



## **Quality in Gender+ Equality Policies**

European Commission Sixth Framework Programme  
Integrated Project

Tamás Dombos, Andrea Krizsán,  
Melinda Szabó, and Judit Wirth

### **Context Study Hungary**

Institute for Human Sciences (IWM)  
Vienna  
2008

Preferred citation: Dombos, Tamás, Krizsán, Andrea, Szabó, Melinda, and Wirth, Judit (2008): *Context Study Hungary*, QUING Project, Vienna: Institute for Human Sciences (IWM), available at [http://www.quing.eu/files/results/cs\\_hungary.pdf](http://www.quing.eu/files/results/cs_hungary.pdf).

## DEFICIENCIES, DEVIATIONS AND INCONSISTENCIES IN EU AND MEMBER STATE'S GENDER+ EQUALITY POLICIES

### 1. 'Deficiencies, deviations and inconsistencies in EU and Member State's gender+ equality laws'

#### 1.1 Gender+ equality legislation

Please summarise the key developments, with dates, in gender equality law as provided by the governmental gender equality unit, i.e. list the legislation that the gender equality unit (or equivalent governmental body) name as (gender+) equality legislation. If important legislation seem to have been omitted by the authority, please comment on this.

Legislation	Year	Main provision(s)
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*Representation of the gender equality policy developments by the Equality Unit within the Government*

The Department of Equal Opportunities at the Ministry of Social Affairs and Labour (the governmental gender equality unit) lists the legal sources broken down as European Union Documents, Council of Europe documents, United Nations Documents and Hungarian legal documents as background on its homepage<sup>1</sup>.

Under EU legislation the Ministry homepage lists:		
Legislation	Year	Main provision(s)
Council Directive 75/117/EEC	1975	Principle of equal payment
Council Directive 76/207/EEC	1976	Principle of equal treatment as regards access to employment vocational training and promotion, and working conditions
Council Directive 79/7/EEC	1978	Principle of equal treatment in matters of social security
Council Directive 86/613/EEC	1986	Principle of equal treatment between men and women engaged in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood
Council Directive 86/378/EEC	1986	Principle of equal treatment in occupational social security schemes
Council Directive 92\85\EEC	1992	Safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding
Council Directive 96/34/EC	1996	Framework agreement on parental leave
Council Directive 97/81/EC	1997	Framework Agreement on part-time work
Directive 2002/73/EC	2002	Implementation of the principle of equal treatment for men and women as regards access to employment

<sup>1</sup> [www.szmm.gov.hu/main.php?folderID=16276](http://www.szmm.gov.hu/main.php?folderID=16276) (checked: March 31, 2008)

Directive 2006/54/EC	2006	Implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)
COM(2006) 92	2006	Roadmap for Equality between Women and Men (2006-2010)
Under Commission Decisions, the Ministry homepage lists:		
Commission Decision 82/43/EEC	1981	The setting up of an Advisory Committee on Equal Opportunities for Women and Men
Commission Decision 95/420/EC	1995	Amending Decision 82/43/EEC relating to the setting up of an Advisory Committee on Equal Opportunities for Women and Men
Commission Decision 2000/407/EC	2000	Relating to gender balance within the committees and expert groups established by it
Under Council of Europe, the Ministry homepage lists:		
Recommendation Rec(2002) 5 of the Committee of Ministers	2002	On the protection of women against violence
Under UN the Ministry homepage lists "CEDAW, ILO and other" separately:		
Under CEDAW:		
Law Decree 10. of 1982	1982	On the ratification of the CEDAW Convention
Under ILO		
Act LVII of 2000	2000 (1957)	On the enactment of Agreement 100 of International Labour Conference (session 34, 1951) on equal pay for work of equal value to be effective as of June 8, 1957.
Act LVIII of 2000	2000 (1957)	On the enactment of Agreement 103 of International Labour Conference (session 35, 1952) on the protection of motherhood to be effective as of June 8, 1957
Act LX of 2000	2000 (1962)	On the enactment of Agreement 111 of International Labour Conference (session 42, 1958) on discrimination to be effective as of June 20, 1962
Act LXII of 2000	2000 (1970)	On the enactment of Agreement 122 of International Labour Conference (session 48, 1964) on labour policy to be effective as of June 18, 1970
Under "other":		
Concluding comments of the CEDAW Committee in the case of T.A.	2005	Comments and recommendations of the Committee in the case of domestic violence victim T.A.

		under the Optional Protocol procedure (not a law)
Law Decree 15 of 1955	1955	On the enactment of the UN Convention on the Political Rights of Women
Law Decree 34 of 1955	1955	On the enactment of the UN Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
Law Decree 53 of 1957	1957	On the enactment of the UN Convention on the Recovery Abroad of Maintenance
Law Decree 2 of 1960	1960	On the enactment of the UN Convention on the Nationality of Married Women
Law Decree 11 of 1964	1964	On the enactment of the UN Convention against Discrimination in Education
Law Decree of 1976	1976	Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages
UN Resolution A/55/L.2	2000	UN Millennium Declaration (not a law in Hungary)
Beijing+10 Hungarian Country Report	2005	(Not a law, of course)
Concluding comments of the CEDAW Committee in the case of Sz.A.	2006	Comments and recommendations of the Committee in the case of complainant Sz.A. (violation of reproductive and patient rights) under the Optional Protocol procedure (not a law)
Under Hungarian legislation the Ministry homepage lists:		
Welfare Ministry Order 33/1992. (XII. 23.)	1992	On the treatment of pregnant women
Parliament Decree 45/2003. (IV. 16.)	2003	On the Creation of an Effective National Strategy to Combat and Prevent Domestic Violence
Parliament Decree 115/2003. (X. 28.)	2003	On the National Crime Prevention Strategy
Government Decree 305/2002. (XII. 27.)	2002	On the remuneration of costs occurring in relation to the time off that fathers are entitled to in case of the birth of a child (in general: costs to be born by the Treasury)
Government Decree 1009/2004. (II. 26.)	2004	On Governmental Tasks Related to the Implementation of the National Crime Prevention Strategy
Government Decree 1059/1999. (V. 28.)	1999	On the Creation of a National Council for the Representation of Women
Government Decree 2174/1997. (VI. 26.)	1997	On the Action Plan for the Realisation of the Beijing Platform for Action

Also on the same homepage, but not under “legal background” is a power point presentation by Edit Rauh, Secretary of Equal Opportunities that lists the following legal sources as well:

Act XX of 1949 on the Constitution of the Republic of Hungary	1949 (strongly amended in 1989)	66.§ (1) “equality between men and women in civil, political, economic, social and cultural rights” 70/A § on equal opportunities in the access to social rights 70/B (2) “equal pay for equal work”
Act LX. Of 2001	2001	Ratification of the Optional Protocol of CEDAW
Act CXXV of 2003	2003	On equal treatment and the promotion of equal opportunities (Articles 7. §. (1) e, 8. § (1) b, (2) e, (3) b, c.)
Government Decree 362/2004 (XII. 26.)	2004	On the Equal Treatment Authority and the Detailed Rules of its Procedure
Government Decree 1089/2006 (IX. 25)	2006	On the formation of the [new] Council of Equality between Women and Men (replacing Gov. Decree 1059/1999.)

**COMMENT:** This kind of listing is somewhat problematic, since, for example the CEDAW Convention is a Hungarian legal source since its enactment in Hungary in 1982 as Law Decree (equivalent to Act in the previous regime) 10. of 1982. On the other hand, Council of Europe documents do not have the legal force of law. Likewise, according to law harmonisation obligations, the legal force of EU directives and EC Decisions depends on whether the harmonisation obligations have already been fulfilled or not. It cannot be deducted from the way this list is compiled whether these obligations have been fulfilled, when, and in which act within the Hungarian legal system. It is also curious that the very act on equal treatment is not listed among the Hungarian legal sources. The list seems to be somewhat arbitrary, clearly not exhaustive, and it is difficult to actually determine the Hungarian legal sources for gender equality questions.

*Key developments in gender equality policy in Hungary are:*

1995

As a response to Beijing the first gender equality machinery is provided for in a governmental decree. The machinery starts functioning in 1996.

2268/1995. (IX.8.) Korm. határozat a nőpolitikával kapcsolatos kormányzati munkamegosztásról [Governmental Resolution No 2268/1995. (IX.8.) on the division of governmental labour related to women’s policies]

1997

The Hungarian Government launches its first strategy on gender equality as a response to the Beijing Platform.

2174/1997. (VI.26.) Korm. határozat a Nők IV. Világkonferenciáján elfogadott Nyilatkozatban (Pekingi Nyilatkozat) megfogalmazott feladatok magyarországi megvalósítását szolgáló cselekvési programról. [Governmental Resolution No 2174/1997. (VI.26.) on the Action Programme aiming at the implementation of tasks stated in the Beijing Platform for Action]

1999

The Council for the Representation of Women is established.

1059/1999. (V.28.) Korm. határozat a Nőképviselői Tanács létrehozásáról. [Governmental Resolution No 1059/1999. (V.28.) on the establishment of the Women’s Representation Council]

2000

The Hungarian Government issued the Beijing+5 report. National Report of Hungary on the Implementation of the Beijing Platform for Action.

2001

In accordance with the provisions of the Accession Partnership, the Government of Hungary has prepared, together with the European Commission's, Directorate-General for Employment and Social Affairs, a Joint Assessment of Hungary's short-term employment and labour market policy priorities (JAP). Equal opportunity between women and men and as such promoting combining paid and unpaid labour is among the horizontal principles that the JAP proposes to pursue, but special problems of women are not discussed as a separate issue. Women are rather mentioned marginally, in the context of the efforts to ensure gender equality in general, in connection with the increase of retirement age, and regarding the gender pay gap.

2001

Two liberal MPs, Péter Hack and Mária Kóródi, propose to the Parliament a Bill on equal opportunities between women and men. The Bill is voted down without substantive debate.

2001. T/3804. sz. törvényjavaslata a nők és a férfiak közötti esélyegyenlőség biztosításáról [Bill No. T/3804 on equal opportunity between women and men]

2003

The Hungarian Government launched its first National Development Plan for the years 2004-2006.

The document considers equal opportunities between women and men as one of its horizontal priorities.

2003

In December the government signed the Joint Inclusion Memorandum with the EC which treated gender equality as a horizontal principle.

2004

The Hungarian Government launched the National Action Plan on Social Inclusion 2004-2006 to join European social inclusion policy processes. The Action Plan, 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).

2004

The Hungarian Government launched the National Employment Action Plan, Hungary to join European Employment Strategy related integration processes. Equal opportunities between women and men is one of its horizontal priorities.

2004

The 2003 Act on Equal Treatment and Equal Opportunities enters into force. It is the first anti-discrimination law in Hungary. It treats all grounds of inequalities together. Together with the Act, the Equal Treatment Authority (its enforcement body) is also regulated. The Equal Treatment Authority starts functioning in 2005.

- Act CXXV/2003 on equal treatment and the promotion of equal opportunities [2003. évi CXXV. törvény az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról]
- Governmental Decree No 222/2003. (XII. 12.) on the Government Office for Equal Opportunities [222/2003. (XII. 12.) Korm. Rendelet az Esélyegyenlőségi Kormányhivatalról]

2005

The Hungarian Government issues the report Beijing+10 Evaluation of the implementation of the UN World Congress on Women (Beijing, 1995) Platform for Action in Hungary. 2005.

2005

National Reform Programme for Growth and Employment 2005-2008 is a follow-up of the National Employment Action Plan. It aims at increasing employment through the support of the employment of certain vulnerable groups, including women with small children and women living in rural environment.

2006

The Government re-established the Council for Equality between Women and Men with issuing Governmental Resolution No 1089/2006. (IX. 25.) on the establishment of the Council for Equality between Men and Women [1089/2006. (IX. 25.) Korm. határozat a Nők és Férfiak Társadalmi Egyenlősége Tanács létrehozásáról]

2006

The National Strategy Report on Social Protection and Social Inclusion 2006-2008, corresponding with the JIM and the former NAP/Incl, includes the main strategic trends and the planned measures targeted to advance social inclusion and struggle against poverty, make the pension system sustainable, and develop the facilities of an appropriate healthcare system, as well as long-term nursing and care at home. The Report mentions the principle of gender mainstreaming among the horizontal strategic aims, however it does not elaborate on its relevance, and does not deal with issues representing a gender perspective, at all.

2006

The Hungarian Government launched the second National Development Plan, which has equal opportunities between women and men as one of its horizontal priorities.  
New National Development Plan. 2007-2013 [2006. Új Nemzeti Fejlesztési Terv 2007-2013] Agency for National Development. Budapest.

2006

In response to the European Year of Equal Opportunities the Hungarian Government launched the Strategy called National Strategy and Priorities. "European Year of Equal Opportunities for All" (2007) – Towards a Just Society. 2006.

Currently this is the only strategy in Hungary that specifically addresses equal opportunities, though not only for gender equality but for all grounds together.

2006

The Gender Equality Roadmap 2006-2010 was produced by the government following the Roadmap of the EU. It aims at achieving the equal economic independence of both men and women, promoting the participation of women in political and economic decision-making as well as equal pay, and also promoting the reconciliation of public and private life, eliminating gender crimes and trafficking in persons, eliminating the gendered stereotypes in society, and supporting the promotion of gender equality outside of the EU.

## 1.2 EU Policy and Member State Law: Comparisons and Struggles <sup>2</sup>

**Have there been disputes in your country over significant parts of EU Directives on gender?**

Are there significant parts of EU Directives on gender equality that have not been implemented into national law? If some aspects are not transposed, what are they? Have there been disputes (1995-2007) between the EU and the country over transposition? Or within the country over this process? Or where local/national groups have gone direct to the EU? If so, what is the location of the dispute (e.g. intervention by Commission, Court of Justice; national court)? What was the outcome?

All these questions are very difficult to answer exactly, because the transposition process is so complex. EU Directives are transposed into member state legislation in very different ways using different procedures and different terminology and legal frames too. The aim is to collect all the information that is available already for your country in the table below, using secondary literature.

**Please fill in one table for each significant issue,**

**Please consider the following examples: include if relevant; omit if not; add any others that are relevant in your country. Examples:** equal pay & equal treatment; sexual harassment & discrimination; equality bodies; civil society involvement; parental leave and the organisation of working time (example provided).<sup>3</sup>

<sup>2</sup> Directives: [http://ec.europa.eu/employment\\_social/gender\\_equality/legislation/legalacts\\_en.html](http://ec.europa.eu/employment_social/gender_equality/legislation/legalacts_en.html).

ECJ cases: [http://ec.europa.eu/employment\\_social/gender\\_equality/legislation/case\\_law\\_en.html](http://ec.europa.eu/employment_social/gender_equality/legislation/case_law_en.html); More info on transposition: [http://ec.europa.eu/employment\\_social/fundamental\\_rights/policy/aneval/legnet\\_en.htm#comp](http://ec.europa.eu/employment_social/fundamental_rights/policy/aneval/legnet_en.htm#comp).

<sup>3</sup> Other gender+ equality related directives you might want to consider include: Directive 75/117/EEC on the principle of equal pay for men and women; Directive 79/7/EEC on the principle of equal treatment for men and

Directive 96/34/EC Framework agreement on parental leave

Issue	Parental Leave
<b>Has law been passed or changed prior to the Directive</b>	Yes <sup>4</sup>
<b>Legislation transposing Directive</b>	No need
<b>Does the country claim to have transposed the Directive?</b>	Yes
<b>Significant provisions that are mentioned by experts or political actors as not being transposed</b>	No, Hungarian legislation is much more elaborated than EU legislation
<b>Important differences between law and Directive now?</b>	<p>The length of the allowance: 2 years insurance based (GYED), or 3 years universal (GYES), the 3<sup>rd</sup> year can also be utilised if originally one took the first type.</p> <p>The differentiated nature of allowances (insurance-based, universal, family support until age 18 with a set amount, different other forms of one-time or regular support).<sup>5</sup></p> <p>“Full-time parenting” (GYET): For those with three or more children where one parent stays at home, until age 8 of the smallest child the allowance is the amount of the minimum state pension.<sup>6</sup></p> <p>Paternal leave: fathers are entitled to a 5 day leave following the birth of a child or the adoption of an infant within 2 months following birth/adoption.<sup>7</sup></p> <p>Grandparental leave: 3 years universal (GYES) is available for grandparents.<sup>8</sup></p>

women in social security; Directive 86/378/EEC on principle of equal treatment for men and women in occupational social security schemes; Directive 86/613/EEC on equal treatment between self employed men and women; Directive 92/85/EEC on the safety and health at work of pregnant workers and workers; Directive 97/80/EC on the burden of proof in cases of discrimination based on sex; Directive 2000/78 on equal treatment in employment and occupation.

<sup>4</sup> The system of allowances for child-care in Hungary is very differentiated. Before 1990, there was only a family support with a set amount, but even then it could be taken by both women and men. Since 1990, new forms of allowances came in, also open for both mothers and fathers, whether biological or adoptive. Act XXV 1990, Act LXXXIV of 1998.

<sup>5</sup> Acts LXXXIII of 1997, LXXXIV of 1998, and XXXI of 1997. Besides these, there are laws on tax-benefits for families with children, different types of support for families with 3 or more children, and for taking care of permanently ill children.

<sup>6</sup> Act LXXXIV of 1998, § 23-24. “The GYET was introduced in the early 1990s (a time of rising unemployment and conservative government) to enable/encourage women with three or more children to remain economically inactive. Those with three or more children who utilise the full parental leave entitlements will be economically inactive for a minimum of 10 [...]. As the length of time out of employment increases the potential difficulties of re-entry, the expert sees GYET recipients as potentially the most disadvantaged in this way.” *Gender inequalities in the risks of poverty and social exclusion for disadvantaged groups in thirty European countries*. European Commission 2006, p. 81. According to the Hungarian expert: GYET contributes “to the conservation of the traditional division of labour both at the workplace and in the household”. (p. 78) [http://ec.europa.eu/employment\\_social/publications/2006/ke7606201\\_en.pdf](http://ec.europa.eu/employment_social/publications/2006/ke7606201_en.pdf)

<sup>7</sup> Act LI of 2002 amending the Labor Code; Government Resolution 305/2002 (XII.27)

<sup>8</sup> Act XII of 2001



<b>What is claimed to be better in law and since when?</b>	By those who think such a long allowance is good: that. By those who think it is not good, it is claimed to keep women away from the labour market and to contribute to inequalities.
<b>Content of dispute(s) + date</b>	No incentives for fathers to take up even the paternal leave, let alone parental leave or “full time parenting” leave. Too long It is possible to work under GYES (after the child reaches 1 year), but child-care facilities are insufficient, and many women face the fact that the employer does not actually want them to return. Nursing fee is very little paid for caretaking parents with disabled children. There is no strategy: social and professional (doctors, psychologists, nurses, etc.), pressure on women to stay at home with small children. Very recently a governmental proposal to reduce the 3 years of GYES to 2 years has surfaced in the media, but no decision has been taken yet. <sup>9</sup>
<b>Has any other inequality been part of the transposition disputes? Which inequality axis?</b>	In cases of children with mental or physical disability, multiple disadvantage, even less services, support system is missing, allowances are not enough.
<b>Parties to the dispute</b>	There is not much debate, from time to time some experts say something in the media. Women’s organisations are not unified regarding goals. The National Alliance of Large Families usually represents the interests of families with many children, similarly to the Hungarian Democratic Forum. The Socialist Party usually contests their idea of raising parental support instead of improving childcare facilities and promoting women’s opportunities on the labour market.
<b>Location or arena</b>	Sometimes: media and the parliament regarding the family support system.
<b>Outcome of the dispute</b>	Recently the provisions were amended <sup>10</sup> to allow using the GYES and working at the same time. Until recently these were exclusionary
<b>Civil society engagement</b>	No engagement
<b>Other notes</b>	There is a relatively unified effort on the part of women’s organisations now lobbying for a public transportation pass for parents with small children in Budapest. Up to now it hasn’t been successful, but NGOs are actively lobbying.

<sup>9</sup> Ötletelgetés a gyés körül [Brainstorming on GYES], *Világgazdaság*, 23 May, 2008  
<http://vg.hu/index.php?apps=cikk&cikk=223551>

<sup>10</sup> Act CXXXVI of 2005

Directive 75/117/EEC on the principle of equal pay for men and women;

Issue	Equal Pay
<b>Has law been passed or changed prior to the Directive<sup>11</sup></b>	No
<b>Legislation transposing Directive</b>	Act XXXI of 1989 amending the Constitution Article 142/A of Act XXII of 1992 on the Labour Code (amended by Act XVI of 2001) <a href="#">Act CXXV. of 2003 on equal treatment and the promotion of equal opportunities</a>
<b>Does the country claim to have transposed the Directive?</b>	Yes
<b>Significant provisions that are mentioned by experts or political actors as not being transposed</b>	<ul style="list-style-type: none"> <li>• Hungarian legislation should be amended to include the obligation to inform employees about their rights in accordance with Article 7 of Directive 75/117/EEC.</li> <li>• The Act on Labour Inspection should be modified to enable the investigation of discrimination and the implementation of the principle of equal pay for equal work or work of equal value in <i>ex officio</i>. Currently only the Equal Treatment Authority can proceed <i>ex officio</i> in such cases if those concern the Hungarian state, local and minority self-governments and all bodies thereof, organisations exercising public powers as authorities or armed forces and policing bodies.</li> <li>• Hungarian authorities should consider the adoption of the models or systems of job classification in place in the EU member states. Currently this is not the case</li> <li>• Judicial training programs do not include information on the comparability of jobs</li> </ul>
<b>Important differences between law and Directive now?</b>	See above.
<b>What is claimed to be better in law and since when?</b>	
<b>Content of dispute(s) + date</b>	No major disputes
<b>Has any other inequality been part of the transposition disputes? Which inequality axis?</b>	No
<b>Parties to the dispute</b>	
<b>Location or arena</b>	
<b>Outcome of the dispute</b>	
<b>Civil society engagement</b>	No engagement
<b>Other notes</b>	

<sup>11</sup> Answers provided in this cell follow a simple chronological comparison (was there Hungarian law passed before the passing of the directive?), however, there were laws passed before Hungary became member of the EU (and even before applying to EU membership was decided) which cannot be explained by the need to comply with EU directives.

Directive 79/7/EEC on the principle of equal treatment for men and women in social security;

Issue	Social Security
<b>Has law been passed or changed prior to the Directive</b>	Hungary inherited an extensive general coverage social security system from its socialist past.
<b>Legislation transposing Directive</b>	Social insurance legislation is divided into four separate acts and four implementing provisions. Act LXXX of 1997 on Eligibility for Social Security Provisions and Private Pensions and the Coverage of these Services; Act LXXXI of 1997 on Social Insurance Pension Provision; Act LXXXII of 1997 on Private Pension and Private Pension Funds; and Act LXXXIII of 1997 on Mandatory Health Insurance Provisions. Concerning the material scope of the Directive, these acts are accompanied by Act IV of 1991 on Furthering Employment and the Provisions for Unemployed Persons
<b>Does the country claim to have transposed the Directive?</b>	Yes
<b>Significant provisions that are mentioned by experts or political actors as not being transposed</b>	EUMAP Report <sup>12</sup> for Hungary states in 2001 that the Hungarian legislation on social security complies with the EU Directive.
<b>Important differences between law and Directive now?</b>	-
<b>What is claimed to be better in law and since when?</b>	No available statements on this.
<b>Content of dispute(s) + date</b>	<ul style="list-style-type: none"> <li>- dispute around the different retirement age for women and men. Resolved in 1998<sup>13</sup></li> <li>- absence of monitoring and enforcement mechanism. Solved 2005<sup>14</sup></li> <li>- discrimination against men in Article 44(c) of the Act on Health Insurance which only refers to 'mothers' when discussing an infant's care, although fathers are able and should be encouraged to take care of the infant as well. Article 44(d) of the same Act refers to a 'single father', which gives rise to concern because fathers should be able to care for a sick child under the age of one, regardless of whether they are single or not. (EUMAP 2002) Resolved by 2005 (EUMAP 2005)</li> <li>- disputed indirect discrimination against women in the Act on Social Insurance Pension. The proportion of service time and the insurance period are proportional to earnings, which may lead to indirect discrimination, since women frequently take low-income jobs. (EUMAP 2002) Resolved by 2005 (EUMAP 2005)<sup>15</sup></li> </ul>

<sup>12</sup> OPEN SOCIETY INSTITUTE (2002) "Equal Opportunities for Women and Men in Hungary". In: Monitoring the EU Accession Process: Equal Opportunities for Women and Men 2002. OSI/EU Accession Monitoring Program. Budapest.

