



Quality in Gender+ Equality Policies

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Gender+ Equality Policies and Mechanism

1.1 Gender+ Equality Law and Policy

Hungary started to develop a comprehensive policy to address gender inequality following the Beijing Conference in 1995. Yet, as we will show below, to-date Hungary has a weak and fragmented gender equality policy. Elements of gender equality policy can be traced primarily in the recently emerged comprehensive equal treatment and equal opportunity field and in different sectoral policies with relevance for gender equality, such as policies concerning social inclusion, employment policy, family policy, policies dealing with domestic violence, prostitution, abortion, or imprisonment.

The Hungarian policy on gender equality has developed from being weak yet targeted specifically towards gender equality in 1996-2001 to a more powerful approach of general equal opportunities on all grounds of inequality in which gender equality is only one not particularly specific aspect. However this inclusive approach to inequality has rarely resulted in a genuinely intersectional approach to women. It is only recently and mostly by non-state actors that concerns of groups such as Roma women were brought onto the agenda on Hungarian policymaking.

Constitutional Provisions

The present Hungarian Constitution, a heavily amended version of the 1949 Constitution, is relatively progressive in terms of providing for equality on all grounds. Article 70/A¹ of the Hungarian Constitution² provides for the general prohibition of discrimination in Hungary. It refers to all grounds of discrimination including gender. The Article provides first for a wide prohibition of discrimination on several grounds, second for sanctioning all forms of prohibited discrimination, and third for the positive duty of the state to advance equal opportunities for all persons in the country.

The Hungarian Constitutional Court has interpreted the prohibition of discrimination in connection to the right to human dignity³ as stated in Article 54 of the Constitution⁴. In one of its early decisions the Court argued [9/1990(IV.25) AB hat.] “The prohibition of discrimination does not mean that all differential treatment, even differential treatment aiming at greater social equality is prohibited. Prohibition of discrimination means that the law shall treat all persons equally, as persons with equal human dignity, meaning that the basic right to human dignity shall not be violated. The determining factors of the distribution of

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

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

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

² Act XX of 1949 The Constitution of the Republic of Hungary

³ Győrfi Tamás (1996) “A diszkrimináció tilalma: egy különleges státuszú jog” [The prohibition of discrimination : a right with special status] in *Jogtudományi Közöny*, July-August 1996. pp. 276

⁴ Article 54. (1) In the Republic of Hungary everyone has the inherent right to life and to human dignity. No one shall be arbitrarily denied any of these rights.

entitlements and advantages shall be defined with equal concern and respect, and equal consideration for all individual perspectives.”

Thus the Constitution requires according to the Constitutional Court not equal treatment but treatment as equals, by giving equal concern and respect for all persons, and treating all persons as having equal human dignity⁵. Treatment as equals might require in some cases positive discrimination and according to the Court this is compatible with the Constitutional conception of discrimination. The Court stated in 1990 “if some constitutionally permissible social goal or some constitutional right can only be achieved by overstepping the narrow concept of equality [equal distribution of goods and opportunities], then such positive discrimination cannot be considered unconstitutional”. [9/1990 (IV.25.) AB Hat.]. It is also important to emphasize that according to the Court the prohibition of discrimination is not an unconditional prohibition. “It does not imply that persons shall be equal according to criteria which lay outside the realm of law... The state has the right and duty to take into consideration the differences between people.... Not all distinctions are banned by Article 70/A, only those that violate the right to human dignity.” [61/1992(XI.20) AB Hat.]

The Constitution along with the general anti-discrimination clause has a separate article on gender equality. Article 66 states

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

(2) In the Republic of Hungary, mothers receive special support and protection before and after the birth of their children, in compliance with separate provisions of the law.

(3) Special rules ensure protection for women and young people in the performance of their jobs.”

Almost no Constitutional Court interpretation of this clause has taken place.

The right to equal pay is also provided for at the constitutional level. Article 70/B(2) states: “Everyone without any discrimination has the right to equal pay for equal work.”

National Action Plan on Gender Equality

The Beijing Platform was the most important milestone in the history of Hungary’s gender equality policies until recently. As a response to Beijing⁶ the Hungarian Government launched the Hungarian National Action Plan⁷. This Action Plan can be seen as the only policy document representing a comprehensive policy approach to the question of gender inequalities in Hungary. The Action Plan tackled the tasks of the state along seven headings: women’s human rights, implementation of women’s equal opportunities, improvement of women’s social equality, elaboration of recommendations regarding gender education in public schools, violence against women, coordination of activities involving

⁵ Ibid. pp.277

⁶ The Fourth World Conference on Women. Beijing Declaration. September 1995

⁷ 2174/1997 Governmental Decree on the Action Plan for implementing the tasks defined by the IV. Women’s Worldconference

women NGOs, and establishment of an information system for women on women. Specific tasks included: support for victims, training and education programs, awareness raising through campaigns, publications, and introduction of gender sensitive elements in the education curricula, assessment of the regulation in some gender specific areas (anti-discrimination, social support) and proposing changes, assessment of the implementation of some gender specific regulations and proposed changes, design women-projects to improve the situation of women in crucial fields (such as employment, healthcare), support gender related policy research, review available statistical data and make further collection of data gender sensitive and finally encourage a more active NGO sector. The actors responsible for implementation included Ministers, the National Statistical Office, and the National Crime Prevention Council. The deadline for the different projects' implementation under the Action Plan was April 1998. An evaluation of the Plan done by Biró and Szabó⁸ 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 gender equality mechanism of that period, the Secretariat for Equal Opportunities.

Anti-discrimination policy

The Anti-discrimination field was heavily influenced by Hungary's accession to the European Union. There was no comprehensive anti-discrimination policy in Hungary before the end of 2003. Discrimination on grounds of disability was the exception to some extent in that it was the only inequality ground that had a specific equality law dealing with it. In 1998 Hungary passed the Law on Provision of Rights and Equal Opportunity for Disabled Persons⁹, its first piece of equality legislation. The focus of the law was not so much on anti-discrimination but was instead formulated in terms of positive action and in terms of rights and entitlements of disabled persons to accommodation of their needs in the different fields. It proposes the advancement of equality of opportunity in the fields of health care, education and training, employment, housing and finally recreation. The law speaks about entitlements rather than rights, and even if one interprets it in terms of rights it is rather the right to work (or other welfare rights such as choice of type of housing, right to recreation, right to education, right to health care) that is claimed, not a right to be free from discrimination. The responsibility for providing these rights falls according to the law much more on the state than on employers, educational institutions etc. However the law was considered as an important achievement of Hungary in the last decade. It has actually brought Hungary in 1999 the Franklin Delano Roosevelt Prize for the advancement of the rights of disabled persons by means of legislative measures.¹⁰

Beyond the disability act Hungary had no other comprehensive equality acts regulating discrimination on any grounds. Anti-discrimination provisions were scattered throughout the different sectoral laws, the most important of which were: the Civil Code, the Labour Code, the Health Care Law, the Public Education Law, and the Minority Act. The most progressive interpretation of discrimination was provided under the Labour Code, which was amended in

⁸ Biró and Szabó (1999)

⁹ Act XXVI of 1998 on Provision of Rights and Equal Opportunity for Disabled Persons

¹⁰ TASZ (2001) "Köziratok. A TASZ a fogyatékosok jogairól" (TASZ on the rights of disabled persons)

2001 to harmonize with the EU acquis regarding equal treatment. It included a prohibition of both direct and indirect discrimination and equal pay. The other sectoral laws only prohibited direct discrimination. Many of them did not have appropriate provisions for proof and evidence and sanctioning of discrimination. This is why most discrimination claims until 2003 have been brought under the general prohibition of discrimination of the Civil Code, which considered discrimination as one form of violation of civil rights and of human dignity.

Major changes to equality legislation and thus to gender equality policy as well came about in the Hungarian context with the change of government in May 2002. The shift from a conservative government to a socialist liberal one was clearly reflected in the field of equal opportunity policies. Along with this change the approaching date of the accession of Hungary to the EU also facilitated some improvements.

The major change at this time was the shift in governmental approach to the necessity of a comprehensive all grounds anti-discrimination policy in Hungary. Until 2002 the government has consistently argued for the regulation of discrimination by means of relevant sectoral laws, rather than by comprehensive anti-discrimination legislation¹¹. The amendment of the Labour Code to include detailed anti-discrimination provisions can be seen as part of this approach. The governmental point of view was heavily opposed not only by experts and advocates but also by some opposition members of the parliament and by the Parliamentary Commissioner for the Rights of National and Ethnic Minorities. Three Anti-discrimination bills reached the Parliament in 2000-2001, one on ethnic discrimination, one on gender based discrimination and a general one covering all relevant grounds of discrimination. All of these were turned down without being debated in the plenary session. As the bills show there was no agreement between advocates for a comprehensive anti-discrimination policy on whether this should imply one general law or several, one for each important ground of discrimination. In November 2002, soon after the governmental changes, preparation of the Hungarian comprehensive anti-discrimination act was launched by the Ministry of Justice. Wide social debate of the bill started in December, 2003. NGOs, social partners and experts alike took part in the debate. The Act was accepted by the Parliament in December 2003 and entered into force in January 2004. The issue of whether one or more anti-discrimination acts were needed in Hungary was not opened up for debate by the Ministry. The drafts of the law from the very beginning proposed to tackle discrimination on all grounds, including gender, together. It proposed to establish only one specialized agency, with eventually separate departments for each ground of discrimination.

Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities (hereafter called Aet) came into force in January 2004 and it can be seen as a relatively progressive anti-discrimination law both in its definitions and in the forms of discrimination that it covers. The Act applies to a very wide range of grounds of discrimination. These are: sex, family status, motherhood (pregnancy), fatherhood and part-time nature or definite term of the employment relationship or other relationship related to employment, racial origin, colour,

¹¹ The only exception to this has been the field of disability: the only piece of equality legislation available in Hungary was the Law on Rights and Equal Opportunities for Disabled Persons. Act XXVI. Of 1998.

nationality, national or ethnic origin, mother tongue, disability, state of health, religious or ideological conviction, political or other opinion, family status, sexual orientation, sexual identity, age, social origin, financial status, the membership of an organisation representing employees' interests, other status, attribute or characteristic. Its scope extends mainly to the public sector in determining those who have to observe the principle of equal treatment in their relationships, procedures and measures.¹² The scope of the Act does not extend to - among others - family law relationships and relationships between relatives. This restriction has been criticized by non-governmental organizations. The Hungarian Women's Lobby suggested a comprehensive review of the scope in order to expand the application of the Act to all for-profit and non-governmental organizations. They argue that the Act arbitrarily determines certain criteria for the entrepreneurs, business associations and non-governmental organizations in deciding for them to pertain to the scope of Act or not¹³.

The act defines discrimination to include direct discrimination, indirect discrimination, harassment, unlawful segregation and victimisation (Art 7.). The Act defines in more detail the concepts of direct and indirect discrimination, harassment, unlawful segregation and victimisation. Article 10 (1) defines harassment as "a conduct violating human dignity related to the relevant person's characteristic defined in Article 8 with the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment around a particular person". Sexual harassment is not defined specifically in the original version of the Act. The Act was amended to specifically refer to sexual harassment in accordance with EU requirements as of August 2006. The Act (Art. 11) also provides for preferential treatment if that is targeted to a defined social group, and is limited in time. It is also stated that these positive measures shall not violate any fundamental rights, shall not provide unconditional advantage, and shall not exclude the consideration of individual circumstances.

In procedural terms it is important to mention that the Act shifts the burden of proof to the perpetrator of discrimination. Also the Act gives standing in legal procedures for organisations representing the interests of the victim groups and introduces the *actio popularis* for all groups¹⁴. Thus public prosecutors, the Equal Treatment Authority or organisations representing interests of the victim groups can initiate lawsuits under civil or labour law for the violation of the principle of equal treatment before the court.

¹² These are: the Hungarian State, local and minority self-governments, organisations exercising powers as authorities, armed forces and policing bodies, public foundations, public bodies, organisations performing public services, educational institutions, social care, child protection and health care services, museums, libraries, voluntary mutual insurance funds, private pension funds, parties, and other budgetary organs.

¹³ Opinion and critique of the Hungarian Women's Lobby concerning the Act on equal treatment and the promotion of equal opportunities. 28 November 2003. (A Magyar Női Érdekvédelem Szövetség bírálata és javaslatai az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról szóló törvényjavaslathoz. 2003. november 28.) <http://habeascorpus.hu/allaspont/kritika/antidiszkr.kozl.2003.11.28.htm> Page 13-16.

¹⁴ Before this was only available for disabled persons based on Act XXVI of 1998 on Provision of Rights and Equal Opportunity for Disabled Persons

The act regulates the principle of equal treatment in specific chapters in five fields: employment, social security and health care, housing, education and training, sale of goods and use of services.

Finally the Act also stipulates that public bodies and legal entities having a majority state ownership that have more than fifty employees are obliged to pass equal opportunity plans¹⁵.

The Act established a public administrative body, the Equal Treatment Authority as of January 2005 which has the task to ensure compliance with the principle of equal treatment (see below, in the mechanism section).

The main criticisms formulated against the AET concerned the fact that by regulating discrimination on all grounds within the framework of one single law it remains on a very general level and the specifics of the different grounds may be diluted. A major evaluation and criticism of the Act as far as its adequacy to pursue gender equality is concerned was formulated by the Hungarian Women's Lobby in their document commenting on the Act launched in November 2003¹⁶. While the Lobby appreciated the political will to finally take on board the issue of anti-discrimination after several years of neglect, they especially criticized that the Act is unable to deal with the specific forms of discrimination that occur in the case of the different grounds, and especially on grounds of gender. They warned that the absence of specific gender equality related articles of the act might maintain the need for a separate gender equality act in Hungary. Another criticism formulated concerned not so much the law but the policy surrounding it and the lack of encouragement and support for victims, relevant NGOs and society to work towards the implementation of the law. The Lobby also warned that the Act does not deal with several major fields of discriminations, such as discrimination occurring in the court procedures and discrimination occurring through discriminative laws.

Joining EU Policy Processes

A major shift in the policy approach to gender inequality can be noticed starting from 2003 within the framework of the process of Hungary's accession to the EU (in May 2004). There is also a shift in emphasis from legal harmonisation towards emphasis on policy implementation. These processes show the elevation of the gender equality principle as a horizontal principle in several policy processes initiated as part of Hungary's new membership in the EU. Involvement in these processes is a step forward in the implementation and operationalization of the legal principles that occurred in Hungary in the first wave of legal harmonization. Gender equality is a horizontal principle in the National

¹⁵ The specific form and scope of equal opportunity plans is defined under Article 70/A of the Labour Code introduced by an amendment in line with Aet.

¹⁶ Opinion and critique of the Alliance of Enforcing Women's Interest concerning the Act on equal treatment and the promotion of equal opportunities. 28 November 2003. Magyar Női Érdekérvényesítő Szövetség bírálata és javaslatai az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról szóló törvényjavaslatához. 2003. November 28. <http://habeascorpus.hu/allaspont/kritika/antidiszkr.kozl.2003.11.28.htm>

Development Plans¹⁷, the National Strategy for Social Inclusion and the National Employment Strategy¹⁸.

The National Development Plan (NDP) is a document preparing the national policy machinery for spending structural funds as a new EU member state. It introduces the concept of gender mainstreaming for the purposes of this particular spending area. Equal opportunity issues are translated by the Plan to questions related to Roma, women (identifying sub-groups of special needs), and disabled by trying to articulate cross-sectorial thinking. According to the implementation plans of NDP, representatives of gender (women's) equality bodies and organizations are to be involved in the *monitoring committees* assigned to oversee the strategy formulation and operational activities of the five major programme areas spending EU funds on social and economic development of Hungary, first in 2004-2007 and with the second National Development Plan between 2007 and 2013¹⁹. Projects coming under the Structural Funds are co-financed up to 25% by the Hungarian state. In order to operationalize the equal opportunity principle equal opportunity guidelines were developed for applicants²⁰.

Gender equality was also treated as a horizontal principle in the Joint Inclusion Memorandum²¹ signed by Hungary with the EC and the National Action Plan for Social Inclusion 2004-2006²². Prepared in the framework of the accession process, the Joint Inclusion Memorandum (JIM) has the purpose of "preparing the country for full participation in the open method of coordination on social inclusion upon accession". The JIM, signed with the Commission in December 2003, outlines the main problems Hungary faces in terms of social exclusion and poverty and presents what Hungary still has to do in order to translate the EU common social policy objectives into reality in the country. The Memorandum addresses the exclusionary effects of several social factors, among them: poverty, ethnicity (with special emphasis on Roma), disability, gender and marginally sexual orientation. Gender inequality, though considered separately in a section of the document, is present as a horizontal principle throughout all the chapters. Referring to the strategy to be followed, the document argues in its concluding chapter that addressing social exclusion needs a comprehensive approach, which mainstreams gender equality, integrates Roma in the society and provides equal opportunities for people with disabilities²³. The National Action Plan for Social Inclusion, 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).

¹⁷ <http://www.nfh.hu/index2.htm?p=2&t=2&i=1777>

¹⁸ <http://www.szmm.gov.hu/main.php?folderID=13323>

¹⁹ <http://www.nfu.gov.hu/index.nfh?r=&v=&l=&d=&mf=&p=umfttartalom>

²⁰ See for example the guideline for the human resources operational program. Foglalkoztatáspolitikai és Munkaügyi Minisztérium Humánerőforrás-fejlesztési Operatív Program Irányító Hatóság (HEFOP IH) "Esélyegyenlőségi Útmutató" HEFOP/2004 B/9 Melléklet. March 2004

²¹ http://www.eselyegyenloseg.hu/kirekesztes/tkek_memorandum/tkek_memorandum.html

²² Released July 2004. Available from <http://www.szmm.gov.hu/main.php?folderID=1385>

²³ Joint Inclusion Memorandum on Social Integration. (Társadalmi Befogadásról szóló Közös Memorandum.) 10 December, 2003. Hungarian Ministry of Health, Social and Family Affairs. p. 45

The Open Society Institute monitoring programme concluded the following with respect to Hungary's fulfilment of EU gender equality requirements: "Along with many changes for the better in Hungarian legislation, brought about primarily by the Act., there are still some gaps and discrepancies as measured against the words of the Directives. Gaps are caused in some places by not conforming even de jure to the text of the Directives. In other cases, and this is more prevalent, inconsistencies can be derived from the failure of the Hungarian policy framework to follow the spirit of the Directives – to move beyond the wording of legal amendments and implement general gender equality.

The major problem is the lack or sporadic nature of comprehensive, informative, awareness raising policies, programmes, campaigns and materials, and wide range training programmes for the policymakers and law enforcement officials concerning equal treatment and gender equality."²⁴ In light of these conclusions the above mentioned softer, good practice based policy processes might bring some results.

CEDAW- Beijing Conference

Hungary ratified the CEDAW Convention in December 1980 and has been a signatory without any reservations since 1989. It submitted its Combined Fourth and Fifth periodic Report in September 2000²⁵ and its Sixth Periodic Report in June 2006²⁶. CEDAW has issued two decisions against Hungary under Article 7, paragraph 3 of the optional protocol to the Convention: A.T. vs. Hungary, 2/2003²⁷ (on domestic violence) and A.S. vs Hungary, 4/2004²⁸ (on coercive sterilization).

Both official CEDAW reports were commented on by shadow reports. In August 2002 the Women Against Violence (NANE) Association and the Habeas Corpus Working Group (HCWG) submitted a shadow report to the CEDAW on the realisation of the Convention with critical examination of the governmental report. The report criticised the absence of proper comprehensive anti-discrimination legislation beyond labour relations including sanctions, actio popularis, and awareness raising for facilitating its implementation; the absence of a governmental gender equality mechanism, possibly at the Ministerial level; the absence of regulation for domestic violence; the absence of proper regulation of prostitution; absence of good practice guides and training for important actors playing a role in the implementation of gender equality policies; lack of proper awareness raising; lack of free of charge legal protection for victims; absence of any attempts by the state to dismantle gender stereotypes; the inadequate implementation of abortion regulation; as well as asserting the need for

²⁴ See Andrea Krizsan and Eniko Papp "Equal Opportunities for Women and Men in Hungary" in Equal Opportunities for Women and Men. Monitoring Law and Practice in New Member States and Accession Countries of the European Union. OSI 2005

http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502

²⁵ <http://daccessdds.un.org/doc/UNDOC/GEN/N00/664/45/IMG/N0066445.pdf?OpenElement>

²⁶ <http://daccessdds.un.org/doc/UNDOC/GEN/N06/402/22/PDF/N0640222.pdf?OpenElement>

²⁷ <http://www.un.org/womenwatch/daw/cedaw/protocol/decisions-views/CEDAW%20Decision%20on%20AT%20vs%20Hungary%20English.pdf>

²⁸ <http://www.un.org/womenwatch/daw/cedaw/protocol/decisions-views/Decision%204-2004%20-%20English.pdf>

better involvement of expert NGOs in state co-ordinated gender equality work (to mention the most important ones)²⁹.

Shadow reports to the second official Hungarian report were released recently. One was prepared by the Hungarian Women's Lobby and commented on all aspects of the official report but was most critical in terms of gender based violence³⁰. The second shadow report was prepared by the European Roma Rights Centre and concerns issues related to Roma women specifically³¹.

In 2000 Hungary also issued a report on the implementation of the Beijing Platform for Action³².

1.2 Gender+ Equality Mechanism

The Governmental Level

The first institution for the promotion of the equal status of women was created in Hungary mainly as a result of the Beijing Conference. The Hungarian gender equality mechanism has a troubled history. At the end of 1995, the Secretariat for Women's Policy (called Secretariat for Equal Opportunities from August 1996) was established within the Ministry of Labour. In its first stage of existence – until elections in 1998 – it was considered a relatively “progressive and effective organ”³³, though not empowered and thus not capable to pursue any gender mainstreaming tasks³⁴. Its tasks could be identified as research, publication and communication for the purposes of raising social awareness concerning gender equality issues and representing women's interests in government policy. The programmes of the Secretariat included civil forums, exhibitions, founding an Equal Opportunity Award for media, an oral history database, conducting a test court case in employment discrimination, and the publication of different materials (volumes, reports, statistical data etc.). The Secretariat attempted to develop intensive working relationship with the media and women's organizations³⁵. It also launched a legal aid line in 1997.

After the elections in 1998, the new conservative government stopped the operation of the Secretariat as it was, and established the new Secretariat for the Representation of Women at a much lower level of the ministerial hierarchy in the Ministry of Social and Family Affairs. The new Secretariat mostly continued the tasks defined by its predecessor but at a slower pace and with much less visible impact, probably also as a result of the political climate. A number of important publications can be mentioned: a volume on prostitution and trafficking,

²⁹ <http://hc.netstudio.hu/allaspont/report/cedaw.shadow.report.pdf>

³⁰ Hungarian Women's Lobby. Shadow Report to Hungary's 6th Periodic Report to the CEDAW. <http://www.iwraw-ap.org/resources/pdf/Hungary%20SR%20final.pdf>

³¹ 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>

³² <http://www.un.org/womenwatch/daw/followup/responses/Hungary.pdf>

³³ IHF Report Women's Status in Hungary (year 2001)

³⁴ Biró and Szabó (1999)

³⁵ On the activity of the Secretariat see Lévai Katalin (1998), Gyulavári Tamás (1998), Egyenlő Esélyek Titkársága (1998)

an edited volume on the analysis of statistical and other data concerning women (a second item in a series started by the previous secretariat), launching a series of yearly booklets on statistical data broken down by gender, Hungary's fourth and fifth combined report to the CEDAW in Hungarian and English, a few informative booklets concerning rights of women and, most importantly for our purposes, the translation of the 1998 Council of Europe Report on Gender Mainstreaming³⁶.

The governmental changes in 2002 were also reflected in shifts in the Hungarian gender equality mechanism. In 2002, the newly elected government changed the status of the mechanism yet another time. It was re-named the Directorate for Equal Opportunities and it operated in the Ministry of Employment Policy and Labour. At the beginning of May 2003, the Government announced that equal opportunities were to be elevated to ministerial status. The former head of the Directorate for Equal Opportunities, Katalin Levai, was appointed Minister for Equal Opportunities without portfolio at the beginning of May 2003. She was in office until her election into the European Parliament in June 2004. Her successor, Kinga Goncz, former state secretary in the Ministry of Social and Family Affairs, was appointed as of July 2004. The Governmental Office for Equal Opportunities was in charge not only of women's issues but equal opportunities on all grounds including ethnicity and race and disability. On the one hand, the changes brought the issue to a different, and higher, status. On the other hand, it brought the issue of equal opportunity on all grounds under a single institutional umbrella. The Directorate for Gender Equality dealt with gender equality issues within the Office. Separate Directorates dealt with Roma, disabled people, civil society, and regional development.

From September 2004,³⁷ the Office was integrated within the larger Ministry of Youth, Family, Social Affairs and Equal Opportunities, led by the previous Minister for Equal Opportunities. Paradoxically however equal opportunity issues on grounds of gender were not integrated within the larger equal opportunity department but were located within the competence of the deputy state secretary for EU coordination and strategy. During this period the Women's Directorate within the Ministry worked with a total of nine employees and was represented at a lower level than other Directorates working on the other grounds of discrimination³⁸. With the next restructuring, the staff was completely changed and reduced to only 5 employees. Since 2006 the Ministry in charge for equal opportunities is the Ministry for Social and Labour Affairs, which has a state secretary in charge of equal opportunities. Under this state secretary separate departments deal with Roma policy issues, disabled policy issues and equal opportunities. The later includes departments for policy issues relating to youth, elderly and equal opportunities for women and men, thus locating gender equality issues below the level of the other inequality grounds.

³⁶ The publication only included a one-page general introduction written by the head of the Secretariat and no other commentary on the relevance of the report for Hungary.

³⁷ Appointment of a new socialist liberal government involving also some restructuring of ministries and governmental offices.

³⁸ See Andrea Krizsan and Eniko Papp "Equal Opportunities for Women and Men in Hungary" in Equal Opportunities for Women and Men. Monitoring Law and Practice in New Member States and Accession Countries of the European Union. OSI 2005
http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502

The placement of the gender equality mechanism within the state structure was always a good marker of particular policy frames concerning the issue: first, under the socialist-liberal government (1996-1998), within the Labour Ministry; later, under the conservative government (1998-2002), within the Ministry of Social and Family Affairs, but at a lower level; and finally, under the new left wing government first in the Ministry for Labour again (2002-2003), within the framework of a general Equal Opportunity Minister's Office (May 2003-September 2004), within the framework of the Ministry for Social Affairs under EU coordination (from September 2004 to June 2006) and finally within the general equal opportunity department below the level of other inequalities since 2006. Shifting the issue of gender equality between labour and employment related ministries and family policy related ministries signals a framing of the issue in terms of labour market integration or organization of intimacy and particularly child care, respectively. Location of the department within the EU coordination framework is again significant, carrying the message that this is still seen as an externally imposed issue, not an imminently important equal opportunity question. The lack of adequate human resources and the significant fluctuation of the mechanism between the different governmental structures and between different governmental levels in the past to a large extent explain the absence of adequate planning and implementation in the field of gender equality policy.

The transparency of the work of gender equality is relatively limited with some improvement during the last 2-3 years. The first annual report made public on the website of the Equal Opportunity Office was the one published in 2004. The 2003 report was also accessible but only in hardcopy, so much less widely. The reports provide a general overview of tasks, but relatively little detail, and no accounting on financial matters. Promotion of gender equality is one subchapter in the annual report. No wide debate has taken place on either of the publicized reports of the mechanism. There is no information about publicly released reports of the office in earlier years. The Directorate has been criticised by NGOs for the limited transparency of its accountings.

The Council for the Social Equality of Women and Men (see below) is the main consultation forum between the state mechanism and NGOs and experts. Occasionally the Office organizes meetings and consultations with NGOs, but there is no regular consultation process and information flow towards women's NGOs. In 1996 the mechanism established a regular information forum for women's NGOs called the Civil Forum but lately this has not been operational. In cases when draft laws are opened up for social debate, the Directorate may act as an agent between relevant NGOs and the relevant ministry in charge for launching the debate by passing the list of NGOs to the ministry. However, the willingness of most ministries to involve women's NGOs in the process is limited.

The Equal Opportunity mechanism in Hungary is a centralised governmental mechanism. The Office has no local branches; there are no departments or people in charge specifically of gender equality within the other Ministries. However some decentralised action occurred with the development of a National Equal Opportunity Network, which is to consist of the 20 (19 county level and one metropolitan) Opportunity Houses (Esélyek Háza) established and operated in co-operation between the Equal Opportunity Office, local authorities and the

NGO sector. Opportunity houses are meant to be county level hubs where all equal opportunity related information can be concentrated: information on programmes, events, and opportunities for launching projects or for co-operation. Tasks of the Opportunity Houses include methodological work, including gathering and analysing relevant data, finding and training local people committed to equal opportunity issues, policy consulting, improving access to funds, communication and awareness raising tasks over equal opportunity issues, networking and co-ordination of activities, and provision of legal and other services to victim groups. Thus far 18 of the Opportunity Houses have been established: the first one in October 2003 in Debrecen. The professional team of each House consists of three people. Gender equality is only one of several other grounds of equality that the mechanism has to address. No reports are available yet on pursued activities or the efficiency of the network and the salience of the gender equality issue within the larger set of tasks to be covered remains to be seen³⁹. It may be noted that there is no official connection between the Gender Equality Directorate and the Opportunity Houses.

Council for Women's Affairs

Along with the governmental gender equality mechanism, in 1999 a higher-level consultative, coordinating body was also launched: the Council for Women's Affairs. It consisted of representatives of all Ministries and the Prime Minister's Office, 6 members representing national women's associations, 5 acknowledged researchers and social scientists dealing with gender issues and 3 NGO members engaged in related activities. The tasks of the Council were to contribute to and comment on those decisions and policies of the Government that are gender related, to initiate legal regulations and new programmes promoting gender equality, and to comment on reports and material concerning gender equality. According to the decree establishing the Council, all relevant ministries have the duty to allow the Council to exercise its right to give opinions in the course of the preparation of resolutions and statutes concerning women's rights⁴⁰. The Council was standing until the 2002 parliamentary elections. Its reforms, including the amendment of the Governmental Decree 1059/1999, were initiated under the 2002-2006 government, and the reform process seemingly blocked its reestablishment until 2006. The Council has been re-established by a new governmental decree⁴¹ in 2006 under the name of the Council for the Social Equality of Women and Men. Along with representatives of all ministries, it now has ten women's NGO members and eight gender equality expert members. For 2007 the Council is planning to have 5 meetings, the agenda of which is available (for the first time since the existence of this institution) on the website of the Ministry in charge. No analysis is available about the work of the Council so far. No reports were issued concerning its activities, and protocols of its proceedings are not public.

³⁹ Source of information: <http://www.szmm.gov.hu/main.php?folderID=1105> Last accessed on May 24, 2004

⁴⁰ 1059/1999 Governmental Decree on launching the Council for the Representation of Women

⁴¹ 1089/2006. (IX. 25.) Governmental Decree on Establishing the Council for Social Equality of Women and Men

Equal Treatment Authority

As mentioned above, the Act on Equal Treatment and Equal Opportunity established a public administrative body, the Equal Treatment Authority, as of January 2005 which has the task to ensure compliance with the principle of equal treatment. The Authority established under the Government has the power to conduct investigations concerning the violation of this principle; initiate lawsuits for protecting the rights of persons and groups whose rights have been violated; review and comment on drafts of legal acts or make proposals concerning equal treatment; regularly inform the public and the Government about the situation concerning the enforcement of equal treatment; continually provide information to those concerned and offer help with acting against the violation of equal treatment; and assist in the preparation of the reports for the Commission of the European Union concerning the harmonisation of directives on equal treatment. The Authority may a) order an injunction, b) prohibit the continuation of the conduct constituting a violation of law, c) make public its decision finding a violation of law, d) impose fines (ranging from 204 to 24490 EUROS), and e) apply legal consequences determined in a special act. These legal consequences have to be determined by taking into consideration all circumstances of the case and can also be applied collectively. The court can review the decisions of the Authority.

According to available data⁴² in 2005, 491 claims were filed to the Authority and 475 have already been filed in the first half of 2006. The numbers indicate that with the increase of the reputation of the Authority, the number of cases will double in 2006. Most claims were connected to the employment of Romani people, and the employment and lay-off of women aged over 50, women with children and disabled people. Numerous claims were filed in connection with education and the segregation of, and use of individualized schedules for, disadvantaged students. Denial of services in the establishments of the commercial and catering industries affect almost exclusively the members of the Romani minority, while access to other services is denied to disabled people.

Parliamentary Commissioner for Civil Rights (Ombudsman) and the Constitutional Court

Alternative mechanisms for pursuing gender equality concerns could be the Parliamentary Commissioner for Human Rights and the Constitutional Court. The Parliamentary Commissioner institution in Hungary has existed since 1995. The prerogatives of the institution are defined relatively loosely so that they can take on all tasks normally attributed to equality agencies, including the assessment of the constitutionality of all legal instruments and policies of the state. The Parliamentary Commissioner for National and Ethnic Minorities plays a very important role in the promotion and implementation of minority rights, among them race equality. Unfortunately, in practice the Commissioner for Citizens' Rights has failed to take on a similar role with respect to gender equality. Throughout its work, the

⁴²Report on the activities of the Equal Treatment Authority and the experiences of the implementation of Act Nr. 125 of 2003 on equal treatment and the promotion of equal opportunities (*July 2006*) http://www.egyenlobanasmod.hu/index.php?g=EBH-jelentes06_EN.htm

institution has only taken up one gender discrimination case⁴³, and even in this instance its approach was rather restrictive. The Commissioner has also failed to make any recommendations with respect to the regulation of gender equality or to initiate any changes in the gender equality policy or legislation of the country⁴⁴. This self-imposed restraint as far as gender equality cases are concerned was influenced by the limited number of complaints coming to the office on the matter and the limited pro-activity of the office in general, as compared to the Minority Ombudsman's approach for example.

The Constitutional Court may also review the constitutionality of all policies and laws, and if using a progressive interpretation of Article 66 of the Constitution it can certainly take part in the mainstreaming process of gender equality. Unfortunately, until now the Court has taken up very few gender discrimination cases, and the gender equality Article of the Constitutional text has remained largely non-interpreted. Neither of the alternative mechanisms is specialized in gender equality, their involvement might thus imply the danger of mainstreaming gender equality ideas.

NGO sector

The women's NGO sector is relatively diverse in Hungary, but not all representatives of this diversity have equally loud voices in the policy debates.

Regarding women's NGOs, the 2000 CEDAW Report writes that while the number of NGO's underwent a radical increase after the political transition, the growth in the number of women's organizations became very limited after the initial boom. While according to 1999 data almost 57,000 NGO's are registered in Hungary (out of which 30,000 are actually operating), only 70 organizations appeared at the 1999 civil forum organized by the Secretariat of the Representation of Women (although the Secretariat has connections with approximately 150 organizations that deal partly or exclusively with women). The reason for this, according to the Report, is the lack of social and financial support. In terms of policy relevant voices, the number of 70 seems far too high; the number of NGOs having the issue of gender equality on their agenda that have voiced their concerns on policy issues during the last few years is probably lower than 10, and even fewer made any significant contribution to the policy process beyond representing a critical voice. Both the governmental side and the NGO side can be seen as reactive rather than proactive with respect to crucial issues concerning women's rights⁴⁵. However the success of the Hungarian NGO sector in promoting policy progress differs from sector to sector; some policy fields are debated at the national level drawing active NGO participation (such as domestic violence) others pass without any real national debate, still others call for debate only at the academic level.

⁴³ CEDAW Concluding Comments on Hungary's Combined Fourth and Fifth Periodic Report (August 2002)

⁴⁴ Concerning the Activity of the Parliamentary Commissioner for Civil Rights see the annual reports of the institution – 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002

⁴⁵ IHF Report Women's Status in Hungary (year 2001)

Over recent years, the main NGOs having an active policy role on important gender equality related policy processes (passing the Act, the debate on domestic violence and the debate on prostitution) are: the Women against Violence NGO (NANE <http://www.nane.hu>), the Habeas Corpus Working Group (<http://habeascorpus.hu/index.nyito.htm>) and the Women's Rights and Children's Rights Research and Training Center Foundation. An important role is also taken by the Foundation for the Women in Hungary (MONA <http://www.mona-hungary.org>), especially in awareness raising work. Several other NGOs conduct small gender equality related projects.

The Hungarian Women's Lobby, an umbrella organization for several Hungarian women's NGOs, is currently the member of the EWL.

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Non-Employment in Hungary (1995-2007)

2.1 Introduction of relative relevance and presence of subissues

The present timeline considers topics within the following, overlapping subissues, which concern the most relevant policy measures of the non-employment issue in Hungary:

- 1) Reconciliation of work and family life
 - parental leave
 - child and family allowances
 - family policy instruments in demographic policies
- 2) Care work and informal work
 - child-raising benefit, as full time motherhood
 - care for disabled/elderly
 - irregular work
 - family day-care service
- 3) Equal pay / gender pay gap
 - Labour Code
- 4) Tax and benefit policy
 - retirement age and pension reform
 - social insurance for the elderly/persons on parental leave
 - unemployment benefits and minimum wage
- 5) Equal access to the labour market
 - social exclusion / inclusion
 - lifelong learning and knowledge-based society
 - part time work, tele-work

2.1.1 Reconciliation of work and family life

In Hungary the subissue of reconciling work and family life proved to be the major one in terms of the density of debates and the number of actors involved in the discussions. During the QUING period (1995-2007), concepts on families and family policies have always divided the Parliamentary Parties; both left-wing parties and right-wing parties presented their ideas, which sometimes met but mainly contested each other. Left-wing parties treated the family support system basically as part of the social policies, aiming to balance social inequalities, formerly on the basis of class, later also on the grounds of sex and gender. Right-wing parties have been representing a different approach by connecting family policy instruments to demographic policies, relying on the fact that an appropriate family policy can influence demographic changes and stop the population decline. At the same time, no changes in the size and structure of the families were taken into account, but rather a conservative, normative conception of family was supported by them. Measures approved by the right-wing government have mainly concerned middle income families.

Although neither the civil society nor the EU had major impact on the amendment regulating parental leave, or the child and family allowances as potential means of helping women to

balance their work and family life, due to the alternating governments since the transition started in 1989, these issues were almost continuously on the political agenda. At the same time, the emergence of a gender perspective has been enhanced only by the appearance of the EU norms.

The major policy shifts that took place during the QUING period were the following:

- 1995-1996 – the left-wing coalition launched an austerity package to handle the fiscal problems of the country that resulted in constraints on childcare and family benefits and their tailoring to needs basis.
- 1998-1999 – the right-wing coalition developed the first comprehensive family support system, which has changed the eligibilities for parental leave as well as childcare benefits, preferring middle income families, but making the childcare fee and child-raising benefit available also for fathers (then in 2001, for grandparents). The support system shifted from a need based approach to a demographic approach favouring middle income families.
- 2002-2003 – re-elected left-wing coalition modified the support system by its welfare reform and made family assistance available to lower income families as well. The support system shifted back to a social policy orientation.
- 2005-2006 – another major shift in family policies re-enforced the aim to promote poorer families by tightening the availability of tax allowances and doubling the amount of the means-tested family allowance. At the same time, since 2003 a gender perspective in family policies started to increasingly emerge as part of employment policies as well.
- 2006-2007 – the topics of reconciliation are more connected to measures in the field of employment policy than ever before. Left-wing parties are representing the relevance of mothers' integration into the labour market by their governmental programme. Intersectionality comes onto the agenda, but only in terms of the situation of women above 50 years.

2.1.2 Care work and informal work

The question of care work firstly emerged in the renewal of the welfare system in 1990-1993. Restructuring the public administration, social services and provisions became decentralized and many caring tasks were listed as part of the responsibility of local governments. Both civil organizations and family members became eligible for receiving state support, which - due to the lack of financial resources of many local governments as well as the lack of a rationalized, efficiently working care system - gained great relevance.

Meanwhile, voluntary work has not emerged and is still not prevalent in Hungary therefore care-giving remained mainly the task of family members, and especially women. However, during debates and discussions on care work gender aspects are usually not (and neither did they used to be) represented by any actor. Hence, policy shifts in regard to care work, including informal care work and also home-work, concerned the situation of women only indirectly.

The major shifts in this field were the following:

- 1993 – adoption of the new Welfare Act; a right-wing government introduced the child-raising benefit, supporting worse-off women with three or more children to stay at home
- 1998-1999 – the child-raising benefit became available also for fathers, and its eligibility became connected to citizenship rights, which was fundamentally aimed by the right-wing government to let women choose “full time motherhood”
- 2003 – family day-care service-providers supplying an alternative to public childcare facilities could apply for normative state support, but the debates did not include gendered arguments
- 2005 – mainly as a result of a civil initiative to help families with multiple disabled children, the nursing fee started to be gradually increased, and receiving the nursing fee and old age pension at the same time became possible. Despite this, the initiative of the civil organization to recognize care-giving as formal work was outvoted. In the same year, the law concerning informal work was amended, which made it more advantageous to the employer to employ irregular workers, while more home- and care workers could be covered by healthcare and pension benefits.

2.1.3 Equal pay / gender pay gap

The subissue of equal pay is scarcely discussed in the Hungarian political arena, except for its occasional appearance in the context of equal opportunities of women from the late 90s. Immediately after transition equal pay for equal work became a constitutional provision by the general amendment of the Constitution; however specific measures were not taken to enhance this principle.

One major shift can be identified:

- 2000-2001 – by the harmonization process, the gender pay gap was debated in the Parliament and enacted in the Labour Code, but since then no substantive discussion has been initiated either by parties, or civil organizations, let alone the approval of the Equal Treatment Act in 2003.

2.1.4 Tax and benefit policy

During the QUING period, concerning tax and benefit policies in terms of gender issues, the policy measures taken and the related debates proved to be quite fragmented, and mostly only gradual changes have occurred that amended some major laws like the Employment Act approved in 1991, the Labour Code enacted in 1992, the Welfare Act promulgated in 1993, and the Pension Act as well as the Health Insurance Act coming into force in 1997. The smaller amendments have had indirect yet important impacts on the situation of women at work or on unemployment benefit, women on parental leave or receiving a pension. Nevertheless, some major policy shifts could also be identified, but none of them were accompanied by an explicitly gendered discussion.

When gender dimensions emerged, right-wing parties usually represented a conservative approach in which they emphasized the importance of the recognition of women's work done for their families. Meanwhile, at the beginning of the QUING period left-wing parties represented a gender-neutral social policy; but since 2000, also due to the influence of EU concepts, the gender perspective has emerged in their arguments, in line with the introduction of more and more active labour market policies that have had a positive impact on women's chances to reintegrate into the labour market.

