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NETWORK WOMEN'S PROGRAM
VAW MONITORING PROGRAM

V I O L E N C E
A G A I N S T
W O M E N

DOES THE GOVERNMENT CARE
IN
HUNGARY?

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and Fact Sheets

from
Central and Eastern Europe,
the Commonwealth of
Independent States,
and Mongolia

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Preface

“...states have an obligation to exercise due diligence to prevent, investigate and punish acts of violence, whether those acts are perpetrated by the state or private persons, and provide protection to victims...”

(Recommendation No. R (2002) 5 of the Committee of Ministers of the Council of Europe to member states on the protection of women against violence)

Violence against women is a global epidemic, constituting the serious violation of women’s human rights and fundamental freedoms. Combating this phenomenon has been one of the main priority areas of the Network Women’s Program (NWP) of the Open Society Institute since its establishment in 1998.

NWP’s main activities in this field included initiating, managing and supporting several international projects,¹ by acquiring and transferring knowledge throughout the regions where OSI has traditionally worked.² The activities of NWP in the field of violence against women were transformed into a separate program, the Violence against Women (VAW) Monitoring Program, which operated until the end of 2006.

A main focus of the Program was introducing and managing the Stop Violence Against Women (STOPVAW) website,³ and establishing the National Violence against Women (VAW) Monitor Network. The website was developed by Minnesota Advocates for Human Rights in 2003, with the support of NWP and UNIFEM. Subsequently, in May 2004 NWP initiated the National VAW Monitor Program by

¹ Such as the “16 Days” Campaigns against Gender Violence, and the Coordinated Community Response to Violence against Women (Duluth Program). The “16 Days” Campaigns Against Gender Violence program supported NGOs in 19 countries of the Soros foundations network to organize national public awareness campaigns on violence against women. NWP and the OSI Network Media Program provided grants, along with training workshops, in order to build the capacity of women’s NGOs and media experts, and to improve the quality of the media campaigns. Grants were offered exclusively for cross-country cooperation in 2003.

In introducing the Duluth Model, an innovative community-coordinated strategy, NWP organized several training workshops for national teams from 16 countries as well as special training for police officers and other law enforcement professionals, and supported the adaptation of the model for several years.

² These are the countries of Central and Eastern Europe and the former Soviet Union.

³ See: www.stopvaw.org.

establishing a network of NGOs from 24 countries. Non-governmental organizations in the fields of violence against women and gender equality take on the role of National VAW Monitors and facilitate the continued development and maintenance of the English and national-language Country Pages of the STOPVAW website.

The responsibilities of the National Monitors include the monitoring of government compliance with international obligations and the distribution of information to the international community about the successes and failures of their governments in combating violence against women. The website and the Network are active forums for information sharing, knowledge transfer, and advocacy work.

At the end of 2005 a new, comprehensive Survey to Monitor Violence against Women was initiated by NWP, inviting the National VAW Monitors and other experts to map the situation on violence against women in their respective countries, with special regard to state responses. The survey methodology prepared for the Monitors and experts to follow built upon the Council of Europe Committee of Ministers' Recommendation No. R (2002) 5 on the protection of women against violence. The goal was to collect concise and comparative information from those who are in the field, as a basis for further analysis and update. Another aim was to contribute to the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence.

By following the words and spirit of the Recommendation of the Council of Europe, the examined fields include, among others:

- responsible government bodies and their mandates regarding violence against women;
- action plans and their implementation;
- state budgets to combat violence against women, including support for NGOs;
- laws, regulations, and codes of conduct;
- services and assistance to victims (shelters, hotlines, crisis centers, legal aid, etc.);
- training and education at all levels;
- role of the media;
- awareness-raising activities; and
- research and statistics.

As a result of the monitoring survey, Country Fact Sheets and Country Monitoring Reports were prepared. These Fact Sheets and Country Reports issue a non-

governmental assessment of the countries' situation in the above fields, and formulate clear recommendations to the governments.⁴

Data collection for the monitoring survey was closed on December 1, 2006. Updated information on further developments in the efforts to combat violence against women in the countries concerned is available on the STOPVAW website.

We hope that both the Fact Sheets and Country Reports will be useful advocacy tools at the national and international levels, and that, by generating legal and policy changes, they will urge the states to fully meet their international commitments to combat violence against women.

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⁴ The reports are available online at www.soros.org/women and www.stopvaw.org/Country_Pages.

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1. STATE MECHANISMS OF COMBATING VIOLENCE AGAINST WOMEN

1.1 National institutions or government bodies responsible for policy coordination and implementation

As a result of the Beijing World Conference, gender equality machinery was introduced in 1995 within the Ministry of Labor as the Secretariat of Women's Policy, which was later transformed into the Office of Equal Opportunities. Government Resolution No. 107 of 2003. (VII. 18.) on the Tasks and Competence of the Minister of Equal Opportunities without Portfolio, introduced a new governmental body responsible for the elimination of all kinds of discrimination against women and other minority groups. As of October 2004, the Government Office for Equal Opportunities merged into the Ministry of Youth, Family, Social Affairs and Equal Opportunities, operating as the national machinery for gender equality. The Ministry was responsible for the development, monitoring and evaluation of the implementation of the *National Action Plan for Gender Equality*, the promotion of strategic aims in the field of equal opportunities for men and women within the governmental activity and the implementation of the CEDAW Convention and international reporting tasks.

Since the elections in 2006, the gender equality machinery is part of the Ministry of Social Affairs and Labor. In the Ministry's structure, there is a main Department of Equal Opportunities. In the new structure, the national machinery is placed in a lower level in the hierarchy than before, because the Department of Gender Equality is under the main Department of Equal Opportunities. Government Decree No. 170 of 2006 (VII. 28.) on the Tasks and Authority of the Minister for Social Affairs and Labor states that the Minister is responsible for the enforcement of gender equality, and as part of this responsibility, contributes to the implementation of tasks on combating domestic violence. Article 39(3) of the Ministry's Regulation of Operation says that the Department operates the institutional system for the prevention and treatment of domestic violence, and it implements tasks regarding the prevention and suppression of trafficking and prostitution.

Regarding violence against women issues, in January, 2004, the Government Office for Equal Opportunities launched a pilot crisis service center for battered women and children. The center provided personal and via telephone integrated, multi-sectoral service for victims of domestic violence. After almost one year of operation, the center was replaced with a 24-hour telephone service for people in general crisis situations, with a totally new staff who lack a previous professional background. The activity of the information service is now restricted to providing information by telephone.

The yearly budget does not contain a specific line item within the general budget of the Ministry of Youth, Family, Social Affairs and Equal Opportunities (and its successor, the Ministry of Social Affairs and Labor) for either activities against violence against women or for the telephone service operated by the current Ministry. Organizationally the OKIT⁵ telephone line belongs under the National Family and Social Policy Institute, which, in turn, belongs under the ministry, thus the budget is likely to be built into the overall budget of either the ministry or the institute but no data is available on the amount.

The Act on Equal Treatment⁶ created the Equal Treatment Authority as another state body responsible for gender equality. However, the Act lists gender as one of numerous other protected groups. According to the Equal Treatment Authority's website, within their first year of operation, it received only one complaint of gender-based discrimination and that claim was rejected due to lack of jurisdiction. For the year 2006, the Equal Treatment Authority had 202 million forints (804,780 euros) in the budget. There is also 949.5 million forints (3.8 million euros) set apart in the annual budget for the promotion of equal treatment and equal opportunities, however, it is not specified what exactly is included here.

There is no governmental coordination institution, or body in charge of the implementation of measures to combat violence against women. There are principles declared in various legal documents on the importance of integrated, multi-sectoral cooperation; however, there is no institution appointed to coordinate these activities.

1.2 National action plans and other policy documents

As a result of the Fourth World Conference of Women, the Hungarian government accepted Government Resolution No. 2174 of 1997. (VI. 26.) This text refers to the Beijing Platform for Action, which sets strategic objectives and calls for action by governments, intergovernmental organizations and other institutions to promote and protect women's human rights and to achieve "the empowerment of all women." The Government Resolution defines tasks assigned by the Platform of Action, such as setting up legal aid services for women, publishing a handbook about the national and international laws for women and legal reforms in favor of the achievement of gender equality, etc. The Resolution also assigns these tasks to the Ministries in charge of the implementation and deadlines for these tasks. Unfortunately, all deadlines are overdue since 1998; and a new action plan still has not been adopted.

⁵ National Crisis Intervention and Information Helpline.

⁶ Act CXXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities.

Apart from the action plan of the Hungarian implementation of the Beijing Declaration, a *Crime Prevention Strategy* was passed by Parliament as a Parliamentary Decision in 2003. In 2004, 2005 and 2006 respectively, the government adopted two separate *Action Plans* based on the *Strategy* in the form of Governmental Decrees. The *Crime Prevention Strategy* contains a separate chapter on domestic violence, which summarizes the current situation and international expectations on the topic, sets forth the cooperation among stakeholders, assigns tasks and various levels of action, and outlines expected results.

Finally, the Parliament accepted its Resolution No. 45 of 2003 on establishing a national strategy for the prevention and successful handling of domestic violence on April 16, 2003. The Resolution of the Parliament compelled the government to establish a national network of crisis centers and women's shelters, and to train professional service providers who come into contact with such clients. The Resolution also called upon the government to enact new legislation on protection orders in order to provide battered women with an immediate measure to ensure their safety, and on victim protection and anticipatory procedure. Although the Resolution of Parliament set a deadline for actions by government officials, as of today, most of the tasks listed in the Resolution still have not been executed. The only crisis center in the capital has been partially shut down, and no shelters have been established. The ministry usually refers to a newly established network of four places per county specifically reserved for victims of domestic violence in crisis. The network comprises of Temporary Family Homes and was established in 2005 by a closed call for proposals. The establishment of the network did not include consultation with the NGOs dealing with domestic violence victims. The legislation on protection orders has been delayed and attacked for allegedly contradicting the Constitution. As a result, a weak, inappropriate law was passed in February 2006.

There are no special rules for reporting on the implementation of the action plans at the national level. In addition, allocated budget items are also missing. Hungary has international reporting obligations every five years regarding the execution of Government Resolution No. 2174 of 1997. (VI. 26.). The last state report was submitted in 2005. In the state report, the Ministry of Youth, Family, Social Affairs and Equal Opportunities portrayed an unrealistically perfect picture of gender issues.

1.3 State monitoring of existing legislation and policies

There is no state obligation to make a systematic review of existing legislation and policies of violence against women. Specific monitoring system at the national level by either the government or NGOs regarding the gender equality machinery does not exist. Some information can be collected from the state reports required by international human rights treaties.

1.4 State budget earmarked for combating violence against women

There is no separate budget allocated for the fight against violence against women in the Hungarian budgets. Neither violence against women nor domestic violence is mentioned in the 2006 state budget. There is 248 million forints (988,000 euros) budgeted for crime prevention within the chapters of the Ministries of Home Affairs and Justice.

1.5 State financing system to compensate victims

Act No. CXXXV of 2005 on the Assistance of Victims of Crimes and the Mitigation of their Damages created the legal basis of providing financial assistance to victims of crimes in cases where they are indigent (the total budget for 2006 for this is 132 million forints, or 526,000 euros).

1.6 Recommendations of the UN CEDAW Committee to the state and their implementation

In its concluding comments of the combined fourth and fifth periodic reports of Hungary (2002), the UN CEDAW Committee expressed concern that there was no legislative definition of ‘discrimination against women’ and national laws did not provide remedies to redress violations of women’s rights. The committee was also concerned that the national machinery lacked sufficient power and financial and human resources to promote the advancement of women and gender equality. The committee also noted that the Ombudsman had not made efforts to initiate legislation or regulations concerning gender issues. The committee expressed concerns about traditional stereotypes regarding the roles and responsibilities of women and men, which dominate the family and society at large. It was also concerned that no specific legislation had been enacted to combat domestic violence and sexual harassment, and that no process for protection or exclusion orders or shelters existed for the immediate protection of women victims of domestic violence. The committee was also concerned that regulations establishing so-called “zones of protection,” where prostitution was prohibited, and “zones of tolerance,” where prostitution was permitted, might be rendering the exploitation of women in prostitution difficult to punish and thereby worsening their situation.

Finally, the committee was concerned that the Hungarian Criminal Code treated sexual crimes as crimes against decency rather than as violations of women’s rights to bodily security. The definition of rape, including that within marriage, as well as the law on seduction of girls below the age of 14 years, are based on the use of force rather than the lack of consent. The committee was also concerned that Hungarian law

permitted early marriage of girls between the ages of 16 and 18 in certain circumstances.⁷

As a matter of legislation, regarding discrimination against women, the Act on Equal Treatment and the Promotion of Equal Opportunities (Act No. CXXV of 2003) mentions gender-based discrimination as only one of several grounds of discrimination (e.g., race and ethnicity, age, disability, family status, sexual orientation). Another weakness of the law is that its effect is restricted to the public sector and a very limited area of the private sphere (employment), but it does not extend to family relationships and relationships between relatives. Due to its general form, the Act of Equal Treatment cannot take into consideration the specific nature of discrimination against women. As a result, the Equal Treatment Authority has had only one case of discrimination against women in a year and a half of operation.

The State has created the ability to institute an exclusion order against perpetrators of domestic violence; however, in its present form it is not able to provide immediate and effective protection for victims. Women NGOs have expressed the most severe criticisms: instead of the police, it is the judge within criminal procedures who may issue the order of protection, for which no deadline is set, and it does not cover the cases which do not at the moment qualify as criminal acts, or if there is no criminal procedure in the case, for example for lack of a private motion which is required in “less serious” offences. The law itself does not mention the term ‘domestic violence’, and the law does not specify several important aspects, for example, what distance the restraining order covers, or whether it extends to the children and other relatives of the victim. The restraining order can only be applied for a maximum of 30 days, and no extension is allowed.

Apart from the above, there are no further steps of implementing the Recommendations of the CEDAW Committee.

⁷ Furthermore, the Committee’s concern covered the low representation of women in high-level elected and appointed bodies and in diplomatic service. The committee noted women’s disadvantaged position in the labor market, which was manifested in employment, segregation and payment. Another concern of the committee was the high rate of abortion among women and the possible connection to difficulties in accessing family planning methods and the prohibitive cost of contraceptives.

2. LAWS FOR THE PROTECTION OF WOMEN FROM ALL FORMS OF VIOLENCE

2.1 Laws addressing violence against women or its different forms. Restraining or protection orders

There is no specific legislation in Hungary covering all forms of violence against women. Furthermore, no specific acts focus on the various forms of violence. Legal regulations related to violence against women are embedded in different general laws.

