



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

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## **Report Analysing Intersectionality in Gender Equality Policies for Hungary and the EU**

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## Introduction

The aim of this report is to analyze what intersectionality means in the Hungarian policy context. The focus of the report will be on the four sets of policy issues analyzed by the QUING project, namely: general gender equality policy, non-employment, intimate citizenship and gender based violence.

In Hungary discussion of the concept of intersectionality per se is absent both from social science literature and from policy language. However, a closer look at both the literature and at policies indicates that even if the concept has not been used, the social complexity of the phenomena that it covers has been addressed indirectly by numerous studies over recent decades and in the last couple of years policies have also been grappling in better or worse ways with the complexities of crosscutting or competing inequality grounds. Our report will attempt to uncover some of this hidden understanding of intersectionality especially as it relates to the four policy issues discussed by QUING. On the assumption that context and history matter in the way intersectionality is understood and equality grounds are related to each other (Ferree 2008), the report will not only attempt to show how intersectionality is presented, or rather subsumed, in current policies and analysis, but it will also try to embed these findings in the specific Hungarian historical context.

The report will make three main arguments. Firstly, it will argue that while sociological and ethnographic research has been conducted on specific groups at the intersection of different inequality grounds for the last three decades, policy responses to the complexities presented by research have only started to emerge in the last decade. The dominant policy responses to intersecting inequalities have been operating with two main approaches to intersectionality. They either used a parallel approach in which inequalities, though running in parallel, never meet or intersect. Or they used a co-opting approach in which more dominant, or inequalities which fare better socially and politically, have served as a proxy or pushed down the less consensual inequality grounds, very often gender. The rare instances where intersectionality is conceptualized in policy debates in a mutually constitutive way take different directions. Most often they refer to the intersection of different inequality grounds with reference to specific groups at the intersection and only in relation to specific problems (e.g. forced sterilization of Roma women). Intersectionality is only exceptionally conceptualized in a systematic way so as to enrich the concept of gender equality or other equalities. In most of these instances, the conceptualization is not general and intersectionality is related to an inequality based on a discursively privileged ground (for example intersectionality within gender inequality).

Secondly, the report will argue that the impact of the EU accession and integration process, while bringing clear advances to Hungarian equality policy on all grounds, did not have a clearly

beneficial effect on bringing the concept of intersectionality to the Hungarian policy language and institutional setup. Legislating and developing policy for all equality grounds together in a merged way came as a result of EU trends and with reference to them. On the one hand, this has resulted in equality policy for equality grounds that might never have been included if a single ground approach was followed (such as sexual orientation). On the other hand, within this merged framework the understanding of the grounds remained parallel and competitive and was not enriched by an additional concept of intersecting inequalities or at least multiple discrimination. The merged treatment of the grounds brought the disadvantage of arbitrarily prioritizing the discursively and politically more privileged grounds, but it failed to bring the advantage of more openness to intersections between grounds<sup>1</sup> (Squires 2008 and O’Cinneide 2002). The merged treatment of the grounds has also increased competition between grounds and increased the urge of representatives to express the identity of the grounds and their specificity as against a common “one size fits all” treatment.<sup>2</sup>

Finally, the report will discuss the axes of inequality seen to intersect with gender in Hungary. Intersectional thinking first occurred in Hungarian social research in the 1980s in relation to the intersection of ethnicity, class and regional disadvantage (East-West and city vs. small settlement axis). Research and underground political activity in this period grappled with the complexities of the circumstances of poor Roma, especially in the disadvantaged regions and settlements of Hungary, amidst official denial of the existence of poverty in Hungary (Kemeny, SZETA). In the framework of this tradition, isolated attempts were made to integrate the aggravating impact of gender inequality into the equation, but generally speaking gender was not in focus. Since the late 1990s, some sociological research has targeted groups at intersection of gender and some other inequality ground, especially ethnicity (see studies on Roma women by Nemenyi 1996, Durst 2001, Szalai 2003), but also class (Szalai 2000, Kovacs&Varadi 2000) or age.

The only viable policy concept used for intersectionality in Hungarian language: “multiply disadvantaged” (halmozottan hátrányos helyzetű), originates from the social research tradition in the 1980s described above. However as in social research, the expression multiply disadvantaged groups is used most often in relation to groups at the intersection of ethnicity, poverty and regional disparities, rarely age or disability and almost never gender. Tellingly in the most recent educational policy, multiple disadvantage is measured by the educational attainment of parents when children enter school, which is seen as a proxy for position on the labour market and to some extent ethnicity as well<sup>3</sup>. Within this context the intersection of gender with other

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<sup>1</sup> Squires, Judith. 2008. *Intersecting Inequalities: Reflecting on the Subjects and Objects of Equality*. *The Political Quarterly* 79:53-61. O’Cinneide, Colm (2002) *A Single Equality Body: Lessons from Abroad*. (Equal Opportunities Commission, Commission for Racial Equality and Disability Rights Commission). Accessed at: [http://www.eoc.org.uk/PDF/4\\_single\\_equality\\_body.pdf](http://www.eoc.org.uk/PDF/4_single_equality_body.pdf)

<sup>2</sup> Verloo, Mieke 2006. “Multiple Inequalities, Intersectionality and the European Union”. *European Journal of Women’s Studies*, 13 (3): 211-228.

<sup>3</sup> Act LXXIX of 1993 on Public Education as amended in 2006

inequality grounds in Hungary remains mainly implicit. Exceptions are a few mainly NGO or transnational co-operation driven attempts to address problems of specific groups at the intersection (particularly Roma women). Intersectionality does not seem to be seen to add to understanding the complexity of gender inequality in a systematic way.

Thus the report will argue that in Hungary the main inequality grounds that are discussed as intersecting with gender vary along the different policy issues, no obvious inequality intersections cut across the different policy fields analyzed in this report. The most frequently discussed group at the intersection are Roma women, but gender is also seen (or implied) to intersect with class, age, family status or regional inequality, depending on the policy field. While in the general equality field the politically and discursively privileged grounds are ethnicity (with particular reference to Roma) and disability, followed by gender and age, this is not necessarily the same in the other policy issues. Gender based violence prioritizes the intersection or rather 'bending' (Lombardo & Verloo 2008) of gender with age and class, and at the NGO level also ethnicity. Non-employment focuses primarily on the intersection of ethnicity, class and regional inequalities with some cases where age and gender are also considered. Intimate citizenship has age and family status in the forefront as intersecting with gender.

Following a first chapter serving as the theoretical underpinning of the report's arguments, the report will consist of four thematic chapters: one on general gender equality, one on non-employment, one on intimate citizenship and one on gender based violence. Each chapter will look at intersectionality from two perspectives: first it will analyze the institutional aspects of intersectionality, including NGO organizations and coalition building. Next each chapter will look at how intersectionality is framed in the policy debates in Hungary and how this framing relates intersectionality to the concept of gender equality. This analysis will be based mainly on texts analyzed in QUING but will also attempt to go somewhat beyond these in terms of both the time frame and scope. The final chapter of the report will draw the four fields together by looking at patterns of change in placing intersectionality on the Hungarian policy agenda, in terms of both institutions and in framing.

## I. The grammar of political intersectionality. Theoretical concepts and puzzles for the report

### 1. Concepts, methods

Crenshaw, as a forerunner of scholars theorizing intersectionality,<sup>4</sup> defines the concept as the various ways in which different inequality axes (in her case race and gender) interact to shape the way victims experience exclusion. Relationships between the inequality grounds may be of very different levels. Relationships may take the form of parallel relations where no interaction can be noted, additive relations where experiences flowing from the different inequalities simply add up, or mutually constitutive relationships where the different experiences constitute each other, cannot be separated and are qualitatively different from the sum of the experiences flowing from each inequality axis separately. All meeting points of inequality axes have the potential to bring intersectionality into the picture. This report will aim to identify the intersectional approach at such meeting points of the different inequality grounds as they occur in the four QUING policy fields.

Hancock<sup>5</sup> differentiates between three major paradigms in approaches to the analysis of multiple inequality categories. The unitary approach, she argues, analyses difference through the lens of a primary privileged category which is presumed to be uniform and static. The multiple approach, while capable of addressing multiple categories, treats these categories as uniform and static and the relationship between them as predetermined (parallel, additive or competing). Finally, the intersectional approach goes beyond the multiple approach in that the categories that it uses are diverse and dynamic and the relationship between them remains an open empirical question. In the intersectional approach categories are seen to mutually constitute each other.

Crenshaw (1991) differentiates between three main forms of manifestation: structural, political and representational intersectionality. In her understanding, structural intersectionality covers the ways in which intersectionality is experienced differently to any single inequality ground. Political intersectionality explains the ways in which the interactions between the different inequality grounds are dealt with in political and institutional struggles. Finally, representational intersectionality is about cultural, or one could say discursive, representation of the interaction between inequalities.

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<sup>4</sup> Crenshaw, Kimberlé Williams (1991) 'Mapping the margins: Intersectionality, identity politics, and violence against women of color', *Stanford Law Review*, 43, 6, 1241-99. Kimberle Crenshaw (1989) "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics". University of Chicago Legal Forum 1989 (1989): 139-67.

<sup>5</sup> Hancock, Ange-Marie. 2007. 'When Multiplication Doesn't Equal Quick Addition: Examining Intersectionality as a Research Paradigm', *Perspectives on Politics* 5 (1), 63-79.

Fiona Williams<sup>6</sup> offers a somewhat similar conceptualization (2003) when she differentiates between three levels of analysis for the purposes of analyzing the recognition/redistribution struggle of migrant women in Europe: the nature of injustices fought (that is the social problem), the nature of the claims articulated (framing of claims as negotiated in the context of competing claims) and finally the process of struggle (through movement actors, institutional politics or organizations).

Following Hancock,<sup>7</sup> this report will use an intersectional methodology to analyze the relationship of gender to all other salient inequality categories in the context of the four QUING policy fields in Hungary. The report will contribute to the political and representational analysis of intersectionality.

Despite the early conceptualization of different levels of understanding intersectionality<sup>8</sup> in the wealth of academic work produced on intersectionality, since that time most work has focused on understanding structural intersectionality, specifically the position of groups at points of intersection and on methodological discussion of the ways of understanding the complexity of categories. A focus on political and representational intersectionality has emerged with some delay<sup>9</sup> in the last couple of years as the idea of intersectionality increasingly spread from the academic agenda to the political agenda of Europe and beyond. Studies by Verloo,<sup>10</sup> Lombardo and Verloo (2008), Williams (2003), Satterthwaite<sup>11</sup> and Sainsbury<sup>12</sup> deal with political intersectionality along with representational intersectionality in order to understand the complexity of the politics of intersectionality and the way it produces, reproduces, or addresses exclusion.

These discussions use two approaches: one focuses on civil society and movement struggle, and institutionalization of the relation between different inequality grounds; the other focuses on framing the interaction of inequality axes, at the level of claims of recognition but also in interaction and negotiation with policies and policy making. The two are seen in relation to each

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<sup>6</sup> Williams, Fiona (2003) 'Contesting "Race" and Gender in the European Union: A Multi-layered Recognition Struggle for Voice and Visibility', In B Hobson, *Recognition Struggles and Social Movements: Contested Identities, Agency and Power*, ed. 121–44. New York: Cambridge University Press.

<sup>7</sup> Hancock *ibid.*

<sup>8</sup> Crenshaw 1991

<sup>9</sup> Lombardo Emanuela and Mieke Verloo. 2008 forthcoming. 'Stretching gender equality to other inequalities: Political intersectionality in European gender equality policies'. In Emanuela Lombardo, Petra Meier and Mieke Verloo eds, *The Discursive Politics of Gender Equality: Stretching, Bending and Policymaking*. London: Routledge.

<sup>10</sup> Verloo 2006.

<sup>11</sup> 2005

<sup>12</sup> "U.S. Woman Suffrage through a Multicultural Lens: Intersecting Struggles of Recognition", in Barbara Hobson (ed.), *Recognition Struggles and Social Movements: Contested Identities, Agency and Power*, Cambridge University Press, 2003.

other, so that “discourse as a political process”<sup>13</sup> shapes power relations, knowledge, institutions and practice.

## 2. Civil society

One of the main points of discussion connected to intersectionality in recognition struggles that has been ongoing since Crenshaw’s core piece was written (1991) is the relationship of identity politics to intersectional thinking. The question that comes back again and again: is identity politics compatible with intersectional thinking? Or should identity politics be refused and replaced by some other form of recognition struggle or reconceptualised to be able to cope with the challenges of intersectional complexity?

While differences in nuances exist there is much agreement<sup>14</sup> that classical identity politics, which aims to put exclusive emphasis on homogeneity and identity within the group and along the way conflates individual and group identity,<sup>15</sup> is unable to address intersectional claims and inevitably leaves some members and some sub-groups marginalized or excluded. At the ontological level there is recognition that deconstructing categories is a legitimate response to the illimitable process of signification<sup>16</sup> and therefore an anti-categorical approach can be justified.<sup>17</sup> Meanwhile, at the level of political struggle and claims making, few question the importance of categories in specific social and political contexts and the power relations attached to them. A conceptual distinction between social identities and positioning<sup>18</sup> or ontological, categorical and political identities (Williams 2003) allow for deconstruction on the level of some categories while not dismissing the relevance of categories for purposes of analysis on some other levels.

A revision or reconceptualization of identity politics is suggested. Crenshaw argues that identity (and she clearly means political identities) needs to be reconceptualised:

“Does that mean we cannot talk about identity? Or instead, that any discourse about identity has to acknowledge how our identities are constructed through the intersection of multiple dimensions? A beginning response to these questions requires that we first

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<sup>13</sup> Ferree, M. Myra forthcoming in 2008. “Inequality, Intersectionality and the Politics of Discourse: Framing Feminist Alliances” in Lombardo, E., Meier, P. and Verloo, M. *The Discursive Politics of Gender Equality. Stretching, Bending and Policy-making*. London: Routledge.

<sup>14</sup> Crenshaw 1991, Williams 2003, Yuval Davis, Nira (2006b) “Human/Women’s rights and feminist transversal politics”, in Myra Marx Ferree and Aili Mari Tripp (eds.), **Transnational Feminisms: Women’s Global Activism and Human Rights**, New York: New York University Press

<sup>15</sup> Yuval-Davis, Nira (2006a) ‘Intersectionality and feminist politics’, *European Journal of Women’s Studies*, 13, 3, 193-209.

<sup>16</sup> Butler, Judith (1990) *Gender Trouble: Feminism and the Subversion of Identity*. (New York: Routledge).

<sup>17</sup> McCall, Leslie. “The Complexity of Intersectionality.” *Journal of Women in Culture and Society* 30.02005 1771-1800. 26 Nov 2007

<sup>18</sup> Yuval Davis 2006b

recognize that the organized identity groups in which we find ourselves in are in fact coalitions, or at least potential coalitions waiting to be formed.” (Crenshaw 1991:28)

Yuval Davis<sup>19</sup> juxtaposes what she calls transversal politics to identity politics. She argues that the problem with identity politics is that it emphasizes homogeneity within the group and does not separate individual identity from group level identity. She interprets the two as stages of development in feminism, with an identity politics type feminism dominating global feminism until the beginning of 1990s. It is with the increasing awareness concerning the diversity of perspectives and identities among women and increasing intersectional claims and the increasing awareness concerning the distinction between individual and group level identities that feminism uses more and more a transversal politics approach. Yuval Davis defines transversal politics as a politics of dialogue and cooperation, which ties understanding to dialogue. Another major feature of transversal politics is that within its framework the notion of equality encompasses the notion of diversity without establishing a hierarchy between the diverse positionings<sup>20</sup>. Within the framework of transversal politics individuals can identify on some criteria (here she differentiates between positioning, identity and values) and be different along some other criteria. This, according to Yuval Davis, does not exclude focus on some category in recognition struggles, nevertheless such focus cannot be seen within the framework of transversal politics as the exclusive one. While her approach remains quite ambitiously deconstructivist at the more conceptual level, bringing her transversal politics down to the more practical level leaves us with a reconceptualised version of identity politics, somewhat similar to what Crenshaw argues for: recognition struggles aware of intersectional complexity and representational dilemmas regarding who can talk for whom.

Transversal politics means dialogue and coalition building between movement actors, negotiation of claims, inclusive movement identity and representation, while a classical identity politics leads to competition between groups and identities, exclusive identity, homogenous group membership and voice and representation reflecting that. As Williams argues,<sup>21</sup> in analyzing recognition and redistribution struggles, attention should be paid to horizontal and vertical complexity in claims making, where horizontal complexity is brought by the complexity of claims based on the interaction of the different inequality grounds and vertical complexity is given by the multiplicity of levels where recognition claims can be addressed (international, national or local) and the multiplicity of levels of agency of the claim making (local, national or transnational). Analysis of civil society and its relation to the state in the context of intersectionality will also imply an analysis of the relationship between organizations pursuing

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<sup>19</sup> 2006a

<sup>20</sup> Yuval Davis 2006a: 281)

<sup>21</sup> Williams 2003



struggles based on different inequality categories. Such relationships may range from hostility, through competition to negotiations, coalition building, alliances and network creation<sup>22</sup>.

### 3. Institutionalization

Another important emergent topic of intersectionality research beyond analysis of the civil society interface is the institutionalization of intersectionality at the state level. Discussion around this issue has been intensifying in Europe in the context of recent EU trends to move from a policy focused on gender equality towards a multi-ground approach policy which elevates other inequality categories near to gender<sup>23</sup>. Strong impetus was given to these discussions also by the decision in the UK, the European country with the longest tradition in equality policy making, to move from the separate ground approach that dominated since the early 1970s to a merged approach which handles all inequality grounds together in a common legislative and institutional framework.<sup>24</sup>

The theoretical dilemma, well elaborated by Verloo,<sup>25</sup> is whether the “one size fits all” inequality grounds approach that flows from the merged treatment of all inequality grounds both at a legal and at an institutional level is capable of addressing inequalities in their full complexity. Verloo makes three arguments against such a one size fits all merged approach: first, that it incorrectly assumes similarity between the different inequalities; second, that it inevitably leads to favouring more individualist approaches and neglecting structural components and; third, that it fuels political competition between inequality grounds rather than transversality. Others argue that specific expertise linked to separate grounds may be lost with a merged treatment (O’Cinneide 2002). Meanwhile, one of the most prominent arguments in the UK merged vs. separate institutional framework debate was that a merged treatment of grounds would be more favourable to addressing intersectionality and would also pre-empt attempts to privilege politically some grounds over other less “mainstream” inequality grounds.<sup>26</sup>

Further normative questions which are raised include: what does ‘good quality’ in equality policies mean in terms of intersectionality? Would a focus on specifics of the different inequality axes be more favourable to intersectionality, in the sense of having a more in-depth understanding of a specific inequality and the different variations of it? More specifically, would a complex understanding of the specifics of gender inequality automatically imply the understanding of variations in gender inequalities as they are experienced by minority ethnic women or disabled women or lesbians? Or alternatively, would a more general policy approach looking at the different inequality axes together in their generality and multiplicity be more apt in

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<sup>22</sup> Sylvia Walby (2007) A review of theory and methodology for the analysis of the implications of intersectionality for gender equality policies in the EU. QUING Deliverable

<sup>23</sup> Lombardo & Verloo 2008, Walby 2007

<sup>24</sup> Squires 2008

<sup>25</sup> Verloo 2006

<sup>26</sup> Squires 2008

responding to the problem of intersectionality? Also, would an open ended enumeration of inequality grounds and a merged institutional system favour the inclusion of intersectional complexities in policy agendas? As Squires' (2008) piece points out, arguments may be made for both sides. It seems that much will be determined by the specific policy and historical context of the country where these dilemmas are analyzed. This report will aim to analyze this question within the Hungarian context.

#### 4. Framing intersectionality

It is through framing that knowledge, power and institutions are formed (Ferree<sup>27</sup>). Framing intersectionality in policy debates through recognition claims in interaction with policy and legal texts defines what intersectionality is. It is through framing that the relationship between the inequality grounds is established, that categories are negotiated and defined, and that group inclusiveness or homogeneity is established. Framing will also ultimately construct power relations in society and influence institutionalization of intersectionality at the state level. Ferree's proposal is not to think in terms of stable categories and frames nested in institutions but rather to think in terms of processes of framing in which frames and categories of disadvantage are articulated to generate change. Meanwhile, Ferree argues<sup>28</sup>, the historical and social-political context and the given policy process determine to a large extent how intersectionality is constructed in a given policy and movement agenda, how in the processes of framing inequality categories interact or are placed in hierarchical order. Ferree therefore suggests complementing the analysis of framing with an analysis of political processes.

Analysing the framing of intersectionality in relation to gender inequality and thus understanding the transformation of the relationship between gender equality and other inequality categories is one of the core objectives of the QUING project. Analysing the framing of the intersection of different inequality grounds will contribute to understanding the groups of theoretical dilemmas described above. It is partly through analysing the framing of recognition claims that the identity politics versus transversal politics dilemma can be addressed. A large part of understanding the institutionalization of inequality policy for the different grounds and its integration of intersectional thinking is also a policy framing issue.