The major shifts:

- 1996-1997 – raising the age of retirement for both sexes up to 2009, and the launch of the pension reform, including the development of a multi-tier pension system in order to cope with the problem of an ageing society and the stipulation of using gender-neutral life expectancy rates in the calculation of annuities. The reform of health insurance happened in the same year
- 1999-2000 – the conservative government shifted unemployment benefits from passive measures to active measures. Hence, unemployment benefits were connected to workfare rather than welfare. Meanwhile, two governmental decrees have almost doubled the guaranteed minimum wage, which made integration into the labour market more difficult and contributed to the raise of the rate of unemployment
- 2002-2003 – a comprehensive welfare reform of the Socialist Government was launched
- 2005-2006 – the renewed socialist/liberal government, to some extent following the preference of the right-wing government for active measures, brought a conceptual change in the system of unemployment benefits; while primarily due to the fiscal problems, healthcare and the taxation system was reformed

2.1.5 Equal access to the labour market

The question of women's equal access to the labour market was put on the political agenda only after 2000, as an impact of the European Commission and part of the obligations related to the process of accession. There were no substantive Parliamentary debates, but several major strategic documents were provided on the Hungarian employment policies in line with social exclusion and inclusion, referring also to the European Employment Strategy and the open method of coordination of social policies within the EU. To some extent, all the documents represented a gender perspective, but conceptualized the need of eliminating gender inequalities rather than being included in the horizontal aims. Only some of them mentioned more concrete measures.

Other documents driven by EU-related conceptions, like life-long-learning, sustainable development, or knowledge-based society were also compiled between 2003 and 2007, but none of them mentioned women-targeted policy measures.

There were no major legislative shifts, but as part of the welfare reform of the Socialist Government some minor amendments were carried out in the field of employment policy that supported mainly women on parental leave and those over 50.

Although the weak accessibility of the Roma minority to the labour market is a well-known problem which regularly came up in Parliamentary debates, Romani women were hardly ever mentioned as a multiply disadvantaged group. The same was true of disabled women, whose special problems are neglected, even though the Parliament has already approved two action plans on disability issues.

Main shifts:

- In line with Hungary joining some of the social inclusion and employment policy processes at the European level, the equal access of women to the labour market slowly comes onto the agenda of Hungarian policy making. Within this trend, in 2001 the first Joint Assessment of Hungary's short-term employment and labour market policy priorities is developed, followed by the National Employment Action Plan in 2004. In 2003, the Joint Inclusion Memorandum on Social Integration was compiled, followed by the National Action Plan on Social Inclusion 2004-2006 and the National Strategy Report on Social Protection and Social Inclusion 2006-2008; and the first National Development Plan
- 2004 – the concept of tele-work emerged in the Hungarian Labour Code and the Tele-work Council was established; employers who employ vulnerable groups like women on nursing fee or on parental leave, or above 50, can apply for tax allowances
- 2005 – the Roma Decade Action Plan listed the promotion of equal opportunities for women under cross-cutting themes
- 2006 – the second National Development Plan was developed
- 2007 – two Shadow Reports reflecting on the VI CEDAW Report were produced, one of which has Romani women as its specific focus

2.2 Actors

The following actors were found to be of importance concerning the issue, in terms of those involved in the surrounding debates or those who carried out lobbying:

State and political actors

- **Parliament**
- **Parliamentary Committees** (Committee of Youth, Social and Family Affairs, Committee of Human Rights, Ethnicities, and Civil and Religious Affairs, Committee of Employment and Labour Affairs, Committee of Health Care, former Committees of the Parliament)
- **Ministry** of Public Welfare (1990-1994), Ministry of Employment and Labour Affairs (1994-1998), Ministry of Health Care, Social and Family Affairs (2002-2004), Ministry of Youth, Social and Family Affairs, and Equal Opportunity (2004-2006), Ministry of Social and Labour Affairs (2006-), etc.

- **Government Committee on Demographic Policy**

Public agencies

National Interest Reconciliation Council (OÉT)

OÉT is a macro level tripartite reconciliation forum of the employers, the employees and the state. The forum is responsible for the discussion of all kinds of issues related to the world of work, including fundamental economic policies related to incomes

Equal Opportunity Commission

This commission of the OÉT which was re-established in 2002 is liable for the preparation of the discussions concerning equal opportunities within the world of work.

Economic and Social Council (GSZT)

GSZT is also a macro level tripartite institution operating since 2004, but it has no real impact on the work of the Parliament. With similar traits of other EU countries' consultative fora, it develops statements, opinions and recommendations for the legislative institutions. The Council consists of representatives of the economy, the employees, and the civil sphere including academics

State Service for Employment (ÁFSZ)

ÁFSZ is liable for the administrative work related to the Hungarian employment policies. It consists of the Employment Office, the metropolitan and the 19 county level centres for labour affairs, as well as its 174 local representatives, and the 9 regional level training centres. The institution is funded by the Labour Market Fund

National Employment Foundation (OFA)

OFA usually supports pilot projects which aim to help the integration of vulnerable groups into the labour market with target-group-specific means. In these terms, it counts as the most notable subsidizer, besides PHARE, in Hungary

National Health Insurance Fund (OEP)

National Institute of Family and Social Policy / Institute for Social Policy and Labour Affairs

National Social Policy Council

National Council Adult Training

National Council for Disability Affairs

Council for the Elderly

Council for Women's Representation

Metropolitan Office for Equal Opportunity Methodologies

NGOs / civil organizations

Trade unions (rather at a national level, instead of sectoral level)

Women's Committee of the National Association of the Hungarian Trade Unions (MSZOSZ), a trade union confederation

The Committee is liable for the development of equal opportunities and improvement of the situation of women on maternity leave.

National Association of Large Families (NOE)

NOE is a 20-year-old civil organization consisting of large families – already 15,000 of them – which mainly represents a conservative approach to family concepts and policies.

It sometimes lobbies the government on different kinds of benefits and allowances provided for families with (many) children. Among its aims is “the enforcement of the institution of marriage and the responsibility felt for the future generations, as well as the education for the respect of life and motherhood”.

SEED Foundation

SEED Foundation primarily aims at sustaining micro and small enterprises and civil organizations and thus promoting equal opportunities. This NGO is not so much involved in political debates but organizes trainings for public actors on equality and helps in the work of the Ministry of Family and Social Affairs in producing documents on gender equality, including the issue of reconciliation. Hence it recently came to be a sort of advisory organization for the Ministry.

Legal Aid Association for the Mentally Disabled and Their Families

The Association for the Mentally Disabled was established, against the National Representation of the Interests of the Parents and Helpers of the Mentally Disabled (ÉFEOSZ) which had been thought to misrepresent the interests of the mentally disabled people and their families. This Association is lobbying exclusively for the mentally disabled and not other disabled people. Its major achievement was to initiate a Parliamentary debate on nursing fees in 2005.

International actors

- **European Commission**
- **United Nation**
- **European Roma Rights Center (ERRC)**
- **Network Women’s Program, Open Society Institute (NWP/OSI)**

2.3 Timelines

2.3.1 Reconciliation of work and family life⁴⁶

Pre-1995 period

In the pre-QUING period, during the socialist era, Hungary had a rather generous social protection system, with childcare benefits introduced gradually from the end of 1960s and subsequently becoming an integral part of the system. However, the changing economic and social conditions in the 1990s created a need for reform, and these benefits underwent significant changes. The system needed to be restructured to deal with unemployment as an overt problem. Hence, as a result of restructuring family allowance and birth grant in 1990⁴⁷ and 1993⁴⁸, two elements of family support system became based on citizenship rights instead of insured/employed status. At the same time, the centre-right government introduced the child raising-benefit (GYET) in 1993, eligible for those who have three or more children in the family and work no more than four hours a day outside the home while the youngest child is under the age of eight.⁴⁹

Primary sources:

(1990) A családi pótlékról szóló 1990. évi XXV. törvény [Act XXV/1990 on family allowance]

Oct 28 (1992) A családi pótlékról szóló 1990. évi XXV. törvény módosításáról szóló törvényjavaslat általános vitája [General debate of the amendment on the Act XXV/1990 on family allowance]

Nov 29, Dec 2, 20, 22 (1992) A szociális igazgatásról és a szociális ellátásokról szóló törvényjavaslat általános és részletes vitája [General and detailed debate on the Bill on social administration and social provisions], **T/6570**

Jan (1993) A 1993. évi III. törvény a szociális igazgatásról és szociális ellátásokról [Act III/1993 on social administration and social provisions]

Jan 25 (1993) A családi pótlékról szóló 1990. évi XXV. törvény módosításáról szóló törvényjavaslat általános vitája [General debate on the amendment of the Act XXV/1990 on the family allowance], **T/8367**

Nov 29, Dec 7, 8, 20 (1993) A szociális igazgatásról és szociális ellátásokról szóló 1993. évi III. törvény módosításáról szóló törvényjavaslat általános és részletes vitája [General and detailed debate on the Bill on social administration and social provisions], **T/13765**

⁴⁶ For this subissue, the timeline uses the issue history of the MAGEEQ project on sharing within the family as a relevant source provided by Tamas Dombos, Anna Horvath, Andrea Krizsan, and Violetta Zentai.

⁴⁷ Act XXV/1990 on family allowance

⁴⁸ Act III/1993 on social administration and social provisions

⁴⁹ A more detailed description of the changes in the legislation of parental leave and child-care benefits before 2003 can be seen in: Erika Lukács and Frey, Mária. 2003. The Gender Dimensions of Social Security Reform in Hungary. In *The Gender Dimensions of Social Security Reform in Central and Eastern Europe. Case studies of the Czech Republic, Hungary and Poland.* eds. Elaine Fultz, Markus Ruck and Silke Steinhilber. pp. 43-109. Budapest: ILO

In parallel with the amendments of the laws concerning parental leave, and child and family allowances, the issue of child-care within the family appeared as part of the demographic problems as well. The Government of the Hungarian Democratic Forum (MDF) established a Governmental Decision⁵⁰ on the principles of long-term demographic policies in 1994, including their concept on sharing between parents within the family, where the single-earner family model was supported when women are not obliged to work and can choose to take care for children and older relatives as a “profession”. These contradictory family conceptions in terms of sharing and demographic policies remain characteristic during the governance of right-wing parties in 1998-2002 as well.

Primary source:

1031/1994 Korm. határozat a távlati népesedéspolitika alapelveiről [Government Decision No. 1031/1994 on the Principles of Long-term Demographic Policy]

1995-1996

As regards family support system, another major shift happened in 1995-1996 when the socialist (Hungarian Socialist Party) / liberal (Alliance of Free Democrats) coalition government (1994-1998) introduced an austerity package in order to handle the economic difficulties caused by transition, which tightened eligibility for social benefits, income-tested some benefits, and decreased the real value of family benefits.

Primary sources:

Feb 7, A szociális igazgatásról és a szociális ellátásról szóló 1993. évi III. törvény módosításáról szóló törvényjavaslat általános vitája [The general debate of the Bill on the amendment of the Act III/1993 on social administration and social maintenance], **T/451**

Apr 26, May 3, 8, 16, 17, 23, A gazdasági stabilizációt szolgáló egyes törvénymódosításokról szóló törvényjavaslat általános és részletes vitája, valamint az arról történő szavazás [The general and detailed debate, and vote on the Bill on certain amendments of laws targeting economic stabilization], **T/817**

The most dramatic changes occurred in mid-April 1996, when certain benefits became more targeted and less generous: the income-related child care fee (GYED) was abolished; the maternity benefit (TGYÁS) was reduced from 100 percent to 70 percent of previous earnings; the family allowance, except for families with three or more children, became income-tested; and the child care allowance (GYES) was raised and provided a flat-rate monthly amount though it also became income-tested. Meanwhile, the pregnancy benefit was replaced by a lump-sum birth grant which was 30–40 percent lower than former benefit it replaced.

⁵⁰ Governmental Decision No. 1031/1994 (IV.30.) on the Principles of the Long-term Demographic Policies

Primary sources:

Mar 12, 19, 25, Apr 2, Az egyes szociális ellátásokkal kapcsolatos törvények módosításáról szóló törvényjavaslat általános vitája [The general and detailed debate, and voting on the Bill on the amendment of laws concerning certain social services], **T/2060**

1996. évi XXII tv. egyes szociális ellátásokkal kapcsolatos törvények módosításáról [Act XXII/1996 on the amendment of laws concerning certain social services]

Oct 9, Napirenden kívüli felszólalók: Hegyi Gyula, MSZP. "Fontos szociális dokumentum Európa számára" címmel [Speakers beyond the agenda: Hegyi Gyula, Hungarian Socialist Party. „Important social document for Europe”]

At the parliamentary debate in February, the opposition parties criticized the government for the lack of presentation of its family policy and for the constraining measures that had happened in the family support system since 1994. Zoltán Pokorni, Young Democrat MP, summarized in seven points his party's proposal to reform the current benefit system.

Primary source:

Feb 28, A kormány családpolitikájáról szóló politikai vita [Parliamentary political debate on the Family Policy of the Government], **V/1968**

1997

The Act XXXI/1997 on child protection and the administration of guardianship had great relevance in the assistance of poor families with children, since it defined firstly the regular child protection benefit which to those families whose income per capita is not more than 110 per cent of the current minimum old age pension became entitled, and those single parents or parents with disabled children whose income per capita does not exceed the 120 per cent of that. At the same time, these families are eligible to meal and school-book allowances, and to a single subsidy on school enrolment. The Act was also intended to establish a parent substitute network, and reinforce the public facilities of child care, as well as introduce the family day care system in case of the scarcity of public nurseries and kindergartens; however it wasn't financially supported by the state and meant real help only for better-off families.

The Bill was approved and supported by all parties, which counted as an unusual agreement in the Parliament.

Primary sources:

Feb 11, A gyermekek védelméről és a gyámügyi igazgatásról szóló törvényjavaslat általános vitája, [General debate of the Bill on child protection and administration of guardianship], **T/3204**

1997. évi XXXI tv. a gyermekek védelméről és a gyámügyi igazgatásról [Act XXXI/1997 on child protection and the administration of guardianship]

Apr 22, Dr. Kávássy Sándor (FKGP) - a népjóléti miniszterhez - "Elnézhetjük-e, lehetünk-e tétlen szemlélői, hogy vannak anyák, akik koldulni kénytelenek, ha el akarják tartani gyermeküket, családjukat?" címmel [Question of Dr. Kávássy,

Sándor, Independent Party of Small-Holders, to the Minister of Public Welfare: “Are we allowed to ignore the fact that there are mothers forced to beg for maintaining their child and family?”]

Jul 8, Dr. Kelemen András (MDF) - a népjóléti miniszterhez - "Támogatás nélküli anyák" címmel [Question of Dr. Kelemen, András, Hungarian Democratic Forum, to the Minister of Public Welfare: „Mothers without Support”]

In October, a Parliamentary political debate was held as a continuation of the political debate held in February 1996, and as an assessment of the impacts of the governmental measures introduced in family policies one and a half year before. During the discussion, right-wing parties challenged the social/liberal government as to why family policy is taken as part of the social policy and why middle-class families, and primarily women, are not supported by the state. Gabriella Selmeczi, Young Democrats MP, also outlined a detailed proposal for family policy changes that needed to be done to benefit middle class families, as well as encourage them to bear more children and to stop the demographic decline.

Primary sources:

Oct 16, "Családpolitikai vitanap" című politikai vita [Parliamentary political debate on Family Policies], **V/4910**.

1998

In 1998, the coalition of the right-wing Alliance of Young Democrats-Hungarian Civic Party (Fidesz-MPP), the agrarian-right Independent Party of Smallholders (FKGP) and the Hungarian Democratic Forum (MDF) reintroduced universal family benefits and created additional family-oriented preferences, such as tax credits. The new policy⁵¹, to some extent, represented a return to the previous generous childcare allowance system before 1995. However, it presented a conservative family concept referring to demographic changes and favoured primarily middle income families by focusing mainly on previous income or tax benefits. At the same time, family allowance was based on personal rights again, along with the child care allowance and the child-raising benefit (GYET), which both became claimable by either parent. Maternity benefits and maternity leave remained exclusively available for mothers.

Primary sources:

Mar 3, Aszódi Ilona Katalin (független) - a népjóléti miniszterhez - "Milyen intézkedéseket tett vagy kíván tenni a miniszter úr arra vonatkozóan, hogy a rendszeres gyermekvédelmi támogatásra jogosultak valóban meg is kapják a támogatást?" címmel [Question of Aszódi Ilona Katalin, independent MP, to the Minister of Public Welfare: „What kind of measures were taken or are intended to be taken by the Minister concerning regular child protection allowance to be effectively received?”]

⁵¹ Act LXXXIV/1998 on family provisions, with the Governmental Decree No. 223/1998 on its execution.

Jun 30, A családi támogatások átalakításáról szóló határozati javaslat általános vitája [General debate on the proposal for decision on the restructuring of family support], **H/14**

Nov 24, Dec 15, A családok támogatásáról szóló törvényjavaslat általános vitája [The general debate and voting on the Bill on family support], **T/331**

Dec 22, A gyermekgondozási díj intézményének ismételt bevezetéséről szóló országgyűlési határozati javaslat általános vitája, [General debate on the proposal for parliamentary resolution on the reintroduction of child care fee], **H/554**

Dec 24, 1998. évi LXXXIV. törvény a családok támogatásáról, egységes szerkezetben a végrehajtásáról szóló 223/1998. (XII. 30.) Korm. Rendelettel [Act LXXXIV/1998 on family provisions, with the Governmental Decree No. 223/1998 on its execution]

1999

A document on the concept of family and related policies was produced by the right-wing government in 1999⁵², which was the first comprehensive approach creating a family policy in Hungary. This raised the questions of demography again, outlining the decreasing number of children, and proposing that family support be improved and the dual-earner family model be shifted in order to ensure the possibility for one of the parents to raise their child at home on a full time basis. Under the section called "Harmonisation of Child-raising and Employment", a detailed policy conception is elaborated on mothers' role within the family and their employment.

The paper was heavily debated in the social, academic and political arena. Academics and civil representatives criticized it for its discriminatory social policy concepts which primarily support middle and high class families, and for applying a normative family conception representing a conservative approach. It was also accused of being openly discriminative in the housing issues of Roma families.

Primary source:

Oct, Nemzeti családpolitikai koncepció [National Family Policy Concept. Minister of Social and Family Affairs. Draft presented to the Government]

Secondary sources:

Adamik, Mária. 1999. A 'Sein' és a 'Sollen' a családpolitikában. ['Sein' and 'Sollen' in the family policy]. *Fundamentum 4: 105-108.*

Kiss, Róbert, and Katalin Lévai. 1999. Variációk családpolitikai koncepciókra. [Variations for family policy conceptions]. *Fundamentum 4: 101-104.*

Morvai, Krisztina. 1999. Család, állam, előítélet [Family, state, prejudice]. *Fundamentum 4: 109-112.*

⁵² National Family Policy Concept presented to the Government by the Minister of Social and Family Affairs in October 1999.

Also in 1999, the child care fee (GYED) was re-established by the government; however it remained dependent on insured status and even though either parent could claim this benefit, the claiming parent was not allowed to be employed while receiving this fee (children under the age of two).

Primary source:

Jun 14, Sep 6, A gyermekgondozási díj bevezetésével összefüggő törvénymódosításokról szóló törvényjavaslat általános vitája [General debate on the Bill on the amendment of laws concerning the introduction of child care fee], T/1280

1999. évi XCVII. tv a gyermekgondozási díj bevezetésével összefüggő törvénymódosításokról [Act XCVII/1999 on the amendment of laws concerning the introduction of child care fee]

2000

In the course of approving several Acts in 2000, in accordance with the decisions made by the International Labour Organization, the Parliament accepted the Agreement No. 103 of the 35th International Labour Conference on the protection of motherhood which concerns all maternal leave, birth grant and healthcare services provided for women having children.

Primary sources:

Apr 11 Dr. Kökény Mihály (MSZP) - szociális és családügyi miniszterhez - "A családi pótlékot elsovasztják, ugye?" címmel [Question of Dr. Kökény, Mihály, Hungarian Socialist Party, to the Minister of Social and Family Affairs: „Family allowance will be liquidated, won't it?"]

Jun 13, 2000. évi LVIII. törvény az anyaság védelméről szóló, a Nemzetközi Munkaügyi Konferencia 1952. évi 35. ülészakán elfogadott 103. számú Egyezmény kihirdetéséről [Act LVIII/2000 on the announcement of the Agreement No. 103 accepted at the 35th Meeting of the International Labour Conference in 1952, on the protection of motherhood]

2001

In 2001 governmental debate and decision created the possibility for grandparents to share child caring and receive childcare benefits, before the child reaches the age of three in cases where the child is over one year, if the parents agree to the arrangement, if the grandparent has no other earnings, and if the parent has no earning activity. That is, grandparents had to opt either for pension or for childcare benefits. The regular child protection benefit was renamed as well, becoming the supplementary family allowance. This benefit was slightly higher, but the qualifying conditions remained unchanged. Moreover, it was called regular child protection benefit again from 2003 onwards.

Primary sources:

Feb 14, A családok támogatásáról szóló 1998. évi LXXXIV. tv módosításáról törvényjavaslat általános vitája [General debate of the Bill on the amendment of the Act LXXXIV/1998 on family provisions], **T/3534**

2001. évi XII tv. a családok támogatásáról szóló 1998. évi LXXXIV. tv módosításáról [Act XII/2001 on the amendment of the Act LXXXIV/1998 on family provisions]

According to a Parliamentary Decree accepted in 1995, the government should provide a report on the situation of the youth; however it is not prescribed to be discussed within a parliamentary debate. Yet the right-wing government firstly produced a more comprehensive and longer report and proposed it for discussion in 2001. The report also included the family policy measures taken by the current government. Meanwhile, the second even longer report enhanced the conservative conceptions on family policy, which also included the opinion and assessment of some NGOs, like the National Association of Large Families; however opposition parties accused the government of allowing only those voices which agree with current policies supporting insured, middle income families.

Primary sources:

Feb 13, A gyermekek és az ifjúság helyzetéről, életkörülményeik alakulásáról és az ezzel összefüggésben megtett kormányzati intézkedésekről szóló jelentés, valamint az ehhez kapcsolódó országgyűlési határozati javaslat együttes általános vitája [General debate on the Report on the Governmental measures related to the situation of the children and youth and the changes of the circumstances of their life], **J/2734/2-5, H/3755/2**

Dec 10, A gyermekek és az ifjúság helyzetéről, életkörülményeik alakulásáról és az ezzel összefüggésben megtett kormányzati intézkedésekről szóló jelentés, valamint az ehhez kapcsolódó országgyűlési határozati javaslat együttes általános vitája [General debate on the Report on the Governmental measures related to the situation of the children and youth and the changes of the circumstances of their life], **J/5136, H/5188**

During a Parliamentary debate on social cohesion held in 2001, family policy issues, the related taxation system, as well as the high rate of Romani women's unemployment due to early child-bearing were discussed. The debate was initiated by the floor leader of the Socialist Party, and introduced by the state secretary of the Ministry of Social and Family Affairs, Judit Szemkeő. It served as an assessment of the social policy of the current right-wing government.

Primary source:

May 11, "A társadalmi kohézió, az elszegényedés megállítása" című politikai vita [Parliamentary political debate on the 'Social cohesion and tackling impoverishment'], **V/4236**

The Governmental Committee on Demographic Policy, a department of the Strategic Analyst Centre (STRATEK) under the Prime Minister's Office, was first planned by the Government in 2001 as an ad-hoc committee to "introduce and evaluate the demographic situation, and seek means for influencing unfavourable birth and death rates". The committee, which did not manage to develop a demographic programme by 31 December 2001, was re-established in 2002 after elections and the programme's deadline was extended by two years. The committee and all of its documentation treat child care and all related issues as being of crucial importance to demographic policy.

Primary source:

Problémagyűjtemény és cselekvési program vázlat a Nemzeti Népesedési Program értékrendjéhez [A collection of problems and draft action plan for the values of the National Demographic Programme]

2002-2003

With the victory of the Socialist Party at the elections, two „100-day programmes” were introduced. The second one, called „Chance to the future!”, was meant to be a basis for the development of a new welfare regime and outlined all policy measures to be taken in the fields of employment policies, social policies as well as family policies.

Regarding the governmental programme, following several Parliamentary debates between September and November, new packages of amendment of laws were promulgated in November-December 2002 (Act XXXIII/2002, Act LIII/2002) and in February 2003 (Act IV/2003). The newly enacted regulations meant that grandparents did not have to choose between the old age pension and childcare allowance since both became available at the same time, and fathers became entitled to a five-day-long paid leave upon the birth of their child, which was covered by the state. The latter measure was especially welcomed by the Women's Committee of the National Alliance of Hungarian Trade Unions, since they had also lobbied for and negotiated with the PM on the introduction of paternity leave.

Primary sources:

Oct 10, 1167/2002 (X.10.) Kormányhatározat az „Esélyt a jövőnek!” program megvalósításával kapcsolatos feladatokról [Government Decree No. 1167/2002 (X.10.) on the tasks related to the completion of the „Chance to the future!” Programme of the Government]

Sep 11, 17 A családok támogatásáról szóló 1998. évi LXXXIV. törvény módosításáról szóló törvényjavaslat általános vitája [General debate on the Bill on the amendment of the Act LXXXIV/1998 on Family Provisions], **T/187 – családi pótlék**

Nov, 2002. évi XXXIII. tv a családok támogatásáról szóló 1998. évi LXXXIV. törvény módosításáról [Act XXXIII/2002 on the amendment of the Act LXXXIV/1998 on Family Provisions]

Nov 12, A foglalkoztatás elősegítéséről és a munkanélküliek ellátásáról szóló 1991. évi IV. törvény, ..., a szociális igazgatásról és szociális ellátásokról szóló 1993.

- évi III. törvény, a Munka Törvénykönyvéről szóló 1992. évi XXII. törvény, valamint egyes kapcsolódó törvények módosításáról szóló törvényjavaslat általános vitája** [General debate on the Bill on the amendment of the Act IV/1992 on the advancement of employment and the provision of unemployed, ..., of the Act III/1993 on social administration and social provisions, of the Act XXII/1992 on the Labour Code, and of certain relating laws], **T/1202**
- 305/2002 sz. Kormányrendelet a Papák a babákkal intézkedésekről** [Governmental Decree No. 305/2002 on Fathers with Babies measures]
- Dec 13, 2002. évi LIII. törvény a foglalkoztatás elősegítéséről és a munkanélküliek ellátásáról szóló 1991. évi IV. törvény, ..., a szociális igazgatásról és szociális ellátásokról szóló 1993. évi III. törvény, a Munka Törvénykönyvéről szóló 1992. évi XXII. törvény, valamint egyes kapcsolódó törvények módosításáról** [Act LIII/2002 on the amendment of the Act IV/1992 on the advancement of employment and the provision of unemployed, ..., of the Act III/1993 on social administration and social provisions, of the Act XXII/1992 on the Labour Code, and of certain relating laws]
- Nov 27, Az egyes szociális tárgyú törvények módosításáról szóló törvényjavaslat általános vitája** [General debate on the Bill on the amendment of certain laws on social affairs], **T/1224**
- Feb (2003) 2003. évi IV. tv. az egyes szociális tárgyú törvények módosításáról** [Act IV/2003 on the amendment of certain laws on social affairs]
- Sep 17 (2003) „Mit hoz a jövő, avagy mennyi pénzt vesz ki a Medgyessy-csomag a családok pénztárcájából” címmel politikai vita** [Parliamentary political debate on „What will the future bring, that is how much money does the Medgyessy-package takes out of families' purse?"]

2003

The Parliamentary debate on the measures taken related to the youth by the former government in 2001 included a discussion on the family conceptions of the different parties, similarly to the former plenary sessions held in 2001, on which the reports submitted by the right-wing government were discussed.

Primary source:

- Mar 25, a gyermekek és az ifjúság helyzetéről, életkörülményeinek alakulásáról és ezzel összefüggésben a 2001. évben megtett kormányzati intézkedésekről szóló jelentés vitája** [General debate on the Report on the Governmental measures taken in 2001, related to the situation of the children and youth and the changes of the circumstances of their life], **J/1861, H/1862**

In September, a conference was organized which aimed to provide suggestions for further demographic policies, especially for the development of a national strategy to be presented at the 2004 demographic conference of the UNDP. Family policy and employment policies aiming at a higher employment rate among women were among the main issues of the talks

given by politicians and researchers. On December 17, the Governmental Committee on Demographic Policy launched the Concept of Governmental Demographic Policy.

Primary source:

Dec 17, A Népesedéspolitikai Kormányprogram Konceptiója, Népesedési Kormánybizottság [Concepts of the Governmental Strategy on Demographic Policy, by the Governmental Committee on Demographic Policy]

Secondary source:

Aug 8, Népeségfogyás és politika. Kortünet. [Decrease of the population and politics.] http://www.babanet.hu/lazi/hetrol_hetre/030808.htm

2004

As per EU regulations, namely the Directive 92/85/ECC on the protection of pregnant and breastfeeding employees, Act XI/2004 amended the Act XCIII/1993 on labour safety introduced the concept of the vulnerable group of employees, including pregnant or breastfeeding women and people with a small baby, who have to be protected from the effects that can increase health risks. Beyond the liability of briefing on such risks, employers are not allowed to dismiss vulnerable employees or to oblige them to a night shift work.

Primary source:

2004. évi XI. tv. a munkavédelemről szóló 1993. évi XCIII. tv. módosításáról [Act XI/2004 on the amendment of the Act XCIII/1993 on labour safety]

The Socialist Government was renewed in 2004, and the Governmental Programme submitted by the new Prime Minister was discussed in the Parliament in September. The announced „100-step-programme” defined the aim of supporting women’s careers and not forcing them to choose between work and family life.

Primary source:

Sep 29, „Lendületben az ország! A Köztársaság kormányának programja a szabad és igazságos Magyarorszáért, 2004-2006” című országgyűlési határozati javaslat vitája, [The country is in fling! The Programme of the Government for the Free and Just Hungary, 2004-2006. Governmental Programme.] **H/11640**

2005

Within the framework of the „100-step-programme”, the whole family support system was restructured by the Act CXXVI/2005. In results, as of 2006, regular child protection benefit was abolished; the amount of family allowance was doubled, while the development of the so-called regular child care allowance, which remained from the regular child protection benefit, was meant to provide meal and school-book allowances. As an initiative of the socialist government to balance social inequalities, a tax allowance became eligible only for families with three or more children having less than seven million forints (28,000 EUR)

income per year. Parents (but not grandparents) on child care allowance became allowed to work on a full time basis if their child is older than 1 year, while employers were forbidden to dismiss anybody on parental leave, which may help women to reintegrate into the labour market.

The institution of the “Baby Bond” was introduced meaning a lump-sum support to carry interest for children born after January 1, 2006. Meanwhile, the means-tested regular social aid became based on the consumption units of a family instead of the income per capita, which was meant to develop a most just system of family support, which also took into account the structure and size of a family.

The National Association of Large Families welcomed most of the changes in the family support system, but noted the absence of effort to promote the emergence of part time jobs and tele-work, as well as appropriate public day-care services for children.

Primary sources:

May 23, “Egységes lesz a családtámogatási rendszer”, Gyurcsány Ferenc beszéde a Parlamentben a családtámogatási rendszer átalakításáról [“Family support system will be standardized”, Ferenc Gyurcsány, Prime Minister’s speech on the reforming of the family assistance in the Parliament],

http://www.miniszterelnok.hu/gss/alpha?do=2&pg=10&st=1&m13_doc=399

2005. évi CXXVI. tv a családtámogatási rendszer átalakításáról [Act CXXVI/2005 on the Restructuring of the Family Support System]

Secondary sources:

- **Mit kell tudni a családtámogatási rendszerről?** [What should be known from the family support system?], **http://www.noe.hu/index.php?option=com_content&task=archivecategory&year=2006&month=01&module=1**
- **Adókedvezmény a magzatra, a továbbtanulóra** [Tax allowance for fetus and persons educating further], **http://www.noe.hu/index.php?option=com_content&task=view&id=130&Itemid=107**
- **A munkavállaló nők V. országos Konferenciája** [5th National Conference of the Employed Women], **<http://www.hrportal.hu/index.phtml?page=article&id=46153>**

Within a Parliamentary debate on the safety of children, current and former governments’ family policies and their impacts were discussed. The centre-right Hungarian Democrat Forum’s MPs contested the governing parties’ support system for parents and emphasized the need to develop a well-thought-out population policy.

Primary source:

Dec 14, Biztonságot „és igazságot a gyerekeknek!” címmel politikai vita, Sisak Imre János, MDF [Parliamentary debate on Safe and „Just to Children”!], **V/18574**

2006

After the elections in 2006, the new Socialist Government (2006-2010) presented its governmental programme, namely the „New Hungary Program 2006-2010” that concerns „Just family support – struggle against child poverty” and the „Equal opportunity for women”, which highlights the relevance of helping parents, especially women, to integrate into the labour market and gain employment.

Primary source:

May, Új Magyarország Program 2006-2010 [New Hungary Program 2006-2010]

Secondary source:

Mar, Variációk egy témára – szociálpolitika a választási programokban, [Variations for an issue – social policies in the election campaigns], **Szocháló**, <http://www.szochalo.hu/aktualis/hircentrum/article/105829/3069/>

In autumn 2006, the Equality between Men and Women Department of the Ministry of Social and Labour Affairs established a working group to help the work of the Ministry in the advancement of reconciling women’s work and family life. The Department invited several civil organizations and provided a website including information on the most important conceptions, current trends as well as governmental and civil ideas on reconciliation.

Secondary source:

<http://www.munka-maganelet.hu>

In 2006, a report was provided about the final conference of the gender-pilot programme carried out by the Ministry of Social and Labour Affairs in 2005-2006. The project corresponded to the EU Community Frame Strategy that launched an action programme on Gender Equality. The Ministry had been invited to submit an application and elaborated one regarding “The role played by men in promoting equality between women and men, new interpretation of the parental - particularly fathers’ - role in reconciling work, career and private life”. At the conference, among others, the outcomes of the project were presented. The relevance of gender mainstreaming in the field of employment as well as family policies were underlined by Edit Rauh, the state secretary of equal opportunities of the Ministry.

Secondary source:

Nov, Férfi. Nő. Egyenlő? A gender mainstreaming végrehajtása az új tagállamokban. [Men. Women. Equal? The achievement of gender mainstreaming in the new member states], http://www.genderpilot.hu/hirek_aktualitasok_hun.php

2007

As of July 2007, in accordance with the promises of the “New Hungary Program 2006-2010”, Start-Plus and Start-Extra Programmes are introduced. These programmes are based on the rationale of the Start programme provided for entrant youths. The programmes are also

intended to encourage employers to employ people either following parental leave⁵³ or those care-giving for relative/s, people over the age of 50, or undereducated persons living in poor rural areas, by being entitled to income allowances. The measures will most probably concern women and Roma job-seekers.

Primary source:

Mar, 2007. évi XIV. tv a pályakezdő fiatalok, az ötven év feletti munkanélüliek, valamint a gyermek gondozását, illetve a családtag ápolását követően munkát keresők foglalkoztatásának elősegítéséről, továbbá az ösztöndíjas foglalkoztatásról szóló 2004. évi CXXIII tv. módosításáról [Act XIV/2007 on the amendment of the Act CXXIII/2004 on the promotion of employing entrant youth, people above 50, and job-seekers following care-giving for children or other family member, and scholarship holders]

Following a Parliamentary debate on demographic policies, the National Association of Large Families wrote an open letter on its disagreement with the statements of the PM during the debate, especially regarding the statement that family policy measures could not encourage families to bear more children.

Primary source:

- **Feb 20, Jövők esélye a gyermek** [Our chance for the future is the child], **V/1931**

Secondary source:

- **Nyílt levél a Magyar Köztársaság Miniszterelnökének** [Public letter for the Prime Minister of the Hungarian Republic],

http://www.noe.hu/index.php?option=com_content&task=view&id=851&Itemid=136

In the course of the 6th National Conference of Employed Women initiated by the Women's Committee of the National Association of the Hungarian Trade Unions, a manifesto was signed which claims for the equal opportunities of women in the world of work, in the context of the year of Equal Opportunities in the EU in 2007.

Secondary source:

- **A munkavállaló nők VI. Országos Konferenciájának Nyilatkozata** [Manifesto of the 6th National Conference of Employed Women],

<http://mathom.dura.hu/mszosz/00/index/index.php?mode=file&file=html/archivum/sajtokozlemen/2007/20070308munkavallalonok.html>

⁵³ ...or during parental leave, since it is possible to work a child is over the age of one (the age limit used to be one and a half years). Hence parents on leave can work for two years alongside receiving childcare aid.

2.3.2 Care work and informal work

Pre-1995 period

Following transition, the Act on social welfare⁵⁴ promulgated in 1993 was meant to regulate the terms and conditions of formal care. By this law, services providing personal care (help at home) for the socially needy and/or those unable to care for themselves were made the mandatory task of the local authorities. However, the Act also made it possible for non-state bodies to carry out public tasks; foundations and associations belonging to voluntary sector can also receive the capitation for providing such services. Nevertheless, the presence of private service providers is still negligible in Hungary. At the same time, informal actors – families, relatives, neighbours, and most probably informal workers, most likely women – play (as before the transition) an important role as service providers⁵⁵; however there are no estimates on the real number and gender of informal caregivers in Hungary. Accordingly, the institution of the nursing fee was developed in March 1990, providing a means-tested as well as an equitable state support for those taking care for their disabled or seriously ill children, or for elderly people.

Primary sources:

Mar, (1990) Az 1990. évi XV. törvény a családjogi törvény módosításáról [Act XV/1990 on the amendments of the family rights law]

Jan (1993) Az 1993. évi III. törvény a szociális igazgatásról és szociális ellátásokról [Act III/1993 on social administration and social provisions]

In addition, the child-raising benefit was introduced in 1993 for those having three or more children and did not work more than four hours a day until the youngest child reached eight years of age. Being on child-raising benefit was also known as the “full-time job of motherhood”, however it is not taken as a form of employment. Yet it could be counted as a contribution to the pension scheme if the superannuation tax was deducted from the amount of the benefit.

Primary source:

Jan (1993) A 1993. évi III. törvény a szociális igazgatásról és szociális ellátásokról [Act III/1993 on social administration and social provisions]

1998

At the beginning, the child-raising benefit was available only for mothers. As a result of the family support system reform of the Young Democrats-led government, from 1998 it also became available to fathers.

⁵⁴ Act III/1993 on social administration and social provisions

⁵⁵ For more information on care in Hungary see: Zsuzsa Széman. Eurofamcare. 2004. *National Background Report for Hungary*.

Primary sources:

Nov 24, Dec 15, A családok támogatásáról szóló törvényjavaslat általános vitája
[The general debate and voting on the Bill on family support], T/331

Dec 24, 1998. évi LXXXIV. törvény a családok támogatásáról, egységes szerkezetben a végrehajtásáról szóló 223/1998. (XII. 30.) Korm. Rendelettel [Act LXXXIV/1998 on family provisions, with the Governmental Decree No. 223/1998 on its execution]

1999

The National Family Policy Concept of the right-wing government (1998-2002) presented in 1999 refers to the situation of families bringing up a disabled child and families of disabled parents. The paper emphasizes the importance of associations of parents with disabled children and civil organizations, but does not mention any actual financial or legal measures that would help the work of these groups.

Primary source:

Oct, Nemzeti családpolitikai koncepció [National Family Policy Concept. Minister of Social and Family Affairs. Draft presented to the Government]

The first National Programme of Disability Affairs approved in 1999 prescribed the expansion of basic social provisions helping the disabled and their families at home instead of in social institutions. The Decree did not represent a gender perspective, but highlighted the importance of family in caring.

Primary source:

100/1999. (XII. 10.) OGY határozat az Országos Fogyatékosügyi Programról
[Parliamentary Decree No. 100/1999 (XII. 10.) on the National Programme of Disability Affairs]

Child-raising benefit was income-tested till 1999, but according to the Act XCVII/1999 a flat-rate amount of it became claimable on a citizenship right, which meant a free choice for parents, and primarily women, to stay out the labour market and care for their children for a longer period.

Primary sources:

Jun 14, Sep 6, A gyermekgondozási díj bevezetésével összefüggő törvénymódosításokról szóló törvényjavaslat általános vitája [General debate on the Bill on the amendment of laws concerning the introduction of child care fee], T/1280

1999. évi XCVII. tv a gyermekgondozási díj bevezetésével összefüggő törvénymódosításokról [Act XCVII/1999 on the amendment of laws concerning the introduction of child care fee]

2001

At a plenary session of the Parliament, Andor József Szabó, Young Democrat MP, drew attention to the situation of those poor families who decide or - due to the scarcity of homes for the elderly - are obliged to care for their older relatives at home. As a reply, the Minister of Social and Family Affairs referred to the opportunity to apply for nursing fees from the local governments as well as to the new method of care-giving with an alarm system provided by local administration institutions.

Primary source:

Mar 6 Dr. Szabó József Andor (Fidesz) - a szociális és családjogi miniszterhez - "Várható-e az idősek otthoni betegápolásának támogatása?" címmel [Question of Dr. Szabó, József Andor, Alliance of Young Democrats, to the Minister of Social and Family Affairs: „Is the support of home care of the elderly to be expected?”]

The Act XXIV/2001 eased the burden of employers to employ people with the irregular working book. It resulted in an increase in applying for this kind of book which provided social security coverage for irregular workers such as home-workers, or baby-sitters who were formerly employed in the black or grey market.

Primary source:

2001. évi XXIV tv. a foglalkoztatás elősegítéséről és a munkanélküliek ellátásáról szóló 1991. évi IV. tv módosításáról [Act XXIV/2001 on the amendment of the Act IV/1991 on the advancement of employment and the maintenance of the unemployed]

As a result of the harmonization with EU legislation, the Welfare Act on social welfare was amended in 2001, which also concerned the regulation of the nursing fee. The entitlement of the benefit was expanded so that families with a disabled child became allowed to obtain nursing fees if the child attends a school, and in cases where the family living in Hungary had only a residence permit and were not Hungarian.