According to Act No. XCI of 2005 amending the Criminal Code, it is now possible for the court or the prosecutor to prescribe that the perpetrator is restrained from contact with the aggrieved party of the criminal act, from his/her home, workplace and the educational institution attended by the aggrieved party. The restraint is listed among the rules of behavior ordered in the framework of the supervision by the probation officer. Rules of behavior can be prescribed in cases of sentencing the perpetrator to suspended imprisonment, release on probation during the execution of a prison sentence, release on parole, or postponement of indictment. The restraining order is regulated in one single sentence, which is insufficient to introduce a new legal instrument to the legal system. Since September 1, 2005, no cases are known in which a restraining behavior-rule was issued by a court or the prosecutor based on this new possibility.

Apart from the above-mentioned Act, the Government submitted an amendment to the Code of Criminal Procedure to the Parliament in November of 2005. Women NGOs expressed their objection in a petition and asked the MPs to reject the proposal in its current form since it only introduced restraining orders in the criminal procedure phase for a maximum of 30 days. (These NGOs were not routinely consulted during the legislative process and their opinions were, for the most part, not integrated.)

As of July 1, 2006, the provisions on “restraining orders” were introduced into the Code of Criminal Procedure.⁸ The original deadline set forth by Parliament Resolution No. 45 of 2003 for this specific piece of legislation was March 31, 2004. The restraining order in its present form does not provide effective protection for victims; in fact, it adds virtually nothing to previous legal possibilities. Instead of the police, it is the judge who issues the order, and only in cases where there is an ongoing criminal procedure (that is, if the victim has pressed charges). Moreover, there is no deadline or time span specified for the judge in issuing the order. The law does not mention the term ‘domestic violence’, and does not specify important aspects of protection (for

⁸ Act XIX of 1998 on the Code of Criminal Procedure, Articles 138/A, 138/B, and 139.

example, keeping distance). The order can only be applied for a maximum of 30 days and no extension is allowed.

2.2 Applicable provisions in criminal law

2.2.1 Criminal offences

The Criminal Code includes sections on physical, sexual and even verbal (defamation) assault, but none of these sections have proven useful in combating the different forms of systematic abuse usually suffered in cases of domestic violence or other forms of violence against women. The language is gender-neutral, and the specific crimes do not take the recurrent and escalating nature of violence against women into account.

Section XIV, Part II of the Penal Code stipulates “Offences against the sexual morale.” Rape is punishable under Article 197 of the Penal Code for two to ten years of imprisonment, in case of “force or direct threat against the victim’s life or bodily integrity.” With an amendment to the Penal Code in 1997 marital rape is included in the definition of rape.

Article 175(B) of the Penal Code punishes the sale, purchase, conveyance of or trafficking in persons by up to three years imprisonment. If aggravating factors are present, the sentence may increase to a maximum of life imprisonment. In addition, it is a misdemeanor to conduct preparations for purposes of trafficking in persons (Article 175(B)(6) of the Penal Code).

The Criminal Code does not prohibit sexual harassment in the workplace. However, with a flexible method of law application, sexual harassment can constitute slander, a violation of provisions of the Civil Code related to the rights to the person and some general provisions of the Labor Code, like prohibition of discrimination, proper exercise of rights, etc. Defamation statutes may also be used to punish non-violent acts of sexual harassment. Article 10 of Act No. CXXV of 1993 on Equal Treatment provides a general definition of harassment not limited to sexual harassment.

Section 226 of the Criminal Code defines maltreatment in official proceedings as follows:

“The official person who commits assault upon another person during his proceedings, commits a misdemeanor, and shall be punishable with imprisonment of up to two years.”

Forced interrogation by an official is regulated as well:

“The official person who – with the aim of forcing a confession or declaration – applies violence, menace, or other similar methods, commits a felony, and shall be punishable with imprisonment of up to five years.”

2.2.2 Criminal procedures and prosecution

Anticipatory treatment is only available for minors as of January 1, 2005 in cases where they are victims of crimes against life, bodily integrity and health or crimes against marriage, family, youth and sexual morals. In addition, priority treatment applies to cases of crimes against the person committed by a third party impairing a minor, if the interest of the minor requires the urgent closing of the criminal procedure (that is, if the accused person is obliged to conduct the education, supervision of, or care for the minor, or lives in close proximity to the minor). The rules of protecting the witness of a crime could be applied to women victims of violence in theory, but in practice, the protective measures are not used due to their high expense. Most criminal cases of violence in the family are persecuted upon private motion. In the procedure of private motion, a personal hearing is held by a court, wherein the accuser and the accused parties confront each other. This procedural regulation prevents numerous women from initiating criminal proceedings.

The Criminal Code defines those acts of crimes that are only punishable on the basis of a private motion. These crimes are selected either because of the personal characteristics of the acts (family relations) or due to the inconvenient treatment within the procedure (sexual crimes).⁹ The private motion must be submitted within 30 days from the date that the injured party obtains knowledge of the identity of the perpetrator. In all the other cases, *ex officio* prosecution takes place.

The police should record all information submitted either orally or in writing. Investigations can be refused, if the lack of crime, lack of suspicion of a crime, grounds for the preclusion, termination of punishability or other obstacles to criminal prosecution can be assessed from the accusation.

The Hungarian Criminal Code does not qualify criminal acts committed against women in intimate relationship as either aggravating or mitigating circumstances in deciding about prosecution, or in sentencing.

⁹ This explanation occurs in both commentaries and legal textbooks. With this selection, instead of creating an environment where reporting such cases does not automatically result in secondary victimization at the hands of authorities, the legislator placed the burden of initiating the procedure on the victim.

2.3 Applicable provisions in civil and family law for cases of violence against women

There are no special provisions in the Hungarian civil/family law stipulating special provisions, procedural orders, actions or deadlines in cases of violence against women. Civil procedural law with respect to the dissolution of marriage, the division of property or lawsuits concerning children does not acknowledge violence.

The Government Resolution No. of 1074 of 1999 (VII.7) provides the legal basis for compensation for damages only for the victims of crimes and of their relatives. It is primarily intended to compensate for the return of damaged property.

The Family Law does not contain specific provisions regarding any form of violence against women. The only reference in Act No. IV of 1952 on Family Code is in section 31/B(4): “The court divides the use of a flat in common use or common lease if the ground space, the layout and the number of rooms make it possible. *The use of the flat cannot be divided if, based on the previous behavior of the spouse, the common use would severely infringe upon the interests of the other spouse or the minor.*” Article 31/C(1) of the law also states that “The spouse leaving the flat is entitled to a sum equivalent to the value of his right to flat use.” In connection with this, Court Decision No. 61 of 2002 states – in opposition to a previous decision – that “The spouse leaving the separate, individual property of the other spouse without any intention of returning is also entitled to a pecuniary compensation of his/her right to flat use, if the leave was the consequence of the rude, aggressive behavior of the other spouse.”

A court places a child with the parent who best ensures the child’s good physical, psychological and moral development. Directive No. 17 of the Supreme Court (modified by Directive No. 24) gives guidelines to the courts on the subject of the placement of children. “The irresponsible behavior that disunited the family, coupled with leaving the child without any reason questions the parent’s personal and moral suitability to raise the child. To properly enforce this principle, however, the court has to make efforts to reveal the factors leading to the breakdown of the marriage. If the person left behind by the spouse caused the disruption of matrimony and the leaving of the spouse by his/her own intolerable, loveless behavior, or even more, by physically abusing the spouse or by any other form of intolerable behavior (e.g., repetitive humiliation, putting her/him to shame, cruel selfishness), this – in the context of all the circumstances – may prove this person’s unsuitability to raise the child.”

By the separation, the right to custody – apart from crucial questions about the life of the child – is held by the parent with whom the child is placed by the court, unless otherwise agreed by the parents. The right to visitation is defined as the right of the child and the right and obligation of the parent to keep in contact after the separation. In practice, visitation cannot be suspended on the basis of violence against the mother

or the child committed by the father. There is no unified court practice as to whether visitation can be restricted or ceased independently, without affecting the right to custody. The right to custody can only be abolished if a parent is condemned for endangering the minor (Article 195 of the Criminal Code). Despite numerous decisions of the Supreme Court, the practice of the judiciary is ambiguous in labeling violence against the mother as a form of endangering the minor. A recent court decision (No. 321 of 2005) has stated that a minor can be endangered without direct physical abuse of the child.

Within the frame of civil procedures, such as actions of divorce or child placement, a court usually does not examine the occurrence of domestic violence. Thus, abused children are often at the mercy of their aggressive fathers at visitation. In autumn 2005, the Hungarian Parliament adopted an amendment of the Criminal Code, declaring it a crime for parents to impose obstacles against the other parent's exercise of visitation rights. In the newly adopted paragraph, effective as of September 1, 2005, there is no distinction made between regular cases and issues involving domestic violence. Mothers who defy visitation orders by not sending a child to see his or her abusive father may end up in prison for a maximum of one year. The problem is very real, as Hungarian judges rarely stop abusive fathers from seeing their children, even if the child is explicitly asking (or in some cases begging) for this during the trial of custody and visitation rights.

2.4 Victim protection and protection of witnesses

Government Resolution No. 1074 of 1999 (VII. 7.) orders "legislative and other measures to be taken in the interest of the protection of the victims of crimes and of their relatives." and the Parliament Resolution No. 45 of 2003 (IV. 16.) requires the establishment of a national strategy for the prevention and successful handling of domestic violence. These Resolutions require the Government to "reinforce the existing witness protection rules and to introduce further witness protection rules in order to provide adequately efficient protection of the personal safety and human dignity of victims and witnesses of domestic violence" no later than March 31, 2004. Despite the aforementioned, no advancement has been made regarding victim protection. On the contrary, as of 1st April 2004, Directive No. 34 of 2002 of the Minister of Interior on the subject of enhancement of effective measures to protect victims of crimes, specifically those of domestic violence, was abrogated.

The current victim protection system has three legal sources: (1) certain rules in the Code of Criminal Procedure; (2) Act No. LXXXV of 2001 on the Protection Program for Participants of Criminal Procedure and Assistants of Jurisdiction; and (3) Government Resolution No. 34 of 1999. (II. 26.) on the Rules of Execution of Personal Protection for the Participants of Criminal Procedures and Members of the

Authorities Involved. The common goal of all of these is to protect the object of the criminal procedure instead of providing general protection for women and children victims of violence. Another key issue is that special victim protection measures are extremely expensive. Therefore, these instruments are limited to proceedings considered of high importance (for example, those involving politicians, or members of a conspiracy). In criminal procedure, the personal data of a witness can be handled in private, but, apart from extraordinary cases, his/her name is a matter of public record.

Though police claims to have several rooms in different police stations in the country specifically created for the interrogation of child victims of sexual or physical abuse, according to the information available they are rarely used. The hearings of children in cases of sexual abuse against children are not audio- or video-taped. On the other hand, experts make selective notes, seemingly often based on their preconceptions, of the confessions of the victims in highly serious cases of abuse against pre-school female children. In these cases, mothers ask the experts in vain to audio- or video-tape the confession of the girls. The experts do not fulfill these requests at their own discretion.

The Ministry of the Interior is currently preparing an amendment to the Act of the Police to make it possible to arrest the perpetrator for eight hours without warning in cases of infractions within the family.

In December 2005, one regional court introduced a “witness room” to keep the offended parties isolated from the perpetrator. If this pilot project is successful, other courts are supposed to introduce similar witness rooms as well. A camera room or videotaped hearing can be arranged for the interrogation of:

- a witness under fourteen years of age;
- a victim of a crime against life, bodily integrity and health or a crime against marriage, family, youth and sexual morals or other violent crime against the person;
- a victim who is in poor health or other difficult circumstances;
- a participant in the victim protection program; and
- a witness or culprit whose presence would endanger the public security.

The new law on public administration procedure¹⁰ also introduces the closed data management of the witness. Upon the appeal of the witness, the representative can order to restrict the free access to the natural identification data of the witness or the initiator of the process.

According to Articles 502 and 503 of the Code of Criminal Procedure, in the private accusation criminal procedure, a personal hearing must be held by a court, whereby the

¹⁰ Act No. XCL of 2004, effective as of November 1, 2005.

accuser and the accused parties confront each other. This procedural regulation prevents numerous women from initiating criminal proceedings.

There are no special regulations included to avoid secondary victimization, not even in cases of child victims. There is no obligatory limit of the number of hearings during the legal action. There is only one rule in this respect: women victims of rape should be interrogated by a female police officer.

There is no special data protection law for violence against women. Article 63 of Act No. LXIII of 1992 on the Protection of Personal Data and the Publicity of Public Data states: "Personal data can be used if (a) the concerned party gives his/her consent, (b) it is ordered by law or by a municipal decree passed in compliance with a law in the defined area." The Act secures as a guaranteed rule that "Personal data can solely be used for a defined purpose, to exercise a right and to meet an obligation. Data use has to meet this requirement at every stage. Only personal data indispensable and suitable to meet the purpose of the activity can be used to the extent and for the length of time necessary to meet the purpose." Data can be transferred and various forms of data use can be linked only with the consent of the concerned party, or if it is allowed by law, or if all the conditions of data use are met with respect to each and every data. Furthermore, the Data Protection Act allows judicial vindication against the data processor for cases of violation of the rights of the persons. The Commissioner of Data Protection, appointed by the Parliament, serves to protect the constitutional right connected to personal data. From a practical point of view, two problems occur in connection with data protection. On one hand, different authorities refuse multi-agency cooperation by referring to the law on the protection of data and personal secrets, thus constraining effective action against crimes against women. On the other hand, authorities (for example, courts), often announce the personal data of the victims to the perpetrator during the procedure, not taking security aspects into consideration. In the course of a criminal procedure, the law provides for the possibility of handling data (for example, address) securely. However, there is no possibility provided for that in the civil procedure.

By law, professionals are obliged to waive professional confidentiality if they learn of cases of children subject to sexual violence in the course of their work. In practice, however, this principle is usually not adhered to, and professional confidentiality is used mainly to eliminate involvement in any legal procedure.

There are no special provisions in the law regarding the defense of the professionals and service providers dealing with violence against women cases.

