



# **Orbán's politics – a gender perspective**

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## Introduction

For more than a year before the formation of the second Orbán government in the spring of 2010, opinion polls had already suggested a landslide victory for the right wing. Civil gender experts vigilantly monitored all debates on gender issues in the conservative media in order to predict a possible government policy direction. Two issues stirred the still water of the debate on women's issues: a massive attack on the misinterpreted gender mainstreaming method (including an outcry about a suggested change in the education law on the kindergarten education of children avoiding the use of harmful gender stereotypes), and a renewed focus on the question of demography loss. The attack on gender mainstreaming was based on the Hungarian translation of a German book by the extreme Catholic Gabriele Kuby. These two issues: anti-gender theory and demography, turned out to be the key to the women's and family policy of Fidesz-KDNP, the two ruling parties.

## The dismantling of the gender machinery in the ministries

Right after the formation of the new government, the Hungarian Women's Lobby, the national coordination of the European Women's Lobby, wrote a letter to Mr. Orbán, asking three key questions about gender policy: Where will the gender machinery be placed within the new ministerial structure, equipped with what budget and human resources? What will be the future of the Gender Equality Council (a forum for the conciliation of interests on bills with a gender impact between government, academic gender experts and elected women NGOs in proper function with monthly meetings since 2009)? What will be the future of the *Hungarian National Strategy for the Promotion of Gender Equality – Guidelines and Objectives, 2010-2021* (just announced three months before the elections, in January 2010) and its two-year *Action Plan, 2010-2011*? The questions, which were never answered by neither Mr. Orbán nor any of his ministers, proved prophetic. Within the restructured government gender issues belong to the mega Ministry of Human Resources, led by the Christian Democrats. The Gender Equality Department was closed down, several of its staff was removed and it was melted into the Equal Opportunities Major Department. A new department was created, called Major Department of Family Policy within the State Secretariat responsible for Social, Family and Youth Issues, with a much stronger mandate and staff force. The two departments seemed isolated from each other although their topics (women, family policy, reconciliation of private and professional life) often overlap. In 2012 the Equal Opportunities Major Department was also closed down, its public servants responsible for gender issues were sent away, its existence disappeared from the ministerial website.

The Gender Equality Council was never convened again, its members received a bill for opinion in December 2010 that would have fired the previous academic gender experts and invited representatives of the Churches to be members, but no news was heard of it since. To repeated written questions by members of the previous Council, the following answer was given: „It is still under inter-ministerial harmonization.” The Hungarian National Strategy for

the Promotion of Gender Equality, although remained in force, did not continue and several of the measures of the cabinet went against its guidelines. In early 2012 civil gender experts learnt that the Strategy is under re-writing. The Hungarian CEDAW Report No.7-8., whose shadow is traditionally prepared by women NGOs, contrary to previous practice was written without consultation with women NGOs, and was not sent to them, it was published practically unnoticed, as if in „secret” (2011), and not published on any websites.

### **The new Constitution and abortion rights and marriage**

The new government announced the writing of a new Hungarian Constitution to be entitled Basic Law of Hungary to be entered into force in January 2012. In its “General Principles Guiding Hungary’s Constitution” the new text included a provision that protects the fundamental human right to life from the moment of conception. It provoked a huge public and international outcry in human rights NGO-s and oppositional circles because of its allusion to a possible pro-life approach, despite which the coalition partner Christian Democrats rigidly clung to it.<sup>1</sup> In the spring of 2011 the government launched a new anti-abortion and pro-adoption campaign on posters, largely funded from the European Union's *Progress* fund under the heading ‘improvement of gender mainstreaming in national policies and programmes’, within the framework of a work-life-balance programme. The manipulative posters showed the photo of a foetus in the uterus, much more developed than the legal age for the limit of abortion in Hungary (instead of a 12 week old foetus, it was about a 28 week old one, the average age for abortion being usually 7 weeks in Hungary, the legal limit: 12 weeks), and were built around making women choosing abortion feel guilt, as the foetus “said”: “Let me live! – Give me up for Adoption instead” In July, Mrs. Reding, EU Commissioner for Justice, Fundamental Rights and Citizenship announced that the Commission has contacted the Hungarian authorities to stop this campaign, and also informed about the consequences of inappropriate use of *Progress* funds, as the original project was won for gender mainstreaming trainings of local governments, a continuation of a project started by an earlier *Progress*, the gender mainstreaming of National Development Agency high officials in 2008-2009. In December 2011 the fears of women’s rights activists came true, two MPs, Mr. Pálffy and Mr. Sáringner-Kenyeres handed in a motion for amendment about cutting 400 million HUF from the budget of 2012 labelled for assisting abortion prices of low-income mothers and transmitting this sum for child-protection. The amendment was turned down. Legal experts also vision possible future pro-life cases handed in at the Constitutional Court based on the mentioned provision.

