

Flawed Family Laws in Hungary



*

VERONIKA
KONTSEK

Family. It is supposed to be a group of people where all individuals can find safety, acceptance, and limitless care whatever their temperament or special needs are. However, there are situations, in which all of these things which bind a group of people into a family become impossible, and nothing remains – only a nightmare. A nightmare, which cannot be seen by other people, it is just a deep, and shameful secret: domestic violence. There are countless spouses who live their everyday life in an alternate reality suffering from unspeakable pain under physical and psychological violence. On the other hand, there are those who do escape, but thereafter cannot survive the brave choice to live. At the moment, according to statistics, one woman is killed every week in Hungary because she tried to leave an abusive relationship.¹

The Charter of Fundamental Rights of the European Union (EU)² declares the right to security, the equality of men and women, and the rights of the child. However, at the end of November 2022, the Hungarian government passed a new law, which proclaims that from then on, the state would only help the vulnerable as a last resort, when both the family and the local government have already failed.

In Hungary, the family is legislatively declared in the constitution³ as a unit where the father is a man and the mother is a woman, and – according to the new

“

MORE THAN ONE IN THREE WOMEN IN HUNGARY EXPERIENCE PHYSICAL OR SEXUAL VIOLENCE FROM AN INTIMATE PARTNER DURING THEIR LIFETIME

social law⁴ – the families should attempt to first solve the problem among themselves. But what if the issue is a dysfunctional family? Therefore, this is the official background where the survivors must fight for themselves, because the government has turned a blind eye to a lot of social needs.

These issues in society still remain invisible and, as such, they should be addressed. Because it does not matter that the government is blind to a problem, the society can make changes on its own if taboos are broken, and blind spots identified.

WHAT IS DOMESTIC VIOLENCE?

Domestic abuse, also known as ‘intimate partner violence’, is a pervasive problem in many countries around the world, including Hungary. According to a report by the

¹ Borbola, L. (2020) *Legyen Nőnap! Legyen ciki a bántalmazás!*. Available [online]: <https://noivalto.hu/ezvan/legyen-nonap-legyen-ciki-a-bantalmazas/> [in Hungarian]

² Council of the European Union (2000) *Charter of Fundamental Rights of the European Union*. Available [online]: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012P/TXT&from=EN>

³ <https://www.euractiv.com/section/politics/news/mother-woman-father-man-now-a-law-in-hungary/>

⁴ <https://hungarymatters.hu/2022/11/23/lawmakers-approve-changes-to-provisions-on-social-care/>

Hungarian Central Statistical Office, more than one in three women in Hungary experience physical or sexual violence from an intimate partner during their lifetime⁵. Domestic abuse is a complex problem that can have multiple causes. One of the most common factors is power and control. Abusers may use violence and other forms of abuse to assert their dominance over their partners and maintain control over them. Other factors that can contribute to domestic abuse include poverty, substance abuse, and mental health problems⁶.

Research has also found that cultural attitudes and gender norms can contribute to domestic abuse. In many cultures, men are expected to be dominant and controlling in relationships, while women are supposed to be submissive and obedient. These attitudes can create a power imbalance in relationships, which can make it more likely that abuse will occur⁷.

Domestic abuse can have serious consequences for the victims. Physical injuries are common, and victims may also experience psychological trauma, including anxiety, depression, and post-traumatic stress disorder (PTSD). Victims may also struggle with feelings of guilt and shame, which can make it difficult for them to seek help⁸. Domestic abuse can also have long-term consequences for children who witness it. Children who grow up in households with domestic violence are more likely to experience mental health problems, such as anxiety and depression, and are at increased risk

⁵ Németh, E. (2012) "Hozzájártozók sérelmére elkövetett erőszakos cselekmények", [in]: [ksh.hu](http://www.ksh.hu/szamlap/eletunk.html). Available [online]: <https://www.ksh.hu/szamlap/eletunk.html> [in Hungarian]

⁶ Herman, J. (2019) *Trauma és gyógyulás*, Budapest: Hattyér Kiadó.

⁷ Ibid.

⁸ Ibid. See also: Tisza, K. (2021) *Most*, Budapest: Scolar Kiadó.

of being victims or perpetrators of violence themselves⁹.

