



**Hungary's Compliance with the Convention on the Elimination of All Forms of
Discrimination against Women
Suggested List of Issues Relating to Violence Against Women**

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996

NANE Women's Rights Association

a non-governmental organization based in Hungary

and

PATENT (People Opposing Patriarchy)

a non-governmental organization based in Hungary

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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence.

NANE Women's Rights Association (NANE), established in 1994, is a grassroots NGO following a human rights approach, providing continuous services for victims of gender based violence, and running short and medium term public education, training and advocacy projects. NANE's mission is to contribute to a world free of any form of gender based violence stemming from, reinforced by, and serving patriarchal notions and goals.

PATENT (People Opposing Patriarchy) (PATENT), founded in 2006, is an NGO with a vision to contribute to a society where the equality of women and LGBT people is a reality. PATENT provides legal and psychological counselling and, in certain cases, legal representation to women and children victims of male violence and to victims of violence and discrimination against LGBT people. The organisation also conducts awareness raising, training activities, as well as lobbying for legal reforms.

EXECUTIVE SUMMARY

1. Domestic violence and sexual violence are a serious problem in Hungary. Despite high rates of domestic violence, the legal measures do not provide an adequate remedy. Only cohabiting persons or co-parenting couples are included in the Criminal Code's domestic-violence definitions. Under the offense of domestic violence, the law also criminalizes only the second incident of physical violence within a short time period. Further, minor offenses of domestic violence either require private prosecution or require the victim's motion for punishment of the perpetrator.
2. While Hungary has added some funding and physical shelter spaces, NGOs continue to indicate that support, shelter, and resources for victims of domestic violence are insufficient. Despite the coronavirus pandemic increasing isolation and rates of violence, authorities have halted promised efforts to increase resources for support of victims. NGOs also report that legal and police personnel are ill-trained to address violence against women. Monitoring demonstrates victim blaming and a lack of awareness or understanding of the imbalance of power in violent relationships.
3. Although Hungary signed the Council of Europe Convention on preventing and combating violence against women and domestic violence in 2014, a May 2020 vote by the Parliament blocked ratification of that treaty.

Hungary fails to uphold its obligations under the Convention on the Elimination of Discrimination Against Women (CEDAW)

I. Violence Against Women

4. As a State Party to CEDAW, Hungary is obligated to protect women from all forms of gender-based violence against women, including mental or sexual harm, threats, or other forms of coercion (Article 1, 2).¹ Hungary must also ensure that women can enjoy full participation in public life, including participation in non-governmental organizations (Article 7).² Moreover, Hungary is obligated to treat women and men equally before the law (Article 15).³
5. In its 2013 Concluding Observations, the Committee expressed concern about the law on domestic violence.⁴ The Committee recommended that Hungary criminalize all forms of violence, including economic and psychological violence, and stalking.⁵
6. In the 2020 report submitted by Hungary, the State Party asserted that the 2012 Criminal Code's domestic violence provisions criminalize "financial jeopardizing" and increase the possible penalty for certain offenses such as battery, defamation, or coercion, if they are related to

¹ Convention on the Elimination of Discrimination Against Women, 1979, Art. 1.; Committee on the Elimination of Discrimination Against Women, *General Recommendation No. 19: Violence Against Women*, (1992) U.N. Doc. INT_CEDAW_GEC_3731_E, ¶ 6.

² Convention on the Elimination of Discrimination Against Women, 1979, Art. 7(c).

³ Convention on the Elimination of Discrimination Against Women, 1979, Art. 15.

⁴ Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined seventh and eighth periodic reports on Hungary, adopted by the Committee at its 54th session* (11 Feb. – 1 March 2013), U.N. Doc. CEDAW/C/HUN/CO/7-8, ¶ 21(a).