As it was mentioned above, anticipatory treatment may be applied for minors as of January 1, 2005 in cases where they are victims of crimes against life, bodily integrity and health, or crimes against marriage, family, youth and sexual morals. In addition, priority

treatment applies to cases of crimes against the person committed by a third party impairing a minor, if the interest of the minor requires the urgent closing of the criminal procedure (e.g., the accused person is obliged to conduct the education, supervision of or care for the minor or lives in the near environment of the minor). The court can order a closed session on demand in favor of the minor participant in the procedure. The court's interrogation of the minor witness can be performed by a private telecommunication system (in-camera hearing), which makes it possible for the minor's oral testimony to be broadcast by video, and the minor does not need to be present at the trial. During the testimony, the minor witness and the perpetrator stay in separate locations of the court. A minor should be represented by his or her legal representative in the proceedings. If the culprit committed a crime against his/her own child, the prosecutor may propose the cessation of his custody. The minor should be summoned via his caretaker, but the law does not ensure that children should be accompanied at all hearings by their legal representative. It is also recommended to avoid interrogation of children under the age of fourteen, unless their testimony is critical. Children under the age of fourteen years of age can only be confronted if the confrontation does not cause them any fear. A judge can question a minor under the age of fourteen outside the trial if a formal interrogation is likely to be harmful to his or her development. If a minor under the age of fourteen has been interrogated during the investigation phase of the procedure, he cannot be summoned for the hearing. In cases involving the testimony of a minor under the age of fourteen, the legal representative can be present as well.

2.5 Legal assistance and representation for the victims of violence against women

Free legal aid and the possibility of assuring legal representation and assistance, when required, is not provided for victims participating as the injured party in a court procedure. Act No. LXXX of 2003 on Legal Aid is not sufficient to provide legal service to women victims of violence. Firstly, it is not effective in cases of civil lawsuits. The Act limits the possible actions in which legal counseling is provided, including preparing submissions to initiate a criminal procedure for the offended party. It excludes legal aid for the perpetrators of crimes. In cases of violence, abused women are mainly the injured party. However, it often happens that battered women are accused of committing a crime. Lawyers practicing as free legal advisors do not receive training on violence against women, and they do not have the necessary expertise. Therefore, they lack a practical and theoretical knowledge of such cases. Finally, free legal aid is only available for people earning a lower income than the minimum pension (92 euros), which is extremely low, and disqualifies many women who are battered from receiving free legal aid. In Hungary, free legal aid for women victims of violence is provided by non-governmental organizations. For years, the Program Office of Legal Aid for Women's and Children's Rights, which has been closed for lack of support,

provided victims of domestic violence with legal representation and legal aid in civil and criminal cases. Presently the NGO Habeas Corpus Workgroup provides legal aid for women victims of abuse.

In the past, there were some legal initiatives (both in criminal and civil cases) to strengthen the legal representation and assistance of parties who were in need of help.

As of July 1, 2003, Article 58 of Section 3 of the Code of Criminal Procedure enables public or private organizations founded in the interest of the representation of an aggrieved party to act in the defense of victims. The State does not ensure financial support for any non-governmental organizations acting in the field.

In some cases – as mentioned above – when a female victim becomes the perpetrator, an assigned counsel may be appointed. However, it is not provided automatically upon her request. There is no regulation for assigning a counsel who possesses the necessary sensitivity towards the specific problem.

2.6 Providing information for victims about their rights, obligations, and the services available

In a civil court procedure, the court is responsible for providing advisory instruction. The law states: “Article 7(1) The court – in cases prescribed by law – provides assistance for a party to turn to court in order to protect his/her lawful rights and/or interests on request. (2) To ensure the enforcement of stipulations set down; [...] the court is obliged to inform the party – if he/she does not have a legal representative – about his/her procedural rights and obligations and in defined cases to appoint a legal representative for him/her. The court in defined cases and in a prescribed manner – at the request of the party – can partly or fully exempt the party from his/her obligation to pay in advance and/or cover the costs of proceedings.”

The Code of Criminal Procedure also states the aggrieved party’s right to receive information about his procedural rights and obligations from the court, prosecutor or investigator.

2.7 Mainstreaming women’s safety in laws and regulations of the national, regional, and urban planning

N/A

3. PROFESSIONAL GUIDELINES, PROTOCOLS, AND INTER-AGENCY COOPERATION

3.1 Professional guidelines and operational protocols for dealing with cases of violence against women

As a result of a Directive of the Minister of the Interior,¹¹ the Chief of the National Police Headquarters (ORFK) issued the Resolution No. 13 of 2003 (III. 27.), which provides methodological guidelines for police officers in dealing with domestic violence, with a special emphasis on cases involving minors. The Resolution provided a detailed definition of domestic violence and listed those crimes in the Penal Code that may constitute acts of domestic violence. The main points of the resolution are: (1) the police are obliged to appear at the scene even if they only suspect that there is a crime (to counter the common misconception also shared by police officers that they are “not supposed to interfere with family disputes until blood is shed”); (2) to speak to the offenders and victims separately; (3) to take all action that is legally possible at the scene; and (4) report the case to the child protection authorities if there are minors involved. Many of these principles are welcome, but NGOs argue that it still seems that police officers who are called to domestic violence crime scenes have not been given adequate training on how to put these principles into practice.

The local police headquarters are obliged to prepare annual reports on cases of domestic violence and an evaluation of related police activity by February 1 of the given year. These reports form the basis on which the national evaluation report should be completed by March 1 of the same year.

The government accepted yearly resolutions in 2004 and 2005 on the government tasks related to the implementation of short, medium and long-term objectives of the National Strategy of Social Crime Prevention.¹² One of the five priorities of the Crime Prevention Strategy is the prevention of domestic violence. The action plan orders the creation of methodological rules for the network of health visitors, employees of health, social and child protection primary care, child protection special care, educational officers of local governments, the guardianship authority, police officers and other professionals working with children and adolescents. The action plans also call for cross-sector cooperation of the various professions.

The Ministry of Health, Social and Family Affairs prepared a methodology newsletter in 2003, stating that the child welfare services have the duty of warning in cases of child abuse. The same Ministry also published a recommendation for family doctors,

¹¹ Directive No. 34/2002 – expired on April 1, 2004.

¹² Government Resolutions No. 1009 of 2004 (II. 26.) and 1036 of 2005 (IV. 21.).

pediatricians and health visitors about the prevention, identification and treatment of child abuse and neglect.

Parliament Resolution No. 45 of 2003 (IV. 16.), which established a national strategy for the prevention and successful handling of domestic violence, instructed the Government “to create unambiguous and unified rules (protocols) that the police, child protection bodies, social institutions and health care institutions must apply in cases of domestic violence regardless of whether the fact of the violence is already or not yet proven, but is likely or evident – to such an extent as to give rise to official, police action – including the obligation of the bodies concerned to cooperate.” As of July 2006, no such protocols have been prepared.

3.2 Legal regulations of inter-agency cooperation

Resolution No. 13 of 2003 of the Chief of the National Police Headquarters calls upon the members of the child protection warning system for mutual cooperation. Cooperation should focus upon the promotion of raising children in families, the prevention and cessation of endangering minors, and sharing information. Act No. XXXI of 1997 on the Protection of Children and the Administration of Guardianship Affairs lists members of the child protection system. These are: health care providers, for example district nurses, general practitioners, family pediatricians; personal care providers, such as family care services and centers; educational institutions; the police; the prosecutor’s office; courts; probation supervision services; organizations involved in assisting victims and mitigating damages; refugee camps and temporary accommodations for asylum-seekers; NGOs; churches; and foundations.

Government Resolution No. 1036 of 2005 (IV. 21.) on the Government’s tasks in the implementation of the short-, medium- and long-term objectives of the national strategy of social crime prevention for the years 2005 and 2006, lists the professionals of the district nurse network, the health, social, and child welfare services, the child protection specialized services and the educational service of the local authorities. Professionals also include employees of public guardianship and the police, and experts working with juveniles as those who should be trained on domestic violence and its treatment in cooperation with other institutions. The aforementioned professions should be trained jointly.

3.3 Medium- and long-term coordinated action plans for the different professions

Besides the short-, medium- and long-term objectives of general nature laid down in the national crime prevention strategy, information is not available on specific action plans regarding violence against women in any of the professions concerned.

3.4 Involvement of NGOs and other agencies in drafting laws and shaping policies

Article 20 of Act No. XI of 1987 on Legislative Procedures obliges law-makers to involve NGOs and advocacy groups in the preparation of proposals to laws connected to the interests and social relations represented by these groups. In accordance with Article 27 of the same act, civil society organizations have the right to express their opinions on these proposals and on ministerial decrees (Article 29). In reality, however, ministries contact NGOs selected by themselves (mainly the most well-known NGOs or those close to state authorities) and only on an *ad hoc* basis. Ministries often publish law proposals on various websites without notification, or leave an unrealistically short time to comment. Another practical problem is that even when NGOs are contacted to comment upon these proposals, their critical comments are not taken into consideration. There is no sanction if NGOs are left out of the process of law-making.

There is no special forum for governmental and non-governmental cooperation in the field of violence against women. However, in 1999, Government Resolution No. 1059 of 1999 (V. 28.) established the Council for the Representation of Women. The Council received the authority to comment on proposals of law and action plans regarding equal opportunities of women, and to initiate new programs and amendments to law. The Council also participated in identifying programs and promoting equal opportunities for women and creating the stipulations of such proposals. Finally, the Council could comment on reports and informational documents regarding women's equality. The Council for the Representation of Women consisted of members from all sectors: ministries, women's associations, NGO members and academics. However, representatives of civil society could be appointed by the Minister of Social and Family Affairs. Although its legal basis is still in effect, the Council ceased its activity in 2002. The Minister for Equal Opportunities held two meetings regarding the re-establishment of the council in the course of 2004–2005, but these sessions ended without any appointments, since the Minister was prevented by

women's NGOs to appoint NGO representatives selected by herself. As a consequence, the Minister boycotted the establishment of the Council, referring to formal rules.¹³

3.5 Leading NGOs working in the field of violence against women in the country

- *NANE Women's Rights Association*
“NANE is primarily dedicated to ending the human rights violations and the threat of violence against women and children through advocacy, personal support services and public education. Our goal is to facilitate and promote changes in the laws and legal regulations so that they will be better able to provide legal protection for women against discrimination and violence; to facilitate and encourage the creation of presently missing protocols related to all fields of violence against women; to improve legal practice so that it will stop discriminating against women; to empower women to be better able to represent their own issues, and to be better able to name their realities.”¹⁴ Their biggest funders are Open Society Institute, Soros Foundation, the EU (Daphne, Phare Programs). In the past, also the Embassies of the United States of America, Canada, and the Netherlands. They receive smaller fundings from the Hungarian authorities.
- *Habeas Corpus Working Group*
They focus on the equality of women and sexual minorities and rights connected to sexual autonomy. They support the equality of minority groups within the community of sexual minorities and advocate the demolition of the institutions of heterosexism and patriarchy. They maintain a legal aid service providing free legal assistance and in certain cases legal representation in court to women and children victims of violence. Currently, they are sponsored mainly by the European Union (Daphne Programme). In the past Ford Foundation and the Open Society Institute were primary funders.
- *Women's Rights and Children's Rights Research and Training Center*
The small foundation of former CEDAW member Krisztina Morvai focuses on research and training on women's rights and children's rights,

¹³ The Minister for Social Affairs and Labor resumed the activity of the council in late 2006, but he also basically selected the representatives on the council himself, which is in contradiction with the legal requirements. NGO efforts to make the minister respect full self government of NGOs to elect candidates to the council have failed up to now.

¹⁴ See: www.nane.hu/english/mission_goals.html.

in particular in the field(s) of violence against women and children. They collect, translate and publish European Union and other international legal documents in these fields. They prepare analyses (studies) of women's rights and children's rights in other jurisdictions, in particular in the countries of the European Union, creating a legal information center. Ms. Morvai holds a legal clinic for law students. WRCR Center receives project-related fundings from USIS, the Global Fund for Women, Ministry for Social and Family Affairs, Canadian Embassy and the Royal Netherlands Embassy of Budapest, as well as the British Council.¹⁵

4. SPECIAL UNITS IN THE LAW ENFORCEMENT OFFICES

In cases of violence against women, there is no meaningful specialization in Hungarian law enforcement agencies. In the effort to combat organized crime, special units were created within the police force on trafficking in persons. These units are organized on a national level and were established as a result of a new law on trafficking.¹⁶ They were part of a national and European-wide effort to pay more attention to the issues related to organized crime in general. These units, however, did not focus on women, even though it is not debated that the majority of trafficking cases involve the trafficking of women for sexual purposes. (What is often debated, though, is the prevalence of these crimes and the fact that Hungary is just as much a country of origin and destination as it is a transit country, and also that in fact the case is a trafficking case not a smuggling case.)

County¹⁷ police headquarters also have specialized units for issues related to prostitution and its related crimes. The establishment of these units was also triggered by the above-mentioned 1999 legislation on organized crime. In the county main departments, there are units dealing with youth protection, which at times may involve certain types of violence against women. Again, neither of these units specializes in violence against women, and its members are not routinely trained in these issues.

Violent crimes in general are treated separately by units specializing in violent crimes. These take on cases involving any type of interpersonal violence including physical violence or rape.

¹⁵ See: www.zinfo.hr/engleski/pages/education/REWIND/asp/OdabirGrupeW.asp?OdabranaGrupa=261.

¹⁶ Act No. LXXV of 1999 on Combating Some Phenomena Related to Organized Crime.

¹⁷ There are 19 counties in Hungary. The capital city, Budapest is in the status of a county on its own.

In the Border Police, there is no specific unit dealing with violence against women. There are units dealing with trafficking in persons, but again the issue of gender is not taken into consideration.

In addition, there is no specialized unit on violence against women issues in the Prosecutor's Office and the Immigration Office.

No special division exists for cases involving violence against women in the courts. Cases may go to trial in civil or in criminal courts, depending on the nature of the crime in question. This creates huge problems for victims on several levels:

- Their cases appear in front of different courts as fragmented and separate issues and consequently sentences are more likely to be mitigated or end in suspension/acquittal.
- There might be controversial (or inconsistent) sentences: a batterer may be fined by a criminal court for physical assault but get the same custody rights as a non-violent parent by a judge in a civil court.
- As Hungarian courts are heavily overburdened, cases may be pending for years, including cases where such a delay compromises the safety or legal status of the victim.
- There is a tendency, however, for certain judges to try similar cases. In this sense, many courts have a specialized judge who handles domestic violence cases or cases involving sexual violence. This specialization, however, is informal and is not expected or aided by any specific training for these judges.

For certain types of violence against women there are provisions within the police department, but these are recommendations rather than binding orders. For example, in cases involving domestic violence, Resolution No. 13 of 2003 (III. 27.) states the following: "The procedure should be preferably conducted by a police officer who has theoretical and practical knowledge, experience, and the necessary empathy." There is no mention of the sex of the interrogator, nor is it specified what is meant by theoretical and practical knowledge.

