

HUNGARY REVIEW

I. Justice System B. Quality of justice

Accessibility of courts (e.g. court/legal fees, legal aid, language)

In its 2023 concluding observations on Hungary, the Committee on the Elimination of Discrimination against Women noted with concern persistent barriers to women's and girls' access to justice, in particular for women and girls facing intersecting forms of discrimination who have limited access to justice owing to social stigma, the inaccessibility of the judicial system and gender bias among law enforcement officers, including the police. The Committee further noted that priority is given to mediation and reconciliation procedures in cases involving gender-based violence against women, women's limited awareness of their rights and limited knowledge among judges and law enforcement officials of the Convention on the Elimination of All Forms of Discrimination Against Women, the Optional Protocol thereto and the Committee's general recommendations. Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommended that Hungary address the barriers to women's and girls' access to justice, including by: Conducting a study to identify barriers faced by women and girls, in particular those who experience intersecting forms of discrimination, in accessing justice, and by taking effective measures to remove those barriers, including by raising the awareness of women of their rights and improving the accessibility of the judicial system; Ensuring women's and girls' access to justice, including through procedural accommodations, and encouraging reporting of gender-based violence to law enforcement bodies, including through affordable and, if necessary, free legal assistance; relaxing the burden of proof for complainants; ensuring affordable access to forensic evidence; and continuing to build, as a mandatory part of their professional training, the capacity of judges, prosecutors, the police and other law enforcement officers on gender-sensitive investigation and interrogation methods, and on the Convention, the Optional Protocol thereto and the Committee's jurisprudence and general recommendations; Raising awareness among women and girls, including in rural areas and among Roma women, women with disabilities and older women, on the legal remedies available to claim violations of their rights ([CEDAW/C/HUN/CO/9](#), para. 13, 14).

C. Efficiency of the justice system

Other

Several Special Procedures mandate holders¹ ([AL HUN \(1.2022\)](#)) received information concerning the alleged unlawful dismissal by the Budapest City hall of one of its workers, Mr.

¹ Mandates of the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on minority issues

Gàspàr Bèkès, which appears to be related to Mr. Bèkès' legitimate exercise of his rights to freedom of thought, conscience and religion, including his right not to profess any religion and to practice his beliefs as an atheist and a member of a belief minority; his right to freedom of opinion and expression; as well as death threats received by Mr. Gàspàr Bèkès through social media. On 24 May 2021, the first instance Metropolitan Administration and Labor Court of Budapest upheld Mr. Bèkès's appeal against his dismissal by the Budapest City Hall, ruling that he was terminated unlawfully. The Court ordered to reinstate Mr. Bèkès in his post and condemned his employer to compensate Mr. Bèkès in full for his loss of earnings. On 8 June 2021, the Budapest City Hall filed an appeal before the Budapest Court of Appeal against the decision of the first instance Court. For this reason, Mr. Bèkès has not been reinstated in his post pending the decision of the Court of Appeal.

IV. Other institutional issues related to checks and balances

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

In its 2023 concluding observations, the Committee on the Elimination of Discrimination against Women recommended that Hungary: Establish, within a clear time frame, a government institution at the highest level with adequate human, technical and financial resources, external to and independent from the Ministry of Culture and Innovation, responsible exclusively for the promotion and advancement of women's rights and gender equality, establish local gender focal points and gender coordination units in all relevant ministries, and clearly define their mandates and responsibilities in the implementation of national legislation and policy frameworks on gender equality; Conduct an impact assessment of the Strategy for the Promotion of Gender Equality 2010–2021; Conduct systematic training on women's rights and gender equality for civil servants on initial appointment and regular refresher courses, and monitor progress in relation to gender mainstreaming across all sectors; Strengthen cooperation between the national machinery for the advancement of women and women's rights organizations ([CEDAW/C/HUN/CO/9](#), para. 18).

The Committee also recommended that Hungary strengthen the Office of the Commissioner for Fundamental Rights by providing it with adequate human, technical and financial resources to discharge its mandate effectively, independently and in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles; General Assembly resolution 48/134). It furthermore, recommended that Hungary support the Commissioner in implementing the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, and seek technical assistance from the Office of the United Nations High Commissioner for Human Rights in the process ([CEDAW/C/HUN/CO/9](#), para. 19).

E. Initiatives to foster a rule of law culture

Other

In its 2023 concluding observations on Hungary, the Committee on the Elimination of Discrimination against Women recommended that Hungary: Adopt a comprehensive law on gender-based violence against women, in line with general recommendation No. 35 (2017), and the Committee’s jurisprudence under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which includes a definition of gender-based violence against women, measures and policies aimed at its elimination, institutions responsible for its implementation and coordination mechanisms, and takes into account the special protection needs of disadvantaged and marginalized groups of women, including Roma women, women with disabilities and lesbian, bisexual, transgender and intersex women; Amend the discriminatory provisions to ensure the timely and effective issuance, enforcement and monitoring of protection orders, including, where appropriate, expulsion orders, in cases of domestic violence, and impose adequate deterrent penalties for non-compliance with such orders; Repeal provisions on mandatory mediation in cases of child custody and visitation rights, introduce a legal requirement to examine the history of violence in such cases, remove the obligation to pay mediation procedure fees for “non-cooperation” and give priority to criminal proceedings over mediation and reconciliation in cases involving gender-based violence against women; Encourage reporting of all forms of gender-based violence against women and girls, including domestic and sexual violence, without fear of reprisals, stigmatization or re-victimization, and ensure that all such cases are effectively investigated and that perpetrators are prosecuted ex officio and adequately punished; and ensure that police officers who fail to take action or discourage victims from filing complaints are held accountable; Strengthen victim support services and protection, including a 24/7 hotline, adequate and accessible shelters, medical treatment, psychosocial counselling and economic support to victims in all parts of the State party, as well as introduce voluntary and mandatory help services for violent partners ([CEDAW/C/HUN/CO/9](#), para. 26).