But what is domestic violence? An important work on the topic identifies several types of domestic violence:

- 1. Physical violence:** This is the most common form of domestic violence and involves the use of physical force against an intimate partner, such as hitting, slapping, punching, kicking, choking, or using weapons.
- 2. Sexual violence:** This type of violence includes any non-consensual sexual activity between intimate partners, such as rape, forced sexual acts, and sexual coercion.
- 3. Psychological violence:** Also known as emotional or mental abuse, this type of violence involves the use of verbal and non-verbal tactics to control, manipulate, and belittle an intimate partner, such as insulting, criticizing, humiliating, threatening, and isolating them from friends and family.
- 4. Economic violence:** This type of violence involves controlling an intimate partner's finances and economic resources, such as preventing them from working or accessing money, and using economic coercion to maintain power and control over them.
- 5. Spiritual violence:** This type of violence involves using religious or spiritual beliefs to control, manipulate, or belittle an intimate partner, such as using religious doctrines to justify violence or to prevent the partner from practicing their own spiritual beliefs¹⁰.

⁹ Rodriguez, N., Kempe, H. V., and D.W. Foy (1998) "Posttraumatic Stress Disorder in Survivors of Childhood Sexual and Physical Abuse: A Critical Review of the Empirical Research", [in]: *Journal of Child Sexual Abuse*, Vol. 7(2), pp. 17-45.

¹⁰ Kemp, A. (2011) "Typologies of domestic violence: Categories and correlates in two national surveys", [in]: *Journal of Interpersonal Violence*, Vol. 26(10), pp. 2066-2085.

“

CHILDREN WHO ARE EXPOSED TO DOMESTIC VIOLENCE MAY EXPERIENCE ANXIETY, DEPRESSION, POST-TRAUMATIC STRESS DISORDER, AND OTHER MENTAL HEALTH PROBLEMS

It is worth noting that these types of violence often overlap and may occur simultaneously in a single abusive relationship. It is also important to recognize that domestic violence is a serious problem that affects people of all genders and backgrounds, and that it can have long-term physical, emotional, and psychological effects on its victims.

Domestic violence also affects children: they also can be controlled and abused, and even in those cases where they are not the direct targets, seeing and hearing violence against their parent also causes bad influences¹¹. These sources suggest that expo-

sure to domestic violence can have negative effects on children's mental health, behavioral functioning, and interpersonal relationships. Specifically, children who are exposed to domestic violence may experience anxiety, depression, post-traumatic stress disorder, and other mental health problems. They may also exhibit behavioral problems such as aggression, social withdrawal, and substance abuse. Additionally, children who witness domestic violence may have difficulty forming and maintaining healthy relationships with others and might be more likely to experience violence in their own intimate relationships as adults¹².

STATISTICS ON DOMESTIC VIOLENCE IN HUNGARY

The COVID-19 pandemic also had a significant impact on the lives of families: the confinement brought to the surface deep-rooted problems that intensified and burst to the surface behind the completely closed doors of the family home¹³. After the lockdown, the number of child protection reports about domestic violence increased by 30% in Europe. In Hungary, the number of emergency calls during the lockdown increased by the same percentage¹⁴. Katalin Novák, who was at that time Hungary's minister responsible for families, announced in 2020 that abuse is not

¹² Altena, A. M., Brilleslijper-Kater, S. N., and P. Ter Horst (2011) "Children's Exposure to Domestic Violence: A Meta-Analysis of Longitudinal Associations with Child Adjustment Problems", [in]: *Development and Psychopathology*, Vol. 23(1), pp. 283-295.

¹³ Kofman, Y. B. and D.R. Garfin (2020) "Home Is Not Always a Haven: The Domestic Violence Crisis Amid the COVID-19 Pandemic", [in]: *Psychological Trauma: Theory, Research, Practice, and Policy*, Vol. 12(S1), p. 199.

¹⁴ Pósfai, O. (2020) "A járvány kezdete óta Magyarországon is jelentősen megugrott a családon belüli erőszak bejelentéseinek a száma", [in]: *Mérce.hu*. Available [online]: <https://merce.hu/2020/03/28/a-jarvany-kezdete-ota-magyarorszagon-is-jelentesen-megugrott-a-csaladon-beluli-eroszak-bejelentesinek-a-szama/> [in Hungarian]

¹¹ Révész, G. (2004) *Szülői bánásmód – Gyermekbántalmazás Új Mandátum*, Budapest: Kiadó.

a private matter and that the government is taking steps to help victims of domestic violence¹⁵.

Although shelters helping abused people were operating, no government strategy was developed on the issue, and action was still determined by the customary law and local mode of operation of the local family support centers and guardianship offices. A new law came into force on January 1, 2021, which is linked to the name of the Minister of Justice, Judit Varga. Pursuant to the law, in child custody lawsuits during the divorce, it is possible to order shared custody at the request of one of the parents, henceforth no parental consent is required for this.