The percentage of women in the Hungarian police force is around twenty percent, which means that it may well be problematic to find a female officer in many police stations, especially at night. Generally, there are no specific regulations on the gender of interrogating police personnel. However, there are no regulations making it impossible to ask for a different (that is, female) officer. This is true in cases of bodily search where the search may only be conducted by a medical doctor of either sex. The only area where there is a specific regulation of the sex of the officer (that is where the person, most often a suspect, has the right to ask for her/his choice of police officer) is

the case of a simple dress-search where a specific regulation states that a person of the same sex must conduct it.¹⁸

In general in interrogation situations, the Code of Criminal Procedure makes it possible for victims to claim bias on the part of the interrogating officer and consequently, to ask for a different interrogator.¹⁹ However, if such a case arises, the victim has the burden of proof of the bias and even after that, her/his request may be rejected.

As for the low number of female police officers, informal channels report certain discriminatory practices toward female police officers who are not seen as having the same work force value as their male colleagues. This problem is partly caused by financial reasons. Most female officers immediately leave the active police force when pregnant, which may well lead to a female officer being paid a full salary during her seven months of pregnancy and one to two years of staying at home with her child. Thus, the lack of positive measures to hire female officers, and the strictly financial evaluation of employing female officers may lead to an even more diminished number of women inside the police force. This is exacerbated by the generally high rate of turnover inside the police force on the whole, which makes it rather unlikely that all police stations will be able to provide victims with female officers.

When discussing the relatively low representation of violence against women issues in the structural system of the police, the following arguments come up: as large areas of violence against women are not specifically codified as separate crimes in the Hungarian Criminal Code, the Hungarian police cannot prioritize these issues by setting up units to deal with them. This is very visible in the case of domestic violence. Another argument is that Hungary is a relatively small country, so the number of cases is generally low making it 'uneconomical' to set four people – the typical number of officers working in any one unit – aside for one specific issue. These arguments, however, fail to take into consideration the action-reaction nature of latency and advertising, that is, if police put more emphasis on victim-centered approaches and these efforts were publicized, there would be a multiplication in the number of cases to be investigated. Also, with trained staff set aside for these areas, officers could work on these cases more efficiently, saving time and energy. Further changes in attitude are needed.²⁰

¹⁸ Act No. XXXIV of 1994 on the Police.

¹⁹ Code of Criminal Procedure 1998, Section 19, Article 38, subsection point (d).

²⁰ Interview made with László Oláh captain, deputy chief National Police Headquarters, Crime Prevention Unit, on February 18, 2006.

5. AVAILABLE SERVICES

5.1 Shelters

There is one proper shelter for battered women in Hungary operated by the Salvation Army. This is a non-state funded home. The Salvation Army is self-funded with a portion received from the state. The shelter operates at a secret address and claims to provide services for women escaping from domestic violence.

Most battered women find accommodation in other institutions which are funded by the State. These fall into three categories: mothers' homes, families' temporary homes, and crisis homes. None of these are specifically for battered women, which means that most host a heterogeneous population, and not all female clients have been battered. Some need this service because of homelessness, others have financial or social problems. It is a problem that the staff is not trained specifically for domestic violence, so clients cannot get violence-specific services. It is not unlikely that the staff of these institutions also believe myths about domestic violence. As for mothers' homes, as the name suggests, these are only accessible for women with children, which is clearly discriminatory toward women without children.

Apart from these, there are some homes operated by religious groups and different churches. Most homes have a waiting list so they cannot provide immediate help. There is no universal methodology, code of conduct or regulation of operation on treating victims of domestic violence. This is true for both individual conduct as well as multi-agency cooperation. State-funded homes operate on general codes of specific professions (e.g., code of conduct for social workers).

In 2005 the Ministry of Youth, Social Affairs, Family and Equal Opportunities²¹ started a program that ensures four crisis places for battered women per county to be set up by already existing families' temporary homes. The project is relatively new, and there are no results available on the success of it yet.

To date, there has been one large crisis shelter that published a paper on its work and experiences with battered women. The corpus is made of a relatively low number of cases (around two dozen).

5.2 Hotlines

As of the time of the compiling of this report, there are two hotlines specifically dealing with domestic violence. One is an NGO-operated hotline of NANE (since 1994), and

²¹ Called Ministry of Social Affairs and Labor since the middle of 2006.

the other is a relatively new hotline operated by the Ministry of Youth, Family, Social Affairs, and Equal Opportunities (and later by its successor, the Ministry of Social and Labour Affairs) since 2005.

The information line for victims of domestic violence (operated by NANE) aims at providing legal information for women victims of domestic violence (mainly intimate partnership violence, as well as child abuse and elder abuse). The line provides psychological support, basic legal information, and information about existing institutions. The line is anonymous.

According to its leaflet, the Ministry-operated line, OKIT²² deals with all kinds of crises in general, and family violence in particular. According to the operators, most calls are about intimate partnership violence. They provide placement in the above mentioned crisis places, and cases are followed on an individual basis as well as anonymously.

Both numbers operate on a free-of-charge basis and both can be reached by cell phones, though in the case of the NGO-operated line this changes according to funding. The operation hours (days) for NANE are 6 p.m. to 10 p.m. daily (except Wednesdays); and for OKIT: all day.

The NANE-line is operated by the NGO, and is funded partly by the largest Hungarian telephone company (Magyar Telekom Rt.) and partly by foreign funds. The OKIT-line is operated by the Ministry of Social and Labour Affairs and funded by the state.

NANE works with ten volunteers. No previous skill or qualification is needed. The hotline operator training consists of 40 hours of theoretical training and 28 hours of practical hotline training. They are supervised by an individual mentor for about one year.

As for OKIT, paid staff receive a shorter training. Most of the staff has some professional qualification. It must be noted, however, that the training is organized completely by the Ministry, and the only NGO that offers this type of service is never contacted. Also, some negative feedback has reached the compilers of this report with some callers complaining of the abusive style of some of the male staff.

As we cannot speak about a network of hotlines, there are no common rules of conduct in this field. The two thematic hotlines have not made formal contact with each other and up to now, there is no active cooperation between them. There is also some tension stemming from scarce resources and the traditional lack of State–NGO cooperation.

²² National Crisis Intervention and Information Helpline.

NANE has specific rules for hotline work and OKIT also has a code of conduct.

Besides these, NANE also operates an information line for young girls and women. This service aims at preventing sexual trafficking of girls and young women, and its operation has been dependent on foreign funding.

5.3 Crisis intervention centers

There was one experimental crisis center set up by the Governmental Office for Equal Opportunities in December 2003. Due to political decisions, and despite the original plans to create a nationwide network of crisis centers, it no longer operates. The government's argument for shutting down this center was that the country already had a network of existing institutions, so rather than create new institutions, the existing ones should be improved.²³ This is also an argument used against creating a network of shelters.

The center was located in the capital of Hungary and was accessible for Budapest-based residents who were victims of domestic violence. The center claimed to serve women, but it also dealt with cases involving children. Due to the lack of continuous funding, the center advertised only once in any large media campaign.

We have no knowledge about any institutions serving the specific needs of migrant women who are victims of violence against women.

5.4 Intervention programs for the perpetrators

At present, there are no intervention programs for the perpetrators, voluntary or compulsory. There are, however, professionals who claim that women are just as violent towards men and that battered men need special attention because of the taboo and shame of their experiences.²⁴ Abusive men may turn to individual therapists, who may or may not have a clear understanding about the gendered nature of domestic violence, or gender roles in general. There is also a growing tendency to refer domestic violence cases to mediators.

²³ Statements by Kinga Göncz, Minister of Youth, Social Affairs, Family and Equal Opportunities.

²⁴ For example, assistant professor Erzsébet Tamási from the Criminology Department of Péter Pázmány Catholic University, and mental health professional Judit Várhalmi.

5.5 Other victim support services

There are no regular, publicized, and open self-help groups for women victims/survivors of domestic violence.

6. EDUCATION AND TRAINING

6.1 The prevalence of violence against women, prejudices, and stereotyped sex roles in school curricula and the availability of sex education programs

There is no specific gender content in the National Core Curriculum (NAT), although the term “gender equality” was added to the text among the general principles during the 2003 revision of the document.²⁵ The National Core Curriculum is to be interpreted and supplemented with content by all schools individually so there may be more gender content taught at the schools themselves in their local curricula. A general tendency is to take the model frame curricula provided by the Ministry of Education²⁶ and use them as a reference point. These forms do not have specific gender content.

There are several NGOs providing optional training for primary and/or secondary schools:

- *IgEN Egyesület (Igazságosság és Egyenlőség a Nemek Között Egyesület) [Justice and Equality between the Sexes Association].*²⁷ This NGO is active in the following fields:
 - critical analysis of school curricula, including the National Core Curriculum;
 - critical analysis of textbooks from the point of view of gender and gender roles; and
 - analysis of “hidden curriculum” in textbooks.
- *Labrisz Lesbikus Egyesület (Labris Lesbian Association).*²⁸ This NGO provides trainings on the sexual orientation of gender roles, including gays, lesbians,

²⁵ Critical comments requiring this arrived from an NGO called IgEN Egyesület. The text is revised every three years.

²⁶ These can be downloaded from the Ministry’s website.

²⁷ See: www.feminigen.hu.

²⁸ See: www.labrisz.hu.

bisexuals, and transgendered people. They have several publications aimed at schools, and they also provide in-school trainings for students.²⁹

Apart from NGOs the Hungarian Police also offer optional seminars for schools to invite the D.A.D.A. Program. This program was based upon the D.A.R.E. (Drug Abuse Resistance Education) Program, originally started in the USA in 1983. D.A.D.A. is a Hungarian acronym for “smoking, alcohol, drugs, AIDS”, and is part of the crime prevention efforts of the Hungarian police. In this program, the police offer trainings for students in school. The trainers are all police officers. In the curriculum of the upper classes for age groups 12–13, students get to hear about violence within the family and sexual violence. As part of these activities, the police have also distributed a methodological leaflet issued by NANE Women’s Rights Association.³⁰

Sex education generally comes under biology and lifestyle issues at school educational programs; however, this is still a neglected and non-gender-conscious part of the Hungarian education system.

Independent sex education programs may be invited from outside organizations. An umbrella organization around such issues is the CAF (Civil AIDS Forum), which united several organizations working on issues of bodily self-determination and AIDS prevention. One of the member organizations is the Sex Education Foundation represented by Judit Forrai. This NGO discusses issues of emotional maturity and respectful sexual habits with young people and any other disadvantaged group (the Roma, the disabled, lesbians and gays, etc.). Their school training program has become a state school program, which also means that they receive a symbolic amount of state support. Members of the foundation have also produced a manual for teachers and secondary school students on violence, bullying, Roma women, women in prostitution, and the gender implications of contagious diseases. The Sex Education Foundation has also been involved in the publication of several books about the issue of sexual self-determination and sexual violence.³¹

6.2 Mandatory and other training programs for future professionals

There is generally no systematic training on violence against women integrated into the curriculum of the education of relevant professionals. What is available is mainly based

²⁹ See: www.labrisz.hu/2/index.php?itemid=38&catid=9.

³⁰ See: www.rendorseg.hu/megelozes/bunmegelozes/dada/mit_kell_tudni.html?pagenum=1.

³¹ *A magánélet és az egészség kultúrája diákoknak* (Privacy and the Culture of Health for Students) 2005 (69 pages); *A magánélet és az egészség kultúrája tanároknak* (Privacy and the Culture of Health for Teachers) 2005 (130 pages); *Szakmai tréning kortárs oktatóknak a prostitúciós területen* (Program for Peer Educators about Prostitution) 2005 (108 pages).

on individual professors/lecturers who think that violence against women issues are important and who have found ways to educate themselves on these issues. Their courses may be offered regularly or irregularly, and may or may not be mandatory, depending on the place of the subject within the curriculum. The courses may be part of the credit system for students. Examples of such courses at different institutions are:

ELTE Faculty of Law

Krisztina Morvai, criminal lawyer and domestic violence expert, teaches courses specifically on domestic violence. These classes are seminars, and are optional.

Wesley János College

There are well-known lectures related to the issues of violence against women by Judit Forrai (trafficking and prostitution expert) and Zsolt Németh (police officer specializing on crime prevention, violence within the family) gives lectures. These lectures are not specifically about violence against women.

ELTE Teacher Training Faculty

Éva Thun is a lecturer at the ELTE Teacher Training Faculty of English and American studies. She educates future teachers. Her seminars are optional.

6.3 Mandatory and other training programs for practicing professionals

No information is available on mandatory trainings on violence against women issues for practicing professionals. There are trainings on an off-and-on basis only. These are mainly provided by NGOs or individual experts, except for those cases when institutions provide in-house training for themselves as in the case of the police or the OKIT hotline.

On certain issues, like trafficking, there are in-house trainings for officers provided by police personnel. Generally speaking, there are no compulsory trainings from NGOs or other 'outsider' organizations. Occasional trainings are available, but are often random in nature or not attended by as many professionals as possible. At a training seminar on trafficking organized by the International Organization for Migration (IOM), for example, only one police officer represented the National Police Headquarters.

The followings are examples of educational programs on violence against women held in the last couple of years:

Judges and prosecutors

In the past few years, there have been several training occasions for legal professionals that were all optional. In 2004, a one-day conference in Budapest was followed by a two-day retreat conference on trafficking in women, domestic violence, and the

international experiences in treating these issues. It was organized by NANE and financed by Vital Voices (US-based organization).

In 2005, a three-day training for 20 judges (mainly criminal) was organized by NANE and OITH (National Council of Justice) and financed by the Daphne Programme of the EU. This was an interactive training-workshop on treating cases of domestic and sexual violence in the courts.

Police

There have been several conferences and trainings for the police both with NGOs and inside experts. For example, in 2005, there was a three-day training for police officers on intimate partnership violence organized by NANE and financed by the Daphne Programme of the EU.

IOM (International Office for Migration)

IOM has been an active advocate of free migration and has done a large number of projects to prevent trafficking in persons. For example, in 2004 a 12-month project to reinforce cooperation between border guards, border police, security police and customs officials, and to improve the implementation of international and European standards on trafficking and smuggling. The countries involved in the project were Ireland, the UK, Belgium, the Netherlands, Finland, Estonia, Lithuania, Slovenia, Hungary, Bulgaria, Romania, Ukraine, and Moldova.³²

Budapest Social Recourse Center (Budapesti Szociális Forrásközpont)

This organization developed and accredited training material on domestic violence for professional service providers, especially social workers. The validity of the accreditation lasts until 2006. The material was developed in cooperation with NANE Association and was also the basis of a series of three-day trainings for diverse professional groups in all districts of Budapest.

³² 2004: Publication of a 59 pages teacher training manual about trafficking: Dr. Forrai Judit: *Ne dőlj be! Emberkereskedelem, szexuális erőszak megelőzését célzó középiskolai oktatási program* (Don't be fooled! Training material for secondary schools about the prevention of trafficking in persons and sexual violence). This program is aimed at Hungarian schools and school teachers. It covers areas such as the dangers of trafficking, the realities of migration, and possible ways of preventing trafficking.
www.iom.int/iomwebsite/Project/ServletSearchProject?event=detail&id=BE1Z070.