⁵ Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined seventh and eighth periodic reports on Hungary, adopted by the Committee at its 54th session* (11 Feb. – 1 March 2013), U.N. Doc. CEDAW/C/HUN/CO/7-8, ¶21(a).

domestic violence.⁶ Further, the State Party noted that the criminal code punishes an act causing injury to bodily integrity or health of the victim.⁷ Using the World Health Organisation's definition of "health," mental abuse would be included in the definition of "battery" under the criminal code.⁸

7. Domestic violence and other forms of violence against women remain serious problems in Hungary. According to the European Institute for Gender Equality, 27.7% of women in Hungary have experienced physical and/or sexual violence since age 15.⁹ ¹⁰ Based on the most recent census data, the latter statistic indicates more than 200,000 women have experienced violence in the past year.¹¹ In 2015, the Ministry of Human Capacities registered 2,067 domestic violence-related calls to its 24-hour toll-free hotline.¹² While Roma women are particularly vulnerable in the context of domestic violence,¹³ this report is intended to provide an assessment of domestic violence in Hungary generally without focusing on any specific group within the country's population.
8. The domestic violence law remains inadequate. Specifically, the criminal offence of domestic violence necessitates that the victim cohabitate or have children with her abuser to prompt prosecution.¹⁴ It also requires at least two separate instances of domestic violence to occur within a short timeframe to trigger criminal liability for the specific offense.¹⁵ This means that single incidents of violence do not fall within the scope of the domestic violence offense and must be adjudicated under other provisions, like the crime of simple battery.¹⁶ Public prosecution is unavailable for many smaller criminal offenses, and thus victims must privately prosecute, an action most victims are unwilling or lack the resources to do. To pursue legal action of a criminal nature in other cases, the victim must file a private motion - a statement that the victim wishes the perpetrator to be held accountable.

⁶ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶ 90.

⁷ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶ 91.

⁸ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶ 90.

⁹ European Institute for Gender Equality. *Gender Equality Index*. (2015). Available at <http://eige.europa.eu/gender-equality-index/2015/domain/violence/HU>.

¹⁰ European Union Agency for Fundamental Rights, *FRA Violence Against Women Survey*, Europa <http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-violence-against-women-survey>.

¹¹ Judit Wirth and Zsuzsanna Winkler, *NŐK ELLENI ERŐSZAK az adatok tükrében - FRA-népszerűség-bűnügyi statisztikák (Violence against women in the light of data – FRA - population-criminal statistics)*, (NANE: 2015), . 8, 10. Available in Hungarian at <https://nokjoga.hu/sites/default/files/filefield/nane-fra-nepesseg-enyubs-final-2014-w-w-2015jun19.pdf>.

¹² U.S. Department of State, *Country Reports on Human Rights Practices for 2016, Hungary, Section 6: Discrimination, Societal Abuses, and Trafficking in Persons*, 43. Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265428>.

¹³ The European Roma Rights Center, *Written Comments of the European Roma Rights Centre Concerning Hungary For Consideration by the United Nations Committee on the Elimination of Discrimination against Women at its 39th Session*. July 23-August 10, 2007. Available at <http://www.errc.org/cms/upload/media/03/7A/m0000037A.pdf>.

¹⁴ See CRIMINAL CODE §212/A. (Hungary). (2013).

¹⁵ See CRIMINAL CODE §212/A. (Hungary). (2013).

¹⁶ CRIMINAL CODE §164 (Hungary). (2012).