Hungary's largest women's rights organizations (NANA, PATENT, Hungarian Women's Lobby) sharply criticized this amendment, pointing out that this proposal favors the abusers, on the one hand, and further despairs those living in an abusive relationship, as they see even fewer opportunities to protect their children from the abusive party by leaving the abusive relationship¹⁶. The lawyers of the organizations drew attention to the fact that even before the amendment of the law, it was a problem in court practice that the abusive party had to continue to be visited, despite the fact that this also caused considerable anxiety for the child. In cases where the party leaving the abusive relationship did not give the child

¹⁵ Novák, K. (2020) "A járvány idején is számithatnak segítségre a családon belüli erőszak áldozatai", [in]: Mandiner.hu. Available [online]: https://mandiner.hu/cikk/20200327_novak_katalin_a_jarvany_idejen_is_szamithatnak_segitsegre_a_csaladon_beluli_eroszakaldozatai [in Hungarian]

¹⁶ Mizzur, A. (2021) "Tényleg a bántalmazóknak kedvez Varga Judit törvényjavaslata a válasról?", [in]: Telex.hu. Available [online]: <https://telex.hu/belfold/2021/11/03/valas-szulok-kozos-felugyelet-varga-judit-torveny-modositas-hintaloton-nane-patent-magyar-noi-erdekervenyesito-szovetseg-kapcsolaton-beluli-erosztak-bantalmazas>

”

THE COVID-19 PANDEMIC ALSO HAD A SIGNIFICANT IMPACT ON THE LIVES OF FAMILIES: THE CONFINEMENT BROUGHT TO THE SURFACE DEEP-ROOTED PROBLEMS THAT INTENSIFIED AND BURST TO THE SURFACE BEHIND THE COMPLETELY CLOSED DOORS OF THE FAMILY HOME. AFTER THE LOCKDOWN, THE NUMBER OF CHILD PROTECTION REPORTS ABOUT DOMESTIC VIOLENCE INCREASED BY 30% IN EUROPE

to the abuser for visitation, they are usually at a disadvantage in court and during the guardianship proceedings¹⁷. Moreover, in those cases where – after several years of court and guardianship proceedings, mental and/or physical violence against children was established – the party, who acting according to the court decision provided due visitation rights to the abuser was identified as the one who endangers the child by exposing it to abuse¹⁸. According to the data published by the Hungarian Statistical Office, the number of the domestic violence cases treated in the family support services were already showing significant growth before COVID-19. In 2011, judicial statistics registered nearly 6,400 violent crimes committed against relatives¹⁹. At first sight, this data suggests that only 6,400 violent crimes committed against relatives happened in Hungary in 2011, but knowing the police and family services case management suggests that more crime happened, and only 6,400 of them reached the court level. According to the FRA's representative research covering the whole of Europe, the following statistics are also representative for Hungary²⁰.

According to Jakab-Aponyi and Németh's paper, only 5% percent of the cases get to the court level and 0.5% appear in police

¹⁷ Spronz, J. (2016) *A jog hálójában*, Budapest: Patent Egyesület. Available [online]: https://patent.org.hu/dokumentumok/kozpolitika_kutatas/joghajaban_webre.pdf [in Hungarian]

¹⁸ Jakab-Aponyi, N. and D. Németh (2022) "A szeretet nem árt, az állam pedig nem segít", [in]: *Szabad Európa*. Available (online) <https://www.szabadeuropa.hu/a/a-szeretet-nem-art-az-allam-pedig-nem-segit/31744389.html> [in Hungarian]

¹⁹ Németh, E. (2012) "Hozzátartozók sérelmére elkövetett erőszakos cselekmények", [in]: *A Központi Statisztikai Hivatal Színes On-line Magazinja*. Available [online]: <https://www.ksh.hu/szamlap/eletunk.html> [in Hungarian]

²⁰ NANE Egyesület (2015) *Miért marad?*. Available [online]: https://nane.hu/wp-content/uploads/miert_marad_2015.pdf [in Hungarian]

statistics [See: Figure 1] – which, if true, there are 128,000 cases. In their study, Jakab-Aponyi and Németh present that current statistics shows that 760,000 women are affected by domestic violence, and 226,000 of the women still live in a violent relationship²¹.