Primary sources:

Sep 6, A szociális igazgatásról és szociális ellátásokról szóló, 1993. évi III. törvény módosításáról szóló törvényjavaslat általános vitája [General debate on the amendment of the Act III/1993 on social administration and social provisions], **T/4617**
2001. évi LXXIX sz. tv. a szociális igazgatásról és szociális ellátásokról szóló, 1993. évi III. törvény módosításáról [Act LXXIX/2001 on the amendment of the Act III/1993 on social administration and social provisions]

2002

Connected to the ongoing welfare reforms, Gabriella Béki, Free Democrat MP, raised the issue of personal care at home in 2002, as one of the important topics that remained unaddressed by the amendment of the Welfare Act. She asked the Minister of Health, Social and Family Affairs if the people concerned may expect to obtain a higher nursing fee adjusted to the minimum wage instead of the minimum old age pension; given the low rate

of the nursing fee which was a well-known problem regularly coming up for discussion. Moreover, public institutions caring for disabled or chronically ill people were subsidized by the state far more than individuals on nursing fees. Mihály Kökény, the Minister of Social Affairs recognized the need to reform the nursing system and promised to settle the issue by 2006, the end of the governmental term, but no gender aspects of caring and obtaining the nursing fee were mentioned.

Primary source:

Dec 3, Béki Gabriella (SZDSZ) - az egészségügyi, szociális és családügyi miniszterhez - "Mikor kapnak végre nagyobb ápolási díjat az érintettek?" címmel [Question of Béki, Gabriella, Association of Free Democrats, to the Minister of Healthcare, Social and Family Affairs: „When do finally the concerned receive higher nursing fees?”]

2003

Gyula Tóth, Socialist MP, asked the Minister of Equal Opportunities about the measures taken concerning help for families bringing up children with multiple disabilities. Katalin Lévai, the Minister, outlined the most important provisions that were offered as: the nursing fee, transport allowance, medical aids, compensation for gas price increase, information, as well as antidiscrimination measures in general. No debate was initiated related to the question.

Primary source:

Nov 24 Tóth Gyula (MSZP) - dr. Lévai Katalin tárca nélküli miniszterhez - “Milyen segítséget kaphatnak a halmozottan fogyatékos gyermekek és az őket nevelő családok?” címmel [The question of Tóth, Gyula, Hungarian Socialist Party, to dr. Lévai, Katalin, Minister without portfolio, responsible for equal opportunities: „What kind of help may children with multiple disabilities and their families receive?”]

By the Act XXXIII/2002 on family provisions, introduced as part of the programme of the new socialist government (2002-2006), the institution of family day care regulated since 1997⁵⁶ became subsidized by the state as an alternative to the more traditional childcare facilities, like kindergartens and crèches. Hence citizens' work in providing family day care (usually alongside raising their own child) also became recognized. The Parliamentary debate on the bill did not point out that it mostly concerned women.

Primary sources:

Sep 11, Általános vita a családok támogatásáról szóló 1998. évi LXXXIV. törvény módosításáról szóló törvényjavaslatról [General debate on the amendment of the Act LXXXIV/1998 on Family Provisions], **T/187**

⁵⁶ ..by the Act XXXI/1997 on child protection and the administration of guardianship.

Nov, 2002. évi XXXIII. tv a családok támogatásáról szóló 1998. évi LXXXIV. törvény módosításáról [Act XXXIII/2002 on the amendment of the Act LXXXIV/1998 on Family Provisions]

The Joint Inclusion Memorandum on Social Integration, provided by Hungary as a candidate country in cooperation with the EC in 2003, mentions among the measures to promote reconciliation of work and family life the need to develop care provision on a family and community basis, and to expand services to care for and nurse the elderly; which means offering support to family members who do the actual nursing. The document outlines the key priorities for a future policy review related to all kinds of care issues; however its argument is totally degendered.

Primary sources:

Dec 10, Társadalmi Befogadásról szóló Közös Memorandum. [Joint Inclusion Memorandum on Social Integration. Hungarian Ministry of Health, Social and Family Affairs], p.84

2004

Part of the National Action Plan on Social Inclusion 2004-2006, provided in the framework of the open method of coordination of social policies within the EU and as a follow-up of the JIM, concerns the provision of social services related to personal care and emphasizes the high rate of regional inequalities as the main problem, but it did not represent any gender perspective. The increasing importance of settling the issue is highlighted in terms of the challenges of the ageing society in Hungary.

Primary source:

Jul, Társadalmi összetartozásról szóló nemzeti cselekvési terv 2004-2006 [National Action Plan on Social Inclusion 2004-2006], p. 66

2005

In the Parliament, Györgyi Szabó, a Socialist MP, raised two questions related to those taking care for their disabled or chronically ill relatives at home. One referred to the low amount of the nursing fee, while the other concerned the difficulties that caregivers face if they want to re-enter the labour market. In response, the Minister of Youth, Family and Social Affairs, and Equal Opportunities outlined the changes concerning both issues: she talked about the increase of the nursing fee by 30 percent as of September 2005, and about the regular social aid, which can be obtained by former caregivers who are ready to cooperate with the labour centres for at least three months instead of the one year previously prescribed.

Primary source:

Feb 21, Dr. Vidorné dr. Szabó Györgyi (MSZP) - az ifjúsági, családügyi, szociális és esélyegyenlőségi miniszterhez - "Milyen intézkedéseket tett eddig, és milyen további intézkedéseket tervez a kormány azoknak a megsegítésére, akik

súlyosan fogyatékos vagy tartósan beteg hozzátartozóik ápolása miatt nem tudnak keresőtevékenységet folytatni?” címmel [Question of dr. Szabó, Györgyi, Hungarian Socialist Party, to the Minister of Youth, Family and Social Affairs, and Equal Opportunities: „What kind of measures were and planned to be taken by the Government in order to help those cannot have a paid job due to the care of their seriously disabled or long-term sick relatives”]

As per the Act CLXX/2005 amending the Welfare Act, from 2006 onwards persons in receipt of the nursing fee became exempt from paying superannuation tax in cases where they did not have other income. This change was part of a process influenced by a civil initiative discussed by the Parliament in December.

Primary source:

2005. évi CLXX. tv a szociális igazgatásról és a szociális ellátásokról szóló 1993. évi III. törvény módosításáról [Act CLXX/2005 on the amendment of the Act III/1993 on social administration and social provisions]

As part of the renewed Socialist Government's 100-step programme, the law amending the Act LXXIV/1997 on the employment with the use of irregular working books and on the simplified contribution to public expenses made it possible for an employer to hire a person for a maximum of five days continuously, for a maximum fifteen days within a month, or for a maximum ninety days within a year, with a simplified procedure of paying taxes and social contributions.

The introduction of the new kind of working book, the so-called “blue book”, means the legalization of not only previously undeclared work, including paid housework and care work, but also the work of immigrants without a work permit. In using this book, employees were covered and eligible for both pension and healthcare.

At the same time, experts were sceptical towards the cleaning of the economy in such a way, since they found the terms and conditions of applying the book too complicated and the methods of controlling tax payments immature.

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, childcarers and gardeners, who are also allowed to work up to 200 days in a year if they provide help to several families or work at an organization of public utility. This means that they can become eligible for unemployment benefits within a year, and get covered for a longer period.

Even if these measures may impact women differently than men, the statistics provided by the State Service for Employment on those using “blue books” in the years 2005 and 2006 are not disaggregated either by the jobs undertaken or by gender.

Primary sources:

- May 31, Általános vita az alkalmi munkavállalói könyvvel történő foglalkoztatásról és az ahhoz kapcsolódó közterhek egyszerűsített befizetéséről szóló 1997. évi LXXIV. törvény módosításáról szóló törvényjavaslatról** [General debate on the Bill on the amendment of the Act LXXIV/1997 on the employment with the use of irregular working book of employees and the simplified payment of common charges] **T/16298**
- Aug 1, 2005. évi LXXI. sz. tv. Az alkalmi munkavállalói könyvvel történő foglalkoztatásról és az ahhoz kapcsolódó közterhek egyszerűsített befizetéséről szóló 1997. évi LXXIV. törvény módosítása** [Act LXXI/2005 on the amendment of the Act LXXIV/1997 on the employment with the use of ad-hoc book of employees and the simplified payment of common charges]

Secondary sources:

- Lépések a munka értékének, becsületének, biztonságának megteremtésére** [Steps for the development of the value, credit and provision of work]
<http://www.miniszterelnok.hu/gss/alpha?do=2&pg=11&s&m9 doc=379&st=1>
- Tizenöt lépés a munka világában** [Fifteen steps in the world of work],
<http://www.nol.hu/cikk/360951/>
- Kékítő a mosónőknek** [Bleaching for the cleaning ladies],
<http://www.magyarhirlap.hu/cikk.php?cikk=94251>
- Bonyolult alkalmi munkavállalás** [Complicated irregular employment],
<http://www.foglalkoztatás.hu/index.php?mzpage=detailhir&hirid=1054>

As a result of the initiative of the Human Rights Association of the Mentally Disabled and their Families and the proposal of the Social and Family Affairs Committee of the Parliament, the nursing fee and its regulation were debated at the end of 2005. The proposal for a Parliamentary Decree concerned the gradual increase (due in September 2006, 2007 and 2008) of the nursing fee, help to caregivers to reintegrate into the labour market, the entitlement of the nursing fee and old age pension at the same time, the support of public social services provided for caregivers and, in the long term, the introduction of the nursing fee provided to the person being cared for. During the debate women as the main caregivers were not mentioned by any of the parties.

At the same time, the initiative of the civil organization was a strong statement on the need of prompt measures. It wanted to achieve recognition of the care as formal work and the adjustment of the nursing fee to the minimum wage instead of the minimum old age pension. However, the special status of women in this context was not explicitly discussed by the initiative. The required measures were supported by the right-wing parties, but the left-wing governmental coalition preferred postponing the initiatives. Finally the Decree was voted, but not the initiatives of the Human Rights Association. Hence the question of home care was left open.

However, as a result of the achievement of the Human Rights Association in collecting enough signatures from citizens in order to demand MPs debate certain caring issues in the

Parliament, the recently established Party of Mentally Disabled also tried to gain civil support for the elimination of the discriminatory support system, which gives more subsidies for public institutions than to individuals taking care of seriously disabled persons.

Primary sources:

Dec 5, Az OGY Szociális és Munkaügyi Bizottságának OGY határozati javaslata az ápolási díj, valamint a hozzátartozóikat otthon ápoló személyeket segítő intézményrendszer továbbfejlesztéséről [Proposal of the Social and Family Affairs Committee of the Parliament for a Parliamentary Decree on the nursing fee and the improvement of the institutional background of caregiving at home], **H/18720**

Dec 13, Az ápolási díj, valamint a hozzátartozóikat otthon ápoló személyeket segítő intézményrendszer továbbfejlesztéséről szóló országgyűlési határozati javaslat általános vitája [General debate on the proposal for parliamentary decree on the nursing fee and the improvement of the institutional background of caregiving at home], **H/18720**

Dec 13, „Kívánja-e Ön, hogy az Országgyűlés tűzze napirendre az ápolási díj kérdését,...? [„Do you want to have the nursing fee put on the political agenda⁵⁷,...?“], H/17209.

Secondary sources:

Sep, A Civil Műhely küldöttként az Országos Fogyatékosügyi Tanács 2004. december 5-i ülésén előadott problématiszterítés [Presentation of the problem at the meeting of the National Council for Disability Affairs by the delegate of the Civil Workshop], <http://ecsje.fw.hu/>

Dec, Ápolási díj emelések [Increases in the nursing fee], <http://nol.hu/cikk/388514/>

2006

In the context of the open method of co-ordination on social inclusion, similarly to other accession countries, Hungary prepared together with the EC a Joint Inclusion Memorandum (JIM), as well as the National Action Plan on Social Inclusion 2004-2006; the third national document on social protection due 2006-2008 was provided in 2006. The document criticizes the Hungarian social services and care-giving provisions because they are not rationalized and do not operate in a unified system. Both the healthcare system and social protection system take care of people needing long-term nursing or care; meanwhile, poorer regions of the country do not provide appropriate help for the needy, since the responsibility of maintenance belongs to the duties of local governments which are only partially subsidized by the state. Hence poorer local governments have no interest in identifying

⁵⁷ ...és a megalkotandó új törvényben a súlyos fogyatékos és állandó felügyeletre szoruló személyekre tekintettel az ápolási-gondozási tevékenységet ellátó hozzátartozó által végzett napi 24 órás gondozást, felügyeletet teljes értékű munkavégzésként ismerje el, és ennek megfelelően az ápolási díj összege ne lehessen kevesebb a mindenkori legalacsonyabb munkabér összegénél?” tárgyban az Értelmi Sérültek és Családjaik Jogvédő Egyesülete által kezdeményezett országos népi kezdeményezés tárgyalása [...and to make the care of the seriously disabled needing permanent surveillance recognized as a full time work by the new law, and hence be the nursing fee no less than the current minimum wage? - national level initiative of the Legal Association of Mentally Disabled and Their Families]

people in need and organizing social services for them. The document does not deal with gender inequalities in these issues.

Primary source:

Oct, Nemzeti Stratégiai Jelentés a szociális védelemről és a társadalmi összetartozásról 2006-2008 [National Strategy Report on Social Protection and Social Inclusion 2006-2008], p. 63

Jan 31 Napirenden kívüli felszólalók: Korózs Lajos, ifjúsági, családügyi, szociális és esélyegyenlőségi minisztériumi államtitkár [Speakers beyond the agenda: Korózs, Lajos, State Secretary of the Ministry of Youth, Family and Social Affairs, and Equal Opportunities]

Feb 6 Napirenden kívüli felszólalók: Kékkői Zoltán József (Fidesz), Molnár Albert, pénzügyminisztériumi államtitkár [Speakers beyond the agenda: Kékkői Zoltán, József, Alliance of Young Democrats, and Molnár, Albert, State Secretary of the Ministry of Finances]

In its comprehensive governmental programme, the re-elected Socialist Government promised to sort out the issue of the nursing fee but not in regard to gender inequalities.

Primary source:

May, Új Magyarország Program 2006-2010 [New Hungary Program 2006-2010]

2.3.3 Equal pay / gender pay gap

Pre-1995 period

In the course of the amendment of the Hungarian Constitution in 1989, the document has been supplemented and according to Article 34 of the Act XXXI/1989, Article 70/B(2) of the Constitution states that 'everyone without any discrimination has the right to equal pay for equal work'. Hence the right to equal pay became provided for at a Constitutional level and Sándor Szili, a Socialist MP proposed to refer to this principle in the new Labour Code as well, which was developed in 1992. However, this proposal was turned down by the Parliament.

Primary sources:

1989. évi XXXI. tv. az Alkotmány módosításáról [Act XXXI/1989 on the amendment of the Constitution]

1992. évi XXII. tv. a Munka törvénykönyvéről [Act XXII/1992 on the Labour Code]

1998

In the remembrance of the 50th anniversary of adopting the UN Universal Declaration of Human Rights, Csaba Tabajdi, on behalf of the Socialist MPs, drew attention to the lack of

right for equal access to work in Hungary, equal pay for equal work, as well as the lack of guarantee of women's equality.

Primary sources:

Dec 8, Az ENSZ Emberi Jogok Egyetemes Nyilatkozata elfogadásának 50. évfordulója alkalmából benyújtott politikai nyilatkozattervezet általános vitája [General debate on the draft of the political memorandum submitted for the 50th anniversary of the adoption of the UN Universal Declaration of Human Rights], **P/551**.

2000-2001

In June 2000, the Hungarian Parliament approved the announcement of the Agreement No. 100 accepted at the 34th Meeting of the International Labour Conference in 1951, on the equal payment of men and women for equal work.

Primary source:

Jun 13, 2000. évi LVII. törvény a férfi és a női munkaerőnek egyenlő értékű munka esetén járó egyenlő díjazásáról szóló, a Nemzetközi Munkaügyi Konferencia 1951. évi 34. ülészakán elfogadott 100. számú Egyezmény kihirdetéséről [Act LVII/2000 on the announcement of the Agreement No. 100 accepted at the 34th Meeting of the International Labour Conference in 1951, on the equal payment of men and women for equal work]

In November, a bill was provided and discussed by the Parliament on the modification of the Hungarian Labour Code and other laws to reconcile the national legislation with EU directives. The bill included an Article referring to equal pay. In case of 'equal work' or 'equal value of work', it proposed to forbid 'causeless discrimination of employees'. It defined wage as all money or in-kind contribution that was provided to an employee directly or indirectly according to his/her labour contract.

The Parliament in agreement of all parties accepted the proposal without modification in 2001. Article 17 of the Act XVI/2001, corresponding to the Directive 75/117/ECC, stipulated the inclusion of the principle of 'equal pay for equal work' into Article 142/A of the Labour Code.

Primary sources:

Dec 13, A Munka törvénykönyvéről szóló 1992. évi XXII. törvény, valamint az ezzel összefüggő törvények jogharmonizációs célú módosításáról szóló törvényjavaslat általános vitája [General debate on the Bill on the amendment of the Act XXII/1992 on Labour Code and the related laws targeting legal harmonization], **T/3468**

Feb 15, Mar 6 (2001), A Munka törvénykönyvéről szóló 1992. évi XXII. törvény, valamint az ezzel összefüggő törvények jogharmonizációs célú módosításáról szóló törvényjavaslat általános és részletes vitája [General and detailed debate of

the Bill on the amendment of the Act XXII/1992 on the Labour Code, along with the related laws targeting legislative harmonisation], **T/3468**

May 4, 2001. évi XVI. Törvény a Munka törvénykönyvéről szóló 1992. évi XXII. törvény, valamint az ezzel összefüggő törvények jogharmonizációs célú módosításáról [Act XVI/2001 on the amendment of the Act XXII/1992 on the Labour Code, along with the related laws targeting legislative harmonisation]

2001

In 2001 two bills reached the Parliament that concerned anti-discrimination. The first one was Mária Kóródi and Péter Hack, Free Democrat MPs' proposal for legal guarantee to provide equal opportunity between women and men and to settle the issue of the gender wage gap. The other was submitted by Magda Kovács and Katalin Szili, Socialist MPs, on equal treatment and the ban of discrimination, concerning the right for equal pay within the frame of anti-discrimination in employment. Only the first bill was voted to be debated in a plenary session however no substantive discussion was developed. A Young Democrat MP, namely Ildikó Koltai, considered this problem to be solved by the previous year's amendment of the Labour Code and the constitutional provision. Finally, the Parliament outvoted this proposal as well.

Primary sources:

May 23, Kósáné Kovács Magda, Szili Katalin T/4244 sz. törvényjavaslata az egyenlő bánásmódról és a hátrányos megkülönböztetés tilalmáról [Bill No. T/4244 on the equal treatment and the ban of discrimination]

Jun 12, Döntés önálló indítványok tárgysorozatba vételéről, Hack Péter és Kóródi Mária T/3804. sz., a nők és a férfiak közötti esélyegyenlőség biztosításáról szóló, későbbiekben elvetett törvényjavaslata során felmerült vita [Decision on putting independent proposals on the agenda, Debate on the - later rejected - Bill No. T/3804 on the insurance of equal opportunity between women and men]

2003

During the general debate on the Bill on equal treatment proposed in 2003, the Socialist MP, Erika Németh, and a right-wing MP, Ildikó Bernáth, both raised the question of the gender pay gap. Ildikó Bernáth emphasised that inequality was most likely in the private sphere, yet the government wouldn't prescribe the provision of equal opportunity plans for private organizations.

The Act promulgated in 2003 stated that people cannot be discriminated on the grounds of their sex at workplaces, but equal opportunity plans were to be developed only by basically state-owned institutions.

Primary sources:

Nov 25, Általános vita az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról szóló törvényjavaslatról [General debate on the Bill on equal treatment and the promotion of equal opportunities], **T/5585**

2003. évi CXXV. törvény az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról [Act CXXV/2003 on equal treatment and the promotion of equal opportunities]

2005

According to a Constitutional Court decision, „13th month wage” does not count as a „wage”, hence the equal pay principle represented by the Article 70/B(2) of the Constitution is not breached if people on parental leave are not entitled to receive such form of allowance from their employers.

Primary source:

Sep, 1208/B/2004. AB határozat [Constitutional Court Decree No. 1208/B/2004]

2.3.4 Tax and benefit policies

Pre-1995 period

In order to make the pension system inherited from the previous era sustainable, some adjustments were introduced in the early 1990s. From 1990, the minimum service period required for pension eligibility was raised from 10 to 20 years. In 1992, the statutory indexation of pensions according to the rate of increase of net earning was introduced. Since real wages were falling sharply, this meant that benefit adjustments were lower than inflation. A new formula for the calculation of the pension base was also introduced including not only the last five years of the working time before retirement, but also lifetime earnings as a whole. In addition, a ceiling was placed on employees' wages that are subject to contributions. Between 1992 and 1995 social benefits, such as child allowances and some social support schemes, were gradually separated from the pension insurance fund. By the Act XXII/1992 on the new Labour Code, a minimum wage was guaranteed for employees with regular contracts. In 1993 private supplemental saving schemes were introduced, while the Act VIII/1993 ordered to gradually increase the retirement age of women from 1995 on. Despite all restrictions, the new pension system had some provisions that compensated those with lower incomes and shorter service periods, which mostly concerned women.

Primary sources:

Jan 14, 15 (1991) A társadalombiztosításról szóló 1975. évi II. törvény módosításáról szóló törvényjavaslat megtárgyalása [Discussion of the Bill on the amendment of Act II/1975 on social security], T/1367

Oct 22 (1991) Interpellációk: Körösfői László, MSZP [Interpellation: Körösfői, László, Hungarian Socialist Party]

Feb 9 (1993) A társadalombiztosításról szóló 1975. II. törvény módosításáról szóló törvényjavaslat részletes vitája [Detailed debate on the amendment of the Act II/1975 on Social Security]

(1993) 1993. évi VIII. sz. tv. a társadalombiztosításról szóló 1975. évi II. sz. tv. módosításáról és kiegészítéséről [Act VIII/1993 on the amendment and supplementation of Act II/1975 on social security]

1996

At the Parliamentary debate on the issues of the pension reform organized in May 1996, there was a wide agreement that in parallel with the austerity package⁵⁸ launched in 1995-96, the pension system also needed to be restructured, primarily for demographic reasons. The first related measure taken was the promulgation of the Act LIX/1996 which also prescribed the increased retirement age but it meant a more radical change compared to the measures of the Act VIII/1993, since the retirement age of both sexes had to be gradually increased to the age 62 within a limited period (from January 1, 1998 till January 1, 2009). At the same time, the law tightened eligibility requirements for early retirement, and even the physicians engaged in making disability assessments were instructed to use more rigorous standards.

Primary sources:

May 8 A nyugdíjreform kérdéseiről szóló politikai vita [Parliamentary political debate on the issues of pension reform], **V/2384**.

May 28, Jun 4, 12, 18, 26, Az öregségi nyugdíjkorhatár emeléséről és az ezzel összefüggő törvénymódosításokról szóló törvényjavaslat általános vitája [The general and detailed debate, and voting on the Bill on the raise of the retirement age and the related laws], **T/2469**.

1996. évi LIX. sz. tv. az öregségi nyugdíjkorhatár emeléséről és az ezzel összefüggő törvénymódosításokról [Act LIX/1996 on the raise of the retirement age and the related laws]

The proposal of the Socialist Government for amending the Welfare Act expanded the groups of people getting means-tested regular social assistance, making it available not only for disabled and elderly people without other income but also for the unemployed not eligible for other social benefits. The proposal was passed.

Primary sources:

Nov 25, A szociális igazgatásról és szociális ellátásról szóló 1993. évi III. törvény módosításáról szóló törvényjavaslat általános vitájának megkezdése [The general debate of the Bill on the amendment of the Act III/1993 on social administration and social provisions], **T/3453**

1996. évi CXXVIII tv. a szociális igazgatásról és szociális ellátásokról szóló 1993. évi III. tv. módosításáról [Act CXXVIII/1996 on the amendment of the Act III/1993 on social administration and social provisions]

⁵⁸ A.k.a. "Bokros-package".

1997

While the enactments of some measures in 1996 restored the immediate viability of the pension scheme, the Socialist Government (1994-1998) introduced a whole set of pension and social security amendments in 1997, also as a part of its comprehensive reform of the public sector. The new multi-tiered pension system, which will become fully effective in 2013, means a partial privatization of the pension schemes and a more direct connection of the total sum of contributions with the annuities. The first pillar of the system remained a pay-as-you-go tier⁵⁹ and those receiving child care allowance or unemployment benefits have their earning credited at the level of their former wages. Yet, in the fully-funded scheme, which is the second compulsory tier, these people are credited only for their actual contributions, which is six percent of the benefit they are receiving. While concerning the public scheme there is a central or local governmental contribution in cases of social transfers, and a contribution from the employers' fund in cases of insurance-related benefits, in the fully-funded scheme there is no other contribution but the individual savings. Hence, those who spent years out of the labour market caring for children and family members will have significantly smaller accumulation in the second pillar than those who had uninterrupted employment. That is, women were indirectly placed into a worse position.

Yet one aspect of the new scheme that seems to be beneficial to women is the legislation using gender-neutral instead of the sex-differentiated life expectancy rates in calculating annuities, even in the compulsory private tier. Hence, the annuities for women may relatively increase. However, benefits are payable from the new private pension schemes only after 2009 and Hungarian private pension funds and insurance companies generally do not use the gender-neutral calculation yet.

Some other major changes of the 1997 reform relate to survivors' benefits which may affect more women than men. By law, people became eligible to receive two kinds of old age benefits at the same time, instead of one as prior to the reform. That meant a person could obtain both a pension in his/her own right and a survivor's pension; however the level of the survivor's benefit was radically decreased, from 50 percent to 20 percent of the deceased person's pension. At the same time, those who are eligible neither to receive a pension in their own right, nor to the survivor's benefit, or whose old-age pension is less than a certain amount, can obtain a means-tested old-age allowance.

Primary sources:

May 28, Jun 3, 4, 10, 11, 12, 17 A társadalombiztosítás ellátásaira és a magánnyugdíjra jogosultakról,... ⁶⁰[Bill on the eligible of social security provisions and private pension,...], **T/4293., T/4294., T/4295., T/4296., T/4297., H/4292., H/4320.**

⁵⁹ This would ensure a moderate income replacement rate, together with a cap on the wages subject to contributions.

⁶⁰ ...valamint e szolgáltatások fedezetéről szóló törvényjavaslat; a társadalombiztosítási nyugellátásról szóló törvényjavaslat; a magánnyugdíjról és a magánnyugdíjpénztárakról szóló törvényjavaslat; a kötelező egészségbiztosítás ellátásairól szóló törvényjavaslat; a szociális igazgatásról és szociális ellátásokról szóló 1993. évi III. törvény módosításáról szóló törvényjavaslat; az új nyugdíjrendszer bevezetéséhez kapcsolódó egyes feladatokról szóló

1998-99

Regarding unemployment provisions from the early 1990s until 1998, a three-tier system evolved, consisting of an insurance benefit, an income replacement after the termination of the insurance and means-tested assistance in case of lack of entitlement for the income replacement benefit. The conservative government of 1998-2002 introduced a policy shift from passive to active measures and from 1999 the income replacement provided for the unemployed became tied to workfare, while the entitlement period for the unemployment benefit was reduced. It supported public work and other schemes linked to training and retraining for the long-term unemployed.

Primary source:

1998. évi LXXVI sz. tv. a miniszterek feladat- és hatáskörének változásával, valamint az Ifjúsági és Sportminisztérium létrehozásával összefüggésben szükséges törvénymódosításokról [Act LXXVI/1998 on the amendment of laws concerning the changes in the duties and competences of ministers, as well as the development of the Ministry of Youth and Sports]

As a result of the Constitutional Court Decision No. 5/1998 (III.1.), Act LXXVII/1998 reintroduced the possibility for widows and widowers who do not have a pension in their own right to still get 50 percent from the pension of the deceased relative as a survivor benefit. People affected by the law were mainly women.

Primary sources:

Nov 24, A társadalombiztosítási nyugellátásról szóló 1997. évi LXXXI. törvény módosításáról szóló törvényjavaslat általános vitája [General debate on the Bill on the amendment of the Act LXXXI/1997 on public pensions], **T/379**

1998. évi LXXVII sz. tv. a társadalombiztosítási nyugellátásról szóló 1997. évi LXXXI. sz. tv. módosításáról [Act LXXVII/1998 on the amendment of the Act LXXXI/1997 on old age pension]

As per the Act LXVI/1998, people on childcare benefits became exempted from payment of the healthcare contribution complying with the statements of the governmental programme of the Alliance of the Young Democrats related to taxation, pension and social protection system, which were amended to reflect “recognition of work for the family” at home⁶¹.

országgyűlési határozati javaslat, valamint a megváltozott munkaképességűek és rokkantak társadalombiztosítási és szociális ellátórendszerének átalakításáról szóló országgyűlési határozati javaslat együttes általános vitájának megkezdése. [...and on the cover of these services; Bill on the public pension; Bill on the private pension and the private pension saving banks; Bill on the provisions of compulsory health insurance; Bill on the amendment of the Act III/1993 on social administration and social provisions; Proposal for the parliamentary resolution on certain measures with regard to the introduction of the new pension system; Proposal for the parliamentary resolution on the amendment of the social security system and social provisions for the disabled]

⁶¹ The people on childcare fee, which was re-introduced only in 1999, became also exempted from healthcare contributions.

Primary sources:

Nov 4 Az egészségügyi hozzájárulásról szóló törvényjavaslat részletes vitája [Detailed debate on the Bill on health care contribution], **T/278**.

1998. évi LXVI. tv. az egészségügyi hozzájárulásról [LXVI/1998 on health care contribution]

Az új évezred küszöbén. Kormányprogram a polgári Magyarországért [At the threshold of the new millenium, Governmental Programme for the Civic Hungary], <http://www.parlament.hu/irom36/0021/0021.htm>

1999

Hungary signed the European Charter of Social Rights in 1991 but ratified only in 1999. However some points of the Charter were left out, such as the promotion of the equal opportunities of women. The right-wing government argued that this was because the conditions for such a commitment were not yet right. The opposition parties contested this argument and outlined the unequal situation of women in the labour market and also in the context of Hungarian social and family policies.

Primary sources:

Mar 26, "Utunk a szociális Európába" című politikai vita, DR. ÓRY CSABA, szociális és családügyi minisztériumi államtitkár [Parliamentary debate on „Our Way to the Social Europe“], **V/895**

Apr 12, Az Európai Szociális Charta megerősítéséről szóló országgyűlési határozati javaslat általános vitája [General debate on the proposal for parliamentary resolution on the enhancement of the European Charter of Social Rights], **H/965**.

1999. évi C. törvény az Európai Szociális Karta kihirdetéséről [Act C/1999 on the announcement of the European Charter of Social Rights]

The government led by the Alliance of Young Democrats proposed a Bill that amended several taxes and contributions. The government, in accordance with the aims defined by the governmental programme and the Act LXXXIV/1998 on family support, amended the Act on payroll taxes and increased the rate of tax allowance for families with children. This measure mainly concerned middle income families.

Primary source:

Sep 10 Az adókra, járulékokra és egyéb költségvetési befizetésekre vonatkozó egyes törvények módosításáról szóló törvényjavaslat általános vitája, Farkas Imre, MSZP [General debate on the Bill on the amendment of certain laws concerning taxes and other fiscal contributions], **T/1501**

1999. évi XCIX tv. az adókra, járulékokra és egyéb költségvetési befizetésekre vonatkozó egyes törvények módosításáról [Act XCIX/1999 on the amendment of certain laws concerning taxes and other fiscal contributions]

2000

The government in 2000 again raised the tax allowances to help families raising children with their incomes.

Primary sources:

Sep 7 Az adókra, járulékokra és egyéb költségvetési befizetésekre vonatkozó egyes törvények módosításáról szóló törvényjavaslat általános vitája [General debate on the Bill on the amendment of certain laws concerning taxes and other fiscal contributions], **T/2977**

2000. évi CXIII tv. az adókra, járulékokra és egyéb költségvetési befizetésekre vonatkozó egyes törvények módosításáról [Act CXIII/2000 on the the amendment of certain laws concerning taxes and other fiscal contributions]

The right-wing government has had a major role in the general increase of the guaranteed minimum wage. A Governmental Decree raised the wage minimum from around 100 EUR (25,500 HUF) to 160 EUR (40,000 HUF) in 2000. The measure was criticized by experts for making (re)integration into the labour market more difficult and making unemployment rise.

Primary source:

197/2000 (XI.27.) Korm. rendelet a kötelező legkisebb munkabér (minimálbér) megállapításáról [Governmental Decree No. 197/2000 (XI.27.) on the determination of the compulsory minimum wage]

2001

The government proposed the amendment of the Act on healthcare contribution to exempt parents on child-raising benefit from paying such contributions. The opposition parties agreed with the proposal and the Bill passed in June.

Primary sources:

Jun 1, A társadalombiztosítás ellátásaira és a magánnyugdíjra jogosultakról, valamint e szolgáltatások fedezetéről szóló 1997. évi LXXX. törvény módosításáról szóló törvényjavaslat általános vitája [General debate on the Bill on the amendment of the Act LXXX/1997 on the eligibles for social security provisions and private pension, and on the cover of these services], **T/3817**

2001. évi LII tv. a társadalombiztosítás ellátásaira és a magánnyugdíjra jogosultakról, valamint e szolgáltatások fedezetéről szóló 1997. évi LXXX. törvény módosításáról [Act LII/2001 on the amendment of the Act LXXX/1997 on the eligibles for social security provisions and private pension, and on the cover of these services]

A second major increase of the national minimum wage initiated by the right-wing government was made in 2001 (from 160 EUR to 200), which thus almost doubled the guaranteed wage during the governmental term (1998-2002). However, the amount in case

of part time work had to be proportionally decreased which, given that women make up the majority of part time workers, may indirectly discriminate against women.

Primary source:

224/2001 (XI.21.) Korm. rendelet a kötelező legkisebb munkabér (minimálbér) megállapításáról [Governmental Decree No. 224/2001 (XI.21.) on the determination of the compulsory minimum wage]

Secondary source:

Gábor Kertesi and János Köllő. 2004. A 2001. évi minimálbér-emelés foglalkoztatási következményei [Consequences of the minimum-wage increase in 2001 in terms of employment] In *Közgazdasági Szemle*, No. LI, p. 293-324., <http://www.epa.oszk.hu/00000/00017/00103/pdf/1kertko.pdf>

2002

Since the Hungarian Socialist Party campaign programme promised comprehensive incomes policy measures within the first 100-day period following an election victory, a package of such measures was issued. This package was passed by parliament and came into force on 1 September 2002. The incomes policy package included various measures affecting state-run social security and policy systems - such as a one-off extraordinary supplement for pensioners and increases in family allowances and grants for university students. The measures which affected most working people were a 50 percent pay increase for public service employees, the majority of whom are women, and the exemption of the national minimum wage from personal income tax.

Primary sources:

2002. évi XXIII. tv a Magyar Köztársaság 2001. és 2002. évi költségvetéséről szóló 2000. évi CXXXIII. tv módosításáról [Act XXIII/2002 on the amendment of the Act CXXXIII/2000 on the budget for the years 2001 and 2002 of the Hungarian Republic]

As part of the governmental programme of the Socialist Party and the Alliance of Free Democrats (2002-2006), and also as progress towards legislative harmonization, Act LIII of 2002 was meant to amend a set of laws related to the Labour Code and social provisions. Regarding unemployment benefits, socialists followed the former government's policy in terms of preferring active measures to encourage unemployed people to look for work. The job-seeking incentive benefit has been launched as of 2003, the time of receiving which was credited as a service period. At the same time, the income replacement benefit was raised to increase the chances for jobseekers to get retrained. The development of part time jobs and tele-works were encouraged as well, however the flat-rate of the healthcare contribution remained the same in the case of part time jobs as in full time jobs. This fact did not really stimulate employers to supply atypical forms of employment, which could have helped the situation of those women who were out of the labour market.

Primary sources:

Dec 13, Vita a foglalkoztatás elősegítéséről és a munkanélküliek ellátásáról szóló 1991. évi IV. törvény, ..., a szociális igazgatásról és szociális ellátásokról szóló 1993. évi III. törvény, a Munka Törvénykönyvéről szóló 1992. évi XXII. törvény, valamint egyes kapcsolódó törvények módosításáról szóló törvényjavslatról [General debate on the amendment of the Act IV/1992 on the advancement of employment and the provision of unemployed, ..., of the Act III/1993 on social administration and social provisions, of the Act XXII/1992 on the Labour Code, and of certain relating laws], T/1202

2002. évi LIII. törvény a foglalkoztatás elősegítéséről és a munkanélküliek ellátásáról szóló 1991. évi IV. törvény, ..., a szociális igazgatásról és szociális ellátásokról szóló 1993. évi III. törvény, a Munka Törvénykönyvéről szóló 1992. évi XXII. törvény, valamint egyes kapcsolódó törvények módosításáról [Act LIII/2002 on the amendment of the Act IV/1992 on the advancement of employment and the provision of unemployed, ..., of the Act III/1993 on social administration and social provisions, of the Act XXII/1992 on the Labour Code, and of certain relating laws]

2003

Act XCI/2003 proposed by the Socialist Government allowed people on childcare allowance or child raising benefit not to pay the healthcare contribution even if they worked alongside receiving the social transfers. At the same time, those who employ people above the age of 50 who were formerly unemployed for a long time also became exempted. Women, as a group who were most affected, were not mentioned in the Parliamentary debates.

Primary sources:

Sep 30, Részletes vita az adókról, járulékokról és egyéb költségvetési befizetésekről szóló törvények módosításáról szóló törvényjavaslatról [Debate on the Bill on the amendment of the laws concerning taxes, contributions and other public incomes], T/5478

2003. évi XCI tv. az adókról, járulékokról és egyéb költségvetési befizetésekről szóló törvények módosításáról [Act XCI/2003 on the amendment of the laws concerning taxes, contributions and other public incomes]

Following the pension reform in 1997, within the framework of the second 100-day programme and welfare reform of the government, the survivors' pension was firstly raised in 2003, from 20 percent to the 30 percent of the amount of the deceased partner's pension, even if the person receives a pension in his/her own right. At the same time, Act IV/2003 introduced the provision of the „13th month pension” and raised the old age pension, support for disabled people, and family allowances. Right-wing parties have challenged the coalition government why it had not introduced such measures earlier, and proposed to raise the amount of both the childcare fee and childcare allowance.

Primary source:

2003. évi CXVI tv. a Magyar Köztársaság 2004. évi költségvetéséről és az államháztartás hároméves kereteiről [Act CXVI/2003 on the budget of the Hungarian Republic for the year 2004 and the three-year term frames of the state budget]

Feb 4, Az egyes szociális tárgyú törvények módosításáról szóló törvényjavaslat vitája [Debate of the Bill on the amendment of certain laws concerning social issues], **T/1224**

2003. évi IV. tv. az egyes szociális tárgyú törvények módosításáról [Act IV/2003 on the amendment of certain laws on social affairs]

In the second half of 2003 the Ministry for Social and Family Affairs launched its programme called "SZOLID" on reforming the Welfare Act and on the long-term development of the social system. The aim of the programme is to develop the conceptual basis of this reform and, based on that, to later develop the amendment of legislation. As a first document of the project, a "Report on the Social Situation of Society and its Defence Mechanisms" was produced in December 2003. The report assesses the social situation of the Hungarian society, defines priorities for action and directions for development. It has a separate chapter on equal opportunities for women and men.

Primary source:

Dec, Jelentés a társadalom szociális helyzetéről és a szociális védelmi rendszerről – készült a SZOLID Projekt műhelymunkái alapján [Report on the social situation of the society and its social defence mechanisms – based on the workshops of the SZOLID Project], p. 99,

<http://www.szmm.gov.hu/main.php?folderID=872&articleID=3856&ctag=articlelist&id=1>

2004

Act LXXXIII/1997 on the compulsory healthcare services also regulating healthcare benefits was amended corresponding to the Directive 79/7/EEC in 2004. As a result, fathers also became eligible to receive healthcare benefit if they took care for their child under the age of 1. Previously only women or single fathers were eligible to apply for this kind of social transfer.

Primary source:

2004. évi XXVI tv. egyes szociális és egészségügyi tárgyú törvények módosításáról [Act XXVI/2004 on the amendment of certain laws subject to social affairs and healthcare]

As per the Act CI/2004, self-employed people whose legal relations were only regulated by the Civil Code but not by the Labour Code - causing disadvantage in terms of social protection - became eligible to apply for "entrepreneurial annuity" if they happened to be unemployed from January 2005 onwards. At the same time, the Act allows part time

employees to pay proportionally less healthcare contribution, depending on their weekly working hours, but at least 50 percent of the full-time compulsory contribution. All these measures concerned mostly women seeking part time jobs or running a small enterprise alongside child-raising.

Primary source:

2004. évi CI tv. az adókról, járulékokról és egyéb költségvetési befizetésekről szóló törvények módosításáról [Act CI/2004 on the amendment of the laws concerning taxes, contributions and other public incomes]

Within the frame of a Parliamentary debate on pensions and their regulation, Gabriella Béki, Liberal MP, outlined the unequal situation of older women compared to that of men. However, there was no initiation to discuss the issue from the opposition party MPs.

Primary source:

Apr 7, “Értékteremtő nyugdíjasok – Értékvesztő kormányzat” címmel politikai vita [Parliamentary debate on the „Value-developing pensioners – Value-losing governance], **V/9462**

Following the restructuring of the government, the Socialist Party proceeded to help those in the most difficult situations. Hence, people who are caring for seriously ill people, and therefore cannot access paid work, became eligible for a higher rate of nursing fees; while single elderly people over 75 years, who have no or only a small pension, can also obtain an increased old-age social allowance. Meanwhile, poor single parents could get a higher amount of regular child protection benefit.

In the introduction of the proposal Kinga Göncz, Minister of Youth, Family and Social Affairs, and Equal Opportunities highlighted that these measures would mostly concern and support women, but this perspective was rather lost during the Parliamentary debate.

Primary sources:

Nov 23, Dec 6, Egyes szociális tárgyú törvények módosításáról szóló törvényjavaslat általános és részletes vitája [General and detailed debate on the Bill on the amendment of certain laws subjected to social provisions], **T/12642**

2004. évi CXXXVI tv egyes szociális tárgyú törvények módosításáról [Act CXXXVI/2004 on the amendment of certain laws subjected to social provisions]

2005

At a Parliamentary debate on amending the law on higher education, Péter Gusztos, Free Democrat MP, proposed to recognize the years of post-graduate education as working years which can be taken into account by the provision of child care benefits for both men and women as well as in the calculation of the old-age pension. The proposal was rejected.