9. Another gap in the current law is that sexual violence is not included in the offense of domestic violence.¹⁷ Sexual violence by an intimate partner is not recorded as “domestic violence” under the language of this law. Sexual offenses are separately accounted for within the laws pertaining to sexual violence, which carry a greater sentence than domestic violence.¹⁸ Basic, or non-aggravated, cases of sexual coercion and sexual violence require a private motion.¹⁹ If the act is committed against a relative or by abusing the position of power and influence of the perpetrator, however, these are considered aggravated cases not requiring a private motion.²⁰ At the same time, if the intimate partners are not considered relatives by law, and if there are no other aggravated circumstances as provided by the law, the private motion of the victim is required to start or continue procedures against the abuser.²¹ Furthermore, “sexual morals” are still referred to in the title of the respective section of the law.
10. The Committee further urged the State Party to address its restraining order legislation to include victims in different forms of intimate relationships, and to extend the duration of such orders.²²
11. The State Party noted in its 2020 report that it made changes in 2017 to the Criminal Procedure Code pertaining to restraining orders.²³ In criminal proceedings, the court may issue a restraining order against the suspected perpetrator of domestic violence based upon the motion of the prosecutor or of the victim.²⁴ With the changes in the law, restraining orders are available before indictment until the court reviews the case, up to four months.²⁵ The order is valid throughout the criminal case proceedings and shall be reviewed every six months.²⁶ The State Party reports that violations of the orders are punishable by a fine, arrest, and stricter rules or coercive measures, and that decisions made about the order shall be conveyed to the victim.²⁷
12. The amendments to the restraining order are commendable, but the provisions remain insufficient to fully protect victims. The changes affect criminal proceedings but not lesser actions stemming from domestic violence. A remaining gap is that the law on restraining orders does not apply to persons who are not considered relatives by law.²⁸

¹⁷ CRIMINAL CODE §197 (Hungary). (2012).

¹⁸ CRIMINAL CODE §197 (Hungary).

¹⁹ CRIMINAL CODE §207 (Hungary).

²⁰ CRIMINAL CODE §196, 197 (Hungary).

²¹ CRIMINAL CODE §207 (Hungary).

²² Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined seventh and eighth periodic reports on Hungary, adopted by the Committee at its 54th session* (11 Feb. – 1 March 2013), U.N. Doc. CEDAW/C/HUN/CO/7-8, ¶ 21(b).

²³ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶¶96-97.

²⁴ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶¶96-97.

²⁵ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶¶96-97.

²⁶ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶¶96-97.

²⁷ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶¶96-97.

²⁸ Act on Restraining Orders due to Violence among Relatives, § 6(3-4), §15(6) and §16(2). (2009)

13. Further, civil “preventive restraining orders” issued by the court are limited to a duration of 60 days.²⁹ Beyond that time limit there is no option to extend the order.³⁰ And the restraining orders are not always implemented in practice the way they are intended. In one region, police frequently decline to make the decision to grant or deny the restraining order, as is required by the law.³¹ The law requires a written decision by police whether to grant or reject a temporary (72-hour) restraining order.³² If the temporary order is issued, the police send the file to the court for a decision whether to extend the order up to 60 days.³³ In practice, however, police in one region merely send documents to the court without deciding, thereby failing to meet the procedural prerequisites for the court’s order.³⁴ This shifts the responsibility to the court to make a decision, often without sufficient information from the police.³⁵
14. In its 2013 Concluding observations, the Committee recommended that the State Party increase the number and capacity of State-supported women’s shelters, and strengthen the capacity of NGOs that provide shelter, assistance, and support to victims.³⁶
15. The State Party asserted in 2020 that, in 2016, shelter budgets increased by 50% for all crisis centers and by 100% for secret shelters.³⁷ The State further noted that shelters could apply for a car and for the addition of a security system.³⁸
16. Despite some additional funding, existing resources for victims of domestic violence are insufficient to meet actual needs. Shelters, for example, are crucial to state protection for victims of domestic violence. However, according to the Ministry of Human Resources, just 98 shelter beds are available to provide immediate accommodation and complex care for abused individuals and families for up to 90 days.³⁹ Another 144 beds are located at a secret address and

²⁹ U.S. Department of State, *Country Reports on Human Rights Practices for 2019, Hungary, Section 6: Discrimination, Societal Abuses, and Trafficking in Persons*. Available at: <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/hungary/>.

³⁰ United States State Department, *Country Reports on Human Rights Practices for 2019, Hungary, Section 6: U.S. Department of State, Country Reports on Human Rights Practices for 2019, Hungary, Section 6: Discrimination, Societal Abuses, and Trafficking in Persons*. Available at: <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/hungary/>.