Recent feminist understanding of gender equality has moved away from a categorical homogeneity and identity based approach to a recognition of diversity within the category and of the multiplying and mutually constitutive effects of gender disadvantage and disadvantages

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<sup>27</sup> 2008

<sup>28</sup> (2008) and Ferree, Myra Marx, William A. Gamson, Jürgen Gerhards and Dieter Rucht (2002) *Shaping Abortion Discourse: Democracy and the Public Sphere in Germany and the United States*. (Cambridge: Cambridge University Press).

based on other inequality grounds<sup>29</sup>. Policy thinking is also becoming increasingly inclusive as far as the recognition of the multiplicity of inequality grounds is concerned<sup>30</sup>. Along these lines, Lombardo & Verloo (2008) argue that since gender equality and other inequalities are interdependent there can be no gender equality if other inequalities exist. Therefore gender equality should be stretched so to integrate the complexity of multiple social inequalities that may interact with it, but also to accommodate it for use by other inequality grounds that have been less privileged in policy and discursive terms. They also argue that there are different framing processes that impact on framing gender equality when intersectional thinking comes into the picture so the stretching of the gender equality framing may take different forms. Based on earlier analysis of framing gender equality in six European countries,<sup>31</sup> they elaborate the different results of stretching gender inequality. Stretching can imply the inclusion of new grounds of inequality in equality policies, grounds that were previously neglected, and the stretching of what equality means for gender to cover other grounds as well. But stretching gender inequality through integration of other inequality grounds on the overall level, they argue, often implies a shrinking or blurring of what gender equality means at the expense of other strengthening equalities (Lombardo & Verloo 2008:162). Another consequence of stretching gender equality is what the authors describe as the bending of gender equality towards other inequalities. This means that in many cases when other inequality grounds are introduced gender equality as a goal shrinks or even disappears and is substituted by another equality related goal or sometimes substituted by goals that are no longer related to either equality or to gender. Findings of Lombardo and Verloo (2008) in Europe indicate either total absence of attention to other inequality grounds within gender equality, or a tendency toward blindness or bias to other inequality grounds when the focus is on one ground.

The approach used in this report for analysing the framing of intersectionality is critical frame analysis (Verloo 2005). Analysis will look at how problem definitions in policy and NGO texts integrate intersectionality and whether the proposed solutions in prognosis respond in an intersectionalized way to these problems. The analysis will look at different aspects of how intersectionality is framed. It will look at the presence of other inequality grounds along with gender. Analysis examines two aspects: first, the relationship of the categories to each other; and second, the approach that a text has toward categories. Regarding the relationship between grounds and specifically that of gender with other categories, possible approaches are: parallel, competing, additive, or mutually constitutive or a combination in some hierarchical order with each other. In terms of looking at the approach to categories, the report will translate McCall's (2005) methodological categories to policy analysis. The frame analysis in the report will thus look at whether in constructing intersectionality the texts use an intracategorical approach that focuses on specific groups at "neglected points of intersection", an intercategorical approach to

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<sup>29</sup> Yuval Davis 2006b

<sup>30</sup> Vega, Lombardo & Agustin (2009) Intersectionality in the European Union. QUING Deliverable, Lombardo & Verloo 2008, Walby 2007

<sup>31</sup> [www.mageeq.net](http://www.mageeq.net)

systematically understand and reform policy categories to be more responsive to social reality, or finally use an anti-categorical approach in which categories are deconstructed or dismissed in some way (McCall 2005). The main question to analyze here is whether texts that have something to say about intersectionality have an approach that extends to categories and their stability or whether they simply respond to specific identified social problems (like the forced sterilization of Roma women) without elaborating upon social inequalities in a more general way. The analysis will also look at the differences in the ontological depth (Verloo 2006) of the different categories used in intersections in the texts. Domains of depth will follow Verloo's typology in combination with some of the QUING methodology: labour, intimacy, citizenship and culture will be the possible locations of inequalities; resources, norms and coercion will be the mechanisms of the reproduction of inequalities.

## **5. The way forward**

Reflecting on the theoretical approaches and puzzles above, this report will attempt to analyze the incorporation of intersectionality into Hungarian gender equality policies through the four policy issues of QUING. The report will look at recognition struggles through civil society activity, the institutionalization of intersectionality at state level and finally, with reference to both civil society and the state, how policy debates frame intersectionality especially in relation to gender equality.

## II Intersectionality in General Gender Equality

### 1. Introduction

Hungarian equality policy and within that policy on gender equality machinery since its inception in 1989 has been balancing two approaches to the different equality grounds. The first one is a merged one in which different equality grounds are treated together in similar status. The second one is a separate, grounds specific approach which implied a separate focus on the politically most privileged inequality grounds. It is the interaction and competition between these two approaches that shapes equality policy, its choice of inequality grounds and its approach to the integration of intersectionality considerations in Hungary.

The duality of approaches to inequality grounds originates from 1989 when the 1949 Hungarian Constitution was reformed to integrate the basic requirements of modern democratic states, including human rights clauses. Thus Article 70/A<sup>32</sup> of the Hungarian Constitution<sup>33</sup> provides for the general prohibition of discrimination in Hungary. It lists as inequality grounds race, colour, gender, language, religion, political or other opinion, national or social origins, financial situation, birth and leaves the list open ended for the inclusion of further grounds. Sexual orientation has been considered several times by the Constitutional Court under the category other grounds. In the meantime the Constitution also has a separate clause (Article 66<sup>34</sup>) on gender equality and a separate clause on national and ethnic minorities with special emphasis on political participation and political rights (Article 68). It is important to note though that while Article 70/A is a product of the 1989 Amendment of the Constitution, Articles 66 and 68 that target specific grounds are a heritage of the pre-89 period.

While in the 1990s the Constitution remains the main reference point when talking about equality, separate equality policies on the three politically most privileged grounds start to develop. These are national and ethnic belonging (Act on Protection of National and Ethnic Minorities 1993), gender equality (launching the first gender equality machinery in 1995 and

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<sup>32</sup> “(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, colour, 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.”

<sup>33</sup> Act XX of 1949 The Constitution of the Republic of Hungary.

<sup>34</sup> “(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.”

passing the Governmental Decree on implementing the Beijing Platform in 1997) and disability (Act on Rights and Equal Opportunities of Disabled Persons in 1998).

From the end of the 1990s and beginning of 2000s the need for comprehensive anti-discrimination legislation was increasingly formulated. Three Anti-discrimination bills reached the Parliament in 2000-2001, one on ethnic discrimination, one on gender discrimination and a general one covering all grounds of discrimination<sup>35</sup>. The bills show that there was competition between advocates of a comprehensive anti-discrimination policy who supported a merged approach and those who were favouring equality policies on separate grounds for the most prominent grounds of inequality.

Finally, the Act on Equal Treatment and Equal Opportunities that was adopted in 2003 has opted for the merged approach. It did so with reference to the recent trends in the EU to treat the grounds together<sup>36</sup>. The Act applies to a very extensive list of grounds of discrimination which are also left open ended. 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, nationality, national or ethnic origin, mother tongue, disability, state of health, religious or ideological conviction, political or other opinion, family status, sexual orientation, gender identity, age, social origin, financial status, membership in employee organizations or any other status, attribute or characteristic. It is important to note that while the Act does not formally establish a hierarchy in the inequality grounds that it lists, the Equal Treatment Authority which is the enforcement agency of the Act defines procedurally a hierarchy of grounds. Thus while procedurally there can be no justifications provided for instances of differential treatment that would qualify as direct discrimination for gender and race, such justifications may be provided for all other grounds. Another privileging of grounds in implementation is related to the equal treatment plans that according to the Act have to be prepared yearly by employers above a certain size. These plans only have to include women, Roma, people aged 40+, disabled people, single parents, and parents with 2+ children.

Recent policy development connected to integration into EU social and employment policy processes also tends to have a merged approach to inequality grounds, but with a focus on the few politically privileged grounds of: disability, ethnicity, gender, age and regional disadvantages (both in the sense of rural vs. urban and in the sense of disadvantaged vs. prosperous regions).

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<sup>35</sup> Bill on Prohibition of Discrimination against Roma .../2000. Bill on Equal Opportunities for Women and Men, No. T/3804/2001. Bill on Equal Treatment and the Prohibition of Discrimination, No. T/4244/2001.

<sup>36</sup> Dombos, T., Horváth, A. and Krizsán, A. (2007) 'Where did gender disappear? Anti-discrimination policy in the EU accession process in Hungary', in M. Verloo (ed.) *Multiple meanings of gender equality: A critical frame analysis of gender policies in Europe*, Budapest: CPS Books.

The absence of class *per se* from the list should be noted. Due to the historical heritage of the pre-1989 socialist regime characterized by the over-ideologization of class, distinctions and inequalities based on class are a taboo in the post-1989 period equality policy language. Meanwhile, the fact that the Equal Treatment Act contains financial status and social origin is a remarkable presence of class thinking which is quite unique in anti-discrimination laws. Throughout our analysis different class related categories will be used to capture distinctions and inequalities that can be labelled as class related. The intersectional category used in social and educational policy named “multiply disadvantaged” which has ethnicity, poverty, regional disadvantage and sometimes age as its components can be seen to capture class-like distinctions. Our analysis will look for intersections with class though these implicit categories.

While the persistence of a merged approach to equality from a very early period onwards is notable in Hungary, it is striking to note that this merged treatment has not led to the development of increased sensitivity to intersectionality. So while there is a multitude of grounds of inequality that are treated in parallel to each other in several documents, patterns in which different inequality categories are seen to intersect with gender are quite limited in variety, in scope and in presence as well . Multiple discrimination or any other named intersectionality concept is missing from the Equal Treatment Law.

The most prominent and most complexly represented group is a specific group at the intersection: Roma women. But in the rare instances where intersectionality is present, gender is also discussed in relation to age, regional disadvantages, marital status and class. The categories that are least represented are gender in intersection with disability and gender in intersection with sexuality.

## **2. Institutional level**

### *2.1. State institutions*

The institutional framework for gender equality is composed of three pillars: the oldest is the governmental regulatory machinery, next to it there is a multi-stakeholder council type organization, and finally the most recently developed pillar is a complaint mechanism. This section will look at how intersectionality is incorporated in the creation and functioning of these bodies; how gender is placed in relation to the other inequality grounds in them and; analyze competition and alliances between the inequality grounds within this framework.

At the level of the governmental equality machinery, a ground specific approach seems to dominate over the years, except for short periods of merged treatment of the grounds. It is important to understand the relatively long but stormy history of the gender equality department in order to see the processes and mechanisms of competition, hierarchy and exclusion of grounds from the most important governmental equality machinery.

The first institution for the promotion of equal status of women was created in Hungary at the end of 1995, with the impact of the Beijing conference. The Secretariat for Women's Policy<sup>37</sup>, called Equal Opportunity Secretariat from August 1996, was established within the Ministry of Labour and functioned to exclusively serve gender equality purposes until elections in 1998. 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. In 2002, the newly elected government changed the status of the Secretariat yet again. Its name became Directorate for Equal Opportunities and it operated in the Ministry of Employment Policy and Labour to deal with all inequality grounds. At the beginning of May 2003 the Government announced that equal opportunities were to be elevated to ministerial status headed by the Minister for Equal Opportunities without portfolio. The Ministry, continuing the record of the previous Directorate, was meant to cover all grounds of inequalities. The changes that are visible in this period are: on the one hand, the issue was brought to a different, higher, status; on the other hand, the issue of equal opportunities for all grounds was brought under a single institutional umbrella. Within the Ministry, the Directorate for Equal Opportunities between women and men dealt with gender equality issues. Separate Directorates dealt with Roma, disabled, civil society, and regional development.<sup>38</sup>

From September 2004,<sup>39</sup> the former Equal Opportunity Ministerial structure was integrated within the larger Ministry of Youth, Family, Social Affairs and Equal Opportunities. Paradoxically however equal opportunity issues on grounds of gender came to be integrated not within the larger equal opportunity department but were located within the competence of the deputy state secretary for EU coordination and strategy. During this period the Women's Directorate within the Ministry was represented at a lower level than the other Directorates working on the other grounds of inequality<sup>40</sup>. 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 equality policy issues, disability equality policy issues and equal opportunities as an umbrella term. The equal opportunities umbrella department has a sub-department for youth and children, a secretariat at a lower level for elderly people, and a sub-department for equal opportunities between women and men.

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<sup>37</sup> Secretariat see Lévai Katalin (1998), Gyulavári Tamás (1998), Egyenlő Esélyek Titkársága (1998)

<sup>38</sup> See [http://www.eselyegyenloseg.hu/hivatal\\_szervfel.html](http://www.eselyegyenloseg.hu/hivatal_szervfel.html)

<sup>39</sup> Appointment of a new socialist liberal government involving also some restructuring of ministries and governmental offices.

<sup>40</sup> 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](http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502)



The history and the present structure show that in the competition of grounds for state recognition in the form of a governmental structure the gender equality ground is losing out. The process clearly goes from a gender equality specific independent department towards a merged approach to inequalities but with some sub-divisions for the specific grounds. In this process, gender equality consistently ends up at lower levels of the hierarchy, with disability and Roma being the most politically privileged categories. It is important to note the inconsistency of establishing inequality ground specific departments: ethnicity per se is not dealt with, but only one specific group gets the attention of a department: Roma. Children and youth issues are also structured separately, and in no relationship with elderly issues. Several, indeed most, of the grounds covered by the Equal Treatment Act are not integrated within the structure at all. The department also seems to have no integrated chapter which could be foreseen as dealing with grounds that are not covered or with intersectionality issues. Merging the treatment of all inequality grounds seems to bring all of the associated disadvantages in Hungary: an arbitrary hierarchy and exclusion of grounds and also the absence of other than parallel approaches to the grounds (Squires 2008).

Along with the governmental gender equality mechanism, in 1999 a higher-level consultative multi-stakeholder coordinating body was also launched: the Council for Women's Affairs<sup>41</sup>. A similar Council exists for disability, for age and Roma<sup>42</sup>. These councils are major interfaces between the state and NGO sector in equality policy making. The council originally consisted of representatives of all Ministries and the Prime Minister's Office, 6 members representing national women's associations, 5 recognised 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 information material concerning gender equality. The Council had been standing until the 2002 parliamentary elections, had a break in operation afterwards and then re-emerged around 2006. Its recent reform<sup>43</sup> initiated by NGO activists widened the scope of the Council and most importantly increased the emphasis on a complex understanding of gender inequality within the framework of the Council. The Council, now called Council for social equality between women and men, will have a larger NGO component of altogether 11 members. While three of the 11 should be representing umbrella organizations in Hungary the other 8 will be elected according to engagement with different policy fields seen to be relevant to gender equality. These are human rights (including violence), employment, participation in public life, media and prejudices, health and reproduction, family policy, regional development and finally, of special relevance for this report, multiply disadvantaged women. With these criteria which established the selection of candidates to the Council, intersectionality is recognized in

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<sup>41</sup> 1059/1999 Governmental Decree on launching the Council for the Representation of Women

<sup>42</sup> Fogytékosügyi Tanács, Idősügyi Tanács, 2002-2006 Romaügyi Tanács, 2006- Roma Integrációs Tanács.

<sup>43</sup> Governmental Decree .../2008 currently before the Government.

institutional terms for the first time in Hungarian equality policy. Meanwhile, it is important to note on the one hand the clear hierarchical relation between gender and any other grounds that might come to intersect with it and define the specific appointment; on the other hand, the marginality and the absence of mainstreaming intersectionality to gender equality which is also notable from the nature of the appointment.

The third institutional pillar of Hungarian equality policy is the complaint mechanism. The current complaint mechanism, the Equal Treatment Authority, was established by the 2003 Act on Equal Treatment and Equal Opportunity as a public administrative body, which has the task to ensure compliance with the principle of equal treatment for all grounds covered by the Act. The Authority has been in operation since January 2005, and it made up for an important absence in more efficiently addressing inequality related claims, especially if those were not ethnicity based. Prior to the Authority, the Parliamentary Commissioner (Ombudsman) for Civil Rights and the Parliamentary Commissioner for the Rights of National and Ethnic Minorities served as alternative complaint mechanisms responding to inequality related claims. While the Minority Ombudsman was extremely active in dealing with ethnic discrimination, the general ombudsman failed to take on a similar role with respect to gender equality. Throughout its work, the institution has only taken up one gender discrimination case<sup>44</sup>, and even in this one its approach was rather restrictive<sup>45</sup>. Beyond serving as an institutional structure to address discrimination claims made on all grounds listed by the Act, the Authority also seemed to open up the possibility for addressing intersectional claims. In practice, the professional background of the leading employees of the Authority and the statistics of the cases they settled in the first 3.5 years of operation, seen together with the absence of any proactive engagement to bring cases for less involved grounds, shows the same problematic aspects in terms of intersectionality as the ones pointed out in the case of the regulatory agency. The hierarchy of grounds is visible. The Advisory Board of the Authority (the main professional body and advisor behind its activity) has six members who are appointed by the Prime Minister based on recommendations from the Minister in charge for equal opportunity issues and the Justice Minister in consultation with “other organizations promoting equal opportunities”<sup>46</sup>: two children’s rights experts, one disability rights expert, one race discrimination expert, one race and sexual orientation based discrimination expert and one expert on social rights and general anti-discrimination rights. No expert on gender equality sits on the Board, and none of the experts have any background or experience in dealing with intersectionality. The chief expert of the Authority also brings an ethnicity background. An interview with one of the Board members<sup>47</sup> confirms that the Board has not addressed the issue intersectionality thus far. The composition of the Board and the Authority confirms the conventional privileging of inequality grounds in which ethnicity, children

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<sup>44</sup> CEDAW Concluding Comments on Hungary’s Combined Fourth and Fifth Periodic Report (August 2002)

<sup>45</sup> 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

<sup>46</sup> Article 17/C Equal Treatment Act

<sup>47</sup> Interview with Lilla Farkas. October 21, 2008

and youth and disability come to the forefront. Sexual orientation seems to be an exceptional addition here.

With reference to cases investigated by the Board, Farkas argues that the range of grounds is so wide that it leads to a superficial, one size fits all treatment. She argues that there is no disadvantage that would not be covered by one of the several grounds; the problem is not missing out disadvantages but in understanding them and handling them adequately. A light review of the activity of the Authority shows that the decisions it has made in response to complaints are organized into groups according to inequality axes, without any reference to intersectionality/multiple grounds of discrimination. This lack of attention is striking because in several cases even the short description of the complaint makes it clear that more than one axis of inequalities is involved. Two examples from 2008 illustrate what seems a random choice of the type of inequality that is taken as primary in complex cases. The case of an older woman who complained of harassment at work on the basis of her age, marital status and gender is seemingly randomly listed under the heading of “discrimination on the basis of family status”; whereas the case of a Romani woman whose family was evicted from a council flat is listed under class-based discrimination.<sup>48</sup> The activity and structure of the Authority emphasizes yet again the potential of merged treatment of grounds to establish hierarchical relations between grounds when prioritizing the politically most accepted ones, while again it becomes evident that merged treatment is not automatically leading to consideration of meeting points between the different grounds or better understanding of the complex interaction between the grounds.

Finally, an institutional structure that recently developed in Hungary is the Monitoring Committees (MC) for EU structural funds planning and spending. These Committees, established for every individual Operational Programme along which money is spent, have to include civil society representatives along the horizontal priorities of the National Development Plans. One of the horizontal priorities is equal opportunities in Hungary. Therefore all MCs include representatives of NGOs working along the three main accepted inequality grounds in Hungary: ethnicity, gender and disability. The MCs are given quite flexible prerogatives and even funding which, in case of active NGO engagement, may allow for substantive work towards the promotion of the horizontal priorities. Promotion of equal opportunities has been seen by many as a success of the activity of MCs<sup>49</sup>. Along with the potential to mainstream equal opportunity considerations into the spending of structural funds, MCs composition also opens a window for intersectional cooperation and alliances between NGOs representing the different grounds. Little analysis has been done thus far on the output of these committees in general, and even less is known about whether their work can be seen as promoting intersectionality, but this would be worth exploring.

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<sup>48</sup> <http://egyenlobanasmod.hu/zanza/43-2008.pdf> and <http://egyenlobanasmod.hu/zanza/54-2008.pdf>

<sup>49</sup> Interviews with members of MCs: Herta Toth, Viola Zentai

## 2.2. Civil society

The section on civil society will look at how civil society responds to intersectionality as social reality and to the ways in which intersectionality is institutionalized. It will examine the ways in which civil society organizations are structured and the ways these structures respond to the relationships between inequality grounds. It will explore the nature and scope of organizations, map coalitions and alliances, as well as looking at competition and hierarchy between organizations and thus implicitly the grounds they represent.

Civil society in Hungary is primarily organized by inequality ground. Civil society organizations are most numerous, most active and best organized in the field of disability. But there are also many organizations organizing on ethnic or national origin grounds, and several children's rights' organizations. The number of organizations is more limited for sexual orientation.<sup>50</sup> Organizations focusing on elderly and retired people are numerous, but their visibility is very low and almost none engage with policy. Although many gender equality organizations were registered in the early 90s, only a few of these remained active<sup>51</sup> due to the limited financial and social support these organizations received. The main umbrella organization working on gender equality and also the Hungarian member of the EWL is the Hungarian Women's Lobby (HWL)<sup>52</sup> which has 49 member organizations and encompasses the overwhelming majority of important and active organizations. There are two other umbrella organizations representing women in Hungary. One is the Hungarian Council of Women (legally the continuation of the same organization from before the transition, with branches throughout Hungary, 45 members). The Council is organized on a regional settlement basis<sup>53</sup>. Regional disparities as an inequality axis might shape their agenda implicitly, but this is not explicitly integrated in their mission statement. A third umbrella organization is the Independent Women's Alliance which is a conservative umbrella of organizations with 18 members. The Independent Women's Alliance is also a member of the Hungarian Women's Lobby.

Looking through the lens of intersectionality, it is important to note that the overwhelming majority of bodies organized on grounds of ethnic and national origin, disability and, to some extent, sexual orientation, are focused on specific sub-groups: different ethnicities or national minorities or different types of disabilities. Meanwhile, organizations working on gender equality and children are more issue or region based as if a presumption of homogeneity of the groups would be more typical. The membership of the HWL includes several regional and local organizations and several professional organizations.

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<sup>50</sup> 16 registered NGOs with sexual orientation focus, national umbrella organization in formation.

<sup>51</sup> 2000 CEDAW Report.