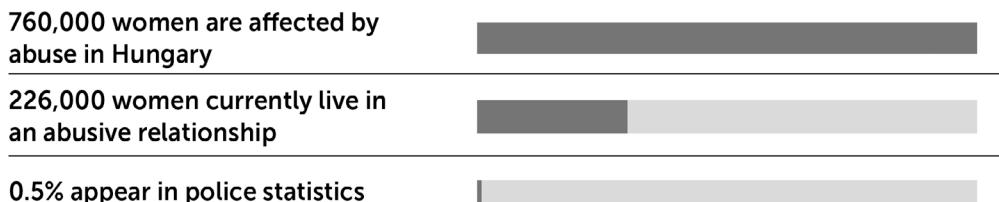
There were some cases that received a lot of publicity in Hungary. For example, the Zöldlomb Street family murder in 2019. The father abused his family through the years in a very reputable district of Budapest. The day before the 31-year-old mother and her four-year-old son were dead, she called the police again. Despite the family's history with abuse, the police did not treat the case as a priority. Since there was no blood, they left the family alone. Behind the closed doors of the 'decent' environment in Buda, the abusive father killed his wife and their little boy, and then took his own life. After the tragedy, the neighbors told the journalists that everybody knew that the family had problems, the fights were constant²².

In 2020, another case received a lot of infamy: in Győr, during a visitation, a father killed their older child, and then committed suicide. In 2016, the same father (who was also physically violent with the mother of his children, according to the opinions of forensic experts) was qualified to have contact with his children, so according to the court decision, the mother had the duty to take

²¹ Jakab-Aponyi, N. and D. Németh (2022) "A szeretet nem árt, az állam pedig nem segít", [in]: *Szabad Európa*. Available [online]: <https://www.szabadeuropa.hu/a/a-szeretet-nem-art-az-allam-pedig-nem-segit/31744389.html> [in Hungarian]

²² Jámbor, A. (2019) "A rendőrség azt kéri, ha rosszul járnak el egy bántalmazási ügyben, akkor ezt az érintett jelezze a rendőrkapitányságon", [in]: *Mérce.hu*. Available [online]: <https://merce.hu/2019/08/26/a-rendorseg-azt-keri-ha-rosszul-jarnak-el-egy-bantalmazasi-ugyben-akkor-ezt-az-erintett-jelezze-a-rendorkapitanysagon/> [in Hungarian]

Figure 1: Statistics of abused women in Hungary



Source: Women for Women Together Against Violence Association (NANE)

her children to the father in any case²³. After this incident, Judit Varga announced that she would order an investigation into the matter, and that everything would be done at the government level to prevent such tragedies from happening in the future.²⁴

THE SYSTEMS – A NEVER ENDING CIRCLE

According to the sector-neutral child protection signaling system protocol, everyone who comes into contact with an abused child is considered a member of the signaling system²⁵. The Child Protection Act in Hungary lays down what to do if domestic violence is suspected in relation to a child. Below I list the tasks required by law²⁶:

²³ HVG (2019) Győri családi tragédia: órákig halott testvérei mellett lehetett a hatéves kislány. Available [online]: https://hvg.hu/iththon/20191216_gyor_csaladi_tragedia_testverek_kislany [in Hungarian]

²⁴ HVG (2019) A bírósági szakértő fél éve írásba adta: minden rendben az apával, aki most megölte gyerekeit. Available [online]: https://hvg.hu/iththon/20191216_gyerekgyilkossag_gyor_birosag_wirth_gyamugy [in Hungarian]

²⁵ Módszertani Útmutató (2017) A gyermekvédelmi észlelő- és jelzőrendszer működtetése kapcsan a gyermek bántalmazásának felismerésére és megszüntetésére irányuló szektorszemleges egységes elvek és módszertan. Available [online]: shorturl.at/pwFZ5 [in Hungarian]

²⁶ See: https://net.jogtar.hu/jogsabaly?docid=997000-31_tv [in Hungarian]

- **Reporting:** If a suspicion of violence arises, the reporting party must immediately report to the competent guardianship authority or child protection institution.
- **Child protection procedure:** The guardianship authority immediately starts the child protection procedure, in the framework of which the suspicion of violence is investigated and, if needed, the necessary measures are taken for the sake of the child.
- **Temporary placement:** If the child is at risk at home, the guardian authority responsible for the case may order the child to be placed in temporary placement. Temporary placement can be with family members, foster parents, or in a foster care institution.
- **Expert examination:** The guardian authority responsible for the case can order an expert examination to be carried out in order to find out the physical and psychological state of the child, as well as the causes of the violence.
- **Institutional placement:** If the child's life, physical, mental, or sexual integrity is in danger, and other measures do not provide adequate protection, the guardian authority responsible for the case may order the child to be institutionalized.