<sup>13</sup> Act LXXXI of 1997 (setting up a gradual equalization of retirement age (62) by 2009)

<sup>14</sup> Governmental Decree 362/2004. (XII. 26.) on the Equal Treatment Authority and its procedures

<sup>15</sup> Act IV of 2003 (amending the Act LXXXI of 1997 on pension). Resolved by taking time for childcare into consideration when calculating pensions and working time for retirement

<b>Has any other inequality been part of the transposition disputes? Which inequality axis?</b>	-
<b>Parties to the dispute</b>	Experts, government
<b>Location or arena</b>	Expert reports
<b>Outcome of the dispute</b>	<ul style="list-style-type: none"> <li>- dispute around the different retirement age for women and men. Resolved in 1998<sup>16</sup></li> <li>- absence of monitoring and enforcement mechanism. Solved 2005<sup>17</sup></li> <li>- disputed indirect discrimination against women in the Act on Social Insurance Pension. The proportion of service time and the insurance period are proportional to earnings, which may lead to indirect discrimination, since women frequently take low-income jobs. (EUMAP 2002) Resolved by 2005 (EUMAP 2005)<sup>18</sup></li> </ul>
<b>Civil society engagement</b>	Minimal
<b>Other notes</b>	

Directive 86/378/EEC on principle of equal treatment for men and women in occupational social security schemes;

<b>Issue</b>	<b>Occupational Social Security</b>
<b>Has law been passed or changed prior to the Directive</b>	Hungary inherited an extensive general coverage social security system from its socialist past.
<b>Legislation transposing Directive</b>	Act on Social Administration and Social Provisions 1993 Act on the Establishment and Management of Voluntary Mutual Insurance Funds 1993 Act on Furthering Employment and the Provisions for Unemployed Persons, Act on Private Pension Benefits and Private Pension Funds
<b>Does the country claim to have transposed the Directive?</b>	Yes
<b>Significant provisions that are mentioned by experts or political actors as not being transposed</b>	-
<b>Important differences between law and Directive now?</b>	-
<b>What is claimed to be better in law and since when?</b>	-

<sup>16</sup> Act LXXXI of 1997 (setting up a gradual equalization of retirement age (62) by 2009)

<sup>17</sup> Governmental Decree 362/2004. (XII. 26.) on the Equal Treatment Authority and its procedures

<sup>18</sup> Act IV of 2003 (amending the Act LXXXI of 1997 on pension). Resolved by taking time for childcare into consideration when calculating pensions and working time for retirement

<b>Content of dispute(s) + date</b>	
<b>Has any other inequality been part of the transposition disputes? Which inequality axis?</b>	Issues raised in connection to social security also concerned marital status. "Article 25(1)(d) of the Act on Furthering Employment and Provisions for Unemployed Persons discriminates on the basis of marital status by stipulating that "a workplace is suitable is commuting by public transportation does not exceed three hours and/or two hours in the case of an unemployed women or man raising a child under ten years of age in a single parent family." (EUMAP 2002)
<b>Parties to the dispute</b>	Experts, government
<b>Location or arena</b>	Expert monitoring reports
<b>Outcome of the dispute</b>	
<b>Civil society engagement</b>	None
<b>Other notes</b>	

Directive 86/613/EEC on equal treatment between self employed men and women;

<b>Issue</b>	<b>Self employed</b>
<b>Has law been passed or changed prior to the Directive</b>	
<b>Legislation transposing Directive</b>	Act LXXII of 1998 on the Right of Foreign Citizens to be Established as Independent Entrepreneurs for Economic Purposes, Act V of 1990 on Private Enterprises, Act LXXXI of 1997 on Social Security and Private Pension Provisions, the Act I of 1992 on Cooperatives
<b>Does the country claim to have transposed the Directive?</b>	Yes
<b>Significant provisions that are mentioned by experts or political actors as not being transposed</b>	<ul style="list-style-type: none"> <li>- The definition of self-employed is not clearly equivalent with that used by the Directive. Experts claim that it needs clarification to be in line with it. (EUMAP 2002, EUMAP 2005)</li> <li>- The prohibition of discrimination is not incorporated into relevant legislation (EUMAP 2002). The Act on Equal Treatment by referring to services and benefits as well overcame this discrepancy (EUMAP 2005).</li> <li>- Self-employed people are not entitled to unemployment benefit (EUMAP 2002). With the amendment of the Act on Promotion of Employment in 2005 at least individual entrepreneurs are now entitled to entrepreneur's benefit in case of unemployment.</li> </ul>
<b>Important differences between law and Directive now?</b>	<ul style="list-style-type: none"> <li>- definition of self-employed</li> <li>- entitlement of self-employed to unemployment benefit</li> </ul>
<b>What is claimed to be better in law and since when?</b>	

<b>Content of dispute(s) + date</b>	See above
<b>Has any other inequality been part of the transposition disputes? Which inequality axis?</b>	No
<b>Parties to the dispute</b>	Experts, government
<b>Location or arena</b>	Expert monitoring reports
<b>Outcome of the dispute</b>	Integration of equal treatment in the field: resolved by 2003 Act on Equal Treatment and Promotion of Equal Opportunities Other disputes not resolved
<b>Civil society engagement</b>	None
<b>Other notes</b>	

Directive 92/85/EEC on the safety and health at work of pregnant workers and workers;

<b>Issue</b>	<b>Safety and health of pregnant workers</b>
<b>Has law been passed or changed prior to the Directive</b>	Act XX of 1949 on the Hungarian Constitution. Amended in 1989. (24 weeks in 1985)
<b>Legislation transposing Directive</b>	Act XCIII of 1993 on Labour Safety Act XXII of 1992 on the Labour Code
<b>Does the country claim to have transposed the Directive?</b>	Yes
<b>Significant provisions that are mentioned by experts or political actors as not being transposed</b>	<ul style="list-style-type: none"> <li>• The Labour Code provisions on maternity leave should be amended to ensure compliance with Article 8(2) of the Directive. The 2 weeks mandatory leave is optional, not mandatory.</li> <li>• Concept of vulnerable groups to be protected by the Act on Labour Safety is inconsistent, though this inconsistency is not directly related to the groups protected by this Directive.</li> <li>• Concern about absence of proactive programs aiming at facilitating fair division of responsibilities between parents in the family</li> <li>• Hungarian law should be amended to stipulate that female workers can choose night work while the child is under one year of age, but cannot be obliged to do so.</li> </ul>
<b>Important differences between law and Directive now?</b>	Article 8(2)

<b>What is claimed to be better in law and since when?</b>	
<b>Content of dispute(s) + date</b>	Article 8(2). See EUMAP 2002, EUMAP 2005 Lack of duty to inform employees directly on the results of risk assessments. Resolved in 2004 <sup>19</sup>
<b>Has any other inequality been part of the transposition disputes? Which inequality axis?</b>	No
<b>Parties to the dispute</b>	Experts, NGOs
<b>Location or arena</b>	Expert monitoring reports.
<b>Outcome of the dispute</b>	Article 8(2) of Directive has not yet been integrated. Lack of duty to inform employees directly on the results of risk assessments. Resolved in 2004. It is now integrated. <sup>20</sup>
<b>Civil society engagement</b>	no
<b>Other notes</b>	

Directive 97/80/EC on the burden of proof in cases of discrimination based on sex;

<b>Issue</b>	<b>Burden of proof</b>
<b>Has law been passed or changed prior to the Directive</b>	Yes. The Labour Code contained the reversal of the burden of proof since 1992
<b>Legislation transposing Directive</b>	Act CXXV of 2003 on equal treatment and the promotion of equal opportunities
<b>Does the country claim to have transposed the Directive?</b>	Yes
<b>Significant provisions that are mentioned by experts or political actors as not being transposed</b>	How to establish the prima facie case.
<b>Important differences between law and Directive now?</b>	
<b>What is claimed to be better in law and since when?</b>	

<sup>19</sup> Act XI of 2004 (amending the Act on Labor Safety)

<sup>20</sup> Act XI of 2004 (amending the Act on Labor Safety)

<b>Content of dispute(s) + date</b>	Establishing the prima facie case – EUMAP 2005 Hungarian legislation referring to the shifting of the burden of proof in cases of discrimination should define the prima facie case so as not to include as a requirement the proof of suffered disadvantage, but only the criteria to make a presumption that there has been discrimination. The law was amended in 2006 to resolve this difference. The Equal Treatment Authority in practice interprets the burden of proof in an inconsistent way in which it tries to prove a causal link between the suffered disadvantage and the ground of discrimination. The Equal Treatment Advisory Board has issued several memoranda concerning this inconsistency. <sup>21</sup>
<b>Has any other inequality been part of the transposition disputes? Which inequality axis?</b>	Dispute concerns all inequality axis to the same extent
<b>Parties to the dispute</b>	Experts
<b>Location or arena</b>	Expert reports
<b>Outcome of the dispute</b>	Establishing the prima facie case – EUMAP 2005 Hungarian legislation referring to the shifting of the burden of proof in cases of discrimination should define the prima facie case so as not to include as a requirement the proof of suffered disadvantage, but only the criteria to make a presumption that there has been discrimination. The law was amended in 2006 to resolve this difference. The Equal Treatment Authority in practice interprets the burden of proof in an inconsistent way in which it tries to prove a causal link between the suffered disadvantage and the ground of discrimination. The Equal Treatment Advisory Board has issued several memoranda concerning this inconsistency. <sup>22</sup>
<b>Civil society engagement</b>	Minimal
<b>Other notes</b>	

Directive 2000/78 on equal treatment in employment and occupation.

<b>Issue</b>	<b>Equal treatment in employment and occupation</b>
<b>Has law been passed or changed prior to the Directive</b>	Constitutional Equality Clause passed in 1990 Equality clause of the Labour Code (included only direct discrimination)
<b>Legislation transposing Directive</b>	Act XVI/2001 amending the Labour Code Act CXXV on 2003 on Equal Treatment and the Promotion of Equal Opportunities
<b>Does the country claim to have transposed the Directive?</b>	Yes

<sup>21</sup> [http://www.egyenlobanasmod.hu/index.php?g=hirek/TTaf\\_200804.htm](http://www.egyenlobanasmod.hu/index.php?g=hirek/TTaf_200804.htm)

<sup>22</sup> [http://www.egyenlobanasmod.hu/index.php?g=hirek/TTaf\\_200804.htm](http://www.egyenlobanasmod.hu/index.php?g=hirek/TTaf_200804.htm)



<b>Significant provisions that are mentioned by experts or political actors as not being transposed</b>	Absence of the concept of reasonable accommodation discrimination per se from the Hungarian legal framework
<b>Important differences between law and Directive now?</b>	Reasonable accommodation
<b>What is claimed to be better in law and since when?</b>	
<b>Content of dispute(s) + date</b>	Hungarian legislation referring to the shifting of the burden of proof in cases of discrimination should define the prima facie case so as not to include as a requirement the proof of suffered disadvantage, but only the criteria to make a presumption that there has been discrimination. The law was amended in 2006 to resolve this difference. The Equal Treatment Authority in practice interprets the burden of proof in an inconsistent way in which it tries to prove a causal link between the suffered disadvantage and the ground of discrimination. The Equal Treatment Advisory Board has issued several memoranda concerning this inconsistency. <sup>23</sup>
<b>Has any other inequality been part of the transposition disputes? Which inequality axis?</b>	This directive is all about other inequality grounds
<b>Parties to the dispute</b>	Experts, NGOs
<b>Location or arena</b>	Expert reports, lobbying
<b>Outcome of the dispute</b>	Partly resolved Hungarian legislation referring to the shifting of the burden of proof in cases of discrimination should define the prima facie case so as not to include as a requirement the proof of suffered disadvantage, but only the criteria to make a presumption that there has been discrimination. The law was amended in 2006 to resolve this difference. The Equal Treatment Authority in practice interprets the burden of proof in an inconsistent way in which it tries to prove a causal link between the suffered disadvantage and the ground of discrimination. The Equal Treatment Advisory Board has issued several memoranda concerning this inconsistency. <sup>24</sup>
<b>Civil society engagement</b>	minimal
<b>Other notes</b>	

<sup>23</sup> [http://www.egyenlobanasmod.hu/index.php?g=hirek/TTaf\\_200804.htm](http://www.egyenlobanasmod.hu/index.php?g=hirek/TTaf_200804.htm)

<sup>24</sup> [http://www.egyenlobanasmod.hu/index.php?g=hirek/TTaf\\_200804.htm](http://www.egyenlobanasmod.hu/index.php?g=hirek/TTaf_200804.htm)

1.3 Do any aspects of domestic gender equality law surpass (are better, more extensive, or more developed than) or earlier than EU law?

	EU			Country		
	Provision	Year	Notes	Provision	Year	Notes
<b>Maternity</b>	14 weeks	1996	Pay must not be less than wage during sickness leave.	24 weeks	1985 (TGYAS)	Pay either full salary, or 70% of previous average salary (=sickness leave)
<b>Paternity</b>	Optional	1995		Optional, 5 days	2002 December	Covered from the state budget
<b>Parental</b>	3 months	1996	Unpaid	2 years GYED <sup>25</sup> (70% of previous working year's income with a cap of 70% of twice the minimal income, i.e. around 580 Euro before taxes) and/or 3 years GYES <sup>26</sup> (lump sum of around 112 Euro) Parents with three or more children can go for GYET <sup>27</sup> until the age of 8 of the youngest child (equivalent of the minimal pension rate)	1967 (GYES)/ 1985 (GYED)/ 1993 (GYET)	GYES originally for 2.5 years GYED originally for 1 year and only for mothers; GYET was introduced for mothers only, then for both parents (1998)
<b>Duty on all public bodies to promote GE</b>	No	2004	Mainstreaming required by 2006	No		
<b>Equalities body (employment)</b>	Yes	2002		Yes	2005	
<b>Equalities body (goods &amp; services)</b>	Yes	2004		Yes	2005	
<b>Equalities body for promotion</b>	Yes	2006		Yes	2005	
<b>Gender pay audits</b>	Not specified			No		

<sup>25</sup> GYED – gyermekjapolasi dij [childcare fee]

<sup>26</sup> GYES – gyermekgondozasi segely [childcare support]

<sup>27</sup> GYET – gyermeknevelesi tamogatas [childraising support]

<b>Gender Equality plan (employment)</b>	Yes	2002/2006		Yes	2003	For public bodies and employers in majority state ownership with over 50 employees
<b>Requires NGO dialogue to be encouraged</b>	Yes/no	2002	Dialogue	Yes	2003 (Equal Treatment Act); 2006 (re-establish the Council on Equality of Opportunity between Women and Men)	Cooperation
<b>Positive action measures</b>	Yes/no	1975	Allowed, not required	Yes/no	2003	Allowed, not required, if based on other legal source, and for parties
<b>Public bodies to promote racial equality</b>	Yes (in the Race directive)	2001	required	Yes	1. 1995 2. 2002-2004 3. 2004	1. Parliamentary Commissioner for the Rights of National and Ethnic Minorities 2. Social Committee for Roma Issues 3. Equal Treatment Authority
<b>If there are no sanctions for violating the law, please state this</b>						
<b>Other:</b>						
<b>1.</b>						
<b>2.</b>						
<b>3.</b>						
<b>...</b>						

## 1.4 Equality law on intersecting inequalities

- Is discrimination on the grounds of ethnicity/'race' illegal? Yes
  - When was this law introduced? Act XX/1949, Hungarian Constitution; Act II/1967, Labour Code; Act IV/1977, Civil Code; Act LXXIX/1993, Public Education Act; Act CLIV/1997, Health Care Act; Act LXXXIX/2001, Welfare Act; Act CXXV/2003, Equal Treatment Act
  - Is this restricted to employment related issues? No.
  - Does it include the sale and supply of services? The 2003 Act does.
  - What disputes if any took place during its introduction? No information is available for acts that came into force before 1990. The only relevant debate was around the Act CXXV/2003. See below.
  
- Is discrimination on the grounds of religion illegal? Yes
  - When was this law introduced? Act XX/1949, Hungarian Constitution; Act XLI/1989, Labour Code; Act IV/1977, Civil Code; Act LXXIX/1993, Public Education Act; Act CLIV/1997, Health Care Act; Act LXXXIX/2001, Welfare Act; Act CXXV/2003, Equal Treatment Act
  - Is this restricted to employment related issues? No.
  - Does it include the sale and supply of services? The 2003 Act does.
  - What disputes if any took place during its introduction? No information is available for acts that came into force before 1990. The only relevant debate was around the Act CXXV/2003. See below.
  
- Is discrimination on the grounds of sexual orientation illegal? Yes
  - When was this law introduced? Act CLIV/1997, Health Care Act; Act CXXV/2003, Equal Treatment Act
  - Is this restricted to employment related issues? Not true for the 2003 act.
  - Does it include the sale and supply of services? The 2003 does.
  - What disputes if any took place during its introduction? The only relevant debate was around the Act CXXV/2003. See below.
  -
  
- Is discrimination on the grounds of disability illegal? Yes
  - When was this law introduced? Act CLIV/1997, Health Care Act; Act XXVI/1998 on the rights of the disabled and the provision of equal opportunities for them; Act LXXXIX/2001, Welfare Act; Act XVI/2001, Labour Code; Act CXXV/2003, Equal Treatment Act
  - Is this restricted to employment related issues? 1998 act already concerned other fields than employment; however, the 2003 act extended the range of them.
  - Does it include the sale and supply of services? 2003 act included those.
  - What disputes if any took place present during its introduction? In 1998 no major debate developed, however the deadline for the accommodation of built environment was not met at the end of 2004, and this resulted in a debate regarding the extension of the new deadline. As for the Labour Code amendment, there was no parliamentary debate on the non-discrimination clause, still experts were missing the ground of sexual orientation from the proposal.
  
- Is discrimination on the grounds of age illegal? Yes
  - When was this law introduced? Act II/1967, Labour Code; Act CLIV/1997, Health Care Act; Act LXXXIX/2001, Welfare Act; Act CXXV/2003, Equal Treatment Act
  - Is this restricted to employment related issues? Not true for the 2003 act.
  - Does it include the sale and supply of services? The 2003 Act does.
  - What disputes if any took place present during its introduction? No information is available for acts that came into force before 1990. The only relevant debate was around the Act CXXV/2003. See below.

- Are there further legal issues, especially disputed legal issues, concerning the intersection of equalities with gender that are relevant?

Gender equality has been part of the *Labour Code* since 1951. Unequal treatment based on social origin became illegal in the field of employment in 1967<sup>28</sup>, while discrimination based on political opinion and membership in trade union has been penalized since 1989<sup>29</sup>. An equality requirement based on family status was introduced into the *Labour Code* in 2001<sup>30</sup>.

In the *Civil Code* discrimination based on gender, nationality, and health status is forbidden since 1977<sup>31</sup>.

The *Act CLIV/1997 on Health Care* also includes anti-discrimination regulation based on gender, social origin, political opinion, social position, family status, sexual orientation, education or any other criteria.

*Act LXXIX/1993 on Public Education* regulates unequal treatment on the grounds of gender, nationality, political opinion, social origin, and property status.

The *Welfare Act*<sup>32</sup> also has a non-discrimination clause concerning gender, political or other opinion, and birth or other status.

The *Hungarian Constitution*<sup>33</sup> regulated gender equality already in 1949, while in 1989 when the Constitution was amended by the Act XXXI/1989 discrimination based on skin colour, language, social origin, property, birth, or on any other criteria became to be penalized as well. However equal treatment on the grounds of sexual orientation was not an explicit requirement, two Constitutional Court decisions<sup>34</sup> claimed that “any other criteria” also covers this form of discrimination.

In *Act CXXV 2003 on Equal Treatment and the Promotion of Equal Opportunities* all of the fields below are included. Its Article 8 reads:

Provisions that result in a person or a group is treated less favourably than another person or group in a comparable situation because of his/her

- a) sex,
- b) racial origin,
- c) colour,
- d) nationality,
- e) national or ethnic origin,
- f) mother tongue,
- g) disability,
- h) state of health,
- i) religious or ideological conviction,
- j) political or other opinion,
- k) family status,
- l) motherhood (pregnancy) or fatherhood,
- m) sexual orientation,
- n) sexual identity,
- o) age,
- p) social origin,
- q) financial status,
- r) the part-time nature or definite term of the employment relationship or other relationship related to employment,

<sup>28</sup> Act II/1967.

<sup>29</sup> Act XLI/1989.

<sup>30</sup> Act XVI/2001 aimed at the full transposition of EU directives, but sexual orientation is markedly missing among the inequality axes mentioned.

<sup>31</sup> Act IV/1977.

<sup>32</sup> Act LXXXIX/2001.

<sup>33</sup> Act XX/1949.

<sup>34</sup> Constitutional Court decision No. 20/1999 (VI.25) and No. 37/2002 (IX.4) Constitutional Court decision.

- s) the membership of an organisation representing employees' interests,
- t) other status, attribute or characteristic (hereinafter collectively: characteristics) are considered direct discrimination.

In practice looking at the case law of the Equal Treatment Authority indicates that there were cases launched in relation to all of these grounds with the exception of race. The majority of cases are launched in relation to ethnicity or nationality, disability and gender<sup>35</sup>.

Thus, regarding the 2003 act, it is easier to answer the individual questions in one:

- o When was this law introduced?

It was introduced in December 2003, based on EU requirements.

- o Is this restricted to employment related issues?

No. In its Article 6 the law explicitly states in which type of relations the provisions shall not apply:

(1) The scope of this Act does not extend to

- a) family law relationships;
- b) relationships between relatives;
- c) relationships directly connected with the activities of the religious life of the churches; and
- d) when Article 4 of this Act is applied - in the absence of a legal act providing to the contrary -, social organisations, relationships between the members of legal entities and organisations without a legal entity and relationships related to membership, except for the establishment of membership.

(2) Paragraph (1) d) cannot be applied at

- a) the establishment and cancellation of membership relationship, and
- b) the relationships of parties with the exception of the characteristic defined in Article 8 j).

Otherwise, it applies in employment, provision of services, civil society activities, education, social care and child protection, cultural, educational and health services and activities, etc.

- o Does it include the sale and supply of services?

Yes

- o What disputes if any took place during its introduction?

Women's organisations wrote an extensive criticism of the Bill stating, among other problems, that the law does not fulfil the obligation of full harmonisation with the EU directive it was supposed to transpose (Directive 2002/73/EC) especially regarding sexual harassment. The Ministry of Justice then promised to revise the Bill, but it did not until 2006. Up to today, the correct transposition is still missing regarding sexual harassment since even though the sexual form of harassment was introduced in the law in 2006<sup>36</sup>, it's still not defined in a separate article (deadline was October 5, 2005). Other criticism was related to the insufficient machinery of sanctions, the fact that the law does not provide any incentive for victims to initiate procedures, that the general law is not able to answer the specific needs of specific groups, among them those of women, and that the proposed law leaves serious fields (such as indirect discrimination in laws) unchallenged. Women's organisations concluded that the Act will not be able to provide protection for women against discrimination. The answer of the Ministry was that there should be a few years of waiting period to see how the law works in practice, and return to the suggestions then. The practice of the Equal Treatment Authority confirmed the position of the activists (there are hardly any cases related to gender-discrimination). In March 2008 the director of the Equal Treatment Authority announced that the Authority thinks amendments are necessary especially

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<sup>35</sup> See <http://www.egyenlobanasmod.hu/index.php?q=jogesetek.htm> for cases in the period 2005-2008

<sup>36</sup> Act CIV/2006.

regarding sexual harassment because the legal framework is not solid enough to successfully carry cases.

Other disputes around the law concerned the issue of whether the scope of the act should cover religious organisations, whether sexual orientation and gender identity should be included, whether the problem of multiple discrimination should be defined and whether the Equal Treatment Authority is independent enough of the government and whether its functions should belong to the ombudsperson.