The new Constitution also puts down that marriage is only possible between man and woman, thus discriminating against gay and lesbian couples, cutting any future possibility of transforming their existing opportunity of registered cohabitation into legal marriage.

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<sup>1</sup> See the press release of the European Women’s Lobby on the issue: Hungarian Government’s moves against abortion overshadow International Day of Action for Women’s Health. May 27<sup>th</sup> 2011, <http://www.womenlobby.org/spip.php?article1716&lang=en>

## **The gender events of the Hungarian Presidency of the European Council: demography, „family mainstreaming” vs. Gender mainstreaming**

During the Hungarian Presidency of the European Council in the first half of 2011 the highest level of gender meetings was organized by the Department of Family Policy, and not by the then still existing Equal Opportunities Department, who had been planning the event for two years before. Hungary had chosen reconciliation of professional and private life during the Spanish-Belgian-Hungarian presidency Trio, though the event concentrated solely on demography, work-life balance and motherhood (March 28<sup>th</sup>-29<sup>th</sup> 2011). The title of the event run: *Europe for Families - Families for Europe*.<sup>2</sup> Most of its invited speakers were conservative, and did not represent mainstream European discourse on gender or family policies. The Hungarian message was clearly that only an increased birth rate can fight against demography decline in Europe (as opposed to immigration). The right way to promote this is through „family mainstreaming” instead of gender mainstreaming. This governmental will, however, was not followed by diplomatic pressure for the Council adoption of the European Maternity Leave Directive, which had been backed by the European Parliament, which also fell under the Hungarian Presidency and was voted down by the European ministers, although that could have proved Hungary's commitment to family policy. The Hungarian Women's Lobby and gender experts explained many times that a real successful policy, which works for the betterment of families, cannot be other than a gender just policy, so family mainstreaming and gender mainstreaming should go hand in hand. But the ruling idea is that the two are in contrast, and gender mainstreaming creates „single” people, and lobbies for homosexuals, thus worsening demography, whereas family mainstreaming works for heterosexual parents with children, and helps demography.

### **Family-friendly policies – to the well to do**

Family policy rocketed into the focus of the attention of policy making dealing with women issues, which is a restriction, leaving out women without small children. Family policy is clearly aimed at demographic growth. The first measure of the new government was the fulfilment of its promise to bring back the third year of the maternity leave („GYES”) taken away by the previous socialist government's modernising program aimed at motivating mothers to return to the labour market earlier. A similar change was to limit the time that can be spent with paid work to 30 hours a week for the mother who is on „GYES”, and whose child is older than one. A positive change was – in line with demographic ideals – to grant a six months parental leave possibility for adopting parents, who adopt children under 10 years of age. The changes in the Social Law, however, gradually push the financial burden of the reconciliation of work and family on the family: first by increasing the prices of meals in nurseries, kindergartens and schools (these state institutions are free of charge, only charge for meals), then, by an amendment plan made public in November 2011, by making it possible

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<sup>2</sup> See the European Women's Lobby's statement reflecting to this: EWL's statement ahead of the Hungarian EU Presidency's thematic week „*Europe for families, Families for Europe*”: <http://www.womenlobby.org/spip.php?article1407&lang=en>

for self-governments to charge parents for the nursery (this would only affect families with one or two children), up to 25% of the per person income of the family.

The Family Protection Bill was handed in by Christian Democrat MPs in December 2011, and was prepared by the Ministry of Human Resources. It is in strange contradiction with the new Civil Code to be prepared by the Ministry of State Administration and Law. The Family Protection Bill defines „family” as marriage of man and woman (and children), or relatives in direct line. This means, cohabiting partners, or registered cohabiting partners (now in a majority to married couples) are not defined as „family”, which has grave consequences on benefits, inheritance, etc. Meanwhile the in progress new Civil Code would acknowledge more cohabiting partners, as the reality of today's Hungary. The Family Protection Bill carries a strong Catholic view not only in connection with marriage, but also about protection of foetal life from conception, resonating with the new Constitution.

### **Labour market, old age pension for women, new Labour Code**

One of the first measures in December 2010 influencing women was the new pension law: women can go to pension after 40 years of work, regardless of their age (the pension limit is 65 since 2010 for both sexes). These forty years includes the time spent on maternity leave but not the time spent at university. The measure, which has been popular among the women eligible for it, was presented as a granted favour and as an acknowledgment of the „double burden” of women. Some oppositional politicians argued that this gender biased measure only makes place for more „grandmother babysitters” instead of creating more nursery places. Women NGOs were divided on the issue.

