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Backlash in Hungary – same old story?

JUDIT WIRTH

Starting from the first of January, 2011, Hungary has served as the Presidency of the EU which will continue for a half of a year. Hungary hit off its first Presidency since joining the EU in 2004 with extreme controversy. The contention was mostly generated by a controversial law passed by the new Hungarian government (elected in April 2010): the so-called "media law". As one of the German papers put it, no one in Brussels remembers any country to have been on the front pages of half the world's media right before its EU presidency. But that is not the only disquieting change we have witnessed in these past months. Further concern comes from the news about the nationalization (or, as some say, re-nationalization) of the private pension funds (and especially the way it was done, virtually forcing people into a "decision" that only 2% of the members of private pension funds could "resist"). Also the Hungarian Presidency championed the program of "Roma-inclusion" by a prime minister who actually drew concrete political profit from the wave of extreme anti-Roma violence in Hungary in 2008/9. Much less attention is paid, however, to how "women's issues" and how women are treated in Hungary, although women's well-being has very much to do with a country's general well-being, as research and practice has proven time and again.

Hungary is a highly patriarchal and macho society, holding pervasive sexist attitudes and beliefs below the surface of democracy and equality in the law. Consequently, the more conservative its powerful elite is (both in legislation and in any other decision-making body), the less any equality-law counts. Indeed, the more conservative the legislative power is, the more ways are devised by the government in power to keep the democratic and non-discriminatory laws at a minimum. Minimal laws on child prostitution, trafficking, sexual harassment and rape are in the books in order to avoid overt condemnation by the international community but the Hungarian government is notorious in actually enforcing them. Beyond that, laws that clearly put women in a disadvantageous situation, or even harm them, may easily get a green light. This can come in the form of budget laws resulting in the closing of crèches, slashing subsidies for employer incentives for family-friendly policies, closing down public transportation lines, or other "money saving" gestures. It can also come, as we

will see, in modifications in the penal code or as an unfortunate side-effect resulting from the creation of a new constitution.

Hungary, as far as the advancement of women is concerned, was not exactly a rose garden under the previous, socialist-liberal government. Here are a few examples from the recent past:

In 2007, the Hungarian Parliament turned down a bill for imposing a quota to improve women's political participation, reiterating senseless arguments – such as "political positions should be based on merits", and "women are not interested in politics anyway" – assertions that are just bad historical memories from happier parts of the world.[1]

The legislation on protecting women and children from perpetrators of domestic violence took eight years of intensive lobbying. This was clearly a sign of political ambivalence and immobility, observing the other excellent examples from around the world, one right next door in Austria. The result of the lobbying efforts of Hungarian women's rights organizations and the few politicians who took up the issue was a weak compromise of a restraining order law in 2009.[2] Unfortunately this was neither designed nor can it be capable of offering the victims the full measure of protection they need and deserve.

The criminalization of buyers of the bodies of under-age girls was only enacted in 2007 as an obligatory though belated response to the EU directive. But even three years after the law came into effect, law enforcement has not followed the law and protected these girls, but instead, the girls themselves are prosecuted: it is still the 17 year old prostitute police throw into prison for the minor offense of "standing in the wrong place", while they do not make the slightest effort to find and prosecute the buyer. This has continued from law enforcement under the old government up to the present government.

After being in power for eight years, the left-wing government passed the National Action Plan (NAP) on Equality between Women and Men only in January 2010 – three months before the elections, when it was already clear that the government would lose the election. Therefore the fact that the NAP was an important achievement and women's NGOs were glad to see it has a slight aftertaste. This NAP was compiled by gender-experts, so it is a sound document – with the exception of one chapter: the one on violence against women. It seems that not only feminists know that violence against women is the core method to keep gender inequality intact. Ministries apparently know it as well – accordingly, this chapter was re-drafted by the Ministry of Justice into a few lines of clichés. The final version is somewhat modified to reflect at least a theoretical recognition of the importance of the issue, but the implementation order and the lack of action since the passing of the NAP and the implementation order indicates that the cliché-approach is meant to be maintained.[3]

