the analysis of the employment situation and especially the wages, labour conditions, professional career, training and

benefits related to childcare and parenthood of women, Roma people, employees with disabilities etc. in particular.

National tenders

82. Since 2013 national tenders in connection with family and women's policy issues have been involving programs, trainings and other supporting activities for women and specifically mentioning women with disabilities or parents with disabled children.

83. Similarly, the target groups of the current European Union tenders are including women with disabilities or women with disabled children: Safety net for families; Family-Friendly Country; Women in the Family and at the Workplace.

Re 19 -- Stereotypes and discriminatory practices

Representation of women and gender-related stereotypes in the media

84. The Department for Media Programme Monitoring and Analysing of the National Media and Communications Authority continuously examines the proportion of the representation of women and men in news and magazine programmes of media service providers. In the data showing merely the male/female representation no improvement or deterioration could be observed (2013: 79.1-20.9%; 2014: 78.1-21.9%; 2015: 78.2-21.8%; 2016: 78.8-21.2%; 2017: 79.2-20.8%; 2018: 78.2-21.8%).

85. Analyses prepared by the National Media and Communications Authority were supplemented by researches focusing on the public reflections on the media representation of women during the autumn of 2016. It included the thematization of women in the news as well as the opinion of the audience about female broadcasters. Parallel to the mentioned survey, a qualitative research was conducted. As regards the conclusions of the interviews, it can be stated in general that the examined programmes included female (and male) images which reflected the social reality. Where time series examinations could have been conducted, the tendency was positive.

Non-discrimination and gender equality in educational policies

Antidiscrimination in the National Core Curriculum

86. The National Core Curriculum lays down the requirements for the respect of human rights as well as for the basic knowledge of equality between women and men and that of antidiscrimination. In the history subject the social situation, the lifestyle of women and men as well as the issue of emancipation and equality are included in the curricula in the classes of 9-12. It is a crucial aim of the subject of civic education that students can understand the importance of equal opportunities, social justice as well as make them able to recognize the negative effects and social dangers of stereotypes, prejudice and discrimination.

Revision of textbooks

87. According to the results of an OECD survey about the progress on gender equality in education **textbooks were revised in 2013 for grade 1 to 8 to ensure that students are not exposed to stereotypes** and develop awareness of gender equality. Examples of new materials include: a revision of biology textbooks to illustrate the role of women in science by demonstrating the works of female scientists; the representation of women who were successful in their fields of work in a career section in the physics textbooks; and discussions of the gender equality issues and the historical background of the change in the traditional roles of women in history textbooks.

Antidiscrimination in the training of healthcare employees

88. Both the obligatory specialised theoretical further training contents and the optionally chosen ones of specialised healthcare staff include further training programmes aiming antidiscrimination and the reinforcement of the attitude of equality between women and men.

Re 21 -- Violence against women

89. **The Government of Hungary expressly condemns any form of domestic violence or violence against women, and is committed to taking steps for the elimination of abuse. The current policy approaches the problem of violence in a more complex way than earlier.** It determines a greater number of intervention areas, in this way ensuring the synergy between the various measures.

Law on domestic violence - including economic and psychological violence and stalking

Key achievements in the legislative field

90. On 3 June 2013, the National Assembly adopted Act LXXVIII of 2013 on the Amendment of Certain Criminal Laws that introduced the new criminal offence of domestic violence to the Act C of 2012 on the Criminal Code (hereinafter: Criminal Code) and entered into force on 1 July 2013. On the one hand, the criminal offence of domestic violence renders violent behaviour, which does not reach the level of battery but seriously harms the human dignity of the victim, as well as financial jeopardising punishable by criminal law. On the other hand, it makes it possible to punish certain criminal offences related to domestic violence, which are otherwise subject to less severe imprisonment (such as battery, defamation, or coercion), more severely. Thirdly, we can state that the Criminal Code renders acts, which can be considered as underlying acts of domestic violence, punishable by criminal law, and that it constitutes a qualified case (thus punishable even more severely) if certain criminal offences are committed against a relative, or a person under the education, supervision, care or medical treatment of the offender, or against a child or a person unable to protect himself or express his will, or against an elderly or disabled person.

91. The so-called “psychological violence” is also subject to punishment under the criminal offence of battery as provided by the Criminal Code. The official reasoning of the Criminal Code states that the act of commission is causing injury to bodily integrity or health of the victim. Taking into account the concept of “health” as described by the World Health Organisation and the established Hungarian case law, a mental abuse may be considered as an injury to the health of the victim. The criminal offence of domestic violence explicitly

includes battery as one of the acts of commission. This means that psychological violence, also known as mental abuse, is subject to a more severe punishment as part of the criminal offence of domestic violence.

92. On 14 March 2014, Hungary signed the Council of Europe Convention on preventing and combating violence against women and domestic violence. The Ministry of Justice coordinates the ratification processes. > *see paragraph 134.*

93. Due to the amendment of the law in 2015, Act XXXI of 1997 on the Protection of Children and Guardianship Administration (hereinafter: Act on the Protection of Children) now includes secret shelters as a new service element.

94. In 2015, the Hungarian National Assembly adopted a decision on determining the national strategic objectives for effective action against domestic violence, which lays down strategic objectives and designates a path for every sector that is involved in combating domestic violence for the planning and implementation of the strategic documents and the related measures respectively.

Restraining orders

95. Act LXXII of 2009 on the restraining order to be issued in cases of domestic violence regulates the rules of the temporary preventive restraining order (max. 72 hours) to be ordered in a public administration procedure and preventive restraining order (max. 60 days) to be ordered in a non-contentious civil proceeding. Both measures may be applied in case of domestic violence in order to temporarily limit the offender's right to freely choose the place of residence, the right of supervision and the right of keeping contact with his child.

96. Act XC of 2017 on the Criminal Procedure Code (hereinafter: Criminal Procedure Code) significantly amended the previous rules on the restraining order to be issued in criminal proceedings. A restraining order can be issued against a perpetrator who is reasonably suspected of the commission of a crime that is punishable by imprisonment or who has been indicted for the purpose of preventing him from hindering or frustrating the procedure of taking evidence or repeating the crime against the victim. A restraining order can be issued in addition to the coercive measure of criminal supervision limiting the personal freedom of the perpetrator based on the individual purpose(s) to be achieved by the restraining order, the type of the crime in question and the personal characteristics and circumstances of the perpetrator. Before filing the indictment, the court acting in the criminal case shall decide on issuing the restraining order upon the motion of the prosecutor or the victim. Before filing the indictment, the victim may submit his/her motion for issuing the restraining order to the prosecutor acting in the case, and the prosecutor is obliged to forward it immediately to the court together with the files of the case.

97. The duration of the restraining order shall be the following:

- The restraining order issued before the filing of the indictment lasts until the court of first instance had taken its decision during the preparation of the trial but at least for four months. The restraining order may be prolonged by four months on each occasion by the court.
- After the indictment had been filed, the restraining order that was issued or maintained by the court of first instance shall last until the court of first instance delivers its final decision.

- The restraining order issued or maintained by the court of first instance after it had delivered its final decision and the restraining order issued by the court of second instance shall last until the completion of the proceedings of second instance.
- The restraining order issued or maintained by the court of second instance after it had delivered its final decision and the restraining order issued by the court of third instance shall last until the completion of the proceedings of third instance.

98. The justification of the restraining order shall be supervised every six months from the time it was issued or maintained after the indictment had been filed.

99. It is important to stress out that if the restraining order was issued during the criminal proceedings, the court should always require the perpetrator to refrain from contacting the person concerned by the restraining order and to keep distant from this person. For an effective restraining order, the court may impose further obligatory behavioural rules for the perpetrator, such as to leave and stay away from a specific house, or to remain distant from the residence, workplace or places and institutions regularly attended by the person concerned by the restraining order.

100. With a view of the number and seriousness of breaches of the prescribed behavioural rules, a fine may be imposed against the perpetrator, he/she may be taken into custody, stricter behavioural rules may be imposed, more severe coercive measures may be ordered or further guarantees promoting the effective implementation of the coercive measure may be required.

101. For the increased protection of the victim, the law orders to communicate every decision that had been taken regarding the restraining order, such as the decision on issuing or terminating the restraining order, to the victim.

Mandatory training of legal professionals and police officers

102. When dealing with notifications related to domestic violence, the police should act in accordance with Act XXXIV of 1994 on the Police, Act LXXII of 2009 on Injunction to be Applied due to Violence Between Relatives (hereinafter: Act on Injunction), and Instruction 2/2018. (I. 25.) of the Hungarian National Police (hereinafter: Instruction 2/2018.) issued for the purposes of implementing police tasks related to the management of violence between relatives. The aim of the Act on Injunction is to handle the phenomenon of domestic violence before a more serious situation would emerge, often with consequences that are hard to remedy.

