

Policy Frames and Implementation Problems: The Case of Gender Mainstreaming

State of the Art and Mapping of Competences in Hungary

Violetta Zentai (Project Manager)
Andrea Krizsan (Senior Researcher)

Central European University
Center for Policy Studies
Nador u. 11
H 1051 Budapest
Hungary
www.mageeq.net

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State of the Art and Mapping of Competences in Hungary

Summary

The purpose of this report is to assess the state of gender equality policies and gender mainstreaming in Hungary. The time span is from the Beijing Conference in 1995 to present days (closed on 30th of May 2003). The report is based on available secondary literature, some easily accessible policy documents, and reports by different international organizations, and national or international NGOs. No primary research has been conducted for the purposes of this report, thus the depth of analysis of the particular gender equality policies might vary according to how well the respective policy area is documented, or how accessible the related documents are. We are aware that labor related gender equality policies are perhaps the most advanced in Hungary. However, given that the scope of the MAGEEQ project does not include gender equality issues related to labor relations, these policies were only covered in the report to the extent that they had relevance for the other policy fields.

The report divides gender equality policies in two categories: policies that explicitly address the issue of gender equality, and sectoral policies, which have an implicit importance to gender equality. The core element of the gender equality policy debate in Hungary is the anti-discrimination policy. Debates around it and its development occurred through all the relevant Hungarian policy agents: the Parliament and some of its MPs, the Government and especially the Ministry of Justice, the Parliamentary Commissioner for National and Ethnic Minorities, the Constitutional Court and regular courts, NGOs at national and international level, just to mention the most important ones. Under the category of sectoral policies we discuss regulation of relevant social security schemes, among them pension schemes, family policy, prison policies relevant to gender equality, regulation of reproductive rights, especially the right to abortion, regulation of prostitution, and finally regulation of violence against women, particularly domestic violence. We discuss the development of the gender equality mechanism from the establishment of the Equal Opportunities Secretariat in 1996 to the appointing of the Equal Opportunities Minister in 2003. Finally we briefly assess the Hungarian gender equality policy framework in light of Hungary's international obligations in the field.

In general the following conclusions can be drawn from the analysis of the report. Hungary presents a slow but steady development in the field of gender equality policies. In most fields the impetus for steps forward unfortunately comes from the international community, and not from truly national policy debates. The three main influencing factors from the international context are: the European Union and the requirements of the accession process, the CEDAW and the Beijing process.

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 call for debate only at the academic level.

Yet another conclusion that can be drawn from the report is that changes in gender equality policy are largely connected to the color of governments, and tend not to take forward the achievements of the previous cycles. This is especially well illustrated by the story of the Hungarian gender equality agency, which changed name and status four times since 1996. The absence of continuity is an obvious drawback of Hungarian gender equality policies.

At the beginning of May 2003 the Hungarian Government announced that equal opportunities are to be elevated to the ministerial status. The former head of the Directorate for Equal Opportunities, Katalin Levai, was appointed Minister for Equal Opportunities. The Minister will be in charge not only of women's issues but equal opportunities on all grounds including ethnicity and race or disability. At this point (we closed the report on 30th of May 2003) it is not clear what the new institutional setting will look like, what budget it will have and what strategy it will follow. However changes can be expected in Hungarian gender equality policies.

1. State of the Art on Gender Equality Policies and Gender Mainstreaming

1.1 Introduction

Hungary has no comprehensive gender equality policy, and gender mainstreaming is a concept that is missing from the Hungarian policy discourse. Gender equality policy in the Hungarian policy context means primarily anti-discrimination policy. Other elements of an implicit – or maybe shadow – gender equality policy can be put together from different sectoral policies with relevance to gender equality, such as policies concerning welfare benefits, domestic violence, prostitution, abortion, imprisonment or family. Development of gender equality policies in Hungary thus means, on the one hand, the step by step widening of the concept of discrimination from equal treatment to treatment as equals. On the other hand, this development means the inclusion of the gender equality perspective into policy fields which might have previously looked gender neutral.

It should be mentioned that as a response to the Beijing Action Plan the Hungarian Government proposed to implement the requirements of the Plan in its 2174/1997 Decree, a Hungarian National Action Plan. This Action Plan can be seen as the only comprehensive, gender-mainstreaming-like, approach to the question of gender inequalities in Hungary. The Action Plan tackled the issue under seven headings: women's rights, implementation of women's equal opportunities, improvement of women's social equality, elaboration of recommendations regarding gender education in public schools, violence against women, coordination of activities, creation of activities, and an information system for women on women. The deadline for the different projects' implementation under the Action Plan was April 1998. An evaluation of the Plan done by Biró and Szabó¹ under the aegis of the Karat coalition shows that only minor tasks have been achieved, mostly by the Secretariat for Equal Opportunities (the establishment of which was itself an achievement of the Plan),² under the plan. The Plan can hardly be seen as a serious attempt to apply a gender mainstreaming approach in Hungarian gender equality policies.

Even though it is not a direct concern for our research, we shall mention that the 1990s (and perhaps even more recent years) meant a gradual return from the ambiguities of a state socialist paternalist, imposed emancipation and all its consequences to the principles of autonomy, freedom of choice, and dignity for women in Hungary. The legacy of the women's policy of the past regime is still with us in many respects and should be kept in mind when examining policy alternatives in this field³.

In our review we shall proceed from the explicit elements of gender equality policies towards the more implicit ones.

¹ Biró and Szabó (1999)

² For more on the Secretariat see chapter on institutions.

³ For an extremely challenging explanation on how state socialist women policies impact on post 1990 situation on women in Hungary see Szalai (1999)

1.2 Anti-discrimination policy and legislation

The most obvious element of gender equality policy in Hungary is the anti-discrimination policy. Despite its centrality to the overall Hungarian approach, it is far from being a policy field which can be seen as comprehensively regulated, or as a progressive area in European terms. It is, however, widely present in the debates about equality in general, and gender equality in particular. Its development is seen as the central element in improving the situation of Hungarian women. Academic studies dealing with Hungarian gender equality policy almost exclusively address this side of the problem⁴.

a. The Constitution and the Interpretation of the Constitutional Court

First, the Constitutional level⁵. Article 70/A of the Hungarian Constitution⁶ provides for the prohibition of discrimination in Hungary. It says:

“(1) The Republic of Hungary shall respect the human rights and civil rights of all persons in the country without discrimination on the basis of race, color, gender, language, religion, political or other opinion, national or social origins, financial situation, birth or on any other grounds whatsoever.

(2) The law shall provide for strict punishment of discrimination on the basis of Paragraph (1).

(3) The Republic of Hungary shall endeavor to implement equal rights for everyone through measures that create fair opportunities for all.”

The Article provides, first, for a wide prohibition of discrimination on several grounds, among them gender. Second, the paragraph provides for sanctioning all forms of prohibited discrimination, and third, for the positive duty of the state to advance equal opportunities for all persons in the country.

Article 66 of the Constitution explicitly addresses the issue of equality between women and men. It says:

“(1) The Republic of Hungary shall ensure the equality of men and women in all civil, political, economic, social and cultural rights.

(2) In the Republic of Hungary mothers shall receive support and protection before and after the birth of the child, in accordance with separate regulations.

(3) Separate regulations shall ensure the protection of women and youth in the workplace.”

Article 70/B concerns the right to work and, within that, the principle of equal pay for equal work. It says:

“(1) In the Republic of Hungary everyone has the right to work and to freely choose his job and profession.

(2) Everyone has the right to equal compensation for equal work, without any discrimination whatsoever.

(3) All persons who work have the right to an income that corresponds to the amount and quality of work they carry out.

⁴ See especially Gyulavari (2000), Kardos (2000)

⁵ On the constitutional approach to gender equality see Bitskey Botond (2000)

⁶ Act XX of 1949 The Constitution of the Republic of Hungary

(4) Everyone has the right to leisure time, to free time and to regular paid vacation.”