<sup>52</sup> <http://www.noierdek.hu/>

<sup>53</sup> [http://www.noszovetseg.hu/index.php?option=com\\_content&task=view&id=16&Itemid=40](http://www.noszovetseg.hu/index.php?option=com_content&task=view&id=16&Itemid=40)

On a limited reading of the lists of NGOs working on gender equality, different manifestations of intersectionality can be noted. One is organizations representing specific groups at points of intersection. Good examples of this are two organizations from the members of the HWL which represent Roma Women<sup>54</sup> and represent lesbians<sup>55</sup>. It is important to note that it is not necessarily the case that those organizations representing specific intersectional groups also frame their claims in intersectionality terms. While no thorough analysis was conducted on this, *Közéleti Roma Nők Egyesülete* for example formulates its goals either in terms of classical women's rights or in more general terms, but does not capitalize on a mutually constitutive understanding of what it means to be a Roma woman and what is specific about this.

Another, more implicit representation of intersectionality is when an organization formally promoting one inequality ground joins a coalition or alliance clearly organized around some other ground of inequality. Such an example is HARKE<sup>56</sup>, an organization promoting the rehabilitation of deaf people which joined the HWL. Another intersectional organizational form is when bodies organized around a specific policy issue, such as violence against women, have an intersectional coverage of the policy issue that they focus on. Two organizations from the HWL members, Patent and Habeas Corpus Working group, have intersectional approaches in how they define their victim categories while having a rather issue specific focus (both aim to struggle against patriarchal society and their target groups include women and sexual minorities). As the numbers and examples show, the overwhelming majority of the organizations in the gender equality field are strand based, with a few specific examples that to different degrees attempt to grapple with interaction between inequality grounds.

The main coalition of NGOs addressing gender inequality is the HWL. While created in 2003 with the need to delegate a Hungarian representative in a procedurally appropriate way to the EWL, its existence has gone beyond that in the last couple of years to advocate for different gender equality related goals, such as in the process of development of the Hungarian equality legislation, in relation to the development of the National Development Plan and its equal opportunity framework, in matters related to violence against women, quota in political representation, as well as abortion. The HWL has 11 priority themes, one of which is the multiple discrimination of women with special reference to citizenship status, disability, and sexual orientation. The membership also seems to be responsive to considerations of intersectionality.

Besides the stable coalition of the HWL, gender equality organizations also join occasional alliances for specific targets. Such an occasional alliance was established between the transnational organization based in Budapest called European Roma Rights Centre and the HWL for purposes of developing and disseminating the Hungarian CEDAW shadow reports. Although the alliance resulted in two separate shadow reports (one on Roma women and

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<sup>54</sup> *Roma Nővédelmi Szervezet and Közéleti Roma Nők Egyesülete*

<sup>55</sup> *Labrisz Leszbikus Egyesület*

<sup>56</sup> *Hallássérültek Rehabilitációjáért Küzdők Egyesülete* <http://www.harke.hu/page.php?item=1>

another on women on general), the alliance pursued a common dissemination strategy for the reports<sup>57</sup>. Occasional alliances are also made between the three main grounds (gender, disability, Roma) within the framework of structural funds spending in the MCs (described above)<sup>58</sup>. Similar alliances were created in relation to some of the other issues analyzed in this report (see relevant parts of the report).

Given the above institutional framework and the scarcity of resources but also lack of political will for equality related issues, the main inequality grounds are permanently at odds with each other in implicit ways. While competition is permanently present in the unofficial communication of civil society actors, this competition most prominently surfaced in relation to the adoption of the Equal Treatment Act throughout 2002-2003. As discussed above, the main conflicting approaches at that time were the merged approach and the separate grounds approach. State officials and especially the Ministry of Justice in charge of developing the Bill together with representatives of politically less privileged grounds (that would have had no chance of being covered by equality legislation other than by a merged Act proposing a generous list of grounds), supported the merged approach. Meanwhile, representatives of the major grounds but especially ethnicity and gender, grounds which just a few years earlier had a good chance of gaining their “own” separate laws as in the case of disability (from 1998), strongly opposed the merged approach and expressed discontent with the final version of the Bill. The HWL has been especially articulate about how the law representing a merged approach subsumes the specificity and structural components of inequality suffered by women. A discussion about the relationship between the different inequality grounds that the HWL suggested as an alternative to the merged and parallel approach of the Equal Treatment Law follows in the next section.

### **3. Framing intersectionality in general gender equality**

Five years ago one could say that Hungarian policy debates on general gender equality had entirely neglected the integration of intersectionality either in direct or implicit ways. Since 2003 discussion of intersectionality is still marginal to the debate but its presence cannot be dismissed. Its different forms -ranging from general complex understanding of mutual constitution of inequality grounds, through interactions between grounds situated in hierarchical order, to discussion of intersectionality through the specific policy problems of specific groups at intersection- occur in several of the analyzed policy texts and beyond. This is not to claim that intersectionality is now seen as an important part of discussions on inequality in Hungary, but that debates on inequality do address intersectionality to some extent.

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<sup>57</sup> See the shadow reports at <http://www.iwraw-ap.org/resources/pdf/Hungary%20SR%20final.pdf> and [http://www.iwraw-ap.org/resources/pdf/Hungary%20SR%20\(Roma\).pdf](http://www.iwraw-ap.org/resources/pdf/Hungary%20SR%20(Roma).pdf) . See the common press release of the two organizations at <http://www.noierdek.hu/home/node/63>

<sup>58</sup> Interviews with current MC members Herta Toth and Viola Zentai.

The competition between two approaches to framing equality policies, the merged approach that treats all inequality axes together and the separate approach which focuses on the specifics of each inequality ground, sets the main framework for discussing the framing of intersectionality in the context of general gender equality policies in Hungary. While at first sight the merged approach might seem more favourable to intersectionality, analysis of the Hungarian debate suggests otherwise; with the exception of one policy text representing the merged approach, intersectionality, in the sense of mutually constitutive relationships between the inequality axes, appears more easily integrated into the separate grounds approach. The documents that represent a merged approach in the overwhelming majority of cases only have a parallel approach to inequality axes. They treat inequalities as similar and running alongside each other but without recognizing any meeting points<sup>59</sup>. It is also important to emphasize that several of the most important official gender equality policy documents, including the Roadmap<sup>60</sup> and the 2006 CEDAW Report, pay virtually no attention to intersectionality, other than passing notice of social problems related to specific groups at points of intersection.

This section of the report will proceed to analyze the patterns of framing intersectionality in those texts where this is meaningfully done. It will look at how intersectionality is named in the Hungarian debate. It will look at the depth of intersectionality: whether it is seen to mean parallel, additive, mutually constitutive or competitive relationships between the inequality grounds; whether it refers to the complex phenomenon of intersectionality or simply focuses on specific groups at intersectional points; and will explore how this is manifested at the level of the problem definition and at the level of solutions offered. Finally, it will look at specific intersecting grounds that are present and the groups discussed.

How is intersectionality named? Three approaches can be differentiated and mapped in the texts of the debates. Firstly, a complex understanding of intersectionality in which all grounds may intersect with all others and all of these intersections are seen to shape what inequality means. This concept is not necessarily shaped by its depth but rather by its inclusiveness in terms of categories seen to intersect and the absence of any hierarchical relations between these grounds in the way the concept is constructed. It is this kind of complex intersectionality concept that a merged approach to inequalities seems to favour. Nonetheless, despite the prevalence in Hungary of a merged treatment of all or several inequality grounds, this kind of conceptualization of intersectionality only occurs once in the documents analyzed. It is conspicuously missing from any of the official documents developed in relation to the Act on Equal Treatment and the creation of the Equal Treatment Authority. It is also absent from the documents developed in relation to the National Development Plan and the regulation of structural funds spending. The

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<sup>59</sup> Documents analyzed in LARG that fall under this category are: Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities; Explanation of the Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities.

<sup>60</sup> Gender Equality Roadmap 2006-2010

<http://www.szmm.gov.hu/main.php?folderID=16379&articleID=31674&ctag=articlelist&iid=1>

one document that uses this concept is the National Strategy and Priorities for the European Year of Equal Opportunities prepared by Hungary for 2007<sup>61</sup>. The Strategy lists with reference to Article 13 of the Amsterdam Treaty as one of its 6 priorities the need for balanced treatment of the six major inequality grounds of the Treaty and of the intersectional effects of multiple discrimination. The Strategy explicitly defines multiple discrimination to mean the mutual constitution of different inequality grounds and sees the merged treatment of the grounds as the precondition for efficiently addressing multiple discrimination<sup>62</sup>. While the presence of such a definition in a Hungarian official policy document is significant, it is important to note the declarative and marginal nature of the document and the fact that it has largely been written because of international pressure.

The other approach to intersectionality which is predominant in current Hungarian debates is an approach which looks at intersectionality through the lens of some specific inequality ground and thereby establishes a hierarchy between grounds. This approach seems to be the direct emanation of an increasingly complex understanding of the complexity of different specific inequalities in the case of some of the most debated and recognized inequality grounds. An example of this approach is found in one of the core gender equality policy NGO texts- the Position of the Hungarian Women's Lobby on the Project of Law on Equal Treatment and the Promotion of Equal Opportunities- but can also be found in a document not analyzed in LARG- the National Disability Strategy for years 2007-2013<sup>63</sup>. The Women's Lobby document recognized the mutually constitutive nature of gender and other inequality axes, and explicitly discusses the qualitatively different problems experienced by multiply disadvantaged women that cannot be explained by an additive approach. The specific groups at intersections which are explicitly addressed are: Roma women, disabled women, immigrant women, single mothers and lesbians. While the document provides a general level definition as well, going beyond the specific groups' problems, even in this definition gender can be seen as constructed at a hierarchically higher level. A similar but somewhat more restricted approach is used by the Disability Strategy. The Strategy has as its starting point the diversity of the group of disabled people including people having multiple disabilities. Multiple discrimination adds to this complexity and in this case is discussed specifically in relation to disabled women and persons with disability belonging to national or ethnic minorities. It is not entirely clear whether the relationship between the grounds here is seen as additive or as mutually constitutive. The approach proposed for addressing this complexity is an individualized approach to each and every inequality, whether based on one ground or multiple grounds. It is clear in both cases that while a hierarchical relationship is established between the grounds, and the inequality ground in focus is privileged by the respective documents, intersectionality adds to the understanding of the nature and complexity of that specific inequality (whether gender or disability), so its inclusion is clearly transformative.

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<sup>61</sup> [http://www.mature-project.eu/materials/nemzeti\\_startegia\\_es\\_prioritasok\\_0701171.pdf](http://www.mature-project.eu/materials/nemzeti_startegia_es_prioritasok_0701171.pdf)

<sup>62</sup> Section II/2

<sup>63</sup> <http://www.szmm.gov.hu/main.php?folderID=1295>



The third approach to intersectionality that occurs in Hungarian documents is the most limited one. It focuses on a specific group at an intersection and its social problems without challenging the meaning of inequality in general or associated with any specific ground. The group that is repeatedly discussed using this approach in Hungary is Roma women. This approach does not necessarily imply a discussion on intersectionality concepts, though it may do so in some cases. The two most prominent examples of this approach are found in the Shadow Report submitted to the CEDAW on Roma Women by the European Roma Rights Centre<sup>64</sup> (ERRC) and the Decade Action Plan of the Republic of Hungary prepared within the framework of the Decade of Roma Inclusion in 2005<sup>65</sup>. The ERRC Shadow Report proposes a more sophisticated understanding of intersectionality and it attempts to link the conclusions flowing from the report to policy recommendations that would have an impact on a wider conceptualization of intersectionality in the Hungarian policy context. In contrast, the Decade Action Plan does not link the existence of specific problems faced by Roma women to any conceptual framework. Roma women are the only specific subgroup that is discussed and the social problems that are addressed in relation to them imply a mutually constitutive understanding of the relationship between gender and ethnicity, but the discussion is not linked to an understanding of the complexity of meeting points between inequality grounds. Gender equality is not mentioned a single time in the document.

Similarly limited approaches can be found in other policy texts. It is typically cases when a social problem is identified in relation to some group at a point of intersection but the implications of these specific problems in terms of the meaning of inequality are not drawn out. Frequently mentioned groups include women above 45 years and young women in relationship to employment, poor women, and women facing regional disadvantages in relation to childcare and employment. In the Parliamentary debate of the Equal Treatment Law these groups at intersections were mentioned in a number of speeches, but rarely connected to intersectionality at a conceptual level. Only one MP (Bernath)<sup>66</sup> made the link between the need to regulate multiple discrimination and the specific problems faced by groups at intersections.

Finally, the presence of a competitive anti-intersectionality framing in the Hungarian debates on general gender equality should also be mentioned. One example of this approach which drives competition to the extreme is not related to gender equality, but addresses primarily ethnicity as competing with sexual orientation and disability. The speaker in the Parliamentary debate of the

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<sup>64</sup> <http://www.errc.org/db/02/55/m00000255.pdf>

<sup>65</sup> [http://www.vlada.cz/assets/cs/rvk/rzrk/dekadaromskeinkluzede kadavostatnichzemich/Madarsko/02\\_hungarian\\_1\\_.pdf](http://www.vlada.cz/assets/cs/rvk/rzrk/dekadaromskeinkluzede kadavostatnichzemich/Madarsko/02_hungarian_1_.pdf)

<sup>66</sup> Debate on the Bill T/5585 on equal treatment and the promotion of equal opportunities. On 17 October, 25, 26 November, 9 December 2003

Equal Treatment Act is a right wing Roma politician<sup>67</sup>. He refuses the comprehensive anti-discrimination legislation covering ethnicity and sexual orientation among several other inequality axes on the grounds that ethnicity should not be mentioned together with deviance and sickness. He also connects his approach to the competition between resources and the primacy of ethnicity, and specifically Roma, in promoting equality. Competition for resources and for political privilege in general between the grounds is a recurring issue in conferences, meetings, and personal conversations. Women's NGOs sometimes raise the issue of why it is that certain groups, like disabled and Roma, are represented on a higher level than gender equality within the government. The CEDAW Shadow Report written by the HWL also raises this issue both in relation to the placement of Roma, disability and child protection higher in the ministerial hierarchy and in relation to the Equal Treatment Advisory Board's absence of attention to gender issues as compared to Roma and disability issues.

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<sup>67</sup> Farkas Florian (FIDESZ) Debate on the Bill T/5585 on equal treatment and the promotion of equal opportunities. On 17 October, 25, 26 November, 9 December 2003.

### III Intersectionality in non-employment

#### 1. Introduction

In policy debates concerning (non)employment in different European traditions of the welfare state, the most obvious (in)equality ground is the one which is named either as socio-economic, or distributive, or simply welfare. In other words, given that employment is placed in the interplay of state, market and family relations, any state policy cannot but address inequality relations in a material/distributive sense. These relations are often named and connected to some social categories, in the simplest cases referring to the ‘vulnerable’, the ‘needy’, and most recently the ‘excluded’. If within these basic patterns of employment debates one makes any reference to other main social categories that became regularized by European political and legal discourses on anti-discrimination and subsequent equality concepts, the language becomes intersectional “by default”. This may makes the NE field somewhat different from the rest of the topics that QUING research examines.

Nonetheless, this default position does not make the topic of NE simple for intersectionality analysis. The obvious starting point of NE debates in distributive patterns and outcomes does not create an unambiguous conceptual link to a category with which intersectionality debates are grappling, that is the notion of ‘class’. It is far from obvious when and how scholarly and critical debates find the incorporation of class significant in the intersectionality debates. Thus, there is no surprise that policy language and frames in employment do not show a radically different picture, i.e. more clarity or consensus on the place of class/distributive conditions in the analysis.

Before getting into the realm of the policy language of NE debates in Hungary, it is worth noting that these debates are embedded in a context that is characterized by continuities and discontinuities in conceptual debates in the recent past. The policy frames, the language, the political and professional horizons of the policy makers are connected by obvious or more hidden ways to debates of the state socialist era, especially of the emerging social policy, sociology, and human rights thinking. This thinking in Hungary gained some recognition in the 1980s; limited public spaces and fora by professionals, public intellectuals, and oppositional thinkers were present due to soft mechanisms of ideological and political control.

In a very rudimentary sense, debates as early as the late 1970s had started to put on the agenda the problem of vulnerable people who could not enjoy the same limited yet guaranteed conditions of life (employment, housing, social services, etc.) to the mainstream of society. Two specific grounds or forms of vulnerability were spelled out with a relatively straightforward language: the *Roma* and the elderly, big families, low skilled workers, domestic migrants living in *backward*, mostly tiny, *municipalities* of the country. These two forms of vulnerability were also combined: intersectionality constructed by the interface of ethnicity and settlement hierarchy was

articulated by literary scholars, film makers, sociologists, and social critics. It is legitimate to argue that understandings produced at that time could claim some common intellectual ground with today's mainstream discussions on intersectionality. Interestingly, gender aspects were also spelled out in some accounts in a truly intersectional sense (elderly women living in the countryside, or deserted farms, poor families with single parents, etc.).

## **2. Institutional analysis**

### *2.1. State institutions*

In this section I briefly describe the most important state institutions concerned with non-employment and their activities. The *Ministry of Labour and Social Affairs* houses the Department for the Equality between Men and Women. The level of this unit in the hierarchy – as a 'department' - is important to note, especially in comparison to the *Main Department of Roma Affairs* or that of *Disability Affairs*. The *Committee against Social Exclusion* monitors and evaluates the implementation of a National Action Plan on Social Inclusion concerning several social groups, with special attention paid to Roma, women and disabled people. The *National Employment Office* supports targeted pilot projects advancing the situation of vulnerable groups in the labour market, including the Roma, disabled (and employees of limited abilities) and women. The *Equal Opportunity Commission* is the commission of the National Interest Reconciliation Council (OET), which was re-established in 2002. It is responsible for the preparation of the discussions concerning equal opportunities of all vulnerable groups (e.g. the Bill on Equal Treatment in 2003), including women, ethnic and sexual minorities, disabled, employee interest representatives, etc. in the world of work. There is no public body representing the special interests of any intersectional groups who participate in social dialogue at a national level. The *Equal Treatment Authority* and its activities are discussed in more detail in other chapters of this report. However, it is important to include in our discussion on (non)employment that in complaints when the Authority acts as a special court of law, the categories of legal cases are completely disjunctive and there are rather hierarchical relations between different inequalities present in the cases. Finally, the *Metropolitan Equal Opportunities Methodology Office* was set up by the Metropolitan Assembly in order to produce studies on vulnerable groups in Budapest.

### *2.2. Civil society organizations*

A brief review of civil society voices helps to reveal contesting or competitive voices that are rarely explicit in the governmental documents.

The *Alliance for Divorced Fathers' Interests* wrote comments on the proposed Family Law within the framework of the new Civil Code in 2008, demanding better opportunities adjusted to the needs of divorced fathers to take care of their children. The commentaries proposed less

alimony to be paid by fathers, arguing that women usually earn the same amount of money, or even more, than men. It was also claimed that the state is too much involved in family relationships leading to a decreasing birth rate. Furthermore, the reconciliation for divorced women is easier than for married women since the former ones are usually exempted from the obligation of paying alimony.

The *National Alliance of Large Families* makes comments regularly on actual family policies, focusing on families and so on married women, but usually in a de-gendered way. Their standing often implies that the duty of child-caring belongs to mothers. By the same token, the lack of opportunities for part time work and tele-work as well as difficulties in reconciliation, are voiced explicitly.

The few women's sections of *trade unions and trade union confederations* in Hungary identify themselves as active actors in lobbying for a better economic and social situation of women in workplaces (e.g. participating in the development of the 2003 Equal Treatment Act), however, publicly available information cannot be found on this. There is no national or sector level organization for women in the world of work. Out of the six trade union confederations only the *National Confederation of Hungarian Trade Unions* (MSZOSZ) has a Women's Committee, while only one Women's Commission is organized within the *Trade Union Alliance of Metal Industry Workers*. These institutions focus on the promotion of women's equal opportunities. Yet they have little influence over agenda-setting in tripartite fora. In trade union confederations, women are conspicuously underrepresented in the executive boards, except for MSZOSZ and SZEF, the ones with and for public sector employees.

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

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

### 3. Framing intersectionality in non-employment

The main issues in the field of NE policy debates do not exactly follow the choice of sub-issues in the QUING project. Equal pay is a very thin topic in contrast to the general concern with low employment among men and women, labour market reintegration of particular groups of society, access to labour market services, family tax and benefit policies, and reconciliation of work and family life. A topic that comes forcefully to the NE agenda in the Hungarian context with a clear intersectionality dimension is the pension reform. It is realized with great regret and self-criticism that at the time of negotiating sub-issues, our knowledge was not thick enough to realize that the pension reform creates a genuinely gender and intersectional agenda with a strong old member-new member state distinction: with two exceptions, the new members states have shifted to two- and three-tier (mixed) pension system, whereas the pay-as-you-go system remained dominant in most old member states in spite of smaller adjustments. The expected (potentially subversive) results of the compulsory private account based scheme (“pay-as-you-earn”) in the pension system and associated challenges to gender equality policies will be discussed later in detail.

A combined discussion will try to describe the ways in which policy texts on employment treat the nature of intersecting inequalities (parallel, additive, hierarchical, etc.), the quality of arguments, and the diagnostic/prognostic emphasis. The quality of arguments will be the leading dimension and a simple typology will be used. Other aspects of the analysis will be interwoven into the discussion of the typology and its supporting examples.

(a) Simple listing of vulnerable/disadvantaged groups with undifferentiated significance and/or with no intersectional inequalities

This technique is pertinent to several key policy documents in the non-employment field. For example, the *Labour Code*<sup>68</sup> mentions the possibility of making an equal opportunity plan by employers, in cooperation with trade unions as well as work councils representing employees. The act suggests paying special attention to vulnerable groups, in general, and to the situation of the group of women, employees above 40, Roma, disabled as well as single and married parents with more children in particular in the course of developing such a plan. The *National Action Plan on Social Inclusion 2004-2006* refers to disabled, addicts, homeless, migrants, and elderly as prime target groups. There is no gender or any other intersectionality category or dimension referred to. The *National Action Programme for Growth and Employment 2005-2008* lists parallel vulnerable groups, such as women, young people entering the labour market, and Roma.