103. District policemen have daily contact with guardianship offices, family assistance services and child welfare services on their territories. By regular exchange of information and, where necessary, participation at the discussions of cases, they help each other's work and contribute to mapping the jeopardised families. **In the briefings of the police staff, the followings were highlighted: the prohibition of discrimination, the significance of police actions free from prejudice,** and the importance of objectivity required in all cases of taking measures. For the purposes of the efficient application of knowledge, mediation techniques and procedures obtained in the preceding years in the practice, it is inevitable to update such knowledge. With regard to this, Instruction 2/2018. lists the **basic education of the official staff once a year or according to the needs** among the tasks of the territorial and local

organisations. Training courses are regular and cover the whole personal staff of the service divisions concerned.

104. Following the issue of Instruction 2/2018., **240 mentors** participated at the **training on topics serving the safety of the victims**. Among others, **the best practice of temporary preventive injunction** was presented. Participants were informed about the role of the police in child-friendly justice, the recognition of harming, the consequences of its absence, treatment with the injured and interrogation techniques. County police headquarters continuously train the staff concerned and the new entrants, so far, **4,605 persons have been trained** altogether.

105. The Faculty of Policing of the National University of Public Service deals with the Hungarian and international recommendations relating to **treatment of female victims** at its policing and criminal bachelor-level programmes.

106. It is mainly policing communications and policing pedagogy where recommendations related to the treatment of female victims, recognition and treatment of the symptoms and traumas of violence, communication strategies applied in official procedures concerning injured women are acquired, during which **police officer candidate students are trained** in situational practices with the help of victim protection experts.

State-supported shelters

107. A form of child protection basic care to be provided for the victims of violence against women and their children based on Act on the Protection of Children is the Temporary Home for Families. In this framework, joint care for adults and children is ensured subject to conditions provided for by law. Temporary Home for Families is operated by those local governments (or district local governments in Budapest) in the territory of which more than 30,000 permanent residents live according to the legislative provisions in force. Operation is possible by partnerships, too.

Development of the benefit scheme

108. There was a new professional protocol elaborated for the work of crisis centres in 2014 with the support of the Ministry of Human Capacities. The professional protocols for Secret Shelters and Halfway Houses were elaborated in 2015.

109. From 2016 the central budget provided 50% more support for all Crisis Centres and the support of the Secret Shelter was increased by 100%. In 2016-2017 Crisis Centres could apply for the purchase of a rescue car as well as of tangible assets needed for their operation with a special focus on the development of the security system.

Prevention

110. The support of victims has the priority ambition to give aid in the shortest notice so that problems may be arranged before violent actions get worse. This purpose is served by the Crisis Management Ambulances that function on a regional level. The ambulances were established from development and budgetary resources in 2018.

Crisis intervention

111. The **National Crisis Management and Information Telephone Service (OKIT)** is available 24/7 from all of Hungary, calls are free of charge at all providers. The hotline service gives information to victims of domestic violence, and helps the abused to find a safe shelter (from the abuser/pounce/exploiter) in an acute crisis situation.

112. In Hungary there are so-called Crisis Centres providing accommodation and complex services to those victims of domestic violence who have been forced to leave their home – either alone or with their children – on grounds of abuse.

113. The Crisis Centre provide the following:

- sheltered accommodation and full physical attendance, if necessary;
- expert help (lawyer, psychological assistant, social worker);
- assistance through social work.

114. Key services of the Crisis Centre:

- search for a safe home;
- assistance in resolving lifestyle problems;
- search for and administration of income sources;
- the mapping of external family relations;
- the strengthening of parental role;
- psychological counselling;
- mediation of health care services;
- provision of community programmes;
- legal counselling and consultation on child care.

115. Crisis Centres have a **capacity of 6 spaces**. The **caring time is 4 weeks**, which can be **extended** once in justified cases and maximum by **further 4 weeks**.

116. The **Secret Shelters** are accommodating the severe victims of domestic violence being in life danger. Currently 8 such institution exists (with a capacity of 18 places each), and the time of care is 6 months.

117. The victims of human trafficking (prostitution and work-related exploitation) are supported by the **Temporary Accommodations**, which were created based on the image of the benefit scheme helping the victims of domestic violence with 12 spaces each.

Social integration

118. **Halfway Houses** are available to support the social reintegration of the victims of domestic violence and human trafficking, which provide long-term housing (up to 5 years) and professional (mainly legal and psychological) assistance to their tenants. Victims leaving the crisis management system spend, on average, 2 years in Halfway Houses. After that, they typically rent a flat or move to social housing units, i.e. they leave the social welfare system. In 2013 the National Crisis Management and Information Telephone Service, 14 Crisis Centres, 4 Halfway Houses, one Secret Shelter and one Temporary Accommodation (with 8 spaces) created the benefit scheme.

119. Currently, beside the National Crisis Management and Information Telephone Service **20 Crisis Centres, 21 Halfway Houses, 8 Secret Shelters, 8 Crisis Management Ambulances and 2 Temporary Accommodations with extended capacity** are operating. Furthermore, **the opening of a new Temporary Accommodation and a crisis flat for the victims of human trafficking is in progress. It shows that the realized development is significant.**

De-stigmatizing victims and raising awareness

120. ‘DADA’ (Smoking-Alcohol-Drugs-AIDS) and ‘ELLEN-SZER’ (Remedy) trainers and school crime prevention advisers teach skills and signalling techniques related to the topic and pay special attention to the students concerned. The population is widely informed through the media and within the framework of personal discussions at public forums and events. Each territorial police organisation has several activities focussing on awareness-raising related to this topic.

Prevention

121. The prevention programme that started in 2012 has continued between 2013 and 2015 with the support of the Ministry of Human Capacities, addressing the 14–18 age group. The aim of the programme is to prevent victimization. The initiative had an outreach to around 3,600 students between 2012 and 2015. 2016 was a landmark in the programme: it evolved into a national programme through the utilization of development resources. Currently 17 civil organizations are involved in its management.

122. Based on the experiences of professionals the youngsters' knowledge about domestic violence and abuse is rather superficial and thus tends to be insufficient, which further aggravates their exposure and vulnerability. It further complicates the solution of the situation that the problem is considered to be a taboo, youngsters (and adults) do not dare to talk about it; in many cases they cannot even identify that they, themselves are victims, or do not know whom to ask for help; this is what the programme is supposed to help for.

Awareness-raising

123. The campaign under the slogan "Notice it!" was organized five times between 2014 and 2017, relying on the Ministry of Human Capacities support. It wishes to stress the unacceptability of domestic violence and underlines the importance of the timely notification of the problem. The campaign was revived in 2018, and it received a new slogan (“**Love doesn’t hurt!**”)¹ and a new image. The aim of this campaign is to call attention to the opening of Crisis Management Centres.

124. Upon the Ministry of Human Capacities’ request, the **Media and Infocommunications Commissioner of the National Media and Infocommunications Authority made a recommendation** in 2015, in which it invited the media representatives to indicate the phone number of the of the National Crisis Management and Information

¹ www.aszeretnemart.hu

Telephone Service on their interfaces in the case of media contents related to human trafficking and domestic violence, in order to make help available to everyone.

125. In order to make it easier to enforce interest the victim support service helps victims (such as abused women) according to their needs to be able to enforce their rights and give a hand in requiring healthcare, health insurance and social benefits or other state support. There is a possibility also that the associates of the victim support service give support in handing in denunciation, getting in contact with the associates of partner institutions so that the victim can get appropriate support in time at the right place. Given the nature of the crime, in such cases the staff of the victim support service will pay particular attention during the conversation with the person contacting them.

Measures from development resources

126. When planning the development projects in the framework of combatting violence against women, the department was paying attention to the Istanbul Convention. Combatting domestic violence appears in two priority projects and two projects from development resources in a tender construction.

127. The **'Safe Shelter'** tender with an amount of HUF 1.8 billion (USD 6,071,850) targeted the complex development of the scheme for the victims of violence and human trafficking. In the framework of The **'Safety Net for Families'** tender it was possible to accomplish prevention programmes. The tender made it possible to continue the pilot programme mentioned before. Currently, 17 organizations are involved in the work of prevention.

128. The **'Development of Crisis Management Services'** priority project is implemented from an amount of HUF 1.16 billion (USD 4,000,000) resource; the project includes the development of the National Crisis Management and Information Telephone Service. The **education and awareness-raising of 5,000 professionals** of the child protection alarm system will be realized in the framework of the priority project.