The Hungarian Constitutional Court has interpreted the prohibition of discrimination in connection to the right to human dignity⁷ as stated in Article 54 of the Constitution⁸. In one of its early decisions, the Court argued [9/1990(IV.25) AB hat.]:

“The prohibition of discrimination does not mean that all differential treatment, even differential treatment aiming at greater social equality is prohibited. Prohibition of discrimination means that the law shall treat all persons equally, as persons with equal human dignity, meaning that the basic right to human dignity shall not be violated. The determining factors of the distribution of entitlements and advantages shall be defined with equal concern and respect, and equal consideration for all individual perspectives.”

Thus, what the Constitution requires according to the Constitutional Court is not equal treatment but treatment as equals, by giving equal concern and respect for all persons, and treating all persons as having equal human dignity⁹. Treatment as equals might require preferential treatment or positive discrimination in some cases, and according to the Court this is compatible with the Constitutional conception of discrimination. The Court stated in 1990:

“if some constitutionally permissible social goal or some constitutional right can only be achieved by overstepping the narrow concept of equality [equal distribution of goods and opportunities], then such positive discrimination cannot be considered unconstitutional”. [9/1990 (IV.25.) AB Hat.]

The Court further reinforced the constitutionality of differential treatment of women for purposes of the advancement of equal opportunities, more specifically in cases when the different treatment derives from relevant differences between women and men (46/1994 ABH, 7/1998 ABH, 28/2000 ABH).

It is also important to emphasize that according to the Court the prohibition of discrimination is not an unconditional prohibition.

“It does not imply that persons shall be equal according to criteria which lay outside the realm of law... The state has the right and duty to take into consideration the differences between people... Not all distinctions are banned by Article 70/A, only those that violate the right to human dignity.” [61/1992(XI.20) AB Hat.].

Later on, the Court decided to create a separate right to equality, not only an accessory obligation related to the other rights protected by the Constitution¹⁰. The Court stated: “Nobody has the right to receive any forms

⁷ Györfi Tamás (1996). pp. 276

⁸ Article 54. (1) In the Republic of Hungary everyone has the inherent right to life and to human dignity. No one shall be arbitrarily denied any of these rights.

⁹ Ibid. pp.277

¹⁰ The accessory character of the right not to be discriminated against has been the defining feature of the European Convention on Human Rights and Fundamental Freedoms before accepting Protocol 12. See: Gomien, D., Harris, D. and Zwaak, L. (1996)

of *ex gratia* benefits. However, the principles stated in Article 70/A of the Constitution refer to *ex gratia* benefits as well.”[16/1991 (IV.20) AB hat.] Later, the Court generalized the principle by writing:

“...The requirement of equality before the law is present in all regulations...The prohibition of discrimination present in paragraph (1) of Article 70/A of the Constitution refers not only to human and basic civil rights but to the entire legal system, as far as the differential treatment violates the right to human dignity.” [16/1991 (IV.20) AB hat.]

Thus, the state might not have the constitutional duty to provide anything, but once it has decided to give some benefit or entitlement it has to provide it without discriminating on any of the grounds banned under Article 70/A (1).

No distinction is drawn by the Constitutional Court between disparate treatment and disparate impact discrimination, which is of crucial importance from the gender perspective. In decision 349/B/1994 the Court refused to consider a local governmental decree on social benefits, which disproportionately impacts the Roma population of the village, as an instance of disparate impact discrimination. The Court argued, without any analysis of the issue of disparate impact discrimination, that since no race based differential treatment is involved the regulation is not even suspect of discrimination. Therefore, disparate impact discrimination is not recognized as a violation of the constitution¹¹.

This approach is reinforced in a recent Constitutional Court decision (ABH 45/2000 (XII.8.)). The decision contains a definition of discrimination, an interpretation of Article 70/A. of the Constitution, as follows:

“Establishing discrimination necessarily requires some kind of comparison, since discrimination implies the differential treatment of persons, things or phenomena, which from a certain well defined perspective can be regarded as equal. This differential treatment has to be visible in the external world. Legally meaningful discrimination can only be defined with reference to some right or duty: it has to materialize in the restriction of some right or by inferring some obligation which is not inferred with regard to others. This is how it becomes legally meaningful.”(ABH 45/2000 para.3.2)

This definition enforces the Court’s restricted interpretation of the prohibition of discrimination. It is very clear about the necessity of disparate treatment for a finding of discrimination, a requirement which implies, though it does not state it explicitly, that disparate impact in itself is not sufficient for a constitutional violation. A further restriction on this definition, (that did not occur in earlier Court interpretation), is that beyond the requirement of differential treatment, a reference to a right or duty also seems to be required, meaning that the disparate treatment has to occur in connection with some right or duty. This contradicts the principle described above, according to which “the prohibition of discrimination present in paragraph (1) of Article 70/A

of the Constitution refers not only to human and basic civil rights but to the entire legal system.” [16/1991 (IV.20) AB Hat.]

It is apparent that the concept of discrimination used by the Constitution is grounded in a material concept of equality. It heavily relies on equal dignity, the Court explicitly defined in its interpretation the prohibition of discrimination as meaning not equal treatment but treatment as equals. The Constitutional text provides for positive measures in order to promote equality of opportunity. Meanwhile, the concept of discrimination is not elaborated on in the constitutional text or by the Court. Its details are to be defined by the statutory law.

b. The Statutory Level

Hungary has no comprehensive acts regulating discrimination in general, or gender based discrimination in particular. General anti-discrimination provisions are scattered throughout the different sectoral laws: the Civil Code, the Labor Code, the Health Care Law, the Public Education Law, to mention the most important ones.

The most progressive interpretation of discrimination is provided under the recently amended Labor Code (amendments entered into force in July 2001). It includes a prohibition of both direct and indirect discrimination on grounds of gender, age, family or disabled status, race, national origin, religion, political views or membership in organizations that represent employees’ interest or their activities, or any other circumstances not related to employment. It clearly defines the concept of discrimination, provides procedures for its proof and evidence (reversal of the burden of proof for example) and contains sanctions for punishing it. The amendments of the Labor Code also brought the inclusion of the principle of equal pay for equal work¹². The amendment can clearly be seen as part of the process of the harmonization of Hungary’s laws with the EU Directives on equal opportunities.

The other sectoral laws only contain general prohibitions of discrimination, and only prohibit direct, disparate treatment discrimination. Most of them do not contain any definition of the concept of discrimination, they do not have appropriate provisions for proof or evidence and sanctioning of discrimination. This is one of the major explanations for¹³ the fact that most discrimination claims have been brought before courts thus far under the general prohibition of discrimination of the Civil Code, which considers discrimination as one form of a violation of rights attached to the person (see below), and were not brought under the different sectoral laws.

¹¹ Parliamentary Commissioner for the Rights of National and Ethnic Minorities *Annual Report 1999*. pp.13

¹² On an elaborated analysis of regulation of employment discrimination against women see OSI. EUMAP “Equal Opportunities for Women and Men in Hungary” in *Monitoring the EU Accession Process: Equal Opportunities for Women and Men 2002*

¹³ Further reasons for the almost complete absence of discrimination cases before courts are: the latency that generally characterizes the phenomenon of discrimination; the difficulty of proving discrimination by private persons even if adequate regulation is available, just to mention the most important ones.

As a safeguard for all major fields where discrimination occurs and is not properly regulated, a general civil law prohibition against discrimination is formulated in Article 76 of the Civil Code. It says “Violation of rights attached to the person can especially mean any discrimination between private persons on the grounds of sex, race, nationality or religion, and the unlawful violation of freedom of conscience or personal freedom, and the violation of bodily integrity, health, good reputation and human dignity.” The general formulation of this prohibition on the one hand reminds one of the absence of a good definition for discrimination, while on the other hand it also leaves space for any interpretation of discrimination, even a very broad one. Sanctions for violation of Article 76 are the general sanctions available under civil law. Article 76 of the Civil Code operates currently, due to the absence of adequate regulation of discrimination, as a safeguard for challenging discriminatory behavior in cases when the relevant laws and regulations of the field in which the discrimination has occurred provide no solution for a complaint. As far as we know only one successful gender discrimination case was brought before Hungarian courts - it concerned the discriminatory advertising for the recruitment of a private company.

