

Mandates of the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the right to education; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Working Group on the issue of discrimination against women in law and in practice

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur in the field of cultural rights; Special Rapporteur on the right to education; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Working Group on the issue of discrimination against women in law and in practice, pursuant to Human Rights Council resolutions 37/12, 26/17, 34/18 and 32/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **a directive of Your Excellency's Government decertifying and defunding the teaching of the subject of gender studies at institutions of higher education.**

According to the information received, on 9 August 2018 a directive was distributed to all universities in Hungary informing them that the Government will no longer certify or provide any funding for any programmes or courses in gender studies, with an exception to allow students currently enrolled in master's degree programmes in the subject to complete their degrees. Many Hungarian universities offer courses in gender studies, and two, the Central European University and Eotvos Lorand University, offer master's programmes, in which more than thirty students are currently enrolled.

The directive was allegedly issued without any prior consultation with the universities, the Hungarian Accreditation Committee, or the Higher Educational Planning Council, institutions which are regularly consulted in any case where the Government seeks to regulate university curriculum.¹

Opponents of the teaching of gender studies in Hungary have falsely asserted that the subject is concerned only with the study of "LGBTI communities"; that it "serves the gay lobby"; that the subject is an ideology; and that it is incompatible with Christian values.

¹ According to information received, there have been two previous cases where the government has chosen to decertify specific degree-granting programmes. In one instance a bachelor's degree programme was decertified, while courses and master's degree programmes in the discipline continued. In the other a master's degree programme was renamed and reformulated. Neither instance involved the decertification and defunding of an entire field of study, and both decisions were reached after a consultative and evidence-based process.

Gender studies, as an interdisciplinary field which explores the role that gender and sexuality play in many aspects of human life and society, have been crucial in raising awareness of the multiple and intersectional discriminatory laws and practices that exist in every society across the globe and have been a key component in moving towards substantive equality between women and men. Eliminating these studies from the curricula signals a dangerous precedent not only for academic freedom but also represents a blow to the concept of equality.

We wish to express our grave concern that the directive promulgated by Your Excellency's Government risks contravening the Fundamental Law of Hungary and Hungary's obligations under international human rights law. We urge you to withdraw this directive in order to ensure the protection of academic freedom and the pursuit of equality for women and girls in Hungary.

The Fundamental Law of Hungary, article X(1), states: "Hungary shall ensure the freedom of scientific research and artistic creation, the freedom of learning for the acquisition of the highest possible level of knowledge and, within the framework laid down in an Act, the freedom of teaching." Article XV of the Fundamental Law guarantees the equal rights of women and men.

We would like to recall to your Excellency's Government that Article 19 of the Universal Declaration of Human Rights and Article 19 of the International Covenant on Civil and Political Rights (ratified by Hungary on 17 January 1974), set forth fundamental principles with regard to the freedom of opinion and expression, including providing that everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. Further, the International Covenant on Economic, Social and Cultural Rights (also ratified by Hungary on 17 January 1974), provides in Article 13 that education should be aimed at the full development of the human person and the sense of their dignity, and should strengthen respect for human rights and fundamental freedoms.

To this end, in its General Comment N° 13, the Committee on Economic, Social and Cultural Rights emphasized that staff and students throughout the education sector are entitled to academic freedom. Members of the academic community, individually or collectively, are free to pursue, develop and transmit knowledge and ideas, through research, teaching, study, discussion, documentation, production, creation or writing. Academic freedom includes the liberty of individuals to fulfil their functions without discrimination or fear of repression by the State or any other actor. It also requires the autonomy of institutions of higher education, understood as a degree of self-governance necessary for effective decision-making by institutions of higher education in relation to their academic work, standards, management and related activities. (E/C.12/1999/10, paras. 38-40).

We also wish to express our deep concern that this directive seems consistent with a worrying global trend of labelling women's demands for equality as gender ideology and attempts to reinforce gender stereotypes and roll back progress that has been made in

achieving equality for women and girls. Article 5(1) of the Convention on the Elimination of Discrimination against Women (ratified by Hungary on 22 December 1980) commits States Parties to take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. Gender studies programmes, among other things, address the problems of gender stereotypes, identify obstacles to achieving gender equality and as such are a means to fulfill the obligations arising under Article 5(1) of the Convention on the Elimination of Discrimination against Women. The Master in Gender Studies at the Central European University has been recognized in the region as a centre of academic excellence.