129. The priority **project of 'Family Friendly Country' is connected to combatting domestic violence in three aspects.** It supports a national representative survey, which measures the concernedness in domestic violence, the general knowledge and attitude related to the topic and it describes the complexity of domestic violence. The project ensures the accomplishment of a complex, **awareness-raising campaign** and the preparation of information materials that can be distributed on a broad scale and can be updated continuously. The Government has set an amount of **HUF 3 billion** (USD 10,309,000) from development resources to combat domestic violence and human trafficking and in the next phase an amount of **HUF 7 billion** (USD 24,050,000) is set.

Statistical data on violence against women disaggregated by sex and age

130. Criminal data disaggregated by sex and age are available in criminal statistics regarding perpetrators and victims as well. However, disaggregation by relationship between the victims and the perpetrators is **provided only regarding the victims.** It is not possible to query criminal offences related to domestic violence with regard to the perpetrators.

131. **The Central Statistical Office** conducted a **Gender Based Violence Pilot Survey** coordinated by Eurostat in 2019 the experiences of which shall govern the implementation of the **major survey in 2020**. The survey shall be implemented according to an internationally harmonised methodology, using a pre-determined questionnaire. Respondents shall be chosen by random sampling from among the population aged 18 or more (around **1,500 persons**). The population included in the sample shall be contacted by skilled, sensitivity-trained interviewers having special skills who convince request them to cooperate in the survey. The aim of the pilot survey is to test the questionnaire and the data collection methods.

Criminal Code ensuring that rape is defined on the basis of the lack of voluntary consent of the victim

132. One of the most critical measures of the Criminal Code that was inspired by CEDAW recommendations is the regulation of sexual acts committed without consent as a separate criminal offence. The criminal offence of sexual coercion ensures an earlier protection by criminal law compared to the criminal offence of sexual violence since it renders punishable a sexual act committed by “simple” threat, also known as sexual extortion, instead of a sexual act committed by violence or qualified threat (meaning a direct threat against life or bodily integrity), which is prescribed by the criminal offence of sexual violence. Coercing someone to engage in or endure a sexual act includes every kind of behaviour that causes the victim not to give voluntary and free consent to the sexual act, thus he or she is pressured in some way. It is punishable more severely if sexual coercion is committed against a person under the age of 18 (2 - 8 years of imprisonment) or the age of 14 (5 - 10 years of imprisonment).

Easily accessible health-care services for women victims of rape

133. In Hungary, female victims of rape have access to proper and easily accessible healthcare services. The healthcare background necessary for the primary care of the victims and the collection of the evidence required for accusation **is available every day, 24 hours a day in the framework of the emergency patient care system (basic care duty, ambulance, hospital emergency units)**.

Council of Europe Convention on preventing and combating violence against women and domestic violence

134. On 14 March 2014, **Hungary signed** the Council of Europe Convention on preventing and combating violence against women and domestic violence (known as the Istanbul Convention). The Istanbul Convention provides for complex legislative and action obligations for the Member States and therefore preparation for the ratification requires cooperation by the whole Government. During this, the necessary legislative tasks, other Government measures and budgetary resources need to be identified, too.

Re 23 -- Trafficking and exploitation of prostitution

Strategy against trafficking in human beings for the period 2013–2016

135. The point entitled “B. **Efficient prevention and awareness-forming and awareness-raising**” of the national strategy (2013 – 2016) includes activities requiring research related to human trafficking for the purposes of enhancing social awareness. Currently the next **strategy** against trafficking in human beings **is being prepared** during which special attention is paid to knowing the reasons of victimisation better.

State-run temporary shelters for women victims of trafficking

136. The **Opportunity for Families Foundation** operates two **protected shelters** for **12 victims each** with state support in Hungary in 2018. Apart from the two protected shelters, exit Halfway Houses were established in 2018 where the victims may stay further for **five years**. (> see paragraphs 118-119.) The Ministry of Justice **opened Victim Support Centres in three venues** in 2018 the purpose of which is that the victims of crimes may receive the necessary care and support at a single place in a concentrated way. Further centres are expected to be opened according to the plans in the future.

Assistance and protection to women victims of trafficking

137. The Police participated in the “*Information and awareness-raising campaign against human trafficking*” as supported by the International Organisation for Migration (IOM) where programme elements included the screening of the *movie entitled “Viktoria: A Tale of Grace and Greed”* and the following discussion. Furthermore, staff of IOM delivered school lectures in the most relevant institutions where they promoted the “*Don’t Let It*” awareness-raising campaign related to human trafficking. Lessons expressly focussed on the phenomena of sexual and labour-related exploitation, **2,250 secondary school pupils** have been reached.

138. The aim of the project entitled “**Organisation of victim protection training courses related to combating human trafficking**” (2014-2016) was to effectively identify and manage victims. The National Police Headquarters involved experts affected by the detection of human trafficking crimes, investigation as well as protection and support of the victims of human trafficking in the training, **625 persons** on the whole.

Children in prostitution

139. In the case of young people under 18, voluntary consent to prostitution is always questionable since they generally conduct this activity under financial pressure or coercion by the procurer. For the purposes of solving the problem, the National Police Headquarters **suggested to implement a complex programme** as detailed in the following.

140. Upon the starting of the protection of children under 18 engaged in prostitution or upon the starting of their temporary education, the provisions of Act on the Protection of Children should be complied with. For the protection of the children, it should always be checked whether a crime is committed in relation with the prostitution activity. This should be assessed by experts at case discussions in the case of each child and this would lead to

decisions on further necessary tasks (criminal proceedings, protection, leaving of the family, referral to a special institute etc.).

141. The **National Police Headquarters** issued **Action Plans** for the purposes of preventing children's prostitution. It prepared educational material and organised training for the policing and criminal staff for the uniform implementation of the Instruction related to the handling of prostitution-related breaches of law and human trafficking. According to the Action Plans, territorial police organisations should initiate the conclusion of cooperation agreements with child protection institutions and revise the local programmes operated by them, with introducing the necessary amendments.

Preventing discrimination against sex workers and ensure their right to safe working conditions

142. In Hungary, prostitution has been legal since 1999 and the Criminal Code in force does not impose sanctions in this regard. If a person working in prostitution becomes subject to an offence procedure for illegal prostitution and it can be proven that the person is the victim of human trafficking, the procedure may be suspended or the penalty formerly imposed relieved under the Act II of 2012 on Minor Offences, Offence Procedures and the Registration System of Offences.

Council of Europe Convention on Action against Trafficking in Human Beings

143. **Hungary ratified** the Council of Europe Convention on Action Against Trafficking in Human Beings by **Act XVIII of 2013**.

Re 25 -- Participation of women in political and public life

144. The Government of Hungary believes that it is of great importance that women should be able to receive senior or leadership positions with fair chances and opportunities as well as that they should be able to participate in public life, including legislation.

145. There are various ways of enhancing equal opportunity between women and men, of which the quota system is just one method, it can be promoted in several other ways and using various methods.

146. The Government of Hungary does not think that the quota system could be an effective solution since it is against the principle of equal opportunities, choosing politicians according to their sex and not to their suitability for the positions several qualified candidates may be left ignored in this way.

Re 27 -- Education

147. Prevention of school-leaving of Roma girls > *see paragraphs 233-235*.

148. Education for Family Life > *see paragraph 170*.

Encouraging women and men to choose non-traditional fields of education and careers

Provisions supporting girls in public education

149. The aim of the educational sector is to reinforce career guidance in the system of public education institutions, with special regard to the promotion of choosing careers related to Science, Technology, Engineering and Mathematics (STEM) and to the development of the related competences. In the system of public education, there is a free career guidance system helping further training and career choice which is accessible for each pupil on the level of educational institutions as well as of specialised pedagogical institutions.

150. The implementation of career guidance-related tasks is supported by the following projects:

- **General career guidance activities and awareness-raising** are implemented by 41 school operators and supported by **HUF 3.66 billion (USD 12,576,000)**,
- **Professional and methodological support** provided for the reinforcement of career guidance in public education institutions **and the promotion of STEM studies** is implemented by the Educational Office, supported by **HUF 1 billion**.
- Higher education institutions conduct specific activities in 6th - 12th classes by supplementary services, skill development and communication programmes **that help the access to higher education** with a support of **HUF 7.8 billion (USD 26,800,000)**.

