

Gender Equality Policy or Gender Mainstreaming: the case of Hungary¹
Gender policies in Hungary on the road to an enlarged Europe

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I. Introduction

The obvious innovative potential of the gender mainstreaming strategy stands in its holistic approach to gender equality: in proposing to introduce the gender equality perspective to all policies at all levels and at all stages². This does not, and indeed should not, mean that targeted gender equality policies and state mechanisms are to disappear, but it means that gender mainstreaming strategy is to complement 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 policies³. In this sense it is a structural approach, a project of social reconstruction in which inequality will be attacked at the level of beliefs, at the level of practices and at the level of distribution⁴.

The target of the gender mainstreaming strategy is not women, as a group, as in the case of focused gender equality policies⁵. Instead, it proposes to act on the society as a whole, by changing the norms and practices that stand at the roots of gender inequality and sustain its continuous reproduction. In order to bring about the desired changes mainstreaming proposes to introduce gender sensitivity at all levels of the policy process, the emphasis being here on the process. This means not just instantaneous changes, but a continuous sustainable process, in which the gender lenses are permanently on. In practical terms the mainstreaming strategy seems to become a policy tool to be used by regular policy makers at all levels, which makes sure that none of the state’s instruments are perpetuating gender inequality, be that in the form of gender blindness or gender bias. It has the task to make sure that it is not women who are squeezed into available biased social institutions by means of state instruments, but social structures are influenced by state instruments so as to accommodate gender diversity.

Despite the revolutionary flavor of the above, well reflected on by Haffner-Burton & Pollack (2000), problems with implementation and putting into practice of the gender mainstreaming strategy seem to be several. Putting into practice has been an ongoing process in several countries, all with different social and economic circumstances, different policy cultures, different gender equality approaches. The first evaluation reports on the implementation⁶ of the strategy show a number of recurring problems. 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 to the horizontal level; existence of gender equality policy and possibly of a gender equality state mechanism; availability of sex-segregated statistics; a strong feminist movement including state and non-state feminists and 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 accessible⁷. Developing the prerequisites should certainly come somewhat before specialized tools, such as for example Gender Impact Assessment can be launched even as pilot projects. The absence of some of these criteria is certainly an obstacle for implementing mainstreaming in several European countries and this makes implementation reports rather disappointing. It seems as if the gender mainstreaming strategy is invented for polities that are anyway far ahead in terms of gender equality policies.

² Council of Europe definition. 1998: 15

³ Mieke Verloo 2001: 6 (IWM Working Paper), Verloo 2002 : 3

⁴ Koppelman 1999

⁵ Council of Europe concept as opposed to the language of the Beijing Platform of Action. See Verloo 2001

⁶ Council of Europe 1998, Council of Europe 1999

⁷ Council of Europe 1999: 6 (Summary); Verloo 2001, Meier 1998

A crucial problem concerns the actual goal that the mainstreaming strategy proposes to reach⁸. 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 assessed, if alternatives are to be designed and especially if all this is to be done by regular actors in the policy-making. Absence of such a conceptual framework can empty or abuse the mainstreaming concept. It is difficult to see for such a conceptual backing to be provided at the international level. This is something to be decided by each polity in an ongoing public debate involving feminists, academic experts and policy-makers. In this sense absence of a strong conceptual premise to gender mainstreaming can be seen also as an advantage for a strategy to be implemented by several sometimes very different polities⁹.

Window dressing adds to this problem. Accounts on progress in the field of gender mainstreaming often come to encompass development of prerequisites of mainstreaming, erratic women's projects interpreted to form part of a mainstreaming strategy, though not forming part of coordinated action, or any other action relating to gender, all this disguised in the rhetoric of gender mainstreaming. In many cases, the rhetoric of mainstreaming is not matched with meaningful action. The concept is seen to be stretched too far¹⁰.

The aim of this paper is to illustrate some of the conceptual and implementation issues around the gender mainstreaming strategy as those are reflected in the Hungarian case. We analyze the Hungarian policy context in terms of presence of the gender mainstreaming approach, and in terms of political framing of some crucial aspects of gender equality.