- **Family support services:** The guardianship authority responsible for the case can provide the family with the opportunity to participate in family support services aimed at dealing with family conflicts and problems.

The above tasks include the measures that the competent guardianship authority must take in the case of domestic violence for the sake of the child. During the procedure, the interests of the victim, i.e., the child, must always be kept in mind.

The idea is good in theory, but in many cases the administration gets stuck at the beginning. Employees of educational institutions are often afraid to file a report, for several reasons: they are afraid that the child will be taken from both parents, and they are also afraid of the person who committed the violence. Usually, school social workers help the institutions to write the first reports to the local child protection institution.

The social system plays a critical role in responding to domestic abuse in Hungary. The government has implemented a number of policies and programs aimed at preventing domestic abuse, providing support and treatment for victims, and holding perpetrators accountable for their actions. Prevention and education programs, support and treatment for victims, as well as legal interventions are all important components of the social system's response to domestic abuse and can be effective in reducing the prevalence of this issue.

The Hungarian government has implemented a number of programs aimed at promoting healthy relationships and preventing domestic abuse from occurring in the first place²⁷.

”

THE HUNGARIAN GOVERNMENT HAS IMPLEMENTED A NUMBER OF PROGRAMS AIMED AT PROMOTING HEALTHY RELATIONSHIPS AND PREVENTING DOMESTIC ABUSE FROM OCCURRING

Research has shown that prevention and education programs can be effective in reducing the prevalence of domestic abuse. A study conducted by the World Health Organization found that comprehensive interventions, which included education and awareness-raising programs, were associated with significant reductions in the prevalence of intimate partner violence in several countries, including Hungary²⁸.

Despite all of these, the prevention programs organized by social workers and external organizations, which dealt with sexuality, maintaining boundaries and early recognition of abusive relationships, were discontinued in schools. This is due to Hungary's new 'child protection' law declared in 2021, which, according to the government's interpretation, was intended to protect children

²⁷ See: <https://nane.hu/wp-content/uploads/Szivdob-banas-1.pdf> [in Hungarian]

²⁸ Ibid.

under age 18 from homosexuality²⁹. This law did not address domestic abuse at all, neither did it take any measures regarding child abuse. On a systemic level, however, it violates basic human freedoms as essentially acting as an anti-gay propaganda law that makes it impossible for young people with a sexual orientation other than heterosexual to seek professional help³⁰. Programs aimed at healthy, i.e., equality-based relationships and sexual education cannot therefore be implemented in educational institutions, this was the only 'benefit' of the new law, and in addition, the non-heterosexuals were marginalized.

As it can be seen, the new law has no focus on domestic violence. Child protection services operate from the perspective of social workers, thus the focus is on the children and not on the parents. Social services do not criminalize, but work with a helping attitude. In some cases, criminalization has benefits, but not in terms of domestic violence³¹. Investigating the signals and then establishing professional contact can take weeks and a lot depends on the training and personal experience of the individual helpers. Uniform training aimed at recognizing abuse is not mandatory, so the fact of abuse may remain hidden even from professionals.

Knowing the dynamics of abuse, i.e., the fact that the confrontation with the perpetrator poses a serious physical and mental danger to the victim of violence, during the

²⁹ Előd, F. and K. Janecskó (2021) "Melegellenesse tett pedofiltörvény gyorstalpaló", [in]: Telex.hu. Available (online) <https://telex.hu/belfold/2021/06/29/melegellenesse-tett-pedofiltorveny-gyorstalpalo> [in Hungarian]

³⁰ BBC (2021) *EU Votes for Action over Hungary's Anti-LGBT Law*. Available [online]: <https://www.bbc.com/news/world-europe-57761216>

³¹ Spronz, J. and J. Wirth (2006) "A nők elleni erőszak áldozatainak integráltezátsája", [in]: Nane.hu. Available [online]: https://nane.hu/wp-content/uploads/integralt_magyar_nane_hcm.pdf [in Hungarian]



UNIFORM TRAINING AIMED AT RECOGNIZING ABUSE IS NOT MANDATORY, SO THE FACT OF ABUSE MAY REMAIN HIDDEN EVEN FROM PROFESSIONALS

joint discussion at the case conferences the victim often does not even dare to accept everything that they experienced, since after this they must go home with the perpetrator again behind closed doors³². When domestic abuse (especially psychological violence) remains hidden, the social services usually recommend or prescribe family therapy or mediation between the abuser and the abused, which is highly contraindicated in the abusive relationships.