## 2. Plans and programmes

Two types of national gender equality plans are considered here. The first set of questions concerns plans specific to the country. (Please include not only if they are called 'national gender equality plans' or but also if they are just a sub-section of a larger national development plan.) The second set of questions refers to the National Reform Programmes for employment and National Reports (National Action Plans) on Strategies for social inclusion and social protection that the EU requires annually from each Member State. |

### 2.1 National gender equality plans

2.1.1 Is there a national gender equality plan? Or a gender equality component of a national development plan.

- If yes please name and describe very briefly the range of issues that it covers (in particular, how far beyond employment does it go?).
- Is the focus restricted to non-discrimination?
- Is there reference to gender mainstreaming?
- Are there named policy instruments and/or institutions, if so what?
- Are there indicators and statistics to evaluate the policies?
- Is there reference to EU targets (European Employment Strategy targets: Lisbon (2000) female employment rate of 60% by 2010; Barcelona (2002) provision of childcare by 2010 to at least 90% of children between 3 years old and the mandatory school age and at least 33% of children under 3 years of age)? (Add age here)

Until 2006 the only strategic document prepared by the Hungarian state on gender equality or equality in general including gender was the action plan prepared as a response to the Beijing Conference: **Governmental Resolution No 2174/1997. (VI.26.) on the Action Program aiming at the implementation of tasks stated in the Beijing Platform for Action**<sup>37</sup>.

- Is the focus restricted to non-discrimination?  
NO
- Is there reference to gender mainstreaming?  
NO
- Are there named policy instruments and/or institutions, if so what?  
YES. See bellow
- Are there indicators and statistics to evaluate the policies?  
NO
- Is there reference to EU targets (European Employment Strategy targets: Lisbon (2000) female employment rate of 60% by 2010; Barcelona (2002) provision of childcare by 2010 to at least 90% of children between 3 years old and the mandatory school age and at least 33% of children under 3 years of age)? (Add age here)  
NO

"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: establish legal advice service for women; initiate training and education programs; elaborate recommendations to introduce gender sensitive elements in the education curricula; assess the regulation and its implementation in some gender specific areas (anti-discrimination, social support) and proposing changes; design women-projects to improve the situation of women in crucial fields (such as employment, healthcare); support gender related policy research;

<sup>37</sup> 2174/1997. (VI.26.) Korm. határozat a Nők IV. Világkonferenciáján elfogadott Nyilatkozatban (Pekingi Nyilatkozat) megfogalmazott feladatok magyarországi megvalósítását szolgáló cselekvési programról.

review available statistical data and make further collection of data gender sensitive; and 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 ... under the aegis of the Karat coalition 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."<sup>38</sup>

In Government Decree 1059/1999 on the establishment of a Council for Equality between Women and Men the production of a National Program of Action for the Promotion of Equality was mentioned as one of the tasks of the National Council for Women's Representation (a body consisting of ministries, representatives of civil organisations and independent experts). However, Government Decree 1089/2006 replacing the 1999 Decree does no longer contain such provision. The Program of Action has not been produced by the previous Council, especially since the Council was not convened by the responsible Ministry for almost 4 years during the previous government.

According to the Equal Treatment Act CXXV/2003 a National Program for Equal Opportunities in general should have been prepared annually after 2004. Yet in 2006 the amendment of the law<sup>39</sup> has repealed this regulation and this kind of program has never been prepared.

In 2006, following the EU principles, **the Roadmap for gender equality 2006-2010** was developed.

- o Is the focus restricted to non-discrimination?

NO

- o Is there reference to gender mainstreaming?

YES

- o Are there named policy instruments and/or institutions, if so what?

SOME. See below

- o Are there indicators and statistics to evaluate the policies?

No indicators or statistics are defined for evaluation

- o Is there reference to EU targets (European Employment Strategy targets: Lisbon (2000) female employment rate of 60% by 2010; Barcelona (2002) provision of childcare by 2010 to at least 90% of children between 3 years old and the mandatory school age and at least 33% of children under 3 years of age)? (Add age here)

EU targets are not included

The Roadmap focuses on the problems of unequal economic independence of men and women, the under-representation of women in both political and economic decision-making, the gender pay gap, the difficulties of reconciliation, gender crimes and trafficking in persons, and the gender stereotypes in society. Gender mainstreaming is mentioned by the document; the use of the concept is very superficial, though. EU targets are not mentioned, some policies are mentioned, but no indicators or statistics are formulated for evaluation.

In 2008, the Department of Gender Equality within the Ministry for Labour and Social Affairs was planning to propose a longer term National Strategic Plan for the Promotion of Equality between Women and Men for years 2009-2012. It aims at developing a plan based on the Beijing criteria and on the Roadmap 2006-2010, referring to gender mainstreaming as well. The strategy is already drafted, however not yet public.

#### 2.1.2 Is gender equality integrated with other equalities in a national plan?

If yes please name and describe very briefly the range of issues that it covers, in particular, how far beyond employment does it go? Is it framed by equality or by diversity or both or a similar goal (e.g. equal opportunities)? If so, please specify.

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<sup>38</sup>Andrea Krizsan and Eniko Papp. 2005. Equal Opportunities for Women and Men. Monitoring law and practice in Hungary. OSI, Network Women's Program. pp. 33-34.

<sup>39</sup> Act CIV/2006.



The two strategies that are relevant for equality issues are addressing gender equality across the grounds in general terms. Both of them are framed in equal opportunity terms.

*National Strategy and Priorities. "European Year of Equal Opportunities for All" (2007) – Towards a Just Society. 2006*

In 2006, as a response to the requirements of the European Year on Equal Opportunities, Hungary prepared a new National Strategy. This is the Hungarian Government. National Strategy and Priorities. "European Year of Equal Opportunities for All" (2007) – Towards a Just Society. 2006. This refers to equality on all six grounds listed for the Year: gender, race or ethnic origin, religion or belief, disability, age, and sexual orientation. There is no plan or strategy in Hungary that focuses on gender equality specifically.

The 2006 Strategy for the Year of Equal Opportunities defines the problem for women as going beyond employment and specifically names vertical and horizontal segregation in the labour market and unequal pay, it speaks about political representation, sexual harassment, and education. In the problem statement, domestic violence is mentioned separately as a problem referring to all disadvantaged groups including women.

With its actions, the Strategy proposes to follow the four priorities of the European Year (rights, recognition, representation and respect) in a balanced way for all the six grounds and with the coverage of multiple discrimination. Actions are generally covering all grounds except for the activity called "Gender mainstreaming – taking gender equality into consideration in all actions related to the European Year". The whole strategy is very procedurally focused and not proposing anything specific beyond awareness raising and better representation of the disadvantaged groups, but without specifying anything for the different groups.

It is difficult to say whether the Strategy goes beyond anti-discrimination. It seems so that by focusing on awareness raising and improved representation the policy-makers must mean to go beyond non-discrimination. However the strategy says nothing about the substance and scope for equality of opportunity and especially nothing about how this is specific to the different groups.

The Strategy refers to mainstreaming across the activities of the plan.

As for policy tools and instruments: beyond the four general priorities named, the specific instruments proposed are: a National Opening Conference and a closing conference, operation of the National Equal Opportunity Network, research, development of equal opportunity plans by workplaces and awareness raising and information spreading on that, general awareness raising and media campaign and finally monitoring and evaluation of the tasks proposed by the Strategy. Institutions named are the general equal opportunity institutional set-up of the country (particularly the National Equal Opportunities Network – the Houses of Equal Opportunities) and the Equal Treatment Authority (which is the non-discrimination enforcement agency).

The Strategy develops no indicators or targets for measuring impact and makes no references to European targets such as Lisbon or Barcelona.

*National Development Plans*

On the more general level the National Development Plans of Hungary (aiming to implement structural funds spending in the country) can also be seen as giving some direction to gender equality planning in the country, even though they are restricted to the specific area of structural funds spending. The new National Development Plan prepared for 2007-2013 is called the New Hungary Development Plan (NHDP)<sup>40</sup>. It contains references to the "equality of sexes", gender mainstreaming, gender equality, social equality between women and men, and equal opportunities under headings related to the need for cultural changes, social renewal, horizontal policies, economic, regional and social cohesion, the Operational Programs. Two paragraphs under the section "Strengthening social cohesion, ensuring equal opportunities" deal with gender equality in particular (p. 72):

The achievement of equal opportunities of women and men is important not only from the point of view of social cohesion, but it is an indispensable condition for economic growth and improved competitiveness. The aspects of gender equality have to be built in the development of state public policies and development programming in all EU member states (the so-called 'gender mainstreaming'). This means that the effect on the equality of genders and the life of women and men has to be weighed in the case of every branch

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<sup>40</sup> <http://www.portugalnews.pt/imgupload/qren%202007-2013.pdf>

policy measure. On the other hand, measures that help eliminate the inequalities between men and women have to be supported by targeted programmes in all fields of social life, including employment, training, economic life, access to resources and services (e.g. healthcare, transport).

Equality of women and men is an important factor of economic growth, too. During the complete process of the development and implementation of the NHDP, appropriate expertise has to be ensured in order to secure the implementation of gender mainstreaming. This includes data collection and the development of indicators necessary for the measurement, implementation and accountability of this aspect in developing, judging and following-up specific programmes, and the representation of the issue of the social equality of women and men in the executive institutions and in all responsible programme management bodies.

Women's organisations worked hard to get into the text even this much. They also noted that the somewhat arbitrary use of these terms reflects a lack of understanding of the difference between, for example, equal opportunities and gender equality, and that this lack is well reflected in the fact that very few concrete measures are proposed in the Plan.

The previous Hungarian National Development Plan (NDP)<sup>41</sup> contained a more thorough description of women's situation (though strictly restricted itself to labour market issues, pp. 94-96). However, the NDP had not set forth concrete programs and plans targeting women either.

While there is reference to the need of gender mainstreaming in the New Hungary Development Plan, it rests primarily on the (very scarce) capacity of NGOs without any reference to how this capacity would be enhanced. For example, no mention of training programs for civil servants is included, nor any specific support for NGOs undertaking monitoring, facilitating, or expert work.

Meanwhile the only policy instrument mentioned in the NHDP is the strategy of gender mainstreaming, but it is not spelled out how exactly this will happen.

The NHDP refers to European targets: particularly to Lisbon targets. In the Introduction, the NHDP (p. 16) it reads: "In line with the Lisbon Agenda of the European Union, the Hungarian strategy focuses on *improving employment and growth*, while it also respects the Gothenburg principle of *sustainability*." (Italics in original) The document states the fact (p. 44) that women find it hard to return to the labour market after maternity leave (which is 2 / 3 years in Hungary). However, it is clear that the NHDP does not regard the Lisbon Strategy as a gender-equality measure. Equal opportunities are mentioned under Priority 3 (Social renewal, p. 6) in the section on „Conservation of health, social inclusion and participation”, and the development of services of day-care for children (p. 7) is mentioned as one of the tools under the section „Developing the human infrastructure”. The document sets forth the idea of the harmonised operation of the employment and social services systems, and mentions women as one of the groups "struggling with particular employment difficulties" (p. 83). The one more or less concrete field it mentions occurs in the section on the social and child welfare services, stating that "the aim is to support primarily innovative social and child welfare services responding to local needs, which support the compatibility of family life and work especially for women, and contribute to integrating unemployed, inactive people on the labour market" (p. 87).

No mention of the Barcelona Targets occurs in the NHDP. But Hungary still has a better network of nurseries – 10 % of children age 0-3 are enrolled in 2008<sup>42</sup> – and kindergartens – 90 % of children age 3-6 are taken care of in 2008 there<sup>43</sup> - than many EU countries, even though after 1989 a great number of these were closed. The program to re-increase places in kindergartens is expected to result in 1400 new place by 2008.<sup>44</sup>

Roma, persons living with disability and women are usually mentioned together in Hungarian policy thinking. These are the three grounds Hungarian equality "thinking" basically includes. The NHDP mentions the specific difficulties the Roma population face in education, work, general level of life-standards, and the difficulty of access to work of persons with disability and of women with small children as special problems, and social integration of the Roma and persons with disabilities as especially important. The Plan concludes that a complex solution is needed, by mainstreaming the

<sup>41</sup> [http://www.rec.hu/sdconference/doc/NDP\\_Hungary.pdf](http://www.rec.hu/sdconference/doc/NDP_Hungary.pdf)

<sup>42</sup> <http://nol.hu/cikk/495747/>, [http://www.eurydice.org/ressources/eurydice/eurybase/pdf\\_images/HU\\_HU\\_024.pdf](http://www.eurydice.org/ressources/eurydice/eurybase/pdf_images/HU_HU_024.pdf)

<sup>43</sup> <http://nol.hu/cikk/495747/>, [http://db.okm.gov.hu/statisztika/ks07\\_fm/index.html](http://db.okm.gov.hu/statisztika/ks07_fm/index.html)

<sup>44</sup> Revised National Lisbon Action Programme for Hungary (2006, p. 61): [http://ec.europa.eu/growthandjobs/pdf/nrp/HU\\_nrp\\_en.pdf](http://ec.europa.eu/growthandjobs/pdf/nrp/HU_nrp_en.pdf)

needs of these groups into all programs of the Structural Funds, besides specific programs (such as, e.g. the Roma Integration Decade). The proposed indicators include only the Roma and persons with disabilities (decreased level of prejudice, increase of employment, etc.). Regarding health, and other social services, the Roma, persons with disability, homeless persons, and people living in under-developed regions are mentioned.

Mostly the rhetoric is that of “equal opportunities” and of the elimination of grave economic differences between different regions of the country (the equality to be reached thus appears to be considered a by-product of the evening of the regions, as it were, though with some programs targeting specific population-groups). Women do not appear in these.

### 2.1.3 Is there a gender equality (or similar) plan in the area of gender based violence

If yes please name the plan. Does it cover:

Yes, there are two. One is the Parliament Decree 45/2003 on the national strategy to effectively combat and prevent domestic violence, while the other is Government Decree 1018/2008 (III.26.) on the National Strategy against Human Trafficking for 2008-2012.

None of them contain indicators. The Strategy on Trafficking contains among its priorities the better development of indicators, but the specific indicators are mentioned.

- Domestic violence and violence in partnerships

Yes.

The Parliamentary Decree includes the requirement of collection of gender-segregated statistics for all relevant state bodies, legislative actions, professional protocols, trainings, the establishment of a shelter-network, the production of a complex action plan, etc. Deadline for all actions prescribed was March 31, 2004.

Nevertheless most of its provisions have not been implemented (statistics in all relevant bodies, training, protective laws for victims of domestic violence, etc.), some have started to become implemented in 2006 (shelter network), some have been acted upon, but in bad faith (legislating on the restraining order, 2006). Stalking by former partners is now criminalised as is “harassment” (2008)<sup>45</sup>. None of this legislation ensures safety of victims.

Only the police has implemented its obligation on the collection of statistics, some training, and a Chief of Police Order (2003, revised 2007) with detailed rules for the police in cases of domestic violence.

- Sexual assault/violence and rape

No.

- Sexual harassment and stalking

No.

- Trafficking and prostitution

Yes.

The Government Decree defines women and children as the main targets of traffickers, who are mainly men by statistics. It reviews the legal background and past policy actions done regarding trafficking in persons. It emphasises the importance of improving victim support, preventive measures and coordination mechanisms. In order to raise the efficiency of legal enforcement, it suggests awareness-raising in judiciary. Education in general and the provision of information on trafficking is prioritised. The Minister of Justice is mandated to coordinate and implement the strategy.

- Forced marriage, honour crimes and FGM

No.

Does the plan include:

- named policy instruments and/or institutions, if so what;

See above.

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<sup>45</sup> Act CLXII/2007.

- o indicators and statistics to evaluate the policies, if so which?

The lack of gender-segregated data is a general problem which is addressed by the Parliament Decree 45/2003 as well.

## 2.2 EU required National Reform Programme (National Action Plan) for Employment

- o Does the EU required National Reform Programme for employment (in which one of the ten guidelines concerns gender mainstreaming) include a significant set of actions concerning gender equality? If so, what are these?

Member state reports 2006: [http://ec.europa.eu/growthandjobs/key/nrp2006\\_en.htm](http://ec.europa.eu/growthandjobs/key/nrp2006_en.htm)

- Change in the law to allow parents on parental leave to take up full time employment after the child has reached the age of 1 year (2006)<sup>46</sup>
- Financial incentives for employers employing people returning to the job-market after parental leave (mostly women)<sup>47</sup>
- Extending child-care allowance time for those returning to work after parental leave (mostly women) (i.e.: allowing work while receiving child-care allowance)<sup>48</sup>
- Development of child-care services, increasing number of places in nurseries<sup>49</sup>
- Family-friendly workplaces program<sup>50</sup>
- Labour market reintegration programs<sup>51</sup>

Note: the national target for employment for women stated in the document is 53.2% by 2010 (instead of the 60% set forth in the Lisbon targets, and the 57% set forth in the 2005 National Reform Programme).

GM seems to be completed by the superfluous mention of “women” in opening paragraphs of some chapters (such as, e.g. transportation, where the need for women to be able to get to work by public transport is mentioned). But no concrete action is described in these fields.

- o Did the EU appointed National Expert (part of the EU Network of Experts on Gender and Employment and Social Inclusion) made (have) critical or positive comments on the gender equality dimension of the member state’s programme? If so, what are these?

EGGSIE 2005 report see:

[http://ec.europa.eu/employment\\_social/gender\\_equality/docs/2006/final\\_nrp\\_synthesis\\_2005\\_en.pdf](http://ec.europa.eu/employment_social/gender_equality/docs/2006/final_nrp_synthesis_2005_en.pdf)

Conclusions of the national expert on the 2005-2008 NRP of Hungary:

Page	Critical comments	Positive comments
17.	No explicit mention of gender mainstreaming the policy programme is couched in very general terms with a general commitment to increasing women’s employment but no specific policies to assist in this objective	Gender disaggregated statistics are provided in the main employment table and there is a reference under the policy for disadvantaged groups to the need to help people facing difficulties because of family responsibilities.
30.	The NRP failed to develop a strategy to address the increasing level of women’s unemployment relative to male unemployment	The Human Resource Development Operative Programme has established a priority for women’s labour market integration
33	Policies do not reflect the huge decrease of workplaces due to public sector cutbacks that particularly affected women	

<sup>46</sup> Revised National Lisbon Action Programme for Hungary (2006, p. 61., see link in footnote 6.)

<sup>47</sup> Revised National Lisbon Action Programme for Hungary (2006, p. 190., see link in footnote 6.)

<sup>48</sup> Revised National Lisbon Action Programme for Hungary (2006, p. 191., see link in footnote 6.)

<sup>49</sup> Revised National Lisbon Action Programme for Hungary (2006, p. 191., see link in footnote 6.)

<sup>50</sup> Revised National Lisbon Action Programme for Hungary (2006, p. 191., see link in footnote 6.)

<sup>51</sup> Revised National Lisbon Action Programme for Hungary (2006, p. 191., see link in footnote 6.)

42	There is no explicit gender mainstreaming and no discussion of youth policies by gender, most of the policies focus on promoting women's employment through reconciliation and also on increasing the demand for female employment through the spread of care services; both approaches have the impact of reinforcing women's role as carers and the gender segregation of the labour market	There is clear recognition of the lifecycle differences in women's economic activity compared to men's and a focus on reactivating young mothers in the labour market
57	In practice all the [child-care] leaves are largely taken by women; around a quarter of mothers spend at least four years away from the labour market uninterruptedly	Apart from maternity leave and child raising support that are reserved for women, both parents are entitled to parental leave; the NRP is beginning to address this problem
62		There is now some commitment to increase the number of places in crèches though formal requirements being placed on municipalities
74	No mention of the gender pay gap	
86	No mention of gender mainstreaming in the inclusive labour markets guideline at all	
94	There are active programmes for the Roma population to increase their participation in the labour market, but they are gender blind (even though the employment rate among the female Roma population dropped radically (from 49% in 1987 to just 15% in 2003 [and 10% in 2007])	
100	No policies on "making work pay"	
115	Gender not mentioned at all in Guideline 20 (matching of labour market needs)	
122, 126, 228	Promotion of part time work as a "solution" for flexicurity is controversial: it reinforces traditional segregation of care-work responsibilities and dependence	Measures to promote and eliminate obstacles to part-time employment in Hungary that are likely to increase women's access and commitment to work are mentioned as positive
174	No gender mainstreaming in the guidelines concerning human capital policy	
232	Failure to tackle gender segregation in vocational and higher education	

#### General conclusions:

- In Hungary the gender perspective is largely missing from the NRP and most policies [...] apart from those with European origins, for example PHARE, EQUAL. (p. 132)
- There is a need for new tools [in the preparation of National Programmes] to promote stronger cooperation in order to harmonise the 'gender policies' of the various ministries. (p. 183)
- No mention of GM in the NRP, very limited gender disaggregated statistics, more policies for employment of mothers than in previous year, but less visibility of gender. (p. 187)
- The focus: on reconciliation issues and not the high level of occupational gender segregation, the gender wage gap or the traditional division of labour both in paid and unpaid labour (p. 193).
- The policy approach adopted by the NRP for Hungary focuses only on promoting women's employment. To meet the wider gender equality challenges more policy measures would be necessary including challenging traditional views on gender roles. (p. 199)

- o Did the EU Commission's response to the National Reform Programme for employment include recommendations on gender equality? If so, what were these?

EC response: [http://ec.europa.eu/growthandjobs/annual-report-1206\\_en.htm](http://ec.europa.eu/growthandjobs/annual-report-1206_en.htm))

Yes: In relation to active labour market policies it said:

"Given the very low rate of return to employment of women after childbirth, further measures are required to reconcile work and family life, including the extension of childcare provision and reforming lengthy parental leaves. The integration of employment and social services is in progress and the public employment service has coordinated rehabilitation services since 2007."

It also pointed out the incoherence in tackling the labour market situation of disadvantaged groups. Here it noted progress in relation to career starters, older workers and women, and problems in relation to low skilled, disabled and Roma.

### **2.3 EU required National Reports (National Action Plans) on Strategies for Social Protection and Social Inclusion**

- o Does the EU required National Report on Strategies for Social Inclusion include a significant set of actions concerning gender equality, including gender-based violence? If so, what are these?

Member state reports: [http://ec.europa.eu/employment\\_social/social\\_inclusion/naps\\_en.htm](http://ec.europa.eu/employment_social/social_inclusion/naps_en.htm)

Specific actions mentioned:

- programmes to increase women's employment rate (promotion of part time-jobs, incentives for employers to employ women returning to the job market after child-care leave, and older employees, increasing the places at crèches, etc)
- increasing women's retirement age to 62 by 2009
- HRD OP Measure 1.3. called "Promotion of Women's Participation in the Labour Market" until 2008
- The continuation of the competition of „Family Friendly Workplace Award", announced each year by the Ministry of Social Affairs and Labour
- The continuation of the National Centres for Equal Opportunities (started in 2004)
- Pension close-up program: the raise of the benefits paid as widow's pension, to widows having no pension by their own right (mostly women) (2006-2007)
- An increase in the amount of old-age pensions (2006)

Gender mainstreaming is mentioned in general in the chapter on Overall Strategic Approach, and is said to have high priority, but no other measures or actions are set forth.

- o Did the EU Expert Group on Gender, Social Inclusion and Employment have critical or positive comments on the gender equality dimension of the report (including gender-based violence)? If so, what are these?

EGGSIE Synthesis report (2006)

[http://ec.europa.eu/employment\\_social/publications/2006/ke7606201\\_en.pdf](http://ec.europa.eu/employment_social/publications/2006/ke7606201_en.pdf)

There is no general statement on the gender dimension of the Hungarian report by the Hungarian expert.

Re. Gender-based violence: the experts stated that the gendered nature of this is rarely acknowledged in the national reports (p. 144), and that there is a lack of systematic addressing of the issue, as well as of support and services in all fields of GVB. (p. 145)

Re. Parental leave entitlements: the expert criticised these as "partly reflecting a government attempt to reduce the number of people registered as unemployed through defining many women with children as economically inactive", and likely to contribute "to the conservation of the traditional division of labour both at the workplace and in the household", "to the conservation of the traditional division of labour both at the workplace and in the household" (p. 78). According to the expert, hidden unemployment is the result of these schemes.

Re. Childcare: the expert notes that more places at child-care facilities, especially for ages 0-3, are needed. (p. 78) Also: incentives for fathers to take up parental leave and be more active in child-care are needed (p. 83)

Re. Labour market programs: the expert recognises that active labour market programs and training initiatives exist in Hungary, while finds the coverage of such programs insufficient (p. 79). Flexible, family oriented patterns of work should also be encouraged (p. 81). More programs are needed in education and life-long learning (p. 81).