The Hungarian policy debates on gender equality are shaping up through a slow process since the change of political regime in 1989. These debates were informed initially by a gender equality policy concept primarily understood as a distinctive policy field targeting gender equality and implemented through specific women's policies. The promotion of equal opportunity on all grounds became a powerful policy approach in the last 2-3 years, often neglecting the specific requirements of gender equality. The concept of gender mainstreaming as a cross-sectoral and comprehensive policy tool towards gender equality has been present in parallel to these processes and started to come up in policy talks and documents in a somewhat haphazard way since 1996. However policy debates on gender equality have not resulted this far in a comprehensive gender equality strategy in Hungary. The influence of the European Union accession process, as far as gender equality policy is concerned, was marginal, reflected especially in *de jure* harmonization of legislation but much less so in harmonization of policies and improvement of their enforcement mechanisms.

II. *The Hungarian Context*

Expectations towards the success of implementation of a gender mainstreaming strategy in the post-communist EU accession countries, among them Hungary, were not evidently pessimistic. The high leverage of the EU throughout the process of enlargement fueled optimism and hopes that progressive gender equality policy approaches will gain important presence in the policymaking of these countries. Such optimism could also be supported by the fact that for these countries, after a long period of stagnation, the last thirteen years have brought the opportunity of fast development of their human rights regime. Meanwhile, the rapid but recent changes provided by the specific historical momentum gave policy makers of these countries the opportunity to learn the lessons of the past human rights policy developments around the world in a faster and concentrated way than their models have done, and to adopt policies, which can be considered among the most progressive ones. Therefore in principle receptivity for introducing the most innovative policy practices in the field of gender equality was 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, but disregarding the declared EU gender mainstreaming strategy. With

⁸ Verloo 2002: 4; Council of Europe 1999: 17

⁹ Verloo 2002

¹⁰ Verloo 2002: 4

accession this potential is seen as a lost opportunity¹¹. Gender equality policy was not to be one of the fields where progressive policy could easily take over. The process of policy development is to continue now 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 policies in Hungary. This development in EU member states is seen as more or less linearly progressing from equal treatment approach through targeted gender equality policy approach towards gender mainstreaming approach, where the later stages are always meant to complement the earlier ones¹². Due to specific historical circumstances, however, trends showed by Hungarian policymaking are likely to demonstrate dynamics between gender equality policies and gender mainstreaming different than in the EU member states.

Presently, we cannot speak in the Hungarian context about an adopted gender mainstreaming strategy. This far Hungary has not adopted any strategic policy document that is meant to introduce gender mainstreaming. Moreover this far Hungary has managed to develop a weak and fragmented gender equality policy. Elements of gender equality policy can be traced primarily in the recently emerged comprehensive equal opportunity field and in different sectoral policies, and only erratic signs show gender mainstreaming awareness of the policymakers.

The core element of gender equality policy in the Hungarian context is equal treatment policy. However, 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 discrimination¹³. 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 mirrored the actual domestic ideological climate (since 2002 a socialist-liberal coalition again) favorable to pursue 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, sexual orientation)¹⁴ is to incorporate (substitute) a long-awaited gender equality legislative action and develop a comprehensive yet feasible institutional structure to implement and monitor the provisions of the law. The law covers all important fields where discrimination may occur: employment, social security and health care, housing, education and training, sale of goods and use of services. Its scope extends mainly to the public sector and parts of private sector in some of their relevant relations. The scope of the Act does not extend to, among other issues, family relationships and relationships between relatives. The Act can be seen as relatively progressive in its scope and definitions of forms of discrimination that it covers. Feminist non-governmental organisations, however, have heavily criticised it for the fact 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 inadequate to handle the specific aspects of gender equality, and that the absence of specific gender equality related articles of the act might indicate the need for a separate gender equality act in Hungary¹⁵.

Other elements of a fragmented gender equality policy can be put together from different sectoral policies with relevance for gender equality, such as policies concerning welfare

¹¹ Bretherton 2002: 4

¹² See Verloo 2001: 4.

¹³ Act CXXV. of 2003 passed in December 2003. Even though the Constitution along with the general anti-discrimination clause has a separate article on gender equality (Article 66).