151. The other prominent direction of successful career orientation is programmes based on inter-sectoral cooperation, such as: the **“Be a STEM star!”** program supported by the Ministry of Human Capacities. Based on the action plan 2017–2018 of the **National Talent Programme** a tender was announced with the aim of **supporting special national talent development programmes targeting the participation of women and men based on equal opportunities** with special regard to those talent and scientific areas, where the participation of girls and women is traditionally under-represented. The available budget is **HUF 36 million**.

152. Elements of the programme:

- Introduction of female role models from each scientific area where women are underrepresented;
- Career guidance primarily for girls;
- Support of talented girls with individual development plans;
- Organized visits to places relating to scientific areas where women are underrepresented;
- Popularize positive role models through media;
- Trainings and workshops that facilitate the acceptance of women’s involvement

153. The **Association of Hungarian Women in Science** has joined the international **Girls’ Day** initiative and launched its Hungarian version in 2012. On Girls’ Day technology companies, research- and educational institutes open their doors to high school girls in order to raise their interests in STEM. It is a good opportunity to get first-hand experience about the fact that girls are welcome to these jobs and also about the companies which are considered wrongly as male territories. **10 000 girls** had the opportunity to gain personal experience about science and technology jobs while the number of **hosting organisations increased from 22 to 80 in 7 years**.

154. The **SMARTIZ Programme** of the **Association of Hungarian Women in Science** has started in 2018 with the objective of increasing the number of underprivileged girls enrolling into coding schools or higher education STEM and IT programs in order to increase their employability. The program seeks high school girls who could be interested in such education and professions but due to their social, economic and very often family background they lack access to proper education and support that often results in dropping out without pursuing a high school diploma. **The Ministry of State for Family and Youth Affairs has nominated the SMARTIZ Programme** of the Association of Hungarian Women in Science **for the UNESCO Prize for Girls' and Women's Education in 2019.**

155. The **Act CLXXXVII of 2011 on Vocational Training** provides education-related rights for every student and **special protection for girls participating in formal vocational training** under an apprenticeship contract **during pregnancy and following childbirth.**

156. It was taken into consideration that as many women as possible should get opportunities to acquire qualifications affected by skills shortages so that they could benefit from the Szabóky Adolf Vocational Training Grant.

157. In the case of EU-supported projects, a uniform guidance for the mainstreaming of equal opportunities-related aspects was prepared for the calls. Expectations laid down in the General Guidance were mainstreamed for ensuring the equal opportunities of women.

Provisions supporting women in higher education

158. There are several provisions laid down by Act CCIV of 2011 on National Higher Education, which present **the support of women who are on unpaid leave to care for their children, receiving infant care allowance, child-care allowance, child-raising support or child-care fee.**

159. Students engaged in state-financed studies shall enter into employment in Hungary for a period equal to the course of studies within twenty years following the acquisition of the degree. The time during which childcare benefits are received constitutes a part of this period of employment in the country. Parents being students in higher education are entitled to 'degree holder's child care fee' (> *see paragraph 52.*)

160. The analysis of the situation of women's participation in higher education, carried out in the framework of the "**Gear Shifting in Higher Education – a Medium Term Policy Strategy 2016**" (hereinafter referred to as the **Strategy**) concluded that women's equal access to higher education is ensured: the rate of female student in academic year 2013/2014 was 54.8%.

161. The statistical rate of female students is permanently above 50%. **Out of 283,350 students 152,640 are women.** Regarding the sex of people holding a higher-education degree women are even more overrepresented: In 2014 **62% of the students who had earned a degree were female**, which suggests that women complete their academic studies at a higher rate. In order to motivate women to engage in studies related to the fields of STEM, the strategy and the **Action Plan for 2016-2020** designed the following objectives to reduce the imbalances between women and men:

162. An educational system creating opportunities, presenting social advancement and offering broad access

- launching programmes offering career guidance and skills development for pupils from the 6th grade onwards, with special focus devoted to the preparation of girls for STEM majors.
- Investments aimed at promoting distance learning opportunities for female students and providing child-friendly facilities at educational sites (baby changing and nursing room, kids' corners, child care services).

163. Two projects were carried out under this objective:

- Institutional developments in order to improve the quality and accessibility of higher education (HUF 0.43 billion – USD 1,478,000)
- Skills-development and communication programmes promoting STEM majors as well as the access to higher education (HUF 0.96 billion – USD 3,300,000)

164. Increasing the number of female university teachers and researchers in the areas characterised by the under-representation of women and in leadership positions

- In operations providing for a rising generation of researchers, special attention must be paid to gender equality to reduce the career disadvantages of female researchers that can be observed from the postdoctoral stage onwards.
- One of the projects implementing this measure is *Infrastructural development in higher education (HUF 0.71 billion – USD 2,440,000)* for the promotion of part-time employment of women and the creation and expansion of child-friendly workplaces.

165. Ensuring a sufficient number of applicants to STEM courses with the aim of training an appropriate number of graduates meeting the demand for professionals in the economy and in the academic field.

- In order to increase the willingness of students aged 10-12 to apply for STEM courses, activities promoting sciences and disseminating information are to be performed.
- The rate of participation of women in IT and technical education remains well-below the rate of men (it is only 14% and 24% for female students respectively). In order to involve **talented women in these two areas more, it is a reasonable step to support their participation** in these fields.

The situation of Roma girls in the education system

166. Prevention of school-leaving of Roma girls > see paragraphs 233-235.

167. Act on National Public Education and **Act on Equal Treatment** expressly prohibit **segregation**; any discriminatory actions taken by schools or their operators are to be considered unlawful. **The nationality education policy also contains extra requirements to ensure the equivalence in the quality of nationality education provided to Roma pupils**

168. **Following school enrolment, the balanced distribution of disadvantaged pupils is also to be considered when putting the classes together. The rate of segregation affecting multiply disadvantaged pupils within their schools is low, and the value of the gap-based-index, which was 4.69 in 2011, decreased to 4.21 by 2015.**

169. With a view to consolidating academic success, kindergarten attendance for children over 3 years of age has become obligatory as of September 2015. In Hungary, 91% of Roma children attend kindergarten and this ratio is close to that of the non-Roma children, and the highest in the region. **An early signalling pedagogical support scheme aimed at preventing dropouts was introduced in November 2016**, in order to draw attention to those situations and areas in need of development that could contribute to the prevention of dropouts both regarding the student-teacher, the institutional development and management levels. **The rate of children at risk of dropping out of school showed a decrease** in the second year of the implementation of the scheme already.

Educational programmes on family life

170. The preparation for family life helps children and adolescents to form responsible relationships and it transfers knowledge on how to manage conflicts arising in their family lives. **Schools should address the questions of sexual culture as well. The National Core Curricula** specifies twelve development areas, one of which is **education for family life**, which appears in nearly all subjects. Out of them it should be highlighted that **the subject of ethics taught in grades 5–8**, the content of which (e.g. sexuality, love, marriage, family, home creation, prejudice, trust and empathy) provide a wide range of opportunities **to address the question of equality between men and women**. The National Core Curriculum also provides an opportunity for the public educational institutions to transfer this knowledge to the students in grades 1–12 **as a separate subject (education for family life)**.

Re 29 -- Employment

Occupational segregation and gender wage gap

171. **The Hungarian Government promotes the employment of women raising children.** However, it is important to point out that family and career shall not be elements excluding, but rather elements supporting each other in people's lives.

The development of the position of women on the labour market

172. One of the most important results of the Hungarian economy being permanently put on a growth path is the considerable improvement achieved regarding the employment position of women. The activity rate of women between the ages of 15-64 increased by 6.6 percentage points, while the rate of employment improved even at a faster pace and increased by 9.7 percentage points. **The level of employment, which is 62.5% in Hungary**, is just a few tenths of a percentage point below the average of the European Union.

173. According to annual data, **the number of women employed increased by 215,000** between 2013 and 2017. This number increased at a rate of nearly 20% in the agricultural sector, 16.5% in the industrial sector and more than 10% in the services sector. Among the various industries, **it was the manufacturing industry where most of the jobs have been created** and now the industry employs 50,000 more women than 5 years ago. 80% of all the women employed work in the services sector, while the rate of female employees working in the industrial sector is nearly 20%. Less than 3% of them work in the agricultural sector.

Within the services sector the proportion of women is the highest in the fields of health and social care (82.4%) and education (76.8%), while the rate of women employed by the manufacturing industry is the highest in the textile industry (81.3%).

174. It is a great achievement, that the employment rate of women aged 25 - 49 raising children has been increased by a large extent. In case of women raising children under the age of 3 it increased from **11.9% to 15.3%**, while that of women raising children under the age 6 increased from **36,7% to 43%** within the same age group, during the period between 2013 and 2018.