Primary source:

Apr 25, A felsőoktatásról szóló törvényjavaslat részletes vitája, Gusztos Péter, SZDSZ [Detailed debate on the Bill on the higher education], **T/15267/542**

A major conceptual change was introduced by the Act LXX/2005 in terms of unemployment and social assistance provided for the unemployed. The left-wing government proposed to establish a system of assistance for jobseekers instead of a system of maintenance for the unemployed. Hence, unemployment benefit was switched to job-seeking support, and the unemployed became jobseekers. New elements of the assistance are the job-seeking benefit and the job-seeking allowance, while the pre-pension unemployment benefit and job-seeking incentive benefit were abolished. However some elements of both were built into the system of the job-seeking support, which has to be transferred from the very first moment of the unemployed status and which is based on the minimum wage instead of the minimum old age pension. More intensive job-seeking is encouraged from the beginning of transferring assistance. At the same time, training centres of the State Service for Employment became more involved in the reintegration of the unemployed.

Primary source:

2005. évi LXX tv. a foglalkoztatás elősegítéséről és a munkanélküliek ellátásáról szóló 1991. évi IV tv módosításáról [Act LXX/2005 on the amendment of the Act IV/1991 on the advancement of employment and social assistance of the unemployed]

Secondary source:

Nov 2, Álláskeresőkk lettek a munkanélküliek [Unemployed became job-seekers], <http://www.origo.hu/uzletinegyed/allaskarrier/munkajog/20051026allaskeresove.html>

The Prime Minister Ferenc Gyurcsány spoke about the planned „Further steps in the field of employment” at a plenary session of the Parliament in November 2005. He outlined the possibility of free training or retraining of undereducated people (measures supporting mostly Roma), part time employment of employees in the public sphere (which might concern more women than men) and the tax exemption of micro, small and medium size enterprises for a year in cases where they employ formerly registered unemployed people.

Secondary source:

Nov 14, „Újabb lépések a foglalkoztatás területén”, Gyurcsány Ferenc beszéde a Parlamentben általánosan foglalkoztatásról [„Further steps in the field of employment”, Ferenc Gyurcsány, Prime Minister’s speech on general employment in the Parliament], http://www.miniszterelnok.hu/gss/alpha?do=2&pg=11&st=1&m9_doc=657

Following negotiations between the Socialist Government and the social partners on the minimum wage increase and on the recommendation for wage increases in 2006, an agreement was reached on November 2005 which included four elements: the minimum

wage increases for the years 2006-2008; the introduction of a three-tier minimum wage⁶²; guidelines for wage negotiations in the forthcoming period; and the recommended wage increase for 2006. The agreement counts as a landmark in the life of the tripartite forum since it also included a medium-term schedule of minimum wage increases and wage policy guidelines for the period 2006-2008. However, in the course of the constraining measures taken in 2007, it turned out to be a rather inflexible system. The new system was criticized by experts for decreasing labour demand and hence indirectly increasing the rate of unemployment. At the same time, the Alliance of Young Democrats-Hungarian Civic Party criticized the agreement for raising the minimum wage at a lower rate than under their earlier administration.

Primary source:

Nov, 316/2005 (II.25.) Korm. rendelet a kötelező legkisebb munkabér (minimálbér) és a garantált bérminimum megállapításáról [Governmental Decree No. 316/2005 (II.25.) on the determination of the compulsory lowest wage and the guaranteed minimum wage]

Secondary source:

<http://www.eurofound.europa.eu/eiro/2005/12/feature/hu0512104f.html>

In accordance with the principle of the open method of coordination concerning the social policies of EU members, Hungary also had to provide a national strategy on the sustainable provision of pensions, reflecting on the 11 goals recognized by the Community. The report does not reflect a governmental strategy but corresponds to the guideline of the EC. As per the 10th goal, one of its chapter deals with equal opportunities between men and women and the impacts of the current pension system on equality.

Primary source:

Jul, Nemzeti Stratégiai Jelentés a megfelelő és fenntartható nyugdíjakról. Magyarország [National Strategic Report on the Appropriate and Sustainable Pensions. Hungary], **p.39**, **<http://www.szmm.gov.hu/main.php?folderID=1052&articleID=4894&ctag=articlelist&iid=1&accessible=0>**

As an introduction of the five-year-long programme of the Socialist/Liberal coalition government affecting the social protection of the elderly, Act CLXXIII of 2005 increased the survivor's benefit by 5 percent as of 2006 and prescribed another 5 percent increase due at the beginning of the year 2007, in those cases where an individual had no pension in his/her own right. This measure affected around 180-190 thousand people, mostly single widows.

⁶² The three-tier minimum wage was meant to separate minimum wage levels for jobs requiring higher education; jobs requiring secondary education or vocational training; and all other jobs.

Primary sources:

Nov 30, A nyugdíjak korrekciós célú emeléséről szóló törvényjavaslat általános vitája [General debate on the Bill on the raise of pension for indexation], **T/18359**.

2005. évi CLXXIII tv. a nyugdíjak korrekciós célú emeléséről [Act CLXXIII/2005 on the raise of pension for indexation]

Secondary source:

Ötéves program a nyugdíjasok biztonságáért [Five-year-long programme for the protection of the elderly],
http://www.miniszterelnok.hu/gss/alpha?do=2&pg=11&st=1&m9_doc=577

2006

As part of the healthcare reform and the efforts to exclude 'free riders' from the healthcare system, the Socialist/Liberal Government (2006-2010) proposed to abolish the automatic coverage of close relatives, such as dependant children above 18 and partners living in the same household. Hence, with some exceptions such as pensioners or parents on childcare benefits, all non-employed people above 18 are to pay contributions calculated on the basis of the minimum wage. This measure concerned many housewives.

The National Association of Large Families gave voice to its criticism of the supposed planned expansion of the obligation to pay the healthcare contribution. However it was based on false information received from the National Health Insurance Fund.

Primary sources:

Általános vita a Magyar Köztársaság 2007. évi költségvetését megalapozó egyes törvények módosításáról szóló törvényjavaslatról [General debate on the Bill on the amendment of certain laws to ground the 2007 budget of the Hungarian Republic], **T/1296**

2006. évi CXXI. tv. a Magyar Köztársaság 2007. évi költségvetését megalapozó egyes törvények módosításáról [Act CXXI/2006 on the amendment of certain laws to ground the 2007 budget of the Hungarian Republic]⁶³

Secondary sources:

Nov 15, Potyutas kismamák? [Free-rider Young Mothers?]

http://www.noe.hu/index.php?option=com_content&task=view&id=766&Itemid=107

Mar 23 (2007), A kismamáknak is jár a társadalombiztosítási támogatás [Mothers are also eligible for the subsidies of social insurance],
<http://www.debrecen.radio.hu/read/218194>⁶⁴

⁶³ It has amended the Act LXXX/1997.

⁶⁴ See also <http://www.origo.hu/itthon/20070411folmentettek.html>.

Primarily due to the austerity package that was launched by the left-wing coalition government in 2006, the minimum wage became a basis for taxation again from 2007 on. The opposition parties criticized the government for overriding their own former wage policy. The package concerned other kinds of contributions as well, such as the health service benefit and the superannuation tax of those working while receiving pension.

Primary source:

2006. évi LXI. tv. Az egyes pénzügyi tárgyú törvények módosításáról [Act LXI/2006 on the amendment of certain laws subject to public finances]

Secondary sources:

- **Sokaknak dupla minimálbér után kell fizetni** [Many have to pay after double minimum wage], <http://www.origo.hu/uzletinegyed/ado/20060619sokaknak.html>
- **Megszűnik a minimálbér adómentessége** [Tax-free minimum wage is abolished], <http://www.origo.hu/uzletinegyed/hirek/hazaihirek/20060803megszunik.html>
- **Az egészségbiztosítási járulék nevének és mértékének változásáról, APEH sajtóközlemény** [On the changes of the name and rate of healthcare contribution, Press release of the Hungarian Tax Inspectorate], http://www.apoh.hu/print/adoinfo/jarulek/minimalber_valtozas.html
- **Minimálbér** [Minimum wage], <http://www.logsped.hu/minimalber.htm>

2007

As far as the elimination of gender inequalities are concerned in the calculations of the annuities of insurances, Hungarian companies are quite resistant to introduce the gender-neutral life expectancy rate in cases of non-regulated private insurances from December 2007 on. Regarding the related directive of the EU, it is possible to ask for derogation if it is appropriately underpinned by statistical data; however on the opinion of some representatives of insurance companies, the regulation would not have a real effect on the Hungarian market since most of the insurances are connected to investments and thus the amendment of the risk elements would have only minor impact on the fees. At the same time, if derogation is asked for and approved by the EU, then calculations in the third pillar of the pension system might differ from those in the case of the second pillar, which is regulated to be gender-neutral by the Act LXXII/1997.

Secondary source:

Jul 11, Drágább lehet a nők biztosítása [Women's insurance might be more expensive], <http://index.hu/gazdasag/magyar/biztno070711/>

2.3.5 Equal access to the labour market

Pre-1995 period

Due to transition and the increasing rate of unemployment as a negative consequence of social and economic restructuring, legislation on the promotion of employment and provision for the unemployed was needed. The Act IV/1991 defines different measures to be taken to advance employment, the social services that should be provided by the authorities, and determines the payment of social contributions based on personal incomes. It provides for the establishment of the Labour Market Fund and other institutions helping the unemployed with financial and special in-kind provisions, including retraining or informational services. Meanwhile, no gender-sensitive measures are mentioned by the law.

Primary sources:

1991. évi IV. törvény a foglalkoztatás elősegítéséről és a munkanélküliek ellátásáról [Act IV/1991 on the promotion of employment and provision of unemployed]

1996

Following transition, Roma were in a more vulnerable situation than the majority in terms of employment, hence their special situation and difficulties in gaining access to the labour market were discussed in 1996 within the frame of a Parliamentary debate. At the same time, no Romani women were in focus.

Primary sources:

Mar 27, A cigányság helyzetéről szóló politikai vita [Parliamentary political debate on the situation of Roma], **V/2130**

1998

According to the Act XXVI/1998 on the rights and equal opportunities of disabled persons, the National Council for Disabled Affairs was established, while employers of disabled people working in protected workplaces became eligible to receive statutory financial support from the state. Neither the law promulgated in 1998, nor its amendments till 2007, paid special attention to disabled women or to any related gender differences.

Primary sources:

1998. évi XXVI. tv. a fogyatékos személyek jogairól és esélyegyenlőségük biztosításáról [Act XXVI/1998 on the rights and equal opportunities of disabled persons]

1999

As per the Act XXVI of 1998, the Parliament approved the first National Programme of Disability Affairs in 1999. It included proposals to promote the opportunities of disabled people in the labour market, such as the development of employer-focused incentives, integrated labour programmes, and the promotion of supplying part time jobs and

cooperation between policy-makers and social workers. The programme did not address any intersectional issues.

Primary source:

100/1999. (XII. 10.) OGY határozat az Országos Fogytékosügyi Programról
[Parliamentary Decree No. 100/1999 (XII. 10.) on the National Programme of Disability Affairs]

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). This document presented an agreed set of employment and labour market objectives necessary to advance the country's labour market transformation, to make progress in adapting the employment system so as to enable the implementation of the European Employment Strategy and to prepare for accession to the European Union. Equal opportunity between women and men, including promoting the reconciliation of paid and unpaid labour, is among the horizontal principles that the JAP proposes to pursue, but the special problems facing 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. Regular evaluations of the JAP followed in May 2002 and in April 2003, which also emphasized the wage gap between men and women (14.6 % in the budgetary sector and 12.5 % in the competitive sector), and the issue of harmonizing work and family life.

Primary sources:

Nov 16 Közös Foglalkoztatáspolitikai Értékelés. Magyarország. [Joint Assessment of the Employment Policy Priorities of Hungary (JAP)], p. 46.

The amendment in 2001 of the Act on Employment helps the reintegration of women into the labour market. According to the provisions of the amended law, the parents making use of childcare or nursing leave may participate in subsidised training to promote their reintegration.

Primary source:

- **2001. évi XXIV tv. a foglalkoztatás elősegítéséről és a munkanélküliek ellátásáról szóló 1991. évi IV. tv. módosításáról** [Act XXIV/2001 on the amendment of the Act IV/1991 on the promotion of employment and provision of unemployed]

2002

Within the framework of the „Chance for the future!” programme of the Socialist Government (2002-2006), the Act LIII of 2002 concerning employment policies was promulgated in December. However the law was not only to complete the aims undertaken in the

programme, and to restructure the system of the governance accordingly, but also to harmonize Hungarian legislation with some EU directives, such as commissioning the development of a National Employment Action Plan and the promotion of life-long learning. Regarding equal access to the labour market, the most important measures were to provide for around 1000 new tele-workplaces supported by six-month-long contributions from the Ministry of Employment and Labour Affairs and the Ministry of Informatics and Communications, as well as statutory support for those employing part time workers. However, the system of healthcare contribution was not changed in the case of part time employees and employers employing part time workers still have to pay the same amount as they do in employing full time workers.

Primary source:

Dec 13, 2002. évi LIII. törvény a foglalkoztatás elősegítéséről és a munkanélküliek ellátásáról szóló 1991. évi IV. törvény, ..., a szociális igazgatásról és szociális ellátásokról szóló 1993. évi III. törvény, a Munka Törvénykönyvéről szóló 1992. évi XXII. törvény, valamint egyes kapcsolódó törvények módosításáról [Act LIII/2002 on the amendment of the Act IV/1992 on the advancement of employment and the provision of unemployed, ..., of the Act III/1993 on social administration and social provisions, of the Act XXII/1992 on the Labour Code, and of certain relating laws]

2003

A National Action Programme on Ensuring Equality between Men and Women was proposed for 2003, which would have specified a variety of tasks including those concerning women's status in the labour market, but the programme was not finally developed. At the same time, a pilot project, namely the Twinning Project on Tackling the Gender Gap in the Labour Market launched in 2002 with PHARE support, was performed. This aimed to promote the labour market reintegration of women over 40 and women following parental leave. The project ended in February 2004.

Secondary source:

Jan 31, A nők munkerőpiaci reintegrációja [Reintegration of women to the labour market], http://www.cvonline.hu/news/index.php?news_id=124&sec=6

Katalin Lévai, the Minister of Equal Opportunities, stated that a plan of a Governmental Decree on the development of the Council for Equal Opportunities between Men and Women existed in the spring of 2003, but the Council has never been established.

Primary source:

- **K/5995/1 Lévai Katalin válaszelevele Vigh Ilona képviselő „A nők egyenjogúságát gátolja az esélyegyenlőségért felelős miniszter” címmel benyújtott írásbeli kérdésére** [The answer of Katalin Lévai, Minister of Equal Opportunities for the question entitled „Minister responsible for Equal Opportunities interferes the equality of women” submitted by Ilona Vigh, Alliance of Young Democrats MP]

According to the Act CXXV/2003 on equal treatment and the promotion of equal opportunities, state employers and non-state employers with a majority state ownership with over 50 employees have to provide annual equal opportunity plans as of 2004. Other employers are only recommended to do so. The plan has to consist of two parts: one part about the assessment of the current situation at the organization in terms of equal opportunities as well as visions on how to develop equality, while the other section includes statistics and actual numbers on the employees disaggregated by sex, ethnicity, age, etc.

Primary sources:

Nov 25, Általános vita az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról szóló törvényjavaslatról [General debate on the Bill on equal treatment and the promotion of equal opportunities], **T/5585**

2003. évi. CXXV. törvény az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról [Act CXXV/2003 on Equal Treatment and the Promotion of Equal Opportunities]

The Ministry of Informatics and Communications founded in 2002, in accordance with relevant EU policies (eEurope+ and the eEurope 2005 action plans) and in line with the experiences of the member states, laid down a comprehensive strategy document - the Hungarian Information Society Strategy- in 2003. Regarding its part on employment, priorities include: the emergence of atypical forms of work; the legalization of black labour; the support of vulnerable groups to integrate into the labour market; the development of equality between men and women; and strategies for life-long learning. Despite the fact that these aims can both directly and indirectly promote women in the labour market, the gender dimension of the strategy is quite weak overall. Although it deals with equal opportunities and analyses the nature of the “digital divide” in Hungary, it mentions only the elderly generation, disabled people and Roma population as the most segregated in this respect – the opportunities for women are not mentioned in the paper; neither are they mentioned in the supplementary document, the “Social Cohesion Programme Booklet” (Társadalmi integráció programfüzet).⁶⁵

Primary source:

Nov, Magyar Információs Társadalom Stratégia, IHM [Hungarian Information Society Strategy. Ministry of Informatics and Communications], p. 139

Together with other accession countries Hungary was expected to prepare, with the EC, a Joint Inclusion Memorandum (JIM)⁶⁶ aiming to prepare the country for full participation in the open method of co-ordination on social inclusion upon accession. The JIM signed in

⁶⁵ For more information about the policy paper see: Teréz Laky and László Neumann. June 2004. National Report of the WELLKNOW research project on Policies shaping employment, skills and gender equality in the Hungarian labour market. The national report is part of report 2: *The European Employment Strategy and national employment policies. Addressing the employment and gender challenges of the Knowledge Based Society.*

⁶⁶ The objectives set in the JAP (see 2001) are closely connected with that of the JIM.

December outlines the main problems Hungary faces in terms of social exclusion and poverty and presents what Hungary still has to do in order to translate the EU common social policy objectives into reality in the country. Family and employment policy plays an important role in this concept with an emphasis on women, among other groups; however no intersectionality is mentioned – neither disabled, nor Romani, nor migrant, nor rural women's special situation is highlighted.

Primary source:

Dec 10, Társadalmi Befogadásról szóló Közös Memorandum. [Joint Inclusion Memorandum on Social Integration. Hungarian Ministry of Health, Social and Family Affairs], p.84

Pursuant to 1260/1999 EC Council Regulation on the general rules of Structural Funds, in order to be able to use support from the funds, Member States must prepare and submit to the EC their development objectives and priorities in the framework of a National Development Plan. The Hungarian NDP for 2004-2006 was approved by the Government in 2003. It is divided into five main policy areas, one of which is the Human Resources Development Operation Programme (HEFOP). HEFOP concerns 15 measures, one of which is devoted exclusively to improving the labour market participation of women. Measure 1.3 titled “Promoting the return of women to the labour market” identifies the following objectives: to improve the employability of women; to promote their participation in the labour market; and to facilitate the reconciliation of work and family life through providing child care services. In practice, this measure, endowed with a relatively small budget, continues the project already commenced in the framework of a PHARE programme⁶⁷. Furthermore, one of the horizontal principles defining the entire NDP strategy is equality of opportunity between women and men.

Primary source:

Dec, Nemzeti Fejlesztési Program, Humán erőforrás-fejlesztés Operatív Program és Programkiegészítő Dokumentum 2004-2006 [National Development Plan, Human Resources Development Operational Programme and Complementary Program Document 2004-2006]

2004

Regarding atypical forms of employment, a relevant measure was the emergence of tele-work in the Hungarian legislation in 2004. Tele-work and the contents of the employment contract in such cases were determined firstly by the Article 192/C-193/A of the Labour Code according to the Act XXVIII/2004. Meanwhile, the Tele-work Council has also been established.

⁶⁷ See more about this PHARE project further above under „2003”.

Primary source:

2004. évi XXVIII tv. a foglalkoztatással összefüggő egyes törvények módosításáról
[Act XXVIII/2004 on the amendment of certain laws related to employment]

In March, as an appendix of the Governmental Decree No. 1021/2004 (III/19), a Governmental Programme on the social inclusion of Roma was developed for the years 2004-2006, concerning the advancement of employing Roma. However no attention was paid to the special needs of Romani women. Indirectly, the extension of places in nurseries and kindergartens, as well as the initiative to increase the number of Romani kindergarten teachers, or teachers speaking also gypsy languages, might be taken as measures that characteristically concern more women than men among the Roma population.

Primary source:

Mar, 1021/2004 (III.19.) sz. Kormányhatározat a romák társadalmi integrációját segítő kormányzati programról és az azzal összefüggő intézkedésekről
[Governmental Decree No. 1021/2004 (III.19.) on governmental programme for the promotion of the social inclusion of Roma and the measures to be taken]

Within the frames of the EQUAL Community Initiatives since 2004 there is a priority field that concerns the aim of decreasing the gender gap and segregation in the labour market. According to the Programme Document for 2004-2006, initiatives allowed to receive support include those dealing with equal opportunities of men and women in terms of the horizontal and vertical segregation of women in the labour market.

Primary source:

Apr, EQUAL Programdokumentum. Magyarország 2004-2006 [EQUAL Programme Document. Hungary 2004-2006], p. 166

As a follow-up of the JIM, and in the framework of the open methods of coordination of social policies within the EU, the National Action Plan on Social Inclusion 2004-2006 (NAP/Incl) was carried out in July 2004. At the same time, according to the Governmental Decree No. 2321/2003, a Committee against Social Exclusion (TKEB) was set up. The main responsibilities of the Committee, as per the Governmental Decree No. 2199/2004, were to monitor and evaluate the implementation of a National Action Plan on Social Inclusion 2004-2006 (NAP/Incl).

The document mentions among the main strategic goals: the promotion of employment, including active labour market policies; the advancement of women's employment and the reconciliation of family and working life; the promotion of life-long learning; the encouragement to develop an employment-friendly economy; and services to help reintegration. Women's interests and distinctive situation are taken into account by the Action Plan, but intersectionality is still not considered as an issue.

Concerned governmental institutions were obliged to provide a detailed plan on the implementation of the NAP/Incl as well as an annual report on their duties for the TKEB. The documents produced contributed to the compilation of both the midterm and the final Report on the implementation of the Action Plan, in 2005 and 2006, respectively.

Primary sources:

Jul, Társadalmi összetartozásról szóló nemzeti cselekvési terv 2004-2006 [National Action Plan on Social Inclusion 2004-2006], p. 66

Jul, Dec, A magyar nemzeti cselekvési tervről készült nyilvános független első és második jelentés [First and second reports of the Hungarian non-governmental expert for the European Commission on the preparation of the National Plan for Social Inclusion (NAP/inc) 2004-2006]

The National Employment Action Plan prepared by the coordination of the Ministry of Employment and Social Affairs is based on the JAP, but also refers to some parts of the document of NAP/Incl 2004-2006. However, women's issues are hardly addressed. Problems of inequalities between men and women in the field of employment are drawn up in a separate part, but only related to the gender pay gap, the horizontal and vertical segregation of men and women and the difficulties of reconciling work with family life.

Primary source:

Sep, Nemzeti Foglalkoztatási Akcióterv, Magyarország [National Employment Action Plan, Hungary], p. 59

The Parliament, according to the Act CXXIII of 2004, decided to decrease the rate of social security contributions in cases of vulnerable groups of working people, such as entrant youths, job-seekers following parental leave or receiving the nursing fee, as well as unemployed above the age of 50. Hence, from 2005 onwards, employers who employ persons belonging to these groups for at least nine months and provide a longer work experience for them are allowed to pay for them only fifty percent of the generally determined social security contributions. The measure is primarily meant to be an incentive for employers.

Primary sources:

Nov 22, A pályakezdő fiatalok, az ötven év feletti munkanélüliek, valamint a gyermek gondozását, illetve a családtag ápolását követően munkát keresők foglalkoztatásának elősegítéséről, továbbá az ösztöndíjas foglalkoztatásról szóló törvényjavaslat általános vitája [General debate on the Bill on the advancement of the employment of entrant youth, people above 50, and job-seekers following care-giving for children or a family member, and the employment of scholarship holders], T/12497

2004. évi CXXIII tv. a pályakezdő fiatalok, az ötven év feletti munkanélüliek, valamint a gyermek gondozását, illetve a családtag ápolását követően munkát keresők foglalkoztatásának elősegítéséről, továbbá az ösztöndíjas

foglalkoztatásról [Act CXXIII/2004 on the promotion of employing entrant youth, people above 50, and job-seekers following care-giving for children or other family member, and scholarship holders]

2005

In 2005, Hungary joined in the Decade of Roma Inclusion (2005-2015). Within this initiative, Hungary has adopted a Decade Action Plan in January 2005 that specifies goals and indicators in the areas of housing, health, education, as well as employment. Measures to achieve the creation of equal opportunities for women are listed under cross-cutting themes. In five points this part of the plan concerns the promotion of education of Romani girls and women, the need for positive discrimination in the labour market and special incentives for employers to employ Romani women, the improvement of women's health status, and also their chances to participate in the civil and political public life, and the involvement of Romani women in the Hungarian welfare system as employees. The Department of Roma Integration of the Ministry of Social Affairs and Labour oversees coordination of the Decade activities.

Primary sources:

Jan, Decade Action Plan of the Republic of Hungary, Decade of Roma Inclusion 2005-2015

Jun, a Társadalmi összetartozásról szóló nemzeti cselekvési terv 2004. évi megvalósulásáról és a 2005. évre tervezett intézkedésekről [Light update of the first Hungarian National Action Plan on Social Inclusion (NAP/incl) 2004-2006], p. 35

Nov, A magyar nemzeti cselekvési tervről készült nyilvános független harmadik jelentés [Third report of the Hungarian non-governmental expert for the European Commission on the preparation of the National Plan for Social Inclusion (NAP/inc) 2004-2006]

Secondary source:

Aug, MTA Közgazdasági Kutatóintézet. A magyar foglalkoztatáspolitikai átfogó értékelése az Európai Foglalkoztatási Stratégia kontextusában, az elmúlt öt év tapasztalatai alapján. Összegzés és Javaslatok. [HAS. Economic Research Institute. A comprehensive assessment of the Hungarian employment policies in the context of the European Employment Strategy, based on the experiences of the last five years. Summary and recommendations.]

For the ability to obtain EU funds, the Governmental Decree No. 2212/2005 (X.13.) ordered the development of a national strategy on LLL which has to be supplemented by an Action Plan on the enhancement of social inclusion of disadvantaged groups through training. However the latter policy document has not been developed. The National Strategy on LLL has existed since September 2005. Although it deals with alternative forms of training and outlines the importance of tele-training, it does not connect these measures to the advancement of women's access to the labour market. It mentions the difficulties facing non-employed women only in relation to two cases: in seeking a job following maternity leave or

if a woman is undereducated and has to also reconcile her traditional family duties with work. Otherwise the document does not represent gender-sensitive perspectives.

Primary source:

Sep, A Magyar Köztársaság Kormányának stratégiája az egész életen át tartó tanulásról [National Strategy of the Hungarian Republic on Life-Long Learning], p. 64

2006

The Economic and Social Council has been operating since 2004, with similar traits of other EU countries' consultative fora, which develop statements, opinions and recommendations for the legislative institutions, but have no real impact on the work of the Parliament. Yet these kinds of fora are the institutions of social dialogue. The Hungarian Council consists of all representatives of the economy, the employees, the civil sphere as well as academics.

The Government in 2006 has suggested formalizing the role and duties of the Council; thus the Parliament has discussed the Bill, but the proposal has been withdrawn.

Primary sources:

Jan 30, A Gazdasági és Szociális Tanácsról szóló törvényjavaslat általános vitája [General debate on the Bill on the Economic and Social Council], **T/18877**

Oct, Jelentés a társadalmi összetartozásról szóló nemzeti cselekvési terv 2004-2006 végrehajtásáról [Report on the implementation of the Hungarian National Action Plan on Social Inclusion for the period 2004 – 2006], p. 60

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 the 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 its relevance, and does not deal with issues representing a gender perspective at all.

Primary source:

Oct, Nemzeti Stratégiai Jelentés a szociális védelemről és a társadalmi összetartozásról 2006-2008 [National Strategy Report on Social Protection and Social Inclusion 2006-2008], p. 63

The New National Development Plan, introduced in 2007, has determined the new OPs, including the Social Renewal OP which is a sort of descendant of the HRD OP in terms of its goals and principles. In regards to the strategic document of this new OP, women and gender mainstreaming are primarily discussed within the frames of the horizontal aim of promoting equal opportunities. However, women's social status also comes up as an issue in the detailed descriptions of two main priorities (out of the five). Related to the priority of

developing human resources in the fields of quality training, research and innovation, women are mentioned as a group to be encouraged to participate in the managing committees of higher education institutions, as well as to remain in academic life. At the same time, as part of the development of employment and the labour market integration priority, equal opportunity between men and women are dealt with not only from a horizontal perspective but also related to direct measures that should be taken to advance the situation of those women who are inactive because of care-giving over a longer period or because of a low educational level.

The document is also meant to comply with both the Report on the implementation of the Hungarian National Action Plan on Social Inclusion for the period 2004 – 2006, and the National Strategy Report on Social Protection and Social Inclusion 2006-2008.

Primary sources:

Dec 5, Társadalmi Megújulás Operatív Program 2007—2013, az új Nemzeti Fejlesztési Tervhez kapcsolódóan [Social Renewal Operative Programme 2007-2013, related to the NDP II], p. 141

2007

Two shadow reports of the VI. CEDAW report were developed recently: one is provided by the ERRC and also concerns the issue of the high unemployment rate among Romani women. It identifies the barriers of employment as the following: direct discrimination during the interview process, lack of employment opportunities, childcare responsibilities and low educational level; the other report was written by the Hungarian Women's Lobby, and also includes the issues of employment, unemployment and non-employment of women.

Primary sources:

Apr, Responses to the list of issues and questions with regard to the consideration of the sixth periodic report, Hungary. Provided by the ERRC.

Secondary sources:

May, Shadow Report of the Hungarian Women's Lobby on the realization of the CEDAW in Hungary incorporated with the critical examination of the sixth periodic report of the Hungarian government presented at the 39th session of the CEDAW Committee of the UN

Jun, Written comments of the ERRC Concerning Hungary for consideration by the UN CEDAW at its 39th session

The working document of the first National Strategy on Sustainable Development serves as a critical assessment of the current social and employment policies, indirectly concerning the situation of women as well, but the document does not propose any gender-sensitive policies.

Primary source:

Apr 23, Nemzeti Fenntartható Fejlődési Stratégia. Társadalmi egyeztetést megalapozó munkaváltozat. [National Strategy on Sustainable Development. Working document put out to social negotiation.]

The strategic paper on the improvement of the situation of children determines measures to be taken for the advancement of employing poor children's parents. These include the provision of day care facilities, the extension of atypical forms of employment, and raising the effectiveness of the disposition of family allowances. Nevertheless, gender perspectives are not represented by the paper at all. Women are not mentioned as a group most likely to be affected by the related issues.

Primary source:

May, OGY határozat a „Legyen Jobb a Gyerekeknek” Nemzeti Stratégiáról, 2007-2032 [Parliamentary Decree on the National Strategy on „Get Children Better”, 2007-2032], **H/2284/43.**

In June, a Parliamentary Decree on the Strategic Plan related to the Roma Inclusion Decade was promulgated, including the problems of unemployment among Roma. Except for the part on employment, Romani women and their special problems are not mentioned by the document. ERRC also criticizes the paper because it does not take into account the structural inequalities and differences between the majority and Romani women, such as the fact that Romani women cannot take advantage of the maternity leave since they are usually out of the social security system.

Primary source:

May, H/2920 sz. OGY határozat a Roma Integráció Évtizede Program Stratégiai Tervről [Parliamentary Decree No. H/2920 on the Strategic Plan of the Roma Inclusion Decade]

Within the frame of the year of equal opportunity in 2007, the National Employment Foundation has called for a proposal which aims at promoting equal opportunities in the field of employment through strengthening NGOs and developing new programmes and services. One of the target groups of the programme to be carried out are those who want to reintegrate into the labour market following parental leave, as well as those who suffer discrimination at their workplaces on the grounds of their sex.

Secondary source:

Esélyegyenlőség a munka világában [Equal Opportunity in the World of Work], http://www.ofa.hu/index.php?WG_NODE=WebPalyzatok&WG_OID=PALf305bca1c7f9f0b6

Intimate Citizenship in Hungary (1995-2007)

3.1 Introduction of relative relevance and presence of subissues

The issues related to intimate citizenship cluster around the following four categories in Hungary: (1) *sexual orientation discrimination* (provisions in the Criminal Code; anti-discrimination legislation; LGBT organisations and events; regulation and financing of gender reassignment surgeries); (2) *marriage and divorce* (basic rules of marriage and divorce; unregistered cohabitation; the new Civil Code; marriage of transsexuals; family names; health-care related rights; who is counted as a family member in migration); (3) *reproductive rights* (abortion; artificial insemination; surrogacy; voluntary sterilisation; subsidies for contraception; sexual education); (4) *family policy* (demography policy; family allowances; housing subsidies; tax reductions and family taxation; health insurance coverage).

As opposed to other countries of Eastern and Central Europe, until very recently the issue of LGBT-rights has not been a topic for serious political contestation. The most radical reforms so far (opening up unregistered cohabitation, equalizing the age of consent) were prescribed by the Constitutional Court not leaving much space for political deliberation/contestation. The right to organize and assemble (except for a few cases) was granted early on, LGBT organizations have been in operation since the late 1980s, and gay pride marches have been held undisturbed since 1996. A comprehensive *anti-discrimination legislation covering sexual orientation* and gender identity in the labour market, housing, health care and the access to goods and services has been in place since 2003. Currently there are two types of partnerships that are regulated by the Civil and the Family Code: marriage is available for heterosexual couples only, while unregistered cohabitation is available for same sex couples as well. The current system is the outcome of a decision of the Constitutional Court in 1995 prescribing the legal recognition of same sex couples. To comply with the decision, the government chose to open up unregistered cohabitation for same sex couples. Two years later, the government initiated the complete recodification of civil law (including the Civil Code and the Family Code). Except for some minor modifications (like the one concerning family names) the two institutions of partnership have not been touched upon since 1995. Even though socialist and liberal politicians support the introduction of a third type of registered partnership, all such reform proposals have been put aside justified by the upcoming comprehensive reform. Subsequently, even though Hungary was among the first to recognize same sex partnerships and only preceded by Scandinavian countries, by now it has lost its edge due to the lack of any legal changes concerning the basic regulations of partnerships in the last 11 years. As a result of the decision in 1996, the question of marriage and unregistered cohabitation for different sex couples have been inseparably intertwined with that of same sex couples, thus the issue of sexual orientation discrimination will include only the question of the age of consent, of equal treatment legislation, the right to organize and assemble and the legislation concerning transsexuals. Same sex partnerships will be discussed together with the general regulations of marriage and cohabitation.

Since the recodification of the Civil Code started in 1998 and has not been finished thus far, there have not been substantial changes in the regulation of *marriage and partnership* in the QUING period, except for the 1995 Constitutional Court decision mentioned above; however the various drafts of the new Civil Code are available for analysis. Minor amendments to other pieces of legislation, however, brought marriage and unregistered partnership closer to each other. Such changes were the new health care law granting information, visitation and decision rights to unmarried partners, an amendment to the law on funerals to put spouses and unmarried partners in the same category, and the inclusion of unmarried partners in some cases in the category of 'family members' for the purposes of entry and residence. One change concerning the institution of marriage itself was the reform of family names. The Constitutional Court declared it unconstitutional that only women are allowed to change their name upon marriage. The new regulation introduces more symmetrical (although not completely) legislation on this matter. By and large, these changes – including the ongoing recodification of the Civil Code – have not gained much political attention. This has somewhat changed during this summer, when violent anti-demonstrators interfered with the yearly gay pride march that had happened in the country calmly for the last 11 years. The violence (and the coming out of a high ranking government official) brought the question of gay rights and registered partnerships more to the forefront of political discussions, resulting in a growing interest in the new Civil Code as a whole. The Parliamentary debate of the new law is expected to take place in early 2008.

The issue of *reproductive rights* has been the most widely discussed topic linked to intimate citizenship in political discussion in the last 12 years. The most heated debate surrounded the question of voluntary sterilisation. Once again, it was the Constitutional Court that initiated the change. Following the Court's decision, voluntary sterilisation is available for everyone above 18; a move embraced by the socialist-liberal government, and heavily criticised by the opposition and some civil society organisations. Although the tightening of the abortion legislation in 2000 also falls into the QUING period, it was not heavily discussed beyond a smaller circle of feminist NGOs. The field of artificial insemination has undergone some major changes under left-wing governments (first in 1997 then in 2004-05), currently it is available for married and unmarried heterosexual couples, as well as infertile or ageing single women (but not for lesbian couples). One of the unsolved problems is surrogacy; it is currently illegal due a decision of the conservative government to completely remove the relevant legislation from the Health Care Act. The question of contraception and sexual education do not feature in everyday political debates, contraception is not supported by the social security insurance, and while sexual education is supposed to be compulsory, is usually poorly implemented.

Another widely debated topic linked to intimate citizenship is the way various social benefit and taxation policies define families. *Demographic and family policies* offer a unique chance for political parties to at once respond to symbolic concerns (family values, decline of the nation) as well as monetary ones (who gets what?). The central question of the debate was whether universal or targeted benefits are needed, and whether tax reductions or monetary transfers are the proper way to support families. However, the issue of partnership features

in these debates because of the question of whether or not only married couples are entitled to enjoy the benefits offered by the family support system. Although currently there is no family based income taxation in Hungary, several such proposals have been circulated by conservative parties, together with proposals to abolish inheritance tax when inheriting from a spouse. A recent change concerning partnership-related social benefits was the abolition of free healthcare for those staying at home while their partners/husbands work.

3.2 Actors

State ministries and agencies

Ministry of Justice

Ministry of Social Affairs and Labour (previously: Minister for Equal Opportunity, Ministry of Youth, Family, Social Affairs and Equal Opportunities)

Ministry of Health

Equal Treatment Advisory Board

Government Committee on Demographic Policy

Parliamentary Commissioners

Political parties

Alliance of Free Democrats

New Generation platform of the Alliance of Free Democrats

Christian Democratic People's Party

Association of Young Christian Democrats

Hungarian Christian Democratic Association

Hungarian Socialist Party

FIDESZ Hungarian Civic Party

Hungarian Democratic Forum

Independent Small Holder's Party

Movement for a Better Hungary (Jobbik Magyarországért Mozgalom)

International organisations

Council of Europe

European Union

NGOs

Habeas Corpus Working Group (Habeas Corpus Munkacsoport)

Association of the Opponents of Patriarchy (Patent – Patriarchátust Ellenzők Társasága)

Háttér Association for Gays (Háttér Baráti Társaság a Melegekért)

Labris Lesbian Association (Labrisz Leszbikus Egyesület)

Hungarian Helsinki Committee (Magyar Helsinki Bizottság)

Five Bread Association (Öt Kenyér Egyesület)

Hungarian Civil Liberties Union (Társaság a Szabadságjogokért)

Alfa Association (Alfa Szövetség)

Association of Large Families (Nagycsaládosok Országos Egyesülete)

Association of Divorced Fathers (Elvált Apák Érdekvédelmi Egyesülete)
Catholic Church
Reformed Church
Lutheran Church
Forum for the Protection of Life (Életvédő Fórum)
NANE Women's Rights Association
Association of Hungarian Wives (Magyar Asszonyok Érdekszövetsége)

Other

Constitutional Court

3.3 Timelines

3.3.1 Sexual orientation discrimination

Pre-1995

The Hungarian constitution forbids discrimination on several specific grounds including gender, ethnicity, religion, political opinion, etc., and includes an open ended phrase “on any other grounds”, which can (and has been) understood to include sexual orientation.

Primary sources:

1949. évi XX. törvény: A Magyar Köztársaság Alkotmánya [Act XX of 1949: The Constitution of the Hungarian Republic]

Consensual homosexual sexual relationships were decriminalised in 1963, the age of consent was set differentially and was 14 for heterosexual and 20 for homosexual relationships. With the adoption of the new Criminal Code in 1978, the difference was reduced (18 for homosexual relationships as opposed to 14 for heterosexual). The naming of the crimes reflected a strong normative standpoint: a person above 18 having sexual relationship with a minor between the age of 14 and 18 was committing the crime of “perversion against nature”, rape by a member of the same sex was called “violent perversion against nature” (compared to the “violence against decency” and “rape” in case of a perpetrator of a different sex). Further discrimination on the grounds of sexual orientation was that non-intercourse incest among siblings was only forbidden among siblings of the same sex. The first petitions to the Constitutional Court calling for the equalisation of the age of consent and changing the terminology of sexual offences were written by LGBT NGOs and legal scholars as early as 1993, but the Constitutional Court delivered its decision only 9 years later.

Primary sources:

1978. évi IV. törvény a Büntető Törvénykönyvről [Act IV of 1978 on the Criminal Code]

A Lambda, Homérosz és a Magyar Zsidó Leszbikus és Gay Csoport beadványa az Alkotmánybírósághoz a beleegyezési korhatár szabályozásának alkotmányosságáról, 1993. szeptember 13. [Petition by the NGOs Lambda, Homérosz and Hungarian Jewish Gay and Lesbian Group to the Constitutional Court concerning the constitutionality of the legislation on the age of consent, 13 September, 1993]

Morvai Krisztina beadványa az Alkotmánybírósághoz a beleegyezési korhatár szabályozásának alkotmányosságáról, 1993. november 29. [Petition by Krisztina Morvai to the Constitutional Court concerning the constitutionality of the legislation on the age of consent, 29 November, 1993]

1996

Géza Juhász President of Habeas Corpus Working Group writes a petition to the Constitutional Court concerning various aspects of the legislation on sexual offences: that rape is only a crime against females, that rape within marriage is not penalised, that the terms used for non-intercourse sexual activities are degrading, and that the differential treatment of same sex sexual relationships is discriminatory.

Primary sources:

Juhász Géza beadványa az Alkotmánybírósághoz a Büntető Törvénykönyv szexuális bűncselekményekről szóló részének alkotmányosságáról, 1996. március 19. [Petition by Géza Juhász to the Constitutional Court concerning the constitutionality of the section on sexual offences in the Criminal Code, 19 March, 1996]

In an appeal procedure the Constitutional Court decides that courts or legislation can forbid membership of minors in associations related to homosexuality. The Court argues that the state has the duty of protecting minors taking decisions that might limit their future options.

Primary sources:

21/1996. (V. 17.) AB határozat [21/1996. (V. 17.) Constitutional Court decision]

1997

In a heated and wide-ranging debate, the Parliament modifies certain aspects of the legislation of sexual offences addressing some of the issues touched upon by Juhász's petition. The definition of rape is extended to cover males as well, and rape within marriage is criminalised. While other aspects of the legislation (naming, discrimination of homosexuals) are also taken up in amendments by a liberal MP, these amendments are not accepted.

Primary sources:

1997. évi LXXIII. törvény a Büntető Törvénykönyvről szóló 1978. évi IV. törvény módosításáról, törvényjavaslat száma: T/4057 [Act LXXIII of 1997 amending of the Criminal Code, bill no.: T/4057]

Protocols of the Plenary Sessions of the Hungarian Parliament on 15, 22 and 28 April, 1997 on the bill T/4057
Protocols of the Meetings of the Hungarian Parliament's Human Rights Committee on 9 April, 21 May, 10 and 16 June, 1997

1998

Another petition is written to the Constitutional Court about the differential age of consent.