¹⁴ Full list of grounds: is the followings: sex, racial origin, colour, nationality, national or ethnic origin, mother tongue, disability, state of health, religious or ideological conviction, political or other opinion, family status, sexual orientation, sexual identity, age, social origin, financial status, the membership of an organisation representing employees' interests, other status, attribute or characteristic

¹⁵ See Magyar Női Érdekvégyesítő Szövetség bírálata és javaslatai az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról szóló törvényjavaslatához. 2003. November 28. (Opinion and critique of the Alliance for Enforcing Women's Interest concerning the Act on equal treatment and the promotion of equal opportunities) <http://habeascorpus.hu/allaspont/kritika/antidiszkr.kozl.2003.11.28.htm> or "Vonja vissza a kormány az antidiszkriminációs törvényjavaslatot!" (The Government Should Withdraw the Antidiscrimination Law) declaration by the head of the Alliance for Enforcing Women's Interest. <http://habeascorpus.hu/allaspont/kritika/antidiszkr.kormany.vonja.vissza.kozl.2003.12.18.htm>

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, or maybe mainstreaming, of the gender equality perspective into policy fields, which at the beginning of the 1990s might have looked for the policy maker as gender neutral (such as political representation or crime in the family) or have been entirely gender biased (such as family policy).

III. The Hungarian Gender Equality Mechanism

The Beijing Platform was the most important milestone in the history of Hungary's gender equality policies this far¹⁶. Mainly as a result of the Beijing Conference in 1995, the first institution for the promotion of equal status of women was created in Hungary. At the end of 1995, the Secretariat for Women's Policy, called Equal Opportunity Secretariat from August 1996, was established within the Ministry of Labor. In its first stage of existence – until elections in 1998 – it was considered a relatively “progressive and effective organ”¹⁷, though not empowered and thus not capable to pursue any gender mainstreaming tasks¹⁸. 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 programs of the Secretariat included 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 intensive working relationship with the media and women's organizations¹⁹. A legal aid line was also started in 1997.

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 as 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), launching a series of yearly booklets on statistical data broken down by gender, Hungary's fourth and fifth combined report to the CEDAW in Hungarian and English, a few informative booklets concerning rights of women and most importantly for our purposes the translation of the 1998 Council of Europe Report on Gender Mainstreaming²⁰.

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 in mid 2002 and May 2003, there was very little visible activity within the Directorate. This could be due to the plans for the reorganization of the Government. Thus at the beginning of May 2003 the Government announced that equal opportunities are to be elevated to ministerial status. The former head of the Directorate for Equal Opportunities, Katalin Levai, was appointed Minister for Equal Opportunities without a portfolio at the beginning of May 2003²¹. The Office is in charge not only for women's issues but equal opportunities on all grounds including ethnicity and race or disability, and recently, from June 2004, for social inclusion issues falling under the EU social

¹⁶ The absence of any major gender equality policy related shift caused by any important momentum of the EU accession process, as opposed to the shift caused by Beijing, clearly confirms Bretherton's argument concerning the lost opportunity on the side of the EU. Bretherton 2002

¹⁷ IHF Report Women's Status in Hungary (year 2001)

¹⁸ Biró and Szabó (1999)

¹⁹ On the activity of the Secretariat see Lévai Katalin (1998), Gyulavári Tamás (1998), Egyenlő Esélyek Titkársága (1998)

²⁰ The publication only included a one-page general introduction written by the head of the Secretariat and no other commentary on the relevance of the report for Hungary.

²¹ After Levai's election as a MEP in June 2004, a new Minister was appointed: Kinga Göncz, former state secretary in the Ministry of Social and Family Affairs.

inclusion process. The changes in the governmental structure on the one hand brought the issue to a different, higher, status, which is certainly important in declarative terms. On the other hand brought the issue of equal opportunity on all grounds under a single institutional umbrella, widening it even further by including it within the social inclusion agenda. One year after the changes it seems that the shift has brought a marginalization of the gender equality issue. Currently the Women's Directorate within the Office works with altogether five employees and is represented at a lower level than Directorates for the other grounds of discrimination.

The placement of the gender equality mechanism within the state structure was always significant from the point of view of framing 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 in the Ministry for Labor again (2002-2003), and finally within the framework of a general Equal Opportunity Minister's Office (May 2003). Absence of a significant gender equality mechanism partly explains the absence of a comprehensive gender equality policy, notwithstanding a gender mainstreaming strategy.

