

# GENDER EQUALITY POLICY OR GENDER MAINSTREAMING?

## The case of Hungary on the road to an enlarged Europe

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*The aim of this article is to analyse some of the core conceptual and implementation issues underpinning the process of introducing gender mainstreaming strategy in Hungary. It examines the approach of Hungarian policy makers to gender mainstreaming and evaluates the political framing of some crucial aspects of gender equality. Our argument in this article is twofold. First, we observe that the concept of gender mainstreaming as a cross-sectoral and comprehensive policy tool for achieving gender equality has only been sporadically present and this has mostly been located at the rhetorical level. Hungary has no comprehensive gender equality strategy and no distinctive gender equality policy instruments currently in place. Rather, the promotion of equal opportunity on all grounds has become a powerful policy approach in the last two to three years, often neglecting the specific requirements of gender equality. Secondly, we argue that the influence of the European Union (EU) accession process has had two stages, as far as gender equality policy is concerned in Hungary. The first stage, has referred primarily to the de jure harmonization of Hungarian legislation with relevant EU directives, but has brought very little harmonization at the policy level, and brought limited de facto realization of the rights imposed by the directives. The second stage, identified from mid-2003, is coterminous with Hungary joining the different EU level policy processes. This second stage signaled a shift from legislative harmonization to a more focused policy approach. This stage may be characterized as a direct process of EU-isation on Hungarian policy concepts and tools, such as gender mainstreaming. However, it is too early to judge the practical implications of this development.*

### **Introduction**

The attractiveness of the gender mainstreaming strategy stands in its holistic approach to gender equality: in proposing to introduce a gender equality perspective to all policies at all levels of governance (Council of Europe definition, 1998, p. 15). This does not, and indeed should not, mean that targeted gender equality policies and state mechanisms for delivering them are to disappear, but it does mean that an overarching gender mainstreaming strategy is to complement domestic policy approaches to gender equality that are already in place. Gender mainstreaming will thus have to work as a 'twin track strategy' complementing the equal treatment approach and targeted gender equality policies (Verloo, 2001, p. 6, and Verloo, 2002, p. 3). In this sense it is a structural

approach, a project of social reconstruction in which inequality will be attacked at the level of beliefs, institutions, practices and distribution (Koppelman, 1999).

The target of the gender mainstreaming strategy is not women, as a group, as in the case of focused gender equality policies and in contrast with the language of the Beijing Platform of Action (see Verloo, 2001). Instead, it proposes to act on society as a whole, by changing the norms and practices at the root of gender inequality which sustain its continuous reproduction. In order to bring about the desired changes, gender mainstreaming proposes to introduce gender sensitivity at all levels of the policy process, the emphasis being here on the process. This means not just immediate changes, but a continuous sustainable process, in which gender objectives are permanently highlighted.

Despite the revolutionary character of its above described features (Haffner-Burton & Pollack, 2000), gender mainstreaming has encountered many implementation problems. Putting it into practice in several countries, all with different social and economic circumstances, policy cultures and gender equality approaches has been far from straight forward. The first evaluation reports on the implementation of the strategy show a number of recurring problems (Council of Europe, 1998, 1999). First, accounts of implementation experiments show that there are quite a number of prerequisites that are indispensable for a national policy community to be able to meaningfully start implementing a gender mainstreaming strategy. These include:

- political will;
- the significance of the gender factor at the horizontal level;
- the existence of gender equality policy and gender equality policy instruments;
- the availability of gender-segregated statistics;
- a strong feminist movement including state and non-state feminists;
- the high level participation of women in decision-making;
- the existence of reliable social research which can generate knowledge on gender relations in the respective country;
- human and financial resources for capacity building; and
- an open and sufficiently sophisticated policy-making tradition which is able to provide the adequate level of specialization and to make the process continuously accessible (see Council of Europe, 1999, p. 6; Meier, 1998; Verloo, 2001).

Developing these policy prerequisites needs to be achieved prior to the development of specialized gender mainstreaming tools, such as gender impact assessment. Implementation reports reveal the absence of some of these criteria in the lesser developed polities which suggest that gender mainstreaming strategies are best suited to mature liberal democracies.