Re. Lone parents (mostly women with child(ren): the experts sees the specific rights for lone-parent households in Hungary to free or subsidised school meals and free textbooks as beneficial for lone parents and a welcome policy development<sup>52</sup> (p. 93).

Re. Multiple disadvantages: the Hungarian expert emphasises the specific difficulties the Roma population experiences (disproportionate extreme poverty, poor housing, regional concentration of the Roma to economically deprived regions, poor health, very high unemployment, poor access to education and/or educational segregation, forced sterilization is not acknowledged and no restitution was made, etc.) (pp. 102-103) Also notes that gender-based analysis of these are missing.

- o Did the EU Commission's response to the National Report on Strategies for Social Protection and Social Inclusion include recommendations on gender equality (including gender based violence)? If so, what were these?

EC report: [http://ec.europa.eu/employment\\_social/social\\_inclusion/jrep\\_en.htm](http://ec.europa.eu/employment_social/social_inclusion/jrep_en.htm)

- The gender perspective should be consistently mainstreamed across all measures fighting poverty and social exclusion (p. 144)
- Gender has not been consistently mainstreamed throughout the NAP. Women are identified as a priority group only in the case of the employment objective. Violence against women is also given attention. However, important aspects of gender discrimination, such as the pay gap, are not mentioned. Equally, the inter-action between some policy fields and gender gaps such as child poverty, lone parents' difficulties and social deviance has not been adequately emphasised. (p. 147)
- The gender perspective should be consistently mainstreamed across all measures fighting poverty and social exclusion. In this context, more extensive gender-specific statistics are required to monitor developments in the field. (p. 147)

## 2.4 EU funding

Does the EU provide funding in your country that has / has had a significant gender impact?<sup>53</sup> Structural funds to consider include the European Social Fund<sup>54</sup> and the European Regional Development Funds<sup>55</sup>,

- o If yes, how much and over what period of time?

It did and does provide funding. Whether it had/has a significant impact on gender is difficult to assess, because formerly there wasn't any systematic collection of these programs, nor any systematic distribution of results. It is also difficult to state exactly how much money was spent specifically on gender-equality projects, because this information was not available in any collected list before 2008. Yet, according to the Act CLXXI/2007 on the transparency of public finances all projects funded by the state have to be recorded and publicly published. Hence a website<sup>56</sup> was launched to meet this requirement in this year.

The following programs were available to Hungary up to now:

PHARE since 1989 with 1.487 milliard Euros between 1990-2000<sup>57</sup> and 35 8324 million HUF between 2004-2006<sup>58</sup>

Cohesion Fund between 2000-2006 with 1.122 milliard Euros<sup>59</sup>  
EQUAL, ESF, ERDF, SAPARD since 2000;

<sup>52</sup> Some of these subsidies have been withdrawn in 2007 for lone parents with less than 3 children.

<sup>53</sup> The following link may serve as a useful starting point (see drop-down menus along the top of the page and links on the left hand side): [http://ec.europa.eu/regional\\_policy/policy/history/index\\_en.htm](http://ec.europa.eu/regional_policy/policy/history/index_en.htm)

<sup>54</sup> [http://ec.europa.eu/regional\\_policy/funds/fse/index\\_en.htm](http://ec.europa.eu/regional_policy/funds/fse/index_en.htm)

<sup>55</sup> [http://ec.europa.eu/regional\\_policy/funds/feder/index\\_en.htm](http://ec.europa.eu/regional_policy/funds/feder/index_en.htm)

<sup>56</sup> [www.magyarorszag.hu/kozpenzek](http://www.magyarorszag.hu/kozpenzek)

<sup>57</sup> [http://www.nfu.hu/elocsatlakozasi\\_alapok](http://www.nfu.hu/elocsatlakozasi_alapok)

<sup>58</sup> [http://www.nfu.hu/az\\_atmeneti\\_tamogatasrol\\_transition\\_facility](http://www.nfu.hu/az_atmeneti_tamogatasrol_transition_facility)

<sup>59</sup> [http://www.nfu.hu/kohezios\\_alap](http://www.nfu.hu/kohezios_alap)

URBAN program since 2006;

At the moment, there are 15 Operative Programs, and several others (Educational Cooperation Programs, EPNI Programs, Twinning programs, etc.), within them certainly programs targeting women and gender issues.

Between 2007 and 2013 altogether the EU funding will be 32 milliard Euros<sup>60</sup>, plus the Norwegian Mechanism for 2005-2009, 135 million Euros, plus the Swiss Contribution 2006-2010, of which Hungary receives 130.738.000 Swiss Francs (around 105 million Euros)<sup>61</sup>. Hungary has been a party to the Action Program for Equal Opportunities Women since 1998.

Most of the programs and projects up to now have been related to the following issues:

- Helping women return to the labour market after long childcare-leaves,
- Helping older women return to labour market,
- Vocational training to enhance women's chances for employment,
- IT and other trainings (like leadership) for women,
- GM trainings, and gender issues training for public bodies, media representatives, etc,
- Family Friendly Workplace Award for employees (since 2001)
- Some projects targeted awareness raising about gender-roles, sexual harassment at the workplace, and father's roles in child-care
- Women's entrepreneurship

There is no collection of projects targeting women: data can only be collected individually according to sources of funding. Even there, with older programs the amounts of the funding is not always given. Yet, it is clear that in the period between 2004-2006, for example, in the Human Resources Development Program, at least 7875 million HUF (around 30 million EUR) were granted to reintegration to labour market programs. Some of the projects targeted Roma women specifically. Most of the projects had to ensure the placement of the beneficiaries at jobs for at least 1 year. Altogether there are many thousands of women who participated in these projects. However, it is difficult to assess long-term effects. Of course, many of these projects lack gender-awareness.

- o [If yes, comment upon the extent to which gender was mainstreamed in associated plans and programmes \(e.g. the National Development Plans for 2000-2006\)?](#)

Gender Mainstreaming is superficial in both plans and projects. The evaluation criteria for proposals for projects do contain "equal opportunities between women and men", but expertise to judge it was mostly lacking among evaluators. The new Monitoring Committees operating since 2007 contain more gender-experts due to the advocacy efforts of NGOs, but, according to experiences up to now, protocols that were not specifically targeted at women usually contained a very general and meaningless reference to "of course honouring 'equal opportunities'" without substantiating this claim.

### **3. Governmental Machinery for Equality**

[Provide a summary of the history of governmental machinery for equality provided in the issue history D11, up-dated if appropriate. In particular, consider if there have been any developments in the relationship between the gender machinery and other equalities machinery \(e.g. proposed mergers\). \(Approx. 250 words\)](#)

In 1995, the Government created a department on Equal Opportunities between Women and Men within the Ministry of Social Affairs and Family. The department has undergone several changes both in its name and in its hierarchical place (mostly downwards<sup>62</sup>) within the ministry (the ministry itself also changed names several times). Presently it is called the Department for the Equality between Women and Men within the State Secretary for Equal Opportunities of the Ministry of Social Affairs and Labour, and it is under the main department of Equal Opportunities. Under the State Secretary other main departments are for Roma integration and for Disability affairs. For a long time the department on women's issues seemed to be acting in the place of an NGO. This is reflected in the document that can be considered as the first instance for a plan to create a systematic approach to gender equality in Hungary: the Government Decree on the Action Plan on the realisation of the Beijing Platform for Action in 1997.<sup>63</sup> The Decree identified 17 specific actions such as training

<sup>60</sup> [http://www.nfu.hu/uj\\_magyarorszag\\_fejlesztési\\_terv\\_2](http://www.nfu.hu/uj_magyarorszag_fejlesztési_terv_2)

<sup>61</sup> [http://www.nfu.hu/svajci\\_hozzajarulas](http://www.nfu.hu/svajci_hozzajarulas)

<sup>62</sup> An exceptional period was when the Government Office of Equal Opportunities was operating in 2003-2004.

<sup>63</sup> Government Decree 2174/1997 (VI. 26)



programs, surveying government agencies regarding gender awareness, creating legislative proposals on domestic violence, creating proposals for a better collection of gender-disaggregated data, publication of handbooks, etc. It also contained the plan to publish calls for proposals on gender-issues. The deadline was set to the end of 1997 for basically all actions. Most of these deadlines were not met—then or by now. By now, the very Decree is repealed.

In 1999 the Ministry created the so called Council for Women's Representation<sup>64</sup>. The Council was composed of representatives of ministries, civil society actors (mostly from women's NGOs) and experts. It was supposed to be a consultative body, but did not have much effect on actual policy. Between 2002-2006 the Council was not convened. In 2006 the Council was re-installed under a new name (Council for the Equality between Women and Men)<sup>65</sup> and now functions more like a consultative body. It has a work-plan that was approved by its members, and regular meetings.<sup>66</sup>

Do any or all of these forms of gender machinery exist in the country, and if so what are they called (fill in their name in original language and translated to English)?

- o governmental (civil servants and ministers in central government); Yes. The Department for the Equality between Women and Men (Nők és Férfiak Társadalmi Egyenlősége Osztály)
- o enforcement and/or monitoring agency (e.g. equality authority, ombudsperson); The Equal Treatment Authority (Egyenlő Bánásmód Hatóság), Parliamentary Commissioner for Civil Rights (Állampolgári Jogok Országgyűlési Biztosa)
- o special legal apparatus (e.g. special courts, mediation or arbitration bodies for employment or domestic violence); Yes. The Justice Office – Igazságügyi Hivatal<sup>67</sup> – under the Ministry of Justice has a network of offices throughout the country with services of counselling in and outside of the court, or – since 2008 – at court cases, mediation, probation officers. They usually only get criminal cases regarding women, mostly domestic violence cases. Unfortunately, mediation was legislated into the Code of Criminal Procedure as a tool in criminal cases in 2006. So domestic violence victims will supposedly be one of the groups of their mediation services soon. Besides, the Equal Treatment Authority is a “special court”.
- o body for consultation / dialogue with women's NGOs, or with NGOs representing other axes of inequality The Council for the Equality between Women and Men (Nők és Férfiak Társadalmi Egyenlősége Tanács); The Equal Treatment Advisory Board (Egyenlő Bánásmód Hatóság Tanácsadó Testülete) – it's members are nominated by NGOs; Working Groups set up within the framework of the implementation of the Roadmap 2006-2010.
- o Other, for example, Parliamentary Committees; Parliamentary Sub-Committee on Women under the Committee of Human Rights, Minorities and Religious Issues (Emberi Jogi, Kisebbségi és Vallásügyi Bizottság Női Jogi Albizottsága). The Equal Treatment Authority has an Equal Treatment Advisory Board, its members are appointed by the ministers responsible for justice and for equal opportunities, but they have to consult with NGOs prior to the appointment.<sup>68</sup>

Answering the following list of questions may require mention of any or all of these types of institution: some apply to one kind more than another.

#### *The nature of the institution*

- Is there gender machinery that meets the minimum legal requirements of the EU?
  - o A body for the promotion, analysis, monitoring and support of equal treatment of all persons without discrimination on the grounds of sex:

Yes, the Equal Treatment Authority<sup>69</sup>

- o providing independent assistance to victims of discrimination in pursuing their complaints about discrimination;

Theoretically the Equal Treatment Authority should do this; though, there is no information available on such cases in practice. Besides, the relatively new network of Victim Support Services (Igazságügyi Áldozatsegítő Szolgálat) provides services for victims.

<sup>64</sup> Government Decree 1059/1999. (V. 28.)

<sup>65</sup> Government Decree 1089/2006. (IX. 25.)

<sup>66</sup> For more on the institutional situation of gender issues see the Hungarian Shadow report to the CEDAW Committee in 2007 at <http://www.iwraw-ap.org/resources/pdf/Hungary%20SR%20final.pdf>.

<sup>67</sup> The homepage of the Office is: <http://www.kih.gov.hu/alapteve> (no English pages are available).

<sup>68</sup> 2003. évi CXXV. törvény az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról, paragraphs 17/B-D.

<sup>69</sup> Government Decree 362/2004. (XII. 26.) on the Equal Treatment Authority, and Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities set forth the tasks and the work of the Authority.

No.

- o conducting independent surveys concerning discrimination;

No.

- o publishing independent reports and

Yes, but there is nothing on gender.

- o making recommendations on any issue relating to such discrimination.

Yes, the Equal Treatment Authority just suggested in recent weeks that there should be better legislation on sexual harassment apparently realising that current legislation is insufficient. (Women's NGOs stated this since 2003, before the Parliament passed the Act on Equal Treatment, and has called upon both the Ministry of Justice and the Equal Treatment Authority to act several times since then.) The Equal Treatment Advisory Board called for legalising same sex marriage,<sup>70</sup> and has also released a statement on equal pay<sup>71</sup>.

- Is there gender machinery that meets the 'Paris Principles'?
  - o independence guaranteed by a constitutional or legislative framework, autonomy from government,

No, the Council for Equality between Women and Men is convened under the auspices of the Ministry of Social Affairs and Labour, though it does comprise independent NGOs and experts.

The same is true for the Roadmap Working groups.

- o pluralism including pluralism of composition,

In as much as the Council is independent, yes.

- o a broad mandate,

The Council has the right to be informed, have an opinion and to make proposals on the program of the government, on planned laws, programs and policy. To what extent these opinions are honoured differs from matter to matter.

- o adequate powers of investigation,

I don't think we know this. Never tried.

- o sufficient resources

There is no known budget allocated specifically to the work of this Council. However, for the operation of Working Groups some money is allocated from the state budget.

- Is there gender machinery that meets the further requirements of the UN Platform for Action?
  - o responsibility vested at the level of a Cabinet minister.

The Minister of Social Affairs and Labour is responsible for issues related to Equal Opportunities, among which gender equality is counted

- o Develop indicators and statistics to monitor policy

No indicators

- How close to the centre of power (e.g. Prime Minister or other) is the governmental machinery located?

- o centre of power/ PM's office

No<sup>72</sup>

- o Other powerful department.

No

- o Other department

Yes, see above

- Would any of the bodies be described as following a 'feminist' agenda? No.
  - o Briefly explain the reasoning behind your answer.

Some of the NGO members and the independent expert members of the Council are feminists. Nobody in the Equal Treatment Authority or the Justice Office has demonstrated a "feminist" approach, though some decision-makers in the latter do recognise a strong gender aspect in domestic violence. In this field, the Justice Office also cooperates with feminist NGOs active in this theme, in the form of organising trainings for their own staff lawyers with the NGO experts.

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<sup>70</sup> EBHTT/10.007/10/2007.

<sup>71</sup> EBHTT/384/2/2008.

<sup>72</sup> NGO's have already in 2002 suggested a strong placement of gender machinery, see the Shadow Report to the CEDAW Committee in 2002: [http://www.nane.hu/egyenesulet/mediafigyelem/cedaw\\_angol.pdf](http://www.nane.hu/egyenesulet/mediafigyelem/cedaw_angol.pdf).

- If yes, then indicate which vision of gender equality (equality through sameness, equal valuation of different contributions, or transformation) fits best.
- Are there other policy groups relevant to gender equality that are embedded in particular departments, but which are not usually known as gender machinery e.g. domestic violence group within the home affairs or justice department? If yes, when was it set up, what does it do, what are its resources?

The Group for drafting a National Action Plan on domestic violence is just being set up in these very weeks by the Ministry of Social Affairs and Labour. Resources are not known yet. The Group will comprise ministries, the judiciary, the police, the prosecution and NGO experts active in the field. The same ministry has set up Working Groups in the 6 fields of the EU Roadmap for Equality between Women and Men in 2006. The Working Groups consisted of staff of the Ministry and NGO experts active in the respective fields. Each WG has created a website on its own theme within the homepage of the Ministry.<sup>73</sup> Many of the articles there come from feminist authors, or reflect a strong gender-analysis.

- Are there any special legal institutions such as special courts to assist the implementation of gender equality laws e.g. employment tribunals, domestic violence courts?

Yes, the Equal Treatment Authority.

#### *Dedicated to gender or integrated with other equalities?*

- Is the gender equality body (enforcement or monitoring agency) integrated with machinery for other equalities issues (if so which) or for human rights? If yes,

There is no gender equality body. The issue was always integrated based on the Act on Equal Treatment. The Equal Treatment Authority was set up in 2005.

- When did this happen?
- Was the change controversial (who fought whom, allied to whom)?
- Is the division of responsibilities by function or by strand?
- Is there a separate mechanism for consulting civil society by strand, including women?

The Advisory Board of the Equal Treatment Authority is a consultation body, not only for women, but for all vulnerable groups.

- Does the equality body actively engage with the issue of intersecting inequalities (e.g. gender and ethnicity, gender and disability)? If yes, please specify the intersections that are taken into account.

Not in any visible way

- If the gender equality body is not integrated with machinery for other equality issues, does the gender equality body and any other single strand equality body actively engage with the issue of intersecting inequalities? If yes, please specify the intersections that are taken into account by each of the equality bodies.

#### *Relationship of machinery with civil society*

- Are there procedures for the consultation of women's groups in civil society by the gender or equalities machinery?
  - If so, are they routinized or occasional?

See above on the Council for Equality between Men and Women (where the answer is yes, and procedures are routinized at the moment), and on the equality body (Equal Treatment Authority; where the answer is no). In case of Working Groups it is more occasional.

## 4. Policy summary questions

### 4.1 Non-employment

Is the tax system household based or individualised?

Individualised. However, tax allowance can be applied for if both parents of at least three children have no more income per annum than the amount defined by law<sup>74</sup>.

<sup>73</sup> <http://www.szmm.gov.hu/main.php?folderID=16379>

<sup>74</sup> See Act CXIX/2005 related to the amendment of the family support system. Before 2005, according to the Act LXV/1998, families with less than three children could have applied for tax allowances (amending the Act CXVII/1995 on personal income taxes).

### Is the benefit system household based or individualised?

Household based. Family benefits are based on the number of dependants, their age and their (dis)ability, and on whether parents are single or not. In 2005 the concept of 'family consumption unit' was defined<sup>75</sup>, since when the amount of the regular social benefits are counted according to that.

### How long is it legitimate for lone parents not to be in paid work? (i.e. at what age does the youngest child reach before parent is required to be available for employment and benefit stops).

There is no special labour market programme for lone parents.

### Are there *active* labour market programmes (i.e. programmes to help people who are out of labour market back into paid employment, includes training and job placement schemes) for lone parents?

There is no special labour market programme for lone parents.

### Are there active labour market programmes for women who are returning to employment after lengthy period of time out of the labour market? Are there active labour market programmes for any other category of citizens, and if so which categories?

There is no direct labour market programme for women, but certain laws concern women indirectly, laws such as the support of the training of caretakers<sup>76</sup>, or the promotion of employment especially those who formerly took care of their children or other relatives, along with the unemployed above 50, the unemployed with first level education and young people starting out on a career<sup>77</sup>. In 2007<sup>78</sup>, the so-called START programme was extended to employers of the unemployed 50+, the undereducated people and that of caretakers who thus become eligible for tax allowances under certain circumstances.

As a result of the government programme 'Chance for the Future!', atypical forms of employment, including part time jobs and tele-work, became possibly supported by the Labour Market Fund since 2002<sup>79</sup>. The Labour Code was amended in 2004 introducing the concept of tele-work<sup>80</sup>.

The Ministry of Labour and Social Affairs rewards family-friendly workplaces since 2001. Since 2005 it is possible for those who are parental leave to work full time, if their child has reached the age of 1<sup>81</sup>. Also within the frameworks of the '100-step programme' of the socialist government, a new kind of working book, the so-called 'blue book' was introduced in 2005, the use of which can legalise previously undeclared work, including paid housework and care work, but also the work of immigrants without a work permit. Employees become covered and eligible for both pension and healthcare in case of using this book. However the Parliamentary debate on the changes did not highlight the gender aspects of the issue, the law concerns certain groups of irregular workers separately, such as cleaning ladies, child carers and gardeners, who are allowed to work up to 200 days in a year if they work for several families or work in an organisation of public utility. This means that they can become eligible for unemployment benefits already within a year, and be covered for a longer period<sup>82</sup>.

### What is the minimum amount of childcare that is provided by the state? (e.g. number of hours, no. of weeks per annum)

- Childcare: care (under 3 years)
- Childcare: pre-primary education (3 yrs- school age)

Hungary has a quite extended family support system. Since the introduction of the childcare allowance (GYES) in 1968<sup>83</sup> as well as the childcare fee (GYED) in 1985<sup>84</sup>, the whole system has undergone

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<sup>75</sup> See Act CLXX/2005 amending the Welfare Act.

<sup>76</sup> See the Act XXIV/2001 amending the Act IV/1991 on the promotion of employment.

<sup>77</sup> See Act CXXIII/2004.

<sup>78</sup> See Act XIV/2007 amending the Act CXXIII/2004.

<sup>79</sup> See act LIII/2002.

<sup>80</sup> See Act XXVIII/2004.

<sup>81</sup> See Act CXXXVI/2005.

<sup>82</sup> See Act LXXI/2005.

<sup>83</sup> Childcare allowance was introduced only for women, as per the Government Decree No. 3/1967, but made available for fathers as well in the early 80s.

several amendments. To date, both parents are eligible for a 3-year long parental leave, and since 2001<sup>85</sup> grandparents can become eligible for childcare 'leave' when the child reaches one. Since 2003<sup>86</sup>, grandparents can receive old age pension in parallel with childcare allowance. Childcare allowances are available only for those who were employed before the birth of a child, while the other insurance-based support is the maternity benefit (TGYÁS), which can be received for 26 weeks, either by birth-giving mothers, or adoptive mothers. This is the only benefit that is not available to fathers. Yet this means the greatest support for those who are or have been employed. The child-raising benefit (GYET), introduced in 1993, is available for parents of at least three children until the youngest child reaches the age of eight, with constrained possibilities for work and use of childcare facilities. Fathers, including adoptive and foster parents, are eligible for that since 1998. According to the Labour Code, since 2002<sup>87</sup> fathers (both biological and adoptive) are also eligible for a 5-day-long leave after the birth of the child, before he/she is two-months old.

The number of kindergartens and nurseries dropped sharply after transition. In spite of that the promulgation of Act XXXI/1997 was to reinforce public childcare facilities as well as to introduce the family day-care service system for cases when the number of public nurseries and kindergartens is rather scarce in a settlement (local governments are obliged by law<sup>88</sup> to set up nurseries only if inhabitants are above 10 000). However, the latter one hadn't been financially supported by the state and meant a real help only for better-off families. After 2002<sup>89</sup> these private childcare services became state subsidised, and since 2005<sup>90</sup>, as a result of the reformation of the family support system, service providers are eligible to account for certain additional costs, which indirectly raises the contribution of the state. By the same token, the childcare fee to be paid by families for these services is maximised.

For caretaking parents with disabled children a universal nursing allowance is provided. The allowance can be used by caretaking grandparents who are allowed to receive pension in parallel with that since 2006.<sup>91</sup> Prior to 1996 and after 2006, parents on leave could receive it in addition to the childcare allowance.<sup>92</sup> Child-raising benefit can be received together with nursing allowance only since 2006.<sup>93</sup> The nursing allowance is equal to the minimum old age pension; however, in 2005<sup>94</sup> the amount was raised by 30 % for those who take care of most seriously disabled children.

Family allowance was introduced in 1912<sup>95</sup>, and its real value was gradually increased from 1950 until 1990.<sup>96</sup> It was reformed by the Act XXV/1990 and became means-tested in 1995<sup>97</sup>, except for those raising three or more children or disabled children. It became universally available again after 1998<sup>98</sup> but only for those raising children younger than 6 (instead of as previously, parents with a child under 16), or for those raising disabled children. In 2002<sup>99</sup> the eligibility constraints were amended again and parents with children of school age and younger than 20 (after 2004<sup>100</sup> the threshold was raised to 23 years) became eligible for family allowance. In 2005<sup>101</sup> the allowance was doubled within the framework of the family system reform.

Poor families are eligible for additional childcare benefits, namely the regular and the irregular child protection allowance, the former of which was abolished in 2005; however, the in-kind support of regular child protection benefit remained receivable.

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<sup>84</sup> Childcare fee was introduced for employed women by the Labour Council Decree No. 3/1985 and extended to fathers by the Labour Council Decree No. 5/1986.