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, 6 members representing national women's associations, 5 acknowledged researchers and social scientists dealing with gender issues and 3 NGO members engaged in related activities. Though the Council might seem at first sight an ideal state instrument for coordinating a comprehensive gender equality strategy, its tasks were limited only to targeted gender equality policies and programs and 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 have the duty to allow the Council to exercise its right to give opinions in the course of the preparation of resolutions and statutes concerning women's rights²². The Council has been standing 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 this far. No reports were issued concerning its activities, protocols of its proceeding are not public.

IV. Comprehensive Policy Approaches to Gender Equality

As a response to Beijing the Hungarian Government also proposed to implement the requirements of a Hungarian National Action Plan²³. 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 along seven headings: women's human 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 involving women NGOs, and 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 introduction of gender sensitive elements in the education curricula, assessment of the regulation in some gender specific areas (anti-discrimination, social support) and proposing changes, assessment of the implementation of some gender specific regulations and propose changes, design women-projects to improve the situation of women in crucial fields (such as employment, healthcare), support gender related policy research, review available statistical data and make further collection of data gender sensitive and

²² 1059/1999 Governmental Decree on launching the Council for the Representation of Women

²³ 2174/1997 Governmental Decree on the Action Plan for implementing the tasks defined by the IV. Women's Worldconference

finally encourage 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 different projects' implementation under the Action Plan was April 1998. An evaluation of the Plan done by Biró and Szabó²⁴ shows that only minor tasks, mostly in the field of awareness raising, publications and training, have been achieved under the plan, those that were taken up by the Secretariat for Equal Opportunities.

The Hungarian government completed a joint fourth-fifth periodic report to the CEDAW in March 2000²⁵. In the Concluding Comments in 2002 the CEDAW basically raised its concerns with respect to every important field of gender equality in Hungary. According to the CEDAW Concluding Comments 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”. 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.”²⁶

Early media declarations of Levai, who was the head of the Secretariat for Equal Opportunity Policy in 1996-1998 and in 2002-2003, made during the first period of the Hungarian gender equality mechanism, show that there was a certain awareness of the requirements of gender mainstreaming in the policymaking shortly after Beijing, at least at the rhetorical level. As early as in 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 women²⁷. The rhetoric however was not reflected in the activities of the Secretariat throughout the time. As described above, all activities of the office were small women’s projects, including mostly awareness raising, some training elements, publications and limited legal and psychological support for victims, but hardly any mainstreaming-like actions. The visibility of the gender equality mechanism throughout the years remained relatively low, initiatives made by it were relatively modest. It is an issue to ponder if the Secretariat could have become more daring, outspoken, and influential. One should also consider the impacts of the conservative government’s in office for four years right after the first two formative years of the Secretariat.

Elevation of the state machinery to the ministerial office level in 2003 happened in the spirit of a policy shift from gender equality policy focus to equal opportunity policies on all grounds. As a consequence, the policy frames now refer 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 mainstreaming is mentioned only in the annual report of the Office of the Equal Opportunity Minister²⁸ indicating that gender mainstreaming serves the establishment of a “coherent *women’s* policy that is consistent in all with the aims of the EU”²⁹. 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. When going down to the level of practicalities the proposed programs are targeted gender equality programs, awareness raising campaigns, training, publications and development of NGO networks. All action seems to concentrate on 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

²⁴ Biró and Szabó (1999)

²⁵ The CEDAW became internal law in Hungary in 1982

²⁶ “National Report of Hungary on the Implementation of the Beijing Platform for Action” Submitted by the Hungarian Government in June 2000. p. 7

²⁷ “Mozgalmárok helyett szakemberek kellene” *Magyar Hírlap*, 19 November, 1996

²⁸ Esélyegyenlőségi Kormányhivatal. *Tárcaútkör 2003*. Given that the report was written very soon after the establishment of the Office it can rather be seen as a mission statement.

²⁹ *Ibid.* p.23

crucial strategy to be used toward the achievement of gender equality. The Report argues that: "Gender 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."³⁰ The tasks attributed by this Report to the Office in the achievement of this goal are again rather unspecific: they are summarised as naturalising the concept of gender mainstreaming within the Hungarian policy context, raising the awareness of policy makers with respect to it and more specifically "to coordinate the equal opportunity initiatives of the various Hungarian ministries".

Mainstreaming of general equal opportunity concerns is also mentioned as a strategy to be followed and to be promoted by the Equal Opportunity Minister in one of her recent speeches on the Plenary Session of the Parliament³¹. She mentions under this concept the ongoing consultation between her Office and different Ministries concerning different aspects of equal opportunity. Consultations however concern 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.), the holistic approach required by mainstreaming is not present at all. Very little emphasis is put on the gender component, thus other equal opportunity grounds seem to dominate.