The Implementation Order for the NAP that defines the tasks for the first two years of the 11-year strategy was passed on April 21 – This was 10 days after the left wing government lost the elections. Thus – apparently because in eight years of governance

they did not find the time – in an overly optimistic strike, the socialist-liberal coalition gave the task of creating gender equality in Hungary to the conservative party.
So let us turn to what, in the first 10 months, the new government came up with as a plan for their inherited NAP and other issues related to women.
The most important new development is not related to the NAP at all. It is a much more important issue: a section in the new constitution currently being drafted regarding the status of the fetus. The proposed text carries the potential of an almost full ban on abortion.[4] While the governing party makes it clear that it does not intend to change the current law on the protection of the fetus (providing for a relatively non-restrictive access to abortion), the planned constitutional protection of life from the moment of conception would open the way to the constitutional revision of the current law regardless of what the political parties say. Constitutional lawyers and political and social analysts are debating at the moment whether the proposed change would indeed "protect" life from the moment of conception, because the wording is sloppy and perhaps deliberately ambiguous. This could be because the "founding" fathers and mothers of this constitution are not constitutional lawyers. It could also be however, that the reason is clearly a political one: the 2/3 majority in the parliament is achieved with the help of a conservative party (to the right of the ruling party), and this party seems to consider this wording to be very important. Whether the bigger (and governing) party will allow this to happen in spite of knowing that banning abortion or even making the law stricter would cost them many votes, is still an open question. And while – mostly male – lawyers debate about the different potential readings of this section based on elaborate constitutional-law doctrines and practice, if the section passes, only the future will tell if Hungary has introduced Europe's strictest law on banning abortion or not.
The committee also proposes that Hungary's new Constitution enshrines the exclusively heterosexual marriage as the only form of a family worthy of protection.[5] And, to ensure that these changes endure, the new Constitution would further strengthen the rules regulating modifications to the text, thus making it effectively impossible to change.
In the last 10 months the so-called National Machinery for Gender Equality has been reduced to a department with two staff members and an annual budget of 18.000 Euro. The National Council for Equality between Women and Men has not officially convened since the present government took over. A proposal outlining the new composition of the Council makes it clear that the balance between government and NGO representation would be an illusion: 13 ministry representatives, 6 governments appointed researchers, 2 church representatives would be supposed to be balanced by 8 NGO delegates. In any case, since the government has not bothered to discuss the proposal up to this point anyway, we can set aside our worries about the balance, and concentrate on worries about the lack of the very existence of the Council.

The first meeting of the EU-"High Level Group on Gender Mainstreaming" under the Hungarian Presidency was held on January 11th 2011. Just one presidency apart from Spain and two from Sweden, the Hungarian Presidency came up with the most non-committing plan possible: "The Hungarian Presidency works on the improvement of the European Pact for Gender Equality". Hungary, as it seems from the not-too-ambitious website of the Presidency's "gender agenda"[6] – a look at the website shows that the term "agenda" seems to be an exaggeration – did not even chose a favorite field of work for the Beijing-indicators review process.

In the first presidency address the issue of women and men appears only related to the EPSCO (Employment, Social Policy, Health and Consumer Affairs Council) program, and is mentioned only once: It is discussed under the heading "demographic challenges, and the problems of an aging population". The context in the speech is that of challenges created by the reconciliation of work and family life, active aging, solidarity between generations and the plan to introduce to the Commission the recommendation for a European Year of the Family. The only mention of women and men comes in the name of the European Pact for Gender Equality. In this context the government provides extremely clear clues in the proposed constitution: women should produce offspring in their everlasting heterosexual marriages that the European Year of the Family will hopefully endorse as the solution to demographic challenges. And, hopefully, the world will see that it is "good", and will follow suit... Women's rights NGOs see that is very far from "good", and keep working against these conservative tides even under very unfavorable circumstances. These NGOs and activists also hope that the international community will pay a lot of attention to these dangerous trends and events in Hungary as well as to the Hungarian EU Presidency influence on the international community. The international focus on the media law and its potential to jeopardize writing about these issues in Hungary is indeed important. However, it may be even more important to focus on the oppressive legal and policy changes carried out by the Hungarian government. If and when the media are impeached from criticizing, say, a ban on abortion, what should be the concern of the international community is the political drive towards a ban on abortion. This is the bigger picture that the censorship on media aims to hide. So we should not be sidetracked.