<sup>85</sup> Act XII/2001.

<sup>86</sup> Act IV/2003.

<sup>87</sup> Act LIII/2002.

<sup>88</sup> Act XXXI/1997.

<sup>89</sup> Act XXXIII/2002.

<sup>90</sup> Act CXXVI/2005.

<sup>91</sup> Act CLXX/2005.

<sup>92</sup> Act CXXXVI/2004.

<sup>93</sup> Act LXV/2006.

<sup>94</sup> Act CXXXVI/2004.

<sup>95</sup> It was introduced for the first time in Europe.

<sup>96</sup> 40 % of the average net income could be received after two children.

<sup>97</sup> Act CXXII/1995.

<sup>98</sup> Act LXXXIV/1998.

<sup>99</sup> Act XXXIII/2002.

<sup>100</sup> Act CXXXVI/2004.

<sup>101</sup> Act CXXVI/2005.

Besides these some other lump sum support are available based on either childbirth or social status.

**What is the predominant form of childcare provision? i.e. public, private or mixed.**

Mixed. Before the age of 3 of a child, mostly private, later public.

**How is childcare financed (e.g. by public funds, privately or mixed)?**

Mixed. Before the age of 3 of a child, more expenses have to be covered privately than later.

**Is the pension age the same for women and men? If so, since when?**

A law was promulgated in 1997<sup>102</sup> which prescribed a gradual increase in the pension age both for women and men. However, women's pension age was to be increased from 55 to 62 by 2009 whereas men's from 60 to 62. After 2009, the pension age is planned to be raised to 65 years for both sexes.

## 4.2 Intimate citizenship

**Is abortion legal? If so, in what year did this happen?**

Yes, 1956

**Up to which week of pregnancy is abortion legal?**

12<sup>th</sup> week upon request, 18<sup>th</sup> week if legally incompetent or pregnancy not recognised, 20-24<sup>th</sup> week if there is genetic damage.<sup>103</sup>

**Are there any other conditions? If so, what are these (e.g. consent of doctor/s, counselling)?**

Yes, compulsory counselling preferably in the presence of the father.<sup>104</sup>

**How many abortions are carried out per year (select most recent year where data available. If illegal, approximately how many women travel to access abortion services in another country)?**

2006: 46324<sup>105</sup>

**Are there any restrictions on abortion for certain categories of people? (e.g. age, nationality)**

No

**Is a marriage a state based contract, religious contract or both?**

State-based since 1894, religious marriages are not recognised.<sup>106</sup>

**Is divorce legal and what are the conditions for divorcing (e.g. is mutual consent necessary / sufficient)?**

Legal, on request by either or both spouses, if family life is completely and irrevocably broken.<sup>107</sup>

**If divorce is not legal, what are the conditions for separation or annulment? -**

**Are there any restrictions to marriage other than the sex of the partners (e.g. nationality, country of origin)?**

If either party is a foreign citizen, marriage is possible only if the marriage would be possible in both of their home countries.<sup>108</sup>

**Are civil partnerships/civil unions/gay marriage legal and if so, are the legal rights the same as for heterosexual marriage? Consider the following (Yes/no+year when introduced):**

Legislation adopted and will enter into force on January 1, 2009.<sup>109</sup> All rules on marriage apply to registered partners except for joint adoption, stepchild adoption and joint surnames. Both different and

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<sup>102</sup> Act LXXXI/1997.

<sup>103</sup> 1992. évi LXXIX. törvény a magzati élet védelméről, 6. §

<sup>104</sup> 1992. évi LXXIX. törvény a magzati élet védelméről, 9. §

<sup>105</sup> Központi Statisztikai Hivatal (2007): Terhességmegszakítások: 1995–2006, p43

<http://portal.ksh.hu/pls/ksh/docs/hun/xftp/idoszaki/pdf/terhesmegsz06.pdf>

<sup>106</sup> 1894. évi XXXI. tc. a házassági jogról

<sup>107</sup> 1952. évi IV. törvény a házasságról, a családról és a gyámságról, 18. §

<sup>108</sup> 1979. évi 13. törvényerejű rendelet a nemzetközi magánjogról, 37. §

<sup>109</sup> 2007. évi CLXXXIV. törvény a a bejegyzett élettársi kapcsolatáról

same sex couples can enter into registered partnership. Only people above 18 can enter into registered partnership (marriage is possible for people over 16 with the permission of the Office of Guardians). Dissolution of registered partnership can take place outside of the court system (at public notaries) if there is mutual agreement on all issues.

Does it extend to:

- **survivors' benefits in pensions?**  
Yes, since 1996. Cohabiting couples living together for more than 10 years are entitled to survivors' benefits.<sup>110</sup> Same sex couples are recognised as cohabiting couples since 1996.<sup>111</sup> From January 1 2009, the same rules apply to registered partners as to married couples.
- **adoption rights?**  
No. Individual adoption is possible regardless of family status, but marriage as a family status is preferred.<sup>112</sup> Joint adoption and step-child adoption are available for married couples only, not for cohabiting couples or registered partners.<sup>113</sup>
- **parental leave?**  
Yes, from January 1, 2009.
- **assisted reproduction?**  
Not clear. Currently assisted reproduction is available for married couples and cohabiting couples of different sex.<sup>114</sup> The Act on Registered Partnership declares that all rules applying to married couples should apply to registered partners unless there is an explicit exception in the law. As opposed to adoption, there is no such explicit exception provided for assisted reproduction, but this might be changed until the entry into force of the Act.
- **Family reunification – have partners the right to settle and be employed in the country where their partners live?**  
It depends. Since July 1, 2007 cohabiting partners of Hungarian or EU citizens who have lived with the partner for more than a year can be recognised as family members, however, unlike for married couples, this recognition is not automatic but has to be authorised by the authorities.<sup>115</sup> Such recognition is not available for refugees or for immigrants from non EU countries. From January 1, 2009, the same rules apply to registered partners as to married couples.

Number of registered civil partnerships, annually and in total?

Not possible yet.

#### 4.3 Gender-based violence

Has there been a national survey on gender based violence? When was the most recent one carried out? Does it include:

- Domestic violence and violence in partnerships?
- Sexual assault/violence and rape?
- Sexual harassment and stalking?
- Trafficking
- Prostitution?
- Forced marriage?
- Honour crimes?
- FGM?

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<sup>110</sup> 1997. évi LXXXI. törvény a társadalombiztosítási nyugellátásról, 45. §

<sup>111</sup> 1996. évi XLII. törvény a Magyar Köztársaság Polgári Törvénykönyvéről szóló 1959. évi IV. törvény módosításáról

<sup>112</sup> 1952. évi IV. törvény a házasságról, a családról és a gyámságról, VI. fejezet

<sup>113</sup> 2007. évi CLXXXIV. törvény a a bejegyzett élettársi kapcsolatáról, 2. §

<sup>114</sup> 1997. évi CLIV. törvény az egészségügyről, 167. §

<sup>115</sup> 2007. évi I. törvény a szabad mozgás és tartózkodás jogával rendelkező személyek beutazásáról és tartózkodásáról, 8. §

There is no regular national survey on gender based violence in Hungary. The only survey available on the topic is a onetime survey on domestic violence from 1999. This was a national representative survey on violence in the family against women and children conducted by Olga Toth.<sup>116</sup> Other comprehensive research on domestic violence looked at court cases and conducted in-depth interviews with victims (Krisztina Morvai 1998).<sup>117</sup> The 2003 Parliamentary Resolution on the prevention of domestic violence referred to statistics, but the sources remain unknown. The single annual statistics is provided by the police force on the crimes of promoting prostitution and of pandering.

#### 4.3.1 Domestic violence

What legal devices are available to prevent domestic violence? Do they target perpetrators and/or victims? (Yes/no +year when introduced). Devices could for instance include:

There is a National Strategy on Handling and Preventing Domestic Violence (see above) which stipulates the need for measures along all pillars of action against domestic violence: sanctioning and restraining perpetrators, protecting victims and preventing violence. The implementation of the Strategy is limited. Few of these actions can be seen as working in practice.

- [restraining orders](#)

Yes. 2006<sup>118</sup> (restraining and occupation orders for a wider range of crimes, not specifically for domestic violence)

- [non-molestation orders](#)

Yes. 2007<sup>119</sup> (but aggravated penalty is ruled only for former spouses, not for current ones)

- [occupation orders](#)

Yes. 2006<sup>120</sup>

- [state funded perpetrator programs](#)

No

- [other devices?](#)

Regional Crisis Management Network, hosting perpetrators as well.

What is the prevalence of domestic violence against women, in one year? (from the survey)

No annual data available.

What is the life time prevalence of domestic violence against women? (from the survey)

From the national representative sample in 1999:

22 % in case of threat;

18% for beating;

2% for rape in the family.

What is the number of incidents of domestic violence against women, in one year (from the survey)

No data available

What is the number of incidents of domestic violence reported to the police (annual)? (If not available, say so)

7522 for 2006, but several cases are not recorded even if a complaint is made; the law does not oblige the police to record all complaints

What is the number of domestic violence convictions in the courts? (If not available say so)

There is no such a crime in Hungary. Therefore statistical data on domestic violence in courts would have to be combined from different other crimes. No such data is available, primary research is needed to get it.

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<sup>116</sup> Olga Tóth (1999) *Erőszak a családban* [Violence in the Family]. TÁRKI Társadalompolitikai Tanulmányok 12. Budapest.

<sup>117</sup> Morvai Krisztina (1998) *Terror a családban. A feleségbántalmazás és a jog* [Marital violence and the Law]. Kossuth Kiadó.

<sup>118</sup> Act LI/2006.

<sup>119</sup> Act CLXII/2007.

<sup>120</sup> Act LI/2006.



What is the attrition rate for domestic violence in the criminal justice system (convictions as % of reports to police)? (if not available say so)

N.A

If there is any information on the previous questions broken down by age, class, sexual orientation, race/ethnicity etc, give it here too.

No

#### 4.3.2 Rape & Sexual assault

When was marital rape criminalized?

Marital rape was criminalised in 1997, by the Act LXXIII amending the Penal Code. However, marital rape is not named as such but as 'forced intercourse' and 'violence against indecency'.

What is the number of annually reported incidents to the police?

Marital rape is not separately regulated but criminalised under 'forced intercourse' and 'violence against indecency' in general and thus there are no disaggregated statistics for marital rape in particular.

What is the attrition rate for rape in the criminal justice system (convictions as % of reports to police)? (if not available say so)

N.A.

What is required for an act to be considered to be rape, e.g.:

- lack of consent (since when)
- physical resistance? (since when)
- Other?

Victims of rape have to prove that they resisted against sexual violence. This regulation have remained unchanged since the Penal Code<sup>121</sup> came into force.

Is any characteristic of victim or perpetrator considered relevant (e.g. age, sex), and if so which characteristic?

If the victim is under 12 or under the supervision of the perpetrator, the penalty is aggravated. Sexual violence against same sex persons is regulated separately but the penalty rates are the same. The label of 'violent sodomy against nature' was annulled by a Constitutional Court decision as late as in 2002.

#### 4.3.3 Trafficking for sexual exploitation

Has the government signed and ratified the EU convention on human trafficking (date)

Yes, in 2002.

Is trafficking primarily seen as a problem of the sending or the receiving country?

The political discourse on trafficking is not so developed that it would be defined. The working group on trafficking set up within the framework of the Roadmap 2006-2010 strategy only mentions that Hungary is usually a transit country in terms of trafficking and qualified as a sending or a receiving country only in few cases.

Are women victims of trafficking, when identified as such, given temporary/permanent residence permits? How long? (date)

According to regulations<sup>122</sup> not only women, but all victims of trafficking in persons are given temporary residence permits (which can be extended) if foreigner victim cooperate with the criminal justice authorities to discover perpetrators. The issuing of the residence permit is based on the proposal of the crime prosecution authorities. The government decree No. 1018/2008 (III.26) on the national strategy against trafficking in persons for 2008-2012 recognises that most of the victims of trafficking are women.

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<sup>121</sup> Act IV/1978.

<sup>122</sup> Act XXXIX/2001.

#### 4.3.4 Intersections

Have specialised policies and practices on gender based violence that address gender as intersecting with race/ethnicity, class, sexual orientation been developed by:

- Police

No.

- NGOs

Hungarian Women's Lobby repeatedly points out that the Hungarian government does not meet the CEDAW requirement in the case of Sz.A. v. state, when a Romani woman had suffered from forced sterilization.

European Roma Rights Centre emphasise that Romani women are especially exposed to the threat of domestic violence and hence special attention to this crime in the case of Romani women should be paid.

Habeas Corpus Working Group draws attention to the problem of violence based on sexual orientation, however, neither as a form of domestic violence, nor by pointing out the gender of the bashed homosexual persons.

- Local Authorities / government

No.

- Other

#### 4.3.5 Service provision

Are there refuges and/or sexual assault centres? (dates)

How many are there?

When was the first set up?

Are they state funded, to what extent?

The one state founded crisis centre for victims of domestic violence was operated by the Secretariat for Gender Equality, it was established in 2003 and closed down in 2004. The currently operating Light House of Salvation Army is not state-funded.

Currently there is a network of mother shelters and family shelters (9 institutions) which are not specifically meant for victims of violence but do take them. It is important to note that they do not take single women unless they come with children. This Regional Crisis Management Network is state funded.

Some refugee camps operate in the country (in Bicske, Bekescsaba, and Debrecen) and there are some information support centres on a regional level funded by the state, while legal aid non-governmental organisations are not supported from the budget<sup>123</sup>.

### CIVIL SOCIETY AND ENGAGEMENT IN POLICY MAKING

#### 5. Political system

##### 5.1 Is the state unitary or federal?

If federal, are key gender+ equality decisions made at national or provincial/local level?

Unitary

##### 5.2 To what extent and how are social partners (employers & trade unions/capital & labour) integrated in policy decisions?

The National Council for Interest Reconciliation, first established in 1988, provides the institutional framework to the social partners and the government for their tripartite negotiations and national agreements on selected labour issues. The National Council ensures the framework for the social partners to be consulted on draft economic, social, employment and other labour-related laws, as well as the underlying policies and priorities. It is also the forum for general discussions and exchange of

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<sup>123</sup> <http://www.menedek.hu/>

opinions on economic and social issues that are of national relevance and major interests for the actors in the world of work<sup>124</sup>.

#### Are there legally binding decision making processes similar to the EU framework agreements (e.g. as the Parental Leave Directive)?

Within the framework of the National Council for Interest Reconciliation, the social partners have the right to be informed, the right of opinion, and the right of consent.

The right to be informed means that the social partners are entitled to information on all economic, social and labour related issues that significantly affect the interests of employers or workers; directly or indirectly. In complying with the social partners' right to be informed, the government should respond, either in writing or verbally, to all justified queries of the social partners.

The right of opinion means that the social partners are entitled to give their opinion during the consultation process, prior to the passing of laws, regulations and administrative actions. In other words, the government makes its own decisions on economic, social and employment policies and the related regulations after consultation with the social partners and after taking into consideration their views.

The social partners' right of opinion primarily relates to economic, social and labour issues that affect strongly<sup>125</sup>, even if indirectly, the interests of employers or workers, including issues resulting from international obligations. Similarly, of priority importance are the draft laws on the annual national budget, taxes and contributions, health and the pension insurance system. The social partners also have the right of opinion during the pre-legislative consultation on social welfare administration, social provision, public finance, bankruptcy, liquidation and final settlement procedures.

The right of consent means that the government only makes decisions jointly with the social partners, and takes action with their agreement. The Labour Code lists in detail the areas where governmental and ministerial decrees can only be issued with the consent of the social partners. This list includes:

- the national, statutory minimum wage, the maximum daily working hours and the number of public days off,
- the specific rules and measures on collective redundancies due to economic reasons, with a view to maintain or even increase employment also in these situations,
- the job classification system,
- the detailed rules of the compulsory reporting on collective agreements, and their registration,
- the justified derogations from the statutory minimum wage,
- the specific provisions on employment of people with disabilities,
- the register of occupations entitling to pre-retirement,
- any other specific derogations from the general statutory rules on employment.

Additionally, the Fundamental Rules of the National Council provide the social partners with the right of consent in some other areas, such as:

- recommendations on principles and rules to be followed by the government and the social partners
- alike; such as the recommendation on the annual average wage increase in the competitive sector;
- the rules of procedure and operation of the Labour Mediation and Arbitration Service, established by the National Council, the Service's register of mediators and arbitrators, and the proposed appointment of the full time employees of the Service;

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<sup>124</sup> <http://szmm.gov.hu/main.php?folderID=16238&articleID=30381&ctag=articlelist&iid=1>

<sup>125</sup> In the framework of the National Council for Interest Reconciliation the social partners' right of opinion especially relates to drafting laws, regulations and administrative actions regarding the world of work such as the Act XXII/1992 on Labour Code, the Act LXXV/1996 on Labour Inspection, the Act XCIII/1993 on Labour Protection, the Act IV/1991 on Promoting Employment, the Act LXXVI/1993 on Vocational Training, the Act CI/2001 on Adult Training, the Act VII/1989 on Strikes, the Act LXVI/1994 on Wage Guarantee Fund and the Act XXI/2003 on European Works Councils.

- the rules of procedure and operation of an institution to promote sectoral level social dialogue and consultation, and the proposed appointment of the head of the institution.<sup>126</sup>

Would the political system be possible to describe as corporatist or neocorporatist, where hierarchically ordered trade unions and/or employer and/or other civil society organisations are institutionally incorporated in policy making?

No. Trade unions have not any great political influence in Hungary today.

What is the gender composition in the decision making process of agreements made by the social partners (if there are any such agreements)?

The National Council for Interest Reconciliation is composed by trade unions, employers' representatives and the Ministry for Labour and Social Affairs, and occasionally other Ministries as well. Since the former organisations are usually presided by men, even if Social and Labour Ministers are tending to be composed by women, men are overrepresented in the decision-making processes.

**5.3 In which policy environment (ministry) is a decision on the issue predominantly made (for each area: general gender equality policies; non-employment; intimate citizenship; gender-based violence)?**

General gender equality: Social and Labour Affairs Ministry

Non-employment: Social and Labour Affairs Ministry

Intimate citizenship: Ministry of Justice and Law Enforcement, Ministry of Health, Constitutional Court

Gender based violence: Ministry Social and Labour Affairs, Ministry of Justice and Law Enforcement

#### 5.4 Political cleavages

Is the state consociational or not, i.e. are there major internal divisions (ethnic, language, religion etc) where neither of the groups form a majority while, at the same time, the political regime can be considered to be stable?

No

What are the main existing salient political cleavages within the state, and on what dimension (e.g. language, region, religion, nationality)?

Hungary is relatively homogenous along these line; however, a parallel system of minority government exists.

#### 5.5 International obligations and links

When, if at all, was CEDAW signed?<sup>127</sup>

Hungary signed CEDAW on 6 June 1980 and ratified it on 22 December 1982. It signed and ratified the optional protocol on 22 December 2001.

When did the country join the EU?

2004

### 6. Political Representation

#### 6.1 The development of women's political representation, including:

- Date of female suffrage<sup>128</sup>

See the answer to the following question.

- Note any caveats, e.g. age, property qualification, ethnicity, and when removed.

The Act IV-V/1848 law on suffrage abolished the privilege of the nobility and in the name of equality gave right to vote to all men with 'appropriate' qualifications, property and place of living. The same act repealed the voting right of all noble women. A restricted female suffrage was given for the first time in 1918-1919 (during and following the short Communist intermezzo in Hungary): only those women could vote who could read and write in one of the languages of the country, who were above 24, and who had been Hungarian citizens for at least 6 years. Major restrictive laws were passed in 1925, raising the age limit to 30 years for women and repealing the right to vote for those living in rural smaller settlements. In 1938, when although the age limit was 26 for both women and men, women's

<sup>126</sup> [http://szmm.gov.hu/main.php?folderID=16244#\\_ftn1](http://szmm.gov.hu/main.php?folderID=16244#_ftn1)

<sup>127</sup> See <http://www.un.org/womenwatch/daw/cedaw/states.htm>

<sup>128</sup> See Inter-Parliamentary union (IPU) website: <http://www.ipu.org/wmn-e/world.htm>

rights to be elected were constrained. In 1945, suffrage was extended to everybody regardless of gender, education and living place. The age limit was decreased to 20 for both sexes. In the dictatorial regime in-between suffrage of both the male and female population was restricted to the same extent, according to the ideological conceptions of the regime<sup>129</sup>.

- **Date of male suffrage**

The 1874 Act on Suffrage extended the right to vote to all men who were born or naturalised citizens of the state, were above 20 and paid certain amounts of tax or had certified education. Under this law, women did not qualify for suffrage, neither based on education nor based on taxes paid. In 1918-1919 men above 21, meeting the education and citizenship conditions could vote. Suffrage was restricted based on education, age, property and place of living in-between the two World Wars. Universal suffrage was introduced in 1945. From 1947, though suffrage was universal, the vote could only be given to one political party. Universal free elections take place in Hungary since 1989.

- **Use of quotas<sup>130</sup>**
  - **When introduced**
  - **What form e.g. party, electoral, constitutional**

In Hungary there are no nationally devised system of constitutional, electoral or party quotas for women. One political party has introduced quota for women: the Socialist Party has a 20% quota, but is has not been observed. Two liberal party representatives proposed the introduction of a compulsory 50 % quota for women among the candidates of parliamentary parties in 2007<sup>131</sup>, but the parliament, against a strong NGO approval, refused the bill.

- **What is the numerical representation of women in parliament? (over QUING period)**  
10.6% (for the Parliament elected in 2006)

- **Was the increase in women's representation a gradual increase since suffrage, or were there any key turning points? E.g. quotas, 1989.**

Prior to 1989, there was a one party system in which representatives to the Parliament were chosen along the peculiar principles of the system. Implicit quotas were enforced for workers and for women. The proportion of female MPs ranged around 17 %, but in the 70s and 80s the number rose to 25-30 %. This proportion has decreased massively after 1989. The proportion of women in the democratic Hungarian Parliament can be seen as growing very slowly but all in all as relatively stagnant since 1989 with 7.3% in 1990, 11.1% in 1994, 8.3% in 1998, 9.1% in 2002 and 10.6% in 2006.

- **Other important developments**

Klara Ungar was the first Hungarian politician to come out as a homosexual. The lesbian, liberal MP came out on march 5 2005. The first gay politician came out on July 5, 2007: Gabor Szetey, the state secretary for HR in the public sector of the PM..

## **6.2 Political representation for intersecting inequalities:**

- **Class (e.g. was male suffrage granted in stages with property qualifications; representation in parliament)**

Yes, property qualifications were only removed in 1945, while in the 1919 election only trade union and party members had right to vote. "Non-proletarians" were excluded.

- **ethnicity/religion (what exclusions and when; numerical representation in parliament)**

A certain numerus clausus was introduced in 1938 against Jews.

- **Other important intersecting inequalities, any quotas**

Age quotas are in force for voting, however before 1953 the age limits were much higher than today (18 years compared to 20-24-26-30 years). Today the Socialist Party has an age quota as well.

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<sup>129</sup> Andrea Peto. 2008. *Women's and men's history in Hungary in the long 20<sup>th</sup> century*. Budapest: Ministry of Social and Labour Affairs. pp. 99-104.

<sup>130</sup> See IDEA: <http://www.idea.int/gender/index.cfm>

<sup>131</sup> Bill 3066/2007.

The 1925 law on suffrage gave voting rights to women regardless of education if they had three or more children, or if they were economically independent.

Election rights were restrained in 1947 according to political conviction, when the “active participants” of the former regime were not allowed to vote.

### 6.3 Political parties and gender

- Does women’s political representation vary by Party;
  - if so, do these Parties tend to represent different class, ethnic, religious or other interests?

Yes there is variation along party lines with more women MPs representing relatively consistently the socialist and the liberal parties and less women MPs among the right wing conservative parties. There are no clear class, ethnic or religious interests represented by these parties other than the conventional division along the lines of left and right wing politics.

- What is the current Party / Parties in Government:
  - With which European Parliament political group is this Party / Parties affiliated?<sup>132</sup>

The current government of the Socialist Party is a minority government (since April 2008). The former coalition was composed of the Socialist Party and the Free Democrats (liberal) party. They are part of the European Socialist Party and the European Liberal Democrat and Reform Party respectively.