6.4 Gender equality issues in higher education curricula and human rights programs

In the public and political discourse, the issue of “gender equality” mainly applies in the context of the workplace. The topics of violence against women are not seen as an integral part of the gender discourse. Violence against women is mainly discussed at conferences. There are a number of higher education institutions where single professors have started programs on gender equality and women’s issues. These are mainly state-funded institutions. Some of the institutions and the lecturers who, among other courses, run seminars related to women/gender/violence against women are the following:

CEU (Central European University)

CEU offers graduate and post-graduate programs on gender issues. Some of their gender courses cover violence against women issues but are somewhat theoretical. CEU is a for-profit school, but most students pay a reduced price or get a scholarship fee. Judit Sándor teaches privacy and data protection.

Hungarian Accreditation Committee (MAB, Magyar Akkreditációs Bizottság)

This committee is responsible for accrediting programs and training materials that can be used nationwide in higher education settings by schools and teachers. Consequently, they have a pool of all-accredited materials. They offer several programs on gender and gender-related issues such as violence.

Wesley János College of Theology, Institute for Social Workers

Judit Forrai runs a seminar titled Street Social Work and Prostitution at the college.

Semmelweis University of Medicine, Institute of Behavioral Sciences (SOTE Magatartástudományi Intézet)

Csilla Csoboth runs a seminar on women’s health, and health-preserving programs.

Budapest University of Economics, Department of Sociology and Social Policy (BKE Szociológia és Szociálpolitika Tanszék)

Miklós Hadas, co-director of the Gender Studies Department of the University teaches gender and identity courses. Beáta Nagy is co-director, too.

Semmelweis University of Medicine, Institute of Public Health

Judit Forrai teaches history of prostitution, present-day prostitution, sexuality and habits of adolescents; sex education and sexuality of handicapped children.

Hungarian Academy of Sciences, Institute for Legal Studies

Lenke Fehér lectures on victimization, crime, and prostitution.

Eötvös Loránd University, Faculty of Law, Department of Criminal Sciences

Krisztina Morvai runs seminars on domestic violence, violence against women, women and human rights.

Eötvös Loránd University, English-American Institute

Enikő Bollobás teaches feminist literary criticism.

Eötvös Loránd University, Department of English Language and Literature

Judit Friedrich teaches feminist literary criticism.

University of Debrecen, English-American Institute, Literature Department

Nóra Séllei teaches feminist literary criticism.

Institute of Sociology and Social Policy of Loránd Eötvös University, Department of Social Work and Social Policy

Mária Adamik teaches social policy, science and social criticism and tackles women's issues in her lectures and seminars.

Hungarian Academy of Sciences, Sociology Research Institute; Gender Studies Collection

Judit Acsády publishes on feminist social criticism, history of movements and ideas.

Hungarian Academy of Sciences, Sociology Research Institute

Mária Neményi publishes on social psychology, sex and ethnic discrimination.

Hungarian Academy of Sciences, Sociology Research Institute

Olga Tóth researches and publishes on family sociology, and abuse in the family.³³

In the Hungarian National Core Curriculum (NAT – the curriculum for all primary and secondary schools in the country), human rights issues are mentioned, however, the issue of gender equality only appears as one of the topics to be covered. It is not broken down into specific content. Individual schools and teachers may fill this framework with any specific content they wish. In theory, any school may teach gender issues to its students. Of course, the limitation of this flexibility is the low number of teachers who have actually been trained on such issues.

“Tolerance training material” is an accredited training material developed in 1997 by NANE Women's Rights Association about teaching tolerance to secondary school students. This topic is offered for all secondary school teachers throughout the country and covers issues like the Roma, Jewish people, women, and the disabled. In the section about women, gender inequality, diverse forms of discrimination and violence

³³ Source: www.tarki.hu/adatbank-h/nok/changerole/kutregiszter-e.html#20.

against women are covered. The manual offers specific exercises and games to use when teaching young people about discrimination. There is no information available as to what extent the material is used by teachers.

The “Compass Human Rights Training Manual” was published by the Council of Europe in 2002 and was translated to Hungarian (and several other languages) by Mobilitás (an affiliate of the Ministry of Youth, Social, Family Affairs and Equal Opportunities) and the European Youth Center Budapest in 2003. To accompany the publication of the Hungarian version, a parallel training project entitled “Human Rights Education – Training of Human Rights Trainers” was started. In this manual there is a separate chapter dealing with women’s issues such as gender inequality, violence against women and domestic violence.³⁴

The RHRC (Reproductive Health Response in Conflict Consortium) deals with refugees and professionals working with refugees. Their publications include several manuals and reference training materials about gender and gender-based violence. Their materials have also been used in Hungarian refugee camps.³⁵

7. THE ROLE OF THE MEDIA

7.1 Media law provisions concerning violence against women and the portrayal of women

Government Resolution No. 1074 of 1999 (VII. 7.) on victim protection directed the ministers to revise the Media Act³⁶ by February 28, 2000 in order to ensure that its provisions were followed. These revisions were to provide for restricting and prohibiting the depiction of violence and sex. Model behavior should contain concepts that are unambiguous and fully comprehensible for the judiciary. The Resolution has not been executed to date, as acts focusing on media activity do not contain special orders regarding women, especially protection from violence against women. They contain only general provisions regarding protection of human rights or personal rights. Act No. II of 1986 on the Press states that “The exercising of the right to the freedom of the press cannot constitute an act of crime or cannot call for an act of crime, cannot constitute an offence against public morals, furthermore, it cannot

³⁴ The Hungarian version of the manual can be found and downloaded at www.mobilitas.hu/kompass/. All other languages can be found at eycb.coe.int/compass/.

³⁵ All these manuals can be downloaded at www.rhrc.org/resources/index.cfm?type=yes§or=gbv.

³⁶ Act No. I of 1996 on Radio and Television Broadcasting.

infringe upon any rights pertaining to persons in their capacity as such.” Following these principles, Act No. I of 1996 on Radio and Television Broadcasting states that “The broadcaster is obliged to abide by the Constitution of the Republic of Hungary, its activities cannot violate human rights and cannot be suitable to arouse hatred against persons, sexes (...).” Article 4 of Act No. LVIII of 1997 on Business Advertising Activity states “Advertising may not be published, if:

- (a) It infringes on personal rights, respect for the deceased or rights related to the protection of personal data;
- (b) It encourages violence or any behaviour that jeopardises personal or public safety, the environment or nature;
- (c) It generates a sense of fear.”

Article 5 prohibits advertising targeted at children or juveniles if it harms their physical, intellectual or moral development, including, in particular, advertising which shows children or juveniles in dangerous or violent situations or in situations with a sexual emphasis.

7.2 Guidelines and codes of conduct for media professionals

The Hungarian Code of Advertising Ethics was prepared in 1997. There is no specific provision for violence against women issues; however, the following sections address ethical complaints about gender discrimination:

- “Article 4 (1) An advertisement may not include such elements and may not create a general impact that would injure the generally accepted moral and ethical norms of society. [...]
- (5) An advertisement may not convey any discrimination in regard to nations, nationalities, ethnic groups, sex or ages and it may not support such views. [...]
- (9) An advertisement may not include elements and may not have a general impact which encourages, supports or justifies the jeopardising of human life, health or corporal integrity, the impairing of the environment, private or public property or the torturing of animals. [...]
- (11) It is prohibited to use erotic and sexual elements in advertising for purposes not justified by the object and substance of advertising. Presentation of the human body within the limits of good taste may not be objected to.”

7.3 Media watch organizations monitoring violence against women, sexism, and stereotyped portrayal of women

In Hungary, there are both state and non-state media watch organizations, but they have no known activities in the areas of violence against women, sexism, stereotyped portrayal of women, and relevant violence against women cases.

7.4 Training programs for media professionals on violence against women

There are only *ad hoc* training programs on violence against women, which are organized by non-governmental organizations funded mainly by international sponsors (EU). These trainings are very rare outside of formal education, and participation in them is voluntary. The main initiator in this activity is the Center for Independent Journalism.

7.5 Media activity in raising the awareness of the general public of violence against women

There is no systematic participation in violence against women campaigns. There have been very few (rather unprofessional) campaigns on the topic. There is no strong cooperation between the media and women's NGOs. The press focuses on extreme, special cases, instead of events that affect the masses which results in the distortion of public knowledge on the nature of violence against women.

7.6 Analyses on violence against women in the media

There has not been any official, state-funded analysis on the subject of women in the media. Some non-governmental organizations (Women's Media Lobby, Women's Department of the Hungarian Journalists' Association, etc.) and a few individuals made a limited analysis and published their analysis for a restricted circle. However, these analyses were prepared on a voluntary basis without funding.

8. AWARENESS RAISING

8.1 Campaigns on violence against women

Domestic violence

There were a couple of nationwide campaigns on this issue over the past few years. The vast majority followed an NGO campaign started in 2002 that turned public and state

attention to the problem of domestic violence and violence within the family in general. In this campaign 50,000 signatures of citizens were collected demanding the effective state response to combat domestic violence. With an active media attention all the stakeholders were asked and addressed to present their plans to combat the phenomenon. The Parliament Resolution No. 45 of 2003 (IV. 16.) was born thanks mainly to this campaign. The Resolution specifically compelled the Government to organize a media campaign on domestic violence.

2001 Poster campaign

This campaign was organized by NANE Women's Rights Association. The posters were displayed at five central locations in Budapest at underground stations for three consecutive months, and were featured in most local and regional newspapers in the country. The posters stated: "Every fifth woman is regularly hit or is beaten by her partner. Domestic violence is not a private issue." The campaign was financed by the US Department of State. Among the issues covered was physical abuse of women by male partners.³⁷

2003 "Silent campaign"

Following a conference on domestic violence organized by ESZTER Foundation, a so-called "Silent Campaign" was launched. Posters and flyers were displayed and made available in public places (mostly public restrooms for women). The Hungarian police also took an active part in this campaign by putting up these posters in the restrooms of all police stations. The slogans used were: "My mother is the most beautiful woman in the whole world. It is a shame that this is not always the case at home." "My father is the strongest man in the whole world. But it is only us who know it at home." The campaign was financed by Trionfilm and Philip Morris Hungary. Among the issues covered was physical abuse of mothers as seen by their children.³⁸

2003 "Loud campaign"

This campaign was intended to be a follow-up to the previous silent campaign and entailed billboards and posters in Budapest, various materials published in nationwide newspapers, and TV spots on various television channels.

Slogans: "Saying hello does not mean a good evening for every woman." "A good-night kiss does not mean a good night for every child." The campaign was partly financed by the State (Ministry of Health, Social Affairs, and Family), and partly by Trionfilm and

³⁷ See: www.nane.hu/images/mindenotodik.jpg.

³⁸ See: www.eszteralapitvany.hu/dok/eroszak.pdf, www.eszteralapitvany.hu/dok/kisfuzet.pdf.

Philip Morris Hungary. Issues covered were: physical violence against women by male partners and sexual abuse of children.³⁹

2004 TV spot campaign

This campaign was organized by the then Ministry of Children, Youth, and Sports as a result of Resolution of Parliament No. 45 of 2003 (IV. 16.). The campaign was funded with 70 million forints (280,000 euros) and consisted of four television spots, each depicting a typical scene of domestic violence, wife abuse or the sexual abuse of children. Among the issues covered were: physical violence against women by male partners and sexual abuse of children by fathers.⁴⁰

2004 multimedia campaign

This campaign was intended to accompany the campaign organized by the Ministry of Children, Youth, and Sports and was organized by the Ministry of Interior and the then Government Office for Equal Opportunities. It entailed both television spots and newspaper versions of the same theme, and – as opposed to the other state campaign – made publicly known the phone numbers of five relevant places for further assistance, including NGOs, working in the field. Among the issues covered was the effect of mother's abuse on her children. The campaign cost about 19 million forints (76,000 euros).⁴¹

2004 Amnesty International, Hungary

In 2004, Amnesty International started an international campaign against violence against women. Part of this campaign was based on installations in shopping malls of large punching bags which were displayed as symbols of battered women. Another part of the same project was a large postcard campaign. Four thousand postcards were printed as a protest to the leaders of Parliamentary factions about the inadequate legislation on domestic violence. These postcards were freely distributed during the Sziget Festival, a major summer outdoor event that tens of thousands of people attend, as well as on the internet. The success of this campaign motivated the organizers to continue the campaign on the websites of two other related NGOs (NANE and HCM). Among the issues covered were: physical violence against women in the families and lobbying with MPs for effective legislation on domestic violence.⁴²

³⁹ See: www.eszteralapitvany.hu/dok/billboard2.jpg.

⁴⁰ See: www.magyarorszag.hu/hirek/kozelet/kampany20040405.html.

⁴¹ See: www.magyarorszag.hu/hirek/kozelet/eroszak20040419.html.

⁴² See: www.amnesty.hu/hirek.php?id=62, and www.amnesty.hu/hirek.php?id=57.

Trafficking

2000 IOM (International Organization for Migration)

This multimedia campaign was based on leaflets, lectures, posters, short films and cartoons. An important part of the continuation of the campaign was an information line operated in cooperation with NANE. The target audience was young girls and women looking for work abroad. (The information hotline has been in operation ever since, under the auspices of NANE, together with the sponsorship of the Embassy of the United States.) The slogan of the campaign was: “Don’t get fooled!”⁴³

2004 IOM

A renewed campaign was organized with the same message, and also publicized the information line.

2005–2006 IOM

A large international campaign was organized on trafficking for sexual exploitation as a joint effort of IOM and the Italian government. The campaign covered the following countries: Bosnia and Herzegovina, Bulgaria, Croatia, and Hungary, in the form of television spots and other informational materials. The slogan was the same.⁴⁴

2006: Viasat 3 TV Channel and ESZTER Foundation

On Viasat 3 television channel, a new series was aired about girls being trafficked and forced into prostitution. The title of the series was “Matrioshki.” Before each episode, a short spot was shown offering the help of ESZTER Foundation.⁴⁵

Sexual harassment

Website

A website was established by the Ministry of Youth, Social, Family Affairs, and Equal Opportunities and is operated by the Association of Women in the World of Labor. Its main topic is sexual harassment.⁴⁶

Radio program

The Ministry of Youth, Social, Family Affairs, and Equal Opportunities financed a radio program series on sexual harassment in the workplace on Civil Radio. The talks were conducted by Eva Thun.⁴⁷

⁴³ See: www.tusarok.org/rovatok/cikk.php?id=410.