For some time women in many countries thought that gender equality was on the right track. Then we faced backlash, and reconsidered. Then – especially with the 2004 enlargement of the EU – we faced new waves and new methods of backlash against equal rights for women. Women throughout Europe now seem to face the realization that feminism is still needed in the very basic sense of activism, research and political action. Women and men in countries with a more advanced level of gender equality are also now faced with the challenge that they can and need to help women in other countries in new ways. By lobbying and educating their own and future decision makers they may help produce an international environment that is willing and capable to hold governments of other countries responsible for their sexism and, at times, misogyny.

Notes

1 See for example among the arguments in the debate of the parliament (in Hungarian) Internet: http://www.parlament.hu/internet/plsql/ogy_naplo.naplo_fszoveg2?p_ckl=38&p_query=98_372,98_374,98_378,98_390-96,98_404,98_408,104_261,104_299,104_303,104_313, 104_315,104_321,108_300,108_322,108_344,108_364,112_180,&p_szoveg=n%F5i%20and%20kv%F3ta&p_stilus= (21.02.2011)

2 The text of the law is only availbale in Hungarian. Internet: http://www.complex.hu/jr/gen/hjegy_doc.cgi?docid=A0900072.TV (21.02.2011)

3 While the strategy states that the long-term goal is to fully eliminate all forms of violence against women, the Governments decision about the implementation plan of the NAP (Decision 1095/2010. (IV. 21.)) sets forth nine concrete tasks regarding violence against women (VAW) (points 15-23, out of a total of 29 for all the fields of equality between women and men). These apply – mostly in general terms – to very diverse fields of VAW from domestic violence to rape, to trafficking for sexual exploitation. Until now, no political action is visible, and involvement of women's NGOis not required at all.

4 There is no official translation of the planned principles available at the Parliaments homepage. The mentioned section can be found in the Chapter of Fundamental Rights and Responsibilities, section 1. A word-by-word translation would be: „ As a fundamental right, all human life, from the moment of conception shall be protected. Human life and dignity is inviolable." A different translation can be found at http://www.commonsensebudapest.com/en/wp-content/uploads/css-constitution-concept-document-en.pdf.

5 Again, there is no official translation of the text of the principles of the new Constitutution available (http://www.parlament.hu/internet/plsql/ogy_irom.irom_adat?p_ckl=39&p_izon=2057, p. 3): „7. The Constitution shall (recognize the inviolable and inalianable freedom and fundamental rights of earch person, and shall ...) specifically protect marriage, the most basic and natural union of a man and a woman, and family based on it. The protection of freedom, fundamental rights, marriage and family is the fundamental duty of the state." (Translation: Tamas Dombos)

6 http://www.eu2011.hu/news/gender-equality-presidency%E2%80%99s-agenda

Die Armeewaffe im Kleiderschrank. Geschlechterpolitische Debatten im Waffenparadies Schweiz

LILIAN FANKHAUSER

Ordonanzwaffen gehören ins Zeughaus, so forderte die Volksinitiative „für den Schutz vor Waffengewalt", über die in der Schweiz im Februar 2011 abgestimmt wurde. Seit Einreichung der Initiative vor zwei Jahren war eine heftige Debatte entbrannt: die einen wollten an einer lieb gewonnenen Tradition festhalten, die anderen dieselbe zum Schutz der Zivilgesellschaft abschaffen. Bei näherem Hinschauen zeigt sich, dass in der Schweiz das antiquierte Bild des beschützenden Soldaten weit mehr als eine Lachnummer ist: Sie prägte, als Subtext, die Debatte im Parlament und auch den Abstimmungskampf.