175. Apart from the improvements seen concerning employment figures, the rate of female unemployment has significantly decreased. According to recent data available, **the unemployment rate of women has decreased to 4.1%**, while during a similar period in 2013 the same figure was at about 10%, as measured by the Central Statistical Office.

Measures of the Hungarian Government

176. Up till 2016 **public employment** programmes contributed to job creation by an increasing degree in the country's most underprivileged regions. **The measure plays an imperative role in reducing poverty as well.** Over the last two years it has provided public employment opportunities to more women than men. A growing number of people can transfer from public employment to the private sector, which is supported by the government with a settlement allowance. The amount of the allowance doubled from November 2018.

177. **The employment rate of women participating in public employment programmes increased from 38% to 56% between 2013 and 2018.** In addition, the programme is increasingly focusing on **promoting the employment of underprivileged women.** Despite of not knowing the ethnicity of individuals integrated in public employment, the conclusion can be drawn that such employment **is primarily supporting the Roma population.** The number of women participating in public employment programmes is the highest in those two counties, where the Roma population is most over-represented in the area. **The number of women involved in the programmes between 2013 and 2018 nearly doubled** in Szabolcs-Szatmár-Bereg County and increased by 73% in Borsod-Abaúj-Zemplén County.

178. In the framework of the **Job Protection Action Plan** programme, which was launched in 2013, contribution allowance is available to employers who hire - among other vulnerable **employees** such as workers under 25 and/or youngsters starting their career, employees above 55, or permanent job-seekers - mothers with young children. The sum may be claimed back from the social contribution tax and the vocational training levy payable after the gross salary, and shall be automatically available **in the first 3 years of employment, or for an extended period of 5 years in case of parents with three or more children.** **This measure supports the employment of mothers with small children, female career starters and permanent job seekers from the employer's side.** The number of women raising small children and receiving employment benefit thanks to the Job Protection Action Plan increased by 30% between 2013 and 2018. In 2018 the companies could utilize the tax benefit after an **average of 31 thousand women.** In the period from January 2013 and December 2018 employment support for an average 769 thousand employees per month was granted in the amount of an average HUF 9.8 billion (USD 33,675,000) on a monthly basis. From January 2019 the target groups of the benefit system of the Job Protection Action Plan has considerably changed, the maximum limit of benefits has positively changed, instead of the previous HUF 100,000

(USD 344) benefits can be taken based on the prevailing minimum wage (gross HUF 149,000 – USD 512 in 2019).

179. Thanks to the **Child Care Fee Extra** program **mothers can return to the labour market once their child is six months of age, while continuing to receive child care benefits.** The **daycare system for children was transformed** with the purpose of creating a flexible system. > *see paragraphs 38-42, 52.*

180. The expansion of the part-time employment opportunities is also highly important. Act on the Labour Code introduced **flexible and atypical forms of employment in 2012**, however the employment culture still need change in Hungary. Legislative conditions were established from the governmental side, however the cooperating willingness of employers as partners is needed, it is crucial to recognize that the promotion of atypical forms of employment would help in having motivated female workforce. If a mother with small children requires to be employed part-time, the employer is obliged to ensure it until the child reaches the age of 3, or the age of 5 in case of large families.

181. The **„Women 40+” program** was launched in 2013 in order to support job seeking women, who have lower employment chances especially due to their age and to ensure the missing period of retirement for women. Thanks to the support 13,000 women over 55 years of age could find a job. The program was relaunched in 2016, with employment support for further 700 women. In the framework of the program, 100% of the total amount of wage and social contribution tax was payed to employers in case of employing women from the target group. The duration of the support is maximum 8 months for one women, the employment cannot be longer than the number of months missing from the 40 years entitlement period employers are obliged to employ women from the target group for minimum of the half of the support period, which is an average of 4 months.

Road to the Labour Market programme

182. The aim of the “Road to the Labour Market” programme is to improve the employability of job seekers over 25 and inactive persons, **to support their employment on the open labour market**, as well as their transfer from public to private sector. Among others, persons returning to the labour market after childcare period or care for dependant constitute a priority target group within the programme. The **National Employment Service** is supporting the employment of job seekers by providing trainings, wage or salary subsidies, **supporting entrepreneurship**, and also by personalized labour market services. The programme was launched at the end of 2015, and **HUF 231.8 billion (USD 796,509,000) is available nationwide for the financing.** According to the plans the executing governmental agencies and regional offices under the project will provide **support to more than 188 thousand job seekers until the end of 2021.** Since the start of the programme until the end of November 2018 nationwide over 134 thousand persons’ labour market situation was improved by some tool, out of which **more than 4,600 people returned to the labour market after childcare or care for dependant.**

Tackling the pay gap between men and women

183. A long term objective set by the Government of Hungary is to catch up with the developed Western European countries in terms of wages. Nevertheless, significant achievements have been already made regarding wage convergence in the past 5 years. In

addition to the rate of employment, the purchasing power of wages is also constantly improving. In 2018 real wages increased by 9%. Since the change of government in 2010 the level of real wages increased by 40% – also taking into account the family allowances –, and at the same time, thanks to the government's family support policy, the rate of increase in real wages has almost reached 70% in families with 3 or more children.

184. The Government of Hungary is committed to make employees receive the same wage for the same job, regardless of their sex. The Act on Equal Treatment prohibits all types of discrimination, with special focus given to discrimination practices related to employment.

185. It is a large step that **pay gap between women and men has decreased in Hungary**. According to Eurostat data, gender pay gap in Hungary was 17.6 % on average in 2010, while in 2016 it was **14.0%**. The rate of the pay gap was 14% in the business and economic sector, 22% in the manufacturing industry, 15.8% in the field of electricity, gas, steam and air conditioning supply, 34.2 % regarding financial and insurance activities and 20.6% concerning information and communication activities. It can be concluded that the rate of these differences is lower than in other Member States.

186. Over the past few years, **significant wage increases** have taken place in the fields of public education, health and social care, which are all **areas representing high rates of female employment**. Public administration is also to be listed among such sectors, because female employees outnumber male employees in the field too. In 2016 the Government improved the salaries of people working in district offices and in 2017 increased the salaries of those employed by county government offices. The wage increases implemented in the health and social care sector were above the average both in 2016 and 2017.

Redressing discrimination against women at work and measures for work and family life reconciliation

187. > see paragraphs 37-45, 50-52, 178, 227

The spreading of flexible employment in convergence regions

188. The aim of the measure **is to spread flexible employment and to facilitate the reconciliation of work-life balance**. Small and medium-size enterprises having employees with small children were audited based on a unified methodology in order to review what kinds of actions are necessary in order to introduce flexible employment forms and work organization solutions. **Altogether 832 SMEs were audited, concerning over 35 thousand employees. 543 SMEs with reorganizational/development plan** received support in the amount of HUF 3.1 – 15 million (USD 10,652- 51,542) **from the HUF 6.56 billion (USD 22,541,000) budget** to carry out their plans. Activities included restructuring of the work organization, introduction of flexible employment forms and work organizational methods, and re-integration of people returning from childcare leave.

Support for the return of parents with small children to the labour market

189. The aim of the measure carried out from **HUF 9.8 billion (USD 33,645,000)** is to provide support for the return of parents with small children to the labour market. **Parents**

with small children from less developed regions, who are returning to work could receive a subsidy of maximum HUF 40 thousand (USD 137) per month to place their children in family or workplace nurseries during working hours, in case there is no nursery at their place of residence, or the number of applicants exceed the available capacities. The subsidy can be applied for children older than 20 weeks and younger than 3 years of age.

Provisions supporting women in the public sector

190. Act CXXV of 2018 on Governmental Administration supports female employees in a number of ways.

191. **The protection against dismissal** applies to pregnant women, women on maternity leave, women incapable of work due to taking care of their sick child/children and women receiving treatment related to a human reproduction procedure.

192. Nursing mothers shall be **exempted from work duties** for one hour twice daily (two hours twice daily in case of twins) during the first six months of breastfeeding, and thereafter for one hour daily (two hours daily in the case of twins) until the end of the ninth month. Women shall be also exempted from work duties for the duration of mandatory medical examinations or a treatment in a healthcare institution related to a human reproduction procedure.

193. As for leave of absence, time spent at work shall include the first six months of leave of absence without pay for caring for a child and the duration of leave of absence without pay – not exceeding 30 days – for providing care for a relative. **Parents are entitled to take off 4 extra days** in the case of one child, 8 days in the case of 2 children and 14 days altogether in the case of more than 2 children, regarding children below the age of 16.

194. Government officials receive support for **training courses during maternity leave** and during absence without pay for caring for a child.