- What political party / parties have held office during 1995-2007?

1994-1998 Coalition composed of the Socialist Party and the Free Democrats (liberal) party

1998-2002 Coalition composed of Fidesz - Hungarian Civic Union, Hungarian Democratic Forum, and Independent Small Holders Party

2002-2008: Coalition composed of the Socialist Party and the Free Democrats (liberal) party

2008-: Socialist Party compose the minority government

[Main European Political Parties \(each footnote provides a link to party’s website where you can find their national political party members\)](#)

European People’s Party (EPP): Centre right Christian democrats and conservatives. The largest group in the European Parliament with 277 members.<sup>133</sup>

Party of European Socialists (PES): Social democrats, democratic socialists. With 218 members the PES’s socialist group is the second largest group in the.<sup>134</sup>

European Liberal Democrat and Reform Party (ELDR): Liberal democrats and centrist, the ELDR is the third-largest political party represented.<sup>135</sup>

European Free Alliance (EFA): Pro devolutionists, independence<sup>136</sup>

European Green Party: Greens, ecologists, environmentalists<sup>137</sup>

### 6.4 Representation in government

- What percentage of government Ministers are female?<sup>138</sup>

2 out of 14, which is 14 % (a few months ago it was 20%).

- To which Ministries do female ministers belong?

Social and Labour Affairs Ministry, and Foreign Ministry (before April 2007, Health Ministry)

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<sup>132</sup> See list of EP political groups: [http://www.europarl.europa.eu/groups/default\\_en.htm](http://www.europarl.europa.eu/groups/default_en.htm)

<sup>133</sup> [www.epp.org](http://www.epp.org)

<sup>134</sup> [www.pes.org](http://www.pes.org)

<sup>135</sup> <http://www.eldr.org/>

<sup>136</sup> <http://www.e-f-a.org/>

<sup>137</sup> [www.europeangreens.org](http://www.europeangreens.org)

<sup>138</sup> See IPU: <http://www.ipu.org/wmn-e/world.htm>

## 7. Civil Society

### 7.1 Gender

Is there one (or more than one) national organisation that coordinates feminist and women's organisations.

There are three:

- The Hungarian Women's Lobby (HWL; an umbrella organisation of independent women's organisations throughout Hungary; 48 members)
- The Hungarian Council of Women (legally the continuation of the same organisation from before the transition, with member organisations throughout Hungary, 45 members)
- The Independent Women's Alliance (conservative umbrella of organisations, also a member of the Hungarian Women's Lobby, 18 members)

If so,

- o is this the same as the body which is affiliated to the European Women's Lobby?

The Hungarian Women's Lobby is affiliated with EWL

- o when was it established?

2003

- o how many organisations are affiliated to the national body?

48

- o how many women are so coordinated?

No data

- o How many staff work for the organisation (how many paid, how many unpaid)?

No paid staff. More or less active volunteers (depending on task and time of year): approximately 5

- o What is its budget?

About EUR 2000

- o What is its range of activities (are these in an annual report)?

Mostly lobbying activities, representation of the HWL in public bodies, such as the National Council for Equality between Women and Men, public education, and information distribution among members within Hungary and about the issues and activities in Hungary for other countries. Last activity report was completed in 2005, reports on 2006 and 2007 will be published around May 2008.

- o Does the national body engage with all or only some of our 3 issues

All

- o Are there national coordinating organisations for feminist/women's activities in: employment/non-employment; gender based violence; and intimate citizenship (if so name them)?

No. There are not enough thematic organisations to coordinate and there are insufficient human resources at the HWL to initiate joint actions. There is one organisation within the network leading advocacy work in GBV (NANE Egyesület) and another one doing the same in the field of sexual and reproductive rights (PATENT). There is no organisation engaged specifically in intimate citizenship issues, LGBT marriage and partnership issues within the network. Several organisations pursue employment issues, but there is no coordinating organisation among them.

## List the key women's / feminist civil society organisations and their main methods / activities

**Note:** to the question of importance, the answers judge the very significance of the issue these organisations articulate, promote, and comment, and not their weight in policy debates.

In alphabetical order:

ANYAHAJÓ Kulturális Egyesület (MOTHERSHIP Cultural Association) [www.tusarok.org](http://www.tusarok.org)

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning: Yes, (critical commentaries to social debates, advocacy)
- lobbying state
- service provision
- research
  - Are they important or marginal to national politics? Important
  - Are they centralised or dispersed? Centralised

Cordelia Alapítvány a Szervezett Erőszak Áldozataiért (Cordelia Foundation for the Victims of Organised Crime)

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning (critical commentaries to social debates, advocacy)
- lobbying state
- service provision: Yes
- research
  - Are they important or marginal to national politics? Marginal
  - Are they centralised or dispersed? Centralised

Euconsult Foundation (Euconsult Foundation) ([www.euconsult.hu](http://www.euconsult.hu))

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning
- lobbying state
- service provision: Yes
- research
  - Are they important or marginal to national politics? Important
  - Are they centralised or dispersed? (none in the sense that it is one of the few non-capital city based organisations, serving primarily one specific region of the country)

FIONA Alapítvány (FIONA Foundation) [www.fiona.org.hu](http://www.fiona.org.hu)

- Building autonomous institutions
- Public protest e.g. demonstrations: Yes
- Campaigning: Yes
- lobbying state
- service provision
- research
  - Are they important or marginal to national politics? Important
  - Are they centralised or dispersed? Centralised



#### Habeas Corpus Munkacsoport (Habeas Corpus Working Group)

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning: Yes
- lobbying state: Yes
- service provision
- research
  - Are they important or marginal to national politics? Important
  - Are they centralised or dispersed? Centralised

This organisation had a tangible impact on policy debates in certain fields of equality policies.

#### IGEN Egyesület (IGEN Association)

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning: Yes
- lobbying state
- service provision
- research
  - Are they important or marginal to national politics? Important
  - Are they centralised or dispersed? Centralised

#### JÓL-LÉT Közhasznú Alapítvány az egyének és a közösségek tartós harmóniájáért (WEL-FARE Public Foundation for the Lasting Reconciliation of Individuals' and Communities' Interests)

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning: Yes
- lobbying state
- service provision: Yes
- research
  - Are they important or marginal to national politics? Important
  - Are they centralised or dispersed? Centralised

#### Közéleti Roma Nők Egyesülete (Association of Public Figure Roma Women)

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning: Yes
- lobbying state
- service provision: Yes
- research
  - Are they important or marginal to national politics? Important
  - Are they centralised or dispersed? Dispersed

It is one of the few organisations pursuing the cause of Roma women.

#### Labrisz Lesbikus Egyesület (Labrisz Association for Lesbians)

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning: Yes
- lobbying state
- service provision
- research
  - Are they important or marginal to national politics? Important
  - Are they centralised or dispersed? Centralised (to become dispersed)

#### Magyar Nők Szövetsége (Hungarian Women's Alliance)

- Building autonomous institutions
- Public protest e.g. demonstrations

- Campaigning: Yes
- lobbying state: Yes
- service provision
- research
  - Are they important or marginal to national politics? Important
  - Are they centralised or dispersed? Dispersed

Magyar Női Érdekvégyesítő Szövetség (Hungarian Women's Lobby, HWL) [www.noierdek.hu](http://www.noierdek.hu)

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning: Yes
- lobbying state: Yes
- service provision
- research
  - Are they important or marginal to national politics? Important
  - Are they centralised or dispersed? Dispersed

MINők Magyar Internetező Nők Egyesülete (MINŐK Association for Hungarian Female Webusers) [www.minok.hu](http://www.minok.hu)

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning: Yes
- lobbying state
- service provision: Yes
- research
  - Are they important or marginal to national politics? Important
  - Are they centralised or dispersed? Dispersed

MONA - Magyarországi Női Alapítvány (MONA – Hungarian Women's Foundation)

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning
- lobbying state
- service provision: Yes (training courses)
- research: Yes
  - Are they important or marginal to national politics? Important
  - Are they centralised or dispersed? Centralised

Mozgalom a Prostitúciómentes Magyarorszáért (Movement for Prostitution Free Hungary)

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning: Yes
- lobbying state: Yes
- service provision
- research
  - Are they important or marginal to national politics? Marginal
  - Are they centralised or dispersed? Centralised

MSZOSZ Női Választmánya (Female Representatives of MSZOSZ)

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning
- lobbying state: Yes
- service provision
- research
  - Are they important or marginal to national politics? Marginal
  - Are they centralised or dispersed? Centralised

NANE Egyesület (NANE Association) [www.nane.hu](http://www.nane.hu)

- Building autonomous institutions
- Public protest e.g. demonstrations: Yes
- Campaigning: Yes
- lobbying state: Yes
- service provision: Yes
- research
  - Are they important or marginal to national politics? Important
  - Are they centralised or dispersed? Centralised

PATENT Egyesület (PATENT Association) [www.patent.org.hu](http://www.patent.org.hu)

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning: Yes
- lobbying state: Yes
- service provision: Yes
- research
  - Are they important or marginal to national politics? Important
  - Are they centralised or dispersed? Centralised

SEED Foundation for Small Enterprise Economic Development [www.seed.hu/english](http://www.seed.hu/english)

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning
- lobbying state
- service provision: Yes
- research: Yes
  - Are they important or marginal to national politics? Important
  - Are they centralised or dispersed? Centralised

Szex Edukációs Alapítvány (Sex Educatio Foundation)

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning: Yes
- lobbying state
- service provision: Yes
- research: Yes
  - Are they important or marginal to national politics? Marginal
  - Are they centralised or dispersed? Centralised

Veszprémi Nők Kerekasztala (Roundtable of Veszprém Women) [www.venoke.hu](http://www.venoke.hu)

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning: Yes
- lobbying state
- service provision: Yes
- research
  - Are they important or marginal to national politics? Marginal
  - Are they centralised or dispersed? Centralised (grassroots organisation tied to one single locality)

Nőtárs Alapítvány (Woman Companion Foundation) [www.notars.hu](http://www.notars.hu)

- Building autonomous institutions
- Public protest e.g. demonstrations
- Campaigning: Yes
- lobbying state
- service provision: Yes
- research

- Are they important or marginal to national politics? Marginal
- Are they centralised or dispersed? Dispersed

### List the key anti-feminist organisations and their main methods/ activities?

- The Parliament: legislation or lack of legislation (e.g. VAW, gender-quota)
- Some ministries: lack of support for legislation (especially on issues of VAW)
- Chamber of Medical Doctors, especially gynaecologists (violently opposing home-birth and other alternative birth forms, and any basically change that could result in the empowerment of women)
- Alpha Alliance for the Protection of Unborn, New-Born Babies, Children and Families (anti-choice organisation, generally not loudly anti-feminist, except when the issue of changing the law on abortion comes up)<sup>139</sup>: campaigning, lobbying, service provision for/against women and girls with unwanted pregnancies including a 24 hour helpline (may also be helpful in cases) and filing civil cases against young pregnant girls on behalf of the foetus.
- Nagycsaládok Országos Egyesülete (National Association of Large Families): lobbying for one single model of family and advocating for conservative family, marriage, and reproductive norms
- Association of Divorced Fathers<sup>140</sup>: lobbying, legal and counselling service provision in child custody cases. Does not distinguish between violent and non-violent fathers.
- Churches (with occasional campaigns for heterosexual family, marriage and reproduction norms, and permanently advocating traditional gender roles in the domestic sphere).

It is difficult to measure to what extent the NGOs are influential, because the state bodies are overwhelmingly sexist and anti-feminist, therefore it may just be the case that anti-women NGOs need not be especially strong to be successful with lobbying.

### Are there any men's groups / organisations that are supportive of women's / feminist organisations?

One group exists altogether, called "Stop male violence against women"<sup>141</sup>, and it is supportive.

### Women's / feminist organisations in civil society

- What are the major distinctions in civil society between different types of organisations/projects e.g. feminist, pro-family etc.?  
  - Explicitly feminist or not (mostly not)
  - Questioning or promoting and/or accepting traditional gender roles
  - Actively engaging in lobbying and/or advocacy (besides other activities) or not (latter mostly providing continuous or ad-hoc social service-type counselling and/or support)
  - Women's human rights based or not
  - Having or lacking (or being silent about it) a critical gender-analysis of the issues

- Do women's organisations actively engage with other intersecting inequalities (in each area?)

Some organisations do, but not with all other intersecting inequalities. E.g. there are women's organisations that cooperate with LGBT NGOs, disability rights NGOs, environmental NGOs, or NGOs that took up the issue of discrimination based on having small children. These are usually ad-hoc cooperation mainly around campaigns. The Hungarian Women's Lobby has member organisations that represent intersecting inequalities, and refers to intersecting inequalities in its statutes, however, the EWL as an organisation has not been very active with any intersecting inequalities. The problem feminist women's NGOs face is that this engagement is often not reciprocal: the lobbying efforts are often not supported by NGOs working in the fields of other inequalities.

- Do they have good alliances with those representing other inequalities or not? (in each area)

Rarely

<sup>139</sup> [www.alfaszovetseg.hu/](http://www.alfaszovetseg.hu/)

<sup>140</sup> [www.elvaltapak.hu/](http://www.elvaltapak.hu/)

<sup>141</sup> <http://www.stop-ferfieroszak.hu/home.html>

- Are there alliances between women's / feminist organisations and men's groups (if these exist in your country)?

There is only one known men's group which is an ally to feminist causes.

- Are there many organisations of minoritised women? (in each area)

Not many, but maybe more than we know of. For example, it is possible that there are more than 2-3 Roma women's NGOs, but only this many are visible. According to the Act on National and Ethnic Minorities in Hungary<sup>142</sup> there are 12 national minorities and one ethnic minority group in Hungary. Besides this, many minority communities are growing, such as the Russian, the Chinese, the African and the Arab. There exists a Chinese Women's Association, and maybe other minorities have women's organisations too, but they are mostly invisible (except for the Chinese Women's Association which considers itself a cultural NGO explicitly stating that they are not interested in advocacy).

- What links are there with international? / EU level / bilateral bodies? (in each area)

In the international fora, Hungarian women's NGOs mostly have links with women's NGOs or women's umbrella organisations (such as the ASTRA Network, the WAVE Network, the WIDE Network, international professional women's organisations, etc.) in other countries. Membership in these, or in specific other groups (such as, e.g. the European Disability Forum, or international Roma organisations, etc.) is usually through membership in national umbrella organisations, if they exist. (An exception is membership in ILGA, of which the interested Hungarian NGOs are members on their own.) The reason is probably partly language problems, partly membership-fee obligations. Yet, links do function relatively well if communication is possible in English on the part of the Hungarian NGO, both through the international e-mail lists, and individually (mostly in Europe and in the U.S.).

#### General gender equality policy

European Women's Lobby  
WIDE

#### Intimate Citizenship

Centre for Reproductive Rights  
ASTRA Network  
ILGA

#### Gender-based violence

WAVE  
EWL Observatory on VAW

#### Non-employment

Certain departments of the European level confederations of trade unions and some European Works Councils.

- Is organised feminism engaged with the state, or does it follow an autonomous or separatist agenda building its own institutions? For example:
  - Is it invited to report to consultations?  
Yes, on certain selected issues.
  - Does it take money from the state?  
Normally not.
  - Is it commissioned by the state to undertake specific tasks  
At the present and in the field of domestic violence, or for participation in the delegation to the CSW session.
  - Does this vary between issue areas?  
Yes, see below
  - Has this changed over time?  
Yes, see below
  - When engaging with the state is a coalition form of organising common or not?  
Yes

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<sup>142</sup> Act LXXVII of 1993

- When engaging with the state is a coalition form of organising common or not?

Yes

“Organised feminism” can be said to exist since the formation of the Hungarian Women’s Lobby (HWL) in 2003. Before then, only about 3-4 women’s organisations were admittedly feminist (or were justly considered as such by others), and these formed alliances when needed (e.g. “reform” plans on the act on abortion in the early 1990s and in 1999/2000, or re. domestic violence).

In addition to the HWL and since 2006, ad-hoc expert groups with a feminist (or gender critical) approach have started to form that delegate participants to discussions on policy documents (e.g. in 2007 to the New Hungary Development Plan). Yet, for example when the new National Council for Equality Between Women and Men was formed in 2006, the Minister did not invite the HWL to be a member. At the same time, the Minister did invite someone from another organisation who happened to be the chair of the HWL. This is just to say that officially the HWL is still not a member of the Council, while *de facto* it is, and this is well known by the ministries participating in the Council.

It has changed over time: from being regarded as public enemies feminist, organisation increasingly came to be recognised as partners. This is probably partly due to EU requirements regarding gender mainstreaming (the expertise which was totally missing in other than feminist organisations), and partly due to the fact that more and more Hungarian NGOs (whether they consider themselves feminist or not) lobby for the same issues that previously only feminist organisations lobbied for, therefore there is growing pressure.

Regarding violence against women, both the state and one of the NGOs dealing with this field have a help-line. The NGO helpline was created in 1994, the state helpline in 2005. The NGO did not stop its service, because it considers the state helpline to be lacking the necessary women’s human rights approach. However, the same NGO cooperates with the network of shelter-places created by the same ministry (even though they also lack a women’s human rights approach), because it does not have women’s shelters of its own.

- Does it make sense to talk of a ‘women’s movement’ or not?
  - Briefly explain your answer.

There is a common view in Hungary that there is no ‘women’s movement’, only activists and active NGOs. Based on the sheer number of active organisations, the visibility of these organisations in public media, and the familiarity of the general public with their work, the categorical statement on lacunae could be sustained. If one considers the sporadic presence of gender related discussions in public debates, targeted campaigns of women’s groups in some legislative and policy actions, and the very slowly moving construction of the gender machinery in the governmental structures (the fact that the machinery is developing at all is partly due to pressure of active NGOs), one cannot easily defend the simple statement that “there is no women’s movement in Hungary”.

- Is there a tendency towards one of the three major visions of gender equality (sameness, equal valuation of difference, transformation)?

The discussion within the movement is rarely structured along these articulated concepts yet they are often reverberated in strategic visions or tactical considerations developed by civil society actors. There is no clear tendency to ally with any of these visions in general except for that the most active NGOs seem to promote the vision of transformation. In employment and family affairs, the sameness and difference visions have strong resonance, whereas in the GBV field the current NGO arena is saturated with the vision of transformation.

- Is there a preferred model of care work: support for a domestic regime or support for a public (state or market provision) regime?

The most active women’s NGOs conceive of care work as a division of labour between families and public institutions. There is no single voice on the choice between the market and the public sector but there are strong convictions following a Scandinavian welfare regime rather than an Anglo-Saxon model. Non-profit, small-scale, experimental institutions (with mixed finances) are often preferred by the feminist NGO community.

- How closely aligned is feminism with social democracy?

Difficult to measure, since the most active NGOs and activists try to keep away from party politics. Trade Unionism has drastically declined after the transformation, it has been gradually gaining back impetus in recent years, but women's groups in trade unions are marginal.

- Notes on the history of the development of gendered or feminist civil society organisations:
  - Is there a history of divisions as to where on a continuum between autonomous or close to state is most appropriate?

Under state socialism, the Hungarian Women's Council was state operated. After 1989/1990 autonomous women's organisations started to be founded. In general, they either remained autonomous, or ceased to exist. The Hungarian Women's Council maintained its name, but re-formed as independent from the socialist party, with the links gradually declining. Since the transformation, parties in Hungary have habitually created foundations and associations unofficially linked to them. (According to the law, an association must be independent from any party in order to be recognised as and "association for the public good"). However, women's organisations were mainly formed in a grassroots fashion, and maintained their independence, though there are organisations that are closer to conservative views, and therefore preferred by conservative parties, and those that are closer to the view of social democracy, and therefore preferred by non-conservative parties. This preference rarely takes the form of close links, or support, though.

- Does this vary by 4 areas (general, employment, intimate citizenship, gender based violence)?

No. The division is more visible along the lines of presence or lack of a women's rights approach. E.g. in issues of intimate citizenship and GBV, there are more difference between feminist NGOs and everybody else than there are between different service providers regardless of whether they are municipality-owned, NGO-based or religious.

- Is there a history of divisions as to: socialist, radical, liberal? Does this vary by 4 areas?

The last time there could be – because of the very existence of women's organisations – clear division along these lines in Hungary was in the early 1920s. In the last 17 years after the transition, out of these three only the "radical" can be identified in some NGOs, or on some issues (GBV, abortion).

- Is there a history of changing engagement with class, ethnic and religious forces?
  - Does this vary by 4 areas?

No.

- Is feminist research organised in Universities and research institutes? Are there named centres?

Yes, some<sup>143</sup>:

Corvinus University Budapest: Centre for Gender and Culture (since 2001)

Central European University Budapest: Department of Gender Studies, Centre for Policy Studies

Miskolc University: Gender Studies and Equal Opportunities Centre

University of Debrecen: Institute of English and American Studies, Department of British Studies, Women's Studies

University of Szeged: Institute of English and American Studies, Gender in Language Studies

TÁRKI Social Research Institute: Women's Research Bank (collection of researches and data-bases on women)

In addition to these, there are gender courses in many universities in diverse fields (philosophy, linguistics, economics, psychology, literature, law, etc.). In most universities: gender studies is not "institutionalised" yet (there are no departments, only courses).

<sup>143</sup> See further: Pető Andrea (szerk.), (2006): A társadalmi nemek oktatása Magyarországon (Teaching Gender in Hungary), Ifjúsági, Családügyi, Szociális és Esélyegyenlőségi Minisztérium, Budapest

- If yes, are they important?

This is difficult to answer: it depends on what we mean by importance. Yes they are extremely important: they slowly restructure academic thinking on gender, on women, on history, on economics, and many other fields. They provide scientific background to action in the most diverse fields: from diversity-education in schools to demands on changes in labour-market structures, to arguments on issues of GBV. They also provide experts for policy programs for a more effective implementation of gender mainstreaming for which there is hardly any expertise in the public bodies. They are especially important in this regard since the NGOs, the other possible sources for such expertise, have very limited capacities.

A problem, however, is that traditionally there is hardly any border-crossing between academia and activism, even though it is slowly changing. Thus the importance of these centres/courses is limited from the point of view of "results"; they rarely have advocacy and lobbying impacts due to the lack of sustained communication between activism and the academia.

- If not, is important feminist research primarily dispersed or mainstreamed?

- Are there specific positions, funds or journals within the country (or region e.g. Nordic)?

Feminist research is rather dispersed and no specific funds or scholarly forums are established.

- Is there a national association for women's studies/gender studies?

No

- Are there feminist lawyers' organisations?

Yes, the Hungarian Women Lawyers Association (since 2004). However they have not been very active so far, except for in discussions on the reform of divorce legislation.

- Are there radical lawyers' organisations that support justice claims for one or more of the inequalities?

No. There is one active lawyer active who takes a gender-justice approach. She works in the fields of GBV and sexual and reproductive rights. Most recently, the Budapest based international advocacy group called the European Roma Rights Centre took up the case of a Hungarian Roma woman who suffered forced sterilization and took the case to the CEDAW Committee. <http://www.errc.org/cikk.php?cikk=2136>

## 7.2 Class

A short history of the development of organisations representing class interests.

Under socialism state owned enterprises, cooperatives and private entrepreneurs were forced to join one of the existing five employers' organisations created by the regime. With the regime change however, these former state-controlled organisations reformed themselves into voluntary interest representation associations. All five organisations were successful in maintaining organisational continuity, while four other employers' associations were established in order to represent the enterprises of the emerging private sector.

Trade unions were organised in a top-bottom way during the socialist era, but became independent grassroots institutions after transition. At the same time, the union movement became fragmented, weaker and had to face the problem of a lack of funding. The self-reformed successor organisations of the monolithic trade unions of the state socialist system remained heavily politicised. Hence, on the one hand, the relationship between the six existing confederations is very tense<sup>144</sup>, while, on the other, a whole series of state interventions could determine trade unions' roles in industrial relations. Starting from the creation of the Labour Code<sup>145</sup> including the representativeness criteria which trade unions must meet in order to be recognised as a collective bargaining partner at the workplace; through the attempts by the first socialist government after transition to set the rules of representativeness for trade union side in the Interest Reconciliation Council; through the 'anti-trade union' amendments of law by the following, conservative administration (1998-2002); until the repeal thereof by the next

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<sup>144</sup> Jenő Koltay and László Neumann. 2006. In Focus. Industrial Relationin Hungary. In *Hungarian Labour Market*. Hungarian Academy of Sciences and National Employment Foundation, Budapest. pp. 27-195.