1999

Responding to petitions about the legislation on incest among siblings, the Constitutional Court decides that criminalizing incest among siblings is constitutional but that the differential treatment of same sex siblings is unconstitutional. The Constitutional Court acknowledges for the first time that discrimination on the grounds of sexual orientation is forbidden under the "discrimination on other grounds" provision in the Constitution.

Primary sources:

20/1999. (VI. 25.) AB határozat [20/1999. (VI. 25.) Constitutional Court decision]

2000

The Parliamentary Assembly of the Council of Europe calls for the equalisation of the age of consent throughout Europe. The report on the recommendation written by a Hungarian socialist MP explicitly mentions Hungary among the countries that do not conform. The election programme of the Alliance of Free Democrats contains a separate chapter on "The equality of sexual minorities" in which they call for the equalisation of the age of consent. LGBT NGOs release a common statement and write a petition to the Parliament on the issue.

Primary sources:

Recommendation 1474 (2000) of the Parliamentary Assembly of the Council of Europe on the situation of lesbians and gays in Council of Europe member states

Doc. 8755 Report of the Committee on Legal Affairs and Human Rights on the situation of lesbians and gays in Council of Europe member states, 6 June 2000

A Korszakváltás Programja. A Szabad Demokraták Szövetségének programja, 2000 [Programme for a New Era. Programme of the Alliance of Free Democrats, 2000]

A Dél-Alföldi Meleg Baráti Kör, Habeas Corpus Munkacsoport, a Háttér Baráti Társaság a Melegekért, a Labrisz Lesbikus Egyesület, a Nők a Nőkért Együtt az Erőszak Ellen Egyesület, a Szivárvány Társulás a Melegek Jogaiért be nem jegyzett egyesület és a Társaság a Szabadságjogokért állásfoglalása, 2000. január 6. [Statement of South-Plain Gay Circle of Friends, Habeas Corpus Working Group, Háttér Association for Gays, Labris Lesbian Association, NANE Women's Rights Association, Rainbow Alliance for Gays' Rights unregistered association, and the Hungarian Civil Liberties Union, 6 January 2000]

A Háttér, Labrisz, Habeas Corpus, Mások, Lambda, Ötkenyér civil szervezetek petíciója az Országgyűléshez, 2000. július 1. [Petition to the Parliament by NGOs Háttér, Labrisz, Habeas Corpus, Mások, Lambda, Ötkenyér, 1 July 2000]

In an effort to harmonise anti-discrimination legislation with that of the EU, the conservative government proposes amendments to the Labour Code. The amendments more or less follow the relevant directives accurately, except for the fact that the list of named grounds does not include sexual orientation, which according to the opinion of the Government is included under the “on other grounds” provision.

Primary sources:

2001. évi XVI törvény a Munka Törvénykönyvéről szóló 1992. évi XXII. törvény, valamint az ezzel összefüggő törvények jogharmonizációs célú módosításáról, törvényjavaslat szám: T/3468 [Act XVI of 2001 amending the Act XXII of 1992 on the Labour Code and related legislation to harmonise with the law of the European Union, bill no. T/3468]

Protocols of the Plenary Sessions of the Hungarian Parliament on 13 December, 2000, 1 February, 6 March 2001 on the bill T/3468

Protocols of the Meetings of the Hungarian Parliament’s Committee for Human Rights, Minorities and Religious Affairs on 29 November 2000, 27 February, 20 March 2001 and of the Committee for Employment and Labour Affairs on 29 November 2000 on the bill T/3468

The election programme of the Alliance of Free Democrats contains a separate chapter on “The equality of sexual minorities” in which they call for the equalization of the age of consent and the introduction of registered partnership with the same rights as that of marriage.

Primary sources:

A Korszakváltás Programja. A Szabad Demokraták Szövetségének programja, 2000 [Programme for a New Era. Programme of the Alliance of Free Democrats, 2000]

2001

The question of the age of consent gets onto the agenda of the relation with the European Union when the Commission’s annual report criticises Hungary for not adopting an equal age of consent. NGOs carry on calling for the equalisation of the age of consent in various forums.

Primary sources:

2001 Regular Report on Hungary’s Progress towards Accession, Commission of the European Communities, 13 November 2001

Habeas Corpus felhívása, 2001. augusztus 20. [Announcement of Habeas Corpus, 20 August 2001]

Secondary sources:

Összefoglaló a leszbikusok, melegek és biszexuálisok diszkriminációjáról, Háttér Baráti Társaság a Melegekért, Labrisz Leszbikus Egyesület, 2001 [Report on discrimination against lesbians, homosexuals, and bisexuals in Hungary, Háttér Association for Gays, Labris Lesbian Association, 2001]

In April socialist MPs Katalin Szili and Magda Kosáné Kovács submit a bill on Equal Treatment and the Prohibition of Discrimination. The bill specifically names sexual orientation in the list of grounds on which discrimination is forbidden. The bill is rejected.

Primary sources:

T/4244. sz. elvetett törvényjavaslat az egyenlő bánásmódról és a hátrányos megkülönböztetés tilalmáról [T/4244. rejected bill on equal treatment and the prohibition of discrimination]

Protocols of the Meetings of the Hungarian Parliament's Committee for Human Rights, Minorities and Religious Affairs on 23 May 2001 on the bill T/4244

Upon the mayor's request the contract (also signed by a police official) of the yearly cultural festival Sziget includes an appendix "banning" gay-related events at the festival. Liberal and socialist politicians together with LGBT activists criticise the measure, right wing parties support the mayor. In 2002 a court declares the appendix illegal.

Primary sources:

A Háttér Baráti Társaság a Melegekért, a Habeas Corpus Munkacsoport, a Labrisz Leszbikus Egyesület, a Lambda Budapest Meleg Baráti Társaság, a Mások szerkesztősége, és a VándorMások nyilatkozata, 2001. július 13. [Statement by the NGOs Háttér Association for Gays, Habeas Corpus Working Group, Lambda Budapest Gay Association, the editorial of Mások, and VándorMások, 13 July 2001]

Nyilatkozat ifjúságunk, jövőnk érdekében, FIDESZ-MDF, 2001. július 16. [In the interest of our youth and our future, press release by the parties FIDESZ and MDF, 16 July, 2001]

Közlemény, MSZP, 2001. június 13. [Press release by the Hungarian Socialist Party, 13 June 2001]

2002

Within two months of the election of the new socialist-liberal government, the Minister of Justice announces in an interview that the government will equalise the age of consent. The Brok-report in the European Parliament calls for Hungary to end the discriminatory laws against homosexuals; however, unlike in the case of Bulgaria, Cyprus and Romania, it does not mention this in the specific section on Hungary. In September, the Constitutional Court delivers its decision declaring the different age of consent unconstitutional as it is discriminatory on the grounds of sexual orientation. Hungary is the last country in Europe to equalise the age of consent. LGBT organisations welcome the decision, while conservative politicians heavily criticise it.

Primary sources:

Report on the state of enlargement negotiations, Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy of the European Parliament, 24 May 2002

37/2002. (IX. 4.) AB határozat [37/2002. (IX. 4.) Constitutional Court decision]

Secondary sources:

A Habeas Corpus közleménye a melegek elleni eljárásokról, 2002 [Press release of Habeas Corpus on proceedings against gays, 2002]

Lépések az azonos beleegyezési korhatár felé, pride.hu, 2002. július 1. [Steps towards an equalised age of consent, pride.hu, 1 July 2002]

Háttér- Meleg Jogsegély Szolgálat sajtónyilatkozata a „beleegyezési korhatárt” egységesítő alkotmánybíróvási döntéssel kapcsolatban, 2002. szeptember 5. [Press Release of Háttér Gay Legal Aid Service on the Constitutional Court decision equalizing the age of consent, 5 September 2002]

Az egészséges testi-lelki fejlődés joga, az Ifjúsági Kereszténydemokrata Szövetség elnökségének nyilatkozata, 2002. szeptember 19. [The right to healthy physical-psychological development, press release by the presidency of the Association of Young Christian Democrats, 19 September 2002]

AB-határozat a beleegyezési korhatárról: Nemtelen passzusok, Magyar Narancs, 2002. szeptember 12. [Constitutional Court decision on the age of consent, Magyar Narancs, 12 September 2002]

Takács Judit: Az intézményesített diszkrimináció vége? Fundamentum, 2002. 3–4. szám [Judit Takács: The end of institutionalised discrimination? Fundamentum, 2002, issue 3-4.]

Parallel to this, the drafting of a comprehensive anti-discrimination law is started within the Ministry of Justice. The bill and then the law adopted contain sexual orientation and sexual identity in the list of grounds on which discrimination is forbidden. The law covers discrimination in the fields of employment, education, housing, access to goods and services, and social security and health. In the debate conservative MPs criticize the bill for treating various types of social groups together (including such “sicknesses” as homosexuality), and propose to remove sexual orientation and sexual identity from the list. These amendments are rejected, and the bill is accepted.

Primary sources:

2003. évi CXXV. törvény az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról, törvényjavaslat száma: T/5585 [Act CXXV of 2003 on equal treatment and the promotion of equal opportunities, bill no. T/5585]

Protocols of the Plenary Sessions of the Hungarian Parliament on 27 October, 25-26 November, 8-9 December 2006 on bill no. T/5585

2003

Ministry-sponsored research in 2003/2004 finds that the process of legally changing one's gender or having gender reassignment surgery is not regulated by proper laws and that

financing the treatment is completely chaotic, though in theory it is financed by the compulsory health insurance. Changing name and sex officially is not conditional upon having had gender reassignment surgery, and can be initiated following a medical expert opinion.

Secondary sources:

Takács Judit – Solymár Bence: A lélek műtétei. Készült a Társadalmi Befogadás 2003 program keretében [Judit Takács – Bence Solymár: Surgery of the Soul. Prepared as part of the Social Inclusion 2003 Programme]

2006

The Ministry of Health proposes to discontinue the financing of gender reassignment surgeries. The Parliament accepts an amendment by a liberal MP to sustain financing the treatments, but the Ministry intervenes and in the end the law contains gender reassignment surgeries under the partially supported treatments. In a decree by the Minister of Health, the patient is required to pay 90% of the treatment, by far the highest proportion of all medical treatments under the category of partially financed.

Primary sources:

2006. évi CXV törvény egyes, az egészségügyet érintő törvényeknek az egészségügyi reformmal kapcsolatos módosításáról, törvényjavaslat száma: T/1093 [Act CXV of 2006 amending some laws concerning health care as part of the health care reform, bill no. T/1093]

Protocols of the Plenary Sessions of the Hungarian Parliament on 31 October, 6, 20 November 2006 on bill no. T/1093

The Ministry of Youth, Family, Social Affairs and Equal Opportunities continue their (although hardly visible) support of same sex partnerships. They publish a press release on the occasion of the International Day Against Homophobia and the State Secretary of the Ministry participates in a seminar organised by the EP Information Office and Amnesty International, where he claims the Ministry supports the “amendments to the Civil Code prepared by the Ministry of Justice” (most likely referring to the new Civil Code).

Secondary sources:

„Vessünk véget a gyűlöletnek” Szeminárium a Homofóbia - ellenes Világnap alkalmából, 2006. május 24. [“End hatred” Seminar on the occasion of the International Day Against Homophobia, 24 May 2006]

Homofóbia Ellenes Világnap, ICSSZEM sajtóközlemény, 2006. május 17. [International Day Against Homophobia, Press Release by the Ministry of Youth, Family, Social Affairs and Equal Opportunities, 17 May 2006]

3.3.2 Marriage and partnership

Pre-1995

The Hungarian constitution declares a duty of the state to protect the institution of marriage and family. The Family Code currently in effect was adopted in 1952, and although it has undergone several amendments, its most important principles have not been touched upon. Marriage is only possible among couples of different sex; and spouses have the same rights and duties. Divorce is possible if the spouses agree on divorce, or if either of the spouses initiates it and the marriage is irreparable. Divorce has to be decided upon in a court procedure. Alimony is granted to the party in need, regardless of gender; the non-paying of alimony is a crime according to the Criminal Code. Custody-rights are also regulated in a gender-neutral way; although in practice mothers have a far larger chance of receiving custody. Husbands are presumed to be the father of the child, paternity of the children born out of wedlock is granted by a court assignment of paternity or by a statement on behalf of the father (“teljes hatályú elismerő nyilatkozat”) to which the mother also agrees. Fathers enjoy the same rights and duties whether their paternity is based on marriage, court order or paternal statement. In the 1952 version of the Family Code women can choose between keeping their own name, using the name of their husband adding a “-né” affix to it, or adding their own name to this. In 1974 this was changed to include two more possibilities: to combine her surname with her husband’s family name, or to add her full name to the family name of the husband. The law does not make it possible for husbands to change their names after marriage.

Primary sources:

1949. évi XX. törvény: A Magyar Köztársaság Alkotmánya [Act XX of 1949: The Constitution of the Hungarian Republic]

1952. évi IV. törvény a házasságról, a családról és a gyámságról [Act IV of 1952 on marriage, family and guardianship]

Upon the recognition that a growing number of couples choose to live together without marriage, the 1977 amendment of the Civil Code contains regulations about the property relations of people living in the same household, under the heading of “Association” (thus it is treated as a contractual relationship, rather than a form of family). This definition, which is limited to couples of different sex, is taken upon and is referred to by various other pieces of legislation as “élettársak” (“domestic partners”, direct translation: “life partners”) or as “élettársi kapcsolat” (“domestic partnership” or “unregistered cohabitation”, direct translation: “relationship of life partners”). Unregistered cohabitation is a factual relationship that is established if two people live together in an emotional and economic community; it cannot be registered, but local governments can issue documents proving the existence of the partnership upon the request of partners and evidence provided by witnesses. Domestic partners have no right to inheritance or alimony and cannot adopt jointly. In the Civil Code they are not included in the list of close relatives, only among relatives; however most other pieces of legislation define close relatives inclusive of domestic partners. Rights similar to marriage enjoyed by domestic partners include: information, visiting and decision rights in

relation to health care; exemption from the duty of testimony against the partner; various social benefits (survivor's pension after 10 years of cohabitation, the right to unpaid leave for care or building a house, the right to two days leave upon the death of the partner, etc.). Domestic partners are treated equally to spouses in conflict-of-interest regulations and in defining the family income for means-tested social benefits. Regulations on the availability of family provisions differ, see family provisions subissue.

Primary sources:

1977. évi IV. törvény a Magyar Népköztársaság Polgári Törvénykönyvéről szóló 1959. évi IV. törvény módosításáról és egységes szövegéről [Act IV of 1977 amending the Act IV of 1959 on the Civil Code of the People's Republic of Hungary]

The first formal LGBT organisation was established in 1988. Except for the case of the registration of the Rainbow Alliance, the state does not intervene in the functioning of LGBT organisations. In this particular case a court refused to register the association because it contained in its name "gay" ("meleg" in Hungarian) which was claimed to be too informal. The case was appealed and the Supreme Court rejects this argument but claims that the registration should still be refused based on the fact that the statutes of the association did not limit membership to people above 18. The case is decided by the Constitutional Court in 1996. Gay pride festivals and parades have been happening in Hungary since 1993 without any major disturbances. Conservative politicians often criticise the parades by calling them obscene. In 1993 the president of an LGBT NGO submits a petition to the Constitutional Court claiming that the legislation of marriage and unregistered cohabitation is discriminatory, especially on the basis of gender. The Court decides on these two years later.

Primary sources:

Romsauer Lajos, a Homeros egyesület elnökének beadványa az Alkotmánybírósághoz a házasság és az élettársi kapcsolat szabályozásának alkotmányosságáról, 1993. április [Petition by Lajos Romsauer, president of the NGO Homeros the to the Constitutional Court concerning the constitutionality of the laws on marriage and domestic partnership, April, 1993]

The law governing citizenship is passed in 1993. Citizenship is granted to anyone who is born to a Hungarian parent or who has been naturalised. Anyone can be naturalised who has been living in Hungary for 8 years, has a clear criminal record, can cover his/her living expenses and passes an examination of constitutional basic knowledge in Hungarian. These conditions are eased for those having a spouse of Hungarian citizenship, having a child of Hungarian citizenship, being adopted by a Hungarian citizen, having Hungarian ancestors or having refugee status. The law governing immigration is passed in the same year. It includes in the definition of family members: spouses, children, and dependent parents and grandparents. Those arriving in the country as part of family unification automatically receive an immigration permit.

Primary sources:

1993. évi LV. törvény a magyar állampolgárságról [Act LV of 1993 on Hungarian citizenship]

1993. évi LXXXVI. törvény a külföldiek beutazásáról, magyarországi tartózkodásáról és bevándorlásáról [Act LXXXVI of 1993 on the entry, residence and immigration of foreigners]

1995

In a groundbreaking decision the Constitutional Court decides that although the Constitution does not require opening the institution of marriage to same sex couples since marriage according to cultural and legal traditions is limited to couples of different sex, the provisions in the Civil Code defining unregistered cohabitation only as a relationship between members of the opposite sex is unconstitutional, since “long term partnership of people of the same sex can realise a value ... that can claim legal recognition”. The Court proposes two solutions, either to modify the definition of unregistered cohabitation to include same sex couples, or to draw up a new institution of registered partnership for same sex couples. The Government has one year to act.

Primary sources:

14/1995. (III. 13.) AB határozat [14/1995. (III. 13.) Constitutional Court decision]

1996

Following the decision of the Constitutional Court the Government introduces a modification to the Civil Code to open the institution of unregistered cohabitation to same sex couples. The debates in the Parliament are very heated; right wing politicians accuse the government of promoting the homosexual lifestyle. The original formulation proposed by the Government is amended following the opinion of the Parliamentary Commissioner who argues that the law should explicitly state that other laws can differ in their definition of unregistered cohabitation to protect the right of children. No such concurring definitions have been used in other laws so far.

Primary sources:

1996. évi XLII. Törvény a Magyar Köztársaság Polgári Törvénykönyvéről szóló 1959. évi IV. törvény módosításáról, törvényjavaslat száma: T/2074 [Act XLII of 1996 amending the Act IV of 1959 on Civil Code of the Republic of Hungary, bill no.: T/2074]

Protocols of the Plenary Sessions of the Hungarian Parliament on 15-16 April and 7, 14, 21 May 1996 on the bill T/2074

Protocols of the Meetings of the Hungarian Parliament’s Human Rights Committee and Committee on Constitutional Affairs on 6 March, 10, 24 April and 8 May 2006 on the bill T/2074

OBH 2400/1996.

1997

A new law on health is discussed and passed by the Parliament. According to the new law unmarried partners have the same visitation, information and decision rights as spouses.

Primary sources:

1997. évi CLIV. törvény az egészségügyről, törvényjavaslat száma: T/4459 [Act CLIV of 1997 on health care, bill no. T/4459]

A debate on family policy is held in the Parliament. A debate emerges between liberal and conservative MPs on whether the pluralisation of family forms is good or bad.

Primary sources:

Protocols of the Plenary Sessions of the Hungarian Parliament on 16 October 1997

1998

A government decision initiates the recodification of the Civil Code.

Primary sources

1050/1998. (IV. 24.) Korm. Határozat a polgári jogi kodifikációról [1050/1998. (IV. 24.) Government decision on the codification of civil law]

1999

A new law on cemeteries and funerals is adopted. The list of family members having the right/duty to arrange funerals does not include unmarried partners.

Primary sources:

1999. évi XLIII. törvény a temetőkről és a temetkezésről, törvényjavaslat száma: T/548 [Act XLIII of 1999 on cemeteries and funerals, bill no. T/548]

2000

The election programme of the Alliance of Free Democrats contains a separate chapter on "The equality of sexual minorities" in which they call for the introduction of registered partnership with the same rights as that of marriage.

Primary sources:

A Korszakváltás Programja. A Szabad Demokraták Szövetségének programja, 2000 [Programme for a New Era. Programme of the Alliance of Free Democrats, 2000]

2001

Based on six petitions on the constitutionality of various aspects of changing names, the Constitutional Court delivers a decision in which it declares unconstitutional that only women can take on the family name of their husband, and not vice versa.

Primary sources:

58/2001. (XII. 7.) AB határozat [58/2001. (XII. 7.) Constitutional Court decision]

A new law on immigration is passed; the definition of family member does not change.

Primary sources:

2001. évi XXXIX. törvény a külföldiek beutazásáról és tartózkodásáról [Act XXXIX of 2001 on the entry and residence of foreigners]

2002

The first draft of the principles of the new Civil Code is published. The document aims at rewriting the complete Family Code and integrating it into the Civil Code. Changes concern several aspects of marriage, redefining the rights and duties of spouses, further liberalizing prenuptial agreements, etc. The document proposes to keep marriage limited to different sex couples, but would integrate the institution of cohabitation in the Book of Family Law and would extend the rights of partners living in long term relationships.

Primary sources:

Az új Polgári Törvénykönyv koncepciója, Magyar Közlöny, 2002/15/II [Principles of the new Civil Code, Magyar Közlöny, 2002/15/II]

Following the decision of the Constitutional Court on family names a year earlier, the Parliament debates the changes proposed by the government following the decision of the Constitutional Court. Liberal and socialist MPs welcome the amendments and call it a significant step towards the equality of men and women. Some conservative MPs – although not rejecting the amendment – comment on the petty nature of the bill, and suggest focusing on more important issues, such as the decline of the population. Husbands can now choose to either keep their name or add their name to the wife's family name.

Primary sources:

2002. évi XLIV törvény a házasságról, a családról és a gyámságról szóló 1952. évi IV. törvény módosításáról, törvényjavaslat száma: T/886, 2002. szeptember–november [Act XLIV of 2002 law amending the Act IV of 1952 law on marriage, family and guardianship, bill no. T/886, September-November 2002]

Protocols of the Plenary Sessions of the Hungarian Parliament on 24 September, 1 October, 2002 on the bill T/886

2003

The second draft of the principles of the new Civil Code is accepted by the Government. A change from the previous version is that it refuses the introduction of registered partnerships, but further specifies the rights of partners living in long term unregistered cohabitation. These include the right to claim alimony or to use the property of the partner after the dissolution of the partnership. Granting inheritance rights to domestic partners is

rejected. LGBT NGO Háttér criticises the document for not supporting registered partnerships, while churches welcome the document.

Primary sources:

1003/2003. (I. 25.) Korm. határozat az új Polgári Törvénykönyv koncepciójának elfogadásáról, valamint a polgári jogi kodifikációról szóló 1050/1998. (IV. 24.) Korm. határozat időarányos végrehajtásáról és módosításáról [1003/2003. (I. 25.) government decision on the adoption of the principles of the new Civil Code and on the amendment of the 1050/1998. (IV. 24.) government decision on civil law codification]

Az új Polgári Törvénykönyv koncepciója és tematikája [Principles and syllabus of the new Civil Code]

A Háttér Társaság a Melegekért Egyesület állásfoglalása a házasság és az ún. bejegyzett életpartnerség intézményével kapcsolatban, 2003. október 3. [Press release Háttér Association for Gays about marriage and registered partnership, 3 October 2003]

Secondary sources:

Az egyházak az azonos neműek házassága ellen, ma.hu, 2003. augusztus 14. [Churches against gay marriage, ma.hu, 14 August 2003]

Following an administrative process in which the surviving partner of a same sex couple is first granted and then declined the survivor's pension, the Government passes a decree that clarifies that years spent in unregistered cohabitation before the change of the law in 1996 count towards the ten years necessary for the survivors' pension for domestic partners.

Primary sources:

248/2003. (XII. 23.) Korm. rendelet a társadalombiztosítási nyugellátásról szóló 1997. évi LXXXI. törvény végrehajtásáról rendelkező 168/1997. (X. 6.) Korm. rendelet és a kötelező egészségbiztosítás ellátásairól szóló 1997. évi LXXXIII. törvény végrehajtásáról rendelkező 217/1997. (XII. 1.) Korm. rendelet módosításáról [248/2003. (XII. 23.) government decree amending the 168/1997. (X. 6.) government decision on the implementation of the LXXXI/1997 law on social security pensions and amending the 217/1997. (XII. 1.) government decision on the implementation of the LXXXIII/1997 law on compulsory health insurance]

An individual writes a petition to the Constitutional Court arguing that the law on immigration is discriminatory because only spouses are recognised as family members and same sex couples cannot marry. The Court has not so far delivered a decision in the case.

Primary sources:

Pálfy Balázs beadványa az Alkotmánybírósághoz a beutazás és tartózkodás szabályozásának alkotmányosságáról, 2003. december [Petition by Balázs Pálfy to the Constitutional Court concerning the constitutionality of the legislation on entry and residence of foreigners, December 2003]

Secondary sources:

Az azonosnemű élettársak letelepedési joga az Alkotmánybíróság előtt, a Habeas Corpus sajtóközleménye [The right of residence for same sex partners before the Constitutional Court]

Newly elected Minister for Equal Opportunities Katalin Lévai initiates monthly meetings with LGBT organisations. These stop after four months, mostly because the organisations criticise in the media the way the meetings are organised. The minister claims in several media appearances that the issue of registered partnership is on the agenda of the Government and is soon to be introduced. Other prominent members of the Hungarian Socialist Party also express their support for same sex partnerships.

Secondary sources:

Nem bíznak a melegek a regisztrált párkapcsolatban, origo.hu, 2003. július 12.
[Gays do not have trust in registered partnership, origo.hu, 12 July 2003]

Az esélyegyenlőség ott kezdődik, ahol a hátrányos megkülönböztetés véget ér, mzp.hu, 2003. július 02. [Equal opportunities start where discrimination ends, mzp.hu, 2 July 2003]

2004-05

Upon the request of a fathers' rights NGO an amendment to the Criminal Code is adopted that clarifies that attempts to hinder the exercise of visitation rights is punishable by up to one year in prison. Feminist NGOs claim that the amendment is discriminatory because it affects women disproportionately and might allow for the continuation of domestic violence.

Primary sources:

2005. évi XCI. törvény a Büntető Törvénykönyvről szóló 1978. évi IV. törvény és más törvények módosításáról, törvényjavaslat száma: T/16127 [Act XCI of 2005 amending among others the Act IV of 1978 on the Criminal Code, bill no. T/16127]

Secondary sources

Börtönnel sújthatják a láthatásijog-sértést, Magyar Nemzet, 2005. június 9.
[Hindering the right to visitation might become punishable by prison, Magyar Nemzet, 9 June 2005]

The Alliance of Free Democrats strengthens its campaign for putting the issues of same sex partnerships on the political agenda. In the EP election campaign the party initiates a survey in which they indicate that the party agrees to the opening of the institution of marriage to same sex couples. Liberal MEP Péter Gusztus interpellates the Minister of Justice several times on marriage and registered partnership of same sex couples; in reply the Minister claims that the 1995 Constitutional Court decision declares same sex marriages to be unconstitutional (which is not the case) and that the issue of registered partnership is on the agenda, but will come only as part of the new Civil Code. The party also proposes a bill to introduce registered partnership (both for same and different sex couples), granting inheritance and housing rights to registered partners. The bill is not even put on the agenda

of the Committee of Constitutional Affairs. The youth platform of the party calls into being a working group on gay rights, to regularly publish opinions, press releases and organise demonstrations on gay rights related issues.

Primary sources:

K/13288 Mikortól lesz bejegyezhető az élettársi kapcsolat? Gusztos Péter írásbeli kérdése, 2004. december 8. [K/13288 When can domestic partnership be registered? Question in writing by Péter Gusztos, December 8 2004 and response by the Minister of Justice, December 14 2004]

K/14347 Mit kíván tenni a Kormány a hátralévő kormányzati időszakban a homoszexuálisak esélyegyenlősége, különösen az azonos nemű párok házasságkötése és egymás utáni öröklése tekintetében, valamint annak érdekében, hogy e párok is fogadhassanak örökbe gyermeket? Gusztos Péter írásbeli kérdése, 2005. február 10. [K/14347 What will the government do for the equal opportunity of homosexuals, especially their marriage, inheritance and in order for same sex couples to be able to adopt? Question in writing by Péter Gusztos, 10 February 2005 and response by the Minister of Justice, February 18 2005]

Többségi jogok vagy jogegyenlőség? Gusztos Péter napirend előtti felszólalása és Hankó Faragó Miklós válasza, 2005. február 22. [Extra-rights or equality before the law? Short question by Péter Gusztos, response by Miklós Hankó Faragó, State Secretary of the Ministry of Justice, 22 February 2005]

I/15874 Regisztrált élettársi kapcsolat. Gusztos Péter interpellációja az igazságügyi miniszterhez a Parlament plenáris ülésén, 2005. május 2. [I/15874 Registered partnership. Interpellation by Péter Gusztos and response by the Minister of Justice in the plenary session of the Hungarian Parliament, 2 May 2005]

T/16349. sz. elvetett törvényjavaslat az élettársi kapcsolat regisztrálásáról [T/16349. rejected bill on the registration of domestic partnership]

Secondary sources:

Az én országom: Döntene, vagy hallgatna róla? A Szabad Demokraták Szövetségének kampánya [My country: Would you decide or keep silent? Campaign of the Alliance of Free Democrats]

Homofóbia Elleni Világnap, az SZDSZ Új Generáció nyilatkozata, 2005. május 17. [International Day Against Homophobia, Press release by the Alliance of Free Democrats, 17 May 2005]

Megalakult az SZDSZ Új Generáció Melegjogi Munkacsoportja, Népszabadság, 2005. június 16. [The Alliance of Free Democrats New Generation founded a Working Group on Gay Rights, Népszabadság, 17 May 2005]

Csőzik László: A tizedik Melegfesztivál elé. Nyitóbeszéd, 2005. július 7. [To open the 10th Gay Pride Festival. Opening speech by László Csőzik, president of the Alliance of Free Democrats New Generation, 7 July 2005]

Pálmai Erika: Várófélben, javaslat az élettársi regisztrációra, HVG, 2005. május 4. [Erika Pálmai: Waiting, a proposal for the registration of domestic partnerships, HVG, 4 May 2005]

In response to the efforts of the liberals, right wing parties also activate themselves. The youth platform of the Christian Democratic People's Party writes a charter against gay marriage. The document is adopted by the conference of the Christian Democratic People's Party as well. The head of the party (also vice-president of the parliamentary Committee on Human Rights and Religious Affairs) delivers several speeches and interviews, likening same sex marriage to bigamy and homosexual relationships to paedophilia.

Primary sources:

Családvédelmi Charta 2005. Kiadta az Ifjúsági Kereszténydemokrata Szövetség
[Charter on the protection of families, 2005. Prepared by the Association of Young Christian Democrats]

Secondary sources:

Az SZDSZ az értékek ellen. Interjú Semjén Zsolttal, Magyar Rádió, 2005. március 23. [SZDSZ against values. Interview with Zsolt Semjén, Magyar Rádió, 23 March 2005]

Rétvári Bence: A melegek házassága nem evidencia, az Ifjúsági Kereszténydemokrata Szövetség nyilatkozata, 2005. február 9. [Bence Rétvári: Gay marriage is not evident, Press release by the Association of Young Christian Democrats, 9 February 2005]

The appearance of the issue of same sex partnerships on the political agenda, and especially the statements by right wing politicians, prompts several LGBT organisations to publish their opinion on the issue.

Primary sources:

Megfontolások az azonos neműek párkapcsolatáról. Az Öt Kenyér Közösség állásfoglalása, 2005 [Considerations on same sex partnerships, Position of the Five Bread Christian Community, 2005]

Amendments to the law on cemeteries and funerals are introduced to the Parliament by the government, including an amendment to include domestic partners in the list of family members having the right/duty to arrange funerals. The amendments are accepted.

Primary sources:

2005. évi XXI. törvény a temetőkről és a temetkezésről szóló 1999. évi XLIII. törvény módosításáról, törvényjavaslat száma: T/12720 [Act XXI of 2005 amending the Act XLIII of 1999 on cemeteries and funerals, bill no. T/12720]

The issue of same sex couples also features in some of the official communications of the Ministry of Youth, Family, Social Affairs and Equal Opportunities. In an opening speech to the ILGA-Europe conference held in Budapest, the Minister talks about ongoing work within the Ministry on the introduction of registered partnership. A press release arguing the same is published on the occasion of the International Day Against Homophobia.

Secondary sources:

Göncz Kinga esélyegyenlőségi miniszter beszéde az ILGA-Europe éves konferenciáján, 2004. október 27–31. [Speech by Kinga Göncz at the “Coming Out to the EU” ILGA-Europe Annual Conference, 27-31, October 2004]

Göncz Kinga: Homofóbia Ellenes Világnap, az ifjúsági, családdügyi, szociális és esélyegyenlőségi miniszter sajtóközleménye, 2005. május 17. [Kinga Göncz: International Day Against Homophobia, Press Release by the Minister of Youth, Family, Social Affairs and Equal Opportunities, 17 May 2006]

The election programme of the Alliance of Free Democrats once again contains a call for the introduction of registered partnership for same sex couples with the same rights as that of marriage, now under the heading “The state should not intervene in bedrooms”. On the pressure of the party, the Government programme also contains a small sentence on extending the rights of people living in long term partnerships without marriage. The grammatical error in the sentence suggests that at a certain point the text suggested granting the same rights (not only similar) to these couples.

Primary sources:

Szabadság, verseny, szolidaritás 2006–2010. A Szabad Demokraták Szövetsége választási programja [Freedom, competition, solidarity. Election programme of the Alliance of Free Democrats, 2006]

Új Magyarország: Szabadság és szolidaritás. A Magyar Köztársaság Kormányának programja a sikeres, modern és igazságos Magyarországért 2006-2010 [New Hungary: Freedom and Solidarity. The Programme of the Government of the Republic of Hungary for a Successful, Modern and Just Hungary 2006-2010]

Secondary sources:

A drog is téma lett a koalíciós egyeztetésen, index.hu, 2006. május 12. [The drugs are also on issue at the negotiations about the coalition, index.hu, 12 May 2006]

Following NGO activism concerning the lack of family reunification procedure in the case of temporary protection and with reference to an EU directive, a small modification to the law on immigration makes family reunion for people under temporary protection (“menedékesek”) possible, and the notion of family here includes unmarried partners as well.

Primary sources:

2004. évi XXIX. törvény az európai uniós csatlakozással összefüggő egyes törvénymódosításokról, törvényi rendelkezések hatályon kívül helyezéséről, valamint egyes törvényi rendelkezések megállapításáról [Act XXIX of 2004 on amending and annulling certain acts related to the accession of the European Union]

Secondary sources:

Kőszeg Ferenc: „Miért nem ad Magyarország feltételeket az élethez?”, a Magyar Helsinki Bizottság elnökének nyílt levele, 1999. december 29. [Ferenc Kőszeg:

“Why does not Hungary provide conditions for life?”, open letter by the president of the Hungarian Helsinki Committee, 29 December, 1999]

2006

The “war” on the level of press releases that started a year before between the youth platforms of the liberals (New Generation) and that of conservative parties (Fidelitas, Association of Young Christian Democrats) continues. Strangely enough, at a public debate, the representative of the Christian democrats claims that his party supports extending the rights of same sex partners, and only opposes calling these partnerships marriage or granting the right to adopt. The youth platform and other conservative circles strongly criticise this statement.

Primary sources:

Új generáció közlemény. 2006. május 11 [New Generation Announcement, 11 May 2006].

Tisztelt Új Generáció! A Fidelitas Család- és Egyházügyi Munkacsoportjának nyílt levele, 2006. május 17. [Dear New Generation! Open letter by the Fidelitas Working Group on Families and Religion, 17 May 2006]

Secondary sources:

Házasság, regisztrált párkapcsolat, avagy mit akarnak a melegek, és mit gondolnak a politikusok, beszélgetés a Sziget Fesztiválon, 2006. augusztus 9. [Marriage, registered partnership, what do gays want and what do politicians think, discussion at the Sziget Festival, 9 August 2006]

Stágel Bence: „Így beszéljeteinkább: az igen igen, a nem nem. Ami ezenfelül van, a gonosztól való” Mt. 5.37, az IKSZ alelnökének cikke a szervezet honlapján [Bence Stágel: “Simply let your ‘Yes’ be ‘Yes,’ and your ‘No,’ ‘No’; anything beyond this comes from the evil one” Mt. 5.37, article by vice-president of the Association of Young Christian Democrats on their website]

Megalakul a KDNP Terry Black-tagozata? kurucinfo.hu, 2006. augusztus 13. [Terry Black platform of the Christian Democrats to be established?, kurucinfo.hu, 13 August 2006]

The Ministry of Justice publishes the first draft of the Book of Family Law and the Book of Inheritance of the new Civil Code. In line with the principles passed in 2003, the rights of people living in unregistered cohabitation are extended to include alimony and use of property if the partnership lasted for at least 10 years. A move away from the principles is the introduction of facultative registration. This means that the registration would be possible, but it would not legally create the partnership (it automatically dissolves if the parties separate). The Book of Family Law (published 9 months earlier) claims that no further rights would be granted on the basis of registration; it would make easier to prove the existence of factual cohabitation. The Book of Inheritance on the other hand treats registered partners equal to married couples, including becoming heir in case there is no

testament, compulsory share of inheritance, and the possibility of common wills. The apparent contradiction is likely to be solved in further versions of the document. The text contains the provision that changing the gender of a spouse automatically dissolves the marriage. The document is available on the website of the Ministry, and civil society organisations are asked to contribute. The Catholic Church delivered its opinion on the draft, refusing the changes and claiming that: cohabitation is not an alternative to marriage; and that homosexuality is a biological or moral defect and thus same sex partnerships should not be legally recognised. It proposes to follow the German legislation (which they do not seem to know).

Primary sources:

Az új Polgári Törvénykönyv tervezete [Draft of the new Civil Code]

A Ptk. Családjogi és Öröklési Könyve tervezetének véleményezése, Magyar Katolikus Püspöki Konferencia, Iustitia et Pax Bizottsága [Opinion of the Hungarian Conference of Catholic Bishops on the Book of Family Law and Inheritance in the bill on the Civil Code]

Az Elvált Apák Érdekvédelmi Egyesületének állásfoglalása [Statement of the Association of Divorced Fathers]

After a three-year long procedure the Supreme Court decides that financial support from an unmarried partner (even a same sex partner) can be considered a legitimate form of income, and thus the Immigration Authority cannot reject the applicant based on the claim that s/he cannot cover his/her living expenses.

Secondary sources:

A Magyar Helsinki Bizottság és a Háttér Társaság a Melegekért közleménye, 2006. november 13. [Press Release by the Hungarian Helsinki Committee and the Association for Gays] Ld. http://feminarium.blogter.hu/?post_id=97876

Eltarthatják egymást a melegek is, origo.hu, 2006. november 19. [Gays can support each other as well, origo.hu, 19 November 2006]

2007

The *European Year of Equal Opportunities for All* creates several occasions to discuss the rights of same sex couples. The official strategy by the Ministry for Social Affairs and Labour contains the vague sentence that reforming the legislation on family law is needed to achieve equality for gays and lesbians. At a press conference the MEP Lévai, former Minister of Equal Opportunities, suggests that a societal debate should be started before gay marriage is introduced. The Equal Treatment Advisory Board initiates such a debate by calling on civil society organisations and individuals to send their opinion on the issue of same sex partnerships and on the draft of the new Civil Code in particular. They also publish a short summary of the legislation on same sex partnerships in other European countries to facilitate the debate.

Primary sources:

Nemzeti stratégia és prioritások. „Egyenlő esélyek mindenki számára európai év” (2007) – az igazságos társadalom irányában, 2006. december [National Strategy and Priorities, 2007 European Year of Equal Opportunities for All – Towards a more just society, December 2006]

Az Egyenlő Bánásmód Tanácsadó Testület felhívása és segédanyaga az azonos neműek tartós együttélésének jogi szabályozásáról szóló társadalmi vitáról, 2007. február 1. [Call and background material by the Equal Treatment Advisory Board for a societal debate on the legislation of long term partnership of same sex couples, 1 February 2007]

Secondary sources:

Lévai Katalin társadalmi vitát javasol a melegházasságról, Népszabadság, 2007. január 6. [Katalin Lévai proposes a societal debate on gay marriage, Népszabadság, 6 January 2007]

The rights of same sex couples became an issue in the programmes of both candidates for the presidency of the Alliance of Free Democrats; both candidates support the introduction of registered partnerships. In another widely publicised strategy paper written for the party, former party president and Minister of Education and a young female MP suggest fuller equality; granting the same rights for domestic partners as granted for married couples and opening marriage to same sex couples. The youth platform of the Party accepts and the Anti-Homophobia Charter on the occasion of the International Day Against Homophobia calls for the introduction of registered partnerships.

Primary sources:

Kóka János: Jövőképes ország – jövőképes SZDSZ. 2007. február [János Kóka : Country with a future – SZDSZ with a future, February 2007]

Fodor Gábor: Politikai program – a magyar liberalizmus megújulásának politikája, 2007 [Gábor Fodor: Political Program – The Politics of Reforming Hungarian Liberalism, 2007]

Magyar Bálint és Sándor Klára: A szabadság minősége – az élet minősége, 2007. március [Bálint Magyar and Klára Sándor: The quality of freedom – the quality of life, March 2007]

Homofóbia-ellenes Charta, SZDSZ Új Generáció, 2007. május 17. [Anti-Homophobia Charter, Alliance of Free Democrats, New Generation, 17 May 2007]

The 12th LGBT festival and pride march draws unprecedented media attention, partly due to a high level government official coming out in the opening speech, and partly due to the violent right wing protest demonstration parallel to the pride march. All political parties condemn the violence, although differ in the evaluation of causes. Responding to the attacks, 17 NGOs call for the amendment of the Criminal Code to include violence against gays and lesbians under the hate crime provisions.