On the other hand, the first part of the co-operation with the family helper is primarily voluntary, so they can only work with the party who is willing and able to cooperate with others. And this is typically the abused party. At first, the abuser manipulates their environment, but knowing the cycle of violence, this is not a permanent state. In the end, the abused remains in contact with the staff of child protection, who prescribe

³² NANE Egyesület (2015) *Miért marad?*. Available [online]: https://nane.hu/wp-content/uploads/miert_marad_2015.pdf [in Hungarian]

things to be done for them, such as ensuring the conditions for the child's healthy physical and mental development, but these have not been realized so far and cannot be realized with the abusive partner. However, thanks to the regulations, the social system also makes expectations towards the abused party individually – it does not sanction the abuser, hence everything becomes the sole responsibility of the abused³³.

In the cases where the abuse is recognized and official (i.e., protection, procedure is initiated), the guardianship office can order a forensic psychological expert examination of the entire family. This test is a clinical psychologist competency and typically projective tests (Rorschach and Szondi) are used. The start of the procedure is hampered by the lack of specialists. If there is a specialist, the examination itself is highly traumatizing for the victim of abuse, as the abuser and victim wait together during the examination of the child/children. By the time the procedure reaches this stage, the victim is already very exhausted and afraid, so the anxiety tendencies are more strongly reflected in the tests, and the incompetence of the abuser is rarely stated directly, since the expert opinion can be challenged by both parties³⁴.

In Hungary, people living in or leaving an abusive relationship can enter the social care system because of their own request for help or as a result of signals from members of the signaling system. Since the social sector tries to avoid criminalization, victims of abuse can mostly get information from civil legal aid services that they can file a complaint against their abuser. It is a common misconception that a report cannot be filed unless *blood is flowing*. Unfortunately, as the example of the family violence cases

presented above also shows, the attitude of the police also strongly depends on the attitude and training of the officials acting in the case³⁵

As part of a criminal procedure, a restraining order can be brought against the abusive party, but it is a lengthy process to initiate and the presentation of evidence is difficult – especially in the case of psychological violence. In such cases, according to the current valid procedure, domestic violence is treated as if it had been committed by a stranger, which does not take into account the specifics of domestic violence, and further complicates the ability to prove it. If the abused party perseveres, they often fall victim to a defamation lawsuit themselves, if they stand up for their rights, and in these cases it is much easier for the abused party to maneuver in the web of law³⁶. If (despite all of the hardship) the victim perseveres until they can prove their right during a police procedure, it can have criminal consequences³⁷.

The situation could end here if there are no kids in common. If children are affected too, the parents – both the abused and the abuser – will find themselves in a never-ending child custody case. As mentioned previously, the law changed in January of 2022. The court must strive to establish shared care, which can be terminated at the request of either party; there is no need for a consensus between the parents in this matter. The basic aspiration of the court is

³³ Ibid.

³⁴ NANE (2020) *System Failure: Male Violence against Women and Children as Treated by the Legal System in Hungary today*. Available [online]: https://nane.hu/wp-content/uploads/System_failure.pdf

³⁵ Módszertani Útmutató (2017) *A gyermekvédelmi észlelő- és jelzőrendszer működtetése kapcsan a gyermek bantalmazásának felismerésére és megszüntetésére irányuló szektorsemleges egységes elvek és módszertan*. Available [online]: shorturl.at/pwFZ5 [in Hungarian]

³⁶ Tisza, K. (2021) *Most*, Budapest: Scolar Kiadó.

³⁷ See: https://nane.hu/wp-content/uploads/rendszerbe_zarva.pdf [in Hungarian]

for the child to be with both parents. This, as was seen in the cases presented above, can lead to tragedies. It is important to note that this premise could basically have good dowries in cases where domestic violence is not present. However, for parents to jointly exercise custody rights, it would be important to recognize domestic abuse and sanction it appropriately. Also, this would require interprofessional cooperation and proper training of professionals³⁸.