There is no explicit prohibition of sexual harassment in Hungarian law. Sexual harassment cases could be considered as slander or could be brought under the above mentioned section of the Civil Code. They can also be squeezed under different provisions of the Labor Code, such as prohibition of discrimination, proper conditions for occupational safety and health, performance of work in a manner that does not endanger health, causing financial disadvantage or damage to a person’s reputation¹⁴. No sexual harassment court cases have been publicized thus far.

The policy debate on the regulation of discrimination in Hungary has been virtually ongoing since 1997. Despite its conformity to the EU standards, the present regulation is found inappropriate by most scholars dealing with the topic, by NGOs and also some of the political actors. The debate revolves around whether it is appropriate to regulate discrimination by anti-discrimination provisions scattered through the different sectoral laws, or if comprehensive discrimination act/acts are needed. Another crucial point under debate is whether we need one comprehensive anti-discrimination act for discrimination on all grounds, or whether each important ground – certainly gender and race – should have its own anti-discrimination act. The issue of enforcement agencies is also debated – whether Hungary needs one Equal Opportunity Commission or several ones, one for each ground on which we forbid discrimination. The debate resulted in several projects of law. The most important ones were: the project of law on race discrimination prepared by the Office of the Minority Parliamentary Commissioner in 2000, the project of law on Equal Opportunities for Women and Men submitted by two MPs in 2001 and finally the project of law on Equal Opportunities prepared by the Ministry of Justice November 2002. The last project of law is now before the Government and it looks as if there is now political will to pass it.

¹⁴ EUMAP Report on Hungary pp. 257

The 2002 project of law, now before the Government, proposes to deal alone in a comprehensive manner with discrimination on all grounds. It first proposes a general definition of discrimination for all grounds, then it complements it with specific forms characteristic for different grounds. In the case of gender discrimination, the draft specifically mentions discrimination based on marital or family status, pregnancy or having young children, it addresses the issue of harassment (though not only sexual), it protects from victimization, and proposes to set the framework for preferential treatment and equal opportunity policies for different disadvantaged groups. The project proposes the establishment of a single Equal Opportunity Commission which will work towards the implementation of the law and towards the promotion of equal opportunities on all grounds.

1.3 Sectoral Policies

As mentioned above, several policy fields contain parts relevant from a gender equality perspective. Many of the important gender equality related policy debates were inspired by these policy fields. We shall give a brief overview of the issues which might be of relevance to our research.

a. Social Security Schemes

Pensions

Until 1997, the retirement age was differential between women and men: 55 years for women and 60 for men. The 1997 Pension Act introduced the uniform retirement age of 62 thus abolishing what was previously a discriminatory provision for women, with a transition period lasting until 2009. The Constitutional Court (ABH 28/2000) also dealt with the transitional period and declared that the temporary regulations are not unconstitutional. The Constitutional Court also declared the gender-based difference of service period, qualifying old age pension for early retirement on the basis of having and raising children, in 1997 (ABH 32/1997) null and void. In the present pension schemes, there are no discriminatory provisions relating to maintaining or suspending the acquisition of pension entitlements on the basis of maternity leave or other paid leave for family reasons. (EUMAP 2002)

Other Social Security Provisions

According to the EUMAP report “The progressive implementation of the principle of equal treatment in matters of social security is considered integral to an effective strategy of equal opportunities at the governmental level, and gender based discrimination, both direct and indirect, has been removed from most legislative instruments.” (EUMAP 2002: 240) Yet indirect discrimination may result from the existent wage gap between men and women, caused by the fact that contributions are adjusted to incomes. A detailed

analysis of the compatibility of social security schemes with the principle of equal opportunity is available in the EUMAP 2002 Report.

b. Family Policy

Family policy meant a flagship for governments after 1990. It can be seen as perhaps the most divisive issue between left- and right-wing governments. Whereas right-wing governments have seen family policy primarily as an instrument for “stopping the decline of the nation” left-wing governments understood family policy more as an instrument to decrease social inequalities and to foster social redistribution. Major focus points in the family policy are:

1. 1994 – Governmental Decree on the Principles of Long-term demographic Policy – promotes the maintenance of traditional male and female roles within the family – “Economic- policy measures should be used to promote the single-earner family model so that women will not be forced to work, sometimes against their will. Replacement benefits for families with children...would enable more women to choose caring for children or elderly family members as their ‘full-time’ profession” (EUMAP 2002:282) – though in principle it also encourages the introduction of flexible work such as part-time work or tele-work. (According to EUMAP, background papers, proposals and projects exist for flexible work, but no information is available on governmental initiatives connected to them). Along these lines, the generous parental leave and childcare allowance scheme – extending to three years after the birth of the child – inherited from the socialist past is maintained. Parental leave was only available for women until the child’s first birthday. Men could only benefit from it after the first year. It is important to mention that under this system, working is prohibited while on childcare allowance.
2. 1995 - 1996 – with the economic restructuring and stabilization package. Childcare allowance was heavily reduced and made merit based and independent of previously paid social security fees. The Constitutional Court tackled the issue as well and struck down parts of the package because of the absence of a transitory period. Its argument was grounded on the principle of acquired rights. Intense social and policy debate surrounded the changes.
3. In 1998, the new conservative government modified the previous family policy in one of its first decisions. The new policy returned to the previous generous childcare allowance system, to general availability regardless of need – though made it available throughout its entire period both for women and men. Its message was that the ideal woman for the society is the one who sacrifices herself for the interests of the family. This and the other elements of the 1998 family policy were heavily debated in the social, academic and political arena¹⁵.

¹⁵ About the debate see articles written by Adamik Mária, Morvai Krisztina, Lévai Katalin – Kis Róbert in *Fundamentum* 1999/4

c. Prison

The issue of women in prison and prison policies is not very high on the public agenda. However, given the importance of taking into consideration the gender aspect in this policy field, and also given the availability of some limited research in the field we should briefly mention some aspects of Hungarian prison policy. Since the end of the 70's there was a slow transition from male-oriented prison regimes towards prison policies which are sensitive to the social-psychological specificity of women inmates and to the different demographic, social and criminal backgrounds of imprisoned women, as compared to imprisoned men. The approach of the Hungarian prison policy is now based on the idea of the treatment of men and women as equals, which implies respecting relevant differences between genders. Special treatment is given to women with respect to clothing, hygienic conditions, authorized personal objects that inmates can keep on themselves, use of guns and other enforcement objects by guards in women prisons or sections of prisons. Special policy addresses the question of pregnant women in prison, regulation of birth and mother-child relationship in the first year. Media debate surrounded a case in which the father of a child born in prison and staying with her mother for the first year claimed rights to see his child regularly. Analysis of the situation of women in prison and prison policy from a gender perspective is done by Huszár László and Fehér Lenke with Parti Katalin¹⁶.

d. Abortion

The abortion issue was another policy area that brought up considerations of gender equality through intensive and repeated debates in society and in the political arena. The 1993 Act on the Protection of the Fetus combined the indicative model (permitting abortion in the case of crisis) with the requirement of counseling. It was grounded on a Constitutional Court Decision (64/1991), which argued that abortions should be allowed under the Hungarian Constitution because of the right to self-determination of the women, and that the fetus cannot be considered a person under the highest act. The debate around the issue of abortion surfaced again in 1998 when, in the midst of fierce social debate connected to the case of a juvenile pregnant woman who was not allowed to have abortion by a first instance court, the Constitutional Court returned to the question. The Court has not reversed any of the substantive provisions of the 1993 Act but has introduced further procedural difficulties in the process of authorizing abortion¹⁷.