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<sup>68</sup> Act XII/1992, Article 70/A,

The *Strategy on Life Long Learning 2005* seems to be an interesting case as it sets the scene by naming five main categories of disadvantaged people: people with low education, disabled, Roma, (women) returning from maternity leave, other (migrants, incarcerated, homeless, etc.). Later, disadvantaged villages are added to the list. This undifferentiated listing later turns into a rather more developed intersectional discussion.

(b) Unacknowledged or overlooked intersectionality

This “version” of intersectionality basically overlooks or ignores even evident forms of multiple, intersecting etc. inequality conditions and social positions. From a single policy text, it is in most cases difficult to tell whether this blindness is due to competing causes, ignorance, or some strategic bending of the notion of equality. A qualified case for this type of (no) intersectionality is when gender is missing; our examples will mostly centre on this sort of lacunae.

The *Act XXXVIII/2004* on the promotion of employing youth entrants, people above 50, and job-seekers following care-giving for children or other family member, and scholarship holders fails to explain the evident gender component of the major categories addressed in the title of the law. It does not name women among the people above 50, major care-givers or as the mothers returning to the labour market after the completion of their maternity leave.

*The strategic paper on the improvement of the situation of children national strategy 2007-2032 (2007)* determines measures to be taken for the advancement of employing poor children’s parents, such as the provision of day care facilities, the extension of atypical forms of employment, as well as increasing the effectiveness of the distribution of family allowances. The policy problems and options are discussed in the paper and the subsequent Parliamentary Decree on the National Strategy on “Get Children Better”, 2007-2032 have no major gender components. Children are not connected to poor women, rural women, etc. even if the order of priorities in the prognostic sections looks potentially promising from gender perspective: 1. employment, 2. family support, 3. housing, 4. education, 5. special social assistance, services, 6. health.

The *National Action Plan on Social Inclusion 2004-2006* proposes an employment strategy for disadvantaged people. Roma is listed together with employment disability, criminal prosecution targets, school drop-outs, various addicts, and people above 45. (p 26). There is no gender and disability mentioned within the Roma. Section 3.2.1.1 “Social assistance” discusses caring for seriously disabled people and people above 75 as a de-gendered problem both on the side of service provider and recipient. Section 3.3.1 “Roma integration” has no gender perspective at all. Disabled, addicts, homeless, migrants, and elderly are discussed without any intersectional connections. The only exception in this respect is Roma youth which is mentioned related to health problems.

It should be pointed out, however, that the strategy offers a critique of an embodiment of “perverse” intersectional thinking: the disproportionate representation of Roma children among those who are clustered as of special needs or mild mental disability. This practice is seen as the outcome of direct and indirect discrimination in the Hungarian education system as well as an unintended consequence of anti-discriminatory policy actions.

(c) Nominal intersectionality

In this type of policy language, a social category is named at the interfaces of inequality axes but these axes and thus the nature of intersectionality mechanisms are not explained. The best instances of this are where empty diagnostic texts are supported by some prognostic statements in which the policy thinking is a target of direct external control (CEDAW review, Decade of the Roma, etc.)

For example, before the CEDAW Committee<sup>69</sup> the Hungarian government is asked to address the “series of problems and disadvantages faced by Roma women” (Q 26). The response made reference to the *Decade of the Roma* strategy and its gender equality horizontal objectives thus acknowledging that Roma women indeed have to face multiple inequalities. The response left the explanation of the nature of this intersectional problem to another policy document. A somewhat higher level of sophistication characterized the response to Q 27, which inquired about the status of rural women in the prognostic dimension at least. It is important to note that Roma women are not named at all in the Sixth Periodic CEDAW Report by the Hungarian Government 2006 in spite of some embryonic intersectional reasoning in the text (referred to below).

Another example is found in the *National Action Programme for Growth and Employment 2005-2008* which names women returning to the labour market following maternity leave as one of its rare gendered intersectional statements with no diagnostic explanation.

(d) Embryonic or proto-intersectionality

In this sort of reasoning, intersecting disadvantages are pronounced but explanation for mechanisms is missing or remains rudimentary.

One of the best examples for rudimentary intersectional thinking could be found in the *Sixth Period CEDAW Report by Hungarian Government*, submitted in 2006.<sup>70</sup> Article 11 on Employment argues that the 3 year child care allowance makes the return to labour market

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<sup>69</sup> Responses to the list of issues and questions with regard to the consideration of the sixth periodic report, Hungary 30 April 2007

<http://daccessdds.un.org/doc/UNDOC/GEN/N07/326/13/PDF/N0732613.pdf?OpenElement>

<sup>70</sup> <http://daccessdds.un.org/doc/UNDOC/GEN/N06/402/22/PDF/N0640222.pdf?OpenElement>



difficult for women by referring to *Act CXXIII 2004*, facilitating employment through the employer's lower social security rate payment in case of supporting young people, returning mothers, and women 50+. But as discussed above, the Act is not very articulate on the gender aspects of its target categories. In Article 14 on "The position of women in rural Hungary" the report refers to disadvantaged smaller communities that lack employment and childcare institutions and are characterised by higher fertility and traditions that keep women in the household. It further states that Roma families are concentrated in these villages but it does not make the move to examining the problems among Roma women. The text is bolder in its naming of elderly lone women in the rural villages facing the above disadvantages characterising small rural settlements.

To the credit of the editors of this CEDAW report, one should note that it is still controversial to talk about the complex experiences of Roma women beyond the disadvantages caused by poor social services and the general poverty situation of their communities. Even the human rights community speaking on behalf of the Roma community is divided on the possibilities and dangers in addressing the causes of Roma women in connection with traditions and discriminations due to the position of these women in their ethnic community. It is not incidental that one of the best policy texts qualifying for developed intersectional thinking is produced by a largely external body for the Hungarian NGO community.<sup>71</sup>

The *Social inclusion plan 20004-2006*, section 3.1.3 "Women's employment and reconciliation of family and employment" addresses the problems of women returning to labour market after (unpaid) care work for children, dependents and people above 40, and formerly inactive. In prognostic statements, family support, institutionalized child care, and flexible employment are mentioned in parallel as conditions/measures of reconciliation. Child care for rural families and women caring for seriously disabled people are mentioned specifically. All these points have an obvious gendered character which surfaces and disappears from sentence to sentence in the text. But the complexity of intersectional problems of gender, family status, and settlement hierarchy remains unelaborated or taken for granted.

Section 4.3.1 "Support for civil society" of the above document discusses that state support for civil society organisations (CSOs), including those providing social services, is below 30% in contrast to 40-60% in old member states. However, the more significant problem these statistics reflect is not referred to: the share for CSOs offering social services, equality and human rights advocacy and services, etc. is disproportionately lower than the one for sports, leisure, and environment driven ones. One could get a better grasp on the development of any equality thinking in broader social contexts if it is noted that the total support for CSOs within the major central fund (partly composed by citizens 1% income tax, partly composed by state revenues distributed by elective bodies) is miniscule.

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<sup>71</sup> <http://www.errc.org/db/02/55/m00000255.pdf>

The issue of child poverty, rehearsed with devotion by the policy makers in Hungary time after time, could be an important domain to address intersectionality problems. *The strategic paper on the improvement of the situation of children, national strategy 2007-2032* does not provide much analysis refining the notion of multiple inequalities, at least not from a gender perspective. Children's affairs is the issue in which key texts are often seen to bend or replace the notion of gender inequality. The key Hungarian policy text finds intersectional relations of child poverty with a traditionally well developed inequality dimension, notably the settlement hierarchy. But it does very little to include gender into the diagnostic picture. A glimmer of hope appears when the text defines an order of priorities when contemplating prognostic possibilities in the following way: 1. *employment*, 2. family support, 3. housing, 4. education, 5. special social assistance and 6. health. Employment would give a relatively easy connection to gender issues but this remains only a hope.

(e) Mute intersectionality

In several policy texts, intersecting disadvantages and often the mechanisms are pronounced, but the group is not named. This category has very clear overlap with incomplete intersectionality, thus at a later stage, they could merge into one type.

*The Parliamentary Decree on the National Strategy entitled "Let it Be Better for Children", 2007-2032* argues that the poverty risk line is the sharpest between families of 3 or more children and those with fewer children. The document stresses that dwelling in small villages, Roma ethnicity adds to the disadvantages. "Poverty issue is not a Roma issue, yet the interdependence is clear: in case of Roma, to the regional disparities and residential segregation at backward regions discrimination is added" (p11). This is an advanced perception of interlinked inequality mechanisms, but gender is missing from the reasoning. Among the most important objectives, the document lists a radical decrease in the number of families with single parents with no employment and an increase of child care facilities to better accommodate to employment conditions. These objectives are not related to gender. This appears to be intentional rather than sheer ignorance. The main expert of authority behind the key governmental text used to deal with relations of gender and poverty in the first years of post-socialist transition. Therefore, although it is not explicit, a conscious shift seems to inform the arguments for neglecting gender when addressing child poverty. This might qualify for a competitive relationship between children and women yet it calls for further analysis.

(f) Incomplete intersectionality (gender missing):

In this type of reasoning, progressive efforts are made to uncover intersectional problems, or sensitive discussion refers to multiple or intersecting social positions of disadvantage. For this

report, the missing gender component is key, sometimes in a relatively developed intersectional reasoning.

For example, in the *Decade Action Plan of the Republic of Hungary*, a compulsory document that the Hungarian government had to complete in the framework of the Decade of Roma Inclusion 2005-2015, improving the cause of Roma women is one of the main horizontal objectives. The document specifies goals and indicators in the areas of housing, health, education, as well as employment. Indicators are also identified such as Roma women's employment rate, ratio of Roma women in social services as employers, Roma women finishing high school, etc. The plan concerns, in five points, the promotion of education of Romani girls and women; the need for positive discrimination in the labour market, and of special incentives provided for employers to employ Romani women; the improvement of Romani 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*. This statement overlooks labour market gender segregation or considers it as a given and better than non-employment.

This strategic plan was complemented by the policy plan stipulated by the *Parliamentary Resolution 68/2007 (VI.28.)* on the *Decade of Roma Inclusion Programme Strategic Plan*. The document talks about the second chance for drop-outs, not mentioning Roma women giving birth at an early age. The sections detailing access to services in vocational training and adult education remain de-gendered. The document concludes with a section advocating research "needed for uncovering the hidden forms of discrimination".

In its problem statements, the *Parliament Decision on Disability Policy Programme 2006* argues that disabled women and minority disabled face multiple discriminations (p.2). The rest of the text elaborates in detail completely different intersectional connections. It warns that a higher proportion of families with disabled persons live in villages (40.3%) than in cities (29.6%) and the capital (14.2%) (p.11) yet rehabilitation services are more accessible in larger settlements. In the prognostic statements, accessibility problems of services occur again but without differentiated plans. The promising categorical opening at the beginning of the text remains nominal in terms of a gender perspective whereas other forms of multiple inequalities receive relatively advanced treatment.

It is difficult to decide where to place the *National Strategy Report on Social Protection and Social Inclusion 2006-2008* with its rudimentary intersectional thinking yet with some promising explanation almost deserving of the "incomplete" label. The strategy argues that pensions are central to decreasing inequality between men and women. Further, care work should be encouraged for men as well by acknowledging it in pensions and other supports. Pensions should recognise child, elderly and sick care work, in particular for women. By the same token, when discussing the main social integration goals, the text refers to the eradication of child

poverty, especially at backward regions with Roma populations, and care support congruent with demographic changes with no gender dimension. Among the major goals, the document lists Roma integration, regional equalization/cohesion, increasing active employment, again with no specific gender component. Among the disadvantaged *employees*, the text refers to women, elderly, youth, and long term unemployed (Roma, disabled, mothers, women above 45). When articulating the prime horizontal principles of social inclusion, Roma inclusion, disability inclusion and gender mainstreaming are mentioned. The text is progressive in its efforts to comply with the principle of dialogue with some equality concerned bodies, such as the Elderly, Roma, Disability and Women's Councils.

(g) Developed intersectionality from gender equality perspectives

When the text of the *National Strategic Report on Sustainable Pensions 2005* is gendered, it is intersectionalized by default. But there is much more in this document. On the one hand, it is eloquently analyzed that for women living in single households and relying solely on a pension, the revenue is 23% lower than in similar households of men. Moreover, the poverty risk for these women is much higher in smaller settlements in which social services are limited. Second, regarding the new three-pillar system, in the second pillar, a unisex life expectancy rate compensates women, but the system will not correct *income differences* between men and women generated in the labour market. In particular, women over 50 and in atypical employment schemes will be affected. Women's employment rate will rise faster than that of men but still remain insufficient to overcome this inequality.

The planned restructuring of the first pillar (enhanced recognition of income throughout active lifetime), and the direct impact of labour market position on the second pillar may *make pensions in real terms more modest for masses of women* from 2013 than they are now in spite of compensation efforts for equalization of contribution at times of maternity leave and providing special care allowances for both women and men. The prognostic statement of the document is unambiguous: it is to encourage the return of women to labour market. In other words, reasons for lower contribution and subsequent return for women in the second pillar should be tackled.

The (national) *Strategy on Life Long Learning 2005* names 5 main categories of disadvantaged people: people with low education, disabled, Roma, (women) returning from maternity leave, other (migrants, incarcerated, homeless, etc.) Later, disadvantaged villages are added to the list. As a main strategic goal, it is stated that services should be brought closer to disadvantaged groups. Section 5.6 "Support to groups of risk at the labour market" proposes that the situation of women should be carefully watched in each named group at risk. It is stated that their access to Life Long Learning is hindered by household duties and social prejudices. A discrete programme is needed for women on maternity leave (seen as a "parking lot"): creating a second chance by free higher education courses. Learning possibilities should be coupled with child care facilities. Regarding prognostics, the oversupply on the adult learning market should be replaced with

good supply in services to disadvantaged people. Instead of further enhancing capacities, support should encourage services to special groups, who could not finance these services on their own. Interestingly, the ultimate goal is not equality or social inclusion, but the reduction of state spending in the longer run. This note is important for considerations for sharply separating economic (state budget) and equality reasoning.

The *ERRC CEDAW Shadow Report on Hungary 2007* is an intersectional document by default. But the quality of arguments elevates it to the category of developed texts in our inquiry. The document contends that “Romani women suffer multiple discrimination on the basis of sex and ethnicity”, pervasive in Hungary. The report points out Romani women’s special problems of: low employment rates in the formal economy; direct employment discrimination; and under-education and childcare responsibilities, due to early childbearing (patriarchy), leading to scarce employment opportunities. Young Roma women and the illiterate elderly are particularly vulnerable. The special attention to women does not preclude integrating the dimension of the disadvantaged rural settlements into the analysis. The Shadow Report refers to the weaknesses of the sixth governmental CEDAW report on employment: the situation of women who never enjoyed maternity leave is not discussed. Special pro-active measures are missing.

#### **4. Target groups**

As the current STRIQ report uses policy documents beyond the set of selected texts for coding non-employment issues, the main conclusions of the LARG country report on NE could be and should be refined. According to the LARG country report on non-employment, among the passive actors the categories of people identified are often de-gendered, including different groups of families (e.g. poorest families, lone parent families, large families, etc.), disadvantaged groups of people (e.g. the young, the poor, the disabled, the Roma, the unemployed, etc.), parents, caretakers, employees, children, or the whole society in general. In recent tax/benefit (family support) related documents, children appear as the main passive actors, other players are often discussed as conditions or contexts of their well-being (or poverty, equity).

When identifying gendered categories, coded texts talk mostly about different groups of women and seldom about men (men appear as passive actors only twice, and always in relation to women). Women appear mostly as mothers or female caretakers, and often the texts implicitly assume that only women are engaged in caring activities. Nonetheless, in care related documents gender remains hidden or undeveloped (this does not mean that in labour market reintegration and pension related texts care providers’ labour market situation is not addressed). Women are often discussed in relation to their duties to reconcile family and employment, and within this context age and marital/family status are given some attention (rarely in developed forms). The major coded text on Roma women, which precedes the internationally stipulated Decade of the Roma strategy, contemplates the special condition of Roma women with no

explicit reference or articulated discussion of gender relations and inequalities within the Roma community. Reflecting upon a much discussed (in)equality issue in Hungarian policy making debates, documents often refer to women living in smaller settlements and rural regions of “multiple disadvantage” (poorly developed or in economic decline).

Similar conclusions were drawn in the LARG country report when looking at the prognosis. Again, the government (central or local, or the state) appears as responsible for solving most problems. The range of target groups is somewhat wider than that of passive actors in the diagnosis, but the patterns are similar. Disadvantaged people or families in general or tied to age, income, employment or residential status, less often to disability or ethnicity, appear to be the most common targets. Thus, most categories are de-gendered, and gendered categories are almost always about different groups of women, who are assumed to be involved in caring activities or combining family and employment duties. Nevertheless, fathers and men appear as target groups with slightly more emphasis in the prognosis. Interestingly, the master document on demographic policy seems to be the most refined in articulating several categories of people as distinctive target groups embedded in gendered relations (though in most cases with weak explanation of gender). Furthermore, this document mentions fathers, infertile couples, or men and women as parallel target groups that other non-employment documents rarely do. The master document on general employment policy also uses a set of refined categories with a potential gender and intersectionality approach and understanding both in diagnosis and prognosis.

The main strategic policy documents on employment are gendered and occasionally are willing to ally with a gender equality frame whereas tax-benefit (family) policy related ones hardly do so. Not specifically gender but categories of women are often named by policy strategies, explanations to legislative proposals, and parliamentary debates in all sub-issues. Age, marital and family status, residential (regional) status of women, and rarely ethnic belonging, are acknowledged but explanation of inequality relations are often lacking in these documents. Voices emerging in parliamentary debates appear to be more open to gender perspectives, often in contestation to governmental positioning. Civil society voices, mostly of non-feminist convictions, target general social inequality (poverty) issues with no reference to gender equality. One could observe the slow acknowledgement of the significant intersectional character of the problem of Roma women by state produced policy documents but it is restricted to one single text in our selection.

In the light of the STRIQ re-reading of policy texts and supertexts, the most important intersectional categories or problems are the following:

(1) Women and age

In tax and benefit policies, social integration and national development plans, life-long learning and pension related documents, youth entering the labour market, people above 45 or 50, and

retired people 75+ are discussed in relation to gender according to different forms of intersectional reasoning of varying quality (see types from a through g in section 2. Framing intersectionality).

#### (2) Women and family status

Family policy texts, child poverty documents, and care related texts connect the cause of children and that of women with small children / single parents with several children in most cases in rudimentary or non gendered patterns. Women and children sometimes are posited in a mutually constitutive manner but in most cases through incomplete intersectional reasoning. Women returning to the labour market following maternity leave are portrayed in care related texts, whereas strictly labour market, pension and life-long learning conceptual discussions highlight this intersection of categories in a relatively developed manner.

#### (3) Gender and ethnicity

In Hungary the only major relevant issue crossing ethnicity and gender encapsulates the situation of Roma women. Embryonic or incomplete forms of relevant policy formulations are numerous, yet articulate statements on Roma women have recently emerged in policy texts developed in the context of international policy discussions and obligations, such as the Decade of Roma Inclusion. It is instructive how the Equal Treatment Authority (with the mandate to conduct investigation of discriminatory cases and practices on all grounds) encourages hierarchical relations between ethnic and gender dimensions (based on very few cases suitable for intersectional inquiry). When classifying its legal cases, the ETA categorises a case in which a Romani woman files a claim on employment discrimination according to her ethnic origin, regardless of gender.

#### (4) Disability and women

The disability strategy includes numerous references to gender related disability issues, largely in a mute way. Interestingly one of the most sophisticated definitions of intersectionality appears in the master document on disability policy, but the rest of the text remains sensitive only (although of good quality) to the intersections of settlement hierarchy and disability.

#### (5) Settlement hierarchy and gender

Almost every text analyzed includes embryonic, mute or explicit yet undeveloped references to the category of rural women, women in smaller and disadvantaged rural areas and villages, and elderly women in small rural villages with low access to social services and assistance. This is not too surprising given the relatively well developed policy agenda in Hungary related to regional disparities and residential segregation. It is also not surprising that gender does not reach explicit conceptual treatment in these texts due to the general quality and appeal of gender equality thinking in Hungarian policy realms.

(6) Settlement hierarchy, gender and ethnicity

This is apparently the most complex intersectional construction giving the potential for elaborate policy deliberations. Accordingly, Roma women living in small settlements are discussed in texts that are either sensitive to regional inequalities or the plight of the Roma specifically, or the few explicitly gender equality driven texts. It is only two texts, however, that are able to address this intersectional issue in its full complexity: the Decade Strategy of the government and the ERRC CEDAW shadow report.

(7) Settlement hierarchy and any other vulnerability

Low educational background, age, and family status are often discussed as eminently attached to the settlement hierarchy when vulnerability is the main subject of the policy document. The causal or mutually reinforcing relationship between these inequality axes and settlement hierarchy, respectively, is rarely questioned. Gender often remains mute in the conceptual horizon of these texts, yet it is impossible to judge whether the reason behind this is resistance, ignorance, or selective attention due to competitive inequality interest representation.

(8) Low education

If low education is one of the most important structuring forces in low socio-economic (class) position, as the mainstream Hungarian policy thinking assumes, it could be seen as an inequality dimension. Educational background is very rarely gendered, instead it is connected with rural settlements, family size and status (employed parents), and Roma ethnicity.

(9) Children

As discussed in other selected QUING fields, children are considered as a main inequality group by important sets of policy documents in the Hungarian context. In principle, the category of children could open up avenues for intersectional thinking, as seen in the analyzed Hungarian texts. By the same token, the well-being or poverty of children sometimes seems to compete with gender equality concepts and sensitivities, but occasionally it comes close to allying with it in non-employment related texts. Further explorations should reveal the potentials of “stretching” and “bending” of gender equality thinking in child related policy frames.

(10) Missing categories in NE field: sexual orientation and religion

It is worth mentioning that two main social (in)equality categories are missing from the NE field. As a consequence, relevant intersectional relations of any sort are also missing from the texts. The silence of religious beliefs and belonging is not surprising or particularly damaging in the Hungarian context. In contrast, the silence on sexual orientation could have relevance in terms of the labour market access of people in smaller settlements, for example.