A crucial problem concerns the actual goal that the mainstreaming strategy proposes to reach (Council of Europe, 1999, p. 17; Verloo, 2002, p. 4). An important conceptual question, which clearly lies at the core of all mainstreaming tools is – What is gender equality? What exactly is to be achieved with mainstreaming? A normative interpretation is certainly necessary to inform the process, if all policies are to be monitored and evaluated effectively, if alternatives are to be designed and especially if all this is to be achieved by regular policy actors. The absence of such a conceptual

framework can undermine the mainstreaming concept. It is difficult if not impossible to reach consensus at the international level on a normative understanding of gender equality. This is something to be decided at the national level by each polity in an ongoing public debate involving feminists, academic experts and policy-makers. However, it could also be argued that the absence of a strong normative underpinning premise to gender mainstreaming made it easier for a broad range of countries to opt into the process. In sum, the more descriptive the normative understanding the more difficult it is to achieve a pan-European consensus.

Window dressing adds to this problem. Accounts of progress in the field of gender mainstreaming often point to ill-conceived women's projects with little gender impact forming part of a mainstreaming strategy, and, often disguised with the rhetoric of gender mainstreaming. Hence, in many cases, the language of mainstreaming is not matched with meaningful action. The aim of this article is to illustrate some of the conceptual and implementation problems underpinning Hungary's gender mainstreaming strategy. Here we will focus both on the political framing and implementation of the gender mainstreaming approach. Examining the Hungarian case is particularly relevant in the context of the European accession process. It illustrates, on the one hand, the nature of the impact the EU has had on accession countries in this particular policy field; a field where standards are not so clearly defined and implemented even in the older member states. On the other hand it provides an example of policy diffusion in Central Europe in a field where immediate change is very difficult to achieve.

Our arguments in this article are two-fold. First, they refer to the Hungarian approach to gender equality policy, including gender mainstreaming. Secondly, they refer to the impact of the EU accession process and membership on the definition of these policies. The Hungarian policy debates on gender equality have been evolving incrementally since the change of political regime in 1989. These debates have been informed by a gender equality policy concept primarily understood as a distinctive policy field targeting gender equality and implemented through specific women's policies. The concept of gender mainstreaming as a cross-sectoral and comprehensive policy tool for achieving gender equality as initiated by the Beijing agenda has been sporadically present at the rhetorical level in parallel to these processes since 1996. However, policy debates on gender equality have not resulted thus far in a comprehensive gender equality strategy in Hungary. Policy instruments for achieving gender equality have been weak and have lacked a distinctive voice. In contrast the promotion of equal opportunity on all grounds has become a powerful policy approach in the last two to three years, often neglecting the specific requirements of gender equality.

The influence of the EU accession process can be seen to have developed in two stages, as far as gender equality policy is concerned. The first stage, referring primarily to the *de jure* harmonization of Hungarian legislation with relevant EU directives, has brought limited *de facto* enforcement of rights and poor harmonization at the policy level and limited implementation of existing policies. The second stage, the beginning of which can be located from mid-2003 and has accelerated post-EU membership, has been associated with Hungary joining different EU level policy processes. This stage signaled a shift from legislative harmonization to a more policy oriented approach. Within the framework of the

development of different strategic policy documents, such as Hungary's social inclusion strategy, employment strategy, or national development plan, this implied the direct importation of EU policy concepts and tools, such as gender mainstreaming. However, it is too early to provide a systematic judgment of the practical implications of these processes.

### Gender Mainstreaming in the Hungarian Context

Expectations of the successful implementation of gender mainstreaming strategies in post-communist accession countries, among them Hungary, were ambivalent. However, the high leverage of the EU throughout the process of enlargement fueled optimism and hopes that progressive gender equality policy approaches would gain an important presence in domestic policy-making in accession countries. Moreover, such optimism was boosted by the fact that after a long period of stagnation, the last thirteen years have witnessed rapid social developments in relation to human rights. During this period, policy makers were provided with a unique opportunity to engage in focused and progressive international lesson drawing on human rights issues. Hence, at least in principle, the political conditions for introducing the most innovative policy practices in the field of gender equality were present in Hungary. Unfortunately, the EU's emphasis in the enlargement process was on the promotion of the formal, legal requirements of the EU gender-related *acquis* which disregarded the declared EU gender mainstreaming strategy. This window for the achievement of progressive change is seen by some as a lost opportunity (Bretherton, 2002, p. 4). Gender equality policy was not to be one of the fields where progressive policy could easily be achieved. The process of policy development is now to continue within the framework of EU membership, a framework offering different opportunities for transnational influence.

It is difficult to identify an unambiguous developmental process of gender equality policy development in Hungary. This development in other EU member states is seen as more or less progressing in a linear fashion from an equal treatment approach through to a targeted gender equality policy approach towards a gender mainstreaming approach, where the latter stages are always meant to complement the earlier ones (see Verloo, 2001, p. 4). Due to specific historical circumstances, however, the Hungarian case demonstrates different dynamics between gender equality and gender mainstreaming policies that differ from other EU member states.