e. Prostitution

Prostitution has been on the agenda of policy debate for the last 4 years. Prostitution was a criminal offence until 1993, when, with the amendment of the Criminal Code, its status became one of misdemeanor. The legislator only left criminal offenses related to prostitution in the Criminal Code. "Act LXXV of 1999 on

¹⁶ Especially Huszár László (1997), Fehér – Parti (2002)

¹⁷ For a discussion of Hungarian policy regarding abortion and other reproductive rights see the work of Judit Sándor. Analysis of the grounds for decision of the Constitutional Court is done by János Kis, Kim Lane Scheppelle and Judit Sándor in their essays published in *Fundamentum* 1998/3

Organized Crime reformed the regulation of prostitution. According to the new legislation, prostitutes are free to practice their profession everywhere with the exception of so-called protected areas. ... In settlements where prostitution appears en masse, the local self-governments are obliged to designate so-called 'areas of patience'. If the local self-government does so, the prostitutes are not allowed to work outside these areas. If prostitutes violate these rules (i.e. they exercise their profession in a protected area or outside an area of patience, and in some further cases enlisted in Act LXIX of 1999 on Petty Offenses..., such as not having the required medical certificate, or offering their services in a disturbing manner), they are punishable under Article 143 of the New Petty Offenses Act with detention ... or a fine ...The local self-governments of Budapest were supposed to designate areas of patience by 1 March 2000, however, all the district self-governments failed to do so. This means that the activity of prostitutes is fully legal from this date, except if they offer their services in protected areas. However, most of the traditional places of prostitution in Budapest fall within protected areas, so for instance most 8th district prostitutes are likely to be subjected to the petty-offense procedure if they return to their usual spots. The regulation on criminal offenses related to prostitution remained intact and appropriately harsh." (IHF Report)

The CEDAW Concluding Comments on Hungary in 2002 argues that the zones of tolerance "may be rendering the exploitation of women in prostitution difficult to punish and thereby worsening their situation."¹⁸

f. Violence against Women

Domestic violence has been persistently on the policy and public agenda for the last four years. The debate turned to be especially heated since Krisztina Morvai's book "Terror in the Family" was published in 1998. According to the book, NGOs and other research shows that the occurrence of domestic violence is very high. Specific regulation of the issue would be required. The problem has been on the policy making agenda for several years, yet no progress has been made thus far. An expert Committee including Morvai, among others, was set up in 2001, and worked on preparing the package of legislation on the domestic violence question, but failed to have the needed leverage. The debate is on whether domestic violence needs in fact specific regulation, or the criminal offences already available under the Criminal Code succeed in coping with it. The public opinion is also involved in the heated debate since several cases of domestic violence gained publicity and caused outrage among the public.

Partial results were gained in the field of rape regulation. Until 1997, the regulation of rape in the Penal Code implied that only a woman could be the victim of the crime of rape, and the existence of marital cohabitation (i.e. a legally valid marriage and the actual living together of the parties) excluded the possibility of conviction for this criminal offence. In 1997, however, after a heated and wide-ranging debate, the Parliament modified

¹⁸ For a very thorough argumentation against the legalization of prostitution see the analysis of Betlen Anna in *Fundamentum* 1998/4. Further analysis of the question of prostitution in the Hungarian context is done by Lenke Fehér (1999) *Prostitúció, prostitúcióra kényszerítés, emberkereskedelem*. Nőképviselői Titkárság. SZCSM

this provision so that marriage does no longer mean giving up sexual self-determination and does not entitle one party to force his/her sexual will on the other.

The CEDAW Concluding Comments in 2002 say: “The Committee is concerned about the prevalence of violence against women and girls, including domestic violence. It is particularly concerned that no specific legislation has been enacted to combat domestic violence and sexual harassment and that no protection or exclusion orders or shelters exist for the immediate protection of women victims of domestic violence.”

As a result of the recent increased policy debates about domestic violence, the police modified certain internal by-laws in order to enhance the prevention and handling of domestic violence cases. The by-laws that came into force in March 2003 state the duties of the police in domestic violence cases in light of existing offences in the Criminal Code. They detail the characteristics of domestic violence and the obligations of the police force when recognizing and investigating such crime. The instructions bind the police to carefully evaluate the particular situation and identify any sign of ongoing assault, to take measures to avoid the secondary victimization, and to provide protection for witnesses as well. Furthermore, the document connects these new regulations to existing child protection policies in that it restates the signaling role of the police in the social protection network.

1.4 Institutions

The Parliamentary Commissioner institution in Hungary has existed since 1995. We have Parliamentary Commissioners for three fields of rights – citizen’s rights, the rights of national and ethnic minorities, and the freedom of information and protection of personal data. The prerogatives of the institution are defined relatively loosely so that they can take on all tasks normally attributed to equality agencies. 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, 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 case¹⁹, and even in that one its approach was rather restrictive. The Commissioner has also failed to make any recommendations with respect to the regulation of gender equality or to initiate any changes in the gender equality policy or legislation of the country²⁰.

Mainly as a result of the Beijing Conference in 1996, the first institution for the promotion of equal status of women was created in Hungary. The Secretariat for Women’s Policy, called Equal Opportunity Secretariat since August 1996, was established within the Ministry of Labor. In its first stage of existence – until elections

¹⁹ CEDAW Concluding Comments on Hungary’s Combined Fourth and Fifth Periodic Report (August 2002)

in 1998 – it was considered a relatively “progressive and effective organ”²¹. Its tasks could be identified as research, publication and communication under the aegis of raising social awareness concerning gender equality issues and representing women’s interests in government policy. The Secretariat had a number of programs quite unusual for organs of public administration: such as 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 developed intensive working relationship with the media and women’s organizations²². The Secretariat had three working groups: one on European Integration and adoption of the EU *aquis* with respect to equal opportunities for women and men, one on violence against women and prostitution, and another on the rights of women employees. A legal aid line was also started in 1997, and soon after this, the test court case on employment discrimination on grounds of gender was also launched.

After the elections in 1998, the new conservative government stopped the operation of the Secretariat as it was, and established the 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 defined by its predecessor but at a slower pace and with much less visible impact, probably also a result of the political climate. A number of important publications can be mentioned: a volume on prostitution and trafficking, an edited volume on the analysis of statistical and other data concerning women (a second item in a series started by the previous secretariat), a booklet on statistical data broken down by gender, Hungary’s fourth and fifth combined report to the CEDAW in Hungarian and English, and a few informative booklets concerning the rights of women.

In 2002, the newly elected government changed the status of the Secretariat yet another time. Its name became Directorate for Equal Opportunities, and operated in the Ministry of Employment Policy and Labor. In the period between its reorganization last year and May 2003, there was very little visible activity within the Ministry. This could be due to the plans for the reorganization of the Government. Thus at the beginning of May the Government announced that equal opportunities are to be elevated to the ministerial status. The former head of the Directorate for Equal Opportunities, Katalin Levai, was appointed Minister for Equal Opportunities at the beginning of May 2003. The Minister will be in charge not only of women’s issues but equal opportunities on all grounds including ethnicity and race or disability. At this point (we closed the report on 30th of May 2003) it is not clear what the new institutional setting will look like, what budget it will have and what strategy it will follow. The changes on the one hand brought the issue to a different, higher, status, which is certainly important in declarative terms. On the other hand they raised several doubts as to whether this is the appropriate institutional arrangement. Doubts concern whether it is good to have a single institutional umbrella for equality policies on all grounds, and especially whether gender and race issues can

²⁰ Concerning the Activity of the Parliamentary Commissioner for Civil Rights see the annual reports of the institution – 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002

²¹ IHF Report Women’s Status in Hungary (year 2001)

²² On the activity of the Secretariat see Lévai Katalin (1998), Gyulavári Tamás (1998), Egyenlő Esélyek Titkársága (1998)

be treated together, given the complexity and specificity of Roma policies. Another concern raised was how the competencies of the Equal Opportunity Commission to be established by the Equal Opportunity Bill and the new Ministry will relate to each other.