⁴⁴ See: www.hetek.hu/index.php?cikk=56391.

⁴⁵ See: www.origo.hu/szorakozas/teve/20051111modernkori.html.

⁴⁶ See: www.zaklatas.hu.

Prostitution

2006 Movement for a Prostitution-Free Hungary

This campaign has been sponsored by the Embassy of the United States and entails three posters on a hidden aspect of prostitution: the client. The slogan of the campaign is: “Look for the man!”⁴⁸

Sexual assault and incest

2004

One of the television spots of the government campaign of 2004 was about incest. It depicted a young girl who has severe symptoms because her father sexually abuses her.

Female genital mutilation

2006 Amnesty International Hungary

On February 6 AI organized a demonstration in a busy central square of Budapest to call attention to the practice of FGM all over the world. This was the only campaign/event which solely addressed a specific form of sexual violence against women. Sponsor: Amnesty International.⁴⁹

8.2 Conferences and other awareness raising, information, and prevention programs

As public interest turned toward the issue of domestic violence in the past few years, there have been many conferences and public events on the topics of violence against women as compared to the previous years. Events were organized more and more by non-NGO actors as well as NGOs who have been involved in this or related fields. Some examples:

- 2003: ESZTER Foundation launched a campaign on domestic violence. As an opening event of this campaign, a conference was organized for professionals as well as NGOs.
- 2003: The Ministry of Justice coordinated a campaign based on the national network of hotlines. (NGOs working specifically in the field of domestic violence were not contacted for any part of this project.) The

⁴⁷ See: www.civilradio.hu/ZaklatasAloldal/civilhironok.htm.

⁴⁸ See: <http://prostitutio.hu/keresd.a.ferfit.plakatok.htm>.

⁴⁹ See: www.amnesty.hu/content.php?oldal1=5&oldal2=43.

operators of all the hotlines were given training on domestic violence. Parallel to this campaign, the “Phone-witness”⁵⁰ line of the Hungarian police was re-launched where citizens could reach a toll-free number and consult a police officer about cases, and operators were briefed about domestic violence.

- 2003–2004: A series of trainings titled “Government and NGOs Capacity Building to Prevent and Respond to Trafficking in Persons” was held by IOM–Budapest.
- 2004 (February): A conference was held on trafficking and domestic violence for judges, lawyers, and members of the police, in the National Council of Justice (OITH), sponsored by the Canadian Embassy, organized by NANE.
- 2004 (May): A conference was held on domestic violence and child abuse in the family, in the Hungarian Parliament, organized by Ütköző Egyesület (a Socialist Party affiliate).⁵¹
- 2004: A conference on prostitution and the “Swedish model” for political decision-makers and the press, organized by the Movement for a Prostitution-Free Hungary.⁵²
- 2004 (September): A three-day conference was held on trafficking and domestic violence for judges, lawyers, members of the police in Pilisszentkereszt, sponsored by the Liz Claiborne Foundation and the Canadian Embassy, organized by NANE and OITH.
- 2004: A training seminar was held in the 9th district of Budapest for social workers, police officers, and professionals from child support services. Sponsored by the Daphne Programme, organized by NANE and the City Council of the 9th district of Budapest.
- 2004: A conference was held on the relationship between domestic abuse and abuse of pets and household animals in the cooperation of FÁBE (Association of Responsible Animal Fans) and NANE sponsored by Soros Foundation and Masterfoods.
- 2005: A workshop on trafficking, especially of women, for purposes of sexual exploitation was organized by the Ministry of Youth, Social, Family

⁵⁰ *Telefontanú* in Hungarian.

⁵¹ Source: www.mszo.hu/index.php?gcPage=public/hirek/mutatHir&fcHirTipus=h&fnId=50142&fnHid=50142.

⁵² Source: <http://prostitutio.hu/konferencia.meghivo.2004.05.28.htm#en>.

Affairs and Equal Opportunities, together with the Swedish Embassy, for the members of the Hungarian–American trafficking task force.⁵³

8.3 Information materials for the victims about their rights and the services they can seek help

HCM Leaflets. The NGO provides two sets of free-of-charge leaflets on the rights of victims in various fields. The first set contains information about violence against women and domestic violence, and is sponsored by the Daphne Programme, the Municipality of Budapest, the National Civic Fund (NCA), and OSI. The series cannot be accessed via Internet, but is distributed at professional event locations such as conferences and seminars, and is regularly provided to victims coming in contact with the NGO. The series is called “Do you know?”, and contains the following titles: (1) The Equal Treatment Authority (about newly-established rights of equal treatment); (2) Statistical data about intimate partnership violence; (3) Expert prosecution in civil cases; (4) Domestic violence; (5) the Human Rights Committee of the Strasbourg Court; (6) the CEDAW Committee; (7) Mediation in domestic violence cases; (8) Myths and facts about battered women; and (9) Stalking.

The second set of leaflets provides more general information on various topics in which victims of violence against women and domestic violence may be interested. The leaflets, sponsored by OSI and the Ford Foundation, are as follows: (1) Victims’ compensation and assertion of victims’ rights; (2) Prostitution and criminal law; (3) Equal treatment and advocacy; (4) Common-law marriage; (5) Wills and inheritances; (6) Sexual self-determination and women’s health; and (7) Myths and facts about bisexuals. These may be downloaded from the internet at www.habeascorpus.hu.

Exit Booklets and CD ROMs, 2006: This multimedia campaign aims at the prevention of trafficking of human beings, and is especially focused on young women in danger of sexual exploitation. It contains a free-of-charge color booklet and CD ROM with the name of a local, toll-free information line to an NGO, where victims and potential victims may get help. The materials are freely distributed to students at schools and festivals, as well as to professionals working with youth. Topic: Trafficking for Sexual Purposes. Sponsored by MTV Europe.

NANE: NANE provides several free-of-charge leaflets and handbooks on diverse issues relating to domestic violence: (1) Domestic violence; (2) Silent Witness exhibition and the “16 Days” Campaign; (3) Tips for girls and boys about avoiding sexual predators; (4) Myths and facts about child sexual abuse; (5) Personal safety plans for battered women; (6) 12 things you can do instead of smacking your child; (7) The relationship

⁵³ Source: www.magyarorszag.hu/hirek/kozelet/emberk20050907.html.

that works; (8) Emotional abuse; (9) Your rights as a battered woman; and (10) What to do with domestic violence as a police officer. There is also an English-language leaflet providing information about domestic violence. Not all the leaflets are accessible through the internet, but all of them are regularly distributed among victim-support police officers, regional offices of equal opportunities, and family support services, as well as sent by mail to victims of domestic violence who have called the NGO's hotline. They are also freely distributed at conferences. Most leaflets and the handbooks may be downloaded at www.nane.hu/kiadvanyok/szoroanyagok.html. Topics: Domestic Violence, Child Abuse. Sponsored by the United States Information Service (USIS), the Soros Foundation and the EU Daphne Programme. NANE Stickers publicize the nationally available NANE hotline for battered women and children. The stickers are visible in public places throughout the entire country. They have been sponsored by the US Department of State.

Books for victims: There are currently several English/American books published in Hungarian for victims of domestic abuse, child abuse, and sexual exploitation. They are available nationwide in bookstores and major libraries. They may also be used as support books in psychotherapies.⁵⁴

Susan Forward: *Toxic Parents*; Judith Lewis Herman: *Trauma and Recovery*; Helen Benedict: *Safe, Strong, & Streetwise*; Patricia Evans: *The Verbally Abusive relationship*.

9. RESEARCH AND SURVEYS ON VIOLENCE AGAINST WOMEN

9.1 RESEARCH PROGRAMS AND SURVEYS

1. Violence in the family (Erőszak a családban)

Researcher(s): Olga Tóth.

Organization: TÁRKI (Social Research Information Center).

Year of publication: 1998.

Sponsor: Open Society Institute.

This is the largest representative survey on the experiences of Hungarian women who have experienced violence and abuse within the family ("wife beating," sexual violence against women, child beating and sexual abuse of children). Beating of children was

⁵⁴ Susan Forward: *Toxic Parents*; Judith Lewis Herman: *Trauma and Recovery*; Helen Benedict: *Safe, Strong, & Streetwise*; Patricia Evans: *The Verbally Abusive relationship*.

widely accepted: 18 percent of women reported having severely beaten her child at least once. Eight percent of women reported experiencing some form of sexual advance from an adult in childhood. Almost eight percent reported experiencing some form of marital rape. Twenty-five percent of divorced women reported experiencing some form of sexual violence from their ex-husband, 61 percent reported being threatened by their ex-husband. Twenty percent reported that in childhood, their father had beaten their mother. Twenty-eight percent of all women reported experiencing some form of a threatening event from their partner in an intimate relationship.⁵⁵

2. Mistreatment of children – Violence, Neglect, and Abuse – in Hungary at the Turn of the Millennium in Criminal Court Rulings (A gyermekekkel szembeni rossz bánásmód (erőszak, elhanyagolás, visszaélés) Magyarországon az ezredfordulón – büntetőbírósi ítéletek tükrében)

Researcher(s): Krisztina Morvai, Enikő Pap.

Organization: Női és Gyermejkjogi Kutató és Oktató Központ.

Year of publication: 2002.

Sponsor: British Council National Child Protection Program.

The focus of the qualitative research was on the treatment of child abuse cases conducted by the Hungarian juridical system. Among the cases examined were cases of physical abuse, neglect, sexual abuse, incest and emotional abuse. The main findings:

- Mistreatment of children was a lengthy process, not a single event.
- Mistreatment of children caused serious suffering and harm to the victims, often leading to severe psychological trauma.
- The events could have been recognized and stopped if the state and society had placed more emphasis on prevention, recognition, and intervention. The children in the cases examined were often in high-risk groups.
- No harmonization was conducted regarding the Child Protection Act of 1997 and standard criminal procedures. As a consequence, children's needs were neglected in the criminal procedures examined.
- The treatment of child victims in criminal procedures was not in accordance with relevant international norms.
- "Signaling" and cooperation between agencies centered on child abuse were clearly not implemented in either theory or in practice. Therefore, criminal investigation agencies and child protection agencies were not sharing relevant information with each other. This situation compromised the safety of the children.

⁵⁵ See: www.tarki.hu/cgi-bin/katalogus/tarkifo.pl?sorszam=TDATA-D80, www.tarki.hu/adatbank-h/kutjel/pdf/a396.pdf.

- The investigation and consecutive criminal procedures lasted for years, often with the accused living in the same housing as the victim(s). The lack of restraining measures was a harmful factor, which compromised the safety of the child victims.
- The most serious crimes (murder, outstandingly serious sexual abuse, regular physical abuse) were most likely to happen to children in their homes. The most likely perpetrators were parents, not strangers.
- Mistreatment of children rarely happened on only one level. It covered a range of abusive techniques involving sexual and physical violence, or neglect and physical violence.
- There was a frequent and multilayered link between the abuse of children in the family and other forms of domestic violence – mainly the abuse of female partners/mothers (“wife-abuse”).
- At times, children were removed from their families despite the fact that the Child Protection Act requires authorities to find a non-violent, psychologically able parent or relative. Children were removed from families even though there was such an adult person.

3. Women’s Health (A Nők egészsége)

Researcher(s): Csilla Csoboth.

Organization: Semmelweis Egyetem Magatartástudományi Intézet (Behavior Institute of SOTE) and Végeken Alapítvány (Végeken Foundation).

Year of publication: 1998.

This representative research was on the health of young women between the ages of 15 and 25. The main findings were:

- Aggression leads to the following symptoms: Chronic pain syndrome, anxiety, and depression.
- The majority of battered women sought medical help but rarely disclosed the origins of their symptoms.
- Thirty-one percent of young women were abused by at least one significant person in their lives, and 7.4 percent were abused by a partner.
- Two percent of women were forced into some form of sexual activity.

(Note: These numbers show a rather low incidence of domestic abuse compared to international and other representative studies. The source of this difference is not known, as this is a representative study.⁵⁶)

⁵⁶ See: www.behsci.sote.hu/hungarostudy2002/st_nok_egeszsege.htm.

4. *Media watch on murder cases in Hungary*

Researcher(s): NANE Women's Rights Association.

Organization: NANE Women's Rights Association.

Year of publication: 2003, 2004, 2005, 2006.

Sponsor: NANE Women's Rights Association.

In this non-representative study, an NGO researched general media and police reports on murder cases between family members or intimate partners (including ex-partners). Data showed that in each year, there is a violent death resulting from violence within the family (including suicidal murderers) on at least every 3.7th day. The actual numbers are likely to have been higher as not all copies of relevant newspapers were accessible in libraries, and not all cases may have been reported by the papers. The media watch was started as a part of the "16 Days Campaign" in 2002.⁵⁷

5. *Approximate statistics on the country's NGO operated national domestic violence hotline*

Researcher(s): NANE Women's Rights Association.

Organization: NANE Women's Rights Association

Year of publication: ongoing.

Sponsor of hotline: T-Com Hungary, various foreign funders.

NANE provides a four-hour per day helpline for battered women and children, which was established in 1994. Since 1994, there has been a substantial increase in the number of incoming calls. Since 1998, the hotline has been partially (for cell phones) and entirely (for regular lines) toll-free. In 2005, there were six to ten target group calls per day, adding up to about 2500 domestic violence and child abuse calls per year.⁵⁸

6. *Domestic violence and criminal behavior. An analysis of the phenomenon of violence among female and male prison inmates (Családon belüli erőszak és bűnelkövetés. A családon belüli erőszak jelenségének kutatása női és férfi fogvatartottak körében)*

Researcher(s): Dorottya Rédei, Réka Sáfrány, Herta Tóth.

Organization: MONA Alapítvány (Hungarian Women's Foundation).

Year of publication: 2005.

Sponsor: Ministry of Justice, National Committee of Crime Prevention

In this non-representative study, 50 female and 49 male inmates serving sentences for murder and murder-related crimes were questioned on their history of violence, and especially on their experiences of domestic violence. The study also looked at law enforcement and criminal justice system procedures. The study showed a more

⁵⁷ Sources of the media-research were the official magazine of the Hungarian Police (*Zsaru Magazin*), police websites, and daily papers (*Népszabadság, Blikk*).

⁵⁸ Information provided by NANE Women's Rights Association.

complex picture of social and institutional reactions, as well as the effect of these reactions on individual lives.