Secondary sources:

- A BRFK tiltsa be a melegfelvonulást!, Szabad Magyarországért Mozgalom közleménye, 2007. június 27.** [The police should ban the gay march, press release by the Movement for a Free Hungary, 27 June 2007]
- Tüntetés a melegfelvonuláson, Jobbik Magyarországért Mozgalom kommunikációs igazgatójának közleménye, 2007. június 29.** [Protest against the gay march, press release by the director of communication of the Movement for a Better Hungary, 29 June 2007]
- Bojkott felhívás a homoszexuális fesztivál ellen, az Ifjúsági Kereszténydemokrata Szövetség felhívása, 2007. július 6.** [Call for boycotting the homosexual festival, call by the Association of Young Christian Democrats, 6 July 2007]
- Nemet mondunk az erőszakra és az intoleranciára, az SZDSZ ötpárti nyilatkozat-tervezete, 2007. július 9.** [We say no to violence and intolerance, proposal for a cross-party statement by the Alliance and Free Democrats, 9 July 2007]
- Budapest nemet mond az utcai erőszakra, Demszky Gábor főpolgármester közleménye, 2007. július 9.** [Budapest says no to street violence, press release by Gábor Demszky, Mayor of Budapest, 9 July 2007]
- Az MSZP a kirekesztés ellen, Lendvai Ildikó, az MSZP frakcióvezetőjének nyilatkozata, 2007. július 7.** [The Hungarian Socialist Party against exclusion, press release by Ildikó Lendvai, head of the parliamentary group of the Hungarian Socialist Party, 7 July 2007]
- Mindenkit megillet a gyülekezés joga, az Európai Néppárt magyar európai parlamenti képviselőcsoportjának nyilatkozata, 2007. július 09.** [Everyone has the right to assemble, statement by the Hungarian delegation of the EPP-ED in the European Parliament, 9 July, 2007]
- Az SZDSZ politikai provokációja a másság ünnepe ürügyén, a KDNP közleménye, 2007. július 10.** [The Alliance of Free Democrats use the celebration of difference to provoke, press release by the Christian Democratic People's Party, 10 July 2007]
- Dél-Alföldi Meleg Baráti Kör, az Együtt Egymásért Kelet-Magyarországon, a Háttér Társaság a Melegekért, a Labrisz Leszbikus Egyesület, a Lambda Budapest Meleg Baráti Társaság, a Magyar Helsinki Bizottság, a Mások Szerkesztősége, a NaVégre Szerkesztősége, a Nemzeti és Etnikai Kisebbségi Jogvédő Iroda, az Öt Kenyér Egyesület, Patent Egyesület, Pride.hu Szerkesztősége, Szimpozion Egyesület, Szivárvány Misszió Alapítvány, Társaság a Szabadságjogokért, Védegylet, Zöld Fiatalok nyilatkozata, 2007. július 14.** [Statement by the NGOs South-Plain Gay Circle of Friends, Together for Each Other in Eastern Hungary, Háttér Association for Gays, Labris Lesbian Association, Lambda Budapest Gay Association, Hungarian Helsinki Committee, editorial of Mások, editorial of NaVégre, National and Ethnic Minority Legal Defence Bureau, Habeas Corpus Working Group, Five Bread Association, Patent Association, editorial of Pride.hu, Szimpozion Association, Rainbow Mission Foundation, Hungarian Civil Liberties Union, Védegylet, Green Youth, 14 July, 2007]

On the occasion of the LGBT festival, LGBT NGOs call for the legalization of same sex marriage. The Alliance of Free Democrats joins the initiative; the Hungarian Socialist Party supports registered partnership, but not marriage. Christian Democrats call the proposal unconstitutional, while FIDESZ remains silent.

Primary sources:

A Patriarchátust Ellenzők Társasága, a Háttér Társaság a Melegekért és a Labrisz Leszbikus Egyesület nyilatkozata, 2007. július 4. [Statement by the Association of the Oponents of Patriarchy, the Háttér Association for Gays and the Labris Lesbian Association, 4 July 2007]

Az SZDSZ-ÜT határozata, 2007. július 5. [Decision by the governing body of the Alliance of Free Democrats, 5 July 2007]

Az MSZP a kirekesztés ellen, Lendvai Ildikó, az MSZP frakcióvezetőjének nyilatkozata, 2007. július 7. [The Hungarian Socialist Party against exclusion, press release by Ildikó Lendvai, head of the parliamentary group of the Hungarian Socialist Party, 7 July 2007]

Secondary sources:

A KDNP szerint az SZDSZ az alkotmányos rend ellen lázít, interjú Lukács András KDNP-s politikussal, 2007. július 6. [The Christian Democratic People's Party claims the Alliance of Free Democrats incites revolt against the Constitution, interview with Christian democratic politician, András Lukács, 6 July, 2007]

The Government proposes two new laws (one for citizens of the EU and another for everyone else) to replace the existing legislation on immigration. The law for EU citizens lists domestic partners as candidates for being treated as family members. Unlike in the case of spouses, people living in the same household with a Hungarian or an EU citizen for more than a year can apply as family members, but the authorities have discretion in deciding about their family member status. The law for third country citizens still limits the definition of family member to spouses, children and parents, or dependents in need of care. The bill is passed without major debates, though one conservative MP criticised the extension of the definition of family members arguing that cheating will be too easy since one does not even have to marry. A new law on refugee status is adopted unanimously by the Parliament; the law defines family members exclusive of domestic partners, even for people under temporary protection ("menedékes"). The definition of persecution explicitly mentions discrimination based on sexual orientation.

Primary sources:

2007. évi I. törvény a szabad mozgás és tartózkodás jogával rendelkező személyek beutazásáról és tartózkodásáról, törvényjavaslat száma: T/1299 [Act I of 2007 on the entry and residence of citizens of third countries, bill no. T/1299]

2007. évi II. törvény a harmadik országbeli állampolgárok beutazásáról és tartózkodásáról, törvényjavaslat száma: T/1300 [Act II of 2007 on the entry and residence of people from third countries, bill no. T/1300]

Protocols of the Plenary Sessions of the Hungarian Parliament on 28 November and 4 December 2006 on the bills T/1299 and T/1300

2007. évi LXXX. törvény a menedékjogról, törvényjavaslat száma: T/2935 [Act LXXX of 2007 on refugee status, bill no. T/2935]

Protocols of the Plenary Sessions of the Hungarian Parliament on 22, 30 May, 11, 18, 25 June 2007 on the bill T/2935

3.3.3 Reproductive rights

Pre-1995

Following a short interlude in 1953-56 when abortions were completely illegal (“Ratkó-period”), the legislation of abortion was quite permissive under socialism and grounds for permitted abortion included being unmarried, already having at least two children, lacking financial means, etc. The changes to the legislation of abortion were initiated by the Constitution Court with its decision in 1991 that declared the existing legislation to be formally invalid, since the question of abortion was not regulated by law but by a lower level governmental decree. Although the Constitutional Court did not decide on the content of these pieces of legislation, it provided guidelines for future legislation about the constitutional issues at hand: namely the conflict between the right of the fetus to life (if any) and the right of self-determination of the woman. The new legislation was accepted in 1992, which aside from medical conditions made abortions possible before week 12 if the women were in a “situation of grave crisis”. The authorities were not allowed to question the woman’s declaration of being in crisis, but to accept it as given. If the reason for the abortion was not medical, the woman was to pay the full price of the abortion.

Primary sources:

76/1988. (XI. 3.) MT rendelet a terhességmegszakításról [76/1988. (XI. 3.) government decree on abortion]

64/1991. (XII. 17.) AB határozat [64/1991. (XII. 17.) Constitutional Court decision]

1992. évi LXXIX. törvény a magzati élet védelméről [Act LXXIX of 1992 on the protection of the life of the fetus]

Voluntary sterilisation for the purpose of family planning was permitted although strongly regulated already under socialism. It was open for men and women on an equal basis, but only above 40 years of age, or 35 and having three children, or 30 and having four children. The first petition to the Constitutional Court about the constitutionality of the legislation was written in 1992; however, it was not discussed by the Court until 2005.

Primary sources:

1972. évi II. törvény az egészségügyről [Act II of 1972 on health]

12/1987. (VIII. 19.) EüM rendelet a művi meddővételről [12/1987. (VIII. 19.) decree of the Minister of Health on sterilisation]

The basic rules of adoption remain intact since the adoption of the Family Code in 1952. Only minors can be adopted, either by married couples jointly or by individuals, adoption of the biological child of a married partner is possible and simpler. Non-married couples are not allowed to adopt jointly, or to adopt the child of their unmarried partner. There is no ban on adoption by homosexuals, or on adoption by an individual living in a same sex partnership. The law permits both open and secret adoptions. An adopted child has the same entitlements as a biological child, and since 1977 the legal connection (e.g. in inheritance) between the biological parent and the adopted child is void.

Primary sources:

1952. évi IV. törvény a házasságról, a családról és a gyámságról [Act IV of 1952 on marriage, family and guardianship]

1997

A new law on health is discussed and passed by the Parliament. The law permits artificial insemination for married couples and for heterosexual unmarried couples, while same sex couples and single women are excluded to prevent the formation of “incomplete families” (“csonka családok”). The regulations of sterilisation for the purposes of family planning remain largely untouched; it is available for men and women above 35 or having three children. The applicant and his/her spouse or domestic partner has to be informed about other methods of contraception prior to the treatment. Regulations on surrogacy would enter into force two years later to provide enough time to develop detailed legislation.

Primary sources:

1997. évi CLIV. törvény az egészségügyről, törvényjavaslat száma: T/4459 [Act CLIV of 1997 on health care, bill no. T/4459]

Protocols of the Plenary Sessions of the Hungarian Parliament on 10 September, 13 October, 18 November, 1997 on the bill T/4459

With the adoption of the Child Protection Act some amendments to the adoption process take place, including fully recognizing the right of the adopted child to know his/her biological parents.

Primary sources:

1997. évi XXXI. törvény a gyermekek védelméről és a gyámügyi igazgatásról [Act XXXI of 1997 on the protection of children and the administration of guardianship]

The new law on refugee status is passed. The law defines family members as spouses, children, and parents for minor claimants. The law does not refer to sexual orientation in the context of persecution.

Primary sources:

1997. évi CXXXIX. törvény a menedékjogról [Act CXXXIX of 1997 on refugee status]

1998

Following several petitions and not accidentally the scandal surrounding a decision of a lower court earlier in 1998 to defer the abortion of a 13 year old girl (“dávodi abortuszper”), the Constitutional Court delivers a second decision on abortion. In this decision the Court argues that although the requirement to be in a “situation of grave crisis” is a legitimate solution to the constitutional conflict, basing it solely on the women’s unquestionable declaration is unconstitutional as it does not provide any balance to the self-determination of the woman. The Court offers two options: either to introduce the verification by authorities of the woman’s claim to be in “grave crisis” or to introduce attending compulsory consultations before the abortion can be executed.

Primary sources:

48/1998. (XI. 23.) AB határozat [48/1998. (XI. 23.) Constitutional Court decision]

Közlemény az Alkotmánybíróság második abortusz-döntéséről, Habeas Corpus Munkacsoport, 1998 november 19. [Statement of the Habeas Corpus Working Group on the second abortion decision of the Constitutional Court, 19 November, 1998]

1999

Hidden within a law amending various unrelated pieces of legislation, the conservative government deletes the regulation of surrogacy making such a procedure illegal. The argument is that surrogacy concerns so few people and causes so many hard-to-regulate problems that it is better not to allow it. MPs in opposition and the NGO TASZ heavily criticise the decision.

Primary sources:

1999. évi CXIX. törvény az államszervezetre vonatkozó egyes törvények, továbbá az ingatlan-nyilvántartásról, az egészségügyről, valamint a halászatról és a horgászatról szóló törvények módosításáról, törvényjavaslat száma: T/1517 [Act CXIX of 1999 amending legislation on the structure of the state, on the land register, on health care, and on hunting and fishing, bill no. T/1517]

Protocols of the Plenary Sessions of the Hungarian Parliament on 29-30 November, 6, 14 December 1999 on the bill no. T/1517

TASZ 8. számú állásponjtja a dajkaterhességről, 1999. november [Opinion no. 8 of the Hungarian Civil Liberties Union concerning surrogacy, November 2005]

2000

Following the 2000 Constitutional Court decision the conservative Government chooses the second option, introducing compulsory consultations. Liberals and several NGOs express criticism of the stricter regulations, arguing that rather than providing information, the compulsory consultations will one-sidedly encourage women to keep the fetus; thus they reject the modification. Socialists remained largely silent and voted for the amendment. Most

conservative politicians express the need for even stricter legislation; clearer wording on the content of the consultation should make it obvious that the purpose of the consultation is to convince the woman to keep the fetus.

Primary sources:

2000. évi LXXXVII törvény a magzati élet védelméről szóló 1992. évi LXXIX. törvény módosításáról, törvényjavaslat száma: T/2293 [Act LXXXVII of 2000 amending the Act LXXIX of 1992 on the protection of the life of the fetus, bill no. T/2293]

Protocols of the Plenary Sessions of the Hungarian Parliament on 21 March, 12 April, 25 May 2000 on the bill no. T/2293

A Habeas Corpus Munkacsoport álláspontja az abortuszhoz való jog szabályozásáról, 2000. március 14. [Opinion of the Habeas Corpus Working Group on the legislation of the right to abortion, 14 March 2000]

TASZ 10. számú álláspontja az abortusz-szabályok szigorításáról, 2000. március [Opinion no. 10 of the Hungarian Civil Liberties Union concerning the stricter regulation of abortions, March 2000]

The Constitutional Court decides that the legislation of surrogacy is up to the Parliament, and that it is not unconstitutional that the law does not make surrogacy possible.

Primary sources:

108/B/2000. AB határozat [108/B/2000 Constitutional Court decision]

The election programme of the Alliance of Free Democrats calls for the legalisation of surrogacy.

Primary sources:

A Korszakváltás Programja. A Szabad Demokraták Szövetségének programja, 2000 [Programme for a New Era. Programme of the Alliance of Free Democrats, 2000]

2002

Under the call to introduce a higher level of “quality control” in the adoption process, the Child Protection Act is amended, which also entails some (quite hidden) amendments to the Family Code. Among the changes are growing data-protection regulations (including a ban on recording the ethnic origin of the child), introducing minimum and maximum age differences among adoptive parents and their adoptees, compulsory pre-adoption trainings for future parents, and a small addition to a paragraph to favour married couples in the adoption process. This last change is most likely related to the scandals surrounding the first approved then revoked, and then finally approved adoption of a child by a well-known transvestite performer which caused a stir among conservative politicians.

Primary sources:

2002. évi IX. törvény a gyermekek védelméről és a gyámügyi igazgatásról szóló 1997. évi XXXI. törvény módosításáról, törvényjavaslat száma: T/4570 [Act IX of 2002 amending the Act XXXI of 1997 on the protection of children and the administration of guardianship, bill no. T/4570]

Secondary sources:

Idén még nem történt örökbefogadás, Amaro Drom, 2003. július [No adoption this year so far, Amaro Drom, July 2003]

2003

A liberal MP asks a question about the legalisation of surrogacy from the Minister of Health. The Minister answers that the question of surrogacy together with other issues such as cloning and transsexuality is on the agenda of the Scientific Committee on Health (a committee within the Ministry of Health), and that legislation will be drafted later that year to come into effect in 2005.

Primary sources:

K/2176 Tervez-e törvénymódosítást a dajkaterhesség engedélyezése ügyében? Béki Gabriella kérdése, 2003. február 17. [K/2176 Are there proposals to legalise surrogacy? Question by Gabriella Béki and response by the Minister for Health, Social and Family Affairs, 17 February 2003]

Secondary sources:

Civilek a dajkaterhesség mellett, Népszabadság, 2003. július 17. [NGOs for surrogacy, Népszabadság, 17 July 2003]

Várhatóan 2005-ben léphet hatályba a dajkaterhesség engedélyezése, 2003. október 28. [The legalisation of surrogacy is expected to enter into force in 2005, 28 October 2003]

During the discussions of LGBT organisations with the Minister of Equal Opportunities an NGO proposes to extend artificial insemination to lesbian couples. The proposal never reaches the Parliament.

Primary sources:

Javaslat a mesterséges megtermékenyítés szabályainak részleges módosítására, Habeas Corpus Munkacsoport, 2003. október 10. [Proposal to amend the legislation on artificial insemination, Habeas Corpus Working Group, 10 October 2003]

In the newly adopted version of the National Basic Curriculum (a document prescribing what schools should teach), the topic of sexuality is touched upon in both the chapter on Nature and on Society, and the document contains health as a specific field of practical knowledge.

The document does not explicitly mention sexual education.

Primary sources:

243/2003. (XII.17.) Korm. rendelet a Nemzeti alaptanterv kiadásáról, bevezetéséről és alkalmazásáról [243/2003. (XII.17.) government decree on the publication, introduction and implementation of the National Basic Curriculum]

2005

Upon the initiative of two socialist MPs, a Parliamentary decision is adopted calling for the government to draw up an action plan on the problem of infertility. As a result of this amendments to the Health Act are being debated in the Parliament. The Government proposes to extend the circle of people who are allowed to donate ovum unanonymously. Following the pressure of the NGO TASZ a liberal MP proposes an amendment to open artificial insemination to single women. Unlike the NGOs proposal that would have opened artificial insemination to all single women, the amendment accepted limits this possibility to infertile or ageing single women. Women living in a same sex partnership cannot participate in artificial insemination even if infertile or ageing, unless they deny their partners. The Parliamentary Commissioner for Civil Rights criticises the legislation on the donation of ova by arguing that enabling donation by domestic partners opens up the possibility of donating for profit. Conservative MPs make the same argument, adding that allowing artificial insemination to single women is problematic, as it might lead to same sex couples raising children. Despite the earlier promises, the question of surrogacy is not put on the agenda.

Primary sources:

H/16056. sz. országgyűlési határozat a meddőséggel kapcsolatos problémák átfogó kezelésére vonatkozó intézkedési terv kialakítására, elfogadva: 2005. június 27. [H/16056 parliamentary decision on the adoption of an action plan to tackle the problems of infertility, adopted: 27 June 2005]

TASZ 26. számú álláspontja az egyes egészségügyi tárgyú törvények módosításáról szóló T/18093. számú törvényjavaslat kapcsán, 2005. november [Opinion no. 26 of the Hungarian Civil Liberties Union concerning bill no. T/18093 amending laws concerning health care, November 2005]

2005. évi CLXXXI. törvény egyes egészségügyi tárgyú törvények módosításáról, törvényjavaslat száma: T/18093 [Act CLXXXI of 2005 amending legislation related to health care, bill no. T/18093]

Protocols of the Plenary Sessions of the Hungarian Parliament on 23 November, 6 December, 2005 on the bill T/18093

Protocols of the Meetings of the Hungarian Parliament's Human Rights and Health Committees on 14, 16 November, 12 December 2005

Az állampolgári jogok országgyűlési biztosának GY-598/2005. sz. véleménye [Opinion GY-598/2005 of the parliamentary commissioner for civil rights]

Secondary sources:

- Anonim ajándékozás. Adományozható lehet a petesejt, HVG, 2004. december 3.**
[Anonymous donation. Ova might become donatable, HVG 3 December 2004]
- Lombikprogram: meddő szingliknek már igen, origo.hu, 2006. július 20.** [Artificial insemination: yes for infertile singles, origo.hu, 20 July 2006]
- Gyermektelenségre ítélve - Dajkaterhesség: miért nem lehet? Magyar Narancs, 2005. augusztus 18.** [Doomed to childlessness. Surrogacy: why not? Magyar Narancs, 18 August 2005]

The abortion debate comes to the forefront in 2005 once again, when a working group of the Hungarian Chamber of Physicians suggests the introduction of a new abortion pill. Alfa Association (active before in the "dávodi abortuszper") together with several other NGOs holds a demonstration. Several conservative politicians participate in the demonstration.

Secondary sources:

- Abortusz-tabletta, az Egészségügyi Minisztérium sajtóközleménye, 2005. szeptember 14.** [Abortion Pill, Press release by the Ministry of Health, 14 September 2005]
- Az abortusz vagy a tabletta ellen tüntetnek? Népszabadság, 2005. szeptember 15.**
[Are they demonstrating against abortion or the pill?, Népszabadság, 15 September 2005]
- Problémamentes pirula morális problémákkal, reggel.hu, 2005. szeptember 16.** [A problem-free pill with moral problems, reggel.hu, 16 September 2005]]
- Megmérgezik-e a nem kívánt gyermeket?, Klub Rádió, 2005. szeptember 13.**
[Poisoning the unwanted children? Klub Rádió, 13 September 2005]

A petition by a physician is handed in to the Constitutional Court arguing that the legislation on sterilisation is unconstitutional because it is discriminative (age and number of children), is contradicting the right to self-determination, and the rule that prescribes informing the partner contradicts the right to privacy. The Court accepted the argument about the age and children criteria and declared it unconstitutional. However, it upheld the rule to inform the partner based on the formal argument that the petition only used reference to a certain paragraph of the Constitution (right to life and human dignity), and not the paragraph that would have been most relevant (the protection of personal data). As a result of the decision, starting from July 2006, any person of 18 years of age or more is permitted to have him/herself sterilised.

Primary sources:

- Dr. Jakab Tibor beadványa az Alkotmánybírósághoz a művi meddővételről szóló szabályozás alkotmányosságáról, 2005. május 9.** [Petition by Dr. Tibor Jakab to the Constitutional Court concerning the constitutionality of the legislation on sterilisation, 9 May 2005]
- 43/2005. (XI. 14.) AB határozat** [43/2005. (XI. 14.) Constitutional Court decision]

A meeting of an expert group convened by the Ministry of Education calls for enhanced efforts on sexual education. The protocols of the meeting have been made available on the website of the Committee for State Reform.

Összefoglaló az iskolai szexuális felvilágosítás támogatásához kapcsolódó szakmai javaslatokról, a 2005. december 9-én lefolytatott szakértői konzultáció alapján [Summary of proposals for supporting sexual education in schools, based on a consultation with experts on 9 December 2005]

2006

Political debate surfaces only a year later when the Court decision is to come into effect. The government argues that there is no need to act, and conservative parties and groups call for stricter regulation. Opposition groups accuse the government of having anti-Hungarian policies; according to their views, liberalizing sterilisation fits into a whole range of anti-national government policies (economic stabilisation). As a result of growing mobilisation on behalf of civil society organisations (both religious organisations as well as various associations for physicians), parties in government agree to some amendments, although disagree on their direction. Socialists are open to increasing the age-limit, whilst liberals insist on not having any age limit besides that of being of full age (18) but agree to elongate the waiting period for younger people. In the end, the liberals win. In an act containing various amendments related to the reform of the health care system, the main aspects of the law remain intact except for a longer waiting period for younger people. Several amendments containing stricter regulations are proposed by right wing parties but none of them are accepted.

Primary sources:

Állásfoglalás a művi meddővé tételről, Életvédő Fórum, 2006. március 25.
[Statement on sterilisation, Forum for the Protection of Life, 25 March, 2006]

A Magyar Katolikus Püspöki Konferencia nyilatkozata a művi meddővé tételről, 2006. június 7. [Statement of the Hungarian Conference of Catholic Bishops on sterilisation, 7 June 2006]

Állásfoglalás a művi meddővé tételről, MSZP, 2006. július 19. [Statement on sterilisation, Hungarian Socialist Party, 19 July 2006]

18 év legyen a művi meddővé tétel korhatára, az SZDSZ nyilatkozata, 2006. július 26. [The age limit for sterilisation should be 18, Press release of the Alliance of Free Democrats, 26 July 2006]

2006. évi CXV törvény egyes, az egészségügyet érintő törvényeknek az egészségügyi reformmal kapcsolatos módosításáról, törvényjavaslat száma: T/1093 [Act CXV of 2006 amending some laws concerning health care as part of the health care reform, bill no. T/1093]

Protocols of the Plenary Sessions of the Hungarian Parliament on 31 October, 6, 20 November 2006 on bill no. T/1093

Secondary sources:

- Elfogadhatatlan a művi meddővé tétel, sajtónyilatkozat, Református Egyház, 2006. június 13.** [Sterilisation is unacceptable, press release by the Reformed Church, 13 June 2006]
- A Magyar Orvosi Kamara Képviselőtestületének határozata 2006. május 17-én a művi meddővé tétel tárgykörében** [Decision of the Representatives of the Hungarian Chamber of Physicians on sterilisation, 17 May 2006]
- A Habeas Corpus Munkacsoport szakmai ajánlásai a művi meddővé tétel jogi szabályozása kapcsán, 2006. július 20.** [Expert recommendation by the Habes Corpus Working group on the legislation of sterilisation, 20 July 2006]
- Meddő vita, szochalo.hu, 2006. július 24.** [Infertile debate, szochalo.hu, 24 July 2006]
- Petíció a Parlament elnökéhez, Magyarok Világszövetsége, 2006. június 19.** [Petition to the Speaker of the Parliament, World Association of Hungarian, 19 June 2006]
- Az Összefogás a Magyar Családokért Országos Egyesület aláírás-gyűjtése a művi meddővé tétel megszigorításáért, 2006. november 11.** [Campaign of the Alliance for Hungarian Families National Association to collect signatures for a stricter legislation sterilisation, 11 November 2006]

In a decree of the Minister of Health single women looking for artificial insemination because of their age and not their infertility are forced to pay the full price of the treatment. TASZ protests against the measure. An NGO criticises the regulation on the apropos of its coming into effect.

Primary sources:

- Állásfoglalás az emberi reprodukcióra irányuló különleges eljárásokról, Életvédő Fórum, 2006. március 25.** [Statement of the Forum for the Protection of Life on artificial insemination, 25 March, 2006]
- 32/2006. (VIII. 23.) EüM rendelet az emberi reprodukcióra irányuló különleges eljárások végzésére vonatkozó, valamint az ivarsejtekkel és embriókkal való rendelkezésre és azok fagyasztva tárolására vonatkozó részletes szabályokról szóló 30/1998. (VI. 24.) NM rendelet és a kötelező egészségbiztosítás keretében igénybe vehető meddőségkezelési eljárásokról szóló 49/1997. (XII. 17.) NM rendelet módosításáról** [32/2006. (VIII. 23.) decree of the Minister of Health ...]

Secondary sources:

- Késlelkedő jogalkotás a művi meddővé tétel kérdésében, a Magyar Nők Szövetségének állásfoglalása, 2006. május 29.** [Delays in legislating voluntary sterilisation, statement by the Association of Hungarian Women, 29 May, 2006]
- Nem támogatnák a koruknál fogva lombikra szoruló nők meddőségkezelését, TASZ vélemény, 2006. július 4.** [No financial support for single women's fertility treatment, Press release by the Hungarian Civil Liberties Union, 4 July 2006]

The election programme of the Alliance of Free Democrats calls for the legalisation of surrogacy. The document claims that upon the proposal of the party, artificial insemination is now open to all single women (which is not the case). In a widely publicised strategy paper written for the party, former party president and Minister of Education and a young female MP talk about artificial insemination for single women as a task of the future. The youth platform of the party starts a campaign for subsidizing contraceptive pills. No actor seems to be hostile to the idea, but it has not been put into practice.

Primary sources:

Szabadság, verseny, szolidaritás 2006–2010. A Szabad Demokraták Szövetsége választási programja, 2006 [Freedom, competition, solidarity. Election programme of the Alliance of Free Democrats, 2006]

Magyar Bálint és Sándor Klára: A szabadság minősége – az élet minősége, 2007. március [Bálint Magyar and Klára Sándor: The quality of freedom – the quality of life, March 2007]

Secondary sources:

A miniszter és a biztonságos szex joga, webrovos.hu, 2006. január 16. [The minister and the right of safe sex, webrovos.hu, 16 January 2006]

Négy liberális javaslat az ifjúságért, az SZDSZ Új generáció sajtónyilatkozata, 2006. március 21. [Four liberal proposals for the youth, press release by the Alliance of Free Democrats New Generation, 21 March 2006]

Az MDF nem ellenzi a fogamzásgátló szerek tb-támogatását, HVG, 2005. szeptember 25. [The Hungarian Democratic Forum does not oppose subsidizing contraception, HVG, 25 September 2005]

Késlelkedő jogalkotás a művi meddővé tétel kérdésében, a Magyar Nők Szövetségének állásfoglalása, 2006. május 29. [Delays in legislating voluntary sterilisation, statement by the Association of Hungarian Women, 29 May, 2006]

2007

Within a few months, the popular initiative of the Alliance for Hungarian Families signed by more than 50,000 people forces the Parliament to return to the discussion on sterilisation. While governmental parties are content with the legislation, conservative parties do not give up and propose a new parliamentary decision to force the Government to submit new legislation, but the parliamentary decision is rejected even before it gets to the plenary session.

Primary sources:

H/1870 Népi kezdeményezés a művi meddővé tétel feltételeinek szigorításáról [Protocols of the Plenary Sessions of the Hungarian Parliament on 24 April 2007 on the H/1870 Popular initiative for a stricter legislation on sterilisation]

H/3106 elvetett határozati javaslat a művi meddővé tétel végzése garanciális feltételeinek erősítéséről és a beavatkozással összefüggő egyes tudományos tények vizsgálatáról, 2007. május 21. [H/3106 rejected parliamentary decision to

strengthen the system of guarantees preceding sterilisation and to investigate scientific facts related to this treatment, 21 May 2007]

Secondary sources:

Művi meddővé tétel: öncsonkítás vagy fogamzásgátlás? HVG, 2007. január 23.
[Sterilisation: self-destruction or contraception? HVG, 23 January 2007]

3.3.4 Other: Family policy

Pre-1995

The problem of the declining population has been on the political agenda throughout the 20th century in Hungary. The prohibition of abortion in the 1950s and the generous child-care provisions from the 1960s were all embedded in a strong pronatalist state discourse. The first (conservative) government after 1989 considered demographic policy among its top priorities. A document on long term demographic policy is adopted by the government that calls for maintaining the generous provisions of the socialist times, even to extend them to encourage women to stay at home with children.

Primary sources:

1031/1994. (IV. 30.) Korm. határozat a távlati népesedéspolitika alapelveiről
[1031/1994. (IV. 30.) government decision on the principles of long-term demographic policy]

From the sixties onwards the state provided generous child care benefits and other family provisions to encourage people to have more children. These allowances were available universally, and consisted of a childcare allowance (with both income-dependent and income-independent parts) up to the age of 2 of the child, family allowance until the child attends elementary or secondary school, and tax allowance under similar conditions. The childcare allowance in the first year was only available to women. The income tax is calculated on the basis of individual earnings; no family tax (splitting between partners, tax dependent on the number of family members, etc.) is available.

Primary sources:

1990. évi XXV. törvény a családi pótlékról [Act XXV of 1990 on family allowance]
1991. évi XC. törvény a magánszemélyek jövedelemadójáról [Act XC of 1991 on personal income tax]

Another type of benefit provided by the state is related to building and buying apartments. This includes refundable and non-refundable subsidies (called “social policy benefit”), tax reduction and subsidized loans, some of these are only available to couples with children, and usually depend on the number of children. Domestic partners are treated equally with spouses if the eligibility is limited to families who do not own property.

Primary sources:

106/1988. (XII. 26.) MT rendelet a lakáscélú támogatásokról [106/1988. (XII. 26.) government decree on housing subsidies]

Inheritance tax is regulated in Hungary together with tax on donations by a law adopted in 1990. It classifies heirs into three categories: close relatives, other relatives and others; and inheritance tax differs for each of the three groups. Spouses are included in the first category (2.5-11% for immovables, 11-21% for movables), domestic partners in the all others category (8-21% for immovables, 21-40% for movables)

Primary sources:

1990. évi XCIII. törvény az illetékekről [Act XCIII of 1990 on state fees]

1995

As part of the economic stabilisation programme, family provisions are radically cut back and made means-tested, and income-based allowances are abolished. For the purposes of means-testing, family income includes earnings of spouses and unmarried partners as well; the latter is criticised in the debate by a conservative MP because unregistered partnerships are hard to prove. The Constitutional Court strikes down several provisions arguing that the changes affected acquired rights and that a period of transition would be needed.

Primary sources:

1995. évi XLVIII. törvény a gazdasági stabilizációt szolgáló egyes törvénymódosításokról [Act XLVIII of 1995 on economic stabilisation]

43/1995. (VI. 30.) AB határozat [43/1995. (VI. 30.) Constitutional Court decision]

60/1995. (X. 6.) AB határozat [43/1995. (VI. 30.) Constitutional Court decision]

1995. évi CXXII. törvény a családi pótlékról és a családok támogatásáról szóló 1990. évi XXV. törvény módosításáról, valamint a gazdasági stabilizációt szolgáló egyes törvénymódosításokról szóló 1995. évi XLVIII. törvény egyes rendelkezéseinek hatályba léptetéséről, törvényjavaslat száma: T/1604 [Act CXXII of 1995 amending the Act XXV of 1990 on family allowance and the Act XLVIII of 1995 on economic stabilisation, bill no. T/1604]

Protocols of the Plenary Sessions of the Hungarian Parliament on 11, 28 November, 4, 12 December 1995 on the bill no. T/1604

1997

Based on the newly adopted laws on health care and social security, dependant partners – both married and unmarried – and children (even above the age of 18) are automatically covered by their partner's (parents') contribution to the Health Insurance Fund.

Primary sources:

1997. évi LXXX. törvény a társadalombiztosítás ellátásaira és a magánnyugdíjra jogosultakról [Act LXXX of 1997 on people entitled to social security and private pensions]

1997. évi LXXXIII. törvény a kötelező egészségbiztosítás ellátásairól [Act LXXXIII of 1997 on the benefits provided by the compulsory health insurance]

1998-99

The new conservative government undoes most of the changes concerning family provisions, reintroducing universal availability and extending entitlement to the child care allowance in the first year to fathers. The changes favour middle class families, because the amount of fixed-amount provisions is not increased despite high inflation, while tax relief (favouring those already having higher income) becomes more important. Tax reduction can be split among parents if one of them is not able to use it up to the maximum amount. In all cases, the benefits are only available to parents or spouse of a parent, but not to the unmarried partner of a parent. MPs debate in the Parliament whether the state can differentiate in this way between citizens based on the form of family they choose to live in. When in 1999 the maximum amount of tax reduction is increased, socialist MPs again raise the question of domestic partners.

Primary sources:

1998. évi LXV. törvény a személyi jövedelemadóról szóló 1995.évi CXVII. törvény módosításáról, törvényjavaslat száma: T/276 [Act LXV of 1998 amending the Act CXVII of 1995 on personal income tax, bill no. T/276]

1998. évi LXXXIV. törvény a családok támogatásáról, törvényjavaslat száma: T/331 [Act LXXXIV of 1998 on family provisions, bill no. T/331]

1999. évi XCVII. törvény a gyermekgondozási díj bevezetésével összefüggő törvénymódosításokról, törvényjavaslat száma: T/1280. [Act XCVII of 1999 amending legislation related to the introduction of childcare benefits, bill no. T/1280]

Protocols of the Plenary Sessions of the Hungarian Parliament on 14, 21 June, 6, 7, 28 September, 19 October, 1999 on the bill no. T/1280.

1999. évi XCIX az adókra, járulékokra és egyéb költségvetési befizetésekre vonatkozó egyes törvények módosításáról, törvényjavaslat száma: T/1501 [Act of XCIX amending legislation concerning taxes and other contributions to the budget, bill no. T/1501]

Protocols of the Plenary Sessions of the Hungarian Parliament on 6-10, 30 September, 19 October 1999 on the bill no. T/1501

2000

Socialist MP Kósáné interpellates the Minister for Social and Family affairs on the issue of family allowance and tax reduction to domestic partners.

Primary sources:

I/2846 Kettős mérce. Kósáné Kovács Magda interpellációja a szociális és családügyi miniszter a Parlament plenáris ülésén, 2000. június 13. [I/15874 Double standard. Interpellation by Magda Kósáné Kovács and response by the Minister for Social and Family affairs in the plenary session of the Hungarian Parliament, 13 June 2000]

2001

An ad-hoc commission called the Government Commission on Demography is set up within the department of the Strategic Analyst Centre (STRATEK) under the Prime Minister's Office to draft a demographic programme. The Commission fails to deliver the document on time.

Primary sources:

1069/2001. (VII. 10.) Korm. határozat a Nemzeti Népesedési Program kidolgozásáról, a Népesedési Kormánybizottság létrehozásáról [1069/2001. (VII. 10.) government decision on preparing a National Demographic Programme and establishing the Government Commission on Demography]

Problémagyűjtemény és cselekvési program vázlat a Nemzeti Népesedési Program értékrendjéhez, Miniszterelnöki Hivatal, 2001 [A collection of problems and draft action plan for the values of the National Demographic Programme, Prime Minister's Office, 2001]

Nemzeti családpolitikai koncepció, 1999 [National Family Policy Concept, 1999]

The availability of childcare allowances is extended to grandparents. Socialist MPs confront the government on using double standards since they refuse the legalisation on surrogacy because it concerns too few people (even if it means more children), but now propose legislation affecting similarly few people.

Primary sources:

2001. évi XII. törvény a családok támogatásáról szóló 1998. évi LXXXIV. törvény módosításáról, törvényjavaslat száma: T/3534 [Act XII of 2001 amending the Act LXXXIV of 1998 law on family provisions, bill no. T/3534, January-April 2001]

Protocols of the Plenary Sessions of the Hungarian Parliament 14 February, 6, 9 Marc 2001 on the bill no. T/3534

The amount of financial support for housing is significantly increased, especially in the form of subsidised loans. These loans are available to everyone once in their lifetime (without limitations concerning family or existing property), with higher subsidies for married couples or people raising children. Except for this latter condition, the law treats domestic partners as family members on an equal basis to spouses.

Primary sources:

12/2001. (I. 31.) Korm. rendelet a lakáscélú állami támogatásokról [12/2001. (I. 31.) government decision on state provisions for housing]

2002

The new socialist-liberal government re-establishes the Government Commission on Demography and extends the deadline for preparing the National Demographic Programme.

Primary sources:

- A Népesedési Kormányprogram eddigi működésének, eredményeinek bemutatása, a Népesedési Kormányprogram fő célkitűzései, az új összetételű Népesedési Kormánybizottság munkaterve, munkarendje, 2002. szeptember 19.** [Report on the principles of and the activities related to the National Demographic Programme and the work plan of the re-established Government Committee on Demography, 19 September 2002]

In the process of amending legislation on taxes socialist MPs introduce an amendment to extend splitting of tax reductions to unmarried partners of parents, the socialist-liberal majority passes the amendment.

Primary sources:

- 2002. évi XLII törvény az adókról, járulékokról és egyéb költségvetési befizetésekről szóló törvények módosításáról, törvényjavaslat száma: T/945** [Act XLII of 2002 amending laws on taxes and other budgetary incomes, bill no. T/945]

Protocols of the Plenary Sessions of the Hungarian Parliament on 2, 24 October, 5, 12 November, 2002 on the bill no. T/945

2003

The final report of the Commission on Demography is published, together with several press releases and reports of its activities. The document identifies shifts in the attitudes towards marriage and partnership, but does not suggest any particular policies on the issue. The document calls for mainstreaming the concern for demographic processes to all government policies. Upon completion of its mandate, the Committee is transformed into an agency providing background data and analysis on issues related to demography. It currently maintains a website and database of existing data, legislation, and research guidelines.

Primary sources:

- A Népesedési Kormányprogram Konceptiója, 2003. december 17.** [Principles of the Government Programme on Demography, 17 December 2003]
- Tájékoztató a Népesedési Kormánybizottság munkájáról, sajtóanyag, 2003. június 25.** [Report on the activities of the Government Committee on Demography, press release, 25 June 2003]

Another government document is prepared this year to identify the most important social problems. The document gives a detailed analysis of the change in family models, but does not provide any policy proposals on the issue.

Primary sources:

- Jelentés a társadalom szociális helyzetéről és a szociális védelmi rendszerről - készült a SZOLID Projekt műhelymunkái alapján, Egészségügyi, Szociális és Családügyi Minisztérium, 2003. december 30.** [Report on the Social Situation of

the Society and its Defence Mechanisms. Based on preliminary findings of the Solid Project. Ministry of Health, Social and Family Affairs, 30 December 2003]

2004

A conservative MP proposes a bill to introduce new forms of family provisions including the marriage allowance, a one-time benefit paid to all couples getting married. The bill is rejected.

Primary sources:

T/10281. sz. elvetett törvényjavaslat a gyermekbarát társadalmi környezet kialakítása érdekében egyes törvények módosításáról [T/10281 rejected bill amending legislation to create a child-friendly social environment]

2005

As part of the 100 steps programme the government reforms the system of family provisions. The amount of family allowance is doubled and tax reduction is limited to families with more than two children. A new form of housing subsidy is introduced in the form of a state guarantee for loans to enable couples without savings to buy apartments. This benefit is available for both married and unmarried couples under 35. In several public appearances, the Minister responsible for the management of the programme declares that the programme is available for same sex couples as well.

Primary sources:

Nyolc lépés az igazságos családtámogatási rendszer megteremtéséért. Háttéranyag a miniszterelnök parlamenti beszédéhez, 2005. május 23. [Eight steps for a more just system of family provisions. Background information for the Prime Minister's speech in the Parliament, 23 May, 2005]

2005. évi CXXVI törvény a családtámogatási rendszer átalakításáról, törvényjavaslat száma: T/17335 [Act CXXVI of 2005 reforming the family provisions system, bill no. T/17335]

2005. évi CXIX törvény az adókról, járulékokról és egyéb költségvetési befizetésekről szóló törvények módosításáról, törvényjavaslat száma: T/17547 [Act CXIX of 2005 amending laws on taxes and other budgetary incomes, bill no. T/17547]

4/2005. (I. 12.) Korm. rendelet a fiatalok lakáskölcsönéhez kapcsolódó állami kezesség vállalásának és érvényesítésének részletes szabályairól [4/2005. (I. 12.) government decision on the detailed regulation of state guarantee for housing loans of young people]

Secondary sources:

Nem bíznak a pénzintézetek a Fészekrakó programban?, HVG, 2005. február 16. [Banks do not believe in the 'Fészekrakó' programme, HVG, 16 February 2005]

2006

As part of the health care reform and the efforts to exclude 'free riders' from the health care system, the government proposes to abolish the automatic coverage of close relatives (dependant children above 18 and partners). All non-employed people above 18 (except for pensioners, and parents on maternal/paternal leave) are to pay contributions calculated on the basis of the minimum wage. The proposal is heavily criticised by some NGOs and right wing politicians.

Primary sources:

2006. évi CXXI törvény a Magyar Köztársaság 2007. évi költségvetését megalapozó egyes törvények módosításáról, törvényjavaslat száma: T/1296 [Act CXXI of 2006 amending legislation to ground the 2007 budget of the Hungarian Republic, bill no. T/1296]

Protocols of the Plenary Sessions of the Hungarian Parliament on 18,20 November 2006 on the bill T/1296

Potyautas kismamák? A Nagycsaládosok Országos Egyesületének sajtónyilatkozata, 2006. november 15. [Free rider mums? Press release of the National Association of Large Families, 15 November 2006]

The parliamentary Commission for Civil Rights declares the regulations on family allowances discriminatory because they are only available to a married partner of the parent. The Ministry of Youth, Family, Social Affairs and Equal Opportunities promises to look into the issue, but no change of legislation is adopted. The Alliance of Free Democrats joins the call to extend the provisions to unmarried partners.