“On 28 May 1999 the new Government also organized a higher level consultative, coordinating body: the Council of the Representation of Women, the task of which is to prepare the relevant decisions of the Government, to form opinions on issues related to women's rights, to initiate legal regulations and new programs, etc. It consists of the representatives of the competent Ministries and the Prime Minister's Office, the national social associations representing women's interests are also entitled to suggest 6 members to the Minister of Social and Family Affairs, who also requests 5 acknowledged researchers and social scientists dealing with the issue and 3 members of NGO's engaged in related activities to participate. The ministries are required 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.” (IHF Report)

No academic or other analysis is available on the work of the Hungarian gender equality agencies, and for the period after 1998 there is also scarcity of unanalyzed information.

On women's NGOs the 2000 CEDAW Report writes that while the number of NGO's has undergone a radical increase after the political transition, the growth of the number of women's organizations has become very limited after the initial boom. While according to a 1999 date almost 57.000 NGO's 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 has 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.

According to the IHF Report both the governmental side and the NGO side can be seen as retroactive rather than proactive with respect to crucial issues concerning women's rights. According to the CEDAW Concluding Comments on Hungary's Fourth and Fifth Combined Report in 2002 the national machinery for the advancement of women needs 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”

1.5 International level

The Open Society Institute's EU Accession Monitoring Program 2002 Report on Hungary finds that with the exception of the Directive 97/81/EC on part time employment Hungary has *de jure* fulfilled all the EU

requirements concerning equal opportunities on grounds of gender. However, despite the positive trends in legal harmonization there are “persistent and pervasive obstacles to the practical realization of the newly formulated standards” (EUMAP 2002: 237), *de facto* Hungary is very far from realizing equal opportunities for women and men. The report mentions the following obstacles: “lack of awareness raising and positive measures or affirmative action, the absence of monitoring and enforcement mechanisms, the tendency of laws on sex-based discrimination to be formulated loosely within the context of a broader definition of discrimination, such that sex is simply one factor among many.”

The *UN Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) was promulgated by Hungary in 1982. Hungary made no reservations concerning the Convention and abided by its reporting obligations relatively strictly until 1991. The initial and the second periodic reports were submitted on time, the third periodic report arrived to the CEDAW Committee with a six-month delay. However, Hungary was a great deal behind with the fourth and fifth periodic report (due on September 1994 and September 1998 respectively). The Hungarian government completed a joint fourth-fifth periodic report in March 2000. The CEDAW Concluding Comments in 2002 noted the following areas of concern: no separate and appropriate regulation of gender discrimination, inadequacy of the national machinery for the advancement of women’s rights, persistence of entrenched traditional stereotypes, inadequacy of human rights education and awareness raising programs in the field, prevalence of violence against women and specifically domestic violence and inadequacy of the legislation addressing it, inappropriate legislative manner of addressing the problem of prostitution, low representation of women in high level elected and appointed bodies and the absence of temporary special measures for addressing this issue, the disadvantaged position of women in the labor market, high rate of abortions and problems with the accessibility of family planning methods, absence of data and research on women’s health, inadequacy of sexual education programs, absence of specific data on Roma women, problems with the definition of sexual crimes and early age marriage. Basically CEDAW raised its concerns in every important field of gender equality in Hungary.

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.

1.6 Central Issues in the Policy Debate

1. abortion – 1993 and 1997-98 (policy-making community, media, academia, Constitutional Court)
2. anti-discrimination legislation – ongoing since 1997 (media, academia, policymaking community)
3. domestic violence – ongoing since 1998 (media, academia, policymaking community)
4. family policy – 1998-1999 (media, policymaking community)

5. participation of women in public life – quota systems – 1998 -2002(?) only at the level of political parties
6. pensions – same retirement age – 1997-1998 (policymaking community, Constitutional Court)
7. prostitution – ongoing since 1999 (policymaking community, media, academia)
8. sexual harassment in the workplace – 1992 (parliament, media)

2. State of the Art in Academic Research on Gender Equality

2.1 Preliminary notes

As already stated, gender mainstreaming is not yet an accepted or debated concept in the Hungarian professional, academic, or political circles. The notions of discrimination against women and equal opportunity, however, are already pronounced by different fragmented discourses and inquiries. As policy related professions and scholarship in CEE countries are still in the making, policy concepts are articulated by different disciplines of policy interest, most importantly sociology and legal studies. Nonetheless, other scholarly fields, such as anthropology, linguistics, and economics also contribute to the academic study of issues associated with equal opportunity and gender mainstreaming.

It is noteworthy that the Hungarian gender studies community is supported, but perhaps “spoiled” as well, by very fact that the Central European University, located in Budapest, has established the first fully accredited gender studies M.A. program in the region. The program has a relatively good library, which may create the expectation that the academic literature produced in Hungarian is also easily accessible, which is not the case. One could not blame CEU and its library for this. The lacunae are rather due to the limited (wo)manpower of the gender studies community in the country. Those scholars who took the lead in introducing the first gender studies courses in the academia and established the first interdisciplinary programs are the founding mothers and key personnel of the NGOs constituting the small feminist movement in Hungary.

The social, political and academic discourses on gender, gender roles, and gender politics have proliferated since the start of the wholesale political changes in 1989. Despite the efforts to share the most important domestic products of gender research (e.g. course syllabi), a good electronic library of gender research on Hungary and in Hungarian is yet to be established.

The current literature review is selective and necessarily subjective. Therefore, it does not give an objective and unequivocal representation of most important contributions to gender scholarship in Hungary in the 1990s. Nonetheless, all authors listed here are of significance.

2.2 Gender regimes and discourses

Heller, Ágnes (1994): Újabb gondolatok a biopolitikáról. (New Ideas About Biopolitics) Magyar Lettre Internationale 14. Ősz: 70-74.

Wessely, Anna; Kim Lane Scheppele (1995): *Kulturális politika és a PC (Cultural Politics and PC)* Világosság (7):

The debate between the respected philosopher (Heller), returning from a long political exile, and two feminist scholars (a sociologist and a lawyer) appeared as an early articulation of the controversy standing between classical liberal philosophy and late modern feminist theories. Not as an intellectual surprise, but surely as an unexpected attack against the emerging feminist thinking, the philosopher characterized the feminist agenda in the 1990s as a biopolitical program influenced primarily by American mass culture. She argued that biopolitics undermines the Arendtian notion of *homo politicus* and promulgates a pre-political experience to the horror of liberal political philosophical conviction, which does not regard race and gender as proper bases for political claims. The two feminist authors replied to the attack by referring to the well-know feminist arguments that liberal politics is built on blindness to race and gender, or on exclusions based on race and gender. Personal autonomy and integrity, the very quintessential values of liberalism, should be endowed to all members of society and in all spheres of life. If many women could not enjoy autonomy and integrity in their lives, liberal politics should be critically reexamined. This debate, which might not have produced any unusual argument on any side, was an important milestone in the Hungarian intellectual debates on gender regimes.