We cannot presently speak in the Hungarian context about the adoption of a cohesive gender mainstreaming strategy as Hungary has not developed or adopted a strategic policy document. Indeed, Hungary has thus far only managed to develop a weak and fragmented gender equality policy. Elements of gender equality policy can be traced primarily to the recently emerged comprehensive equal opportunity field and to different sectoral policies, and there are only tentative signs of gender mainstreaming awareness amongst policy-makers.

The Beijing Platform was the most important milestone in the history of Hungary's gender equality policies until recently. As a response to the Beijing Declaration at the Fourth World Conference on Women in September 1995, the Hungarian Government proposed to implement its requirements through a Hungarian National Action Plan

(Governmental Decree 2174/1997). This Action Plan can be seen as the only policy document representing a comprehensive policy approach to the question of gender inequalities in Hungary. The Action Plan tackled the tasks of the state in seven sub-fields:

- women's human rights;
- the implementation of women's equal opportunities;
- the improvement of women's social equality;
- the elaboration of recommendations regarding gender education in public schools;
- violence against women;
- the coordination of activities involving women NGOs; and
- the establishment of an information system for women on women.

Specific tasks included: support for victims; training and education programs; awareness raising through campaigns, publications and, the introduction of gender sensitive elements in the education curricula; the assessment of the regulatory framework in some gender specific areas (anti-discrimination, social support); assessment of the implementation of some gender specific regulations; designing women-projects to improve the situation of women in crucial fields (such as employment and healthcare); reviewing available statistical data; further collection of gender sensitive data and, finally, encouraging a more active NGO sector. The actors responsible for implementation included Ministers, the National Statistical Office, and the National Crime Prevention Council. The deadline for the implementation of the different projects under the Action Plan was April 1998. An evaluation of the Plan by Biró and Szabó (1999) shows that only minor tasks, mostly in the field of awareness raising, publications and training, have been achieved and those were delivered by the Secretariat for Equal Opportunities.

Mainly as a result of the Beijing Conference, the first institution for the promotion of equal status for women was created in Hungary. An institutional venue with good potential, which in many polities is a stronghold for state feminism and the coordination of gender equality policy, has had a troubled history in Hungary. At the end of 1995, the Secretariat for Women's Policy, later called the Secretariat for Equal Opportunities in 1996, was established within the Ministry of Labor. Until the 1998 elections it was considered a relatively 'progressive and effective organ' (IHF Report Women's Status in Hungary, 2001), though not empowered and thus not capable to pursue any gender mainstreaming tasks (on the activity of the Secretariat see: Lévai, 1998; Gyulavári, 1998; and Hungarian Secretariat for Equal Opportunities, 1998). Its tasks include conducting research, publication and communication under the aegis of raising social awareness concerning gender equality issues and representing women's interests in government policy. The programs of the Secretariat include organising civil forums, exhibitions, founding an Equal Opportunity Award for media, an oral history database, conducting a test court case in employment discrimination, and the publication of different materials (volumes, reports, statistical data, etc.). The Secretariat attempted to develop close working relationships with the media and women's organizations. It also launched a legal aid line in 1997.

After the elections in 1998, the new conservative government stopped the operation of the Secretariat and established a new Secretariat for the Representation of Women at a much lower level of the ministerial hierarchy in the Ministry of Social and

Family Affairs. The new Secretariat mostly continued the tasks delivered by its predecessor but at a slower pace and with much less visible impact. A number of important publications were produced including: several informative booklets concerning women's rights and, most importantly for our purposes, the translation of the 1998 Council of Europe Report on Gender Mainstreaming.

In 2002, the newly elected socialist liberal government changed the status of the Secretariat yet again into a Directorate for Equal Opportunities based in the Ministry of Employment Policy and Labor and with the remit of covering all grounds for equal opportunity not just gender. In the period between its reorganization in mid-2002 and May 2003, there was very little visible activity within the Directorate but at the beginning of May 2003 the Government announced that equal opportunities were to be elevated to ministerial status. The former head of the Directorate for Equal Opportunities, Katalin Lévai, was appointed Minister for Equal Opportunities without a portfolio at the beginning of May 2003. In September 2004, the Office was integrated within the larger Ministry for Youth, Family, Social Affairs and Equal Opportunities and is now led by the previous Minister for Equal Opportunities. Paradoxically, however, equal opportunity issues on grounds of gender came to be integrated not within the larger equal opportunity department but were located within the competence of the deputy state secretary for EU coordination and strategy. The changes in the governmental structure on the one hand brought the issue of equal opportunities to a different, higher, ministerial status, which is important in declarative terms. On the other hand brought the issue of equal opportunity on all grounds under a single institutional umbrella, diluting it even further by including it within the larger social policy agenda.