<sup>145</sup> Act XXII/1992.



socialist government in 2002, made it clear that the recognition of trade unions and the legal and economic frames<sup>146</sup> of their operation largely depend on the goodwill of the governing parties.

Hungary, similarly to the German model, has a parallel system of employees' interest representation, and next to the trade unions, a system of works councils can operate at a company level, regulated by the Labour Code since 1992.<sup>147</sup> After transition the conservative government (1990-1994) in proposing this dual system wished to separate collective bargaining at the sector level from work place level representation, exclusively practised by works councils. Trade unions were strongly against the idea, which they perceived of as jeopardising their role in the work place. Thus, the compromise finally forged at the National Council for Interest Reconciliation preserved unions' right to conclude collective agreements at company level. Yet trade unions could practice this right only if their representativeness was ensured by the seats in the works councils. By the same token, works councils became strongly tied to company trade unions because they could make use of the "social funds" provided by employers according to the collective agreements. Consequently, employees' representatives can work the most efficiently only if these two types of bodies are cooperating. However, alternating governments, partly because of political considerations, successively amend the law on workplace level representation, and at one time give more power to works councils, while at another time strengthen the rights of trade unions at the expense of works councils' rights. This results in uncertainty and some sort of division between the two parties.<sup>148</sup>

According to the 94/95/EC Directive on European Works Councils, Hungary had to pass a law on EWCs after accession. This law<sup>149</sup> was promulgated in 2003, requiring the establishment of EWCs in multinational companies headquartered in Hungary. Following EU accession (2004), Hungarian delegates became full members in the already existing EWCs as well.

**How strong are trade unions? Use the following four measures of trade union strength (Data: European Industrial Relations Observatory Online, national sources)**

- **density (proportion of workers that are organised)**

There is a lack of annual data on trade union representations, though, according to the latest assessments<sup>150</sup>, 30-39 % of workers are organised into trade unions; however their number is shrinking year by year. Moreover, a remarkable 20 % of unionised persons are already pensioners, that is, they are not in employment.

- **coverage (what proportion of workers are covered by collective bargaining agreements)**

National collective agreements concern all workers without exception. Sector level agreements, however cover primarily those employees whose interests are represented by the trade unions they are members of, and can be extended to all employees working in the sector by the Minister responsible for Labour Affairs.<sup>151</sup> A bilateral agreement can also be made on the level of an enterprise covering trade union members.

No updated data is available on coverage. Based on a former report<sup>152</sup>, in 2004 25.2 % of employees (employed by either micro, or small, or medium, or large enterprises, or public organisations) were covered by collective agreements. In the public sector the rate of that exceeds the average: it is 32.3 % in the public administration. According to gender, 27.5 % of female, while 23 % of male employees are concerned either by sector or enterprise level agreements. In the public sector these numbers are 33 % and 31.5 %, respectively.

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<sup>146</sup> For example, state regulations can affect the distribution of still state owned assets, time-off for trade union officials, tax deductibility of membership fees to be paid etc.

<sup>147</sup> Act XXII/1992 on Labour Code.

<sup>148</sup> Jenő Koltay and László Neumann. 2006. In Focus. Industrial Relationin Hungary. In *Hungarian Labour Market*. Hungarian Academy of Sciences and National Employment Foundation, Budapest. pp. 27-195.

<sup>149</sup> Act XXI/2003.

<sup>150</sup> <http://www.eurofound.europa.eu/eiro/2004/03/update/tn0403105u.htm>

<sup>151</sup> Act LI/1997 amending the Labour Code Act XXII/1992

<sup>152</sup> Jenő Koltay and László Neumann. 2006. In Focus. Industrial Relationin Hungary. In *Hungarian Labour Market*. Hungarian Academy of Sciences and National Employment Foundation, Budapest. pp. 27-195.

- centralisation of collective bargaining,
  - is there are national body of trade unions;

There is no single national body for trade unions but the six main confederations represent employees' interests in the national tripartite forum, where the minimum wage, the maximum working hours per day as well as the public holidays are determined, all within the framework of an annual national collective agreement<sup>153</sup>.

- what proportion of TU members and unions are affiliated?

Around 96 % of the unions are affiliated to the six confederations while all of the members of affiliated trade unions are represented in the National Reconciliation Forum.

- coordination of collective bargaining.
  - Does the national body of trade unions negotiate on behalf of trade unions

The six confederations: the Trade Union Cooperation Forum (Szakszervezetek Együttműködési Fóruma, SZEZ) represents 28.8%; the National Association of Hungarian Trade Unions (Magyar Szakszervezetek Országos Szövetsége, MSZOSZ) represents 25.6%; the Alliance of Autonomous Trade Unions (Autonóm Szakszervezetek Szövetsége, ASZSZ) represents 16.0%; the Democratic League of Independent Trade Unions (LIGA) represents 10.7%; the Confederation of Unions of Professionals (Értelmiségi Szakszervezeti Tömörülés, ÉSZT) represents 9.1%;, and the National Federation of Workers' Councils (Munkástanácsok Országos Szövetsége, MOSZ) represents 6.0% of the unionised workers.<sup>154</sup>

- Can it coerce or discipline member unions to enforce agreement?

Confederations have an influence on workplace level agreements to the extent that local representatives must not sign agreements with worse terms and conditions for employees than what the sector and national level bargaining agreements contain.

### Women and trade unions:

What percentage of *total* trade union membership (i.e. including unions not affiliated with national body and those that are affiliated) is female? (Use national Labour Force Survey. Website providing links to country LFS available from International Labour Organisation: <http://www.ilo.org/dyn/lfsurvey/lfsurvey.home>)

There is no gender segregated data available for trade unions that are not affiliated to the national confederations (and even not for the trade union ÉSZT). As for the biggest trade unions approximately 50 % of their total membership was female in 2003.<sup>155</sup>

How are women organised in trade unions and the central trade union body (e.g. caucuses, separate branches, fully integrated)?

There is no national or sector level organisation for women in the world of work. Out of the six trade union confederations only the *National Confederation of Hungarian Trade Unions* (MSZOSZ) has a Women's Committee, while only one Women's Commission is organised within the *Trade Union Alliance of Metal Industry Workers*. These institutions focus on the promotion of women's equal opportunities. Yet they have little influence over the agenda setting in the tripartite fora.

More working women than working men are unionised: according to 2004 data 18.7 % of women and 15.3 % of men are union members.<sup>156</sup>

What proportion of women are in the executive of (major) trade unions?

Women are very much underrepresented in the executive boards of trade union confederations, except in the MSZOSZ and the SZEZ, the latter organises public sector employees among whom women are overrepresented. In the MSZOSZ the vice president, the president of the Women's Committee, the president of the Economic Control Committee and the president of the Pensioners' Committee are women.

<sup>153</sup> <http://www.szmm.gov.hu/main.php?folderID=16244>

<sup>154</sup> <http://www.eurofound.europa.eu/eiro/2004/03/update/tn0403105u.htm>

<sup>155</sup> <http://www.eurofound.europa.eu/eiro/2004/03/update/tn0403105u.htm>

<sup>156</sup> Jenő Koltay and László Neumann. 2006. In Focus. Industrial Relationin Hungary. In *Hungarian Labour Market*. Hungarian Academy of Sciences and National Employment Foundation, Budapest. pp. 27-195.

### Is gender equality high or low on the bargaining agenda?

Gender equality is low on the agenda. It is always thought to be a question of less relevance (if admitted as an issue at all), compared to questions like annual wage increase, provision of social benefits, working hours, etc. There are no formal agreements on gender issues or equal opportunities in general between employers' and employees' representatives. On the level of a firm it occurs, though, that the importance of promoting women's labour status is recognised. This usually happens within the framework of developing social responsibility policies in larger companies.

### Is it seen as an issue for women, or for all trade unionists?

Further research should be carried out to define who is more devoted to the issue, however, relying on an interview conducted with the vice president of the Women's Committee of MSZOSZ<sup>157</sup> mostly women are active in this field.

### How well organised are employers?

#### Do they have a single (or more) national organisation?

#### Is it powerful or not? E.g. can it control its members?

To date, employers have nine major confederations, all participating in industrial relations negotiations. However "classical" industrial relations play a rather unimportant role in their activities. According to Koltay's and Neumann's research<sup>158</sup> negotiations and collective bargaining with trade unions are only a marginal concern for these organisations. As a legacy of the socialist system the five employers' associations, which existed before transition, had considerable assets, staffing and continuous revenues from membership dues. Hence, what these organisations did was partly the continuation of their market related services in a new form, and partly finding their places in interest representation rather against the state. The new employers' organisations were not set up to challenge trade unions but to represent political interests as well as the business interests of particular groups of businesses.

Affiliated employers' organisations enjoy a fairly substantial autonomy and therefore operate independently of their peak associations. The emphasis of employers' interest representation is at the level of the affiliates rather than at the confederations' level. This is underlined by the fact that in the course of collective bargaining confederations lack of formal powers over their affiliates.

According to Act CXXI/1999 economic chambers shall not fulfil occupational, employer and employee interest representation and hence do not participate in formal negotiations, Yet chambers openly claim to represent business interests. Two organisations, namely the American Chamber of Commerce in Hungary and the Hungarian Chamber of Commerce and Industry, are quite active in important economic policy issues and in assuming interest representation.

### Are they indifferent or hostile to gender equality in the workplace?

They are rather indifferent, not very much involved in these questions.

### Do they oppose the development of gender machinery, gender equality policies and gender equality laws?

Further research is needed to answer this question.

### Do they support 'diversity management'? (e.g. policies that emphasises the gains associated with the promotion of diversity in the organisation, in contrast to an emphasis on equality / equal opportunities).

Further research is needed to answer this question.

### Did they lobby for a merged rather than separate equalities bodies?

Employers' organisations are not really active in this field. Hence they did not lobby for a merged body or separate equality bodies.

### Are there tri-partite or corporatist bodies including employers, trade unions and government that make important national decisions?

The tripartite body of the National Council for Interest Reconciliation (Országos Érdekegyeztető Tanács, OÉT) was established in December 1988. However, after the political changes in 1990, a new

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<sup>157</sup> Mrs. Volgyi, Judit.

<sup>158</sup> Jenő Koltay and László Neumann. 2006. In Focus. Industrial Relationin Hungary. In *Hungarian Labour Market*. Hungarian Academy of Sciences and National Employment Foundation, Budapest. pp. 27-195.

body, the Interest Reconciliation Council (Érdekegyeztető Tanács, ÉT), was created with more participants and broader competence. It was the initiative of the first democratic government,

Over the years, the role and the scope of tripartite cooperation at national level, along with its institutional framework, have varied considerably. The main current forum, the National Council for Interest Reconciliation (Országos Érdekegyeztető Tanács, OÉT), was re-established in July 2002, while a separate tripartite forum, namely the National Council for Interest Reconciliation in Public Services (Országos Közzolgálati Érdekegyeztető Tanács, OKÉT) was set up in December 2002. The social partners, in the framework of both the OÉT and the OKÉT are granted the right to be informed, the right of opinion, and the right of consent.

#### Are women represented in such bodies?

Although the National Council for Interest Reconciliation has an Equal Opportunity Committee representing the interests of all vulnerable social groups (including women) in the labour market, women are represented only as individuals in the Council.

#### Are there EU, bilateral or other international level links for either trade union or employer organisations?

At the European level the interests of national employers' confederations are mainly represented through membership of the Union of Industrial and Employers' Confederations of Europe (**UNICE**) in the case of confederations of general scope or, in the case of confederations representing the interests of SMEs, the European Association of Craft, Small and Medium-sized Enterprises (UEAPME). Employers' organisations with a sectoral ambit are often members of the relevant European sectoral employer/business federations. The case of Hungary is quite unusual, in that employers have decided to coordinate all of their bilateral and multilateral activities at the European level together. In January 1999, all employers' institutions created the Confederation of Hungarian Employers' Organisations for International Cooperation (Magyar Munkaadói Szervezetek Nemzetközi Együttműködési Szövetsége, CEHIC), which can coordinate relations with the EU as well as with the European and international economic and employers' organisations.<sup>159</sup>

As for employees' organisations, not only trade unions have international relations (mainly with ETUC and ITUC) but according to the Directive 94/95/EC on European Works Councils the established European Works Councils can be joined by the Hungarian works' councils following accession.

The National Council for Interest Reconciliation has a National ILO Council dealing with international labour issues and tripartite negotiations.

#### Are these links important (e.g. in lobbying government at national level)

Further research should be carried out to decide. Based on several interviews conducted in the Hungarian service sector<sup>160</sup> international links appear to be of importance in interest reconciliation to employees if their representatives, through informal relations, can cooperate with trade unionists of parent companies in foreign countries. Yet the cooperation primarily focuses on the issues of wage increase or social benefits rather than equality questions.

Based on the interviews, since European Works Councils operate based on the number of employees represented, the usually smaller representation of Hungarian workers does not motivate people to participate more actively in the EWCs.

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<sup>159</sup> <http://www.eurofound.europa.eu/eiro/2003/11/study/tn0311101s.htm>

<sup>160</sup> Within the framework of the research project "How transferable is the French social model?"

### 7.3 Other intersecting social inequalities

#### 7.3.1 Ethnicised / racialised groupings

What is the composition of the national population by ethnicity?

Official statistics<sup>161</sup>

Hungarian	9 416 045
Local minorities	314 060
Roma	190 046
German	62 233
Croatian	15 620
Slovakian	17693
Others (below 10 000)	28 468
Foreign minorities	16 081
Refused to answer / no answer	543 317 / 27 220
Total	10 198 315

Estimates<sup>162</sup>

Roma: 2003: 520 000-650 000

What are considered to be the most important ethnicised, racialised, and linguistic divisions politically (e.g. Roma/non-Roma, Black/White, citizen/migrant, language communities)? Roma-non-Roma  
Is ethnicity considered to be intersected by religion (e.g. Islamic/non-Islamic)? No.

Prioritise the ones that have been the most important in the development of gender+ equality policies. Roma women have recently been identified by NGOs as an important intersecting category, this, however, has not been transported to official policy documents. Some documents by the Hungarian Women's Lobby contain reference to the status of Roma women.<sup>163</sup> The European Roma Rights Centre published their own shadow report to the 6<sup>th</sup> CEDAW report on the situation of Roma women in particular.<sup>164</sup> Hungarian MEPs (especially Roma women MEP Livia Járóka) were influential in preparing the first EP report on the Situation of Roma women in the European Union.<sup>165</sup>

What is the citizenship status of (all or part) of each of the minoritised groups (e.g. do any groups lack the right to political participation, employment, residence, social security benefits, or visit)?

No significant minority group lacks citizenship rights.

In what way are ethnicised and racialised groups organised? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

The law on minorities<sup>166</sup> makes it possible for ethnic and national minorities to elect minority self-governments. In 2006, 233 minority organisations registered, and 213 put forward candidates.<sup>167</sup> 2045 minority self-governments were elected in 1435 settlements, Roma (1118) and German (378) minorities took the lead.<sup>168</sup> Local minorities' self-government can elect county-level and national-level self-governments. For the Roma there are two larger associations that are represented in the national

<sup>161</sup> Népszámlálása 2001: Nemzetiségi kötődés – A nemzeti, etnikai kisebbségek adatai  
<http://www.nepszamlalas.hu/hun/kotetek/04/tartalom.html>

<sup>162</sup> Based on representative survey published in Kemény István (2004): A magyarországi cigány népesség demográfiája. *Demográfia*, 2004(3-4), pp335-346.

<sup>163</sup> A Magyar Női Érdekérvényesítő Szövetség bírálata és javaslatai az antidiszkriminációs törvényhez  
<http://habeascorpus.hu/allaspont/kritika/antidiszkr.2003.11.28.pdf>

<sup>164</sup> Written Comments by the European Roma Rights Centre concerning Hungary for consideration by the United Nations Committee on the Elimination of Discrimination against Women at its 39th Session (July 2007).  
<http://www.errc.org/db/02/55/m00000255.pdf>

<sup>165</sup> The situation of Roma women in the European Union  
<http://www.europarl.europa.eu/oeil/FindByProcnum.do?lang=2&procnum=INI/2005/2164>

<sup>166</sup> 1993. évi LXXVII. törvény a nemzeti és etnikai kisebbségek jogairól

<sup>167</sup> Kisebbségi önkormányzati választásokon induló szervezetek és jelöltjeik, 2006  
<http://www.valasztas.hu/onkval2006/ov06vt/k34.html>

<sup>168</sup> A kisebbségek saját önkormányzatainak választása, 2006  
<http://www.valasztas.hu/onkval2006/outroot/onkdin/kis1.htm>

self-government (Forum for Hungarian Roma – MCF and Lungo Drom). The Forum are allied to the left wing political parties and the Lungo Drom to right wing political parties. National and ethnic minorities can organise education in their own language: 6.4% of elementary school students and 0.4% of high school students participated in non-Roma minority education, 4.4% of elementary school students and 0.09% of high schools students participated in Roma minority education.<sup>169</sup> Demonstrations by ethnic minorities are very infrequent, even Roma demonstrations draw very few people and remain local; one exception is the yearly remembering to the Roma Holocaust in August. Ethnic organisations campaign very infrequently, although some state-sponsored media campaigns did aim at combating discrimination against the Roma.<sup>170</sup> A recent activity was the collection of signatures for banning an extreme right wing organisation often voicing anti-Roma opinions.<sup>171</sup> Both of the large Roma organisations have signed cooperation agreements with their respective allied parties, and have MPs in the Hungarian Parliament.

#### In what way are women engaged in these organisations?

In 2006 41.18% of minority self-government candidates were women,<sup>172</sup> information on the proportion among elected candidates is not available. The number of women representatives in the Roma national self-government is not known. Roma women play a relatively important role in mainstream Hungarian politics with two Roma women MEPs in the European Parliament, as opposed to the very low level of participation of women in ethnic Roma parties in other ECE countries.<sup>173</sup>

#### Do minoritised women organise separately within or outside of such organisations?

Mostly not. There is one NGO, the *Association of Roma Women in the Public Sphere*<sup>174</sup> that brings together Roma women. Roma women's activism focuses mostly on the international NGO level with Hungarian Roma women taking a catalyst role in such initiatives as for example the 1998 *OSI International Conference of Romani Women*, followed by setting up of the *OSI Romani Women Initiative* (RWI) in 1999 and the establishment of the *International Romani Women's Network* (IRWN) in 2003.

#### Are there any groups organised against certain ethnic groups?

Yes, against the Roma. Extreme right wing political organisations such as *Jobbik*, and *Magyar Gárda* often talk about 'gypsy delinquency' and call for stricter police measures against the Roma.<sup>175</sup> The *Magyar Önvédelmi Mozgalom* argues that Roma are parasites on the body of the nation.<sup>176</sup> All three organisations have assembled demonstrations against the Roma.

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<sup>169</sup> Ministry of Education and Culture: Statistical Yearbook of Education 2005/2006, p29

[http://www.okm.gov.hu/letolt/statisztika/okt\\_evkonyv\\_2005\\_2006\\_060927.pdf](http://www.okm.gov.hu/letolt/statisztika/okt_evkonyv_2005_2006_060927.pdf)

<sup>170</sup> Program az összetartó társadalom megteremtéséért

<http://www.szmm.gov.hu/main.php?folderID=1052&articleID=3996&ctag=articlelist&iid=1>

<sup>171</sup> 68 000 signatures were collected. See: Átadták a Magyar Gárda elleni tiltakozó petíciót

<http://nol.hu/cikk/484208/>

<sup>172</sup> Kisebbségi önkormányzati jelöltek nem és korösszetétele, 2006

<http://www.valasztas.hu/onkval2006/ov06vt/j52-ti6.html>

<sup>173</sup> Angela Kocze: Ethnicity and Gender in the Politics of Roma Identity in the Post-Communist Countries (manuscript)

<sup>174</sup> *Közéleti Roma Nők Egyesülete* <http://www.romanok.hu>

<sup>175</sup> <http://www.ciganybunozes.com/>

<sup>176</sup> Első lépés... 2007. augusztus <http://www.magyaronvedelem.hu/irasok/archivum/2007/jul/elselepes.html>

### 7.3.2 Religion/belief/faith

- o What is the composition of the national population by religion / faith

Official statistics<sup>177</sup>

Catholic	5 558 961
Orthodox Christian	15 298
Reformed	1 622 796
Lutheran	304 705
Other Christian	82 415
Croatian	15 620
Jewish	12 871
Others religion	13 567
None	1 483 369
Refused to answer / no answer	1 034 767 / 69 566
Total	10 198 315

Estimates<sup>178</sup>

Jewish: 1999: 85 000

- o What proportion of the population are practising members of an organised religion?

World Values Survey:<sup>179</sup>

	Percent
More than once a week	1,2
Once a week	9,2
Once a month	7,0
Only on special holy days/Christmas/Easter days	17,9
Other specific holy days	1,4
Once a year	7,1
Less often	13,1
Never practically never	42,5
No answer	0,5

- o What are the main religious organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)

The law on the freedom of religion<sup>180</sup> declares that any religion with more than 100 followers can be registered as a church. Despite this very liberal legislation, four so called 'historic churches (Roman Catholic Church, Lutheran Church, Reformed Church, Alliance of the Jewish Communities of Hungary<sup>181</sup>) enjoy an (informal) special status. Although according to law state and church are separated, all historic Churches receive state subsidies not only for their educational and health service provisions, but also for supporting their religious activities.

<sup>177</sup> Népszámlálása 2001: Nemzetiségi kötődés – A nemzeti, etnikai kisebbségek adatai

<http://www.nepszamlalas.hu/hun/kotetek/04/tartalom.html>

<sup>178</sup> There were severe debates preceding the census on whether to collect data on religious affiliation. Jewish groups heavily criticized the initiative arguing that the data will not be authentic. Scientific studies estimate the number of Jews in Hungary to be around 85 000. Source: Kovács András (2002): Zsidók a mai Magyarországon.

<sup>179</sup> World Values Survey 1999, F028.- How often do you attend religious services

<http://www.worldvaluessurvey.org/>

<sup>180</sup> 1990. évi IV. törvény a lelkiismereti és vallásszabadságról, valamint az egyházakról

<sup>181</sup> There are four Jewish denominations, the largest is the Alliance of the Jewish Communities of Hungary, the only one with state recognition. The other three include two orthodox, and one progressive denomination.

Representatives of the historic churches are often guests of high ranking state officials (President, Prime Minister).<sup>182 183</sup> All historic churches operate elementary (4.8% of students<sup>184</sup>) and high schools (15% of students<sup>185</sup>), universities (6.7% of students<sup>186</sup>) and hospitals (5% of all institutions<sup>187</sup>), and other social services (nursing homes, etc.). Demonstrations are very infrequent, although there were several demonstrations against changing the state financing of church-run schools.<sup>188</sup> Since 2000 the Catholic Church has been very active in the media with campaigns<sup>189 190</sup> and campaign-like events<sup>191</sup>. The four historic Christian churches often voice their opinion on political questions (see specific topics later), and open campaigning for right wing political parties at church ceremonies is well documented.<sup>192</sup>

- **How are women represented or not within them?** The Roman Catholic Church does not ordain women, nor does it allow women to participate in the decision making of the church. The Reformed Church ordains women since 1986, 30-50% of the ministers are women.<sup>193</sup> There are no female bishops, the Council (the leading forum of the Church) has 98 members, 6 of which are women.<sup>194</sup> The Lutheran Church ordains women since 1972, although ordaining women became a regular practice only after 1987.<sup>195</sup> Among the Jewish denominations only the progressive one ordains women, and it is currently lead by a woman.
- **Do they oppose gender equality in general and in our three issues?** Questions of employment hardly ever appear on the agenda of religious organisations. In one document, the Catholic Church claims that more women start to work not because they choose to, but because economic necessities force them to.<sup>196</sup> The Catholic Church opposes abortion<sup>197 198</sup>; voluntary sterilization<sup>199</sup>; artificial insemination; and surrogacy<sup>200</sup>; the recognition of same sex partnerships<sup>201</sup>; and recognising cohabitation/making divorce easier.<sup>202</sup> The Reformed Church opposes granting adoption and other rights to same sex couples similar to married couples,<sup>203</sup>

<sup>182</sup> A Mazsihisz távol marad. A zsidóság képviselői nem fogadták el az államfő meghívását  
<http://nol.hu/cikk/473672/>

<sup>183</sup> <http://www.okm.gov.hu/main.php?folderID=1438&articleID=211258&ctag=articlelist&iid=1>

<sup>184</sup> Ministry of Education and Culture: Statistical Yearbook of Education 2005/2006, p37

[http://www.okm.gov.hu/letolt/statisztika/okt\\_evkonyv\\_2005\\_2006\\_060927.pdf](http://www.okm.gov.hu/letolt/statisztika/okt_evkonyv_2005_2006_060927.pdf)

<sup>185</sup> Ministry of Education and Culture: Statistical Yearbook of Education 2005/2006, p40

[http://www.okm.gov.hu/letolt/statisztika/okt\\_evkonyv\\_2005\\_2006\\_060927.pdf](http://www.okm.gov.hu/letolt/statisztika/okt_evkonyv_2005_2006_060927.pdf)

<sup>186</sup> Oktatási és Kulturális Minisztérium: Felsőoktatási Statisztikai Adatok 2006

[http://db.okm.gov.hu/statisztika/fs06\\_fm/](http://db.okm.gov.hu/statisztika/fs06_fm/)

<sup>187</sup> <http://www.uj-dieta.hu/index.php?content=532>

<sup>188</sup> <http://index.hu/politika/belfold/egyh7370/>

<sup>189</sup> Óriásplakáton a katolikus egyház <http://index.hu/politika/belfold/katolikus/>

<sup>190</sup> Biblia éve 2008 <http://www.bibliaeve2008.hu/>

<sup>191</sup> Városmisszió 2007 <http://www.varosmisszio.hu/>

<sup>192</sup> Majsai Tamás (2002): Az egyházak szerepe a kampányban, *Mozgó Világ* 2002(12).

