Hungarian Woman Pushes Limits of U.N. Gender Pact

By Bojana Stoparic, WeNews correspondent

(WOMENSENEWS) – For four years after her common law husband moved out of their jointly owned apartment in Budapest, A.T. (who wishes to remain anonymous) continued to suffer physical and psychological abuse at his hands. At one point he beat her so badly she was hospitalized for a week with a kidney injury.

She couldn’t file for a protection or restraining order because none was available under Hungarian law. No specific law against domestic violence exists and thus her former husband was charged with assault and battery.

When he was finally convicted of causing her grievous bodily harm last year – after criminal proceedings had gone on for over three years – he was fined the equivalent of $365.

In the meantime, A.T. changed the locks to the apartment, only to be ordered by local authorities to stop hindering her former husband’s access to his possessions. She initiated civil proceedings to establish her exclusive right to use the apartment and divide common property. But, despite 10 medical certificates attesting to the abuse A.T. suffered, judges decided that her former husband’s right to his property could not be restricted.

A.T. then decided to take an unusual step. Using a relatively new procedure, she brought a claim against Hungary to the United Nations committee – based at U.N. headquarters in New York City – in charge of monitoring compliance with the Convention on the Elimination of All Forms of Discrimination Against Women.

Hungary signed the international treaty--usually referred to as CEDAW – in 1980. In doing so it committed itself to eliminating any discrimination that prevented women from fully enjoying their human rights and freedoms in all spheres of life, including freedom from domestic violence.

In January, after reviewing information provided by the woman and the Hungarian government, the CEDAW committee determined that by not protecting A.T. from her former husband – and then not ensuring her a fair legal recourse against him – Hungary had in fact violated her rights and failed to fulfill its obligations under CEDAW.
The committee asked Hungary to immediately take measures to protect A.T. and her children, as well as to implement laws and programs to prevent and address domestic violence.

Those conclusions were communicated to the Ministry of Youth, Family, Social Affairs and Equal Opportunities in Hungary through the country’s U.N. mission in New York.

“I found it strengthening that I was not alone in my fight and that I was given justice from a U.N. organ,” A.T. recalls.

**Six Months Later, Little Change**

Six months have passed since the CEDAW committee made its recommendations to Hungary, however, and, according to A.T., her personal situation remains the same. She continues to live in the same apartment; her husband stopped harassing her only after she asked a friend to act as her bodyguard. Meanwhile, the country’s political sphere also remains little changed.

“The lack of adequate laws and trained professionals [aware of CEDAW] impedes effective women’s rights advocacy at the local level,” explains Julia Spronz, a human rights lawyer in Budapest.

Spronz says that the Hungarian parliament last year rejected a bill – the first of its kind – to establish protection orders for victims of domestic abuse on the grounds it would limit men’s right to free movement and private property. No further legislative action has been taken on the issue.

Since its 1981 inception, CEDAW has been ratified by 180 countries. Among other things, the document declares that women have the same right as men to educational and employment opportunities, to vote in all elections and participate in public life, and to inherit and administer property.

CEDAW is supposed to be legally binding on the countries that adopt it, but it stops short of imposing any punishment. (Although the U.N. Security Council has passed resolutions in response to massive human rights abuses, they usually concern the use of international force. The Security Council has never done so in relation to women’s human rights.) And unlike some European Union laws, which often come with political or economic incentives, CEDAW has no compliance carrots to offer governments.

The agreement has nonetheless boosted women’s activism by providing and outlining opportunities to push for anti-discrimination laws and helping governments draft legislation to protect women’s rights, says Meg Satterthwaite, research director of the New York University Center for Human Rights and Global Justice.
Basis for Colombian Health Policy

In Colombia, CEDAW provided the basis for a new health policy – enacted by the government in 1992 – that emphasized the importance of women’s active involvement in decisions affecting their health, lives and bodies. The policy also affirmed a woman’s right to health information, family planning services and safe contraceptives. (Abortion, however, is not included.)

In Botswana and Tanzania, high courts referred to CEDAW in decisions to reform laws that allowed only fathers to pass their nationality on to children and that barred women from selling inherited property.

At the same time, “the challenge has been making sure CEDAW is implemented once these laws have been put into place,” says Satterthwaite.

Despite a comprehensive 1990 law on gender equality in Costa Rica, in 2003 the CEDAW committee found that violence against women and sexist stereotypes continued to limit women’s rights in that country.

Worldwide, many of the countries with the lowest proportion of women in politics – such as Turkey, Ukraine, Sri Lanka and Lebanon – are parties to CEDAW, even though CEDAW committee members have repeatedly asked them to consider adopting special measures such as quotas to increase women’s political participation.

“Once we make our recommendations, it is left up to the good will of the government to implement them,” says Heisoo Shin, one of the 23 gender experts on the committee, which meets twice a year to examine countries’ progress reports on the status of women.

“The committee has to work through force of persuasion,” says Satterthwaite.

Advocates Provide Crucial Link

Women’s rights advocates provide the crucial link between what is said at the U.N. and what happens back home. Often they file “shadow reports,” which point out shortcomings and controversial issues that may be omitted from official reports. More important, emphasizes Shin, they are the ones who ultimately hold governments accountable.

Women’s advocates ensured that women’s human rights, as outlined in CEDAW, were included in the national constitutions of Brazil, Colombia and South Africa. In India and Japan, women’s groups used CEDAW in domestic courts to successfully fight sexual harassment and wage discrimination.

Last month, representatives from eight Irish women’s groups traveled to New York to watch Shin and the other committee members grill their government on the lack of women in politics and the barriers women face in gaining full-time employment. The
activists left the meeting feeling good, but also knowing that the real work was just beginning, says Noirin Clancy of the Women’s Human Rights Alliance in Dublin.

“We have ammunition now. We can use the authority of the U.N. to assert that the position of women in Ireland is not good enough,” Clancy told Women’s eNews. The groups plan to disseminate the committee’s conclusions to other activists and the media, as well as use them in discussions with public officials and opposition parties.

In contrast, Hungary has only three women’s rights organizations and fewer than five lawyers with domestic-violence expertise, according to Spronz.

Although A.T., the domestic abuse victim who complained to CEDAW, had been in contact with women’s rights groups in Hungary, Spronz says they could only offer her emotional and moral support during her legal battles. She formally submitted her communication to the CEDAW committee on her own.

Spronz maintains that CEDAW is the only available tool in Hungary to address violence against women, as in the case of A.T., but the lack of a strong women’s movement limits its effectiveness. If no women’s groups exist to continually bring up CEDAW in their advocacy work, then the treaty remains what Spronz calls “an unknown, meaningless, [and] formal legal text.”

Clancy agrees. “They won’t implement it without pressure from us,” she says.

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For more information:

Convention on the Elimination of All Forms of Discrimination Against Women:  
/http://www.un.org/womenwatch/daw/cedaw/

International Women’s Rights Action Watch – Asia Pacific – Implementing CEDAW:  
/http://www.iwraw-ap.org/

CEDAW: The Optional Protocol and Women in Decision-Making:  

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