195. The **involvement of fathers** in childcare seeks to promote equal opportunities for men and women to an even greater extent. Fathers can apply for 8 extra days off (10 days in the case of twins) following the birth of their child/children.

196. As for the provisions regarding **working from home**, governmental employees with children at or under the age of 10 may work from home on more favourable terms.

Re 31-- Health

197. **No campaigns aimed at the stigmatisation of abortion or with an attempt to influence public opinion against birth control and abortion is being run in Hungary.**

198. Pursuant to Article II of the Fundamental Law of Hungary, human dignity shall be inviolable. Every human being shall have the right to life and human dignity; the life of the foetus shall be protected from the moment of conception.

199. Based on Act LXXIX of 1992 on the Protection of Foetal Life, a pregnancy may be terminated if it is endangered or in a severe crisis situation – under the conditions specified by law. By definition, a crisis can be considered severe if it causes bodily or mental impairment or a socially intolerable situation. Hungary makes considerable efforts to reduce the number of abortions; Family Protection Services provide guidance, offer assistance in resolving crisis situations and organise the dissemination of information on family planning outside of education institutions in Hungary.

Adequate access to family planning services and contraceptives

Emergency contraception

200. In November 2014 the European Medicines Agency published a recommendation on its website, according to which the *ellaOne* emergency contraceptive should be made available without prescription in all of the Member States. The recommendation has been approved by the European Commission. Pursuant to the decision of the European Commission, in principle, this emergency contraceptive pill has become a freely tradable product in the European Union since the beginning of January 2015. **Although such decisions apply to all of the Member States, Community legislation makes it possible for Member States to adopt prohibitive or restrictive regulations concerning “the distribution, transportation or use of birth-control or abortive medicines.” In Hungary these contraceptive pills, which prevent pregnancy if taken within 72 hours following the intercourse still remained prescription-only products.**

Birth-control pills and other contraceptive methods

201. According to Act LXXXIII of 1997 on the Services of the Compulsory Health Insurance System, insured persons are entitled to receive price support in the case of medicines or medical aids prescribed for medical purposes. The social insurance support scheme may only include medicines aimed at the prevention or treatment of illnesses. Hormonal contraceptives do not meet this criterion. Their availability is subject to medical prescription and their prices are not being regulated – they can be freely determined by the producers and distributors (uncontrolled price). These products are not likely to be affected by problems regarding their supply. Other hormone-free contraceptive devices are freely available without any medical prescriptions (condoms, vaginal pessaries, cervical caps, vaginal sponges, IUDs, coils, contraceptives to be applied locally). Contraceptive devices are considered to be medical devices, therefore, no support may be granted for their purchase. They are freely available without any medical prescriptions and their prices are not subject to regulation.

Access to safe abortion

202. Unless justified by health reasons, an abortion may be performed at the written request of the pregnant woman. The pregnant woman shall present her request for a pregnancy termination to the staff member of the Family Protection Service in person and shall submit the certificate of an obstetrician-gynaecologist diagnosing the pregnancy.

203. In accordance with Act on the Protection of Foetal Life, the system of **Family Protection Services** started its operation in 1993 with the aim of reducing the number of

abortions and facilitating the broad dissemination of information regarding family planning instead of the so called Abortion Committees, associated with bad feelings previously.

204. Family Protection Services provide guidance, offer assistance in resolving crisis situations and organise the dissemination of information on family planning outside of education institutions in Hungary.

205. Consultation with Family Protection Services is voluntary, except for the case when the termination of a pregnancy is being requested due to severe crisis situations, including cases where the pregnancy is the result of a crime. In such situations, in order to ensure the protection of the family and the foetus, the Government has made it compulsory for women to participate in the counselling sessions. When the termination of the pregnancy is not requested due to medical reasons – the health conditions of the pregnant woman or severe damage to the foetus – it is not compulsory for the pregnant woman to consult Family Protection Services.

206. **The amendment of Act on the Protection of Foetal Life, introduced in 2000 and influenced by Decision 48 of 1998 of the Constitutional Court stipulates two counselling sessions to be held. As a result of the Decision, an increased emphasis has been laid on foetal protection** in the course of the counselling sessions offered by Family Protection Services. Based on that, the health visitor employed by the given Service acts as an advocate for the foetus during the counselling sessions, and she shall inform the pregnant woman or the couple about the possibilities of keeping the pregnancy and raising the child, providing them with new perspectives on the issue. However, besides adopting an approach favouring foetal protection, she shall **remain open to the feelings of the pregnant woman, respecting her freedom of thought and self-determination, without placing her under any pressure.**

207. At the first counselling session the pregnant woman and her partner shall be informed about the followings:

- a) possibilities of financial aid and assistance in kind from public and private sources if they decide to keep the child;
- b) existence and activities of organizations and institutions that may provide moral and financial support if they decide to keep the child;
- c) possibilities and conditions of adoption;
- d) forms of support coming from the state, local government or society suitable to resolve the crisis situation, and offers her assistance in utilizing those.

208. At the same time, the pregnant women shall be informed about the possibility to place the child in an incubator located at a public health institution with the intent of consenting to the child's adoption;

- e) conception, foetal development, the dangers of pregnancy termination and its effect on any later pregnancy;
- f) Should the pregnant woman maintain her intention to terminate the pregnancy, she is required to visit the Family Protection Service again on the 3rd day at the earliest following the first session. If the request to terminate the pregnancy is still maintained, a written request is to be submitted to the Family Protection Service on the 3rd day following the second visit at the earliest. Of course, the woman is free to change her mind afterwards as well – right up till the abortion – and keep her child.

209. At the second counselling session the health visitor shall inform the pregnant woman about the followings:

- a) legal conditions governing pregnancy termination;
- b) circumstances and the method of pregnancy termination;
- c) health institutions that perform pregnancy terminations;
- d) determination of the fee involved and the entitlement to social assistance
- e) assistance provided by Family Protection Services after the termination of the pregnancy, and offering advice on contraceptive methods suited to the applicant's personal circumstances at the same time.

210. The participation in the counselling sessions is free of charge and voluntary, therefore, **women may consult any of the Family Protection Services regardless of their place of residence.** In order to avoid waiting time and to provide sufficient time for counselling, Services operate on an appointment system. Appointments may be made in person or by phone.

211. In accordance with the Act CLIV of 1997 on Health, a physician may refuse to treat a patient, if the said treatment is in conflict with the physician's moral outlook, conscience, or religious convictions. The physician may only refuse care if the said refusal will not damage the patient's health, and if he/she refers the patient to another physician, or recommends that the patient see another physician in his/her own interests. **Pursuant to these provisions, should the physician refuse to terminate the pregnancy due to it being in conflict with his/her conscience, he/she is required by law to refer the patient to another physician. Women receive information about alternative options earlier on, during their compulsory visits to the Family Protection Services.**

The security of home deliveries and the recognition of trained midwives as independent professionals

212. The past few years saw remarkable improvement and transformation in the condition of maternity wards in Hungary regarding infrastructure and personnel, offering a number of alternative methods to women in labour. Nonetheless, many pregnant women refuse the idea of giving birth in a medical environment. They have expected the governing bodies of the Hungarian healthcare system to enable them to make a free decision about where to give birth and to implement regulations required for that. Therefore, **in the course of 2011, new legislation offering women the opportunity to give birth at home was adopted, both concerning the conditions of access and aspects of financing.**

213. The rules for giving birth at home are laid down by Government Decree 35 of 2011 (III.21.) on the rules, conditions and grounds for refusal of giving birth outside a medical institution (hereinafter: Decree). Giving birth outside a medical institution is a type of care, a healthcare service in the framework of which a pregnant woman is provided with obstetric and newborn care pre-selected by her earlier on, in a pre-planned manner and in line with the provisions regarding in-patient care as set forth by the Healthcare Act. The Decree determines the set of people who should attend the delivery (an obstetrician-gynaecologist or an appropriately qualified midwife). Moreover, it also defines the concept of the so called "background hospital", which is a hospital to which the mother and the child might be transported within 20 minutes from the location of the delivery, the conditions thereof, the health conditions allowing the woman to receive such services and the grounds for their refusal, indications for hospital admission, the requirements of equipment and hygiene and the documentation required. In the framework of such services, the pregnant woman shall also choose a healthcare provider and appoint a responsible person. Up till the 36th week of the

pregnancy, she may decide whether or not to give birth outside of a healthcare institution. Basic conditions for giving birth outside of a standard institution include: a term pregnancy without any complications, the baby being in the vertex position between the 37th and 42th week of pregnancy and the mother aged 18 - 40 at the time of the conception.