However, the evidence thus far suggests that the shift in institutional venue has maintained the status quo and gender equality issues continue to be marginalized. The Women's Directorate within the Ministry has a staff of nine employees and is represented at a lower level than other Directorates working in other areas of discrimination (see Krizsán & Papp, 2005).

The placement of the gender equality mechanism within the state structure is always a good marker of particular policy frames concerning the issue: first, under the socialist-liberal government (1996-1998), within the Labor Ministry; later, under the conservative government (1998-2002), within the Ministry of Social and Family Affairs, but at a lower level; and finally, under the new left wing government first in the Ministry for Labor again (2002-2003), within the framework of a general Equal Opportunity Minister's Office (May 2003-September 2004), and finally within the framework of the Ministry for Social Affairs under EU coordination (from September 2004 onwards). Shifting the issue of gender equality between labor and employment-related ministries and family policy-related ministries signals a framing of the issue in terms of labor market integration or organization of intimacy and particularly child care, respectively. The location of the department within the EU coordination framework is again significant, carrying the message that this is still seen as an externally imposed issue and not an important question in terms of equal opportunities. The lack of adequate human resources and the shifting institutional venue for gender equality policy-making and programming explains

to a large extent the absence of adequate planning and implementation in the field of gender equality policy.

In 1999 a higher-level consultative and coordinating body was also launched: the Council for the Representation of Women. It consisted of representatives of all Ministries and the Prime Minister's Office, six members representing national women's associations, five high profile researchers and social scientists dealing with gender issues and three members of non-governmental organizations (NGOs) engaged in related activities. Though the Council might seem at first sight an ideal state instrument for coordinating a comprehensive gender mainstreaming strategy, its tasks were limited only to targeted gender equality policies and programs and it had no authority to review other policies which were not directly dealing with gender. The tasks of the Council were to contribute to and comment on those decisions and policies of the Government that are gender related, to initiate legal regulations and new programs promoting gender equality, to comment on reports and information material concerning gender equality. According to the decree establishing the Council all relevant ministries were legally bound to allow the Council to exercise its right to give opinions in the course of the preparation of resolutions and statutes concerning women's rights (Governmental Decree 1059/1999). The Council operated until the 2002 parliamentary elections. Its reforms were initiated under the new government, and the reform process seemingly blocked its reestablishment. No analysis is available about the work of the Council and no reports were issued concerning its activities as protocols of its proceeding have not been made public.

The Council for Women's Affairs, seen in the Hungarian policy framework as the main institutional guarantee for the implementation of gender mainstreaming, has been inoperative since 2002. This is a major concern both because this is the only forum in Hungary where women's NGOs, gender equality policy experts and representatives of the government could regularly deliberate on gender equality issues, and because in its absence the Hungarian approach to gender mainstreaming has lost its legitimacy.

A fundamental element of the gender equality policy in the Hungarian context is the equal treatment or anti-discrimination policy. A comprehensive Hungarian policy in the field was adopted after a prolonged debate mainly within the context of the harmonization of Hungarian laws with the EU *acquis*. Despite arguments for the need to have a specific law against gender-based discrimination, and even preparation of a draft law to the same effect, the recently passed Act on Equal Treatment and the Promotion of Equal Opportunity deals with gender-based discrimination only as one of several grounds of discrimination (Act CXXV of 2003 passed in December 2003). Although creating the law was part of fulfilling *de jure* requirements of the EU accession process, the actual content of the law and the social dialogue around it mirrored the domestic ideological climate which was in favor of pursuing any human rights agenda.

This umbrella law embracing equal treatment and equal opportunity issues on all grounds (most importantly, race and ethnicity, gender, age, disability, health status, and sexual orientation) incorporated long-awaited gender equality legislative action and developed a comprehensive yet feasible institutional structure in the form of an equality agency to enforce the law. The Act proposed an inclusive approach to anti-discrimination policy which conveys the message that equal treatment and the promotion of equal

opportunities were to be handled under the same umbrella. Feminist NGOs have, however, been heavily critical of it on the grounds that by regulating discrimination on all grounds within the framework of one single law it remains on a very general level and the specifics of the different grounds may be diluted. They argued that the law is unable to handle the specific aspects of gender equality, and that the absence of specific gender equality-related articles of the act indicate the need for a separate gender equality act in Hungary.