Gal, Susan; Gail Kilgman (2000): The Politics of Gender After Socialism. Princeton: Princeton University Press. (Hungarian edition is in progress)

One of the most influential volumes summing up post-socialist changes in gender regimes was written by Susan Gal and Gail Kligman, western anthropologists engaged in topics and field research in CEE. They have edited an important volume based on leading social research on gender and women's issues in post-socialist contexts (see the full Hungarian bibliography). In this book, which could be seen as a synthesis of lessons spelled out by authors from local scholars, the authors argue that an inquiry into gender regimes is intertwined with rethinking crucial issues in feminist philosophy, political science, cultural theory, socio-linguistics, etc. To this end, a predominantly cold-war way of thinking should be left behind: changes in gender regimes are but the distinction between the enlightened West and the backward East. Gal and Kligman reveal that gender debates are deeply embedded in the diversity of economic and political systems in the post-socialist countries, and in reverse, the interpretations of wholesale social and political changes are conspicuously gendered. The authors critically examine the often used binary opposition between the "private" and the "public" as key categories of gender debates. Accordingly, the meanings of the "private" and the "public" are constituted in a "fractal" space: social actors mobilize interchangeably different interpretations of the private and the public depending on the actual social interaction and networks they engage in, and key social institutions (family, workplace, political institutions) juxtapose and combine the values associated with the private and the public when conceptualizing men's and women's roles. Women are positioned by conflicting and parallel procedures of marginalizing and empowering in distinctive spaces of economy and politics. All arguments are supported by concrete examples.

Neményi, Mária (1999): Csoportkép nőkkel. (Group Photo with Women). Budapest: Új Mandátum.

The author, who is a leading feminist sociologist, uses an innovative method to investigate the major shifts in role models that a specific generation of women chose in Hungarian society (those in their mid-fifties) and thus contemplate the possibilities of interpreting difference as the basis for building identity for women, and within the category of women. Neményi interviewed all available schoolmates from her elementary school and thus revealed the most important models of gender identity constructed in a life course cut by a major political change leading from socialism to a “free world”. The analysis of chosen identities and role models highlights diverse personal strategies on spouse selection, sexual life, career choice, etc., shaped by dominant social values, or rarely by resistance to those values. Many women faced the hypocrisy of official ‘modern’ values under state socialism and the staunch conservatism guiding private life, and often the hypocrisy of these conservative values themselves.

Lévai Katalin (2000): A nő szerint a világ (The World As Seen by Women). Budapest: Osiris.

Lévai is a sociologist and a key actor in forming state machinery of gender equality in Hungary in the last couple of years. In addition to general social policy issues, Lévai has advocated state policies and political actions for gender equality. She served as a head of the unit designated for gender equality issues under the Ministry of Labor in 1996-98, and has been reappointed to a similar position in 2002 (in both cases by a socialist-liberal coalition government). Lévai summed up her views on major feminist ideals and their potential translations into local practices in the period when she withdrew to the academia and civic actions.

2.3 Social movement, women NGOs

Pető, Andrea (1999): Nőhistóriák. (Women’s Histories). Budapest: Seneca.

Neményi Mária (1994): Miért nincsen Magyarországon nőmozgalom? (Why Is There No Feminist Movement in Hungary?) In: Férfiuralom (Male Order), ed. Hadas Miklós, Replika Könyvek

Gal, Zsuzsa (1997): Feminism and Civil Society. In: Transitions, Environment, Translations. Ed. Scott, Kaplan, Keats. New York: Routledge: 30-45.

Acsády, Judit (2002): Kellett nekünk feminizmus? (Did We Need Feminism?) In: Zárva várt Nyugat. Kulturális Globalizáció Magyarországon. (Long-Awaited Globalization in Hungary). Ed. Kovács, J.M. Budapest: Sík Kiadó:167-189.

Pető is a historian doing pioneer work to introduce women’s history to the Hungarian academia and Acsády is sociologist and leading scholar of the history of the feminist movement in Hungary. These authors discuss in several articles and volumes how, at the turn of the 19th and the 20th century, the time of a great liberal tradition in Hungarian history, the first generation of feminists worked together with progressive thinkers and

the emerging social democratic circles on women's emancipation, in particular establishing enfranchisement. The authors also point out that despite the early successes, feminist ideas have remained an isolated stream among the major political ideologies between the two world wars. Pető has published a number of studies on the state's conquering of the women's movement in the period of 1945-1947.

Gal points out, among other relevant problems related to women as political subjects, the fascination of the oppositional movement under the communist regimes with the classical bourgeois values based on the ideal of natural gender difference. Neményi and Acsády are the most outspoken authors explaining the relative weakness of the Hungarian women's movement following the start of the post-socialist transition. They refer to the legacies of the ill-fated "equality" (quota) policies under state socialism, the peculiar role of the adaptation of Western feminist ideologies in the early 1990s, and the impacts of the resistance of the liberal political philosophies towards feminism in post-socialist intellectual debates.

Social Structures, positions, recognition

Tóth Olga (1999): Családformák és együttélési minták a mai magyar társadalomban. (Forms of Family and Martial Relations in Hungary). In: Szerepváltozások (Changing Roles). Ed. Lévai, K., Tóth I. Gy.: 53-62.

Kovács, Katalin; Váradi Mónika Mária (1997): Kisvárosi nők. (Women in Country Towns) Beszélő, January: 38-58.

Nagy, Gyula (2000) A nők munkaerő-piaci helyezete Magyarországon. (Women on the Labor Market in Hungary) OMKMK.

Nagy, Bea (2002): Női menedzserek. (Women Managers) Budapest: Aula Kiadó.

Szalai, Júlia (1999): Women and Democratization: Some Notes on Recent Changes in Hungary. In: Construction. Reconstruction. Eds. Pető, A.; Rásky B.: 103-126.

As family is a complicated social realm, gendered in each and every segment, gender sensitive social research has found a major interest in the family since the 1980s. One may also argue that family policy has become a major policy concept in the 1990s, in particular for conservative political discourses and regimes, and to some extent for socialist circles as well. Family policies thus could be seen as the substitute for gender mainstreaming concepts, and often weakening the cause of women's rights arguments (subject to further inquiry).

Tóth is a key sociologist of the topic, and describes the perpetuated demographic (and cultural) trend in Hungarian society, which started in the 1980s. The researches uncovered decreasing willingness to enter marriages, increasing inclination to divorce if conflicts occur, and women's more pronounced willingness to divorce if the marriage does not work. The 1990s have also brought the more explicit value clashes between material well-being and the number of children in the family.

Kovács and Váradi, sociologists with excellent ethnographic eyes, offer empirical studies on women's contrasting strategies to react to privatization, the loss of former job entitlements, and the selective rearranging of welfare allowances in the 1990s. These strategies range from a model of male breadwinner/female consumption, to cooperative partnership in both paid and unpaid work, and competitive or almost hostile relations among spouses. All strategies hinge upon a specific perception of state provided welfare provisions and specific class positions. Bea Nagy, who is a sociologist, has conducted the richest inquiry on the changes in women's participation in the economy as entrepreneurs and CEO's in the corporate and banking sector. She has found a significant increase of women in the mid-level managers in the 1990s, yet the gendered glass ceiling is still a paramount reality. Nagy also describes the conflicting expectations and practices that women in senior decision making positions face in the family and at the workplace. The most successful careers are made by single and divorced women, with few exceptions (note: the most visible/emblematic figures among the top women managers are lucky to have good-partner spouses, thus their cases inadvertently downplay the most common controversies for women on top).

Szalai, who is a leading sociologist of welfare debates and policies, most recently combining research on gender and ethnicity, gives a provocative understanding of how the second economy in the later 1980s and its legacy have influenced women's status in the labor market, the family, and society in general in the 1990s. She argues that the skills that one obtained by navigating through the informal networks, the semi-official market structures before 1989 could be turned to genuine market and entrepreneurial knowledge after the start of the post-socialist transition. This capitalization on previous work experience has become available for women in particular, who many times continued to work in the family businesses as they did before the changes as back-up personnel, informal aid, part-time family member, etc. Women also applied these navigating skills to find substitution for the former state welfare institutions in childcare, elderly care, health services, etc. These enhanced capabilities of adaptation contribute to women's better chances for surviving during hardship and unemployment. This explanation undermines the often voiced but unexamined argument of "feminization of poverty".