All major religious organizations oppose the legal recognition of same sex couples, and are very restrictive on women’s reproductive rights (oppose abortion, voluntary sterilization, artificial insemination, surrogacy). This controversy is recurrent and severe. The main religious



organizations are low key on employment issues. It is revealing that some right wing Roma politicians refused the comprehensive anti-discrimination legislation covering both ethnicity and sexual orientation on the grounds that ethnicity should not be mentioned on the same page as a “deviance”.

## **IV Intersectionality in intimate citizenship**

### **1. Introduction**

The first thing to note is that gender equality is not an explicit consideration in policies related to intimate citizenship in Hungary. The only exceptions are the equalization of regulations on married names for husbands and wives; some NGOs and MPs calling for men to participate more in contraception; and the protection of the weaker partner (i.e. women) as a principle in partnership legislation (see paragraphs 1 and 2 under 3.1 – Documents analyzed). Apart from these three cases, gender also appears explicitly in the field of reproduction, but as a biological given and thus not as subject to equality considerations.

The intersections that can be seen as substantially linked to the issue of gender are age and family status. In the field of reproduction the gender and age intersection appears as 'natural', since reproductive capacities are linked to particular age groups (thus young people and ageing people appear as groups with specific problems to address, see paragraphs 1, 2, 5 under 3.7 – Documents analyzed). Family status is linked to the (hidden) gender aspect through the lack of recognition for cohabitation as detrimental to the weaker partner (women) (see paragraphs 1, 2 under 3.8 – Documents analyzed) and a 'natural' gender aspect through women having reproductive capacity (assisted reproduction for single women, ovum donation, see paragraphs 3, 4 under 3.8 – Documents analyzed). Sexual orientation intersects with gender only in labelling (see paragraph 1 under 3.5 – Documents analyzed). Disability, religion, ethnicity and class appear in several documents, but not as intersecting with gender.

It is important to note that the combination of gender equality and intersectionality appears only marginally; the intersection of gender and ethnicity/citizenship is mentioned in one sentence in the married name debate (see paragraph 1 under 3.1 – Documents analyzed). On the other hand, there are no intersections in the NGO paper and the liberal contribution to the voluntary sterilization that emphasizes gender equality (the importance of participation of men in contraception). Except for family status (see paragraphs 1, 2 and 3 under 3.8 – Documents analyzed), age (see paragraph 1 under 3.7 – Documents analyzed) and sexual orientation (see paragraph 2 under 3.5 – Documents analyzed), none of the references to intersectionality is central to the policy. All other intersections are marginal. Intersectional groups do not appear in documents even as being consulted.

There are no intersecting groups that are presented as barriers to gender equality. The only such barriers to equality are religious (Christian) and conservative groups, not as intersecting groups, but as conservative political forces. Immigration is not a very prominent topic in Hungary in general, neither is it the case in intimate citizenship where bills containing the definition of the family for immigration purposes were accepted without major debate in Parliament. Fake

marriages were not debated at all, but the recognition of cohabitation for tax and benefit purposes, immigration and assisted reproduction was refused by right wing parties by arguing that it opens up possibility of misuse. It is interesting to note that since the question of same sex families entered the political agenda, discussion has tended to polarize around that issue thus rendering gendered aspects of partnership less visible.

Concerning different actors, gendered labels for sexual orientation are more frequent in civil society documents, and contributions by liberal politicians (see paragraph 1 under 3.5 – Documents analyzed). Awareness that there are single people (see paragraph 3 under 3.8 – Documents analyzed) and non-married couples (see paragraphs 1, 2 and 4 under 3.8 – Documents analyzed and paragraph 1 under 3.8 – Beyond documents analyzed) to whom policies should be addressed is more present in policies by left-liberal governments and their politicians. One cannot make the claim that NGOs are putting the question of intersectionality onto the agenda since NGO documents are not more likely to feature intersectionality.

In moving away from structural intersectionality to consider that of coalition building and competition, it is important to note that linking sexual orientation discrimination to discrimination on grounds of gender, race, ethnicity, religion and disability (as in the case of the comprehensive equal treatment law and machinery) and linking homophobia with sexism, anti-Semitism and racism, makes state intervention against sexual orientation discrimination more legitimate and acceptable (see paragraph 3 under 3.1 – Documents analyzed, paragraph 4 under 3.3 – Documents analyzed, and paragraph 3 under 3.6 – Documents analyzed). On the other hand, religion and religious freedom can also function as a barrier: conscientious objection to abortion, sterilization and contraception; lack of sexual education in religious schools; and the freedom of churches to discriminate LGBT people might make sense from the perspective of religious rights, but on the other hand hinder the effective implementation of reproductive rights and equality of LGBT people. However, it is important to note that in Hungary such religious rights concern well-established, majority religions and not the religious convictions of socially excluded/marginalized groups as is the case with Muslim communities in Western Europe.

## **2. Institutional analysis**

### **2.1. State institutions**

The first thing to note related to the institutional aspects of the issue of intimate citizenship is that the equality machinery (the Equal Treatment Authority, ministerial department responsible for equal opportunities now within the Ministry of Social and Labour Affairs) is not the central government agency in which decisions are made concerning intimate citizenship. Questions of marriage, divorce and partnership belong to the Department for the Codification of Civil Law in the Ministry of Justice and Law Enforcement; questions of adoption are shared between this

department and the Department of Child and Youth Protection in the Ministry of Social and Labour Affairs; questions on equal treatment belong to the Department of Constitutional Affairs in the Ministry of Justice and Law Enforcement; and the question of reproduction belongs to the Ministry of Health. It is hard to say without further investigation (e.g. interviews with relevant actors) whether the equality machinery is consulted at all in the preparation of legislation concerning intimate citizenship, what can be said is that if such consultations do take place there is no publicly available written documentation. One notable exception is the case of the Equal Treatment Advisory Board which initiated its own social debate on same sex partnerships<sup>72</sup> and submitted its proposal<sup>73</sup> to the government to open up marriage for same sex couples.

## 2.2. Civil society

The second thing to note is that the sub-issue of marriage and partnership receives very little attention in the operation of civil society organizations. While the topic of same sex partnerships has been the focus of lobbying activities by LGBT NGOs, and both voluntary sterilization and assisted reproduction received significant attention from both conservative and feminist NGOs, the only non-governmental actors that were active in the question of marriage and divorce legislation were the Catholic Church and the anti-feminist Association of Divorced Fathers. The Hungarian Women Lawyers' Association entered the debate on the new Civil Code only at a very late stage, and even this remained at the level of holding a press conference about the proposal of simplified divorce procedures,<sup>74</sup> with no formal position paper published. It is thus not surprising that the new Book of Family Law in the Civil Code<sup>75</sup> that fundamentally regulates all questions related to marriage and divorce has received no comments from the Council for the Equality of Women and Men (the main interface between the state and civil society in the field of gender) even though it was on the agenda of the Council for several months.

Thirdly, women's NGOs (except for the ones with a clear mandate for LGBT affairs, such as the Habeas Corpus Working Group, PATENT and Labrisz Lesbian Association) completely avoided the topic of same sex partnership. There was a proposal at the Hungarian Women's Lobby to publish a declaration in support of same sex marriage and/or registered partnership when it was put on the political agenda by the liberal party, and the declaration was even prepared, but the HWL changed its mind and decided it would not enter the debate as an umbrella organization.<sup>76</sup>

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<sup>72</sup> Az azonos neműek tartós együttélésének jogi szabályozása az európai modellekben 1989-2006. Segédanyag az Egyenlő Bánásmód Tanácsadó Testület által meghirdetett társadalmi vitához [http://www.egyenlobanasmod.hu/data/tv\\_aznem.pdf](http://www.egyenlobanasmod.hu/data/tv_aznem.pdf)

<sup>73</sup> Az Egyenlő Bánásmód Tanácsadó Testülete EBHTT/10.007/10/2007 sz. jogalkotási javaslata

<sup>74</sup> A közjegyzői válás veszélyes lehet a gyengébb félre. Népszabadság, 2007. december 11. | <http://nol.hu/archivum/archiv-474514>

<sup>75</sup> Bill no. T/5949. on the new Civil Code

<sup>76</sup> Information based on personal participation of the author in drafting the declaration.

The Shadow report to the CEDAW in 2002<sup>77</sup> and 2007<sup>78</sup> did not call for same sex marriage or registered partnership (although they do mention as a form of discrimination the fact that assisted reproduction is not available for women in lesbian partnerships).

Fourth, it is interesting to note that the NGO that was the most active between 1999 and 2005 in lobbying for LGBT rights was at the same time the NGO most active in relation to the reproductive rights of women (Habeas Corpus Working Group). The NGO PATENT (with several members from the previously active Habeas Corpus Working Group) similarly brings together gender and sexual orientation. LGBT activists often participate in anti-racist and anti-anti-Semitic gatherings such as the March of the Living commemorating the Holocaust<sup>79</sup>, or the demonstration organized by the Hungarian Anti-Fascist League against the Hungarian Guard.<sup>80</sup>

Finally, there has appeared a new coalition among various inequality grounds surrounding the question of racist and homophobic violence (hate crimes) and hate speech. Some Roma and Jewish NGOs link homophobic attacks at gay pride marches to similar trends of racist violent attacks against Roma people in the countryside and the growing presence of anti-Semitism. The Hungarian Democratic Charta,<sup>81</sup> a semi-civil, semi-political movement launched by the Prime Minister after the attacks at the Pride March in 2008 addressed the issue of violence in general, and drew both Roma and LGBT activists. A parallel civil movement 'Tarka Magyar' (Medley Magyar)<sup>82</sup> was initiated by 141 NGOs including all major Roma and LGBT NGOs, though women's NGOs on the other hand did not join the initiative. The efforts of LGBT and human rights organizations to expand the notion of hate crimes to cover homophobic attacks<sup>83</sup> were joined by several NGOs which were involved in providing discrimination related legal services to ethnic minorities (Legal Defence Bureau for National and Ethnic Minorities (NEKI), European Roma Rights Centre, Chance for Children Foundation).

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<sup>77</sup> Shadow Report. The joint report of the Women Against Violence (NANE) Association and the Habeas Corpus Working Group (HCWG) on the realization of the Convention on the Elimination of All Forms of Discrimination Against Women in Hungary incorporated with the critical examination of the report of the Hungarian government presented at the 2002 August session of the CEDAW Committee of the UN. 4 August 2002. [http://www.nane.hu/egyedul/mediafigyelem/cedaw\\_angol.pdf](http://www.nane.hu/egyedul/mediafigyelem/cedaw_angol.pdf)

<sup>78</sup> Shadow Report of the Hungarian Women's Lobby on the realization of the Convention on the Elimination of All Forms of Discrimination Against Women 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. May 25, 2007.

[http://www.nojerdok.hu/home/files/CedawShadowReport\\_2007\\_Hungary\\_EN.pdf](http://www.nojerdok.hu/home/files/CedawShadowReport_2007_Hungary_EN.pdf)

<sup>79</sup> Budapest: Élet Menete ma este <http://pride.hu/article.php?sid=2317>

<sup>80</sup> Beszéd az Antifaszista Piknikről <http://pride.hu/article.php?sid=2468>

<sup>81</sup> <http://charta.info.hu/>

<sup>82</sup> <http://tarkamagyar.blog.hu/>

<sup>83</sup> <http://ots.mti.hu/news.asp?view=2&newsid=50822>

### 3. Framing intersectionality in intimate citizenship

#### 3.1 Ethnicity and race

##### Documents analyzed

The question of race and ethnicity features only marginally as intersectionality in intimate citizenship.

(1) Ethnicity is mentioned in the discussions around reforming married names. The argument that bearing names and giving names to children is a form of maintaining an ethnic identity is used in the explanation of the act<sup>84</sup> and picked up by socialist MPs in the debate.<sup>85</sup> Since husbands cannot take the name of their wives, and the use of women's family name in the name of children is very infrequent (family names consisting of family names of both the father and the mother were not possible before the amendment to the Family Code), ethnic minority women are denied their right to maintain and pass on an ethnic identity.

(2) Similarly, ethnicity in the form of the right to use one's language is marginally present in the registered partnership act;<sup>86</sup> since marriage can be conducted in the mother tongue of any of the partners, and all procedural rules of marriage are repeated in relation to registering partnership, the right to hold a ceremony in one's own language is reaffirmed.

(3) Not intersectionality *per se*, but referring to ethnic minorities as being similar in position to sexual and religious minorities, and the need to stop discrimination on all these grounds, is mentioned in one contribution of a liberal MP<sup>87</sup> in the debate on registered partnership.

##### Beyond documents analyzed

(1) The bill of the new Civil Code<sup>88</sup> contains that continuity with respect to ethnicity, language and cultural roots has to be taken into consideration in the adoption process. This principle is borrowed from the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (1993) and similar provisions that had not previously been part of the Hungarian legislation.

(2) In 2000 there was a big political debate following the publication of the memorandum on the meeting of the Inter-ministerial Committee on Roma Affairs on March 3 2000, which included the

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<sup>84</sup> Act XLIV of 2002 on amending the act IV of 1952 on marriage, family and guardianship

<sup>85</sup> Speeches by MPs Lászlóné Csaba and Dr. László Kovács in the plenary debate of the bill no. T/886, 24 September 2002

<sup>86</sup> Act CLXXXIV of 2007 on registered partnership

<sup>87</sup> Speeches by MP Péter Gusztos in the plenary debate of the bill no. T/4411, 28 November 2007

<sup>88</sup> Bill no. T/5949. on the new Civil Code

statement that the fertility of Roma people is too high and thus they should be provided with free contraception. Several NGOs including the Habeas Corpus Working Group, Association of Roma Women in the Public Sphere, and NANE Women's Rights Association protested. The people responsible for putting together the memorandum were dismissed. The difference in the birth rates between ethnic Roma and the larger population is a frequent topic of popular discussions, but except for extreme right wing political organizations outside of the Parliament it has not received political attention.

(3) The Bela Johan National Programme for the Health Decade<sup>89</sup> sets priorities and tasks for public health. Among the 20 main objectives is 'equal opportunities in health' which focuses on socially excluded groups, namely Roma, disabled and homeless people, and 'healthy youth', which includes the priority of reducing unwanted pregnancies. Gender is not specifically mentioned (except for some statistics), questions of reproductive health are not mentioned in the chapter on equal opportunities, and Roma are not mentioned in the chapter on 'healthy youth'. Similarly, the Decade of Roma Inclusion Programme Strategic Plan<sup>90</sup> has a chapter on health, but does not refer to reproductive health at all.

Missing intersectionalities

(1) According to Kemény (2004)<sup>91</sup> Roma people choose to get legally married significantly less frequently, and perform marriage ceremonies only in front of their community. Such 'Roma marriages' are recognized by law as cohabitation, but there is no awareness in policy debates that legislation on cohabitation affects Roma people in particular.

(2) In the debate on voluntary sterilization, it was often mentioned that guarantees should be built in that ensure that sterilization is truly voluntary. The examples given were pimps forcing prostitutes to be sterilized, male partners forcing women to be sterilized, etc. The (state sponsored) forced sterilization of Roma women<sup>92</sup> was not mentioned.

(3) It is a widely acknowledged fact that abortion rates among Roma women are very high, and that the use of contraception (especially of condoms) is low.<sup>93</sup> The reluctance of Romani men to participate in reproductive control places the burden on Roma women. Similarly, the fact that risk associated with pregnancies and infant mortality are significantly higher among Roma women

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<sup>89</sup> Parliamentary resolution 46/2003. (IV.16.)

<sup>90</sup> Parliamentary resolution 68/2007 (VI.28.) on the Decade of Roma Inclusion Programme Strategic Plan

<sup>91</sup> István Kemény (2004) A magyarországi cigány népesség demográfiája. *Demográfia* 2004(3-4). 335–346.

<sup>92</sup> [http://www.reproductiverights.org/crt\\_violence.html#hungary](http://www.reproductiverights.org/crt_violence.html#hungary)

<sup>93</sup> The most extensive data is available from Romania (Enikő Magyar-Vince (2006) *Social Exclusion at the Crossroads of Gender, Ethnicity and Class*), but studies in Hungary (e.g. Mária Bényi, Erika Kőszegi (2003) *Cigánytelepek Magyarországon*, 2003, [http://szochalo.hu/uploads/media/csagyi0602jo\\_berenyi.pdf](http://szochalo.hu/uploads/media/csagyi0602jo_berenyi.pdf)) identify the same patterns.

has been widely acknowledged.<sup>94</sup> Nevertheless, there is no policy aimed at improving the reproductive health of Roma women in Hungary. Part of the explanation for this lack of focus might be that it is hard to approach the issue without it becoming associated with racist fertility control objectives.<sup>95</sup>

### 3.2. Citizenship

#### Documents analyzed

The question of citizenship features only marginally as intersectionality in intimate citizenship. (1) Citizenship is marginally present in the registered partnership act,<sup>96</sup> in the rules governing partnership between foreigners and in the form of the right to use one's mother tongue; since marriage can be conducted in the mother tongue of any of the partners, and all procedural rules of marriage are repeated in relation to registering partnership, the right to hold a ceremony in one's own language is reaffirmed.

#### Beyond documents analyzed

(1) There was an important court case concerning the immigration rights of same sex couples. The Office of Immigration and Nationality refused to provide a residence permit for the same sex partner of a Hungarian citizen arguing that financial support from an unmarried (same sex) partner cannot be considered a legitimate form of income. After a long legal procedure the Supreme Court overruled the decision of the authority.<sup>97</sup>

(2) The new act on refugee status<sup>98</sup> adopted in June 2007 contains discrimination based on sexual orientation as a form of persecution in line with EU requirements. The topic is not discussed in detail in either the explanation or the parliamentary debate.

#### Missing intersectionalities

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<sup>94</sup> Lajos Puporka, Zsolt Zádori and Roma Press Center: *The Health Status of Roma in Hungary*, World Bank Regional Office Hungary, 1999.

<sup>95</sup> Magyari-Vince (2006) starts her conclusion with the following statement: "I am aware of the fact that it is dangerous to reduce reproductive health to these issues, because this – willingly-or-not – might favor the assimilation of the former with fertility control that I would like to avoid", she also notes that reproductive health is "easily expropriated by other interests than women's health (like pro-natalist concerns on the side of the Roma, or racist fertility control on the side of the majority population)".

<sup>96</sup> Act CLXXXIV of 2007 on registered partnership

<sup>97</sup> Engedélyezték a meleg férfi élettársának a letelepedését. Press release by the Hungarian Helsinki Committee and the Háttér Support Association for Gays.  
<http://www.hatter.hu/erdek/botranyok/engedkozlemany.doc>

<sup>98</sup> Act LXXX of 2007 on refugee status



(1) The acts on refugee status<sup>99</sup> and immigration<sup>100</sup> only mention spouses in relation to family members and family reunifications, same sex partners are not recognized as family. Cohabiting partners of Hungarian or other EU citizens, however, can be recognized as family if they have been living in the same household for a year. This change might be related to the court case won by a same sex couple (see C-B-1), but neither the explanation of the bill, nor its debate in parliament, brought up the question of same sex partners explicitly (The debate focused on cohabitation without being qualified by sexual orientation, more details under marital status).

### 3.3. Religion

#### Documents analyzed

The question of religion features only marginally as intersectionality in intimate citizenship.

(1) In their opinion on the new Civil Code,<sup>101</sup> the Catholic Church argue that the fact that secular laws allow people to divorce, while the teachings of the Church does not, has negative effects on practicing Catholics: “this disorderliness is accompanied by a crises that can be felt also by their environment, family and workplace. Secular legislation should take into consideration these metajuridical elements as the psychological and environmental consequences of the implementation of laws”. There is no outright refusal of divorce, but it remains unclear how to resolve the conflict if the Church is not willing to change its teaching.

(2) In the debate on assisted reproduction, a socialist MP<sup>102</sup> refuses the religious arguments that are used to attack the right of single parents to assisted reproduction. She claims that regardless of religious affiliation (Catholic, Protestant, Jewish), all single women are welcomed to participate in assisted reproduction, and adds that “giving birth to children is an act that God likes”, and the current bill gives that opportunity to previously excluded groups.

(3) Not intersectionality *per se*, but religious arguments are often mobilized by right wing politicians and religious NGOs in opposition to legislative changes concerning cohabitation, registered partnership<sup>103</sup> and voluntary sterilization.<sup>104</sup> They claim that opinions of religious people are disregarded.

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<sup>99</sup> Act LXXX of 2007 on refugee status

<sup>100</sup> Act I of 2007 on the entry and residence of people with the right of free movement and residence  
Act II of 2007 on the entry and residence of people from third countries

<sup>101</sup> Opinion of the Hungarian Conference of Catholic Bishops on the Book of Family Law and Inheritance in the bill on the Civil Code. <http://irm.gov.hu/?forumid=6&oldal=1>

<sup>102</sup> Speeches by MP Zsuzsa Kárpáti in the plenary debate of the bill no. T/18093, 23 November, 6 December 2005

<sup>103</sup> Speeches by MP Dr. Tamás Lukács in the plenary debate of the bill no. T/4411, 28 November 2007  
Statement of the Hungarian Conference of Catholic Bishops on the bill on registered partnership, 22 November 2007

(4) Not intersectionality *per se*, but referring to religious minorities as being similar in position to sexual and religious minorities, and the need to stop discrimination on all these grounds, is mentioned in a contribution by a liberal MP<sup>105</sup> in the debate on registered partnership.

#### Beyond documents analyzed

(1) In 2004 an internal draft document of the governing FIDESZ contained a proposal to legally recognize marriages performed by “churches with appropriate organizational and institutional structure”. The opposition parties and some smaller churches opposed the initiative, while it was welcomed by the Catholics and Lutherans.<sup>106</sup> The proposal was never formally introduced. The Christian Democratic People’s Party put the question on the agenda once again in 2005. In 2007 the youth organization of the party called for making it possible for registrars to conduct civil marriages in churches.<sup>107</sup> These proposals are mentioned in the explanation of the bill on the new Civil Code,<sup>108</sup> but refused on the basis that the current legislation has over a hundred year long legal tradition in Hungary.