Other elements of a fragmented gender equality policy can be pieced together from different sectoral policies with relevance for gender equality, such as policies concerning welfare benefits, domestic violence, prostitution, abortion, imprisonment or family policy. Hence, the development of gender equality policies in Hungary has thus far involved both the step-by-step widening of the concept of discrimination from equal treatment to treatment as equals and the mainstreaming of gender equality perspective into new policy fields such as political representation or crime.

The Hungarian government completed a joint fourth–fifth periodic report to the CEDAW in March 2000. In 2002 the CEDAW raised its concerns with respect to every important field of gender equality in Hungary. According to the CEDAW, the national machinery for the advancement of women needs a wider mandate and resources:

... it should have power, visibility and human and financial resources' [and the] ... State Party should implement gender mainstreaming strategies ... by clearly defining the coordinating role and mandate of the Council of Women's Representation.

As a party to the Beijing Platform for Action, Hungary also issued a national report in July 1999 on the implementation of the Beijing Platform for Action in response to the questionnaire sent to governments by DAW in 1998. The expression gender mainstreaming is not mentioned at all in the report, its idea is implicitly there when the activity of the Council for the Representation Women is assessed and seen to have 'ensured the introduction of women's perspectives into the preparation processes of government decisions' (see Hungarian Government, 1999, p. 7).

Levai's early media statements during the first period of gender equality policy development show that there was a certain awareness of the requirements of gender mainstreaming in policy-making shortly after Beijing, at least at the rhetorical level. As early as 1996 she spoke of the need to make gender equality issues cross-sectoral, and the need to involve all Ministries in furthering equal opportunities for women (Lévai 1996). The rhetoric, however, was not reflected in the activities of the Secretariat throughout this period. As described above, all the activities of the office focused on small women's projects but hardly any gender mainstreaming actions took place. The elevation of the institutional venue for gender mainstreaming to ministerial office level in 2003 happened in the spirit of a policy shift from a gender equality policy focus to equal opportunity policies on all grounds. As a consequence, the policy frames (see Entman, 1993; Sabatier & Jenkins-Smith 1993; Schön & Rein 1994; Tuchman, 1978) now referred to general equal opportunity concerns, with fewer statements made on gender issues. Gender mainstreaming can rarely be considered present even at the rhetorical, window dressing level in the key policy statements of the ministerial office. The concept of gender mainstream-

ing is mentioned only in the annual report of the Governmental Office for Equal Opportunity indicating that gender mainstreaming serves the establishment of a 'coherent women's policy that is consistent in all with the aims of the EU'. The tasks attributed to the Office within mainstreaming are primarily the coordination of gender-related actions of different ministries in the fields of employment, social policy, education and economic policy, and monitoring of gender equality aspects of certain strategic policy documents. At the level of practicalities the proposed programs involve targeted gender equality programs, awareness-raising campaigns, training, publications and the development of NGO networks. All these actions seem to concentrate on establishing the prerequisites of gender mainstreaming. No specific gender mainstreaming tools and instruments are mentioned. In the 2004 Report the requirement of gender mainstreaming is again emphasized as being a crucial strategy to be used toward the achievement of gender equality. The report argues that:

[G]ender equality cannot be funded separately, cannot be promoted or managed as an independent or separate policy domain. It must constitute an integral element of the entire horizontal policy process from beginning to end and all government projects and programs must take account of it. (Hungarian Governmental Office for Equal Opportunities, 2004, pp. 7–8)

The mainstreaming of general equal opportunity concerns was also mentioned as a strategy to be followed and promoted by the Minister for Equal Opportunities. On 30 October 2003, she mentioned under this concept the ongoing consultation between her office and different Ministries concerning different aspects of equal opportunities. Consultations, however, concerned single-issue areas, on which only the relevant Ministry is approached (progressive schools for Roma children with the Ministry of Education, rights of disabled with the Ministry of Social and Family Affairs, etc.), and the holistic approach required by mainstreaming was not being pursued at all.

### **Gender Equality and the European Union Accession Process**

The role of the EU in the accession context concerning the implementation of gender equality policy seems to be much less prominent than the role of the Beijing process. After the post Beijing breakthrough from 1995 to 1996, which brought about the development of a national strategy and the establishment of the first Hungarian gender equality agency, during the period of Hungary's accession to the EU policy reform efforts have mainly focused on establishing anti-discrimination and equal treatment legislation. The 2001 amendment of the Labor Code to prohibit indirect discrimination within the employment context and to include the equal pay for women and men principle, marked one such development. Another development, with much less reference to EU requirements, though, occurred in December 2003 with the passing of the Act on Equal Treatment and the Promotion of Equal Opportunity. As we noted above, passing the law and particularly its clauses establishing an equality agency for enforcement, formed part of fulfilling *de jure* EU accession requirements.