Primary sources:

Támogassuk a gyermekeket, akár házások, akár élettársak a szüleik! az SZDSZ nyilatkozata, 2006. május 4. [Let's support children regardless of whether their parents are married or live in unregistered cohabitation, press release of the Alliance of Free Democrats, 4 May 2006]

Secondary sources:

Közlemény az ombudsman jelentéséről, ICSSZEM, 2006. május 4. [Announcement on the ombudsman's report, Ministry of Youth, Family, Social Affairs and Equal Opportunities, 4 May 2006]

Az SZDSZ az élettársak gyermekeit is támogatná, index.hu, 2006. május 4. [The Alliance of Free Democrats would support the children of domestic partners as well, index.hu, 4 May 2006]

MDF, a small conservative party in Parliament, starts a campaign for the abolishment of inheritance tax for close relatives. The party also submits a proposal for a Parliamentary decision on the issue. The proposal would not include domestic partners in the preferential

category. The proposal is rejected by the parliamentary committee responsible for such affairs.

Primary sources:

A Normális Magyarorszáért! - A Magyar Demokrata Fórum Választási programja 2006 [For a normal Hungary! Election programme of the Hungarian Democratic Forum, 2006]

A Középosztály 13 pontja, MDF [13 point of the middle class, Hungarian Democratic Forum]

H/1135. sz. elvetett határozati javaslat a közeli hozzátartozók öröklési illetékének eltörlése érdekében szükséges kormányzati intézkedésekről, benyújtva: [H/1135. rejected parliamentary decision on governmental measures necessary for abolishing inheritance tax for close relatives,]

Secondary sources:

Halál az örökösödési illetékre? Az MDF kezdeményezését immáron a szocialisták sem utasítják el, ám a szabad demokraták határozott nemet mondanak rá, Népszabadság, 2007. március 6. [Death to inheritance tax? The initiative of the Hungarian Democratic Forum is not refused by the socialists, but the free democrats strongly oppose it, Népszabadság, 6 March 2007]

2007

The Christian Democratic People's Party proposes the introduction of family taxation. The new optional income tax scheme would calculate the income tax based on the number of people living off the combined income of the partners. The new scheme would be available only to married couples with children or single parents with children. The proposal is rejected.

Primary sources:

T/2878. elvetett törvényjavaslat egyes törvényeknek a családi jövedelemadózással összefüggő módosításáról, benyújtva: 2007. április 24. [T/2878 rejected bill amending legislation to introduce family income taxation, introduced : 24 April 2007]

Secondary sources:

Beválhat a családi adó, Magyar Hírlap, 2006. január 30. [Family tax might work, Magyar Hírlap, 30 January 2006]

Fidesz: választhatunk a személyi, illetve a családi adózás között, Magyar Rádió, 2006. január 28. [Fidesz: we can choose between personal or family taxation, Magyar Rádió, 28 January 2006]

Pokorni Zoltán beszéde a Magyar Kereszténydemokrata Szövetség küldöttgyűlésén [Speech by Zoltán Pokorni at meeting of the Hungarian Christian Democratic Association]

Gender-based Violence in Hungary (1995-2007)

4.1 Introduction of relative relevance and presence of subissues

Domestic violence has been on the policy and public agenda since 1998, with the publication of the book of criminal law expert and NGO activist Krisztina Morvai's "Terror in the Family". Following a campaign organized by feminist NGOs the first steps in developing a policy for addressing domestic violence have taken place with the strong involvement of these NGOs. In the first documents domestic violence was dealt with in tight relationship with issue of gender inequality. Following a comprehensive Parliamentary Strategy for the Efficient Handling and Prevention of domestic violence and an aborted law proposal on restraining orders for prevention and handling of domestic violence, the momentum of regulation has slowed down and domestic violence was disconnected from its gender inequality aspects. The restraining order regulation passed in 2005 is a general one avoiding specific reference to domestic violence and has been heavily criticized by NGOs as inadequate for that purpose. Domestic violence policy developments in the last 5 years can be characterized by absence of true political will to address the issue at all and to deal with it as a gender equality issue. The Committee of CEDAW issued a ruling in an individual domestic violence case in which it criticized the Hungarian state for failing to provide protection for women against domestic violence. Criticism on domestic violence policy and its implementation was included in CEDAW's questions with respect to Hungary's 6th periodical report to the Committee too, and in 2007 Amnesty International also issued a very critical report on sexual violence against women in Hungary.

At different points in the process of domestic violence related policy development the issue has been tied to other aspects of gender based violence. This has been initiated primarily by women's NGOs rather than the state; state actors have only tied domestic violence to gender based violence in aborted policy proposals and when the state actor concerned was the gender equality unit. Thus domestic violence was considered together with marital rape in the marital rape debate of the Parliament in 1997, with sexual harassment at the workplace in the concept law of 2001, and with rape and sexual violence in the Amnesty report in 2007.

The concept of sexual harassment first emerged in the Hungarian policy debates in the form of unsuccessful amendment proposals to the Labour Code in 1992. Results from the first research project on harassment at the workplace, including sexual harassment, were published in 1996⁶⁸. The Hungarian courts did not register any sexual harassment cases until the mid 2000s, when a few cases gained wider media attention. In 2001 a concept of law was prepared by the Ministry of Social and Family Affairs in cooperation with feminist experts and activists that addressed domestic violence and sexual harassment at the workplace together. This concept aborted before reaching the Parliament. Harassment in general was finally included in anti-discrimination legislation in 2003, largely in response to the EU accession criteria. This legislation was amended to refer to sexual harassment

⁶⁸ Kaucsek, György and Péter Simon, 1996. Pszichoterror a munkahelyen. [Psycho terror at the workplace]. *Munkaügyi szemle*. 2-3.

following the continued pressure from NGOs in 2006. None of these moments of policy development were surrounded by widespread public debate about sexual harassment in Hungary and none involved widespread policy debate either, whether in the Parliament or in other fora.

Rape has been on the Hungarian policy agenda sporadically in the period researched by QUING. After the 1997 amendment of the Penal Code to criminalize marital rape, no major policy developments have taken place in this subissue until the very recent report of Amnesty International (AI). Feminist NGOs have issued statements and criticisms from time to time, especially about classification of rape as a crime against decency and about the consent rules. The 2007 AI report triggered the attention of the Ministry of Justice which has encouraged the development of a proposal for an amendment to the Criminal Code.

Trafficking is marginal to the Hungarian debates on gender based violence. This is due to two reasons: one is the relatively low importance of trafficking for Hungary. The recently released U.S. Department of State report 'Trafficking in Persons Report 2007' assesses Hungary as a Tier 1 transit country and to a lesser degree a source and destination country. Second is the way trafficking is articulated in the Hungarian agenda. The legislation on trafficking complies with international requirements since Hungary is a signatory to most relevant international treaties, protocols, and declarations. However, trafficking in Hungary is not treated in conjunction with gender inequality; it is rarely connected with phenomena such as prostitution or sexual exploitation. Based on its legal definition it seems "as if TIP (trafficking in persons) was committed as an auto telic act, or perhaps for the reason of trafficking with organs, sexual intercourse but not to prostitute or sexually exploit someone." This was the conclusion of the European Network against Trafficking of Women for Sexual Exploitation which conducted comparative research in 7 European countries⁶⁹. Within the framework of the project in Hungary, interviews were conducted on trafficking and gender inequality with parliamentary representatives, central and local government leaders, police heads as well as police officers directly involved in handling problems related to prostitution and trafficking in human beings. The findings showed that none of the interviewees connected trafficking in persons to violence against women.

The main policy moment in the regulation of trafficking, but also with relevance to prostitution, was in 1999 when the law on organized crime was debated and passed. Hungary has promised a National Action Plan on Trafficking for the last two years but no such plan or draft plan has yet been made public.

Prostitution was decriminalized in 1993 before the QUING period. Feminist and other NGOs and experts have been active in this field. Established in 2004, the Movement for Prostitution Free Hungary has organized their forces into one, more efficient, platform. It has been considering prostitution and trafficking in relation to each other and in relation to gender inequality. The Movement has also worked together and issued joint statements with

69 "Implementing gender equality principles to combat trafficking and to prevent sexual exploitation of women and children." European Network against Trafficking of Women for Sexual Exploitation. 2007 www.aretusa.net

the gender equality unit. As a small result of their action, the government has recently (2007) developed a proposal for amending the Penal Code to more efficiently sanction clients of child prostitution.

4.2 Actors

Public bodies:

Ministry of Justice – Especially in the amendment of the criminal code, on preparing legislation concerning restraining orders, and on developing and implementing crime prevention and organized crime related policy.

Crime Prevention Commissioner of the Ministry of Justice – main actor in developing and implementing the crime prevention strategy

Ministry of Interior – Submitted the bill on organized crime to the Parliament

Ministry of Social and Family Affairs – developing the first concept of law on domestic violence, hosting the gender equality unit between 1998 and 2002

Gender Equality Unit – the only state actor taking a weak but feminist stance in relation to gender based violence. It has been located in different ministries and at different levels in the different stages (see chapter on general gender equality policy)

Parliament – The main actor in launching policy action concerning domestic violence. The first and only comprehensive policy document concerning domestic violence was a Parliamentary strategy that assigned tasks to the government

Ministry of Children, Youth and Sports – organized a campaign against domestic violence in 2004

Police – amended bylaws to integrate sensitivity to domestic violence cases and released a study on domestic violence in Hungary

NGOs:

Gender based violence is the QUING issue that involved most NGO activism.

Habeas Corpus Munkacsoport (Habeas Corpus Group)

The Habeas Corpus Working Group is a non-profit, non-governmental organization operating since 1996. The group deals with rights connected to sexual autonomy. They have operated free legal aid since 1997. The main constituencies are: battered and sexually abused women, victims of sexual assault in the workplace, child victims of sexual and physical abuse, victims of violence and/or other forms of discrimination against women, gays, lesbians, bisexuals, HIV positive persons, transsexuals, persons requesting legal

assistance concerning their civil rights as members of any sexual minority, and gay and bisexual young men seeking advice concerning their compulsory military service. They regularly criticized the chapter of the Hungarian Penal Code regulating sexual crimes, have written proposals for the Constitutional Court and made statements about a number of issues concerning human rights. The HCG was involved in all NGO initiatives related to rape and domestic violence.

Női és Gyermekjogi Központ Alapítvány (Foundation for the Rights of Women and Children)

This is a small NGO which was the main catalyst of the domestic violence policy developments through its director, Krisztina Morvai. Morvai was the author of the book on domestic violence that launched the issue onto the agenda, a key member of the expert groups which developed the first concept law on the issue, and a feminist activist more generally, involved in criticizing later pieces of legislation and policy and state omissions. She was also member of the CEDAW until 2006. Little is known about the other activities of the NGO.

Hungarian Women's Lobby

The Hungarian Women's Lobby is an umbrella organization established on the 3rd October 2003 in Budapest. Currently HWL has 47 member organisations from all over Hungary. On 12 October 2003, HWL became the Hungarian national coordinator organisation of the European Women's Lobby. The HWL was the author of the main critical commentary of the Law on Equal Treatment and Equal Opportunity, as well as the author of the 2007 shadow report to Hungary's 6th periodic report to the CEDAW.

Nők a Nőkért az Erőszak Ellen (NANE women's rights association)

A main actor and catalyst in all issues related to violence against women: "NANE is still the only NGO running a hotline for battered women and children in Hungary. Since our beginnings in 1994 the range of our activities has grown considerably. We have initiated amendments to laws and public administration reforms in areas where the current regulations do not guarantee equal protection under the law for victims of domestic violence. We petitioned the Constitutional Court to declare that marital rape is a crime and therefore should be included in Hungarian criminal law. Our efforts, which turned into a vocal public movement, succeeded in 1997 when the Hungarian Parliament outlawed marital rape. As well as a crisis hotline, we also voice our views through several media channels, including the written and electronic."

Movement for a Prostitution free Hungary

The Movement for a Prostitution Free Hungary was established in 2003. Feminist experts and activists are its founding members. It is involved in promoting policy and legislative improvement in the fields of prostitution and trafficking. In the 4 years of its activity it has

managed to challenge state actors several times, and has made statements together with the Equal Opportunity mechanism of the state.

NGOs involved in signing one petition on reform of the Criminal Code:

Dél-Alföldi Meleg Baráti Kör (South Hungarian Homosexual Circle), Háttér Baráti Társaság a Melegekért (Hatter support society for LGBT people), Labrisz Leszbikus Egyesület (Labrisz Lesbian Association), Szivárvány Társulás a Melegek Jogaiért (Rainbow Association for the Rights of Homosexual People), Társaság a Szabadságjogokért (Hungarian Civil Liberties Union)

International actors

CEDAW – the main international catalyst in policy development in terms of rape, domestic violence, and prostitution

EU – Had a norm setting role in change of policy concerning sexual harassment and trafficking

Amnesty International – released a major report on sexual violence against women in Hungary

US Embassy and Swedish state – supported the campaign organized by the Movement for Prostitution free Hungary to improve policy on prostitution and trafficking

4.3 Timelines

Pre-QUING Period

1992

Sexual harassment

The concept of sexual harassment first emerged in the Hungarian policy debates in 1992 when, within the framework of the parliamentary debates on the new labour law (Act XXII/1992), two liberal MPs proposed the prohibition of sexual harassment offending women`s dignity. The Parliamentary Committee on Social Affairs also proposed to regulate sexual harassment of employees at workplaces. Both proposals were outvoted.

Primary sources:

- **Módosító javaslatok. “A munka törvénykönyvéről szóló törvényjavaslat határozathozatalához” kapcsolódó 38-39. javaslat (Büky Dorottya, Matyi László, SZDSZ AND Szociális Bizottság)** [Proposals for amendment. 38-39. proposals concerning ‘The decision on the Bill of Labour Law]. **Mar. 23**

1993

Trafficking and prostitution

The almost thirty years old Hungarian Penal Code classified prostitution as a crime against sexual morals. Prostitution – the act of the prostitute - was decriminalized in 1993 in line with the requirements of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (ratified by Hungary in 1955). All three crimes effectively realizing prostitution (promoting prostitution, pandering, and living on the earnings of prostitution – i.e. pimping) have remained classified in the chapter of crimes against sexual morals. Furthermore, the commentary to this chapter continued to insinuate that the main actor in prostitution is the prostitute: *“prostitution is pursued by the person, who has sexual intercourse or fornicates striving to make regular profit.”* (210/A§) Meanwhile, prostitution remains a misdemeanor.

Primary sources:

- **1978-as évi IV. tv., Büntető Törvénykönyv** [Amendment of the Act IV/1978 Penal Code], p 109
- **Parliamentary debate on the amendment of the Act IV/1978 Penal Code**

1996

Trafficking and prostitution

The issue of the prostitution of minors was raised in the Parliament in 1996 but did not result in a debate. The Ministry of Interior responded to a question from an MP of the Small-holder Party by referring to a governmental concept to be debated in the near future concerning the radical restriction of prostitution.

Primary sources

- **“Hogyan küzd a kormány a kiskorúak prostitúciója ellen?” címmel** [‘How the government struggles against the prostitution of minors?’, question to the Ministry of Interior], **Mária Cseh, Mrs Torgyán, FKGP, Nov 5**

1997

Rape, marital rape

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

Primary sources:

- **1997. évi LXXIII. törvény a Büntető Törvénykönyvről szóló 1978. évi IV. törvény módosításáról** [Act LXXIII/1997 on the Amendment of the Penal Code]. **4p**
- **Parlamenti napló, Ápr 15, 22 és 28** [Protocols of the Plenary Sessions of the Hungarian Parliament on 15, 22 and 28 April], app. 40p

- **Emberi Jogi Bizottság üléseinek jegyzőkönyvei Ápr. 9-, Máj. 21-, Jún. 10- és 16-án** [Protocols of the Meetings of the Hungarian Parliament's Human Rights Committee on 9 April, 21 May, 10 and 16 June 1997]. app. 40p

1998

Domestic violence

Domestic violence entered onto the policy and public agenda; the debate has become particularly heated since criminal law expert Krisztina Morvai's book "Terror in the Family" was published in 1998. According to the book, NGO and other research show that the occurrence of domestic violence is very high in Hungary. Specific regulation of the issue is required, but no progress in this direction was achieved in the discussions with policy makers.

Secondary sources:

- **Morvai, Krisztina. 1998. *Terror a családban: Feleségbántalmazás és a jog*** Budapest: Kossuth. [Terror in the family. Wife-battering and the law].

Trafficking and prostitution

The first parliamentary debate on prostitution following its legalization was in 1998 in relation to the Bill on Organized Crime. The Bill was submitted by the Ministry of the Interior and mainly concerned street prostitution, focusing on the defence of public order. The commentary attached made references to the New York Convention as an existing framework for the regulation of prostitution and trafficking. Nevertheless, neither the Bill, nor most of the speakers, mentioned the link between regulating prostitution and protecting women from being forced into prostitution. Prostitution is mentioned as a form of organized crime which should be restricted but only one speaker, Gyula Hegyi, a Socialist MP and former member of the Council of Europe, mentioned trafficking in women and children, and forced prostitution.

Section 175/B of the Criminal Code criminalizing trafficking in persons was adopted this year. This section remains the current law defining trafficking in persons. The law defines trafficking as a felony committed by "[a]ny person who sells, purchases, conveys, or receives another person or exchanges a person for another person, or appropriates one for such purpose for another party," which punishable with imprisonment of up to three years. This law does not differentiate between the trafficking of persons within the country from the trafficking of persons into or out of Hungary.

Primary sources:

- **T/272. sz. törvényjavaslat a szervezett bűnözés, valamint az azzal összefüggő egyes jelenségek elleni fellépés szabályairól és az ehhez kapcsolódó törvénymódosításokról** [Bill T/272 on the regulations of acts against organized crime and connecting phenomena, and on the amendment of related laws].
- **A T/272 törvényjavaslat kapcsán folytatott általános parlamenti vita jegyzőkönyvei, Nov. 12, 25** [Protocols of the Parliamentary General Debate on the Bill T/272 on Nov 12, 25].

- **Law LXXXVII of 1998 amending the Penal Code**

1999 - 2000

Domestic violence

In the framework of a National Family Policy Concept, the Hungarian government creates a comprehensive policy proposal. The proposal defines different forms of family that the government aims to assist financially. Focus is on the two-parent traditional family. In a section called “The basic principles of family policy”, the concept states that dealing with domestic violence is a task of the state. However the proposal refers the task of designating “crisis centers” for handling such cases to NGOs.

In July 1999, the Hungarian Government submitted a report on the implementation of the Beijing Platform for Action to the UN Commission on the Status of Women, a session of which was to be held in June 2000 in New York. The report was compiled with the contribution of Ministries, experts from state organizations, written comments of NGOs and a report of the Office for Women Issues. It contains an overview of activities concerning the advancement of equal opportunities, financial data and an overview of 7 priority areas, including violence against women.

In 1999, the government passed Resolution No. 1074/1999 to protect victims of crimes. The Resolution was meant to specifically benefit female victims of violence. Page 19 of Hungary's Fourth and Fifth Periodic Reports to CEDAW provides an excerpt of the resolution.

Primary sources:

- **Nemzeti családpolitikai koncepció** [National Family Policy Concept, 1999].
- **Magyarországi jelentés a Pekingi Cselekvési Platform teljesítéséről** [National Report of Hungary on the Implementation of the Beijing Platform for Action] <http://www.un.org/womenwatch/daw/followup/responses/Hungary.pdf>
- **Government Resolution No. 1074/1999 on the legislative tasks and other measures to be taken in the interest of the protection of victims of crimes and their relatives and on the compensation and relief of damage**

Secondary sources:

- **Morvai, Krisztina. Család, állam, előítélet** [Family, State, and Prejudice]. *Fundamentum*, 1999/4. Budapest.
- **Tóth, Olga. Erőszak a családban** [Violence in the Family]. **Budapest: TÁRKI. 1999**

Trafficking and prostitution

A new draft of the law on organized crime was debated in 1999. This debate again dealt with prostitution without reference to prostitutes as victims. The finally accepted law dealt only with one specific form of prostitution: street prostitution. Its primary goal was to protect public order in towns affected by street prostitution and crack down on prostitution conducted on a mass scale.

Pursuant to the law, local governments had to assign so-called *tolerance zones* as the only permitted venues of street prostitution. Due to the protests of inhabitants of neighbourhoods

targeted for tolerance zones, the zones were finally not assigned. Partly as a consequence of this failure and partly due to the counter-prostitute stance of the police, prostitution withdrew to apartments and illegal salons.

Primary Sources:

- **T/1087 sz. törvényjavaslat a szervezett bűnözés, valamint az azzal összefüggő egyes jelenségek elleni fellépés szabályairól és az ehhez kapcsolódó törvénymódosításokról** [Bill T/1087 on the regulations of acts against organized crime and connecting phenomena, and on the amendment of related laws].
- **A T/1087 törvényjavaslat kapcsán folytatott általános parlamenti vita jegyzőkönyvei, Ápr. 5** [Protocols of the Parliamentary General Debate on the Bill T/1097 on Apr 5].
- **1999. évi LXXV. törvény a szervezett bűnözés, valamint az azzal összefüggő egyes jelenségek elleni fellépés szabályairól és az ehhez kapcsolódó törvénymódosításokról** [Act LXXV/1999 on the rules of intervention against organized crime and the individual phenomena related thereto and amendments connected to that].

Rape, marital rape

A coalition of NGOs including feminist groups, groups defending LGBT rights and civil rights NGOs issues a manifesto on the necessity of the reform of the Penal Code with respect to crimes related to sexuality. Amongst others, it criticizes the Code for classifying rape as a crime against sexual morality. It also raises the question of sanctioning clients of prostitution.

Secondary Sources:

- **Állásfoglalás a Btk Reformjának Szükségességéről – kibocsátja a Dél-Alföldi Meleg Baráti Kör, a Habeas Corpus Munkacsoport, a Háttér Baráti Társaság a Melegekért, a Labrisz Leszbikus Egyesület, a Nők a Nőkért Együtt az Erőszak Ellen Egyesület, a Szivárvány Társulás a Melegek Jogaiért be nem jegyzett egyesület és a Társaság a Szabadságjogokért** [Manifesto on the Necessity for Reform of the Penal Code issued by 7 NGOs] 2000, <http://www.habeascorpus.hu/jogok/btk/allasfoglalas.htm>

2001

Sexual harassment

In February 2001, liberal MPs Hack and Korodi submitted a project of law on Equality of Opportunity for Women and Men (T/3804) to the Parliamentary Committee for Human Rights, Minorities and Religious Affairs. This proposal was rejected. In April 2001, Socialist MPs Szili and Kosane Kovacs submitted to the Parliament a project of law on Equal Treatment and the Prohibition of Discrimination (T/4244). This proposition was also rejected. Both of these proposals for the enactment of equal opportunities in Hungary included the concept of sexual harassment, and the need for sanctioning it; however neither reached the

plenary of the Parliament. No debate concerning sexual harassment took place around them.

Primary sources:

- **T/3804. A nők és a férfiak közötti esélyegyenlőség biztosításáról c. törvényjavaslat** [T/3804. Bill on The provision of equal opportunities between men and women], **Maria Korodi and Peter Hack, SZDSZ, Feb 21**
- **T/4244. Az egyenlő bánásmódról és a hátrányos megkülönböztetés tilalmáról c. törvényjavaslat** [T/4244. Bill on Equal treatment and the prohibition of discrimination], **Kovacs Magda and Katalin Szili, MSZP, Apr 20**

Domestic violence

The Secretariat for Women's Affairs within the Ministry of Social and Family Affairs initiated a project for setting up a network of experts who would deal with domestic violence cases locally. The one-year project was financed by the Ministry. With the limited budget, the Secretariat started a pilot project in the region of Szigetszentmiklós, Csepel and Dunavarsány. The plan was to train mainly social workers, district nurses, police, and medical doctors (general practitioners). The goal of the project was to provide participants with a more in-depth understanding of the characteristics of domestic violence cases and skills to recognise such cases. The plan to extend the network to the national level was not realised.

An expert Committee of Lawyers including Krisztina Morvai (professor of criminology, expert in violence against women and domestic violence and activist) and Lenke Fehér (researcher at the National Criminological Institute, expert in prostitution, women in prison, violence against women) was set up in 2001 and worked on preparing the package of legislation on domestic violence. The document prepared by the Committee consists of two parts: the first of which contains proposals for dealing with domestic violence as a form of violence against women; and the second discusses the sexual harassment of women in the workplace. The document firstly refers to Hungary's international obligations in connection with handling domestic violence, and summarises the extent of domestic violence in Hungary as reflected in statistics and quantitative research. The document details international proposals for the prevention and handling of domestic violence and describes existing regulations of the issue within Hungarian law. Subsequently, it proposes changes to the law, the practices of the police and the course of dealing with the matter legally. Finally, it recommends changes in order to handle sexual harassment at the workplace. (The proposals are rudimentary). The proposal remained a concept that has not yet reached beyond the expert group.

Primary sources:

- **Koncepció az emberi méltóság védelmét szolgáló, a családon belüli, valamint a nők ellen irányuló erőszak más formáinak leküzdését elősegítő törvényről. Tervezet. Szociális és Családügyi Minisztérium** [Concept of the Law on Protecting Human Dignity and Combating Domestic Violence and Other Forms of Violence against

Women. Draft. Ministry of Social and Family Affairs]. Apr 24, 32 p + 28 p supplementary material

Trafficking and prostitution

The NGO Habeas Corpus Working Group released a paper that offered a sharp critique of Hungarian regulations concerning prostitution. It claims that the legislative background of the issue considers this problem merely a technical one, not taking into account the underlying structural gender inequalities, the relationship between sexual violence in childhood and becoming a prostitute as an adult, and the strong links between trafficking in persons and prostitution, etc. The New York Agreement is considered an obstacle rather than guidance for the law-makers. They argue that in Hungary, even after decriminalization in 1993 and the regulations of 1998-1999, it is essentially prostitutes who are the ones punished rather than the clients or brothel-owners.

In an amendment package aimed at the harmonization of the Penal Code with EU requirements, the definition of trafficking in the Penal Code (art 175/B) is amended to include pornography and to more severely sanction trafficking of children (under 12).

Primary sources:

- **2001. évi CXXI. Törvény a Büntető Törvénykönyvről szóló 1978. évi IV. törvény módosításáról** [Act CXXI on the amendment of the Penal Code]

Secondary sources:

- **Juhász, Géza: Egyezménykímélet és nőgyűlölet** [Negligence of Convention and misogyny], 5p,
<http://www.habeascorpus.hu/publ/manacs/egyezmenykimelet.es.nogyulolet.htm>

2002

Sexual harassment

In the general Parliamentary debate on the amendment of the law on Family, Marriage and Guardianship, Peter Gusztos, a Liberal MP, drew attention to sexual harassment at the workplace, unequal pay for equal work, and domestic violence; all within the context of inequality between men and women. He argued for the relevance of these in relation to the problems addressed by the amendment.

In December, the Bill on Equal Treatment and Promotion of Equal Opportunities is released for commentary from NGOs and experts. The first concept of the law regulates harassment in general but not sexual harassment specifically. The concept argues explicitly that harassment is seen to include the specific form of sexual harassment.

Primary sources:

- **Általános vita lefolytatása T/886. A házasságról, a családról és a gyámságról szóló 1952. évi IV. törvény módosításáról** [General debate on T/886. the amendment of the Act IV/ 1952 on marriage, family and guardianship], **Péter Gusztos, SZDSZ, Sep 24**

- **„Mit tesz a Gyermekek-, Ifjúsági és Sportminisztérium a gyermekek biztonságáért?”** [‘What does the Ministry of Children, Youth and Sport do for the safe of children?’] **Gergely Arató, MSZP, Dec 2**
- **Concept of the Law on Equal Treatment and Promotion of Equal Opportunities, Nov 2002**

Domestic violence

Hungary submitted its combined fourth and fifth periodic report to the CEDAW on 21 September 2000. The report was presented by the Hungarian delegation to the Committee on 20 August, 2002. The CEDAW Concluding Comments in 2002 say: “The Committee is concerned about the prevalence of violence against women and girls, including domestic violence. It is particularly concerned that no specific legislation has been enacted to combat domestic violence and sexual harassment and that no protection or exclusion orders or shelters exist for the immediate protection of women victims of domestic violence.” A group of NGOs prepared the shadow report to Hungary’s official report. The shadow report has parts on violence against women, including: domestic violence, harassment, prostitution and trafficking.

Primary sources:

- **Összevont negyedik és ötödik magyarországi jelentés a CEDAW Bizottságnak** [Combined fourth and fifth periodic report of Hungary to the CEDAW], 106p, <http://daccessdds.un.org/doc/UNDOC/GEN/N00/664/45/IMG/N0066445.pdf?OpenElement>
- **Sajtóközlemény a CEDAW 568. és 587. találkozásáról, „A nők politikai részvétele, családi koncepcióval kapcsolatos közpolitika, a roma nők helyzete, mint az antidiszkriminációs bizottság által megnevezett témák a magyar jelentés kapcsán” – a magyar küldöttség prezentációja a Bizottság előtt** [Press Release WOM/1362 CEDAW 586th and 587th Meetings, “Women’s political participation, family concept policy, situation of Roma women addressed, as anti-discrimination committee takes up Hungary’s reports” – the Hungarian delegation’s presentation of the Report before the Committee]. 11p

Secondary sources:

- **CEDAW kivételes ülése 2002. augusztus 5-23-án az országjelentések megtárgyalására** [CEDAW Exceptional session 5-23 August 2002, Consideration of reports of States parties, Hungary. Combined fourth and fifth periodic reports]. 9p, <http://daccess-ods.un.org/TMP/768710.9.html>
- **NANE-HCM Árnyékjelentés** [NANE-HCM Shadow Report]. 56p, <http://www.un.org/womenwatch/daw/cedaw/cedaw32/views/A.T.-v-Hungary-2-2003.pdf>

There is heated debate as several cases of domestic violence gained publicity and caused outrage among the public. In October, at the plenary session of the Hungarian Parliament, there is a spontaneous discussion between a state secretary of the Justice Ministry and the

representatives of the different parties. During the discussion, they agree that the problem of domestic violence needs to be discussed in Parliament and that a national strategy on combating the problem has to be created. Furthermore, the Social Committee of the Parliament makes a proposal for a Parliamentary Decision on the issue, referring to concrete action in several fields and asking for resources to implement them. The proposal is sent to every ministry, but the Government does not respond to it.

A public campaign is started by NGOs, with concentrated effort to achieve dialogue on the issue at a political level. The representatives of the NGO Violence Against Women and other human rights NGOs meet with relevant politicians and policy makers to raise awareness about the problem, press for change at the level of legislation, and achieve political commitment to the issue. State actors are invited to a conference organised by NGOs, where Albin Diering, an Austrian expert on policies regarding domestic violence, also lectures. Although there is a low turnout for the event, liberal MP Matyas Eorsi is present among others.

Primary sources:

- **Parlamenti napló, Október 2** [Protocols of the Plenary Sessions of the Hungarian Parliament on 2 October]
- **A Szociális és Családügyi Bizottság nov. 6-ai ülésének jegyzőkönyve** [Protocols of the Meetings of the Hungarian Parliament's Committee of Social and Family Affairs on 6 November].
- **„A családvédelem érdekében és az erőszak ellen”. A Szociális és Családügyi Bizottság javaslata a családon belüli erőszak kérdésének megoldására** [“In Defence of Families, Against Violence”. Proposal of the Parliament's Committee of Social and Family Affairs on a Parliamentary Decision on Handling Domestic Violence]. **Nov.**

Secondary sources:

- **“A közvélemény átforgalmazására is szükség van”** [“Public opinion needs to be reformed as well”]. *Magyar Hírlap*, Oct 28
- **Nem vált be a “nagyobb szigor”** [The principle of “greater strictness” did not prove efficient]. *Népszabadság*, Nov 5

The debate among policy makers is on whether domestic violence in fact needs specific regulation, or whether the criminal offences already available under the Criminal Code succeed in coping with it. Matyas Eorsi, a liberal MP initiates the creation of a parliamentary decision on the strategies of coping with and preventing domestic violence, relying on the proposals of NGOs.

Primary sources:

- **2002/1677. sz. első javaslat a „A családon belüli erőszak megelőzésére és hatékony kezelésére irányuló nemzeti stratégiáról szóló parlamenti döntésre”** [2002/1677 First Draft of the Proposal of the “Parliamentary Decision on the National Strategy of the Prevention and Efficient Handling of Domestic Violence”], 4p

In the first stage of developments in domestic violence policy, a dialogue takes place with the Ministry of Justice on the legal consequences of introducing a restraining order against batterers and domestic violence as a separate criminal offence. A compromise was made in that the MP and the Minister agreed to propose the restraining order but not the crime status of domestic violence

Secondary sources:

- **Nem lesz törvény a családon belüli erőszak ellen** [There will not be a law against domestic violence]. *Népszabadság*, Feb 6
- **Kell-e új törvény a családon belüli erőszak ellen?** [Is it necessary to have a new law against domestic violence?] *Népszabadság*, Feb 7
- **Erőszak van, törvény nincs** [There is violence, but there isn't any law]. *Magyar Hírlap*, Feb 7
- **A szabad demokraták a családon belüli erőszokról** [The liberal democrats on domestic violence]. *Népszabadság*, Feb 8
- **Kuncze Bárándyval tárgyalt az erőszakellenes szabályokról** [Kuncze discussed with Bárándy laws on regulating violence]. *Népszabadság*, Mar 7
- **Civil kurázi kell a fellépéshez. Ismét beterjesztik a családon belüli erőszak elleni határozattervezetet** [Civil courage is needed for acting. The draft proposal on domestic violence will be discussed again]. *Népszabadság*, Mar 8
- **Határozattervezet a családi erőszokról. Szelídítési kísérlet** [Draft of a parliamentary decision on domestic violence. Taming attempt]. *HVG*, Mar 22

2003

Sexual harassment

The Act CXXV/2003 on Equal Treatment and Promotion of Equal Opportunities is passed in December after a year long debate in the Parliament. The law contains the concept and prohibition of harassment in general but does not specifically mention sexual harassment. According to the experts who developed the Act conceptually, its concept of harassment is meant to cover sexual harassment as well. This standpoint has been repeatedly criticized both by experts and by feminist NGOs (such as the Hungarian Women's Lobby) on the grounds that sexual harassment has several specific aspects, a distinctive coverage of which requires its regulation in a separate paragraph. Reference has also been made to EU requirements. However, the Act was not amended until 2006.

In the debate concerning the national strategy on handling domestic violence a member of the Human Rights, Minority and Religious Rights Committee pointed out the need for a special regulation of sexual harassment, as well as domestic violence. Meanwhile, Katalin Levai, Minister for Equal Opportunities at that time, named sexual harassment as one form of violence against women that is quite unknown.

Primary sources:

- **Act CXXV. of 2003 on equal treatment and the promotion of equal opportunities**

- **Általános vita lefolytatása H/2483. A családon belüli erőszak megelőzésére és hatékony kezelésére irányuló nemzeti stratégia kialakításáról** [General debate on the H/2483. the development of national strategy on preventing and handling domestic violence], **Erika Németh, MSZP, Mar 18**
- **Napirend előtti felszólalás** [Speech before agenda setting], **Katalin Lévai, Minister without portfolio, Dec 2**
- **Részletes vita lefolytatása T/5585 Az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról** [Detailed debate on T/5585 the of equal treatment and equal opportunity], **Miklós Hankó Faragó, Political state secretary of the Ministry of Justice, Dec 9**

Secondary sources:

- **Javaslat a szexuális zaklatás szabályozására. Részlet a Magyar Női Érdekérvényesítő Szövetség megbízásából az antidiszkriminációs törvényhez írott kritikai javaslatokból** [Proposal for the regulation of sexual harassment. Parts from the critical recommendations provided for the law on anti-discrimination, on behalf of the Association of Hungarian Women's Interest], **Nov 28, 2003**

Domestic violence

Second stage: Committee debates in three appointed committees and plenary discussions in the parliament. Conflicting opinions on the extent and nature of domestic violence, also on the term and what it designates. Liberal politicians drew attention to the human rights problematic of the issue and to the force of the civil initiative for policy changes on handling domestic violence. Conservative politicians proposed that the expression “violence in the family” should be changed to “violence in the home” and support the idea of conflict resolution/mediation between family members. The gender problematic has a low profile in the debate; some women politicians who support the proposal downplay the gender asymmetry of the issue.

The resolution is passed in April and it calls upon the government to establish a national network of crisis centers and women's shelters and to improve the training of service-providers. It also urges the government to adopt new legislation on the restraining order, on victim protection and urgent procedures, among others.

Primary sources:

- **H/2483. OGY határozat a családon belüli erőszak megelőzésére és hatékony kezelésére irányuló nemzeti stratégia kialakításáról. Javaslat.** [H/2483 Second Draft of the Parliamentary Decision on the National Strategy of the Prevention and Efficient Handling of Domestic Violence. Draft]. **4p**
- **Parlamenti napló, Márc. 18, 24, Ápr. 14** [Protocols of the Plenary Sessions of the Hungarian Parliament on 18, 24 March, 14 April 2003]. **46p**
- **A Szociális és Családügyi Bizottság 2002. dec. 9-, 12-ei, 2003 febr. 19-ei, márc. 5-,19-, és 26-ai üléseinek jegyzőkönyvei** [Protocols of the Meetings of the Hungarian Parliament's Committee of Social and Family Affairs on 9 and 12 December 2002, 19 February, 5, 19 and 26 March 2003]. **app. 80p**

- **Az Emberi Jogi Bizottság 2002 dec. 4-ei, 2003 márc. 11-, 24- és 25-ei, valamint ápr. 1-ei üléseinek jegyzőkönyvei** [Protocols of the Meetings of the Hungarian Parliament's Human Rights Committee on 4 December, 2002, 11, 24 and 25 March, 1 April 2003]. **20p**
- **A parlament Ifjúsági és Sport Bizottságának márc. 17-,24- és 25-ei üléseinek jegyzőkönyve** [Protocols of the Meetings of the Hungarian Parliament's Committee of Youth and Sports on March, 17, 24 and 25]. **25p**
- **Képviselői és bizottsági módosító javaslatok: 2003/2483/1, 6, 7, 18, 19, 20, 21, 22, 23** [Proposals for Modification by MPs and Committees: 2003/2483/1, 6, 7, 18, 19, 20, 21, 22, 23], **22p**
- **45/2003. (IV. 16.) OGY határozat a családon belüli erőszak megelőzésére és hatékony kezelésére irányuló nemzeti stratégia kialakításáról** [45-2003 (16/04/03) Parliamentary Decision on the National Strategy of the Prevention and Efficient Handling of Domestic Violence], **4p**
- **Az IM sajtóközleménye a határozattervezet parlamenti vitája után az Igazságügyminiszter, a Belügyminiszter és a Gyermekek, Ifjúsági és Sportminiszter által tartott sajtótájékoztató kapcsán** [Press release of the Justice Ministry on a briefing of the Minister of the Interior, the Minister of Children, Youth and Sports Affairs and the Justice Minister on 31. March]

Secondary sources:

- **Miniszterek a családon belüli erőszakról** [Ministers on domestic violence]. **MTI, Mar 31**
- **Felvilágosító kampány indul. Összefogás a családon belüli erőszak ellen** [A civil education campaign will be started. Cooperation against domestic violence]. **Népszabadság, Apr 1**

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

Primary sources:

- **Összefogás a családon belüli erőszak ellen. Az Országos Rendőr-főkapitányság kommunikációs osztályának sajtóközleménye** [Cooperation Against Domestic Violence. Press Release by the Hungarian National Police Headquarters Communication Directorate]. **Dec 17**

- **Módszertani útmutató rendőröknek a családon belüli erőszak kezeléséhez** [Methodological guidelines for police force on handling domestic violence]. **Mar 27, 10p**

From 2002, the Ministry of Justice works on the creation of a comprehensive strategy on “social crime prevention”, which includes among its aims the prevention of domestic violence. (Other areas are the prevention of child and youth criminality, urban safety, victimization and victim compensation and the prevention of recidivism.) The concept mirrors a conviction that preventing crimes is a task which has to be carried out through cooperation between state institutions and members and groups of the society. It aims to criminalise domestic violence, which is characterized as an accepted way of communication in a lot of families. The document provides summary background information on Hungarian social and institutional attitudes towards the issue of domestic violence. It lists international expectations in the different areas of policy making, and proposes legal and institutional changes (such as providing legal mediation; a controversial solution in such cases) in order to increase efficiency in handling domestic violence. Finally, it provides an account of the expected results of the above proposed changes. The Parliament discusses and passes the strategy.

“The *National Strategy on Crime Prevention* was passed by Parliament in 2003. In 2004–2006, the government adopted action plans based on the Strategy [...] The action plans mandate the creation of methodological guidelines for the network of different professionals working with children and adolescents. The action plans also call for intersectoral cooperation among the various professions. There is no separate budget allocated for the fight against violence against women in any of the 2006 budgets. Neither violence against women nor domestic violence is mentioned in the 2006 state budget; however, 248 million forints (approximately 1 million euros) is budgeted for crime prevention within the chapters of the Ministries of Home Affairs and Justice.” (Source: Spronz, Hermann 2006)

Act LXXX of 2003 on legal assistance was debated in the Parliament. According to this law, a victim is also entitled to alleviation of damage under the act if he/she is in need of it and if the deliberate, violent criminal act specified in the act has been committed against him/her, as a consequence of which his/her physical integrity or health has been seriously impaired. Following the initiative of the Gender Equality Unit within the Governmental Office for Equal Opportunities, the new law on legal assistance, also known as “common people’s advocate”, includes an article relevant to cases of domestic violence. The law aims to provide legal assistance free of charge or at a low cost to people who cannot afford to pay for legal services on their own. A paragraph has been included which states how the client’s eligibility for free assistance should be evaluated. Besides assessing the general financial situation of the person, it proscribes that access of the victim to financial resources are also evaluated, e.g. a victim of domestic violence who is financially dependent on her abuser.