³¹ Written Communications to The Advocates for Human Rights from an attorney, (January 29, 2021) (on file with authors).

³² Written Communications to The Advocates for Human Rights from an attorney, (January 29, 2021) (on file with authors).

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³⁴ Written Communications to The Advocates for Human Rights from an attorney, (January 29, 2021) (on file with authors).

³⁵ Written Communications to The Advocates for Human Rights from an attorney, (January 29, 2021) (on file with authors).

³⁶ Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined seventh and eighth periodic reports on Hungary, adopted by the Committee at its 54th session* (11 Feb. – 1 March 2013), U.N. Doc. CEDAW/C/HUN/CO/7-8, ¶ 21(d).

³⁷ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶109.

³⁸ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶109.

³⁹ U.S. Department of State, *Country Reports on Human Rights Practices for 2016, Hungary, Section 6: Discrimination, Societal Abuses, and Trafficking in Persons*, 43. Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265428>,

available for women who are at high risk of serious harm and allow a maximum stay of 6 months.⁴⁰ According to women's human rights NGOs, these "shelters" do not fulfill basic safety requirements and do not comply with best standards and practices related to services for domestic violence victims, such as trainings, protocols, a victim-centered approach, risk-assessment, cooperation with women's rights NGOs. A basic problem is that victims are not provided with assistance to get to safe places; instead, they are left to transit to safe places alone with their children, without financial resources.⁴¹

17. In addition to shelters, according to official reports, the Ministry of Human Resources also operates six halfway houses, which provide long-term housing opportunities (for a maximum of five years) and professional assistance for families that have graduated from shelters in order to prevent secondary victimization.⁴² Despite these efforts, women's rights NGOs allege that services for domestic violence survivors are not transparent and either operate with limited capacity or do not meet international standards of good practice.⁴³ They note that victims often have difficulty locating information about the assistance that they need.⁴⁴ One lawyer found it almost impossible to find official data on the number of shelters.⁴⁵ The Civil society organizations contend that victims seeking help shelters are placed on the reserve list because there are insufficient beds available.⁴⁶ In light of deficient resources, the city government of Budapest undertook additional measures, such as adding shelters and helplines.⁴⁷ Such measures should be made available nationwide for all victims, according to the mayor.⁴⁸
18. Unfortunately, the worldwide pandemic has stifled efforts to expand resources for victims.⁴⁹ Plans formed at the beginning of 2020 to increase support centers and produce awareness-

⁴⁰ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶116.

⁴¹ Personal Communication from Hungarian NGO to The Advocates for Human Rights, via email, Feb. 1, 2021 (on file with The Advocates).

⁴² U.S. Department of State, *Country Reports on Human Rights Practices for 2016, Hungary, Section 6: Discrimination, Societal Abuses, and Trafficking in Persons*, 43. Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265428>.

⁴³ U.S. Department of State, *Country Reports on Human Rights Practices for 2016, Hungary, Section 6: Discrimination, Societal Abuses, and Trafficking in Persons*, 43. Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265428>.

⁴⁴ Written Communications to The Advocates for Human Rights from an attorney, (January 29, 2021) (on file with authors).

⁴⁵ Written Communications to The Advocates for Human Rights from an attorney, (January 29, 2021) (on file with authors).

⁴⁶ Written Communications to The Advocates for Human Rights from an attorney, (January 29, 2021) (on file with authors).