- Ninety-two percent of women and 44 percent of men had suffered from some form of domestic violence in their life.
- Men suffered mainly from intra-family violence as children (especially physical violence). Women suffered from physical-sexual violence as children, as well as from intimate partner violence as adults.
- Eighty-six percent of the women were involved in at least one abusive adult relationship.
- Out of the 50 incarcerated women, 26 were in prison because of murdering their male partner. With the exception of one case, they had all been previously battered by at least one partner and had been exposed to physical, emotional, economical, and sexual violence. The women asked their families and the authorities for help several times but received none. The women committed the crimes in situations which were physically dangerous for them. This did not lead to a lighter sentence. Most women were sentenced to 8–10 years.
- Of 16 men who battered, six were in prison for murdering their partners.
- Seventy-two percent of women reported at least one incident of serious sexual violence as a child or as an adult. Men did not report sexual violence as children.
- Sixty-seven percent of battered women asked for help but only one-third reported any ‘real’ help.
- The police were previously involved with the perpetrator in most murder cases, often on the day of the murder. The police were not capable of providing real help, and/or they acted in a way that further traumatized female victims.
- The majority of people and authorities involved in the women’s lives knew about the violence that was happening, but in most cases, no criminal investigation followed. The investigations that did follow were either dropped or ended with simply fining the perpetrators.
- The criminal procedures that followed the murders proved that officially-appointed lawyers were unable to understand or listen about previous abuse and were unable to provide legal remedies for their clients. In 33 percent of the cases, the women had no opportunity to tell the judge about the previous abuse.

- Women serving sentences related to domestic violence received no psychological treatment inside the prison system.

7. *Lost infants. A criminological analysis of the situation of women who kill their newborn babies (Eltékozott újszülöttek. Az újszülöttölést elkövető nők helyzetének kriminológiai elemzése)*

Researcher(s): Judit Cseres.

Organization: TÁRKI (Social Research Institute Inc.)

Year of publication: 2000.

Sponsor: BM Kiadó (the Publishing House of the Ministry of Interior).

The known murder rate of newborn babies in Hungary between 1981 and 2000 was 280. The research analyzed the background of the cases and discovered that infanticide was not related to low educational status (only 10 percent of these women were “undereducated”), poor accommodation, poverty, or single status. The majority of these women were living in grim emotional environments. Their childhoods were characterized by punishment, prohibition, and silencing, which suggests an alarming effect of neglect and abuse of girls and young women on their future roles as mothers.

8. *The social and health implications of prostitution (A prostitúció szociológiai és egészségügyi felmérése)*

Researcher(s): Judit Forrai.

Organization: Semmelweis University Budapest, Institute of Public Health.

Year of publication: 1998.

The survey was based on personal interviews and group interviews. The results have been published in several professional journals and books.⁵⁹

9. *Unified Police–Prosecutors’ Statistics (ERÜBS)*

Researcher(s): Ministry of Interior and Prosecutor General.

Organization: Data provided by the Police, Prosecutors’ Offices, Customs and Finance Guard, Tax Investigation Office, and Border Police.

Year of publication: ongoing since January 1964, currently appearing as three-yearly publications.

Sponsor: the Hungarian state.

⁵⁹ Judit Forrai (1999d) A budapesti utcai prostituáltak élete (The life of street prostitutes in Budapest) In: Lenke Fehér and Judit Forrai (1999) *Prostitúció, prostitúcióra kényszerítés, ember-kereskedelem. Kézikönyv a megelőzés és áldozat-segítés oktatásához* (Prostitution, Forced Prostitution, Trafficking in Human Beings. Handbook on Education about Prevention and Victim Support) Szociális és Családügyi Minisztérium Nőképviselési Titkársága – Kiút Veled Egyesület (Budapest: OOK-Press Kft.).

The database registers all crimes from relevant crime-investigating institutions. Additionally, it registers the sex of perpetrators and victims, and to some extent, the relationship between victim and the perpetrator. Gender issues are not yet a routine part of a standard analysis. These issues are not yet known to the general public. The database can be electronically analyzed.⁶⁰

9.2 Violence against women on the agenda of research centers dealing with equality issues

1. TÁRKI (*Social Research Institute Inc.*)

TÁRKI Rt. is an independent, self-financing enterprise. Its owners include the company's staff and other individuals. The majority of its research work is commissioned by government agencies, professional associations, local governments, international organizations, financial institutions, and large, medium and small enterprises. TÁRKI publishes surveys centered on diverse social issues, including surveys on women's and gender issues. The list of the surveys related to women can be found at: www.tarki.hu/adatbank-h/nok/kutatasok/index.html#1.⁶¹

2. MONA (*Foundation for the Women of Hungary*)

MONA is a non-profit women's NGO.⁶² MONA's website serves as a virtual library for gender research and as a subregional database (Subregional Women's Center). Users can add publications and papers in gender-oriented research and submit their own website or other new entries they consider valuable to the database. MONA also provides a publicly accessible library on women's issues, and also functions as an information center.⁶³

⁶⁰ Source: *Társadalmi jelzőszám Füzetek: kriminálstatisztikai indikátorok, mutatószámok* (2002) (Booklets on Social Indicators: Indicators on Criminal Statistics) Központi Statisztikai Hivatal (Central Statistical Office).

⁶¹ See: www.tarki.hu/common/tarkirol_e.html.

⁶² Its main sponsors have been the European Commission (Phare Democracy, Leonardo da Vinci, IST 5th Framework, APESC, Daphne Programmes), the Soros Foundation–Hungary, the Open Society Institute Network Women's Program, the Hungarian Ministry of Justice (Department for Crime Prevention), the National Civil Fund of Hungary (NCA), the State Government of Lower Austria, Royal Netherlands Embassy KAP Program, the Ministry of Youth, Family, Social Affairs and Equal Opportunities (ICSSZEM), the UNESCO, the Westminster Foundation for Democracy, the Global Fund for Women, Project Liberty, John F. Kennedy School of Government, the Friedrich Ebert Stiftung, and the Westminster Foundation for Democracy.

⁶³ See: www.mona-hungary.org.

3. Central European University (CEU) Department of Gender Studies

The department offers degree programs in gender studies at the MA and PhD levels, and serves as a base for non-degree studies in various forms, as well as for other activities in the field. CEU is a profit-based, US-style graduate university.⁶⁴

4. The National Institute of Criminology (OKRI)

OKRI is a research institute supervised by the Attorney General of the Republic of Hungary. Its sponsor is the Hungarian state (the Prosecutor General decides upon the annual budget of the institute). The main objectives of OKRI are:

- to contribute to the improvement of forensic sciences by its scientific activities;
- to support initiatives in crime prevention; and
- to offer assistance for the legal and efficient application of the law.

To this end, the institute maintains methodological informational and documentation bases, including publications on general criminal issues, which include the topics of trafficking in persons and domestic violence.⁶⁵ The institute has a library with over 10,000 volumes.⁶⁶

5. The Women's Secretariat of the Former Ministry of Social and Family Affairs

For some time, this ministerial body was active in the field of women's issues. Among other activities, it sponsored the publication of books on women's issues.⁶⁷

6. The Hungarian National Police

Over the past several years, the national police have advanced their responsibility and approach towards certain forms of violence against women, mainly domestic violence. The official police website contains several studies, recommendations, and methodological materials on domestic violence, including a leaflet of a NGO (NANE) dealing with domestic violence.⁶⁸

⁶⁴ See: www.ceu.hu/gend/.

⁶⁵ See: www.okri.hu/index.php?menu=publications.

⁶⁶ See: www.okri.hu/index.php?lang=gb&menu=general.

⁶⁷ For example: Lenke Fehér and Judit Forrai (1999) *Prostitúció, prostitúcióra kényszerítés, ember-kereskedelem. Kézikönyv a megelőzés és áldozat-segítés oktatásához* (Prostitution, Forced Prostitution, Trafficking in Human Beings. Handbook on Education about Prevention and Victim Support) Szociális és Családügyi Minisztérium Nőképviseleti Titkársága – Kiút Veled Egyesület (Budapest: OOK-Press Kft.).

⁶⁸ See: www.rendorseg.hu/megelozes/bunmegelozes/csaladi_eroszak.

7. *Femidok.hu*

Femidok, a cultural and political women's web magazine, has published a detailed list of gender-related bibliographies of over 765 books and articles available in Hungarian on its current website.⁶⁹ The site has been in operation since 2004.

8. *Hungarian Central Statistical Office*

Hungary's largest and most prestigious statistical office has produced several surveys, and collected data centered on women's issues.⁷⁰

9. *Universities and colleges*

The past few years have seen a new emphasis on gender issues. Currently, there are several universities that have a gender department or have gender programs included in their curriculum. These institutions actively promote the topic, and organize events outside of the classroom, such as conferences, seminars, and publications. Some of the institutions discussed here are: Corvinus University (Centre for Gender and Cultural Studies of the University of Szeged), University of Debrecen, Eötvös Loránd University of Sciences (Faculty of Social Sciences and Faculty of Humanities), College of Nyíregyháza (Department of History of Education), University of Sciences of Szeged (Department of Sociology), University of Sciences of Pécs (Faculty of Humanities), and the Hungarian Academy of Sciences (MTA Institute of Political Sciences and Research Institute of Sociology).

Two examples of active institutions:

- The Center for Gender and Cultural Studies of the Corvinus University, Budapest has organized large-scale conferences centered on gender issues, including diverse forms of violence against women in 2002, 2003, and 2004.⁷¹
- In 2004, the Faculty of Humanities of the University of Miskolc established a Center of Gender and Equal Opportunities (Társadalmi

⁶⁹ See: www.femidok.hu/index.php?artid=200603151.

⁷⁰ Some examples are: *A munkavégzés és a családi kööttségek összeegyeztetése* (Reconciliation Between Work And Family Life) (2006) Budapest (www.portal.ksh.hu/pls/ksh/docs/hun/xftp/idoszaki/pdf/munkacsalad05.pdf); *Nők, tudomány, technológia* (Women, Science, Technology) (www.portal.ksh.hu/pls/ksh/docs/hun/xftp/idoszaki/pdf/nok.pdf); Katalin Szép and Endre Sik (2003) *A Háztartási Termelés Pénzértéke* (The Monetary Value of Working within the Family) (http://portal.ksh.hu/pls/portal/docs/page/statszemle/statszemle_archivum/2003_archivum/2003_archivum/szepsik1_0.pdf).

⁷¹ See: <http://gender.bkae.hu>.

Nemek és Egyenlő Esélyek Központja) that launched an international research project for the Council of Europe, and will focus on establishing common gender-sensitive indicators on discrimination against women between 2004 and 2006.⁷²

10. STATISTICS AND DATA COLLECTION ON VIOLENCE AGAINST WOMEN

10.1 Official statistics, data collection, and specific indicators on violence against women

No common indicators exist to evaluate the scale of violence against women. The state as a whole does not treat violence against women as a separate issue. There is a unified database centered on the collected information from the police, prosecutors' office, and courts (called ERÜBS). This is a regular database that can be electronically analyzed. It does register gender, but currently this issue is not a relevant part of the standard analysis. Therefore, these facts are not known. If someone wished to make an inquiry on the relevance of this gender data, the officials would get the program to scan for it. However, at the moment, there is no such line of inquiry. Additionally, child protection authorities routinely register cases.

No information is available as to whether the health care system registers acts of violence against women.

The police maintain a yearly database for all criminal cases for internal use. This is not a public database but can be made accessible on demand. Soon, there is going to be a specific and separate database for Budapest. Violence against women cases are not routinely monitored. The police have an internal data-collecting software called *Robotzsaru*. With the software, it would be possible to collect and disaggregate data by gender aspects, but this is not done routinely. The software has been in use since 2000. The system has been updated to register cases of domestic violence in 2003. Regular statistical reports of law enforcement bodies on cases of violence against women are not regular and publicly accessible, though there are some initiatives. For example, the 2005 Police Report on violent crimes for the year 2003 is displayed on the website of the Ministry of Justice. They also publicize a summary of the police reports for January 2005, but they provide no other similar documents. It seems that the Ministry made such a report accessible as a result of a relatively intensive NGO campaign.

⁷² See: www.uni-miskolc.hu/bolgender/http://www.uni-miskolc.hu/bolgender/kutatasok.htm#internat.

Currently, there are no statistics available for the general public. A relevant example includes the Central Statistics Office (KSH), which published a booklet on men and women (Statistical pocketbook of men and women). There were no concrete or direct analyses of violence against women issues provided in the booklet. If discrimination against women is mentioned at all by such large data collecting agencies, it is usually in the context of workplace discrimination. Violence against women issues are not taken into account as part of the continuum of discrimination against women, which leads to much more serious losses than economic loss.

Data collection methodology is not a clear area either. The ERÜBS, for example, show previous acts, but does not indicate if the previous crime was directed towards the same person or if it was even the same type of crime.

There is one representative study specifically about violence against women in the family conducted by Olga Tóth in 1999.⁷³ In this study, general data confirmed partnership abuse: around 20 percent of the female sample stated that their fathers had beaten their mothers when they were children. Another more recent study on family violence was published in 2005 by the National Institute of Criminology (OKRI). The institute which conducted the research operates under the auspices of the Hungarian Prosecutor's Office and is financed by the state budget. In this study, concrete data from criminal statistics were analyzed from the period of 1997–2002, as well as empirical data from closed cases from prosecutors' offices in 2002.⁷⁴ A typical backlash phenomenon occurred after the media alerted the public on this information. Portions of the data were falsely interpreted by the popular media in a way that suggested that women were more violent than men.⁷⁵

Genetic data is collected in cases of sexual violence, as well as in any other case where such evidence may be of importance. Suspects have to provide a sample of mucous membrane from the inside of their mouths (a painless and humane method), as well as give hairs from 6 places of their skull. These are then DNA-tested. If the case does not end in a final judgment (the criminal process is ceased because of lack of evidence, or otherwise), the DNA sample is destroyed. Otherwise, it is kept for a period of time defined in the law.⁷⁶

⁷³ See: www.tarki.hu/adatbank-h/kutjel/pdf/a396.pdf.

⁷⁴ György Virág (ed.) (2005) *Családi iszonyok* (Family Loathing) OKRI (Budapest: KJK-KERSZÖV). For more about the book see www.szakkonyv.hu/konyv.php?i=10691.

⁷⁵ For more information about the research see www.okri.hu. About the controversial interpretation see www.stopvaw.org/Controversial_interpretation_of_study_on_criminal_behavior.html.

⁷⁶ Article 45 of Act No. LXXXV of 1999 (modified by Act No. CXXVII of 2000) on Criminal Records and Official Certificate of Clear Record.

10.2 NGO statistics on violence against women

At the time of this report's compilation, we only know of a few reports coming from NGOs. One such example is a media watch of the NANE Women's Rights Association. The non-representative research is based on domestic murder cases appearing in the media every year. Although results greatly vary from one year to the next (this survey is in its fifth year in 2006), results of the screening suggest that at least every fourth day there is a domestic murder in this country of ten million. Also, the majority of the women who were murdered by their (ex) partners had voiced their wish to leave the relationship, or had already left. These cases clearly showed, from year to year, the painful absence of a working restraining order system.⁷⁷ Similarly, research by Krisztina Morvai, based on the data of National Prosecutor's Office, shows that violent deaths resulting from domestic violence occur every third day; while in every week a woman dies at the hands of her current or former husband or common-law husband.