However, with the materialization of EU membership in mid-2003 a shift occurred in the way gender equality issues were handled within the framework of the relationship between Hungary and the EU. Regardless of the absence of a thorough gender equality agenda during the negotiations for accession with the EU, a number of processes determined by the EU, resulting in national policy documents and bringing noteworthy results in gender equality terms need to be mentioned here. For example, the National Development Plan (NDP), created as the national policy mechanism for spending structural and cohesion funds as a new EU member state, and it introduced the concept of gender mainstreaming as part of the framework for implementing program regulations in order to meet EU expectations. Equal opportunity issues were also raised in the document in relation to the Roma, women (identifying sub-groups requiring special needs), and disabled people and some cross-sectoral thinking was also articulated.

The actions launched by the plan can be structured into five priority areas: increasing the competitiveness of the economy; increasing employment; developing human potential; improving the quality of the environment; strengthening regional and local potential and technical assistance. Goals relating to equal opportunities for women and men are listed under the priority area of human resource development limited mainly to the context of labor and employment and promoting labor integration and reconciliation of work and family life, etc. However, the NDP has two horizontal objectives as well: the promotion of sustainable development and achieving equal opportunities for women and men' (Hungarian Government, 2003, p. 187).

According to the implementation plans of the NDP, representatives of gender (women's) equality bodies were to be involved in the *monitoring committees* assigned to oversee the strategy formulation and operational activities of the five major program areas. In keeping with the fragmented and 'seek-and hide' nature of Hungarian gender equality policy formulation, the selection of the members of the monitoring committees was organized on behalf of the non-functioning Council for the Representation of Women through the Governmental Office for Equal Opportunity. Yet, the activity of the committee members invited for gender equality review was not coordinated or evaluated meaningfully by the office. Despite limited cooperation and consultation, the NDP process was the first practical implementation of gender mainstreaming policy in Hungary. Two observations should be noted however, first, mainstreaming the distribution of Structural Funds is a showpiece even within the EU (Woodward, 2001, p. 21). Secondly, gender mainstreaming in this case resulted from EU requirements regarding the NDP and thus far remained confined to this policy arena in Hungary.

Another policy process taking place within the framework of the accession process that needs to be mentioned here is the social inclusion policy process. The Joint Inclusion Memorandum (JIM) launched in the first stage of the accession process had the purpose of 'preparing the country for full participation in the open method of coordination on social inclusion upon accession'. The JIM, signed with the European Commission in December 2003, outlines the main problems Hungary faces in terms of social exclusion and poverty and identifies what Hungary still has to do in order to translate EU common social policy objectives into practice at the domestic level.

The Memorandum addresses the exclusionary effects of several social factors including: poverty, ethnicity (with special emphasis on Roma), disability, gender and to a lesser extent sexual orientation. Gender inequality, though considered separately in two sections of the document, is present as a horizontal principle throughout all the chapters. Referring to the strategy to be followed, the document argues in its concluding chapter that addressing social exclusion requires a comprehensive approach: mainstreaming gender equality; the social inclusion of Roma and the provision of equal opportunities for people with disabilities (Hungarian Ministry of Health, Social and Family Affairs, 2003, p. 45). On the other hand, implicit reference to mainstreaming is also made under the gender equality heading. It is argued that gender equality should be perceived as a comprehensive horizontal aim, which is above and between policy sectors. Tools enumerated for its implementation are appropriate statistics, monitoring, and establishment of an expert committee and involvement of women's NGOs (Ibid., p. 42).

However, the approach of the document is strategic and it is written at a relatively high level of generality. The National Action Plan for Social Inclusion (2004–2006) was developed in order to inform the implementation of social inclusion measures. It speaks about mainstreaming equal opportunity and social inclusion more generally, and within that more specifically 'taking into account the women's perspective in every policy field'. The Action Plan speaks explicitly about women only in the context of increasing employment and improving conditions for combining paid and unpaid work.

The National Employment Action Plan of 2004, also developed within the framework of the EU policy process as defined by the European Employment Strategy and included considerations of social inclusion and equal opportunities for women and men as horizontal principles. Gender equality considerations are specifically identified as one of the plan's central priorities (National Employment Action Plan 2004, Section 6, pp. 41–45).