The recently launched National Equal Opportunity Program should also be mentioned here as a comprehensive approach to promotion of equal opportunity on all grounds. It consists of five pillars of action³²: first the development of a national network of equal opportunity agencies; second training and awareness raising programs; third creating accessible environment for disabled; fourth creating crisis intervention centers for victims of violence; fifth launching a regional social policy pilot-project for handling multiply disadvantaged groups (ethnic, social, regional disadvantages, gender not mentioned). This program again shows proposed action on the one hand on prerequisites of mainstreaming, on the other hand targeted project-like action, which can be rather incidental, and have varying effect on gender equality.

V. *New Trends in the EU Accession Process*

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. In one of them, a complex policy area, systematic efforts for introducing the concept and mechanisms of gender mainstreaming have recently been made. The National Development Plan (NDP), crafted as a compulsory document preparing the national policy machinery for spending structural and cohesion funds as a new EU member state, introduced the concept of gender mainstreaming for the purposes of this particular policy area and its implementing program regulations seem to take seriously, at least on *de jure* level, the EU expectations. Equal opportunity issues are translated by the Plan to questions related to the Roma, women (identifying sub-groups of special needs), and disabled by trying to articulate cross-sectorial thinking. Although the language of key documents, produced as the offspring of the Plan, refers to women's policies, the argumentation reminds one of mainstreaming thinking.

According to the implementation plans of NDP, representatives of gender (women's) equality bodies, organizations are to be involved in the *monitoring committees* assigned to oversee the strategy formulation and operational activities of the five major program areas spending large amounts of EU funds on social and economic development of Hungary in 2004-2007. Demonstrating the fragmented and seek-and hide nature of the Hungarian gender equality policy formulation, the selection of the members of monitoring committees was organized on behalf of the non-functioning Council of Representation of Women in the summer of 2003, through the Equal Opportunity ministerial office. Yet, the activity of the committee members invited for gender equality review is not coordinated or evaluated (actually hardly known) by

³⁰ Esélyegyenlőségi Kormányhivatal. *TárcaTükör 2004*. p.7-8

³¹ 30 October, 2003

³² Some of the five pillars are reflected in the approach of the Office to gender equality

the office. Actually, the ministerial office does not have major leverage in influencing the outcome of this larger developmental and spending machinery. It is important to note that gender mainstreaming has come together with the EU requirements regarding the NDP and remained confined to it.

Another policy process taking place within the framework of the accession 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 has 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 presents what Hungary still has to do in order to translate the EU common social policy objectives in to reality in the country. The Memorandum addresses the exclusionary effects of several social factors: among them poverty, ethnicity (with special emphasis on Roma), disability, gender and marginally sexual orientation. Gender inequality, though considered separately in two sections of the documents, 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 needs a comprehensive approach, mainstreaming equal opportunity concerns of women, Roma and people with disabilities has to be applied³³. 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 NGOs³⁴. However, the approach of the document is strategic and of relatively high level of generality. The National Action Plan for Social Inclusion 2004-2006³⁵ prepared to specifically start implementing proposed social inclusion measures, much like the Joint Inclusion Memorandum, 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”(p. 19). The Action Plan speaks explicitly about women only in the context of increasing employment and improving conditions for combining paid and unpaid work (p.28-29).

The National Employment Action Plan 2004³⁶, developed within the framework of the EU policy process defined by the European Employment Strategy is also considering social inclusion and equal opportunities between women and men as horizontal principles. Gender equality considerations are specifically discussed as one of the priorities³⁷. Beyond that gender equality considerations are present in most relevant parts of the Plan, though the language is often not gender specific³⁸.

The above documents, all developed under tight EU guidance, and both signaling the beginning of new processes, are clearly the most advanced policy statements on the relevance of the gender mainstreaming strategy within the Hungarian context. Whether they remain on paper or mainstreaming minded action is to follow them remains to be seen. At this moment it is too early to say.