THE ONES THE SYSTEM SHOULD TALK ABOUT

Do not speak – nobody believes you. Do not feel – the feelings will destroy you. These are the main rules of those who live in an abusive relationship. But when someone finally becomes strong and economically independent enough to leave an abusive relationship, even after many years, they are faced with several challenges: first of all, the leaving is the most fearful and dangerous period of the relationship. The abuser experiences a loss, the loss of their property, which they try to prevent (with words, promises, and/or physical violence). Most of the casualties are claimed during this stage of making an escape³⁹. When someone sees it is high time to leave the abusive relationship, they are also faced with social indifference and victim blaming.

In neighboring countries, such as Austria, integrated victim assistance has been introduced. This makes the situation easier for the victims, as it entails fewer losses for them: during the case management, the victim does not have to leave their home



IN NEIGHBORING COUNTRIES, SUCH AS AUSTRIA, INTEGRATED VICTIM ASSISTANCE HAS BEEN INTRODUCED

and look for a sublet or a sheltered house for themselves or their children, but the perpetrator is singled out⁴⁰. If the abuser is considered 'able to change', there are programs available for those who do not want to be abusers anymore. These programs, in contrast to the mediation and family therapy recommended in domestic child protection services, do not try to improve the relationship between the abuser and the abused. They rather provide the abuser with professional help, during which they can learn new behavior patterns instead of their previous one, which they can use in a new relationship. Meanwhile, the victim of the previous relationship is helped to recover and process the trauma, without forcing them to reconcile with their abuser⁴¹.

The Istanbul Convention is a treaty aimed at preventing and combating violence against women and domestic violence. It was opened for signature in 2011 and came into force in 2014. The Convention requires states to take a comprehensive approach to

³⁸ Csengel, K. (2021) "Nőjogi szervezetek szerint Varga Judit törvényjavaslata újabb eszközt ad a bántalmazók kezébe", [in]: Mérce.hu. Available [online]: <https://merce.hu/2021/10/20/nojogi-szervezetek-szerint-var-ga-judit-torvenyjavaslata-ujabb-eszkozt-ad-a-bantal-mazok-kezebe/> [in Hungarian]

³⁹ Bancroft, L. (2022) *Mi jár a bántalmazó fejében?*, Budapest: Gabo Kiadó.

⁴⁰ The guideline is available online: https://eucpn.org/sites/default/files/document/files/po_at_dv_0.pdf

⁴¹ Spronz, J. and J. Wirth (2006) "Anókellenierőszakáldozatainak integrált ellátása", [in]: NANE.hu. Available [online]: https://nane.hu/wp-content/uploads/integralt_mag-yar_nane_hcm.pdf [in Hungarian]

Image 1: Campaign against domestic abuse



Source: AleXsandro Palombo⁴²

prevent and combat all forms of violence against women, including domestic violence, and to provide support and protection for victims⁴³. Despite all these benefits, the Hungarian government has not yet ratified the Convention⁴⁴.

By ratifying the Convention, Hungary would commit to meeting international standards for preventing and combating violence

⁴² Ibid.

⁴³ Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. See: <https://rm.coe.int/168008482e>

⁴⁴ Istanbul Convention. See: <https://nokjoga.hu/wp-content/uploads/isztambuli-egyezmény-forditas-nane-patent-ne-2017-hu.pdf> [in Hungarian]

against women. It would ensure that women in Hungary are protected from all forms of violence, and they receive the support they need. This would help Hungary to bring its laws and the best practices of other European countries. The Convention requires states to provide comprehensive support to victims of violence. Ratifying it would help Hungary improve its response to violence against women and provide better services to victims. This would demonstrate Hungary's commitment to promoting human rights and gender equality, subsequently enhancing Hungary's image on the international stage and position it as a country that takes the issue of violence against women seriously.

Image 2: Campaign against abuse in Hungary⁴⁵



Source: ZKNP⁴⁶

However, the issue of Hungary's non-ratification of the Convention has been a matter of concern for the European Union and has led to criticism and calls for action from various organizations and officials. In July 2021, the European Parliament adopted a resolution calling on the EU to use all available means, including the infringement procedure, to ensure that Hungary ratifies and fully implements the Istanbul Convention. The resolution expressed concern about the high levels of violence against women and domestic violence in Hungary and the negative impact of the country's non-ratification on the fight against these issues⁴⁷.

⁴⁵ In English, the poster reads: "The stronger NO" (in Hungarian, 'no' and 'gender' are signified by the same word) to domestic abuse. "If you are a man, also strive for cooperation at home" – Peter Scherer, an actor.