These strategy documents were developed under tight EU guidance but required more national policy input than the EU legal harmonization process that characterized the period of gender equality policy learning of the accession period. In this sense they signal the beginning of new processes of policy-oriented learning and therefore it is particularly important to note that they voice the most advanced policy statements on the relevance of the gender mainstreaming strategy within the Hungarian context, demonstrating the role of EU institutions in setting gender equality bench-marks (Woodward, 2001, p. 22). The modes of governance used in these processes (such as the open method of coordination) integrate Hungarian policy-making in a different, more inclusive way, as well as providing guidance on what and how it should be done. As such they stand a better chance of bringing about nationally workable policy solutions. Meanwhile the absence of strong mechanisms of monitoring and evaluation of performance and the paucity of accountability processes serve to undermine progress.

### **In Conclusion – The Prerequisites of Gender Mainstreaming in Hungary**

The place of gender mainstreaming in current Hungarian gender equality policy seems to be determined at least partly by the limited political will to introduce a holistic

mainstreaming strategy. There has been no explicit refusal by policy-makers to handle gender equality issue comprehensively but rather a general indifference towards the issue. Once gender equality reaches the agenda, it is framed in terms of general equal treatment and equal opportunity and not as a gender specific issue. Furthermore, it seems that even when a gender mainstreaming approach is considered, its interpretation is blurred, and the actions considered under its umbrella are nothing more than incidental targeted gender equality projects or rhetorical in nature. At best, gender equality policy brings about the prerequisites of gender mainstreaming, but it does not lead to the effective implementation of gender mainstreaming tools such as Gender Impact Assessment (see: Verloo, 2001; Fitzgerald, 2002). The recent documents prepared under EU influence, only marginally challenge this trend.

Are there other prerequisites beyond political will required for the successful implementation of gender mainstreaming in the Hungarian policy context? As discussed above, such a list of prerequisites should include: gender equality policy and effective state machinery for protecting and promoting gender equality; rigorous social research on gender inequalities; an active and socially embedded women's movement; high level participation of women in political decision making; an open system of government conducive to new ways of working; and high quality training and support for gender mainstreaming activity. Let's discuss these prerequisites in more detail.

First, the narrative above demonstrates that the existence of a gender equality policy and gender equality machinery are essential. As argued above Hungary has no comprehensive gender equality policy adopted. While Hungary's 2003 Act for Equal Treatment and Promotion of Equal Opportunity Hungary fares quite well in the *de jure* fulfillment of formal legal requirements relevant to gender equality imposed on her by the EU, there continue to exist 'persistent and pervasive obstacles to the practical realization of the newly formulated standards' (OSI, 2002, p. 237). Hence *de facto* Hungary is very far from realizing equal opportunities for women and men.

The gender equality machinery, as revealed, has limited resources and a weak voice, and lately its distinctiveness within the larger equal opportunity field seems to be weakening. Alternative mechanisms for pursuing gender equality concerns could include Hungary's Constitutional Court and Parliamentary Commissioner for Human Rights. The institution of Parliamentary Commissioner institution has existed since 1995. The prerogatives of the institution are defined relatively loosely so that they can take on all tasks normally attributed to equality agencies, including the assessment of the constitutionality of all legal instruments and policies of the state. For example, the Parliamentary Commissioner for National and Ethnic Minorities plays a very important role in the promotion and implementation of minority rights, among them race equality. Unfortunately, in practice the Commissioner for Citizen's Rights has failed to take on a similar role with respect to gender equality. Throughout its work, the institution has only taken up one gender discrimination case. The Commissioner has also failed to make any recommendations with respect to the regulation of gender equality or to initiate any changes in gender equality legislation (CEDAW, 2002). This self-imposed conservatism, as far as gender equality cases are concerned, was influenced by a limited number of

complaints it received on the matter and its lack of pro-activity in contrast, for example, to the Minority Ombudsman's approach.

The Constitutional Court may also review the constitutionality of all policies and laws, and if using a progressive interpretation of the gender equality clause (Article 66) of the Constitution it could certainly play a part in the mainstreaming process. Unfortunately, the Court has taken up few gender discrimination cases and the gender equality article of the constitutional text remains largely uninterpreted.