⁴⁷ *Violence against Women: Coronavirus Delays Stricter Rules While Cases Reportedly Rise*, Hungary Today, 26 November 2020, <https://hungarytoday.hu/violence-against-women-domestic-abuse-istanbul-convention-cases-rise-police-campaign/>

⁴⁸ *Violence against Women: Coronavirus Delays Stricter Rules While Cases Reportedly Rise*, Hungary Today, 26 November 2020, <https://hungarytoday.hu/violence-against-women-domestic-abuse-istanbul-convention-cases-rise-police-campaign/>

⁴⁹ *Violence against Women: Coronavirus Delays Stricter Rules While Cases Reportedly Rise*, Hungary Today, 26 November 2020, <https://hungarytoday.hu/violence-against-women-domestic-abuse-istanbul-convention-cases-rise-police-campaign/>

raising campaigns have been halted because of the coronavirus epidemic.⁵⁰ Despite a drastic increase in the incidence of domestic violence under the isolation of pandemic measures, the State Party has failed to match the additional need with adequate resources.⁵¹

19. The Committee recommended mandatory trainings for the legal profession and for police to strictly interpret and standardize the application of measures responding to violence against women.⁵² The Committee also urged the State Party to raise awareness and destigmatize domestic and sexual violence, so that women would feel more confident reporting such crimes.⁵³
20. The State Party described several awareness-raising public campaigns which emphasized the wrongfulness of domestic violence and advertised crisis management centres.⁵⁴ The State Party also noted prevention programs it promoted in the schools for students aged 14-18.⁵⁵ Further, the State Party implemented a 2018 program of trainings for district police officers to improve their response to reports of domestic violence.⁵⁶
21. Although those programs are commendable, they do not address all the reasons victims do not report violence. NGOs criticize the lack of priority given to holding perpetrators accountable.⁵⁷ They note the ongoing problem of placing blame on victims rather than on perpetrators.⁵⁸ Victims are deterred from reporting because of their distrust in justice systems actors, including law enforcement and the judiciary, stemming from ineffective prosecution of abusers.⁵⁹ NGOs point out the lack of training for legal professionals and lack of awareness efforts for the public

⁵⁰ *Violence against Women: Coronavirus Delays Stricter Rules While Cases Reportedly Rise*, Hungary Today, 26 November 2020, <https://hungarytoday.hu/violence-against-women-domestic-abuse-istanbul-convention-cases-rise-police-campaign/>

⁵¹ *Violence against Women: Coronavirus Delays Stricter Rules While Cases Reportedly Rise*, Hungary Today, 26 November 2020, <https://hungarytoday.hu/violence-against-women-domestic-abuse-istanbul-convention-cases-rise-police-campaign/>

⁵² Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined seventh and eighth periodic reports on Hungary, adopted by the Committee at its 54th session* (11 Feb. – 1 March 2013), U.N. Doc. CEDAW/C/HUN/CO/7-8, ¶ 21(c).

⁵³ Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined seventh and eighth periodic reports on Hungary, adopted by the Committee at its 54th session* (11 Feb. – 1 March 2013), U.N. Doc. CEDAW/C/HUN/CO/7-8, ¶ 21(e).

⁵⁴ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶¶123-124.

⁵⁵ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶¶121-122.

⁵⁶ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶¶102-106.

⁵⁷ U.S. Department of State, *Country Reports on Human Rights Practices for 2016, Hungary, Section 6: Discrimination, Societal Abuses, and Trafficking in Persons*. Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265428>,

⁵⁸ U.S. Department of State, *Country Reports on Human Rights Practices for 2016, Hungary, Section 6: Discrimination, Societal Abuses, and Trafficking in Persons*. Available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265428>.

⁵⁹ See, *A quest for justice: Hungary's victims of domestic violence*, Euronews, 22 November 2019, <https://www.euronews.com/2019/11/22/watch-the-difficult-quest-for-justice-of-hungary-s-victims-of-domestic-violence>
See PATENT Association, NANE Association System Failure: *Male violence against women and children as treated by the legal system in Hungary today*, Available at: <http://www.nokjoga.hu/sites/default/files/filefield/system-failure-2011.pdf>. 2011.

about violence against women.⁶⁰ Authorities often maintain that domestic violence is a private problem and fail to act or vigorously investigate unless the physical injuries are severe.⁶¹