(2) The members of the Christian Democratic People’s Party often connect the question of same sex marriage to that of polygamous marriage; arguing that if same sex marriage is allowed, there is no way to argue against recognizing polygamous marriage as well.<sup>109</sup>

#### Missing intersectionalities

(1) There is a lack of awareness in policy discussions about progressive trends in Western (especially Protestant and Jewish) religious circles concerning homosexuality and same sex partnership. “Religion” appears as monolithic and univocally opposing homosexuality and same sex partnership.

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The position of the Hit Gyülekezete on marriage and the registered partnership of homosexuals, 16 October 2008

Marriage, family, sexuality. The position of the Hungarian Reformed Church, 6 May, 2004

<sup>104</sup> Speeches by MP Miklós Soltész and Erzsébet Lanczendorfer in the plenary debate of the popular initiative no. 1870, 24 April 2007

<sup>105</sup> Speeches by MP Péter Gusztos in the plenary debate of the bill no. T/4411, 28 November 2007

<sup>106</sup> Egyházi házasság, állami elismerés? [Church marriage, state recognition?] Népszabadság, 16 July 2004

<sup>107</sup> Isten színe előtt nem elég az államnak? [It is not enough if performed under God’s sight?] Open letter of the Association of Young Christian Democrats to the Minister of Justice and Law Enforcement, May 28 2007.

<sup>108</sup> Bill no. T/5949. on the new Civil Code

<sup>109</sup> See e.g. Családvédelmi Charta [Charter on the protection of families], 2005. Prepared by the Association of Young Christian Democrats

### 3.4. Class

#### Documents analyzed

The question of class features recurrently in debates on intimate citizenship, but most often indirectly through talking about vulnerable, needy or poorly educated people.

(1) Documents related to family law<sup>110</sup> often talk about female partners in a de-gendered way as weaker partner, partner with lower income, or partner with less access to the labour market. It is interesting how gender and class merge in these discussions.

(2) The Constitutional Court decision on voluntary sterilization<sup>111</sup> emphasizes that sterilization is a cheap method of contraception, implying that forbidding it affects worse-off citizens more severely. In the same decision, the Court makes the argument that demographic aims should be achieved by taxation and benefit policy not through prohibition, implying that a lack of financial resources lies behind the decision not to have children.

(3) Actors opposing voluntary sterilization mention<sup>112</sup> that the decision on undergoing voluntary sterilization is effected by crises situations (especially financial crises), thus such decisions cannot be considered as free and autonomous.

(4) The opinion of the Association of Large Families<sup>113</sup> states that rather than liberalizing sterilization, alternative forms of contraception should be promoted and that contraception should be subsidized for those who cannot afford.

#### Beyond documents analyzed

(1) Ethnicity and class are inseparably linked in policy discussions concerning the Roma, where Roma people often appear as *the* socially excluded or vulnerable group and programmes targeting the Roma ethnic identity and poverty reduction programmes often amalgamate.<sup>114</sup> This

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<sup>110</sup> Draft for a new Civil Code, 29 October 2007

Bill no. T/5949. on the new Civil Code

Speech by Minister of Justice and Law Enforcement in the plenary debate of the bill no. 5949, 16 September 2008

<sup>111</sup> 43/2005. (XI. 14.) Constitutional Court decision

<sup>112</sup> Speeches by MPs Ildikó Bíró, László Iván, András Csáky, Miklós Soltész, Erzsébet Lanczendorfer in the plenary debate of the popular initiative no. 1870, 24 April 2007

<sup>113</sup> Statement by the Association of Large Families on the legislation of voluntary sterilisation and assisted reproductive technologies, 24 May 2006

<sup>114</sup> Wizner Balázs: *Roma/cigány programok támogatásának politikája Magyarországon a rendszerváltást követően*. [http://europeum.org.hu/wp-files/romfinanszvegsoujra\\_04.pdf](http://europeum.org.hu/wp-files/romfinanszvegsoujra_04.pdf)

is clear in the Bela Johan National Programme for Health Decade<sup>115</sup> that translates guaranteeing equal opportunities for vulnerable groups in health care most importantly as a question concerning the Roma.

### Missing intersectionalities

(1) According to Pongrácz and Spéder,<sup>116</sup> unlike in Western Europe where cohabitation is generally understood as a fashionable trend among the educated and well-off youth, in Hungary the demographic composition of married and cohabiting couples does not differ substantially, and if anything cohabiting couples tend to be less educated. There is no awareness of this class dynamic in policy debate; choosing cohabitation over marriage is seen as an individual choice. Actors opposed to extending the rights of cohabiting couples also identify cohabitation with the new individualized lifestyle of urban youth.

### 3.5. Sexual orientation

#### Documents analyzed

There is a growing awareness of sexual orientation in policy discussions since 2002, culminating in the adoption of the Registered Partnership Act in 2007. However, sexual orientation hardly ever appears in intersection with gender.

(1) Policy documents<sup>117</sup> most often talk about the completely de-gendered group of 'same sex couples'. However, gay and lesbian NGOs<sup>118</sup> and a liberal MP<sup>119</sup> use the term 'gays and lesbians' or 'LGBT people' to name the target group of same sex marriage/registered partnership. It is interesting to note that the word 'homosexual' is only used in family law related discussions by the Catholic Church<sup>120</sup> and conservative MPs<sup>121</sup> (except for the Constitutional Court in 1995<sup>122</sup>). Even when using gendered categories this remains on the level of naming, there is no analysis of how sexuality and gender intersect, or reference to what problems are specific to lesbians/gay men. The policy plan of the new Civil Codes<sup>123</sup> even hides sexual

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<sup>115</sup> Parliamentary resolution 46/2003. (IV.16.)

<sup>116</sup> Tiborné Pongrácz and Zsolt Spéder (2003): Élettársi kapcsolat és házasság – hasonlóságok és különbségek az ezredfordulón. *Szociológiai Szemle* 2003/4. pp. 55–75.

<sup>117</sup> Act CLXXIV of 2007 on registered partnership

Bill no. T/5949. on the new Civil Code

<sup>118</sup> Követeljük az azonos nemű párok házasságkötési jogának elismerését [We demand the recognition of same sex couples' right to get married]. Statement by the Association of the Opponents of Patriarchy, the Háttér Association for Gays and the Labris Lesbian Association, 4 July 2007

<sup>119</sup> Speeches by MP Péter Gusztos in the plenary debate of the bill no. T/4411, 28 November 2007

<sup>120</sup> Opinion of the Hungarian Conference of Catholic Bishops on the Book of Family Law and Inheritance in the bill on the Civil Code. <http://irm.gov.hu/?forumid=6&oldal=1>

<sup>121</sup> Speeches by MP Dr. Tamás Lukács in the plenary debate of the bill no. T/4411, 28 November 2007

<sup>122</sup> 14/1995. (III. 13.) Constitutional Court decision

<sup>123</sup> Draft for a new Civil Code, 29 October 2007

orientation and names same sex couples as a target group for registered partnership by labelling them as 'couples who cannot get married'.

(2) It is important to note how the argumentation of the socialist and liberal parties differed in the debate on the registered partnership bill. Socialists<sup>124</sup> talked about how registered partnership is primarily aimed at cohabiting different sex couples, and only incidentally (following the Constitutional Court decision 12 years before) covers same sex couples as well, linking registered partnership most importantly to discrimination based on marital status. The liberals<sup>125</sup> talked about same sex couples as the primary target, and only included different sex couples to avoid segregation, linking registered partnership most importantly to discrimination based on sexual orientation.

(3) The importance of preventing same sex couples from bringing up children features regularly in contributions by right wing politicians and conservative NGOs even when such proposals are not in the agenda (e.g. in the assisted reproduction debate<sup>126</sup> or in the voluntary sterilization debate<sup>127</sup>).

#### Beyond documents analyzed

(1) The opinion of the NGO PATENT<sup>128</sup> on the rejected bill by the liberal party to open up marriage for same sex couples contains the criticism that by not extending the notion of presumption of paternity to the female spouse of the biological mother of a child, lesbian couples are treated less favourably than different sex couples.

(2) The Bela Johan National Programme for the Health Decade<sup>129</sup> sets priorities and tasks for public health. Among the 20 main objectives is the prevention of AIDS. The document talks about risk groups, including homosexuals, and calls for the inclusion of the gay community and NGOs in the implementation of the programme. The fact that only sexual encounters between homosexual males (and not lesbians) are mentioned is not reflected upon (probably because homosexuality is identified primarily with male homosexuality).

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<sup>124</sup> Speeches by MP Tímea Dr. Szabóné Müller and MP Dr. Szilvia Frankné Kovács in the plenary debate of the bill no. T/4411, 28 November 2007

<sup>125</sup> Speeches by MP Péter Gusztos in the plenary debate of the bill no. T/4411, 28 November 2007

<sup>126</sup> Speeches by MP Dr. András Csáky in the plenary debate of the bill no. T/18093, 23 November, 6 December 2005

<sup>127</sup> Statement by the Association of Large Families on the legislation of voluntary sterilisation and assisted reproductive technologies, 24 May 2006

<sup>128</sup> Opinion sent to the submitters of the bill by email, not released publically

<sup>129</sup> Parliamentary resolution 46/2003. (IV.16.)

## Missing intersectionalities

(1) Following the change of government in 2002 to a coalition of socialist and liberal parties, several minor changes to legislation took place that extended the rights and duties of cohabiting couples and made the institution more similar to marriage (see F-B-1). Awareness that such changes affect same sex couples as well or arguing for the changes by referring to the reduction of discrimination against same sex couples has not been present.

(2) Discussions on parenting by same sex couples focus mostly on the adoption of children in state care and assisted reproduction; the fact that members of same sex couples can become parents in 'natural' ways, especially true for lesbian couples, is not addressed in any of the debates. Step child adoption that would respond to such situations is not treated as a separate type of adoption, and the differentiation between step child adoption and adoption in general which occurs in several countries for same sex couples is not on the agenda.

(3) Although the claim that assisted reproduction should be available to all women without discrimination was put forward by the Hungarian Civil Liberties Union<sup>130</sup> and the Alliance of Free Democrats,<sup>131</sup> this did not cover lesbian couples. According to the legislation adopted in 2003,<sup>132</sup> single women can participate in assisted reproduction without limitation by sexual orientation, but only different sex couples are permitted to participate. Since cohabitation between same sex couples is recognized, people living in lesbian partnerships are not treated as single. The result is that single lesbians are entitled to participate, while lesbians living in partnerships are not.

(4) The question of surrogacy was often put on the agenda during the period analyzed. It was regulated by the Healthcare act<sup>133</sup> in 1997, removed and thus prohibited by the right wing government in 1999<sup>134</sup>, and called for in the party programmes of the liberal party,<sup>135</sup> who also introduced an amendment in the debate on assisted reproduction to re-legalize surrogacy.<sup>136</sup> However, it has never been mentioned in the context of its possible use by gay males.

(5) There is a general perception in Hungarian society that there are not enough children to be adopted, and that adoption by same sex couples would "take children away" from equally

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<sup>130</sup> Hungarian Civil Liberties Union position paper no. 26: On amending laws concerning health care, November 2005

<sup>131</sup> Speeches by MP Dr. Éva Mézes in the plenary debate of the bill no. T/18093, 23 November, 6 December 2005

<sup>132</sup> Act CLXXXI of 2005 amending legislation related to health care

<sup>133</sup> Act CLIV of 1997 on health care

<sup>134</sup> Act CXIX of 1999 amending legislation on the structure of the state, on the land register, on health care, and on hunting and fishing

<sup>135</sup> Programme for a New Era. Programme of the Alliance of Free Democrats, 2000

<sup>136</sup> Amendment T/18093/35. submitted by MP Éva Mézes, 23 November 2005

suitable different sex couples. However, statistics<sup>137</sup> show that the number of children up for adoption is about twice the number of potential adopters. Moreover, Roma children and children with disabilities in state care are grossly overrepresented and these children have a significantly lower chance of being adopted. Data from countries where same sex adoption is legal show that same sex couples are more willing than different sex couples to adopt children with special needs, including those of minority ethnic origin.<sup>138</sup> Viewing same sex couples as a resource for decreasing the number of children in state care has not entered onto the agenda.

### 3.6. Disability

#### Documents analyzed

The question of disability features only marginally as intersectionality in intimate citizenship.

(1) Disability features in intimate citizenship discussions most importantly in the issue of voluntary sterilization. The Constitutional Court decision<sup>139</sup> liberalizing voluntary sterilization also removed specific regulation on voluntary sterilization of legally incompetent people, noting that even people with reduced legal competency can participate in decisions concerning their own health. Following the decision, the Hungarian Civil Liberties Union<sup>140</sup> called for the government to draft new legislation that gives more power to decide for legally incompetent people. The legislation adopted<sup>141</sup> describes in detail the procedure to follow for legally incompetent people, placing the final decision in the hand of courts who can only authorize sterilization if the person agrees with it or if it is needed to prevent risky pregnancy.

(2) The policy plan on the new Civil Code<sup>142</sup> envisages that there should be no outright prohibition of adoption by legally incompetent people, and that the authorization of adoption should be decided on a case-by-case basis. This provision has not been included in the bill of the new Civil Code introduced to the Parliament;<sup>143</sup> adoption by legally incompetent people cannot be authorized, not even for stepchild adoption.

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<sup>137</sup> European Roma Rights Centre (2005) *Dis-Interest of the Child: Romani Children in the Hungarian Child Protection System*. European Roma Rights Centre - Research Papers (05/2007)

<sup>138</sup> Evan B. Donaldson Adoption Institute (2008) *Expanding Resources For Waiting Children II: Eliminating Legal and Practice Barriers to Gay and Lesbian Adoption from Foster Care*

<sup>139</sup> 43/2005. (XI. 14.) Constitutional Court decision

<sup>140</sup> Hungarian Civil Liberties Union position paper no. 26: On amending laws concerning health care, November 2005

<sup>141</sup> Act CXV of 2006 amending legislation related to health care within the framework of the health care reform

<sup>142</sup> Draft for a new Civil Code, 29 October 2007

<sup>143</sup> Bill no. T/5949. on the new Civil Code

(3) Not intersectionality *per se*, but referring to disabled people as being similar in a position to sexual and religious minorities, and the need to stop discrimination on all these grounds, is mentioned in one contribution of a liberal MP<sup>144</sup> in the debate on registered partnership.

### 3.7. Age

#### Documents analyzed

Age appears as a major intersectionality in intimate citizenship.

(1) The voluntary sterilization debate centres on the question of whether young people are able to make decisions concerning sterilization or not. Opponents of the liberal regulation<sup>145</sup> argue that young people (most often talking about young women) are not prepared for such decisions; they often regret undergoing sterilization when they become older or when their social and family situation changes. They call for setting a higher age limit for voluntary sterilization. The adopted legislation<sup>146</sup> makes sterilization available for anyone over 18, but for people under 26 there is a longer waiting period.

(2) The reform of the assisted reproduction legislation<sup>147</sup> extended the possibility for single women to participate in assisted reproduction, but only if they are “unlikely to have children in the natural way” due to medical reasons (infertility) or as a result of their age. The law does recognize that even if single women are not infertile, their age might make future pregnancies risky or impossible, and thus artificial insemination is the only way to have children.

(3) The registered partnership bill<sup>148</sup> makes it impossible for people under 18 to register their partnership. This is the same as the general rule for marriage; however, in the case of marriage, the Custodians’ Office can authorize such marriages for people above 16. There are no reasons given for such difference, it might include the fact that marriage under 18 automatically means reaching legal majority age (which would make things complicated for registered partnership), but there are voices that claim the government was afraid of linking the topic of same sex partnerships with that of paedophilia (even if the age of consent is equal at 14 years for both same and different sex sexual relations).

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<sup>144</sup> Speeches by MP Péter Gusztos in the plenary debate of the bill no. T/4411, 28 November 2007

<sup>145</sup> Speeches by MPs from FIDESZ, MDF and KDNP in the plenary debate of the popular initiative no. 1870, 24 April 2007

<sup>146</sup> Act CXV of 2006 amending legislation related to health care within the framework of the health care reform

<sup>147</sup> Act CLXXXI of 2005 amending legislation related to health care

<sup>148</sup> Act CLXXIV of 2007 on registered partnership



(4) Several documents discuss partnership issues in relation to children: the married name debate considers not only the family name of partners but also the family name of children;<sup>149</sup> changes on child maintenance (automatic upgrading to follow inflation); rules of guardianship (making guardianship a more family like institution); and custody legislation, which is seen to effect most importantly children in the policy plan of the new Civil Code.<sup>150</sup> The LGBT NGOs claim<sup>151</sup> that the lack of marriage for same sex couples negatively affects the children brought up in such relationships.

(5) Young people appear in several documents<sup>152</sup> as target groups for education concerning reproduction, methods of contraception, family planning and family values.

#### Beyond documents analyzed

(1) In 1996 the Constitutional Court argued<sup>153</sup> that authorities can refuse the registration of a homosexual rights' NGO if its membership is not limited to people of majority age. The Court argued that the state has the duty to protect minors from taking decisions (becoming affiliated with homosexual lifestyle) that they can later regret.

(2) The age of consent for same sex and different sex couples was equalized in 2002 by the Constitutional Court,<sup>154</sup> claiming that difference in age of consent is unjustifiable discrimination based on "other status" that is prohibited by the Constitution.

(3) In the Bela Johan National Programme for the Health Decade,<sup>155</sup> the priority of reducing unwanted pregnancies appears under the main objective of 'healthy youth', linking the problem of unwanted pregnancies to that of young people.

(4) The bill on the Civil Codes<sup>156</sup> contains new provisions on age limits for adoption: setting a minimum and maximum age for adopters (within current legislation), but allowing this rule to be overridden by the Court if it is in the interest of the child.

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<sup>149</sup> Act XLIV of 2002 on amending the act IV of 1952 on marriage, family and guardianship

<sup>150</sup> Bill no. T/5949. on the new Civil Code

<sup>151</sup> Követeljük az azonos nemű párok házasságkötési jogának elismerését [We demand the recognition of same sex couples' right to get married]. Statement by the Association of the Opponents of Patriarchy, the Háttér Association for Gays and the Labris Lesbian Association, 4 July 2007

<sup>152</sup> Speeches by Minister of Health Ágnes Horváth, MPs Miklós Soltész and Erzsébet Lanczendorfer in the plenary debate of the popular initiative no. 1870, 24 April 2007

Statement by the Association of Large Families on the legislation of voluntary sterilisation and assisted reproductive technologies, 24 May 2006

<sup>153</sup> 21/1996. (V. 17.) Constitutional Court decision

<sup>154</sup> 37/2002. (IX. 4.) Constitutional Court decision

<sup>155</sup> Parliamentary resolution 46/2003. (IV.16.)

<sup>156</sup> Bill no. T/5949. on the new Civil Code

## Missing intersectionalities

(1) There is no policy discussion on marriage between minors, although following the debate concerning early age marriages among the Roma in Romania the media did put the question on the agenda. Hungarian researchers confirmed similar trends in Hungary, but linked the phenomena to the poverty of Roma (leaving school earlier) rather than their cultural characteristics.<sup>157</sup>

### 3.8. Family status

#### Documents analyzed

Family status appears as a major intersectionality in intimate citizenship.

(1) The introduction of registered partnership was argued for partly on the basis that there is a growing tendency for couples not to get married, which makes the weaker partner more vulnerable if the partnership ends. Such a focus on family status (rather than sexual orientation) was most characteristic of socialist politicians,<sup>158</sup> the explanation of the act<sup>159</sup> focused on both target groups.

(2) More detailed legislation and extending the rights of cohabiting couples (right to alimony, housing rights, limited inheritance rights) in the new Civil Code<sup>160</sup> was also argued for by reference to the growing tendency for couples not to get married, which makes the weaker partner more vulnerable if the partnership ends.

(3) The reform of the assisted reproduction legislation<sup>161</sup> extended the possibility for single women to participate in assisted reproduction. Excluding single women was seen as a form of discrimination by the Hungarian Civil Liberties Union,<sup>162</sup> and following them, by the liberal and the socialist party.

(4) In the debate on ovum donation, a conservative MP attacked the bill for making non-anonymous ovum donation possible for relatives by cohabitation claiming that it opens up

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<sup>157</sup> A szegénység miatt házasodnak gyakrabban a roma kamaszok. *origo.hu*, 2003. 10. 03  
<http://www.origo.hu/itthon/20031003romantikus.html>

<sup>158</sup> Speeches by Secretary of State Gábor Juhász, MP Tímea Dr. Szabóné Müller and MP Dr. Szilvia Frankné Kovács in the plenary debate of the bill no. T/4411, 28 November, 4 December 2007

<sup>159</sup> Act CLXXXIV of 2007 on registered partnership

<sup>160</sup> Draft for a new Civil Code, 29 October 2007

<sup>161</sup> Act CLXXXI of 2005 amending legislation related to health care

<sup>162</sup> Hungarian Civil Liberties Union position paper no. 26: On amending laws concerning health care, November 2005

possibilities of misuse (ovum donation for profit).<sup>163</sup> He also criticized making assisted reproduction available for cohabiting couples (even though this had been part of the law since 1997).

#### Beyond documents analyzed

(1) Extending the rights of cohabiting couples was not limited to the drafting of the new Civil Code. Following the change of government in 2002, socialist and liberal parties adopted several minor changes to legislation that extended the rights and duties of cohabiting couples to make the institution more similar to marriage (e.g. the inclusion of cohabiting partners in the list of family members in the law regulating funerals,<sup>164</sup> extending tax reductions based on the number of children for cohabiting couples,<sup>165</sup> equalizing housing subsidies for married and cohabiting couples<sup>166</sup>, including cohabiting couples as family members in immigration regulations for partners of Hungarian or EU citizens<sup>167</sup>). Right wing parties opposed the changes claiming that the amendments were unnecessary or that they would lead to misuse.