<http://www.mozgovilag.hu/2002/12/02%20Majsai.html>

<sup>193</sup> Orisek Andrea (1999): Ének Debóráról. A Magyarországi Református Egyház lelkésznőinek helyzete.

*Szociogiai Szemle* 1999(3-4). <http://www.mtapti.hu/mszt/19993/orisek.htm>

<sup>194</sup> Magyarországi Református Egyház XII. Budapesti Zsinatának tagjai

[http://www.reformatus.hu/adattar/zsinat/zsinati\\_tagok.htm](http://www.reformatus.hu/adattar/zsinat/zsinati_tagok.htm)

<sup>195</sup> Nők Luther-kabátban, *Evangélikus Élet* 2004(18) <http://www.lutheran.hu/z/ujzagok/evelet/archivum/2004/18/31>

<sup>196</sup> A boldogabb családokért. A Magyar Katolikus Püspöki Karkörlevele a hívekhez és minden jóakarátú emberhez

<http://www.katolikus.hu/csalad.html>

a házasságról és a családról Magyarországon

<sup>197</sup> A Magyar Püspöki Kar pásztorlevele a magzati élet védelméről <http://www.katolikus.hu/korl92.html>

<sup>198</sup> Az emberi élet: érték és ajándék. Püspökkari nyilatkozat az abortusztorvény módosítása előtt

<http://www.katolikus.hu/abtorv.html>

<sup>199</sup> A Magyar Katolikus Püspöki Konferencia nyilatkozata a művi meddővé tételről

<http://uj.katolikus.hu/cikk.php?h=413>

<sup>200</sup> Donum vitae. Instrukció a kezdődő emberi élet tiszteletéről és az utódnemzés méltóságáról

<http://www.katolikus.hu/roma/bio.html#N14>

<sup>201</sup> Állásfoglalás a bejegyzett élettársi kapcsolatáról <http://uj.katolikus.hu/cikk.php?h=949>

<sup>202</sup> A Ptk. Családjogi és Öröklési Könyve tervezetének véleményezése <http://irm.gov.hu/?forumid=6&oldal=1>

<sup>203</sup> Házasság, család, szexualitás. A Magyarországi Református Egyház Zsinatának állásfoglalása

[http://www.reformatus.hu/archiv/zsin\\_04\\_05\\_06\\_2.htm](http://www.reformatus.hu/archiv/zsin_04_05_06_2.htm)



registered partnership,<sup>204</sup> abortion<sup>205</sup> and voluntary sterilization.<sup>206</sup> The Lutheran Church opposes abortion,<sup>207</sup> voluntary sterilization<sup>208</sup> and registered partnership for same sex couples.<sup>209</sup> Prostitution and pornography feature in discussions of religious organisations, other forms of gender based violence appear very infrequently.

- **What is their preferred model of womanhood?** Would need special research.
- **Do they support or oppose the other equalities issues?** Recognition of same sex couples is opposed by all Churches,<sup>210</sup> except for two smaller Jewish denominations and the *Mozaik* and *Ötkenyér* religious NGOs, which represent homosexuals as well.<sup>211</sup> The Catholic Church<sup>212</sup> and the Reformed Church<sup>213</sup> operate special religious programmes for the Roma on the local level. The Hungarian Catholic Bishops' Conference has a permanent rapporteur on Roma issues. All Christian churches operate institutions for disabled people. In 2006, the Alliance of the Jewish Communities of Hungary was against the recognition of Jews as an ethnic minority with special rights for political representation.<sup>214</sup>
- **Are they in alliance with any other inequalities or not?** In certain cases yes, but not a characteristic.
- **Are there any groups organised against certain religious groups?** Yes, against Jews. Extreme right wing political organisations such as Jobbik and Magyar Gárda use the red-white striped flag used by the Hungarian Nazis in 1944-45. Mainstream right-wing weekly journal *Demokrata* published more than once articles denying the Holocaust.

### 7.3.3 Sexual orientation

- **Are there gay/lesbian/trans/bisexual/queer organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)** Yes, there are several LGBT organisations. The first LGBT organisation was founded in 1988, there are currently about 20 active organisations. They use most of the strategies mentioned except for campaigning. Since 1993, there is a yearly LGBT Festival which since 1997 includes a Pride March (drawing about 1500-2000 participants). There were some other demonstrations organised by LGBT activists against the homophobic mayor István Tarlós in 2002<sup>215</sup> and against the visit of Polish president Lech Kaczynski in 2006<sup>216</sup>. In the last year, there has been a newly emerging interest in research. *Hatter*, *Labrisz*<sup>217</sup> and *Patent*<sup>218</sup> conducted research mainly about discrimination. Hatter operates a legal bureau<sup>219</sup> and an LGBT support phone line.<sup>220</sup> There are several NGOs organising sports and other leisure activities.<sup>221</sup> Lobbying the state is very sporadic: in the 1990s NGOs were active in bringing cases to the constitutional court (same sex marriage, cohabitation, legislation on incest, age of consent), since then it is more characteristic that the NGOs respond to requests by the state, rather than initiating such liaisons.

<sup>204</sup> Református álláspont a regisztrált élettársi kapcsolatáról

[http://www.reformatus.hu/folytat\\_hirek\\_2007.php?cikk=1198144605](http://www.reformatus.hu/folytat_hirek_2007.php?cikk=1198144605)

<sup>205</sup> MRE Zsinatának állásfoglalása a magzati élet védelmében, Ref.Egyh. 1992/júl-aug. 182. old

<sup>206</sup> Elfogadhatatlan a művi meddővé tétel - sajtótájékoztató Budapesten

[http://www.reformatus.hu/folytat\\_hirek\\_2006.php?cikk=1150304582](http://www.reformatus.hu/folytat_hirek_2006.php?cikk=1150304582)

<sup>207</sup> <http://ujember.katolikus.hu/Archivum/2001.09.23/0901.html>

<sup>208</sup> Összefoglaló Iltzész János elnök-püspök tájékoztatójáról

<http://www.evelet.hu:8080/ujzagok/evelet/archivum/2006/22/082>

<sup>209</sup> <http://reformatusoklevele.reformatus.hu/54text.html>

<sup>210</sup> <http://reformatusoklevele.reformatus.hu/54text.html>

<sup>211</sup> Judaizmus és homoszexualitás <http://pride.hu/article.php?sid=2284>

<sup>212</sup> <http://magazin.ujember.katolikus.hu/Archivum/2007.03/23.html>

<sup>213</sup> <http://www.kiralyhagomellek.ro/cigany>

<sup>214</sup> <http://www.mazsihisz.com/publ.phtml?pubid=84>

<sup>215</sup> A melegszervezetek alkotmányt ajánlkoztak Tarlós

Istvánnak <http://www.origo.hu/itthon/20010718amelegszervezetek.html>

<sup>216</sup> Távol tartották a tüntetőket a lengyel elnöktől <http://www.origo.hu/itthon/20060324tavol.html>

<sup>217</sup> A leszbikus, meleg, biszexuális és transznemű (LMBT) emberek társadalmi kirekesztettsége Magyarországon

[http://www.hatter.hu/pdf/lmbt\\_kirekesztes\\_logo\\_F.pdf](http://www.hatter.hu/pdf/lmbt_kirekesztes_logo_F.pdf)

<sup>218</sup> Rideg bánásmód. Esettanulmányok a leszbikus, meleg, biszexuális és transznemű emberek elleni erőszakról és hátrányos megkülönböztetésről [http://patent.org.hu/LMBT\\_emberi\\_jogok\\_2002-2007.pdf](http://patent.org.hu/LMBT_emberi_jogok_2002-2007.pdf)

<sup>219</sup> <http://www.hatter.hu/jog/jogi.htm>

<sup>220</sup> <http://www.hatter.hu/tel/tel.htm>

<sup>221</sup> <http://www.atlaszport.hu/>, <http://www.masprogram.fw.hu/>, <http://pride.hu/flamingo/>, <http://www.szimpozion.hu>, <http://www.labrisz.hu>

- **Do they have a national organisation?** No. An umbrella organisation was to be set up in 1994, but the Courts refused its registration upon various grounds. The Constitutional Court decided in 1996 that it can be registered only if its membership is limited to those over 18.. The founders refused this, and the organisation never came into being.<sup>222</sup>
- **In what way are women engaged in and represented in these organisations?** In the largest NGO *Háttér* women are underrepresented. There is a very active lesbian NGO *Labris* that gathers most of the lesbians active in civil circles. The once very active *Habeas Corpus Working Group*, and its part-successor *Patent*, is the only NGO that has both male and female activists in the spotlight.
- **Do they work in alliance with other inequalities or not?** *Labrisz* and *Patent* (and its ancestor institution, the *Habeas Corpus Working Group*) are active in women's rights issues. LGBT activists often participate in anti-racist and anti-anti-Semitic gatherings such as the March of the Living, commemorating the Holocaust<sup>223</sup>, or the demonstration organised by the Hungarian Anti-Fascist League against the Hungarian Guard.<sup>224</sup>
- **Are there any groups organised against gay / lesbian / trans-people?** Yes. Extreme right wing political parties MIÉP, Jobbik and Új Demokratikus Koalíció, and organisations (Magyar Önvédelmi Mozgalom) as well as right wing parties KDNP and FIDESZ (especially their youth platforms) often voice anti-gay opinions, and organise counter-demonstrations against Pride Marches. All three 'historic churches' (Roman Catholics, Lutherans and the Reformed Church) voiced their opinions against registered partnership. The conservative NGO Association of Large Families petitioned the Constitutional Court against the introduction of registered partnerships.

#### 7.3.4 Disability

- **Are there disability organisations? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)**

There is a very wide range of non-governmental organisations working in the field of disability rights in Hungary. They work in all possible NGO activity areas, from service provision, through lobbying the state to rights enforcement and awareness-raising and information sharing. The state established in 1998 the National Council for Disability Affairs that brings together the governmental side and the non-governmental interest representation side in order to make policymaking on disability issues inclusive. The Council is seen as the most successful such initiative in Hungary. A lot of state lobbying is channelled into the Council. Members of the Council include the different ministerial representatives, the representatives of all the national interest representation organisations of the different disability groups, the representative of the national organisation of employers, and four other NGO representatives. While disability organisations have tended to focus on service provision and institution building in the 1990s and early 2000s in the last couple of years there is a visible trend in shifting attention towards rights enforcement and policy development.

Some of the national level interest representation organisations of the different disability groups and some of the smaller NGOs are members of the European level umbrella organisations of disabled persons such as EDF, Inclusion Europe, Autism Europe, and the EASDP.

- **In what way are women engaged in and represented in these organisations?**

Women are engaged in work in these organisations but very little attention is paid to the specific problems of disabled women. Attention to this group has been paid to some extent by gender equality NGOs, especially in relation to violence.

#### 7.3.5 Age

- **Are there organisations of / for older people? What are their main strategies (i.e. Building autonomous institutions, Public protest e.g. demonstrations, Campaigning, lobbying state, service provision, research)**

<sup>222</sup> A Szivárvány Társulás a Melegek Jogaiért dokumentumai <http://habeascorpus.hu/szivarvany/>

<sup>223</sup> Budapest: Élet Menete ma este <http://pride.hu/article.php?sid=2317>

<sup>224</sup> Beszéd az Antifasiszta Piknikről <http://pride.hu/article.php?sid=2468>

There is one major organisation: the National Association for the Representation of Retired People which claims to represent some 2 million retired people. Their activities focus on lobbying, petitioning the state, monitoring and evaluating policy, and information provision for retired people. No information is available on the density of NGOs representing elderly people; even if the organisations exist they have practically no visibility in the public debates. Judging from their website, they are not part of any wider European network.<sup>225</sup>

- o How are women engaged in and represented in these organisations?

The Association does not seem to be specifically concerned with gender related issues.

#### 7.4 Hotspots and Alliances

Is there a history of controversies or 'hotspots' between certain of the intersecting inequalities, rather than others (if so, which)? For example is gender/religion or sexuality/religion a regular source of controversy? Is this hostility best described as endemic or constant, or as occasional and issue based?

All major religious organisations oppose the legal recognition of same sex couples, and are very restrictive when it comes to women's reproductive rights (oppose abortion, voluntary sterilization, artificial insemination, surrogacy). This controversy is recurrent and severe. Some right wing Roma politicians refused the comprehensive anti-discrimination legislation covering both ethnicity and sexual orientation on the grounds that ethnicity should not be mentioned on the same page as deviance, this happened only once. Women's NGOs sometimes raise the issue of why certain groups, like disabled, and Roma are represented on a higher level within the government than women.

Do some organisations representing inequalities often form alliances with each other (if so, which)? For example, feminism and trade unions, or feminism and gay/lesbian groups? Are such alliances best characterised as routine and institutionalised, or as ad hoc and issue based?

Feminist and gay/lesbian groups have been allied in the working of the *Habeas Corpus Working Group*, and its part-successor *Patent*, which combined/combines a feminist and pro-LGBT agenda. *Labris*, a lesbian organisation is an active member of the Hungarian Women's Lobby. The statute of the Hungarian Women Lobby's includes reference to ethnicity, disability, age, rural and citizenship status, and sexual orientation as forming important subgroups of women, but this commitment has not materialised in any practical action. LGBT activists often participate in anti-racist and anti-anti-Semitic gatherings such as the March of the Living commemorating the Holocaust<sup>226</sup>, or the demonstration organised by the Hungarian Anti-Fascist League against the Hungarian Guard.<sup>227</sup> Romani women have some civil society organisations, but with little influence on the political agenda.

## WIDER SOCIAL INSTITUTIONS

### 8. Wider Social Environment

The wider social environment may be important in explaining the resources, whether economic, organisational or discursive, which are available to the political groups and institutions identified above.

#### Population, economic development, economic inequality and state welfare

	Country	EU
GDP per capita PPP (Purchasing Power Parity) 2003 (OECD 2006)	60.9	
Population size 2006 (Eurostat 2006)	10.1	
% of workforce in agriculture 2003 (World Bank 2006)	5	
Longevity 2005 (World Bank 2005)	72.6	
Gini (measure of economic inequality) 2005 (Eurostat 2007)	28	
% GDP/gov. expenditure on social expenditure 2003 (OECD 2007)	21.9	
% GDP/gov. expenditure on active labour market policies 2003 (OECD 2007)	0.29	
% GDP/government expenditure on childcare (forthcoming OECD)	0.1	
% GDP/Government expenditure on military (World Bank 2005)	1.313	

<sup>225</sup> <http://www.nyok.hu/>

<sup>226</sup> Budapest: Élet Menete ma este <http://pride.hu/article.php?sid=2317>

<sup>227</sup> Beszéd az Antifasiszta Piknikről <http://pride.hu/article.php?sid=2468>

## Gender Regime

	Total	Female	Male
Employment rate (2005, Eurostat) <sup>228</sup>	56.9	51	63.1
Unemployment rate (2005, Eurostat) <sup>229</sup>	7.2	7.4	
Share of women in adult labour force % (2004, UN) <sup>230</sup>		46	
Women's share of part-time employment % (2004, UN) <sup>231</sup>		68	
Gender pay gap, unadjusted (gap= difference between average gross hourly earnings of male and female employees given as % of average gross hourly earnings of male paid employees, unadjusted form 2005 Eurostat) <sup>232</sup>	11		
School enrolment tertiary % gross (2004, World Development Indicators) <sup>233</sup>	59.6	69.8	49.9
Women in Parliament % of parliamentary seats in single or lower chamber occupied by women (UN 2007) <sup>234</sup>		10.4	
Women's share of legislators and managers % (UN 2005) <sup>235</sup>		35	
% one parent families (dependent children)	34		
Mean age at first marriage (Eurostat, 2003) <sup>236</sup>		26	28.8
Marriage rate (2003, UN) <sup>237</sup>	4.39		
Divorce rate (2003, UN) <sup>238</sup>	2.5		
Fertility rate (2004 , World Development Indicators) <sup>239</sup>	1.3		

### 9. SUMMARY

#### 9.1 'Deficiencies, deviations and inconsistencies in EU and MS's gender+ equality laws'

	Fully transposed	Before/ after EU	Year	Less, equal to EU, or beyond	ECJ for CEC/Country	EU references
<b>Issues</b>						
<i>Example: Parental leave UK</i>	Yes	After	1998	Beyond 2002	CEC	No
<b>1 Equal pay/equal treatment</b>	Yes	After	2001	Not only concern		Yes

<sup>228</sup> Employment rates:

[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996,39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=STRIND\\_EMPLOI&root=STRIND\\_EMPLOI/emploi/em012](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em012)  
[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996,39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=STRIND\\_EMPLOI&root=STRIND\\_EMPLOI/emploi/em013](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em013)

<sup>229</sup> Unemployment rates:

[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996,39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=STRIND\\_EMPLOI&root=STRIND\\_EMPLOI/emploi/em072](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em072)  
[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996,39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=STRIND\\_EMPLOI&root=STRIND\\_EMPLOI/emploi/em073](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em073)

<sup>230</sup> Share of women in adult labour force: percentage of the economically active who are women:

<http://unstats.un.org/unsd/demographic/products/indwm/tab5a.htm>

<sup>231</sup> Women's share part-time employment:

<http://unstats.un.org/unsd/demographic/products/indwm/tab5b.htm>

<sup>232</sup> Gender pay gap:

[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996,39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=STRIND\\_EMPLOI&root=STRIND\\_EMPLOI/emploi/em030](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=STRIND_EMPLOI&root=STRIND_EMPLOI/emploi/em030)

<sup>233</sup> World Development Indicators, World Bank (September 2006)

<sup>234</sup> Women in parliament:

<http://unstats.un.org/unsd/demographic/products/indwm/tab6a.htm>

<sup>235</sup> Women's share legislators and managers:

<http://unstats.un.org/unsd/demographic/products/indwm/tab5d.htm>

<sup>236</sup> Mean age at first marriage:

[http://epp.eurostat.ec.europa.eu/portal/page?\\_pageid=1996,39140985&\\_dad=portal&\\_schema=PORTAL&screen=detailref&language=en&product=Yearlies\\_new\\_population&root=Yearlies\\_new\\_population/C/C1/C13/cab11024](http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=en&product=Yearlies_new_population&root=Yearlies_new_population/C/C1/C13/cab11024)

<sup>237</sup> Marriage rate, table 23: <http://unstats.un.org/unsd/demographic/products/dyb/dysets/2003%20DYB.pdf>

<sup>238</sup> Divorce rate:

<http://unstats.un.org/unsd/demographic/products/dyb/DYB2003/Table25.pdf>

<sup>239</sup> World Development Indicators, World Bank (September 2006)

				gender		
<b>2 Sexual harassment and discrimination</b>	Partially	After	2003/2006	Less		Yes
<b>3 Equality bodies</b>	Yes	After	2004	Similar		No
<b>4 NGO/civil society dialogue</b>	Yes	Before	1999	Similar		No
<b>5 Parental leave</b>	Yes	Before	1967	More		No
<b>6 Organisation of working time</b>	Yes	After	2001 <sup>240</sup> /2002 <sup>241</sup> /2007 <sup>242</sup>	Similar		Yes
<b>Gender Machinery</b>	Yes	Before	1996	Similar		No
<i>Example: EOC UK</i>	<i>Yes</i>	<i>Before</i>	<i>1975</i>	<i>Beyond</i>	<i>No</i>	<i>Yes</i>

## 9.2 Plans and programmes

<b>National general gender equality plan (current)</b>	Yes <b>X</b>				No
Reference to Lisbon targets					<b>X</b>
Reference to Barcelona targets					<b>X</b>
Targets and indicators	None none	Weak	Moderate	Strong	

<b>National plan: Gender-based violence (current)</b>	Yes				No <b>X</b>
Targets and indicators	None	Weak	Moderate	Strong	

Focus on gender	No	Yes:	Weak	Moderate	Strong
<b>Employment plan (general assessment)</b>		<b>X</b>	<b>X</b>		
<b>Social protection and social inclusion plan (general assessment)</b>		<b>X</b>	<b>X</b>		
Reference to gender based violence	<b>X</b>				

<sup>240</sup> Act XVI/2001.

<sup>241</sup> Act XIX/2002.

<sup>242</sup> Act LXXIII/2007.

### 9.3 Gender machineries

National gender machineries	Yes (specify date)		No	Notes
	Gender specific	General equality		
Central government gender equality body with senior minister	1996			Secretariat within a Ministry (first Labour and Social Affairs, later Ministry of Family Affairs). Between 2003 and 2004 a Minister without Portfolio for Equal Opportunities (including gender) existed. Since May 2006 an Equal Opportunity Secretariat has been operating in the Ministry of Social and Labour Affairs dealing with child and youth policies, minority policies, integration of the Roma, equal opportunities of the people with disabilities, people living in areas exposed to multiple disadvantages, LGBT persons and equality of men and women. Level of representation for gender equality is lower than for disability and for Roma issues.
Independent equality body (research, monitoring, and enforcement)		2004		Equal Treatment Authority established by <u>Act CXXV. of 2003 on equal treatment and the promotion of equal opportunities</u>
National consultative / representative body linking state and women's NGOs	1999			Council on Equality of Opportunity between Women and Men stopped functioning between 2002 and 2007. It now operates again. Working Groups set up within the framework of the implementation of the Roadmap 2006-2010
Any other body / bodies (e.g. parliamentary committees) Please name: 1) Sub-Committee for Equal Treatment within the Parliamentary Committee for Human Rights, Minority and Religious Affairs 2) Committee for Equal Opportunities within the National Interest Reconciliation Council		2003  2002		

### 9.4 Policy

	No -Not at all	Yes / Low	Yes / Moderate	Yes / High
<b>General</b> To what extent is gender mainstreamed throughout policies?		X		
<b>Non-employment (4.1)</b>				
Extent to which mothers can be legitimately non-employed				X
<b>Intimate citizenship (4.2)</b>				
Extent to which women have access to abortion (in country of residence)			X	
Extent to which state policies are highly heteronormative			X	
<b>Gender-based violence (4.3)</b>				
Extent to which policies on GBV go beyond domestic violence		X		
Strength, resources and co-ordination of GBV policies	X			

### 9.5 Civil society and state interface

	Not at all	Low	Moderate	High
Strength of national co-ordinating gender equality body (centralisation, co-ordination, representativeness, resources)		X		
Extent to which the women's NGOs participate in policy making		X		
Extent to which women's NGOs are close to state		X		
Extent to which women's NGOs engage with intersecting inequalities	X			
Extent to which women's NGOs are state funded			X	
Extent of influence of trade union body on policy making			X	
Extent of power of women within trade union body		X		