22. Research confirms victims' views of the legal systems. A research paper published in 2019 - based on research commissioned by NANE Women's Rights Association - demonstrated that abusers use custody and visitation rights as an extension of intimate partner violence.⁶² Reviewing cases of child custody and visitation following separation from a violent partner, researchers documented that the abusive partners used legal proceedings as a weapon to maintain power and control over the other parent.⁶³ Yet the legal systems actors did not take into consideration the violence of the abusive ex-partner in setting visitation arrangements, ignoring its effect on the wellbeing of the children.⁶⁴ The analysis confirmed that the systems actors did not demonstrate an understanding of the dynamics of control and violence in setting visitation arrangements, and that lack of understanding allowed abusive partners to maintain control over the lives of the other parent.⁶⁵
23. From 2015 to 2016, the PATENT association conducted a Court Watch Program where it used monitors to observe and document civil and criminal judicial proceedings involving domestic violence.⁶⁶
24. PATENT's research in the form of court monitoring found overall judicial insensitivity to victims, often resulting in blaming and distrust of those victims. For example, judges, at times, found fault with victims for returning to the abusive situation or blamed them for failing to protect their children from witnessing or experiencing violence by the abuser.⁶⁷ One monitor documented how a judge stated that "family problems" should not be resolved at court and that "s/he could not do anything for battered women because they kept going back or did not leave their partner at all."⁶⁸ One judge asked a victim, "Were you forced into this relationship?" Another monitor reported that the judge "did not seem to believe the wife (victim/witness)."

⁶⁰ United States State Department, *Country Reports on Human Rights Practices for 2019, Hungary, Section 6: Discrimination, Societal Abuses, and Trafficking in Persons*. Available at: <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/hungary/>

⁶¹ *Violence against Women: Coronavirus Delays Stricter Rules While Cases Reportedly Rise*, Hungary Today, 26 November 2020, <https://hungarytoday.hu/violence-against-women-domestic-abuse-istanbul-convention-cases-rise-police-campaign/>

⁶² Júlia Galántai, Anna Sára Ligeti, and Judit Wirth, "Children Exposed to Violence: Child Custody and its Effects on Children in Intimate Partner Violence Related Cases in Hungary," *Journal of Family Violence*, 17 June 2019, p. 399-409, Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6588710/>

⁶³ Júlia Galántai, Anna Sára Ligeti, and Judit Wirth, "Children Exposed to Violence: Child Custody and its Effects on Children in Intimate Partner Violence Related Cases in Hungary," *Journal of Family Violence*, 17 June 2019, p. 399-409, Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6588710/>

⁶⁴ Júlia Galántai, Anna Sára Ligeti, and Judit Wirth, "Children Exposed to Violence: Child Custody and its Effects on Children in Intimate Partner Violence Related Cases in Hungary," *Journal of Family Violence*, 17 June 2019, p. 399-409, Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6588710/>

⁶⁵ Júlia Galántai, Anna Sára Ligeti, and Judit Wirth, "Children Exposed to Violence: Child Custody and its Effects on Children in Intimate Partner Violence Related Cases in Hungary," *Journal of Family Violence*, 17 June 2019, 399-409, Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6588710/>

⁶⁶ PATENT Association, *Monitoring How Courts Treat Domestic Violence in Hungary: A Court Watch Program*, (2016). 12. Available at http://patent.org.hu/dokumentumok/kozpolitika_kutatas/zarotantulmany_ang_webre.pdf.

⁶⁷ PATENT Association, *Monitoring How Courts Treat Domestic Violence in Hungary: A Court Watch Program*, (2016). 12. Available at http://patent.org.hu/dokumentumok/kozpolitika_kutatas/zarotantulmany_ang_webre.pdf.

⁶⁸ PATENT Association, *Monitoring How Courts Treat Domestic Violence in Hungary: A Court Watch Program*, (2016). 12. Available at http://patent.org.hu/dokumentumok/kozpolitika_kutatas/zarotantulmany_ang_webre.pdf.