#### Missing intersectionalities

(1) Adoption (joint adoption or stepchild adoption) is not available for cohabiting couples or registered partners; this is strange since adoption by individuals regardless of family status is possible, even though it is not preferred. The preference rule for married couples was introduced by the conservative government following a scandal surrounding the authorization of adoption by a former transvestite performer in 2001.<sup>168</sup> The drafts of the new Civil Code<sup>169</sup> would have done away with this rule, arguing that it might interfere with the child's best interest. However, in the end the preference rule was reintroduced into the bill submitted to Parliament.<sup>170</sup>

(2) There is no recognition of cohabitation for purposes of family reunification or immigration except for partners of Hungarian or EU citizens. This is problematic in refugee law<sup>171</sup> since persecuted social groups often avoid contact with authorities that persecute them and thus do not have their partnerships legally registered as marriage. It is also problematic in immigration

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<sup>163</sup> Speeches by MP Dr. András Csáky in the plenary debate of the bill no. T/18093, 23 November, 6 December 2005

<sup>164</sup> Act XXI of 2005 amending the Act XLIII of 1999 on cemeteries and funerals

<sup>165</sup> Act XLII of 2002 amending laws on taxes and other budgetary incomes

<sup>166</sup> 4/2005. (I. 12.) government decision on the detailed regulation of state guarantee for housing loans of young people

<sup>167</sup> Act I of 2007 on the entry and residence of people with the right of free movement and residence

<sup>168</sup> Act IX of 2002 amending the Act XXXI of 1997 on the protection of children and the administration of guardianship, bill no. T/4570

<sup>169</sup> Draft of the new Civil Code, 31 March 2006

Draft of the new Civil Code, 29 October 2007

<sup>170</sup> Bill no. T/5949. on the new Civil Code

<sup>171</sup> Act LXXX of 2007 on refugee status

law<sup>172</sup> because it is especially in non-EU countries that no legally recognized form of partnership (marriage, registered partnership) is available for same sex couples.

### 3.8. Summary of intersectionality

major intersectionality  minor intersectionality  possible intersectionality

	Gender	Sexuality	Non-intersecting
Gender			<ul style="list-style-type: none"> <li>• husbands to take wives name</li> <li>• joint surname for couples and children</li> </ul>
Sexuality	<ul style="list-style-type: none"> <li>• naming as 'gay and lesbian' or 'LGBT'</li> <li>• assisted reproduction for lesbian couples</li> <li>• recognition of female partner as parent in lesbian partnerships</li> <li>• lesbians becoming mothers in natural ways/stepchild adoption</li> </ul>		<ul style="list-style-type: none"> <li>• weaker partner</li> <li>• registered partnership for same sex couples</li> <li>• homosexuality as AIDS risk group</li> <li>• sex orient discr as persecution in refugee law</li> <li>• awareness that cohabitation includes same sex couples</li> </ul>
Age	<ul style="list-style-type: none"> <li>• surrogacy for gay males</li> <li>• hasty decision of young women to choose voluntary sterilization</li> <li>• assisted reproduction for ageing single women</li> <li>• unwanted pregnancy problem of young women</li> <li>• marriage between minors</li> </ul>	<ul style="list-style-type: none"> <li>• no registered partnership under 18</li> <li>• limiting NGO membership to 18+</li> <li>• equalizing age of consent</li> </ul>	<ul style="list-style-type: none"> <li>• connect partnership issues to well-being of children</li> <li>• young people as target in education on reproduction</li> </ul>

<sup>172</sup> Act II of 2007 on the entry and residence of people from third countries

## Citizenship

- sexual orientation discrimination as recognized persecution
- registered partnership ceremony in own language
- cohabitation as family in immigration and refugee law

## Class

- weaker partner
- protection of weaker partner in cohabitation relevant for lower class

- subsidized contraception
- voluntary sterilization as cheap
- voluntary sterilization in crisis situation

## Disability

- sterilization of legally incompetent women if risky pregnancy

- same sex adoption as solution to disabled children in state care

- forced sterilization of legally incompetent
- adoption by legally incompetent
- parallel between disability and sexual orientation discrimination

## Ethnicity

- ethnic identity of women maintained by passing on family name
- high abortion, lack of contraception for Roma women
- forced sterilization of Roma women
- protection of weaker partner in cohabitation relevant for Roma
- marriage between minors in Roma community

- same sex adoption as solution to Roma children in state care

- registered partnership ceremony in own language
- parallel bw/ ethnic and sexual orientation discrimination
- ethnicity and religion to consider in adoption
- higher birth rates of Roma

Family  
status

- extending rights of weaker partner in cohabitation
- registered partnership for weaker partner in cohabitation
- assisted reproduction for single women

- extending rights of cohabiting couples
- cohabitation makes misuse possible
- cohabitation as family in immigration and refugee law

Regional  
Religion

- assisted reproduction open to women of all religion
- conscientious objection to abortion, voluntary sterilization (doctors) and contraceptives (pharmacists) hindering reproductive rights

- religious arguments against homosexuality
- connect same sex marriage to polygamy
- no awareness of gay+ churches

- stress of divorce for practicing Catholics
- parallel between religious and sexual orientation discrimination
- recognition of church marriages

## V Intersectionality in gender based violence

### 1. Introduction

The aim of this chapter is to analyze how intersectionality is understood and operationalized in the Hungarian policy context of gender-based violence. We argue that despite the inclusive approach to inequalities expressed in the merged equal treatment and equal opportunities legislation and in the corresponding state equality machinery, the concept of intersectionality is almost completely absent from the state policy approach to gender-based violence. It is only recently and only due to non-state actors that the concerns of groups at intersections, such as Romani women, were brought to the agenda of Hungarian policymaking, and only in the specialized area of forced sterilization. The main axes of inequality seen as intersecting with gender in the context of gender-based violence in Hungarian policy language are age and/or child status and class, followed by ethnicity, which is limited to discussions on the situation of Romani women. The two dominant policy approaches to the interrelationship of gender and other axes of inequalities are the *parallel* approach, where the axes run parallel to each other but are not seen to intersect; and the *co-opting* approach, where the socially and/or politically more accepted inequality ground subsumes the less accepted ground. In this case, the age and/or child status ground subsumes gender. However, there are also examples of conceptualizing the relationship between inequalities as *additive*, usually discussing the multiple disadvantages in Roma women's lives, or *mutually constitutive*, with reference to the specific case of forced sterilization of Romani women. It is important to emphasize that the latter approaches to intersectionality are only found in civil society policy texts.

The fact that attention to intersectionality is mostly missing from Hungarian policy responses to gender-based violence does not go together with a strong emphasis on single inequality grounds. Rather, our findings support the argument of Lombardo and Verloo<sup>173</sup> that the *bending* of gender equality towards other inequalities can lead to the complete absence of equality goals. We have found that in policy responses to domestic violence in Hungary gender equality goals have been gradually replaced by the goal of protecting children and families. This is expressed both at the level of institutions – in the state equality machinery and its interface with civil society - and at the level of policy discourse.

Similarly to the other issues discussed in the report, it must be stated that discussions around intersectionality *per se* cannot be found in policymaking regarding gender-based violence. Considering that even the concept of gender is rarely used explicitly in policy documents in Hungary, the lack of attention to intersectionality is not surprising. The existing elements of intersectional thinking have to be uncovered and opened up for analysis. In order to compensate for the dearth of policies addressing intersectionality directly, policy texts not previously

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<sup>173</sup> Lombardo and Verlo, 2008

examined in QUING are also included in the analysis in this chapter. Thus, along with the four sub-issues previously analyzed under gender-based violence (i.e. domestic violence, sexual harassment, marital rape and trafficking in persons), the specific problem of the forced sterilization of Romani women is also discussed here.

In the next section I will first provide an overview of the historical development of the state and civil society institutions in the field of gender-based violence, and the developments at their interface. The analysis is organized along the sub-issues of domestic violence, the forced sterilization of Romani women, rape and sexual assault, sexual harassment and trafficking in persons. In this section, intersectionality is mostly limited to civil society institutions. Then I will discuss how intersectionality is present in policy discourse, primarily focusing on the supertexts in gender-based violence but also including relevant texts which were not analyzed for the LARG report.

## **2. Intersectionality in institutions dealing with gender-based violence**

### **2.1. Governmental equalities machinery**

In this section I first discuss the historical background of the institutionalization of gender equality in Hungarian state agencies in the context of gender-based violence. The aim is to illustrate that despite the absence of effective institutions at the moment of writing this report, there have been important attempts by various state actors over the years. Then I will describe how the merged legislation of different inequality fields in the Equal Treatment Act of 2003 has affected policies on gender-based violence with special attention to elements of intersectionality, or the lack thereof, in the equalities machinery. The overview and the description of the current situation are organized according to the following sub-issues: domestic violence, forced sterilization of Romani women, rape and sexual assault, trafficking in persons and sexual harassment at work.

After the collapse of state socialism the first institution for the promotion of equal status of women was created in Hungary in 1995 mainly as an outcome of the Beijing Conference. The prevention of violence against women and providing services to victims of violence was among its most important tasks. Despite the frequent changes in the location, the level of available resources and the empowerment of the government department on gender equality, there have been important initiatives proposed and implemented by this agency aiming to institutionalize state action against gender-based violence, especially domestic violence. In 2001, the Secretariat for Women's Affairs in the Ministry of Social and Family Affairs initiated the establishment of a network of experts who would deal with domestic violence cases locally. However, after a one-year pilot project, the initiative failed to extend to the national level. Similarly, in the wake of the Parliament Decree on the national strategy to effectively combat and



prevent domestic violence<sup>174</sup>, the Government Unit for Gender Equality launched a pilot Crisis Centre Service with the aim of providing telephone and personal assistance for women suffering domestic violence. Despite the plan to extend the model to the national level, the Centre was closed after a year.<sup>175</sup> Although the implementation of the Decree is far from complete, the Police have fulfilled their obligations by collecting statistics on domestic violence, providing training and issuing a Chief of Police Order with detailed rules for police officers dealing with cases of domestic violence.

The role of state equality machinery in all other sub-issues within gender-based violence has been minimal. Although the recent government decree on trafficking in persons<sup>176</sup> names the Ministry of Social and Labour Affairs as a co-operating governmental agency, it is thus far unclear whether any of the departments responsible for equalities which are located in this ministry are involved in policymaking. Policies regarding gender-based violence are prepared and implemented by other public bodies, such as the Ministry of Justice and the Crime Prevention Commissioner of the Ministry of Justice<sup>177</sup> (rape and sexual assault, trafficking in persons) as well as the Ministry of the Interior (trafficking in persons) and the national Parliament whose members have proposed regulations on sexual harassment.

The introduction of the merged Equalities legislation, the Act on Equal Treatment and Equal Opportunities,<sup>178</sup> which entered into force in 2004 has very limited relevance to the issue of gender-based violence. As the scope of the Act extends only to the public sector,<sup>179</sup> and does not cover family law relationships and relationships between relatives,<sup>180</sup> the Act has had a direct effect only within the sub-issue of sexual harassment at work. The ministerial department on gender equality<sup>181</sup> only has a consultative role in preparing legislation on gender-based violence. It is difficult to assess whether and to what extent the department is involved in the legislative processes, as documents about the consultations are not made public. However, it is clear from the interviews conducted with civil servants working in the department of gender equality, that the personal interest – and the position within governmental power relations – of

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<sup>174</sup> Parliament Decree 45/2003 on the National Strategy to effectively combat and prevent domestic violence

<sup>175</sup> Crisis Centre. Draft Programme for the Development of Victim Protection Services Fighting against Violence Against Women and Children in the Family. 2004. Governmental Office for Equal Opportunities

<sup>176</sup> Government Decree on the National Strategy against Trafficking in persons 2008-2012 (Kormányhatarozat az emberkereskedelem elleni, 2008-2012 kozotti nemzeti strategiarol)

<sup>177</sup> Currently named Ministry of Justice and Law Enforcement

<sup>178</sup> Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities

<sup>179</sup> 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.

<sup>180</sup> This restriction has been criticized by civil society organizations.

<sup>181</sup> The current gender equality body is the Department for the Equality Between Women and Men, located in the Ministry of Social and Labour Affairs.

the actual Minister has a significant effect on the success of these negotiations.<sup>182</sup> Similarly to the government department on gender equality, there is also a ministerial department of Roma Affairs, which is an important part of the state equality machinery. Again, it is unclear whether and to what extent this department co-operates with the department on gender equality and with the Ministry of Health in the case of the forced sterilization of Romani Women. The sub-issue of sexual harassment at work is the only sub-issue regulated by the Act on Equal Treatment. However, the relevance of the Act is limited even in this field, as it does not extend to not-for-profit and non-governmental organizations. Initially, the Act on Equal Treatment contained the concept and prohibition of harassment in general, but did not specifically mention sexual harassment. It was not until 2006 that the Act was modified, although the current definition of sexual harassment still does not conform to EU regulations.

There are two other important bodies of the state equality machinery: the Equal Treatment Authority and the Advisory Body. Although they are competent in the sub-issue of sexual harassment, there are no gender experts among the members of the two bodies, and the Board has not issued any position statements on gender-based discrimination since it was established.<sup>183</sup>

In sum, Hungarian policies and institutions of gender equality are historically weak and fragmented, and this impedes intersectional thinking around gender-based violence to a large extent. Despite the merged framework provided by the Act on Equal Treatment since 2003, there is very little sign of co-operation between equality bodies responsible for policymaking regarding different inequality grounds. In contrast, civil society organizations show a much higher level of awareness of the connections between gender equality and gender-based violence. In the next section I will analyze whether and to what extent this awareness contributes to intersectional thinking.

## *2.2. NGO expert interface with the government*

Developments at the state-NGO interface can be best analyzed through the sub-issue of domestic violence. The main argument of this section is that following initial co-operation between the state and feminist NGOs which started with the Parliamentary Decree on the National Strategy of the Prevention and Efficient Handling of Domestic Violence,<sup>184</sup> a shift can be noted in the interface from co-operation of the state with feminist activists to co-operation with child protection and children's rights activists. This shift can also be noted in the changing framing of policy texts from a gender equality focus to a focus on child-protection.

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<sup>182</sup> Author's interviews, October 6-10, 2008.

<sup>183</sup> HWL Shadow Report to the CEDAW Committee, 2007

[http://www.noierdek.hu/home/files/CedawShadowReport\\_2007\\_Hungary\\_EN.pdf](http://www.noierdek.hu/home/files/CedawShadowReport_2007_Hungary_EN.pdf)

<sup>184</sup> Krizsan, Pantjens and Lamoen, 2005, Domestic Violence: Whose problem? Greek Review of Social Research, Vol 117, No.B

While in the initial period MPs and feminist NGOs co-operated on drafting policy proposals, as soon as the competent ministries started the legislative work a shift can be observed from framing domestic violence in terms of gender equality towards a children's rights framing. During the development of the draft laws which was co-ordinated by the Ministry of Justice, feminist NGOs were only involved as external commentators. The shift in the policy agenda and the declining involvement of feminist NGOs is also reflected in a series of conferences on the issue of domestic violence. The very first conference was organized by feminist NGOs during the civil campaign, and although the turnout was low, important public figures such as MPs were present. The first large scale conference on domestic violence was organized by the Eszter Foundation, an NGO which did not take part in the civil campaign, and the event was supported by a number of ministries. Keynote speeches were delivered by leading politicians and high ranking civil servants and although the most prominent feminist experts also gave talks, the majority of speakers came from state institutions in the fields of child protection, social policy, criminology and psychology. There was a hint of intersectional thinking in one talk on ethnic discrimination given by an NGO, although it concentrated on the issue of state violence against Roma children in schools.<sup>185</sup> Two years after the Parliamentary Decree formulated in terms of gender equality was passed, a third conference, which discussed domestic violence mostly in terms of child protection, was staged in the building of the Parliament to coincide with the parliamentary debate on the first draft legislation on domestic violence. Feminist NGOs did not attend the conference; instead they issued a petition addressed to the Prime Minister.<sup>186</sup>

This situation has not changed significantly; feminist NGOs criticize the existing regulations and run services for victims without state funding, while a number of child-protection NGOs and experts are involved in state-run institutions providing services to victims of domestic violence. However, recently a number of feminist NGOs have joined the working groups organized by the government department on gender equality within the framework of the Roadmap 2006-2010. The working groups relevant to the issue of gender-based violence are those on violence against women, and on trafficking for the purpose of sexual exploitation.<sup>187</sup> Also, feminist experts take part in the preparation of the *National Strategic Plan for the Promotion of Equality between Women and Men 2009-2012*<sup>188</sup> which is based on the Beijing criteria and the Gender Equality Roadmap. These latest developments may signal the strengthening of gender equality thinking at the state level, and increased involvement by feminist NGO experts.

### 2.3. Intersectionality in civil society institutions

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<sup>185</sup> <http://www.eszteralapitvany.hu/dok/programfuzet.pdf>

<sup>186</sup> Petition to Peter Medgyessy, the Prime Minister <http://habeascorpus.hu/csbe/peticio.2004.05.13.htm>

<sup>187</sup> <http://szmm.gov.hu/main.php?folderID=16379&articleID=31674&ctag=articlelist&iid=1>

<sup>188</sup> Not available yet.

Several civil society organizations which are active in the field of gender-based violence seem to take multiple inequalities into account to some extent when they define the beneficiaries of their activities. The most common inequalities seen as intersecting with gender are age and sexuality. The axis of age is commonly present in the activities of the NGOs which are/were the most active in the field of domestic violence: NaNE Women's Rights Association and the Women and Children's Rights Training and Research Centre Foundation define their beneficiaries as women and children victims of domestic/relationship violence, and define children as the victims of violence against women. PATENT Association and its predecessor, the Habeas Corpus Working Group, aim to promote the social equality of women and LGBT people, using the category of gender in a more inclusive way than the traditional men-women distinction.

Coalitions of NGOs also constitute a form of taking into account multiple inequalities in civil activism. The first coalition was formed in the 2002 public campaign for domestic violence legislation, and there is also a loose cluster of NGOs that take part in the annual "16 days of activism against gender based violence" campaigns.<sup>189</sup> By 2007, the coalition included LGBT organizations (Szimpozium Association and Labrisz Lesbian Association), an organization for young women<sup>190</sup> and organizations of mothers.<sup>191</sup>

On the basis of the descriptions above it can be stated that the concept of multiple inequalities is operationalized by Hungarian NGOs by focusing their activities on groups at intersection (young women, Romani women) or as competing inequalities (gender and age/child status). The latter can lead to discursive tensions to be discussed in more detail below. The involvement of "general" human rights NGOs demonstrates that the idea of gender as an axis of inequality is becoming accepted in the wider civil society.

The particular problem of the forced sterilization of Romani women enables us to discuss the institutional aspects of intersectionality through the co-operation between two NGOs around the Sixth Periodic Report of Hungary to the CEDAW Committee. In 2007, two shadow reports were submitted: one of them was written by the Hungarian Women's Lobby (HWL) and reported on the 'general' situation of women, while the European Roma Rights Centre (ERRC) submitted another report focusing on Romani women. Although Romani women are regularly referred to as suffering multiple discrimination in Hungary, the previous shadow report (2002) only named them and demanded special attention from the state, without any analysis being provided.

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<sup>189</sup> In the beginning the campaign was named "16 days of activism against violence against *women*"

<sup>190</sup> [www.fiona.org.hu](http://www.fiona.org.hu)

<sup>191</sup> Regina Association (Regional Information for Women and Mothers) TAVASZ Association (Let us do something for the world-Alliance of mothers)

The Hungarian section of ERRC became involved with the CEDAW when, together with a Hungarian Roma rights NGO,<sup>192</sup> they acted as legal representatives of the complainant before the Committee in the case of 'A. S.', a Romani woman who suffered coerced sterilization in a Hungarian hospital. Another international organization, the International Women's Rights Action Watch (IWRAP),<sup>193</sup> specifically contacted ERRC in 2007 and suggested that they consider submitting a shadow report.

The relationship of the Hungarian section of ERRC and HWL can be characterized as both co-operative and competitive. Co-operation dominated when HWL's experts on violence against women and ERRC representatives had regular consultations, helping ERRC to carry out a research project mapping the situation of Romani women. The two NGOs also co-operated in attracting media attention to the shadow reports and the comments of the Committee. Yet they made the joint strategic decision to submit independent reports. The lack of co-operation can be explained by ERRC's interest in drawing attention to the findings of their research and maximizing its impact on the Committee and – indirectly - on the Hungarian state party. ERRC wanted to harness the prestige of the Committee's comments to continue their action for changing the regulations on giving informed consent to patients awaiting sterilization. On the other hand, HWL experts felt that the Romani issue would 'dominate' a joint shadow report and divert attention from their agenda. In other words, they were concerned that by focusing on the specificities of one particular group of women, the issues that they considered most important (e.g. criticizing the legislation around domestic and sexual violence) would not receive enough attention.

In this section I have discussed the institutional aspects of intersectionality in the context of gender-based violence in three interrelated fields: state institutions, the interface of NGOs and governmental institutions and in civil society institutions. It has been argued that the expression of intersectionality is generally at a low level within civil society institutions, with transnational ones showing the highest awareness of intersecting inequalities. At the state-civil society interface in Hungary, intersectionality is absent. Instead, the bending of gender equality as conceptualized by Lombardo and Verloo<sup>194</sup> can be found in the form of gender equality having been replaced by the non equality-related issue of child protection.