214. There is a possibility of earning a **BSc in Midwifery** in the framework of the **Nursing and Patient Care Bachelor's Programme** within the field of Medical and Health Science according to Decree No. **18 of 2016 (VIII. 5) of the Minister of Human Capacities**. During the training students are prepared to **assume responsibility for their independent activities within and outside the public health-care system (private service providers, birthing centres, giving birth at home)**. The training of midwives in Hungary is in line with the training conditions set forth by Directive 2005/36/EC of the European Parliament and of the Council.

215. The training course **“Modern Health Services within Obstetrical and Gynaecological Care”** has been made available to the members of the Group of Obstetrical Professionals, including topics like the **changes in the Hungarian legal environment of home birth, and the ethical issues of giving birth at home**.

216. **Family-friendly obstetrics** > *see paragraphs 47-49*.

Re 33 -- Women's access to sexual and reproductive health services

Improving the quality of and increase women's access to sexual and reproductive health services

217. In 2017 the Government extended the support for the in vitro fertilization (IVF), as well as reinforced the public institution system for artificial insemination. In public and private institutions included in **public** financing 5 IVF cycles are supported by public financing. According to the modification the number of financed cycles is counted not by patients, but by live birth events. Thanks to the above, **5 cycles can be utilized for the birth of the first child, and – if the first cycle is successful – another 4-4 cycles per child (by live birth event) can be utilized by public financing for additional children. The medication applied during IVF** can be prescribed by institutions with **public financing** capacity by **90 % subsidy** instead of 70 %, and by institutions not having public financing capacity by 55 % subsidy instead of 25%. The Government of Hungary also provided support for the **procurement of medical equipment and instruments** required to perform the IVF service.

Improving women's access to cervical cancer screening

218. **Health visitors contribute to the health preservation of women, mothers and the entire family by providing equal access to hands-on population service and performing health development tasks.** The health visitors with higher educational degrees provide support and development for the health condition of individuals, families and communities, health preservation, illness prevention, promote health recover, prevent the deterioration of health, and also provide mental and social support for the patients. They create trustful relationships with the families, which is the basis of successful cooperation and integration.

219. In order to make it easier for women (especially in rural areas) to access cervical cancer screening, from 2013 the screening is added to the job description of district health visitors who are qualified to provide preventive care to the female population. **The relevant knowledge and skills necessary to provide cervical cancer screening have been included in the health visitors' curriculum.** By reaching out personally to the population and gaining their trust, and by “home-delivery” of the screening, the role of health visitors is vital in organized screening, and it serves the fulfilment of a justifiable individual and social need.

220. **The Government provides vaccines against cervical cancer free of charge for girls aged at least 12 in the 7th grade of primary school.**

Surgical sterilisation

221. According to Section 187(1) of Act CLIV of 1997 on Health, surgical sterilisation which prevents the ability to procreate or to conceive may be carried out at the written request of the person concerned. Persons with full disposing capacity above the age of 18 and persons with limited disposing capacity in any respect above the age 18 may also undergo surgical sterilisation on their request for purposes of family planning, provided, that the person concerned is above the age of 40 or has three birth children of his/her own. A request for surgical sterilisation shall be submitted in the form of an official document or a fully conclusive private document. Having regard to the above, it can be concluded, that Hungary does not have to face issues concerning the **compulsory sterilisation of women with disabilities, as surgical sterilisation may only be performed upon the personal and written consent of the person concerned, so no compulsory sterilisation may be performed in any of the healthcare institutions.**

Adequate and continuous age and gender-sensitive education on sexual and reproductive health and rights

222. As set out by the National Core Curriculum of Hungary, the culture of sexuality is a topic that should be dealt with in all of the primary and high schools. Within the topic of Humans and Human Health, children can acquire basic knowledge about reproduction and ontogeny in each Hungarian school in grades 7-12. They learn about differences between the sexes, secondary sex characteristics, conception and family planning; special emphasis is placed on the basic health rules of sexuality and information concerning mental health and harmonious sexual life.

223. The subject of biology also provides students with an insight into the basic knowledge on medical treatments, such as the importance of screening, self-examination and vaccination. In grades 9-12 students get familiar with topics such as the structure and function of sexual organs and the basic rules of sexual health. They also learn about in utero development, birth, the connection between emotional and intellectual development and the physical and mental characteristics of the process of becoming an adult.

224. **Health education and health promotion are subjects which manifest themselves in the curriculum of both secondary vocational healthcare trainings and their add-on vocational trainings.** In training programmes for Practising nurses and Practising infant and

child nurses, students can learn about sexual and reproductive health within the framework of the individual modules of “Health education and promotion activities” and “Health promotion”. The various modules of healthcare qualifications are specified by Decree No. 27 of 2016 (IX. 16.) of the Minister of Human Capacities on professional and examination requirements for professional qualifications in the field of human capacities, whereas their content is set out by Government Decree No. 217 of 2012 (VIII. 9.) on the competences required for state-accredited vocational qualifications.

225. Health visitors collaborate in the health preservation of children, adolescents as well as health development (educational) tasks. **Health visitors who deal with children aged 6-18 hold classes in the topics of health promotion and sexual education in primary and secondary schools.**

Re 35 -- Economic and social benefits

226. The Central Statistical Office regularly collects data on – among others – the issues affecting the social position of women and presents the findings annually in a pocket book titled Men and Women in Hungary.> *see paragraph 238.*

Pension and social benefits schemes

Women 40 program

227. In 2000, the amendment of Act LXXX of 1997 on Social Security Pension Benefits introduced a new form of early retirement for women. According to that, women who have fulfilled at least 40 years of eligibility period (employment, child raising periods) become eligible for a pension, regardless of their age. The introduction of this scheme was an important tool for compensating elderly women for the disadvantages they had experienced during their careers. Raising children often brings a woman’s career to a break, and as result, the conditions of their eligibility deteriorate. Among the persons retired at the retirement age or above it, the average service period of men always lasts 4-6 years longer than that of women and the average amount of new pension benefits is definitely higher in the case of men. This new scheme has helped to alleviate such disadvantages, **enabling women to retire on more favourable terms regarding age.** The scheme has remained unchanged since 2011, serving as the only form of early old-age pension.

228. The program acknowledges the multiple burdening and engagement of women and also supports young mothers to re-enter the labour market as grandmothers can play a more active role in childcare. Since 2011 242,800 women had the opportunity to retire after 40 years of eligibility period.

Promoting women’s entrepreneurship through special programmes

229. **Road to the Labour Market** > *see paragraph 182.*

230. **The Budapest Enterprise Agency** has been qualified as a European Business and Innovation Centre based on its activities and programmes concerning business innovation and

start-ups, hence strengthening the capital's position within the ecosystem of European innovations and start-ups. The conference titled **Innovative Female Entrepreneurs and Female Leaders in Budapest**, held in March 2017, focused on the young, innovative, self-employed female entrepreneurs under 40 of Budapest.

231. The aim of Economic Development Operational Programme programmes financed in the framework of priority 5 **is to educate young people between aged 18–30, who plan to launch new individual enterprises** to start their own business, as well as to provide financial aid for the initial expenses. These programmes have **contributed to the establishment of numerous enterprises by women**. They were realized from EU resources of HUF 4.5 billion (USD 15,463,000) on a national level, and the preparation programme in the Central-Hungarian region was financed by a HUF 380 million domestic resource. In 2017-2018 **the target group was extended, the available amount was higher** (HUF 4.5 million – USD 15,463), and the conditions became more beneficial. The entire budget was HUF 46 billion (USD 158,065,000), out of which HUF 6 billion (USD 20,617,000) supports the education of participants.

232. The Hungarian business enterprise environment is suitable for women. The research of the World Bank Group stated that **according to the points of Women, Business and the Law index in 2019 our country is in the leading group** with 93.75 points (out of 100), preceding the USA (83.75 points), China (76.25 points), as well as Russia (73.13 points).

Re 37 -- Disadvantaged groups of women

Supporting Roma girls

233. In order to reduce the rate of Roma girls who leave school without having completed a course of study and improve their chances of pursuing continued education, **a new program entitled “Prevention of school-leaving of Roma girls “BARI SHEJ – BIG GIRL – FÁTÁ MÁRÉ”** was launched in the academic year of 2015/2016, the target group of which is **girls aged 10–18** who attend primary or secondary school and face the risk of dropping out. 26 organisations started working, then continued by 21 organisations in the academic year of 2016/2017. During the above mentioned two academic years the programme was carried out from domestic financing with a total amount of **HUF 285 million (USD 979,000)**, thanks to which at least **750 girls** were reached in the most underprivileged settlements. From the 2017/2018 academic year it continues with a longer, 24-month duration **and a budget of HUF 2 billion (USD 6,872,000)** from EU funds out of which 89 winning organisations can realize their activities and at least **1,800 young girls struggling with disadvantages** are improved.