2.4 Welfare policies

Adamik, Mária (1994): A szociálpolitika nemek szerinti perspektívából. (Social Policy from Gender Perspectives). In: Eszmélet (21-33):

Adamik, Mária (2000): Család versus népesedés (Family versus Demography), Replika (40):

Fodor, Éva (2003): Working Difference: Women's Working Lives in Hungary and Austria 1945-1995. Durham and London: Duke University Press.

Haney, Linn (2002): Inventing the Needy: Gender and the Politics of Welfare in Hungary. University of California Press.

Morvai, Krisztina. "Család, állam, előítélet" (Family, State, and Prejudice) In: *Fundamentum*(4) (1999): 109-112

The rationale behind and the impacts of welfare policies have been issues that the Hungarian sociological tradition started to explore from gender perspectives already in the 1980s—although without spelling out a distinctive feminist agenda. Many of the leading scholars in this topic (Szalai, Adamik) offer thick analysis on continuities and discontinuities of state welfare policy informed by labor market pressures and demographic considerations across the 1980s and 1990s. All the authors identified by the above list address the political and professional debates on the notion of "premature" welfare state falling pray to shock therapy and economic restructuring policies in CEE in the early 1990s. They also examine the transformation of a universal welfare system to a new one serving the most needy, and the gender impacts of these transformations. Several writings from the very same authors investigate the debates around the "Bokros" austerity package introduced in 1995 and later the reduced allowances for the unemployed. The impact of gender on the massive decentralization of welfare policies is also discussed from the middle of the 1990s. Several analyses target the gendered nature of the well developed profession of social workers in Hungary.

Adamik and Morvai offer a particularly sharp criticism on family policies introduced by the government in 1998-2002, which pursued conservative, sometimes explicitly atavistic, family ideals. Moreover, they criticize the class orientation of the government family policy, which explicitly promoted the strong, the viable, and the upward mobile, especially by housing and income tax policies. Haney and Fodor, sociologists specialized in explaining Hungarian welfare regimes, discuss the neoliberal welfare policy in transition, the way in which the private initiatives are to take over the role of welfare state.

2.5 Politics, decision-making, empowerment

Lévai K., Kiss R. (1997) Nők a közéletben. (Women in Public Life). In: Szerepváltozások. Eds. Lévai K., Tóth I.Gy.: 52-70.

Nagy, Bea (1997) Karrier női módra (Women's Careers). In: Szerepváltozások. Eds. Lévai, K., Tóth I.Gy.: 35-50.

Timár, Judit; Hedvig Lehmann (2003): Nők az önkormányzatokban (Women in Local Governments). Budapest: MONA.
http://www.mona-hungary.org/mona/kutatas_tanulmanyok.htm

Interestingly, the political participation of women, the issues of representation, equal opportunity, and quota systems have not become a major theme within gender research. The issue has been a subject of discussion primarily in NGO related events and seminars. The few academic inquiries investigate the falling

participation of women on national level, the explanations for women's shying away from politics, and the quota skepticism of the broader public. New empirical research results are available, however, exploring the participation of women in local politics, local governments, and decision-making processes.

The above scholars examine how the social category of women is depoliticized, how the resistance towards token women and quota system harks back to state socialist experiences, how the growing aversion towards the new democratic parties and state policies hinder the cause of women's participation in top decision making bodies and institutions. It is also argued that due to gender division of labor, time, money, universal citizenship, access to political participation is unequally distributed among men and women. There is not much research available on the relationship of women in NGO and party/parliamentary politics, respectively.

2.6 Rights, (anti-)discrimination

(1999) Egyenlő esélyek és jogharmonizáció. (Equal Opportunity and Legal Adaptation). Budapest: MÜM Egyenlő Esélyek Titkársága. (Lehoczkyné, Kollonai Csilla, Kardos Gábor, Gyulavári Tamás, Morvai Krisztina)

Morvai, Krisztina (1998) Terror a családban. A feleségbántalmazás és a jog. (Terror in the Family. Wife-Battering and the Law). Budapest: Kossuth Könyvkiadó.

Nacsa, Bea (1999): A hátrányos megkülönböztetés tilalma a magyar munkajogi gyakorlatban (The Prohibition of Discrimination in Hungarian Labor Law Implementation). In: Vegyesváltó. Budapest: Egyenlő Esélyek Alapítvány.

Sándor, Bea (201): Összefoglaló a leszbikusok, meleg és biszexuálisok diszkriminációjáról Magyarországon (Report on Discrimination Against Lesbians, Homosexuals, and Bi-Sexuals in Hungary). Budapest: Háttér Baráti Társaság.

Legal scholarship put gender discrimination on its agenda immediately following the start of transition. A small group of devoted scholars have started to systematically analyze the capability of the Hungarian legal system to identify and prohibit discrimination based on gender, marital status, and sexual orientation.

The most outstanding scholars have been invited to give legal advice to governments depending on the actual political ideological regimes and started to prepare the local political and professional community for EU legal adjustment. It is debated as to what extent the principle of protection of victims of violence and elimination of all violence against women and children should be seen as integrated in a broader human rights agenda. The topic, however, intrigued excellent legal and sociological studies, heavily backed by NGO expertise. The flagship research has been completed by Morvai, who has analyzed court decisions and their impacts on social practices. Bea Sandor, a literary scholar by training, has become a major author of discrimination issues related to sexual choice and identity.

2.7 Reproductive rights, health

Mink András (1991): Kis magyar abortusztörténet (Concise History of Abortion in Hungary), Beszélő (30):22-25

Gal, Susan 1994. Gender in Post-Socialist Transition: The Abortion Debate in Hungary. Eastern European Politics and Society vol. 8. No 2: 256-286

Sándor, Judit (1998): Újabb érvek a terhességmegszakításokról (New Arguments about Abortion), Fundamentum (3): 121-135.

Kis, János. "Az Alkotmánybíróság a terhességmegszakításról" (The Constitutional Court about Abortion) In: Fundamentum (3) (1998): 97-113

Neményi, Mária (1999): Csoportkép nőkkel. (Group Photo with Women). Budapest: Új Mandátum.

In this field, it is the central political decision making bodies that mobilized the academic community to elaborate a subtle understanding of abortion rights, under the Hungarian circumstances in the 1990s, in two major waves. As elsewhere in the world, the broader public opinion is divided between the conservative and liberal convictions. The academic circles in Hungary are dominated by the liberal position and arguments concerning abortion. One of the most respected liberal political and moral philosophers, Kis, has offered his support to the liberal agenda by elaborating a detailed philosophical treatise on abortion. Mink, a historian, and Gal, analyze the continuities and discontinuities of reproductive policies in state socialism and during transition, revealing the ideological inclinations (in particular the fear of the "death of the nation") as well as labor power regulations (keep women at home or at the workplace) behind abortion policy decisions. Judit Sandor, a feminist legal scholar, proposes policy arguments based on liberal ethical considerations by pursuing a dialogue with pro-life forces.

In her recent researches, Neményi addresses values and customs related to reproduction (and sexuality) and reproductive health among Roma women. She points out that in contrast to mainstream convictions, a value of pluralism prevails among the Roma women regarding reproductive decisions depending on their education, age, exposure to media and other cultural influences. The conflicts between the majority and minority societal values are sometimes enhanced, sometimes contained.

2.8 Body, sexuality and sexual choice

Csabai, Márta; Erős Ferenc, eds. (2002): Test-Beszédek (Body Talks). Budapest: Új Mandátum.

Takács Judit (1998) Bevezetés a homoszexualitás tudományába, (Introduction into the Discipline of Homosexuality) Replika (33,34): 203-212

Kalocsai Csilla (1998): leszbikus és meleg elméletek: identitások és identitáspolitikák (Lesbian and Gay Theories: Identities and Identity Politics), Replika (33-34): 195-202.