11. CASE LAW ON VIOLENCE AGAINST WOMEN

11.1 Cases on violence against women before the national and international bodies dealing with human rights issues

Currently, there has been only one case before the Ombudsman on the subject of discrimination against women. Information is not available on any cases of violence against women decided by the Constitutional Court.

In May 2006, the Equal Treatment Authority brought its first decision on the subject of sexual harassment in the workplace. The Authority found that the complainant was discriminated against because of her gender. She had served as a cleaning lady at a university and was dismissed during the probation period when she objected to the practice of her direct boss to make obscene jokes.

There are two Hungarian cases in front of the UN CEDAW Committee based on the Optional Protocol of the CEDAW Convention. The first case was handed in by the complainant herself, and is related to domestic violence. The second case is related to uninformed sterilization of a Roma woman, and was submitted with the help of the European Roma Rights Center and the Legal Defence Bureau for National and Ethnic Minorities (NEKI).

⁷⁷ On November 25, 2005, a woman was shot dead in a well-known and typically middle class area of Budapest by her ex-partner. It is clear from the published information that she had been the victim of stalking and had received no help from the authorities.

In the first case, a Hungarian woman filed her complaint against the Hungarian State in October of 2003. In her complaint, she claimed the Hungarian State had not defended her and her two children from physical, psychological, and economic abuse from her common-law husband. Armed with a firearm and often drunk, the former common-law husband kept the woman and their two children in constant terror for years. The woman had been unable to escape, because the few “shelters” that existed in Hungary were not equipped to accommodate one of her children who suffers from brain damage. The perpetrator could not be removed from the flat because of the lack of availability of any protection order or restraining order.

The woman had initiated three legal proceedings: (1) a civil proceeding on the division of their common property (the apartment they lived in together); (2) a “trespass proceeding” on the exclusive use and possession of their common flat; and (3) a criminal procedure concerning two incidents of battery and assault resulting in her hospitalization. The man received a fine equivalent to 277 euros in the criminal procedure, but the woman received no relief in the two civil proceedings. The proceedings concerning the couple’s ownership of the flat were suspended due to the lack of official registration of the property. The man received authorization from the Hungarian courts to return and use the flat.

Based on the complaint, the CEDAW Committee stated in 2005, that Hungary had failed to meet its positive obligations to provide the woman with protection under the CEDAW Convention. To remedy the situation, it recommended that the Government took immediate, effective measures to secure the protection of the woman and her children; as well as take the necessary steps to protect Hungarian women in general against domestic violence. In August 2005, the Hungarian State submitted its written response to the CEDAW Committee regarding the fulfillment of the Committee’s views and recommendations regarding the case. A.T., the complainant, expressed her concerns about the lack of sufficient governmental response and remedy. She stated that her needs and safety were still not met, and that her safety, and that of her children, was still compromised because of the lack of state response.

In order to inform the committee, NANE Women’s Rights Association and Habeas Corpus Working Group composed a joint shadow letter on the state response to the recommendations of the committee, and sent it to the CEDAW Committee for its January 2006 session. Currently, two rapporteurs have been appointed by the Committee to examine the contradictions between the government’s response and the civil organization shadow letter.

In the other case, the CEDAW Committee found that Hungary violated the CEDAW Convention regarding reproductive rights of women.⁷⁸

Habeas Corpus Working Group has also submitted several cases (including cases of discrimination and violence against women) to the European Court of Human Rights in Strasbourg, but all of these submissions have been turned down by the court, even in cases when several international actors agreed they clearly qualify for the competence of the court. Since the court does not have any obligation to provide reasons of its decision when rejecting a case, there is no clear information on why the court actually did not accept to consider Hungarian state responsibility on cases of violence against women.

11.2 Published court decisions, case studies, and analyses of case law

Court cases regarding violence against women are mainly published in magazines or in the yellow press as shocking news. Therefore, the general public mainly receives extreme, extraordinary, and selective information on the topic of violence against women. In addition, discussions of court cases can be found in research studies, study volumes and information books.

Krisztina Morvai published her study on domestic violence in 1998 by the title *Terror in the Family, Wife-Battering and the Law* (Terror a családban, a feleségbántalmazás és a jog).⁷⁹ She selected many cases to show how crimes committed against women are considered milder than those against men. “Very often the scenario is that a man beats up his wife year after year and then he turns round and beats her to death. It is normal, at that stage, for criminal proceedings to be brought against him. He will get two or three years for beating his wife to death. The other scenario is for him to beat his wife for years on end and then she grabs a knife in self-defense and stabs him to death.”⁸⁰

The National Institute of Criminology (OKRI) published preliminary results (mentioned in Section 10.1 above) from its research on family violence in 2005. In this study, concrete data from criminal statistics was analyzed from the period of 1997–2002, as well as empirical data from closed cases from the prosecutors’ offices in 2002.

In 2005, Amnesty International Hungary conducted a survey on cases of sexual violence. The researcher, Bea Sándor, studied documents on almost all Hungarian regional courts. Both Morvai’s book and the Amnesty International report, diagnosed victims’ defenselessness in the juridical labyrinth, the practice of victim blaming,

⁷⁸ For a description of the case and the process see: www.errc.org/cikk.php?cikk=2681&archiv=1.

⁷⁹ Krisztina Morvai (1998) *Terror a családban: a feleségbántalmazás és a jog* (Terror in the Family: Wife-Battering and the Law) Budapest: Kossuth Kiadó.

⁸⁰ See: www.ce-review.org/01/16/csardas16.html.

institutional victimization, and legal discrimination which impaired a woman's ability to obtain relief.

In July 2004, a female employee filed a public complaint of sexual harassment in the workplace. Rare as these cases are, this complaint was followed by the media with heightened interest because the complainant was a secretary who worked in the formal Government Office for Equal Opportunities. The case ended in the rejection of the complaint. In addition, the secretary was obliged to pay damages of one million forints (4,200 euros) for breaching the goodwill of her former boss, in a separate civil procedure initiated by the alleged perpetrator.⁸¹

Under the auspices of the European Union's Daphne II Programme, NANE Women's Rights Association and the Habeas Corpus Working Group published handbook recently that summarizes the lessons learnt from their joint pilot program on integrated client service for victims of violence against women. In the publication, the two NGOs presented ten short case studies of clients participating in the project.⁸² The case studies affirm that in Hungary the victim is blamed by the state authorities for having been abused. The authorities create different forms of explanations to avoid dealing with the case. Additionally, a lack of effective protective measures leads to ineffective legal proceedings. A basic finding is that even though the legal framework is deficient, many instances of violence against women could be confronted with the existing legal measures. However, these laws are either not applied or are applied in inadequate ways, such as focusing on the perpetrator's human rights.

A typical case is as follows:

Under a preliminary injunction brought in a divorce case, a kindergarten-aged child was placed with the abusive father until the final decision. The father previously took the child arbitrarily from the mother by force after she filed the divorce claim, and he denied her visitation for many weeks. The mother requested a preliminary injunction, arguing that placement with the father has had a harmful effect on the child. The municipal court refused to issue the injunction in favor of the mother based upon its finding that the woman had failed to prove the existence of any circumstances that would endanger the child's well being, health or development. However, reference was made to the father's aggressive behavior. The violence had started as psychological and verbal abuse and the abuse later developed into physical violence against both the wife and child. The father introduced the mother's journal entry from the year 2003, and it could be inferred from that entry that the woman intended to commit suicide. This journal entry was a decisive factor in denying the request of the mother for the preliminary injunction, and for placing the child under the care of the father. The

⁸¹ See: www.stopvaw.org/Hungary.html.

⁸² See: www.nane.hu/english/integrated_english_nane_hcwg.pdf.

mother reported that she had developed depression as a result of the abuse, but she managed to recover with medical help. While the child was living in the father's household, marks of beatings could be seen all over his body on several occasions. At the child's kindergarten farewell party, the man attacked the mother and called her a "chained whore." He had also beaten his own mother. The little boy developed permanent herpes after his residence was arbitrarily changed by the father. According to his doctor, the herpes were of psychosomatic origin. The father also neglected the regular medical care necessary to treat the child's atopic dermatitis. As a result, the child continuously scratched himself. The fact that only one room was heated in the father's house during the winter added to the inadequacy of the environment wherein the child was placed. As a justification for placing the child with the father, the Court stressed the fact that removing the child from his usual environment did not serve the boy's interest. However, the child was placed in an unfamiliar environment when the father arbitrarily abducted him from his comfortable environment, and completely locked him away from his mother, who had been the child's principal caregiver since he was born. At the personal hearing proceeding at the court of first instance, the father stressed not only his own ability, but also the mother's inability to raise the child. The court's decision accepted the father's accusations and documents as evidence, as opposed to the mother's testimony.

12. RECOMMENDATIONS TO THE GOVERNMENT

- Criminalize domestic violence as a *sui generis* crime or make it an aggravating factor;
- Criminalize stalking, and legally recognize domestic violence as child abuse;
- Amend the law on the restraining order, improve victim protection laws and procedures, recognize lawful self-defense in cases of domestic violence, and modify the Criminal Code on sexual crimes, especially with regard to making consent, not force or threat, the basis for judging rape;
- Scrutinize legal regulations which may have a bearing on domestic violence situations, in order to examine whether or not they provide adequate protection to victims in case of domestic violence;
- Create a law specifically on sexual harassment;
- Provide systematic and continuous training on domestic violence within the curricula of various levels of education, and involve NGO trainers in adult education and training courses for legal practitioners, police, social workers, victim support services, psychologists, teachers, and judges,

utilizing the experiences of the training courses developed by WAVE (Women against Violence Europe) Network;

- Ensure the full implementation of Parliament Order No. 45 of 2003 on the Creation of a National Strategy to Effectively Combat and Prevent Domestic Violence, especially its provisions on urgent intervention and accountable professional protocols;
- Ensure the full implementation of the Act on the Assistance to the Victims of Crimes and the Mitigation of their Damages by the State with regard to victims of domestic violence and other forms of violence against women;
- Introduce an electronic registration method of cases presented at courts, and other authorities, which is accessible and researchable, making research possible according to unified rules, in all institutions, and facilitate communication between authorities about these cases;
- Develop trained and specialized units of law enforcement, courts and other authorities to handle domestic violence cases;
- Draw on the experiences and results of NGOs specializing in domestic violence and other forms of gender-based violence, by involving them in further tasks and by supporting NGOs' victim advocacy and service work;
- Notify given NGOs on the intervention by authorities in a domestic violence situation (based on the Austrian model) and introduce an integrated (coordinated) client-support model;
- Initiate training, educational and awareness-raising programs on gender stereotypes across a wide range of institutions, including government agencies and offices;
- Create a high-level decision-making body for the coordination and monitoring of the realization of tasks based on the above policy areas, with the authority to hold the relevant institutions accountable; and
- Allocate the necessary budget to carry out these tasks.

ANNEXES

Annex A. List of laws and regulations screened

Act No. IV of 1952 on the Family Code

Act No. IV of 1978 on the Criminal Code

Act No. II of 1986 on the Freedom of the Press

Act No. XI of 1987 on Legislative Procedures

Act No. LXIII of 1992, on the Protection of Personal Data and the Publicity of Public Data

Act No. I of 1996 on Radio and Television Broadcasting

Act No. XXXI of 1997 on the Protection of Children and the Administration of Guardianship Affairs

Act No. LVIII of 1997 on Business Advertising Activity

Act No. XIX of 1998 on the Code of Criminal Procedure

Act No. LXXXV of 1999 (modified by Act CXXVII of 2000) on Criminal Records and Official Certificate of Clear Record

Act No. LXXXV of 2001 on the Protection Program for Participants of Criminal Procedure and Assistants of Jurisdiction Parliamentary Decision on the Crime Prevention Strategy, 2003

Act No. LXXX of 2003 on Legal Aid

Act No. CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities (Act of Non-Discrimination)

Act No. XCL of 2004 on Public Administration Procedure (effective as of November 1, 2005)

Act No. CXXXV of 2005 on the Assistance of Victims of Crimes and the Mitigation of their Damages

Parliament Resolution No. 45 of 2003 (IV. 16.) on Establishing a National Strategy for the Prevention and Successful Handling of Domestic Violence, April 16, 2003

Government Resolution No. 2174 of 1997 (VI. 26.) on the Action Plan to Carry out the Platform for Action of the Fourth UN Conference on Women in Beijing

Government Resolution No. 34 of 1999 (II. 26.) on the Rules of Execution of Personal Protection for the Participants of Criminal Procedures and Members of the Authorities Involved

Government Resolution No. 1059 of 1999 (V. 28.) on the Establishment of the Council for the Representation of Women

Government Resolution No. 1074 of 1999 (VII. 7.) on the Protection of Victims of Crimes and their Close Relatives, and on their Compensation

Government Resolution No. 107 of 2003 (VII. 18.) on the Tasks and Competence of the Minister of Equal Opportunities without Portfolio

Government Resolution No. 1036 of 2005 (IV. 21.) on the Government's Tasks in the Implementation of the Short-, Medium- and Longterm Objectives of the National Strategy of Social Crime Prevention for the Years 2005 and 2006

Government Decree No. 170 of 2006 (VII. 28.) on the Tasks and Authority of the Minister of Social Affairs and Labor Resolution No. 13/2003 (III.27.) of the Chief of the National Police on the Tasks and Obligations of the Police in Cases of Domestic Violence, with a Special Emphasis on Cases Involving Minors

Supreme Court Directive No. 17 (modified by Directive No. 24) on Guidelines to the Courts on the Subject of the Placement of Children.

Court Decision No. 61 of 2002

Court Decision No. 321 of 2005

Hungarian Code of Advertising Ethics, 1997

Annex B. List of documents and books consulted

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Spronz, Júlia–Judit Wirth (2006) *Integrated Client Service for Victims of Violence against Women: The results of a Pilot Programme and Policy Recommendations for the Successful Prevention and Treatment of Domestic Violence*. Budapest: NANE Women's Rights Association.

Tóth, Olga (1999) *Erőszak a családban* (Violence in the Family) TÁRKI Társadalompolitikai Tanulmányok, 12. Budapest: TÁRKI, available at www.tarki.hu/adatbank-h/kutjel/pdf/a396.pdf.

Virág, György (ed.) (2005) *Családi iszonyok* (Family Loathing) Budapest: KJK-KERSZÖV. For more about the book see www.szakkonyv.hu/konyv.php?i=10691.