234. The program includes complex personal development elements also beside education:

- mentors (mainly Roma women) are key realizers of the program (individual and family mentoring)
- group activities
- self-awareness, career orientation programmes
- sensitization of local communities
- introduction of exemplary life courses
- social support of girls

235. Between 2015-2019 the education of 85.000 persons among low-skilled workers and those in public employment is carried out in the framework of the priority project.

Migrant and asylum-seeking women

236. Legislation and practices concerning the areas of migration and asylum, and – horizontally – the legal provisions and practices provided for by sectoral policies all ensure, that migrant and asylum seeking women receive appropriate help and they can benefit from the advantages offered by the measures promoting integration and family reunification. **With reference to integration, in the past few years there have been a number of measures specifically designed to promote the integration of women.**

Disaggregated data on the situation of women facing multiple forms of discrimination

237. **During the reporting period, the Central Statistical Office (CSO) introduced important measures for the development of its data collection methods in order to meet the principles set forth by the CEDAW recommendations.**

238. Since the beginning, gender disaggregated data collection has always been included among the basic variables of the data collection processes of the CSO. Therefore, there is information provided regarding the demographic characteristics, economic activity, consumption, income, health conditions, education and time use of the whole population on a regular basis. In its annual publication (Men and Women in Hungary), the CSO presents its findings concerning gender-sensitive issues in the form of gender-disaggregated data and indicators. The latest issue: Men and Women in Hungary, 2016²

239. Questions concerning ethnicity have been also included among the questions of regular population surveys in order to obtain reliable statistical data on **ethnic groups** during the periods between the population censuses carried out every 10 years. In 2013 the biggest regular, interview-based population survey, the so called Labour Force Survey, was extended to include questions concerning ethnicity as well. Since 2014 questions regarding ethnicity have also formed an integral part of the “Household Budget and Living Conditions” survey. In 2016, among others, ethnicity disaggregated data were included in the multi-year Adult Education and Health Surveys too, as part of a significant microcensus programme involving 10% of the whole population.

240. As illustrated by Table 6 in the Annex, **female employment among Roma women rose by almost 20 percentage points between 2013 and 2016.** Although this improvement outweighed the figure concerning non-Roma women, the rate gap between Roma and non-Roma women was 37.3% in 2013, whereas this difference shrank to 26.2% by 2017.

241. The differences between the employment rates of men and women are considerably bigger in the case of Roma people, than those characterising the majority of the population. The employment of Roma women is hindered not only by traditions, but by the number of children which is usually higher in Roma than in non-Roma families. As the result of the improvement of the employment rate and the decrease in the unemployment rate, in the period

² http://www.ksh.hu/apps/shop.kiadvany?p_kiadvany_id=1001137&p_temakor_kod=KSH&p_lang=HU

between 2014 and 2017 the share of people aged 18-59 and living in households without employed persons reduced to about 20% among Roma people.

242. The regular monitoring of the living standards characterising Hungarian households is conducted within the framework of the Statistics on Income and Living Conditions survey. 19.6% of the whole population were at the risk poverty or social exclusion in 2017 (one fifth of all women and a bit less, 18.9% of men). **In 2017, the role of the improving trends of the country (as compared to previous years) could be also observed concerning the improvement of the living standards of Roma people. Nevertheless, the rate of people at the risk of poverty or social exclusion was still 67.8% (and 69.3% among women).**

Re 39 -- Marriage and family relations

The definition of family

243. As for family ties, Article L of the Fundamental Law of Hungary emphasizes the concept of marriage and the relationship between parents and children. Such a definition is in conformity with the case law of the Hungarian Constitutional Court and it was outlined at the start of the Constitutional Court's operation already which stated that *“marriage and family constitute the most essential and most natural form of community for the citizens of a society.”* [Decision No.4 of 1990 (III. 4.) of the Constitutional Court]

244. The Fundamental Law of Hungary declares that family ties shall be based on marriage and the relationship between parents and children. However, this provision may not be considered as the definition of the concept of the family, as it only sets out the basis of family relationships, making it obvious, that **such a rule may not exclude the legal protection of family relationships in a broader sense.**

245. In its Decision of No. 43 of 2012 (XII. 20) the Constitutional Court stated, that Article L of the Fundamental Law acknowledges the distinction among the various forms of permanent emotional and economic communities not in a way which would restrict or prohibit certain forms of cohabitation with the aim of preferring a specific form, but in a way which, besides complying with the obligation of providing equal protection, recognises the set of instruments offered by the state to provide benefits in the framework of family support institutions in accordance with the provisions of the Fundamental Law of Hungary.

246. In the same Decision the Constitutional Court set forth that *“It does not follow from Article L of the Fundamental Law of Hungary (...) that the obligation of objective institutional protection of the state would not equally apply to, for example, those partnership relations where the couples raise and take care of each other's children, those opposite-sex couples who do not have any children or are not able to have any children because of other circumstances (...), grandparents raising their grandchildren, persons taking care of older (...) and to the many other forms of permanent emotional and economic cohabitations within the sociological definition of family which has common objectives, based on mutual care and meeting the definition of family in the sociological, more dynamic sense of the word, irrespective of their title defined by law. The legislator shall not (even implicitly) reduce the level of legal protection (institutional protection) defined in other*

norms of other branches of law by offering a general, or in this specific case, rather narrow definition of family, as also set forth by Fundamental Law of Hungary.”

247. **This interpretation provides for the protection of families in compliance with the spirit of the Fundamental Law as well as with international legal obligations and other rights** (e.g. the right to respect of private life).

248. Family law is discussed by *Act V of 2013 on the Civil Code* (hereinafter: Civil Code) in its Fourth Book. The Civil Code *does not even provide a definition for family*. The Book of Family Law contains four principles, out of which one concerns the protection of the institution of marriage and the family. This kind of protection applies to the relationships governed by the Book of Family Law, as the scope of the Civil Code's the Book of Family Law *does not only concern relationships based on marriage, consanguinity or adoption*, but the **so called de facto family relationships as well**. The protection of family relationships means that Family Law protects family as a network of relationships. Pursuant to that, the Book of Family Law **includes provisions** not only **applying to** marriage, descent, adoption and parental custody as family relationships, but to the **so called de facto family relationships** as well, such as the relationship between a child and the persons de facto caring for him/her or civil partnership.

The legal age of marriage for women and men

249. The legal age for marriage is **set at 18 by Section 4:9 of the Civil Code, irrespective of the sex of the person concerned**, also adding, that above the age of 16, minors may also enter into a marriage with the prior consent of the Guardianship Authority. In accordance with the Civil Code, the Guardianship Authority shall interview the parent or guardian before deciding on the granting or refusal of the authorization. The conditions pursuant to which the Guardianship Authority may authorize a minor to enter into a marriage are set forth by Government Decree 149 of 1997 (IV.10) on Guardianship Authorities, Child Protection and Custody Procedure. The request for authorisation is to include a certification from the **General Practitioner** of the person concerned, confirming that the minor's physical and mental development is at a stage which qualifies him/her to enter into a marriage. The couple shall also attach their income certificates to the request, or a statement, from which it might be concluded that the **subsistence and accommodation of** the parties above the age of 16 and their existing **children** or children to be born before they reach the age of 18 **will be provided after the conclusion of the marriage**. If necessary, they shall also attach a **certificate proving that they have attended the counselling sessions of the Family Protection Service**. The Guardianship Authority may only grant prior authorization for the marriage, if all the conditions set out above are met, the conclusion of the marriage is in the minor's interest and if the request for authorisation has been submitted by the child at his/her free will and without undue influence by others.

250. Based on the data gathered of the Central Statistical Office, in 2017 the first instance Guardianship Authority received 511 requests from minors asking for their consent to a marriage, out of which consent was granted in 446 cases, and 50 of them were refused.

Re 43 – Ratification of other treaties

251. Hungary ensures the protection of the human rights and fundamental freedoms of women in compliance with the provisions set forth by international conventions signed and ratified by the country and its domestic law. Hungarian legal practices and legislation satisfy the criteria laid down by the proposals, and do not require any amendments.

Re 44 -- Follow-up to concluding observations

252. As requested, detailed information was submitted in 2015 concerning the steps aimed at the implementation of the recommendations contained in paragraphs 21(a), (b) and (g); 31 (b) and (c) and 33 (b) of the concluding observations.