VI. *The Prerequisites of Gender Mainstreaming*

The above described place of the gender mainstreaming approach in current Hungarian gender equality policy seems to be determined at least partly by the limited political will available for introducing the mainstreaming strategy as a holistic approach to gender inequality. There is no explicit refusal of the policymaker to handle the gender equality issue

³³ Joint Inclusion Memorandum on Social Integration. (Társadalmi Befogadásról szóló Közös Memorandum.) 10 December, 2003. Hungarian Ministry of Health, Social and Family Affairs. p. 45

³⁴ *ibid.* p. 42

³⁵ http://www.eselyegyenloseg.hu/pdf/ncst_hu.pdf. First draft opened up for public debate on June 4, 2004

³⁶ <http://www.fmm.gov.hu/main.php?folderID=3323&articleID=1047&ctag=articlelist&iid=1>. First draft opened up for public debate on 1th of June, 2004

³⁷ Section 6, p. 41-45

³⁸ See for example parts on flexible work and part-time work (p.23-28)

comprehensively but rather indifference towards the issue. Once gender equality reaches the agenda, its framing is done in many cases in terms of general equal treatment and equal opportunity and not as a gender specific issue. Furthermore it seems that even if the approach of gender mainstreaming is considered, its interpretation is either blurred, and the actions considered under its umbrella are nothing more than incidental targeted gender equality projects, or if correctly interpreted, it remains rhetorical in nature. At best, the gender equality policy brings projects working towards the fulfillment of prerequisites of gender mainstreaming. The recent documents prepared under EU influence, all during the last months, only marginally challenge the trends before their launch.

Are, however, the other prerequisites³⁹ needed beyond political will for a potentially successful implementation of gender mainstreaming fulfilled by the Hungarian policy context? First, existence of gender equality policy and possibly of a gender equality state mechanism: as mentioned, Hungary has no declarative gender equality policy adopted. Aspects of gender equality are regulated in different sectoral policies often in gender blind ways. In the case of some sectoral policies, the tendency to mainstream gender can be detected, even though without in fact placing the issue in the framework of a Hungarian gender mainstreaming policy approach. After having passed in December 2003, the Act for Equal Treatment and Promotion of Equal Opportunity Hungary fares quite well in the *de jure* fulfillment of all formal legal requirements relevant to gender equality imposed on her by the EU. The successful legal harmonization, however, is accompanied by “persistent and pervasive obstacles to the practical realization of the newly formulated standards”⁴⁰. *De facto* Hungary is very far from realizing equal opportunities for women and men.

The gender equality mechanism, including the Council for the Representation of Women is in place since 1996, however, its place and status has changed several times, its resources are limited, its voice is weak. Alternative mechanisms for pursuing gender equality concerns could be the Parliamentary Commissioner for Human Rights and the Constitutional Court. The Parliamentary Commissioner institution in Hungary 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. 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 case⁴¹, 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 country⁴². The Constitutional Court may also review the constitutionality of all policies and laws, and if using a progressive interpretation of Article 66 of the Constitution it can certainly take part in the mainstreaming process. Unfortunately, until now the Court has taken up only very few gender discrimination cases, the gender equality Article of the Constitutional text remained largely non-interpreted. Neither of the alternative mechanisms is specialized on gender equality, their involvement might thus imply the danger of mainstreaming the mainstream gender equality ideas.

As far as the existence of reliable social research, which can generate knowledge on gender relations and the availability of gender-segregated statistics is concerned, Hungary is not faring very well on either. Gender studies is a very recent discipline in Hungary. Its spread brings an increasing number of researches that concern gender. Nonetheless, a large part of this work, although of major policy relevance, never gets translated to policy frames or arguments. As in all post-socialist countries, bridging research and policy is a crucial problem. For different cultural and historical reasons, neither researchers seem to be particularly interested in having an impact on the policy process, nor policy makers are interested, and

³⁹ Council of Europe 1999: 6 (Summary)

⁴⁰ EUMAP 2002: 237

⁴¹ CEDAW Concluding Comments on Hungary’s Combined Fourth and Fifth Periodic Report (August 2002)

⁴² 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

invest the energy in learning from research⁴³. Some fields fare notoriously badly in this area, others, rather exceptional ones, are 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, as far as we know, their work targeted not so much the generation of such data as general practice by the National Statistical Office, but the provision and yearly publication of such data on their own.