In the report of its 2016 official country visit to Hungary (A/HRC/35/29/Add.1), the Working Group expressed its concern that women's participation in all spheres of society was overshadowed by a stereotypical and patronizing approach to women that pervades attitudes and speeches, and that gender stereotypes depicting women solely in the role of mothers and caregivers and disparaging them as political actors are predominant, which has a great impact on their right to equality, undermining their empowerment. The Committee on the Elimination of Discrimination against Women has also expressed its concern about the persistence of stereotyped division of gender roles in family and society and the support of such roles throughout the States party's policies and priorities (CEDAW/C/HUN/CO/7-8, para. 18), as has the Human Rights Committee (CCPR/C/HUN/CO/6, para. 23).

In its 2018 annual report to the Human Rights Council (A/HRC/38/46), the Working Group noted the use that has been made of concepts such as "protection of the family" to undermine women's rights and to question the universality of human rights to equality and non-discrimination. These concepts are also employed to justify violations of women's rights by the State and other agents and the failure of the State to comply with its obligations to eliminate discriminatory practices based on the stereotyped roles of men and women. The Group also noted that, in recent years, the concept of gender itself has been questioned, misunderstood and misused to the detriment of the struggle to eliminate discrimination against women and the achievement of gender equality. The hostility to women's demands for equality, characterized as "gender ideology" by opponents of women's rights, exemplifies the growing difficulties encountered by the cause of equality. Conservative pressure groups that mobilize against "gender ideology", which they portray as a threat to "traditional values", seek to prevent the achievement of women's equal human rights through the argument that efforts to promote gender equality involve the imposition of ideas and beliefs aimed at destroying institutions such as society, family, marriage and religious freedom. This movement has expressed itself with particular force in its opposition to policies or even debates centered on issues related to comprehensive sex education with a scientific basis in schools, women's sexual and reproductive rights, equality in marriage and sexual and gender-based violence, and has brought its opposition into the sphere of academic freedom.

Rather than presenting a threat to families and societies, gender theories, developed within the now well-established scientific field of gender studies, help families

and societies to become more equal and have contributed to progress in the area of women's rights. Furthermore, gender equality education, as a part of human rights education, is a necessary means to further human rights, as recognized in the United Nations Declaration on Human Rights Education and Training (GA Resolution 66/137). Gender (equality) is a term used in scientific discourse and international human rights law since the 1970s. However, those opposing the term deny this and maintain that international law only prohibits discrimination based on sex. In its General Recommendation no. 28, the Committee on the Elimination of Discrimination against Women considered that the prohibition of discrimination on grounds of sex contained in the Convention on the Elimination of All Forms of Discrimination against Women covers discrimination based on gender as a social construct.

The Working Group has highlighted that discriminatory cultural ideas of gender persist on a global scale, often linked to religion, and that States continue to resort to cultural justifications for the adoption of discriminatory laws or the failure to respect, protect and fulfil international human rights law and norms. Despite the principle set forth in the Vienna Declaration and Program of Action that all human rights are universal, indivisible and interdependent and interrelated, the Working Group has observed that conservative agents and fundamentalist groups strive to undermine the bases of the human rights system as a whole, and attacks on gender theories are a part of this broad effort. The Working Group insists that States must recognize the subversive nature of these efforts and ensure that the legal framework of human rights is not undermined. In particular, States must refrain from taking actions that undermine women's rights. The Working Group believes that the time has come to critically review numerous unfulfilled commitments to equality of women and to recommit to finally fulfilling these obligations (see A / HRC / 38/46).

While we await a response, we urge that all necessary provisional measures be taken to ensure academic freedom and equal rights for women and girls in all areas, including education.

We would appreciate receiving a response within 60 days.

We would like to inform you that this communication will be made available to the public on the website of the Working Group and will be included in the periodic communications reports of the Special Procedures to the Human Rights Council. Any correspondence from Your Excellency's Government related to this letter will also be made known in the same way.

Please accept, Excellency, the assurances of our highest consideration.

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