The topic does not seem to have anything to do with gender mainstreaming. Perceptions and discourses on the body and sexuality are not only hidden targets of policies, but social imagination on these realms have a major influence on the limits and impacts of policy measures. The Hungarian social imagination and practices show a striking controversy: prudery is combined with the most explicit articulations of bodily and sexual experiences in media and political talks. These topics have become preferred by a younger generation of researchers, including psychologists, sociologists and anthropologists.

2.9 Deviancy, criminality, penal justice

Fehér, Lenke; Forrai Judit (1999) Prostitúció, prostitúcióra kényszerítés, emberkereskedelem. (Prostitution, Imposed Prostitution, Human Trafficking). Budapest: Nőképviselési Titkárság, SZCSM.

Fehér, L. and K. Parti (2002). "Nők a börtönben. (Women in Prison)." *Kriminológiai tanulmányok*(39) (2002).
Betlen, Anna. (1998) A képmutatás törvényi útja avagy egy lépés a prostitúció legalizálása felé (Legalized Hypocrisy or One Step Further to Legalizing Prostitution). In: Fundamentum (4): 159-166

Analysis of the situation of women in prison and prison policy from a gender perspective is done by Fehér, a legal scholar, and her colleagues. Their research targets the often contradicting principles of equal treatment and respect for difference for women's prisoners. They have also been analyzing social perceptions and ideological underpinnings of state policies on prostitution. Betlen, who is sociologist by training and served in the government machinery for gender equality, investigates the heated debates from the end of the 1990s on the legalization of brothels or the designation of special districts by local governments. Both approaches would hurt some international or domestic regulations/treatise and some public interests.

2.10 Literature, arts, history

Nagy Beáta és S. Sárdi Margit (1997): Szerep és alkotás. Női szerepek a társadalomban és az alkotóművészetben. (Roles and Creation. Women's Roles in Society and in Artistic Work). Debrecen: Csokonai.

There is a relatively well-developed scholarship on gender questions in art, art history, literature, and literary criticism cultivated by both men and women researchers. Some major volumes, like the above one, bring scholars together from different fields, include writings that refer to particular aspects of gender regimes in Hungarian society in the 20th century.

2.11 Missing themes (media, language, government machinery)

There are some innovative research results published on gender in the media and language that may have some relevance for shaping policy frames. These should be analyzed in detail later during the research. Inquiries on the performance of the already established government machinery on gender equality is missing for reasons that the research should reveal.

3. Bibliography on Gender Equality Policies and on Academic Studies on Gender Mainstreaming

3.1 Hungarian texts

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4. Mapping of Competences

(Selected list)

Acsády Judit

History of feminism, feminist movement in Hungary, gender after the transition, construction of gender in public life

Sociology Institute of the Hungarian Academy of Sciences
1014 Budapest Úri u. 49.

Tel.: 375-9011 Fax: 224-6745

ajutka@caesar.elte.hu

Adamik Mária

Gender aspects of social policy

ELTE Budapest University Social Policy Department
Ombudswoman Program

1117 Budapest Pázmány Péter sétány 1/a, B. épület

adamik@ludens.elte.hu

Fehér Lenke

Criminal law, criminology, prostitution, women in prison, violence against women

Legal Institute of the Hungarian Academy for Sciences

National Criminology Institute

University of Miskolc, Law Department

1014 Budapest Országház u. 30.

356-3975, 356-7566/11 Fax: 375-7858, 356-7219

Feher@okri.hu

Fodor Éva

Gender regimes, feminization of poverty, intersections of class, gender and racial inequalities

Department of Sociology, Dartmouth College,

Hanover, NH 03755

Central European University, Program on Gender and Culture

1051 Budapest Nádor utca 9

Tel.: 327-3000

eva.fodor@dartmouth.edu

Frey Mária

Women in the labor market, flexible forms of employment, NGOs on the labor market

Employment Office. Research Department (Foglalkoztatási Hivatal Kutatási Iroda)

1066 Budapest Mozsár u. 14.

332-7787 Fax: 312-7044

freym@lab.hu

Gál Susan

Gender relations, gender and reproduction, abortion, gender and state, division of labor in the family
University of Chicago, Department of Anthropology
IL 60637 Chicago, USA 1126 East 59th Street
s-gal@uchicago.edu

Gyulavári Tamás

Equal opportunity and anti-discrimination law, EU legal harmonization, legal instruments for implementing equal opportunity
Debrecen University Sociology Department,
Equal Opportunity Foundation (Egyenlő Esélyek Alapítvány)
4010 Debrecen Egyetem tér 1. (52) 316-666/2340
tamas.gyulavari@gmv.gov.hu

Huszár László

Women in prison, women criminality, prison policies
BVOP (Hungarian Prison Service)
1054 Budapest, Steindl Imre u. 8.
Tel.: 301-8100

Kiss Róbert

Political participation of women, Hungarian gender equality mechanism
Szociális Szakmai Szövetség
1094 Budapest Liliom u. 8.
Tel: 216-2640
robert_kiss@yahoo.com

Koncz Katalin

Socio-economic status of women in Hungary
Budapest University of Economics
Women's Studies Center
1093 Budapest Fővám tér 8.
Tel.: 217-1936/6177 Fax: 217-1936
katalin.koncz@bkae.hu

Lévai Katalin

Social policy, gender studies, history of feminism, women in public life, Hungarian gender equality mechanism
Debreceni University Sociology and Political Science Institute,
Equal Opportunity Foundation (Egyenlő Esélyek Alapítvány)
4010 Debrecen Egyetem tér 1.
Tel.: (52) 316-666/2340
levai.katalin@fmm.gov.hu

S. Molnár Edit

Demography, family planning
Central Statistical Office,
1024 Budapest Fényes Elek u. 14-18. IV.e.
Tel: 345-6503 Fax: 345-6518
edit.molnar@office.ksh.hu

Morvai Krisztina

Criminal law, domestic violence, violence against women, women and human rights
ELTE Budapest University, Law Department,
Center for Women's and Children's Rights (Női és Gyermejk jogi Kutató és Oktató Központ)
1082 Budapest Fillér u. 53.
Tel: 316-2986 Fax: 316-2986

Nacsa Beáta

Labor law, discrimination against women in labor relations
ELTE Budapest University Law Department
1053 Budapest Egyetem tér 1-3.
nacsa@ludens.elte.hu

Nagy Bea

Women in leadership, women entrepreneurs, women unemployment
Budapest University of Economics, Sociology and Social Policy Department
Gender Studies and Culture Department
1093 Budapest Fővám tér 8.
Tel.: 217-5172 Fax: 217-4482
beata.nagy@bkae.hu

Neményi Mária

Social psychology, discrimination – on grounds of ethnicity and gender
Sociology Institute of the Hungarian Academy of Sciences
1014 Budapest Úri u. 49.
Tel: 224-0775
h13249nem@ella.hu

Pető Andrea

History of feminist movements, women's history
ELTE Budapest University, Ethnic and Minority Studies Program
petoand@axelero.hu

Pongrácz Tiborné

Family models, family life, family policy, family planning, child rearing, young mothers
Central Hungarian Statistical Office, Institute for Demographic Studies
1149 Budapest Angol u. 77.

Tel.: 251-0288 Fax: 383-3111

pongacz@mailop.ksh.hu

avarosi@mailop.ksh.hu

Sándor Judit

Protection of privacy, discrimination, reproductive rights, genetics
Central European University, Political Science Department, Legal Studies, Gender Studies
1051 Budapest Nádor u. 9.

Tel.: 327-3000 Fax: 327-3087

sandorj@ceu.hu

Szalai Júlia

Sociology of the family, child rearing, women's social mobility
Sociology Institute of the Hungarian Academy of Sciences
1014 Budapest Úri u. 49.

Tel.: 224-0776 Fax: 320-5446

h214sza@ella.hu

Tóth Olga

Sociology of the family, domestic violence
Sociology Institute of the Hungarian Academy of Sciences
1014 Budapest Úri u. 49.

Tel.: 224-0771

totho@socio.mta.hu