Primary sources:

- **A társadalmi bűnmegelőzés nemzeti stratégiája. Igazságügyi Minisztérium** [The National Strategy of Social Prevention of Crime. Ministry of Justice]. **Jun, 15p on domestic violence**

- **A kormányzat júl. 9-ei sajtótájékoztatója a társadalmi bűnmegelőzés nemzeti stratégiájáról** [Governmental Briefing on The National Strategy of Social Crime Prevention on Jul 9]
- **Parlamenti napló, szeptember 9, 15 és 29** [Protocols of the Plenary Sessions of the Hungarian Parliament on September 9, 15 and 29]
- **„Meg kell érteni, hogy ezt másképp is lehet”. Interjú Gönczöl Katalin, az Igazságügyi Minisztérium miniszteri biztosával** [‘We have to understand that this can be done differently’ Interview with Katalin Gonczol, Crime Prevention Commissioner of the Ministry of Justice]. <http://www.im.hu/csaladonbelul/?ri=504&ei=10>
- **Act LXXX of 2003 on legal assistance**
- **Protocol of the Parliamentary plenary meeting of 28 April (on legal assistance)**

Secondary sources:

- **Stratégiaaváltás** [Change in strategy]. *HVG*, Apr 5
- **A Habeas Corpus Munkacsoport és a NANE Egyesület észrevételei és javaslatai “A társadalmi bűnmegelőzés nemzeti stratégiájának” a családon belüli erőszakkal foglalkozó fejezetének tervezetéhez** [Remarks and Proposals of Habeas Corpus Working Group and NANE Association Against Violence Against Women on “The National Strategy of Social Crime Prevention”], Jun, 6p, <http://www.habeascorpus.hu/jogok/csbe/bunmegelozes.hcm-nane.2003.06.19.htm>

On September 30 and October 1, 2003, a national interdisciplinary conference was organized by the NGO “ESZTER” Foundation. It is the part of a campaign launched by the foundation which focuses on disseminating information on domestic violence. The conference featured not only experts from different fields, such as legal practice, psychological assistance or child welfare, but also policy actors. Katalin Lévai, the Equal opportunity Minister and Péter Bárándy, the Minister of Justice opened the conference. Importantly, after the work of the different expert discussions, several concrete proposals are made, to which policy actors react in the closing session. Representatives of the Ministry of Justice, the Ministry of Education, the Ministry of the Interior, the Ministry of Children’s, Youth and Sports Affairs and the Ministry of Health, Social and Family Affairs present plans for making changes in legislation, introducing new policies and supporting civil initiatives in order to prevent and handle domestic violence, emphasising the need for a complex action plan.

Primary sources:

- **A családon belüli erőszakról szóló országos interdiszciplináris konferencia jegyzőkönyvei** [Protocols of the statements and the plenary sessions of policy actors at the National Interdisciplinary Conference on Domestic Violence]. **Sep 30–Oct 1 (Available as audio recording and transcript).**

Trafficking and prostitution

Prostitutes submitted a petition to Katalin Lévai, minister liable for equal opportunities, but felt ignored by the minister. The petition included also a critique of the draft law on prostitution which would potentially punish the clients as well because, as a transvestite prostitute alleged, it would result only in the fact that traffickers would take Hungarian prostitutes abroad. Another prostitute disapproved that the concerned people are not involved at all into the process of law-making on prostitution.

The Movement for a Prostitution Free Hungary is established. Feminist experts and activists are its founding members.

Primary sources:

- **Három miniszter a prostitúció visszaszorításáért. Kormánytagok levelei a Prostitúció Nélküli Magyarorszáért Mozgalomnak, (Lévai, Katalin, Péter Kiss, and Mihály Kökény)** [Three ministers for the restriction of prostitution. Letters of governmental representatives for the Movement of Hungary against Prostitution], **Oct 31-Nov 11**, <http://prostitutio.hu/miniszterek.a.prostitutio.visszaszoritasaert.htm>

Secondary sources:

- **Felbosszantotta a prostituáltakat Lévai Katalin** [Katalin Lévai made prostitutes upset]. *Origo.hu*, **Nov 17**. <http://www.origo.hu/itthon/20031117duhos.html>
- **Speech by Krisztina Morvai at the conference “What is Wrong with Prostitution”**. <http://www.prostitutio.hu/morvai.krisztina.megnyitobeszede.2004.05.28.htm>

2004

Sexual harassment

A sexual harassment case against a female secretary became public from within the Government Office for Equal Opportunities in 2004. According to the initial statements of the President of the Office, the approach of the Office to the case was an attempt to set a precedent to other employees in order to take such cases seriously. The internal investigation of the case was closed in 2005. The incidence of harassment was neither proved nor refuted. Very little publicity was allowed for details of the case. The press statement made by the Office referred only to general conclusions. The case ended in the complaint being rejected. In addition, the secretary has been obliged to pay compensation of one million Hungarian Forints (ca USD 4,700) for breaching the goodwill of her former boss in the framework of a civil procedure initiated by the alleged perpetrator. The case had large media coverage and raised awareness on the issue.

Secondary sources:

- **A zaklatás törvénye** [The rules of harassment], *Népszabadság*, **Jul 20**, <http://www.nol.hu/cikk/326256/>
- **Szexuális zaklatási eset az Esélyegyenlőségi Kormányhivatalban levél a Kormányhivatal elnökének** [A case of sexual harassment at the Governmental

Office of Equal Opportunity, letter to the director of the Governmental Office], **Aug 23**, <http://www.habeascorpus.hu/jogok/szex.zakl/ekh.eset.level.2004.08.22.htm>

- **Tervek zaklatók ellen** [Strategies against abusers] *Népszabadság* , **Sep 30**, <http://www.nol.hu/cikk/331396/>
- **Egyenlőségi terveket vár el az EU** [EU expects equal opportunity plans], *Népszabadság* , **Nov 30**, <http://www.nol.hu/cikk/342545/>
- **Nyomul a főnök** [The boss is pushy], *Népszabadság*, **Nov 30**, <http://www.nol.hu/cikk/342544/>

Domestic violence

During the spring of 2004, awareness raising campaigns were launched with reference to the National Strategy for the Prevention and Handling of Domestic Violence by different Ministries. The target of the campaigns was defined along the lines of the main victim groups, suggesting the separation of the issue into a women's issue and a children's issue. One of the campaigns was launched by the Ministry of Children, Youth and Sports focusing on the children's issue. Another campaign was launched by the Governmental Office for Equal Opportunities in cooperation with the Ministry of Internal Affairs with the title "Campaign for the Defence of the Weak and the Dependent". This campaign was meant to put the emphasis on the gender aspects of domestic violence. As defined by its press material, its main purpose was to publicize available state and non-state help-lines and the newly established crisis centre. The declarations and documents surrounding the campaign give no hint on how the Office plans to distinguish domestic violence against women from the children's issue.

At the initiative of the Ministry of Justice, a draft law has been debated in the Parliament regarding the introduction of a restraining order into Hungarian legislation in cases of domestic violence. The Bill built on international practices, primarily those seen in Austrian and some U.S. states' legislation. Two types of restraining measures were recommended; a temporary restraining order that is ordered by the police and a restraining order that is ordered by the court. Women's NGOs were only involved as external commentators, not in the process of drafting the regulation. After several months of debates and heavy criticism from all sides the proposal was withdrawn from the Parliament.

Primary sources:

- **T/9837. sz. törvényjavaslat a családon belüli erőszak miatt alkalmazható távoltartásról** [Bill T/9837 concerning the use of restraining measures in cases of domestic violence]. **Apr**
- **Távoltartás: Hatékony eszköz a családon belüli erőszak elleni védekezésben** [Restraining order: Efficient instrument in the protection against domestic violence – Supplementary informational material on Bill T/9837 regarding restraining order used in cases of domestic violence]. **Apr 21**
- **Parlamenti plenáris ülés jegyzőkönyve a T/9837. sz. a családon belüli erőszak miatt alkalmazható távoltartásról szóló törvényjavaslatról** [Protocol of the Plenary

Sessions of the Parliament debating Bill T/9837 concerning the use of restraining measures in cases of domestic violence]. **Apr 27, May 3.**

- **Launching document of the Ministry of Children, Youth and Sports campaign against domestic violence**
- **Launching document of the “Campaign for the Defence of the Weak and the Dependent” by the Governmental Office for Equal Opportunities in cooperation with the Ministry of Internal Affairs**

Following up on the 2003 National Strategy for prevention and efficient handling of domestic violence, Gonczol Katalin, Ministry of Justice Commissioner for Crime Prevention, prepared a report on activities pursued under the National Strategy by both state and non-state actors. The deadline set for these objectives was March 2004. The report showed that almost no progress had been achieved.

The Government Unit for Gender Equality launched a pilot *Crisis Centre Service* in January 2004 with the aim of providing telephone or personal assistance primarily for women suffering or being threatened by violence in the family. This was considered a model which was to be replicated later. The ideology and the operating principles behind the crises center were feminist. The Centre was closed down after only one year of operation, and only the telephone helpline was maintained. The successor National Crisis Management and Information Telephone Service (Országos Kríziskezelő és Információs Telefonszolgálat) (OKIT) has been operating since 1 April 2005, and lacks gender equality sensitivity.

Primary sources:

- **Tájékoztató a családon belüli erőszak megelőzésére és hatékony kezelésére irányuló nemzeti stratégia kialakításáról szóló 45/2003. (IV. 16.) OGY határozatban foglaltak megvalósítása érdekében 2004. április 20-ig tett kormányzati és társadalmi szervezetek, valamint az Országos Rendőr-főkapitányság, a Legfőbb Ügyészség és az Országos Igazságszolgáltatási Tanács Hivatala intézkedéseiről** [Report on the activities of the government and NGOs, as well as the National Police Head Office, the Prosecutor General and the National Justice Council with respect to Parliamentary Strategy 45/2003 (IV. 6.) on prevention and efficiently handling domestic violence]. **Apr 27**
- **Crisis Center. Draft Program for the Development of Victim Protection Services Fighting against Violence against Women and Children in the Family. 2004 Governmental Office for Equal Opportunities.**

Secondary sources:

- **A Habeas Corpus Munkacsoport jogvédő egyesület észrevételei és javaslatai az Igazságügyi Minisztérium IM/BÜNT/2003/31. sz., a családon belüli erőszakra vonatkozó koncepciójához,** [Comments and recommendations of the Habeas Corpus Working Group on the IM/BÜNT/2003/31 concept of the Ministry of Justice on domestic violence], **Jan 10,** <http://www.habeascorpus.hu/jogok/csbe/im.koncepcio.biralat.2004.01.10.pdf>

- **Habeas Corpus Munkacsoport, Női Érdek, a Női és Gyermeekjogi Kutató és Oktató Központ, és NANE: A családon belüli erőszakkal szembeni kormánypolitika civil kritikája** [Habeas Corpus Working Group, Women`s Interest, Research and Educational Center for Women`s and Children`s Rights, and NANE: The critique of the civil sphere on the governmental policy against domestic violence], **Apr 8.** <http://www.habeascorpus.hu/jogok/csbe/civil.kritika.2004.04.08.htm>
- **Módosító javaslatok. A NANE és a Habeas Corpus Munkacsoport javaslatai a családon belüli erőszak miatt alkalmazható távoltartásról szóló törvényjavaslathoz** [Recommendations for amendment. The recommendations of the NANE and Habeas Corpus Working Group on the bill of restraining order used in cases of domestic violence], **Apr 8.** <http://www.habeascorpus.hu/jogok/csbe/modositok.2004.04.08.htm>
- **Petíció Medgyessy Péter miniszterelnökhöz és a kormánypárti képviselőkhez** [Petition submitted to Peter Medgyessy, Prime Minister, and to the governmental representatives], **May 13** <http://www.habeascorpus.hu/jogok/csbe/peticio.2004.05.13.htm>
- **Alapvető észrevételek a távoltartási törvény megcsonkított változatára** [Basic comments on the mutilated version of the law concerning restraining order], **Dec 8.** <http://www.habeascorpus.hu/jogok/csbe/megcsonkitott.tavoltartas.2004.12.08.htm>

Trafficking and Prostitution

The Movement for a Prostitution Free Hungary and the Governmental Department for Equal Opportunity sign a common commitment to work towards a national strategy on fighting against prostitution and trafficking. The statement explicitly ties prostitution and trafficking to each other and places them in the context of gender discrimination.

Primary sources:

- **A prostitúció és az emberkereskedelem visszaszorítását célzó nemzeti stratégia alapelvei.** [Principles for the national strategy on suppressing prostitution and trafficking Common statement of the Governmental Department for Equal Opportunity and the Movement for Prostitution Free Hungary] **May 28, 2004.** <http://www.prostitutio.hu/nemzeti.strategia.alapelvei.2004.05.28.htm>

2005

Sexual harassment

The media has dealt with only a few cases of sexual harassment in the past. Hence, the Ministry of Family and Social Affairs, and Equal Opportunities - according to the goals of the Governmental Decision No 1036/2005. (IV. 21.) - made a call for proposal in order to raise awareness of sexual harassment.

Secondary sources:

- **A cselekvési program [1036/2005. (IV. 21.) Korm. h.] végrehajtására kiírt pályázatok ICSSZEM Nyílt pályázat "Nők elleni erőszak – munkahelyi szexuális zaklatás –problématudatosítás" - A II/C, II/D fejezet feladataihoz** [Proposal for the

execution of the activity program tendered by the Ministry of Family and Social Affairs, and Equal Opportunities, 'Violence against women – sexual harassment at the workplace – awareness raising' – for the tasks of chapter II/C, II/D]

Domestic violence

The act on assistance to victims of crimes is debated in the Parliament. "The Act [...] creates the legal basis for the financial assistance of victims of crimes in case of indigence. Victims of violent acts are entitled to financial compensation in case their life, physical integrity, or health has been seriously damaged as a result of the crime and their income does not exceed a maximum of 600 euros per month." (Source: Spronz, Hermann 2006)

Primary sources:

- **Act No. 135 of 2005 on the Assistance to the Victims of Crimes and the Mitigation of their Damages by the State**

After continued pressure from women's NGOs, in 2005 the amendment of the Criminal Code was proposed so as to cover restraining measures. With the amendment "the court or prosecutor can prescribe that the perpetrator stays away from the aggrieved party, from his or her home, workplace and the educational institution of the children. The provisions on restraining are listed among the rules of behaviour. The order is regulated in only one single sentence in the law. As of July 1, 2006 the provisions on restraining order were introduced into the Code of Criminal Procedure as a forced measure. However, the restraining order in its form is not able to provide effective protection for victims. Instead of the police, it is the judge who issues the order, and only in cases when there is an ongoing criminal procedure. Moreover, there is no deadline or time span specified for the judge for issuing the order. The law does not mention the term "domestic violence," and does not specify important aspects of protection (e.g. keeping distance). The order can only be applied for a maximum of 30 days and no extension is allowed." (source Spronz, Hermann 2006)

Meanwhile, based on a complaint presented by a victim of domestic violence, the UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) stated that Hungary had failed to meet its positive obligations to provide the woman with protection under the CEDAW Convention. To remedy the situation, it recommended that the government took immediate, effective measures to secure the protection of the woman and her children; as well as take the necessary steps to protect Hungarian women in general against domestic violence.

Primary sources:

- **„Mikor lesz törvény a családon belüli erőszak megállítására?” c. kérdés az igazságügyminiszternek** [‘When will be law on the prevention of domestic violence?’, entitled question to the Ministry of Justice] , **Németh Erika, MSZP, Apr4**
- **T/16127. számú törvényjavaslat a Büntető Törvénykönyvről szóló 1978. évi IV. törvény és más törvények módosításáról** [Bill T/16127 on the amendment of the Penal Code, Act IV/1978, and other laws], **Apr 13**

- **Parlamenti jegyzőkönyv a T/16127. sz. törvényjavaslat általános vitájához** [Protocol of the Plenary Sessions of the Parliament debating Bill T/16127 concerning the amendment of the Penal Code], **Jun 8, 13**
- **A magyar állam válasza az ENSZ CEDAW Bizottságának állásfoglalására** [The response of the Hungarian state onto the challenge of the UN CEDAW Committee], **Dec 2**, <http://www.stop-ferfieroszak.hu/news/7/22.html>
- **Válasz a K/18740. számú írásbeli kérdésre: "Mit tett-a Belügyminisztérium a családon belüli erőszak megelőzésére és hatékony kezelésére irányuló nemzeti stratégia kialakításáról szóló 45/2003. (IV.16.) Ogy. határozatban foglalt, a felelősségi körébe tartozó feladatok teljesítéséért?"** [Response to the K/18740 question: "What did the Ministry of the Interior for the achievement of the tasks conceptualized within the frames of the Parliamentary Decision, 45/2003. (IV.16.) on the National Strategy of the Prevention and Efficient Handling of Domestic Violence?"]. **Dec 19**

Secondary sources:

- **Views of the Committee on the Elimination of Discrimination against Women under article 7, paragraph 3, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women**, **Jan 26**, <http://www.un.org/womenwatch/daw/cedaw/cedaw32/views/A.T.-v-Hungary-2-2003.pdf>, <http://www.un.org/womenwatch/daw/cedaw/protocol/decisions-views/CEDAW%20Decision%20on%20AT%20vs%20Hungary%20English.pdf>
- **Ne támogassa a Parlament az erőszakot! - felhívás az országgyűlési képviselőkhöz**, [Does the Parliament Not Support Violence! – announcement for the MPs] **Jun 17**, <http://www.habeascorpus.hu/jogok/btk/lathatas.akadalyozasa.peticio.2005.06.17.htm>
- **A családon belüli erőszak elkövetőinek többsége férfi** [The majority of the perpetrators in cases of domestic violence are men], **Nov 17**, <http://www.stop-ferfieroszak.hu/news/1/22.html>

Prostitution

With support from the USA Embassy and the Swedish state, the Movement for Prostitution Free Hungary launches the campaign "Look for the Men". The main purpose of the campaign is to put pressure on the Parliament to change legislation to sanction clients of prostitution.

In the 6th CEDAW report Hungary recognizes that "no progress has been achieved in respect of the issue of designating so-called zones of tolerance, which is part of the competence of the local governments, despite the numerous coordination efforts that have taken place to resolve the problem."

Secondary sources

- **"Keressd a férfit! Követelje Ön is a kiskorúak prostitúcióját használó kliensek megbüntetését!"** [Launching document of the campaign „Look for the men”] <http://www.prostitutio.hu/keressd.a.ferfit.2005.12.19.htm>

2006

Sexual harassment

Responding to the continued efforts of women's NGOs to extend the scope of the law from harassment in general to sexual harassment specifically, the Act CXXV/2003 on the advancement of equal treatment and equal opportunities was amended in 2006. The amendment supplemented Article 10 of the law to define harassment as "a conduct of sexual or other nature violating human dignity...", a definition which still does not conform to EU regulations. This amendment was part of a larger package of amendment of the law. Very little discussion concerned sexual harassment within the Parliamentary debate. Two socialist MPs mentioned sexual harassment but only in reference to international requirements.

Primary sources:

- **Általános vita lefolytatása T/18902 Egyes esélyegyenlőségi tárgyú törvények módosításáról** [General debate on the amendment of certain laws subjected to equal opportunity], **Kinga Göncz, Minister of Youth, Family and Social Affairs, and Equal Opportunities AND Erika Németh, MSZP, Jan 31**
- **T/1096 sz. törvényjavaslat Az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról szóló 2003. évi CXXV. törvény módosításáról** [Bill T/1096 on the amendment of the Act CXXV/2003 on The advancement of equal treatment and equal opportunities]. **Oct 20**

Domestic violence

In relation to the entering into force of the new restraining order regulation, feminist NGOs release a press statement in which they heavily criticize it, especially on grounds of not being linked in any way to domestic violence, but also on different procedural grounds which make it inappropriate for use in domestic violence cases.

The Open Society Institute in cooperation with Minnesota Advocates for Human Rights publishes a fact sheet on violence against women in Hungary which provides a good overview and evaluation of all developments in the field.

Primary sources:

- **Sixth periodic report of States parties to the CEDAW, Hungary. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. Jun 15, 63 p.** <http://daccessdds.un.org/doc/UNDOC/GEN/N06/402/22/PDF/N0640222.pdf?OpenElement>

Secondary sources:

- **Sajtóközlemény a 2006. július elsején hatályba lépő távoltartásról szóló törvényi rendelkezésről (NANE Egyesület, Habeas Corpus Munkacsoport)** [Press announcement on the law of restraining order due from July 1, 2006 (NANE,

Habeas Corpus Working Group)], Jun 30, <http://www.stop-ferfioszak.hu/news/13/22.html>, <http://www.nane.hu/aktualis.html>

- **Julia Spronz, Habeas Corpus Working Group; Judit Herman, NANE Association Violence against Women: Do the Governments Care? NGO Fact Sheets on the State Response. OSI.**

http://www.stopvaw.org/Violence_against_Women_Do_the_Governments_Care_NGO_Facts_Sheets_on_the_State_Response10.html

Prostitution

The Movement for a Prostitution free Hungary formulates its legal claims to the Parliament which include heightened control and sanctioning of aiding, omitting or using child prostitution, supporting prostitutes who want to exit, encouraging child support services and police to act against prostitution, and to always consider prostitutes as victims in criminal procedures in relation to their pimps.

The Minister of Justice engages in correspondence with the Movement concerning their claims. He recognized the legitimacy of claims concerning child prostitution but debates some other claims on what would improve legislation on criminalization of activities related to prostitution.

Primary sources:

- **Az igazságügyi tárca tervbe vette a kiskorú prostituáltak klienseinek megbüntetését. A miniszter levele a PNMM-nek.** [The Justice Ministry plans to legislate for sanctioning clients of child prostitution. Letter of the Minister], <http://www.prostitutio.hu/petretai.jozsef.2006.02.15.htm>
- **Az igazságügyi miniszter részletesebben kifejti álláspontját** [The Justice Minister develops on his position], <http://www.prostitutio.hu/petretai.jozsef.2006.04.10.htm>
- **Az igazságügyi miniszter válasza a miniszterelnök megbízásából** [Reply of the Justice Minister in the name of the Prime Minister], <http://www.prostitutio.hu/petretai.jozsef.2006.03.20.htm>

Secondary sources:

- **A Prostitúció Nélküli Magyarországért Mozgalom Keresd a férfit! Kampányának Követelései és javaslatai 2006. február 16.** [Demands and recommendations of the campaign „Look for the Men!” of the Movement for the Prostitution-free Hungary] <http://www.prostitutio.hu/keresd.a.ferfit.kovetelesek.htm>

Trafficking

The CEDAW report gives the detailed description of a national action plan on trafficking. It says: “The Ministry of the Interior has developed an ‘Action plan against trafficking in persons’ setting out concrete tasks for law enforcement agencies to facilitate prevention, increasing the effectiveness of the fight against trafficking in persons and protection of victims. The action plan involves capacity building training and the maintenance of high technical/professional standards as well. The training programmes include human rights aspects and children’s rights. All elements that are required for effective fight against

trafficking in persons must be integrated in the training of the police and other organs involved in criminal investigation. One essential requirement is that the injured persons be treated as victims of serious crime and that they be protected against repeated victimisation. A special criminal investigation team has been set up in the framework of the National Bureau of Investigation, dedicated to investigating crime relating to trafficking in persons. This facilitates the expansion of knowledge and expertise and ensures collection and utilisation of experience built up in this area.” Currently the action plan is not yet available. Responses to the CEDAW by the Hungarian State in 2007 say that it is in the pipeline.

2007

Violence against Women

Two shadow reports are released to Hungary’s 6th periodical report submitted to the CEDAW in 2006. One released by the European Roma Right Center focuses specifically on gender inequality of Roma women, including violence against Roma women. The other Report prepared by the Hungarian Women’s Lobby deals with gender equality policies in Hungary in general.

In February CEDAW issued its questions referring to Hungary’s 6th periodic report. Several questions referred to domestic violence, trafficking and prostitution.

In April the State issued its replies to the CEDAW.

Primary sources:

- **Hungarian State responses to the list of issues and questions with regard to the consideration of the sixth periodic report. Hungary***
<http://daccessdds.un.org/doc/UNDOC/GEN/N07/326/13/PDF/N0732613.pdf?OpenElement>

Secondary sources:

- **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>
- **Hungarian Women’s Lobby. Shadow Report to Hungary’s 6th Periodic Report to the CEDAW.**
<http://www.iwraw-ap.org/resources/pdf/Hungary%20SR%20final.pdf>
- **Committee on the Elimination of Discrimination against Women. Pre-session working group. Thirty-ninth session 23 July-10 August 2007. “List of issues and questions with regard to the consideration of periodic reports”**
<http://daccessdds.un.org/doc/UNDOC/GEN/N07/251/09/PDF/N0725109.pdf?OpenElement>

Rape and Sexual Violence

In June Amnesty International released its report on rape and sexual violence in Hungary. The report shows that Hungary has a particularly low level of reporting of sexual violence. It argues that low reporting may be caused by a number of barriers in the criminal justice

system. The report highlights the problems prevalent in both legislation and policy on rape, sexual violence and domestic violence and concerning implementation of existing legislation. It concludes with a large set of recommendations on improving legislation, improving justice delivery and redress procedures, strengthening professional standards and training, improving support services for survivors and working on awareness raising and education in the area.

Following the release of the report, Amnesty International was contacted by the Ministry of Justice which suggested that AI in cooperation with experts put together concrete proposals for the amendment of relevant sections of the Penal Code. The work of the mainly feminist expert group has started recently.

Secondary sources:

- **Magyarország. Meg nem hallott segélykiáltások. A nők nem kapnak megfelelő védelmet a családon belüli szexuális erőszak ellen.** [Hungary. Cries unheard. The failure to protect women from rape and sexual violence in the home] (**Amnesty International**). **May 10. 21 p.**
<http://web.amnesty.org/library/Index/ENGEUR270022007?open&of=ENG-HUN>
- **Szexuális zaklatás – mit lehet tenni** [Sexual harassment – what can be done] **Apr 11**, <http://www.jpt.hu/mconet/bpn/article.php?id=554>

Prostitution

In response to the claims of the “Look for the Man” campaign of the Movement for a Prostitution Free Hungary, the government proposes the amendment of the Penal Code so as to sanction clients of child prostitution and improve sanctioning of child pornography.

Primary sources:

- **A kormány törvényjavaslata a kiskorúakat prostituáló kliensek büntetésére.** [Government proposal for sanctioning clients of child prostitution].
<http://www.prostitutio.hu/btk.modositas.kormanyjavaslat.2007.01.htm>

Conclusions

5.1 Summaries of Key Questions

5.1.1 Gender+ equality policies

Gender+ equality policies came on the agenda of Hungarian policy makers during the QUING period. It was during this period that both gender equality policy and general equality policy processes started to develop. The main momentum in terms of gender equality was the Beijing conference in 1995 as a result of which Hungary developed its first gender equality plan. The first gender equality mechanism was also set up. In terms of equality and non-discrimination policy, the main momentum was Hungary's 2004 accession to the EU which was preceded by a long harmonisation process of the EU hard law and Hungarian legislation and followed by softer processes of harmonisation in the realm of employment and social inclusion.

The period also witnessed the slow development of an NGO sector, active in the policy-making realm and well connected to the transnational women's movement.

5.1.2 Non employment

Regarding non-employment, measures in all fields of social, family, demographic and employment policies were taken in the QUING period. The reconciliation of work and family life regulated according to the actual family support system was the topic that mostly concerned the policy-makers. The problems of the gender pay gap and women's unequal access to the labour were recognized only later, principally due to the impacts of international policy actors and the accession process. Meanwhile, they became conceptualized in parallel with the development of active labour market policies, which also affected tax and benefit policies that had formerly approved rather passive measures, and the legalization of informal home and care work. However, during the period care work in general was not recognized as a gendered issue in terms of policy-making.

5.1.3 Intimate citizenship

Following a major breakthrough in 1995 with the opening of unregistered cohabitation to same sex couples, the basic regulations of marriage and partnership remained largely the same during the QUING period. Hungary has been in the process of drafting a new Civil Code since 1998 and all reforms concerning marriage and partnerships are put aside in favour of a comprehensive reform. The new Civil Code is expected to enter Parliamentary phase in early 2008. In spite of this, several smaller modifications present in laws regulating various aspects of life (health care, funerals, tax reductions, social benefits, housing subsidies) all point in the direction of making unregistered cohabitation more similar to marriage. Unregistered partners now enjoy a relatively large array of benefits previously (and in other countries) available only to married couples. In relation to other aspects of gay and lesbian rights, there has been slow but consistent progress; the age of consent was

equalized by the Constitutional Court and equal treatment legislation covers various aspects of life.

Issues of reproductive rights (except for the Constitutional Court decision liberalising voluntary sterilisation) have not been high on the agenda. Although adoption regulation was made stricter by introducing compulsory consultations (as a response to a Constitutional Court decision), there have been no serious political or civil actor campaigns for further changes in any direction. Artificial insemination is granted to heterosexual couples only, but regardless of being married or not. This possibility was also extended to infertile and ageing single women. One issue within fertility treatments which has been on the agenda for quite some time is surrogacy, but it does not attract much political attention. The only issue that did bring sharp political contestation was that of voluntary sterilisation; it is currently available to anyone above the age of 18.

Family and demography policy is a field where conflicting ideological leanings are played out against each other; however this remains largely on the level of rhetoric. Even when conservatives talk about gendered role models (like the constant reference to full time motherhood), the actual text of proposals are always put in a gender neutral way. Differences do exist, however, in whether unmarried partners should be granted the same social benefits and on what is the proper tool of social benefits (tax reductions, universal social benefits, targeted programs, etc.) but this latter question hardly ever has an explicit gender component.

5.1.4 Gender-based violence

In the realm of gender based violence the QUING period brought the slow recognition of violence in the private realm as a policy problem. The regulation of marital rape and domestic violence were the flagships in the process. Developments in the field also concerned prostitution and trafficking. It is during this period that prostitution was decriminalized and towards the end of the period increasingly seen as related to trafficking. Trafficking was defined for the first time during this period by the Penal Code. All of these sub-issues gained recognition as problems to be considered and sanctioned by the state during the period.

5.2 Major changes in gender+ equality policies and in the three issues

5.2.1 General gender+ equality policies

There were two main changes in terms of gender+ equality policies. First, after the Beijing conference in 1996-1997 the first strategic document on gender equality was passed in Hungary. At the same time, the first gender equality machinery was established within the Ministry of Labour and the mechanism for meaningful participation of women in decision making – a council type tripartite body - was also established.

The other main shift was the 2003 passing of the Act on Equal Treatment and Promotion of Equal Opportunities. The Act is a comprehensive anti-discrimination act regulating discrimination on all grounds and establishing a specialized authority for enforcing the law.

The passing of the act can also be seen as a starting point for a shift in gender+ equality policies from a gender specific perspective towards a more general all grounds equal opportunity approach in which the considerations on gender inequality are not always specified.

A smoother but still significant shift was the integration of Hungary into the EU policy processes – specifically those within the European Employment Strategy, within the Social Inclusion agenda and in relation to the distribution of structural funds. All of these processes resulted in policy documents and approaches that considered equal opportunity between women and men as horizontal principles to be introduced at all levels and in all sectors of policy making and implementation. Even though no strategic document was ever passed on gender mainstreaming in Hungary, within the framework of these processes a certain awareness of gender mainstreaming and its requirements started to be familiarized in the policymaking realm.

5.2.2 Non employment

In relation to the reconciliation of work and family life, debates were usually heated. Since left-wing and right-wing parties were quite divided in many respects, major policy shifts, primarily linked to the family support system, happened in almost all governmental terms. The first restructuring of the system of family assistance was launched in 1995-1996 as a result of a comprehensive austerity package of the left-wing government, then in 1998 the right-wing government approved an all-inclusive family policy regulation. The most recent shift happened in 2005 when the Socialist-led government linked family policies more closely to employment policies.

In care work and informal work there were no major shifts, instead smaller measures were taken. One related to the development of the new public administration and welfare regime after transition in 1993, when the system of social assistance became regulated. Another measure was when the child-raising benefit and hence “full time motherhood” became available on a citizenship basis from 1999. Meanwhile, informal paid care was presented in the policy debates only in 2005.

In the subissue of equal pay, one major shift was the enactment of the principle of “equal pay for equal work” in the Labour Code in 2001.

In tax-benefit policy, it is quite difficult to determine any major shifts, since many fragmented measures were taken that have not definitely connected to each other. Relevant changes include the pension reform in 1997, the reform of the welfare regime in 2002 and the consequences of the constraining measures in 2006, which concerned the whole taxation system and the healthcare services.

In the early QUING period no discussions were initiated by political forces related to women's unequal access to work. The issue was put on the agenda only after the year 2000 when, as part of the accession process, EU norms emerged in the country. However it is still underrepresented in political debates; major strategic documents, provided in the frames of the open method of coordination within the EU, generally highlight among their horizontal aims the need to eliminate inequalities in the labour market.

5.2.3 Intimate citizenship

Although there are obvious turning points in the development of policies related to intimate citizenship, it is hard to identify one linear trend, rather we can observe a set of unrelated (and possibly unintended on behalf of the government) radical changes originating from the Constitutional Court, and a myriad of smaller, often undebated or even unnoticed changes brought about by the state apparatus or by MPs of governing parties.

Such important Court-induced changes were the opening up of the institution of unregistered cohabitation to same sex couples in 1995; tightening of the abortion legislation in 1998; equalising the age of consent in 2003; and liberalising voluntary sterilisation in 2005. Although the independence of the Court is unquestionable, it is interesting to notice that these decisions were always in sync with the general ideological leanings of the governing parties (thus, more progressive decisions were delivered under leftist, more conservative decisions under right wing governments).

Among the less debated and less radical changes were the smaller, dispersed expansions of the rights and duties of unmarried partners (concerning tax and benefits, health-related rights and the legislation on entry and residence) and opening the possibility for husbands to take on their wives names by the socialist-liberal governments; and the tightening of adoption regulations, linking social benefits to marriage, and preventing the introduction of surrogacy on the conservative side.

The only three occasions when relatively important changes were brought about by governmental will were the case of the anti-discrimination legislation, the case of opening up artificial insemination procedures to single women (although limited to infertile or aging women) and the still pending adoption of the new Civil Code. This latter – although not yet adopted by the Government or the Parliament – is important, because all reforms to extend the rights of same sex partners (supported by MPs of governing parties and even cabinet Ministers) are put on hold with the argument that a comprehensive reform is on the way.

Although these various shifts do not appear to conform to an obvious trend, the direction and the frequency of changes very clearly follow the change in the colour of the government. Most shifts mentioned above fall in the periods between 1994-1998 or 2002-2007 (socialist-liberal government), while under the conservative government intimate citizenship was hardly ever thematized by the government, and if it was (such as in the case of abortion, adoption and surrogacy) changes were in the direction to undo earlier pro-women and (potentially) pro-gay legislation.

5.2.4 Gender-based violence

In rape the main shift was the 1997 recognition and criminalization of marital rape.

In domestic violence it is more difficult to see one particular shift; it is a rather gradual process of development in which domestic violence was taken onto the policy agenda. A national strategy was adopted by the Parliament for its handling in 2003 and several amendments were made to the penal code to sanction it during the later stages. Despite heavy pressure from the CEDAW and women's groups, no specific law was passed on domestic violence and the present provisions for sanctioning it remain inadequate. Domestic violence was widely discussed in public debates in Hungary though the framing of the debates never really tied domestic violence to gender inequality. The victim group with which the public was typically concerned was children. The issue of violence against women remained confined mostly to the agenda of the women's movement.

Harassment in general terms was regulated by the anti-discrimination legislation passed in 2003, largely in response to the EU accession criteria. This legislation was amended to refer to sexual harassment following the continued pressure from NGOs in 2006. These moments of policy development were not surrounded by widespread public debate about sexual harassment in Hungary and did not involve widespread policy debate either, whether in the Parliament or other fora.

Trafficking was for the first time defined in Hungarian law during the QUING period. This subissue also remained unconnected to gender inequality and was discussed mostly within the framework of organized crime, though during recent years an increasingly strong NGO voice pushed for it to be discussed in connection to prostitution.

5.3 Civil society and political forces

5.3.1 General gender+ equality policies

Civil society voices were relatively weak in the gender+ equality policy development process. The momentum around which clear mobilization can be seen is the debate and later amendment of the Act on Equal Treatment and Promotion of Equal Opportunities. Also gaining authority were the shadow reports written by NGOs to the CEDAW in 2001 and in 2007. The main political forces in the process were the ministries of Labour and Social Affairs.

5.3.2 Non employment

Civil society in general is quite underrepresented in the policy-making process of the non-employment issue; however the National Interest Reconciliation Council has had an important role in influencing the political decisions concerning employment policies. The National Association of Large Families and the Association of Disabled Children and Their Families also proved active in terms of lobbying related to family and demographic policies.

Yet feminist women's voices are represented in the policy arena only by the Women's Committee of a Hungarian trade union confederation.

The main political forces were the Ministries of Labour and Social Affairs.

5.3.3 Intimate citizenship

As mentioned earlier in the section on major changes, ideological differences (translated into policy difference following changes in governing coalitions) between conservatives, liberals and socialists are clear and consistent; conservative parties oppose gay rights, give preference to married couples, support stricter rules on abortion and voluntary sterilisation, and frame demographic and family policy in a 'decline of the nation' frame; liberals often put on the agenda gay rights, try to bring marriage and cohabitation closer to each other, and call for liberal regulation of abortion and sterilisation; socialists usually keep silent about issues of gay rights and reproductive rights, consider family policy as a tool to counter poverty, treat married and unmarried couples equally (although without making it such a visible issue).

Gay rights for the last 3-4 years were primarily discussed politically by the youth platforms of political parties (a consistently pro-gay liberal and a consistently anti-gay Christian democratic organisation). This has changed significantly during July 2007, when the issue of gay rights came to the forefront of the political agenda. FIDESZ (the large conservative party) is reluctant to voice its opinion in the debate, while the smaller right wing party in opposition is expressing its discontent with the prospective changes.

As to the record of civil society organisations, it is quite ambivalent. First, they played a very important role in bringing cases to the Constitutional Court resulting in radical shifts. On the other hand, the direct lobbying activity towards the government was largely unsuccessful. The two occasions when substantive change was brought about by the initiative of civil society groups were the adoption of the comprehensive anti-discrimination law and the opening up of fertility treatments for single women. In all other cases (such as abortion or voluntary sterilisation for conservative, Church-related NGOs and gay rights for LGBT-rights NGOs) the government remained unresponsive.

5.3.4 Gender-based violence

This field was the arena of the most successful mobilization of civil society for purposes of gender+ equality policies. It was the women's movement that brought marital rape and domestic violence onto the agenda, and they were involved in the process in all major moments of development. Also their involvement can be noted in terms of changing the law from sanctioning harassment in general to sanctioning sexual harassment. The role of women's groups was also crucial in sensitizing and pushing for change in terms of policies addressing trafficking and prostitution and in placing these two phenomena strongly within the gender equality agenda. Among international nongovernmental actors, Amnesty International can be mentioned as recently starting to play an important role in dealing with sexual violence against women.

The main political forces involved were the Ministries of Justice and Internal Affairs – especially pushing for a framing of violence issues in terms of crime – organized crime and crime prevention. Policy and social policy actors also played a major role, especially in victim protection in domestic violence, rape and prostitution.

5.4 Impact of the EU

5.4.1 General gender+ equality policies

The EU had impact on Hungarian equality policies in two rounds. The first one was in terms of hard law – in pushing for the harmonisation of the *acquis*. This resulted in several sectoral changes in relation to gender equality, and in passing the 2003 Act on Equal Treatment and Promotion of Equal Opportunity and establishing the Equal Treatment Authority for enforcing this law. The second wave of impact was softer and it came with the integration of Hungary into the different EU policy processes – the employment process, the social inclusion process and in accessing structural funds through the passing of National Development Plans and establishing structures for their distribution.

5.4.2 Non employment

Through the targets set as part of the Lisbon Agenda, the EU had major impact in putting the issues of unequal access to the labour market and the gender pay gap on the agenda. At the same time, the soft law mechanisms of the open method of coordination influenced the regulation of family assistance and hence reconciliation as well as tax and benefit policies. The reasoning of gaining access to Structural Funds facilitated the compilation of the two National Development Plans, which affect the policy-making linked to the issue in a comprehensive way.

5.4.3 Intimate citizenship

The only occasion when the EU put direct pressure on Hungary in the fields belonging to intimate citizenship was equalizing the age of consent for different sex and same sex sexual relations. Although decriminalization of same sex sexual relations occurred early on in 1963, the age of consent was set differently, and even though the difference was reduced in 1978, it was still 14 for heterosexual and 18 for homosexual couples until 2002. Although a petition was submitted to the Constitutional Court in 1993, the Court was reluctant to take on the case. Attempts by MPs to reform the regulation were also rejected. The issue was identified in several EU country reports and although the new government elected in 2002 promised to amend the Criminal Code and equalize the age of consent, it was the Constitutional Court that ultimately declared the legislation unconstitutional and prescribed an equal age of consent.

Reference to EU requirements abounded in the reform of the anti-discrimination legislation as well. The amendment of the Labour Code in 2001 by the conservative government was justified by the need to harmonise the Hungarian legislation with the *acquis*. Although the amendment implemented most of the requirements prescribed by EU directives, it failed to

include reference to sexual orientation among the list of grounds on which discrimination was prohibited. The omission remained unnoticed both in the Hungarian political circles and in the EU; it was never mentioned in country reports. The socialist and liberal parties then in opposition claimed that the amendments were not enough, that a comprehensive anti-discrimination law was required by the EU and submitted a proposal following more closely the EU directives (and covering sexual orientation). The proposal was rejected. The comprehensive anti-discrimination law was passed by the new socialist-liberal government in 2003, the law grants protection from discrimination based on sexual orientation beyond the minimum requirements set by the EU (i.e. in the labour market) and prohibits discrimination on all grounds along the lines of the Race Directive.

Several amendments and comprehensive reforms to the legislation on entry, residence and refugee status were justified by EU requirements. The requirement to grant refugee status based on suffering from discrimination on the grounds of sexual orientation is implemented, and partners are considered 'family members' regardless of sexual orientation (since there is no registered partnership under Hungarian law, family member status is granted to EU citizens and their partners if they have lived in the same household for at least a year). These amendments were adopted voluntarily, in that no direct pressure was put on the country by the EU. The proposed introduction of registered partnership is often argued for with reference to European trends, although not requirements of the EU as such.

5.4.4 Gender-based violence

The EU only had impact on the process of regulating sexual harassment but remained mostly silent in the other sub-issues of gender based violence.

5.5 Impact of other international bodies

5.5.1 General gender+ equality policies

The UN through CEDAW and the Beijing process was the most important international actor to influence gender equality policy in Hungary. Its impact came both through the reporting process and indirectly through participation at Beijing which triggered the establishment of gender equality policy as such in Hungary. CEDAW has also ruled against the Hungarian state in two cases – one of domestic violence and one of forced sterilization of Roma women.

5.5.2 Non employment

The UN was important in raising questions on gender+ inequalities, namely drawing attention to Romani women's special situation in the labour market through CEDAW and the assessment of the related reports, and also through the initiatives concerning the Decade of Roma Inclusion 2005-2015.

5.5.3 Intimate citizenship

The Council of Europe was also active in calling attention to the discriminatory difference in the age of consent for same sex and different sex sexual relations, and called upon Hungary to abolish the difference.

5.5.4 Gender-based violence

CEDAW was the main international actor in gender based violence both through its reporting procedure and through the complaint mechanism.

The US Embassy and the Swedish state also played a role in improving policy on prostitution and trafficking.