### 3. Framing intersectionality in Gender-Based Violence

In this section I will primarily analyze the supertexts in gender-based violence but will also examine other related texts. Domestic violence was a thoroughly debated issue in Hungary, while there were only limited debates around the other sub-issues (forced sterilization, sexual harassment, rape and sexual abuse and trafficking in persons), which explains why I discuss

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<sup>192</sup> Legal Defence Bureau for National and Ethnic Minorities

<sup>193</sup> <http://www1.umn.edu/humanrts/iwraw/>

<sup>194</sup> Lombardo and Verloo 2008

texts on domestic violence in more detail. A policy text created in response to the specific case of the forced sterilization of Romani women is also analyzed here. There are two caveats that have to be mentioned. First, only a fraction of the documents are explicitly framed in terms of gender equality. Second, the concept of intersectionality is largely missing from policy documents, except for a few NGO texts where multiple grounds of inequalities are mentioned explicitly. Thus, our analysis rests on close reading and attention to implicit meanings.

When analyzing the texts, we have paid particular attention to the following questions: How does the text refer to the intersection of different axes of inequality (multiple discrimination, multiple disadvantages, intersecting inequalities, etc)? Which groups (at intersection) are mentioned in the text? What is the nature of the relationship between the different axes of inequality (parallel, additive, mutually constitutive)?

### *3.1 Domestic violence*

#### **3.1.1. Age and/or child and dependent status**

##### **Documents analyzed**

In the Parliamentary Decree for the Prevention and Efficient Handling of Domestic Violence (policy plan), age is an axis of inequality that is not explicitly mentioned. Age is only implied in the diagnosis, when statistics are quoted that show that the groups of *women*, *children* and the *elderly* are the most common victims of domestic violence. The relationship between the different axes is parallel: gender and young and/or old age do not intersect; they only describe separate groups of victims. In the prognosis, only women and children are highlighted as victim groups needing the services of special crisis centres. Elderly people are subsumed under the term 'other victims'.

In the parliamentary debate on the amendment of the Penal Procedure Code aiming to legislate for the introduction of the restraining order, Ibolya David (MP, MDF) implied age as an axis of inequality in the diagnosis. The speaker criticizes the government for the absence of a comprehensive strategy for women's rights and mentions that job advertisements prioritize young women. Child victims are also mentioned later. However, in the prognosis there is no mention of multiple grounds of discrimination and the norm of gender equality also disappears, though one equality-based argument remains concerning equal access to services.

## Beyond documents analyzed

The policy document *On the possibilities of more efficient police response in cases of domestic violence*<sup>195</sup> published by police experts also refers to different groups affected by domestic violence, thus implying the existence of different axes of inequality. The study identifies victims as women, children, and elderly or disabled persons who are in a close relationship with the perpetrator and depend on them. The group of women is pushed out of focus and the text concentrates on other victims, such as children, to the extent that domestic violence is implied to equal child abuse.<sup>196</sup> The relationship between axes of inequality is therefore competitive, shifting towards a co-opting approach.

The same two axes, those of gender and age and/or child and dependent status, are present in the government campaigns organized to raise awareness of domestic violence with reference to the National Strategy for the Prevention and Handling of Domestic Violence by different ministries. An important difference to the texts mentioned above is that the focus shifts completely toward dependent groups – the title of the campaign itself- *Campaign for the Defence of the Weak and the Dependent*- is very instructive.<sup>197</sup> At the level of images, only a group of children is present, gender has been erased from the different inequality axes considered relevant to the issue. The approach to different inequalities is almost exactly the same in the text of the *National Strategy on Crime Prevention*.<sup>198</sup> Although the document starts by listing different victim groups – women, the elderly, and the weak – it shifts to discussing the detrimental effects of violence on children, and continues to talk about only children as a group suffering. Interestingly, it is in the prognosis section that the text includes more groups affected by domestic violence, adding the group of people suffering from long term illness. The relationship between grounds is competitive, co-opting. In the report on the implementation of the crime prevention strategy<sup>199</sup> the only group mentioned is that of children.

There are a number of texts which take a clear stance against the co-opting approach and the disappearance of the axis of gender equality from the discourse on domestic violence. In NGO texts, especially in the Petition to Peter Medgyessy, the Prime Minister, and majority members of the parliament,<sup>200</sup> there is a clear separation of the victim groups of women and children. The text argues against the co-opting relationship between women and children's rights, that is the competing relationship between gender and child status that is present in government policy

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<sup>195</sup> Diószegi, Gábor and Zsolt Szabó. 2003. *A családon belüli erőszak elleni hatékonyabb rendőri fellépés lehetőségeiről.* (On the possibilities of more efficient police response in cases of domestic violence.) Budapest: Hungarian National Police Headquarters, <http://www.orfk.hu>

<sup>196</sup> Safrany, 30

<sup>197</sup> <http://www.eszteralapitvany.hu/dok/programfuzet.pdf>

<sup>198</sup> <http://www.bunmegelozes.hu/?pid=193>

<sup>199</sup> Report on the implementation of the National Strategy on Crime prevention in 2005 (Jelentés a társadalmi bűnmegelőzés nemzeti stratégiája és cselekvési programja 2005. évi végrehajtásáról) OBMB, Budapest, 2006 <http://www.bunmegelozes.hu/?pid=193>

<sup>200</sup> <http://habeascorpus.hu/csbe/peticio.2004.05.13.htm>

documents. In a detailed analysis even the mechanism is described whereby the bending of gender equality eventually leads to the replacement of any equality goals<sup>201</sup> on the one hand, and the continuation of domestic violence on the other.

In the mission statement of the NaNE Women's Rights Association, gender and (young) age are mentioned as separate axes of inequality.<sup>202</sup> This text serves as an example of an additive relationship between inequality grounds, as a reference to girls does not exclude the dimension of gender in the document. Leaders of the Association have confirmed that they now consciously avoid referring to 'children' as victims of domestic violence, precisely because of the tendency toward co-optation discussed above, and they even abandon the term domestic violence in favour of relationship violence.<sup>203</sup>

### 3.1.2 Ethnicity

In the analyzed documents on domestic violence there is no reference to the intersection of gender and ethnicity.

#### **Beyond analyzed documents**

In the 2002 shadow report to the CEDAW Committee the Hungarian Women's Lobby refers to the specific needs of the Roma minority. Although they do not mention women explicitly, it is clear from the context that they refer to Romani women.<sup>204</sup> Interestingly, the group of Romani women is mentioned only in the prognosis part of the report. This absence in the diagnosis may be explained by the lack of available research data. The parallel report prepared by the European Roma Rights Centre for the CEDAW Committee in 2007 on the other hand focuses exclusively on the group of Romani women. This is the first policy document which explicitly mentions intersectionality, albeit by referring to it as "multiple discrimination on the basis of sex and ethnicity."<sup>205</sup> Talking specifically about domestic violence, the report contrasts the groups of Romani and ethnic majority women and argues that the experience of violence is "made worse" by the distrust Romani women feel towards the police.<sup>206</sup> The document refers to multiple discrimination both in the diagnosis and the prognosis. The text also mentions multiple grounds of inequalities – ethnicity, gender and age – when it refers to the group of (Romani) 'girls', and 'young Romani women' though the specificity of this group is not discussed in any detail.

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<sup>201</sup> Lombardo and Verloo 2008

<sup>202</sup> <http://www.noierdek.hu/home/tagok>

<sup>203</sup> Author's Interview with Judit Wirth, October 15, 2008

<sup>204</sup> [http://nane.hu/egyesulet/mediafigyelem/cedaw\\_angol.pdf](http://nane.hu/egyesulet/mediafigyelem/cedaw_angol.pdf)

<sup>205</sup> ERRC Parallel Report to the CEDAW Committee, 2 <http://www.errc.org/db/02/55/m0000255.pdf>

<sup>206</sup> ERRC Parallel Report to the CEDAW Committee, 9



### 3.1.3. Class

In the analyzed documents on domestic violence there is no reference to the intersection of gender and class.

### Beyond documents analyzed

Class *per se* is not mentioned as an axis of inequality. However, in a number of texts class is implied in the context of domestic violence. In the National Strategy on Crime prevention poor families are mentioned as a group affected by domestic violence.<sup>207</sup> The text also states that the majority of child victims come from “disadvantaged or multiply disadvantaged” families<sup>208</sup>. This term is regularly used in Hungarian social policy texts to imply poverty and Romani ethnicity. The text goes even further by linking poverty to alcoholism and aggression. Continuing the chain of association, alcoholism is linked to psycho-social problems, and the term ‘pathologically aggressive’ is coined, arguing for the pathological mental state of domestic violence perpetrators and placing the issue in the field of health care. Thus the axis of gender inequality is erased from the document and replaced by the non-equality related issue of substance abuse and mental health. The National Crime Prevention Committee is consistent in its evaluation of the causes of domestic violence as they provide financial subsidies to support groups of former alcoholics.<sup>209</sup>

### 3.1.4. Settlement hierarchy

In the parliamentary debate on the restraining order conservative MP Ibolya David mentioned settlement hierarchy as an axis of inequality affecting a specific group of victims of domestic violence. The speaker argued that victims who live in villages and small settlements have no access to shelters. The relationship between different grounds of inequality is additive, and it was mentioned both in the diagnosis and the prognosis part of the document.

## 3.2. Forced sterilization of Romani Women

### 3.2.1. Ethnicity

The special parallel report prepared by the ERRC in 2007 devotes a section to the issue of forced sterilization and argues that the practice has been widespread in Hungarian hospitals. The practice of forced sterilization is referred to as a ‘harmful practice’ which affects only Romani women as an extreme form of the widespread discrimination against them within the health care system. The relationship between the different axes of inequality is mutually constitutive. Indeed, the executive summary of the report mentions “multiple and/or intersectional discrimination” against Romani women. The intersecting inequalities are mentioned both in the diagnosis and in the prognosis of the report.

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<sup>207</sup> National Strategy on Crime Prevention <http://www.bunmegelozes.hu/?pid=193>

<sup>208</sup> Strategy, page 64

<sup>209</sup> Report on the Implementation of the National Strategy on Crime Prevention

### 3.3. *Trafficking in persons*

#### **3.3. 1. Age and child status**

Gender and age/child status are mentioned in the document *The Principles for the National Strategy on Suppressing Prostitution and Trafficking* which was published as a Common statement of the Governmental Department of Equal Opportunity and the Movement for a Prostitution Free Hungary. The relationship between the two axes is parallel: the main argument of the text is that women and children are trafficked for the purposes of prostitution. Thus, it may be argued that the NGO text uses the category of children for strategic purposes, that is, to raise awareness of the link between trafficking in persons and prostitution. Women and children as the two main victim groups are mentioned both in the diagnosis and in the prognosis.

### 3.4. *Sexual violence*

#### **3.4.1. Marital status**

In the marital rape debate which took place in the Hungarian Parliament in 1997, the speech of MP Eorsi was exceptional because not only did he focus on the intersecting inequality axes of gender and marital status, but also argued for developing the marital rape legislation into a comprehensive legislation on domestic violence. The intersection of axes is not named but the norm of anti-discrimination is referred to: if rape is penalized outside marriage, it would be discriminatory against married women not to penalize it within marriage. The groups mentioned are married women victims and male perpetrators. The relationship between the axes is additive. The two axes of inequalities are mentioned in both the diagnosis and the prognosis. The report on sexual violence in the home by Amnesty International Hungary also focuses on the intersection of gender and marital status. The relationship between the two grounds is seen as additive, as the report argues that sexual violence at the hands of (former) husbands and intimate partners is the most common type of sexual crime in Hungary. The two axes are mentioned both in the diagnosis and in the prognosis.

#### **3.4.2. Child status and sexuality**

Ferenc Koszeg, another MP participating in the parliamentary debate, also proposes the extension of the legislation under debate. Although gender/women are not mentioned explicitly, it is clear from the context that the speaker thinks marital rape should be punished. Similarly to MP Eorsi, the speaker extends the axes of inequalities (gender and marital status) to include children and LGBT victims of sexual violence. Thus, although gender is replaced as an axis of intersection, it is replaced by other inequality axes. The relationship between the axes is parallel, and there is a balance between the diagnosis and the prognosis.

### **3.4.3. Age and/or child status**

In the following texts we can observe the bending of gender equality to include other inequalities, where the final outcome is the disappearance of the gender equality axis. In the explanation of the proposed act on the amendment of the Penal Code regarding marital rape, the Ministry of Justice mentions sexual violence against children together with the argument for the penalization of marital rape. The two axes of inequality are parallel. It may be argued that the reference to child sexual abuse was included for strategic reasons, i.e. to gain support for the proposal. Although the two grounds of inequality are present in the diagnosis, in the prognosis only the gender dimension is present.

Two other MPs, Peter Hack and Jozsef Szajer, also invoke child sexual abuse in the parliamentary debate; however, their aim is to contrast what they argue to be a real social problem, i.e. sexual crimes against children, with the issue of marital rape, which is argued to be of minor social relevance. The relationship between gender and child status is therefore competitive.

The special report on sexual violence in the home researched and published by Amnesty International Hungary also mentions young age/child status as a ground of inequality together with gender. The groups defined are women and girl victims of sexual abuse in the home. The relationship between the two grounds is hierarchical: gender is seen as the more important ground. The two grounds are mentioned in both the diagnosis and the prognosis.

## *3.5. Harassment/stalking*

### **3.5.1. Marital/family status**

There are a number of inequality grounds mentioned in the explanatory text prepared by the Ministry of Justice when the category of harassment/stalking was introduced into the Hungarian Penal Code in 2007. Although there is not explicit reference to intersectionality, the text of the law defines the aggravated case of stalking as a crime committed by former spouses. Thus the axis of marital/family status is related to the axis of gender, and the legislation itself creates the intersection by specifying that only divorced/separated women can be the victims of a particular type of gender-based violence.

### **3.5.2. Age and dependent status**

The same law discussed above in relation to marital status and gender regulates that the perpetrator can be charged with an aggravated case of harassment when the victim is a child or an elderly person in his/her care. This particular element of the text is analyzed here because

although it is not made explicit, the differences in the legislation create a hierarchy between different grounds of inequality, prioritizing age and dependent status over gender.

### **3.5.3. Gender**

Although this example does not fit into the topic of intersecting inequalities, the intersection of masculinity and criminal status is worth mentioning here, as it is highly unusual in a legal text. The Ministry of Justice prepared an explanatory memorandum to the law analyzed above aiming to justify its stance on excluding current partners from the possibility of being charged with stalking. The memorandum names men – former husbands and male partners - as typical perpetrators of stalking.

## *3.6. Sexual harassment at the workplace*

### **3.6.1. Class**

A surprising absence of intersecting inequalities can be observed in the NGO text prepared by the Hungarian Women's Lobby. The NGO experts criticize the Act on Equal Treatment for omitting explicit regulation of sexual harassment, and only including harassment in general. The text argues that sexual harassment is a form of gender based violence and describes *quid pro quo* sexual harassment; there is no reference to the intersection of gender and class or financial situation, not even implicitly.

## *4. Conclusion*

In conclusion we first argue that intersectionality is practically missing from policy documents around the issue of gender-based violence in Hungary. Furthermore, the typical policy discourse is highly technocratic and de-gendered, which makes it necessary to search for terms relating to gender, and requires a close reading to find terms relating to other axes of inequality. Second, there are very few cases where reference is made to intersecting inequalities, namely gender and age, and gender and ethnicity, typically in NGO texts. The most common occurrence is that gender equality is replaced in the policy language by another issue that is not related to inequalities. In the Hungarian context this issue is usually child or dependent status. Third, the absence of the intersection between class and ethnicity in state documents is obscured by the vague use of the term 'multiply disadvantaged.' Fourth, it is noteworthy that in state policy documents reference to perpetrators of violence is either couched in highly technocratic, legal terms, or in a medicalized and pathologized way.

## **Conclusions - Processes – change**

### *General gender equality*

Five years ago one could say that Hungarian policy debates on general gender equality had entirely neglected the integration of intersectionality, either in direct or implicit ways. While discussion of intersectionality is still marginal to the debate from 2003 onwards, it is nevertheless present in several of the analyzed policy texts and beyond. Its different forms range from a general complex understanding of mutual constitution of inequality grounds, through interactions between grounds situated in hierarchical order, to discussion of intersectionality through the specific policy problems of specific groups at intersection. This is not to claim that intersectionality is now seen as an important part of discussions on inequality in Hungary, but simply that debates on inequality do address intersectionality at least to some extent. Beyond the few texts that address intersectionality in one way or another, the predominant relationship in Hungarian general gender equality policy texts is a merged but parallel approach to inequality grounds. Few texts address gender equality specifically, and not in the framework of a more general equality concept, but the ones that do have some form of intersectionality integrated, even if very narrow.

What the history and the present machinery show is that in the competition between the grounds for state recognition, the gender equality ground is losing out. The process clearly goes from a gender equality specific independent department towards a merged approach to inequalities but with some sub-divisions for the specific grounds. In this process, gender equality consistently ends up at a lower level in the hierarchy, with disability and Roma being the most politically privileged categories. The machinery also has no integrated chapter which could be foreseen as dealing with grounds that are not covered or with intersectionality issues. Merging the treatment of all inequality grounds seems to bring all of the associated disadvantages in Hungary: arbitrary hierarchy and exclusion of grounds and also the almost complete absence of other than parallel approaches to the grounds.

The only institutional structure that brings novelty to the system is the multi-stakeholder Council for Equality between Women and Men which elects one of its members on grounds of multiple discrimination and thereby means that intersectionality is recognized in institutional terms for the first time in Hungarian equality policy. Meanwhile, it is important to note the clear hierarchical relation between gender and any other grounds that might intersect with it.

The NGO sector, though predominantly organized around inequality grounds in the case of groups and coalitions working for gender equality, seems to show an increasing awareness of intersectionality which is manifested in intersectionally-minded coalitions, alliances and an intersectional framing to a greater or lesser extent, depending on the issue. Meanwhile, a clear

competitive element is also present between the grounds which aims at establishing recognition of the grounds, particularly gender, in institutional, policy and framing terms as well.

### *Non-employment*

The field of Non-employment is rather different from the other issues analyzed in QUING in terms of intersectionality for two reasons. First, as discussions around employment are located at the intersection of state, market and family relations, state policies cannot but address material inequality relations, albeit under changing terms. Second, non-(employment) debates in Hungary are embedded in a historical context of scholarly work on the problems of vulnerable people under state socialism. The legacy of which has a clear influence on today's policies.

Intersectional thinking is expressed in a large number of documents analyzed, though the quality and depth of the discussion varies greatly. The rereading of texts and supertexts with a focus on intersectionality has shown that policies on pension reform in Hungary would have been a valuable sub-issue to analyse in this field.

The most important findings of the present analysis is that women and age are indeed meaningful intersecting categories in Hungarian texts in the field of non-employment, which is often not the case in other fields. The most obvious absence of intersection is that of sexual orientation.

### *Intimate citizenship*

The most important findings of the analysis are that a) gender equality is not an explicit central concern in discussions on intimate citizenship, b) gender appears most prominently in the field of reproduction, but more as a biological rather than social category, c) gender appears as an important consideration in a de-gendered form in the discussions on the protection of the weaker partner, d) sexual orientation is an important inequality axis, but it intersects with gender only superficially (labelling) in the documents analyzed, e) age is an important (but rather naturalized) intersection in the sub-issue of reproduction, f) marital status (the growing recognition of living arrangements outside of marriage: single, cohabiting) is also an important intersection present in all three sub-issues, g) explicit gender equality considerations are more likely to occur in NGO voices and from parties on the political left (especially from the liberals), and h) the Constitutional Court and the Alliance of Free Democrats (with clear input from NGO actors) were the key actors initiating policy change rather than the government.

If one looks at the dynamics of these legislative developments it is clear that all major developments fall under the governments of left-liberal parties. The first major developments of intimate citizenship legislation (cohabitation of same sex couples, regulation of assisted reproduction, and appearance of sexual orientation as an equal treatment ground) fall under the

first left-liberal government in 1994-1998. The conservative government remained largely passive in 1998-2002, but also introduced some smaller amendments to privilege married heterosexual couples (e.g. in adoption, social benefit policies). The new coalition of the socialist and liberal party in 2002 brought a significant shift from the previous period: non-discrimination of unmarried couples and single people became a recurrent topic and sexual orientation became an important policy priority (especially in the liberal party, pushing the agenda against the more passive and hesitant coalition partner). It is interesting to note, however, as mentioned earlier, that this change was not coming from the state bureaucracy or the government, but rather was initiated by NGOs, the Constitutional Court or MPs in the Parliament, and severely criticized by conservative political groups and other NGOs. The high level of political contestation and lack of bureaucracy-driven initiatives make it questionable whether this shift in policy can be regarded as a long term policy development, or just an ephemeral phenomenon that will be largely abandoned if more conservative political forces take power.

### *Gender-based violence*

The analysis of the institutionalization and framing of intersectionality in gender-based violence shows that the concept of intersectionality is rarely expressed explicitly in Hungarian policy responses to the problems in this field.

At the civil society level, coalitions and umbrella organizations, which can be understood as long term coalitions, constitute the first step away from identity politics towards transversality in Hungary. NGOs, especially those that are active at the international level, seem more aware of the benefits of and the need for intersectional thinking. As regards state institutions, there are no visible signs of intersectional co-operation between the individual agencies responsible for different inequality issues around the issue of gender-based violence.

The distinction between civil society and the state regarding intersectional thinking can also be observed in policy frames: NGO texts show a higher level of awareness of the issue. The analysis of frames in state texts has made clear the alarming absence of attention to the intersection of gender and ethnicity on the one hand and gender and class on the other. The intersection of gender and age in state policy language is most often not the expression of intersectionality, but rather signals the deletion of the gender equality dimension from policy frames.

### *Comparison, conclusions*

The intersectionality analysis in Hungary has shown that intersectionality in relation to gender equality is present though marginal in policy debates. This is especially true for general gender equality, gender based violence and non-employment, less so for intimate citizenship.

Intersectionality in a stricter or more ambitious sense is particularly present in texts by civil society organizations and texts created upon closer international influence. Intersectionality can also be detected in NGO activities in terms of both coalition building and competition. However, the most prominent form of intersectionality is not some complex understanding (which rarely occurs) but addressing specific social problems of specific groups at the intersection of different inequality axes but without connection to some more complex understanding of inequality.