⁴⁶ Vincze, B. (2023) "Remek ötlettel: férfiakkal rukkolt elő Zugló a családon belüli erőszak ellen", [in]: Telex.hu. Available [online]: <https://telex.hu/letelem/2023/02/04/bekes-otthon-program-plakatkampany-a-csaladon-beluli-eroszak-ellen-scherer-peter-berki-krisztian> [in Hungarian]

⁴⁷ In English, the poster reads: "The stronger NO" (in Hungarian, 'no' and 'gender' are signified by the same word) to domestic abuse. "If you are a man, don't try to win at home" – Krisztian Berki, an Olympic athlete.

⁴⁸ Ibid.

⁴⁹ Nagy, A. (2020) *The Non-Ratification of the Istanbul Convention – Gender Inequality in Hungary*. Available [online]: https://www.centrumlidkaprava.cz/sites/default/files/attachement/bulletin/v4humanrightsreview_autumn2020_0.pdf#page=19

Image 3: Campaign against abuse in Hungary



Source: ZKNP

The European Commission has also been monitoring Hungary's compliance with EU law, including the EU Charter of Fundamental Rights, which prohibits discrimination on the basis of sex and includes provisions on the rights of women and the protection against violence. If Hungary's non-ratification of the Istanbul Convention is found to be in violation of EU law, the European Commission could launch infringement proceedings against Hungary, which could ultimately result in sanctions.

In summary, while the EU has not yet imposed sanctions on Hungary for its non-ratification of the Istanbul Convention, the issue remains a matter of concern and could lead to action, including infringement proceedings and possible sanctions, if Hungary is found to be in violation of EU law⁵⁰. Good practice is to come across outside the EU as well, where attention is drawn to the fact that domestic violence exists, and appropriate procedures for victim protection must be established⁵¹ [See: Image 1]. A photo campaign in the United Kingdom draws attention to both the presence of domestic violence and the flaws in the system.

⁵⁰ Ibid.

⁵¹ <https://www.tmz.com/2021/11/25/kamala-harris-kate-middleton-photos-domestic-violence-campaign/>

In Hungary, there are some positive initiatives, like the *Love does no harm* campaign from the Ökumenikus Segélyszervezet⁵², and the latest Zugló municipal poster campaign, which draws attention to the existence of domestic violence, especially male violence. The innovation of the initiative is that the images of beaten women and children are not shown, but of men who convey the importance of non-violent male roles and the disapproval of violence against a female partner. In Hungary, this is the first non-civil, but local government initiative, where the responsibility of the perpetrator of violence is thus presented⁵³ [See: Images 2 and 3].

CONCLUSIONS

In summary, although there are certain positive initiatives in Hungary that acknowledge the existence of domestic violence and the magnitude of the problem, isolated campaigns cannot bring about a systemic change. On the one hand, this is due to the lack of recognition of the issue at the national level, the social attitude, and the complete separation of the system elements that have already been presented: the social system, the police procedure, and the divorce, while child placement is lost among the three. It is difficult to connect these circles within the family survivors of violence as they rarely meet. This situation could be solved by training, informing, and shaping attitudes of the respective professionals, to which the adoption of the Istanbul Convention would have greatly contributed.

This is not to downplay the system's responsibility, since a country pursuing a family-friendly policy in its name would have an obligation to protect those who are abused in their own families. However, for this to happen, it is necessary to admit that the problem exists and that in the web of the social system, judicial practice, and police interventions (or even in the complete absence of their support) the survivor is lost as a person, becoming a *file* that must be closed and set aside. Professionals in the above fields do not receive adequate training in the recognition and prevention of intimate partner violence. The survivors thus remain stuck in the role of victims or are dehumanized during the procedures, becoming mere numbers in the various state documentation systems. They lose the sense that they survived and protected their child. That they are all heroes.

I recommend this paper to those heroes who have left their abusive relationship, thereby entering the path of healing and showing light to those for whom the time has not yet come. I dedicate in memory of all the known and unknown victims who did not survive the withdrawal.

⁵² The website is available here: <https://segelyszervezet.hu/kiknek-segitunk/aszeretetnemart/> [in Hungarian]

⁵³ Vincze, B. (2023) "Remek ötlettel: férfiakkal rukkolt elő Zugló a családon belüli erőszak ellen", [in]: Telex.hu. Available [online]: <https://telex.hu/elet-mod/2023/02/04/bekes-otthon-program-plakatkampany-a-csaladon-beluli-eroszak-ellen-scherer-peter-berki-krisztian> [in Hungarian]



*

VERONIKA
KONTSEK

Special needs educator, school social worker, parent-infant consultant, and student of psychology based in Budapest"