This last case also illustrates the behavior of judges who allow the defendant's lawyer to belittle the victim. The monitor described how the judge "was nice to the defendant. The judge did not even try to restrain the defendant's lawyer when s/he asked humiliating questions, such as 'Why didn't you leave the room once your husband had told you to get out?'"⁶⁹

25. Court monitoring also revealed that judges promote reconciliation in domestic violence cases, including in criminal proceedings involving physical violence. The monitor documented how the judge refused them entry and instead recommended the offender and victim come to "an understanding and make peace."⁷⁰
26. Court monitoring also revealed a judicial lack of understanding of the dynamics of domestic violence and best practice standards. For example, monitoring revealed how judges often see domestic violence as conflict between two equal parties.⁷¹ One monitor documented how misperceptions can lead judges to overlook long-term violence. In this case, the judge instructed the parties not to talk about anything but what happened on the "given day and hour. S/he does not want to hear about previous occasions or the battering that happened later than what is the subject of the case. . . . Even though the police record s/he read out stated that there were other occasions, too, both before and after the one in question."⁷² Another judge's behavior revealed misperceptions about injuries and the harms of domestic violence. In this case, the judge asked the victim, "How come none of your bones were broken if you weighed only 50 kilograms at that time?"⁷³
27. Research shows the general attitudes the public holds toward rape. The 2016 Eurobarometer survey revealed that 47% of Hungarian respondents believe sexual intercourse without consent can be justified in at least one situation out of the listed options.⁷⁴ This percentage was the second highest among the participating countries.
28. The Committee urged ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence.⁷⁵
29. The State Party's 2020 reported noted that it signed the Convention in 2014.⁷⁶

⁶⁹ P PATENT Association, *Monitoring How Courts Treat Domestic Violence in Hungary: A Court Watch Program*, (2016). 16. Available at http://patent.org.hu/dokumentumok/kozpolitika_kutatas/zarotanutmany_ang_webre.pdf.

⁷⁰ PATENT Association, *Monitoring How Courts Treat Domestic Violence in Hungary: A Court Watch Program*, (2016). 14. Available at http://patent.org.hu/dokumentumok/kozpolitika_kutatas/zarotanutmany_ang_webre.pdf.

⁷¹ PATENT Association, *Monitoring How Courts Treat Domestic Violence in Hungary: A Court Watch Program*, (2016). 21. Available at http://patent.org.hu/dokumentumok/kozpolitika_kutatas/zarotanutmany_ang_webre.pdf.

⁷² PATENT Association, *Monitoring How Courts Treat Domestic Violence in Hungary: A Court Watch Program*, (2016). 16. Available at http://patent.org.hu/dokumentumok/kozpolitika_kutatas/zarotanutmany_ang_webre.pdf.

⁷³ PATENT Association, *Monitoring How Courts Treat Domestic Violence in Hungary: A Court Watch Program*, (2016). 16. Available at http://patent.org.hu/dokumentumok/kozpolitika_kutatas/zarotanutmany_ang_webre.pdf.

⁷⁴ Manasi Gopalakrishnan, "More than a quarter of Europeans say rape can be justified," D.W., 2 December 2016, Available at: <https://www.dw.com/en/more-than-a-quarter-of-europeans-say-rape-can-be-justified/a-36591603>

⁷⁵ Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined seventh and eighth periodic reports on Hungary, adopted by the Committee at its 54th session* (11 Feb. – 1 March 2013), U.N. Doc. CEDAW/C/HUN/CO/7-8, ¶ 21(i).

⁷⁶ Committee on the Elimination of Discrimination against Women, *Consideration of reports submitted by States parties under article 18 of the Convention: Hungary*, (10 February 2020), UN Doc. CEDAW/C/HUN/9, ¶ 134.