As far as the existence of reliable social research, which can generate knowledge on gender relations is concerned, Hungary is not faring very well either. Gender studies is a new discipline in Hungary and its diffusion brings an increasingly important body of social research to the country. Nonetheless, a large part of this work, although of major policy relevance, never gets translated into policy frames or arguments. As in all post-socialist countries, bridging research and policy is a crucial problem. For different cultural and historical reasons, researchers do not appear to be particularly interested in having an impact on the policy process and policy makers are not interested in investing their energy in learning from research (see Stone & Maxwell, 2004). Some fields fare notoriously badly in this area, other exceptional ones do much better. A good example of policy learning from research is the case of domestic violence. The generation of gender segregated statistics has been initiated by the Secretariat for Equal Opportunities. However, their work is targeted not so much on the generation of such data by the National Statistical Office, but the provision and yearly publication of such data for their own purposes.

A crucial prerequisite for implementing gender mainstreaming is the existence of a strong feminist movement including state and non-state feminist organisations and the high-level participation of women in decision-making. This again can be seen as one of the weakest aspects of the Hungarian policy context. The 2000 CEDAW Report observes that, while the general number of NGO's has undergone a radical increase post-transition, the growth of the number of women's organizations has slowed down since the initial boom. While, according to the 1999 data, almost 57,000 NGOs are registered in Hungary (out of which 30,000 are actually operating), only 70 organizations appeared at the 1999 civil forum organized by the Secretariat of the Representation of Women (although the Secretariat had connections with approximately 150 organizations that deal partly or exclusively with women). The reason for this, according to the report, is the lack of social and financial support. In terms of the development of an active policy relevant voice, the number of NGOs which campaign on the issue of gender equality is probably less than ten, and even fewer have made any significant contribution to the policy process beyond articulating their grievances to political elites. Both governmental and NGO sides can be viewed as passive rather than proactive actors with respect to crucial issues concerning women's rights (IHF Report Women's Status in Hungary, 2001). However, the success of the Hungarian NGO sector in promoting policy progress differs from sector to sector; some policy fields are debated at the national level drawing active NGO participation (such as domestic violence) others pass without any real national debate, again others give rise to debate only at the academic level.

The participation of women in political decision-making is very modest even in comparison with other post-socialist countries. Successful women members of the political

elite rarely pursue a gender equal opportunity agenda. Socialist and liberal MPs and members of the government are occasionally willing to enter policy debates, but only if directly challenged or pressed (see: Ilonszki *et al.*, 2003, for an analysis of women in the Hungarian Parliament). In sum, state feminism, is very much at an embryonic stage.

Hungary's political institutions and actors still have much to learn about how to realize openness and transparency in policy-making after decades of closed, command and control policy processes under communism. In Hungary the policy process is often still non-transparent. This is partly due to the undemocratic nature of the process, but partly due to the ad-hoc nature of decisions. Many policies are developed under tight deadlines, not allowing enough time for consultative procedural requirements to be fulfilled or for any meaningful social debate to start. Moreover, the pre-decision-making phase of the policy cycle is unsophisticated. For example, no impact assessment or options analysis has taken place in relation to human rights-related policies and there is a complete absence of an evidence-based policy-making culture. Substantive policy-making is seen as a technical issue and the preserve of technocrats, it rarely enters political debate and rarely involves societal actors. This is a particular problem in relation to gender equality related issues. Exceptions are the highly politicized issues such as abortion or family policy where major political interests have driven the policy agenda and political compromises tended to tear apart all concepts. Within this context, bringing gender equality and the tools for its implementation to the forefront of social and political debate in an inclusive way is very difficult.

Finally, it is also doubtful whether effective capacity building strategies for gender mainstreaming are being built. No gender equality training process has started yet, except ad hoc training sessions for specific technical purposes. Some women NGOs try to fill the gap but are poorly resourced and their impact has never been systematically analysed, although they have made an important contribution to enhancing women's capacities to enter public life in local government and the non-profit sector. But these advances, though enhancing human resources for mainstreaming policy implementation, will rarely be policy shaping forces at the national level (Zentai, 2001).

It is thus clear that Hungary still has much to do in establishing the prerequisites necessary for the launch of an effective gender mainstreaming strategy. Some of these problems can be remedied relatively easily with relatively little input such as the generation of gender segregated statistics, for example, the commissioning of policy relevant research, the training of trainers for purposes of developing effective capacity building programs and the provision of increased financial support to the NGO sector. However, many of these problems are deeply rooted and it is difficult to see, for example, how policy-making styles can change overnight or how NGOs can become active partners in the policy process. These problems raise questions regarding the chances for implementing gender mainstreaming in the present Hungarian policy context, especially if mainstreaming is defined according to the definitions of the Council of Europe. In the absence of these prerequisites to reform, it becomes questionable whether an effective gender mainstreaming strategy can be launched at all, and even if were to be launched, whether it can be sustained.

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