A crucial prerequisite for implementing gender mainstreaming is the existence of a strong feminist movement including state and non-state feminists and high-level participation of women in decision-making. This again can be seen as one of the weak points of the Hungarian policy context. 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 1999 data 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. In terms of policy relevant voice the number of 70 seems far too high: the number of NGOs having the issue of gender equality on their agenda that voiced their concerns in policy issue during the last years in probably lower than 10, and even fewer made any significant contribution to the policy process beyond representing a critical voice. Both the governmental side and the NGO side can be seen as retroactive rather than proactive with respect to crucial issues concerning women's rights⁴⁴. 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 call for 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. The successful women members of the political elite rarely pursue a gender equal opportunity agenda. Socialist and liberal MPs and government members are willing occasionally enter the policy debates, but only if directly challenged or pressed⁴⁵. In this context, state feminism, except for the small team and weak voice of the Secretariat/Equal Opportunity ministerial office, is in embryonic stage.

It is unclear whether human resources are available for capacity building. No gender equality training process has started yet, except incidental, project-like training sessions for limited purposes. Some women NGOs try to fill the gap with insignificant financial resources. Their impact has never been systematically analyzed, although one could suspect that they have made important contribution to enhancing women's capacities to enter public life on local government and the non-profit sector. But these positions, though enhancing human resources for mainstreaming policy implementation, will never be policy shaping forces on national level⁴⁶.

Finally, about the openness and transparency of the policy process: in this field the specificity on the Hungarian context is in many ways the specificity of the policymaking processes of all post-socialist accession countries. After decades of closed system and non-democratic policymaking, the policy processes of these countries have still to learn a lot about transparency, about systematic, informed policymaking. In Hungary the process is often still non-transparent. This is partly due to the undemocratic nature of the policy process, but partly due to the ad-hoc nature of decisions. It should also be noted that many policies come to be prepared on artificially short deadlines, not allowing enough time for procedural requirements to be fulfilled (such as taking in comments from NGOs, from organizations representing the concerned, from specialized agencies), for any social debate to start. Also the sophistication of the policymaking procedure is not very high, no impact assessment of any nature has

⁴³ Stone & Maxwell (2004)

⁴⁴ IHF Report Women's Status in Hungary (year 2001)

⁴⁵ For an analysis of women in the Hungarian Parliament see Ilonszki G., B. Kelemen I., Szeles Zs. (2003)

⁴⁶ Zentai (2001)

taken place in the human rights related policies passed in the last years that we know of. This might be seen as being caused by the time factor, but it might also be determined by the absence of evidence-based policymaking culture. It seems that substantive policy making is also seen as a technical issue to be tackled by technocrats, it rarely enters political debate and rarely involves societal actors. Or the opposite, if major political interest or concern drives the policy agenda, policy making will never be a professional activity, political compromises tear apart any concept. Gender equality issues often belong to the first type of policy shortcoming, but issues of abortion or family policy fit to the second one. Within this context, bringing gender equality and the tools for its implementation to the forefront of social and political debate, which than could result in inclusive policymaking, is very difficult.

It is thus clear that Hungary has still to do a lot along most of the criteria set as prerequisites for launching a gender mainstreaming strategy. Some of the problems can be remedied relatively easily with relatively little input: generation of gender segregated statistics for example, commissioning of policy relevant research, training of trainers for purposes of capacity building programs, increased financial support to the NGO sector, to mention the most obvious ones. Others however are deeply rooted: it is difficult to see that policymaking styles will change overnight, that NGO activity shifts from mere criticisms to involvement in policymaking by evaluating proposals, making policy proposals that political will can shift to support gender equality policies as such if it has not done under the pressure coming from the EU. 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 Council of Europe. In the absence of the prerequisites, it becomes questionable first whether a gender mainstreaming strategy can be launched at all, and second, even if launched, whether it can be maintained as a sustainable process⁴⁷.

VII. From Gender Equality to General Equal Opportunity

Beyond the absence of the comprehensive policy approach to gender equality that could produce sustainable improvement, another problem that transpires from the above analysis is the tendency to move from gender equality specific policy towards an approach capable to cover the specificity of equality on all the different grounds, including gender. This tendency is prevailing in most aspects of Hungarian gender equality policies. Hungarian policymakers have chosen to adopt in 2003 the Act for Equal Treatment and the Promotion of Equal Opportunities covering all grounds of discrimination despite the fact that most of earlier initiatives on anti-discrimination policy have been ground specific⁴⁸. During the same period the Government has chosen to elevate general equal opportunity considerations to ministerial level, however, they have done this at the cost of merging the relatively independent gender equality mechanisms into an institution which allows little space for an independent gender equality voice, and relatively little resources for it⁴⁹.