30. Unfortunately, citing concerns about the gender terminology in the Convention, the State parliament voted on May 5, 2020, not to ratify the Convention.⁷⁷ The Justice Minister for the State Party asserts that existing domestic-violence legislation and support systems are more stringent than the E.U. in general.⁷⁸ NGOs point out that efforts put forth by the State are still insufficient and do not approach the actions that would be required under the Istanbul Convention.⁷⁹ Passage of the Convention unfortunately has become a political matter rather than something authorities are working together to achieve.⁸⁰

Suggested questions relating to violence against women:

- What is the justification for criminalizing only the second instance of domestic violence? To what extent do legal systems, in practice, implement the claimed interpretation of “health” to actual penalize domestic violence in the form of economic and psychological violence? What efforts is the State Party taking to ensure that all forms of domestic violence are punished, in law and in practice?
- How is the State Party working to increase domestic violence prosecution in cases involving couples who are not cohabiting or sharing children? What is the justification for failing to enact a broader definition of domestic violence, both in criminal legislation and in the law on restraining orders?
- What efforts is the State Party making to increase victims’ access to civil protective orders? What steps has the State Party taken to work to increase the available duration of such civil orders to provide better protection to victims?
- Please provide information on the number of temporary preventive restraining orders issued by the police in the reporting period. Please also provide information about the preventive restraining orders issued by the court, as a percentage of the total respective cases initiated.
- What policies and procedures are in place to ensure that victims of domestic violence are protected from their abusers, even without the involvement of criminal authorities? To what extent do these procedures allow for removal of the abuser, no contact in any way with the applicant, and for children to stay in the home with the applicant? What other measures does the State Party take to ensure the safety of victims of domestic violence apart from criminal measures?

⁷⁷ Hillary Margolis, *Hungary Rejects Opportunity to Protect Women from Violence*, Human Rights Watch, 8 May 2020, <https://www.hrw.org/news/2020/05/08/hungary-rejects-opportunity-protect-women-violence>

⁷⁸ *Violence against Women: Coronavirus Delays Stricter Rules While Cases Reportedly Rise*, Hungary Today, 26 November 2020, <https://hungarytoday.hu/violence-against-women-domestic-abuse-istanbul-convention-cases-rise-police-campaign/>

⁷⁹ *Violence against Women: Coronavirus Delays Stricter Rules While Cases Reportedly Rise*, Hungary Today, 26 November 2020, <https://hungarytoday.hu/violence-against-women-domestic-abuse-istanbul-convention-cases-rise-police-campaign/>

See Written Communications to The Advocates for Human Rights from an attorney, (January 29, 2021) (on file with authors).

⁸⁰ *Violence against Women: Coronavirus Delays Stricter Rules While Cases Reportedly Rise*, Hungary Today, 26 November 2020, <https://hungarytoday.hu/violence-against-women-domestic-abuse-istanbul-convention-cases-rise-police-campaign/>

- What efforts is the State Party undertaking to provide more awareness and legal training to the judiciary and prosecutors, as well as child protection personnel to assure that domestic violence is understood and vigorously addressed?
- Please provide disaggregated data about domestic violence cases over the reporting period, separating cases by the gender, age, ethnic background, and relationships status of both the victim and the offender.
- What efforts is the State Party taking to include sexual violence as a form of domestic violence?
- What, if any, efforts is the State Party taking to criminalize rape based on a lack of consent, instead of the use of force? What special services are available for the victims of rape and other forms of sexual violence? What professional and public awareness-raising measures have been taken by the State Party to adequately address the issue of rape and sexual violence, in compliance with international standards, and that are victim-centered?
- How many shelter beds or positions are currently available to victims of domestic violence? What steps is the State Party taking to increase the number of shelters in both rural areas and cities to meet the Council of Europe's recommended provision of 1 bed per 10,000 citizens? How does the State Party ensure that victims of domestic violence receive social and legal assistance proportionate to the scope of the need? What policies and procedures are in place to ensure that such assistance is accessible to victims and to minimize barriers to eligibility?
- What steps, if any, has the State Party taken to prioritize the safety of domestic violence victims during the coronavirus pandemic?