Similar trends can be noticed in other policy fields relevant to gender equality, as well. Domestic violence provides an excellent example. The intense involvement of feminist NGOs and related experts, especially in the agenda setting stage, had an important impact on how the main policy frame on domestic violence was defined. Their active involvement in drafting the first policy document on domestic violence, a concept law⁵⁰, determined the feminist framing of the issue in the document. Subsequently, after the failure to initiate at least a parliamentary discussion of the law, debates shifted away from a 'violence against women' perspective towards a 'de-gendered violence against the dependent' one, where dependents are most often women, but also can be children, old, disabled etc. As the role of NGOs changed from being the motors of the domestic violence policy-making process to being its

⁴⁷ Council of Europe 1999 : 6

⁴⁸ See Act XXVI. of 1998 on Equal Opportunities Disabled Persons; Project of Law Against Racism, Xenophobia and on Ensuring Equal Treatment submitted to the Parliament by the Minority Ombudsman on December 2000; or the Project of Law on Equal Opportunities for Women and Men, no. T/3804 in February 2001; the only exception being the Project of Law on Equal Treatment and the Prohibition of Discrimination, no. T/4244 submitted in April 2001.

⁴⁹ See 2004 EUMAP Report on Hungary. Manuscript. Forthcoming in December 2004..

⁵⁰ Concept of the Law on Protecting Human Dignity and Combating Domestic Violence and Other Forms of Violence Against Women. Draft. Ministry of Social and Family Affairs, 24 April 2001

external evaluators and more often its critics, the framing of the issue seems to move more and more away from its initial feminist angle⁵¹. The language and the interpretation given to the upcoming policy document on domestic violence was entirely gender neutral⁵². Moreover, in a handout issued to describe the progress made on handling domestic violence⁵³, an artificial separation is made between domestic violence against women and violence against children, the women's issue being relegated exclusively to the equal opportunity mechanism, whereas the violence against children issue remains as a main item on the policy agenda of all other actors. A similar, though not as clear-cut, absence of a gender equality perspective can be sensed in the field of handling combining paid and unpaid work, where all kinds of economic efficiency and demographic sustainability arguments come to provide legitimacy for policies instead of gender equality considerations⁵⁴.

Due to the shift towards general equal opportunity policy, the voice and attention the already not too salient gender equality agenda thus receives is much lower. Gender equality remains only one aspect to be considered among many factors causing inequality. Furthermore, given its limited recognition as a legitimate issue in the public debates, the requirements of strategic framing will thus allow more legitimate equal opportunity grounds to take over even those issues where gender might be a very relevant factor. For example, family policy debates might easily be taken over by issues of social inequality and ethnicity based disadvantage while leaving the gender component aside. A further disadvantage of including gender equality within the realm of a general equal opportunity policy flows from the current state of Hungarian gender equality policies. The awareness of the Hungarian society and policymaking community of the relevance of so many policy-fields to gender equality is limited. Reaching the universalistic equal opportunity approach without understanding and making explicit the specifics of the different factors determining it, among them gender, threatens to empty the concept.

⁵¹ Krizsán A., Paantjens M. and Lamoen I.(2004)

⁵² April 2003 "Parliamentary Decision on the National Strategy for Prevention and Efficient Handling of Domestic Violence"; Draft Law T/9837 concerning the use of restraining measures in cases of domestic violence. April 2004.

⁵³ Signed by the Governmental Commissioner for Crime Prevention, April 27, 2004. Tájékoztató a családon belüli erőszak megelőzésére és hatékony kezelésére irányuló nemzeti stratégia kialakításáról szóló 45/2003. (IV. 16.) OGY határozatban foglaltak megvalósítása érdekében 2004. április 20-ig tett kormányzati és társadalmi szervezetek, valamint az Országos Rendőr-főkapitányság, a Legfőbb Ügyészség és az Országos Igazságszolgáltatási Tanács Hivatala intézkedéseiről
<http://www.im.hu/csaladonbelul/?ri=484&ei=58>

⁵⁴ See research results of the MAGEEQ project. Forthcoming by December 2004 on
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