The plans for the new Labour Code of Hungary, inspired by the idea of a „flexible market economy”, through an interpretation that would have been clearly detrimental to the employees initiated such a huge outcry and trade union actions in the summer of 2011, that several of its parts detrimental to women were dropped from the final version. The protection from dismissal for expectant mothers and mothers on maternity leave was endangered by the plans, but was kept partially. Still the dismissal is made easier by some „rubber” sub-cases, such as the employer's interest or the restructured work place with not free place for the returnee. The protection only stands if the expectant mother has informed the employer about this. The planned and finally dropped decrease of paid holiday days would have seriously affected working mothers in the summer holidays. The right of the new fathers to take 5 paid days after the birth of their baby was threatened as it has become unpaid. The time given to mothers during the „nursery or kindergarten accommodating transition” period, when they can be with their children together in the nursery, is taken away. The gender pay gap and the ideal of equal pay for men and women are missing from the text.<sup>3</sup>

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<sup>3</sup> The ILO report also commented on the negative gender effect of the new Hungarian Labour Code *„Memorandum of Technical Comments on the Draft Labour Code of Hungary*. November 2011.

A positive change is that a mother returning from maternity leave if so wishes could ask for 4-6 hour part time job until the child is 3 years old. A negative change for employees, and flexible for employers is, that returning mothers only get their paid holidays accumulated under 6 months, and not the whole period of maternity leave (which could stretch to 5-6 years in the case of more children).<sup>4</sup>

The new Public Service Bill (2011. CXIX.), took away long standing rights from expectant mothers, mothers on maternity leave, parents caring for permanently sick children or relatives, in so far as this would no more be a protective factor from firing.

### **Social net, war on poverty, Roma women**

The direction of the new social policy gradually became clear. Besides serving budget cuts it serves the interests of the upper middle-class, ideologically based on interwar social methods („productive social policy”), and criminalises poverty. As social benefits are often attached to mothers in poor families and they are the ones who are less mobile for commuting, this worsens women's situation more. The conditions for the unemployment benefit for the active age population tightened: one only becomes entitled to it after 30 days of paid work, its name is changed to „wage supplement benefit”. Practice shows that many rural self- governments do not offer 30 days communal work, thus people fall out of the benefit system (in some regions there are no other legal employment possibility). The previous „Road to Work” communal work program was changed into a universal communal employment system controlled with military strictness placed under the Ministry of Interior and could mean working in barracks far away from home. Several municipalities, mostly in bigger cities, introduced fines for digging in garbage cans and sleeping in the streets, which is criminalising homelessness without offering any other solution.

The only exception to the grim picture is the integrative strategy on Roma women. Inspired by the European Roma Strategy, reported by the Hungarian Roma EPP MEP, Livia Járóka from Fidesz, the National Strategy on the Inclusion of the Roma (November 2011) embedded several policy ideas suggested by feminist Roma scholars, and women NGOs. Its implementation, however, will only start in 2012. Unfortunately the progressive strategy is in dire contradiction with other government measures. For example the new Law on Education will decrease the age limit for compulsory education to 16 years, which according to experts will severely handicap Roma girls' chances for further education and employment.

### **Economic crisis, austerity measures, nationalisation, restructuring, mass lay-offs**

The past one and a half years were shadowed increasingly by the second wave of the global financial crisis, pushing Hungarian politicians for austerity measures – never called as such – resulting in severe cuts in the budgets of ministries, leading also to dismissals. Often the rationalisation is combined with centralising and drawing under political control different offices: the media, educational institutions, state administration, the judiciary system, the Hungarian Academy of Sciences, hospitals, municipalities and mayor's offices all have fallen

or will fall victim to mass layoffs. These spheres are often characterised by high percentage of women. According to the Hungarian Statistical Office in the summer of 2011 the increase of employed persons was to 100% due to male employment increase (all the new employees were men) while women's employment dropped by 5000 persons.

### Women in politics

The Orbán cabinet has had no women minister for one and a half year after its formation, when in December 2011 Mrs László Németh became the Minister for National Development. An another important post in the limelight is that of the state secretary of education, Ms Rózsa Hoffmann.. The Parliament has only 8,8 % of women, a historic low percentage. The number of women MPs by party is the following (total number of MPs per number of women):

<b>Hungarian Parliament</b>	386/34	(8,8%)
Fidesz	225/19	(8,4%)
KDNP	37/2	(5,4%)
MSZP	48/2	(4,1%)
Independent (the newly formed Democratic Coalition seceding from MSZP)	14/3	(21%)
Jobbik	46/3	(6,5%)
LMP	15/5	(33,33%)

Gender and women's issues are not in the forefront of debates, Ilona Ékes from Fidesz keeps up the debate on prostitution, and, the oppositional LMP puts forward gender topics. Ms. Katalin Ertsey, LMP MP organized a parliamentary debate on the question of a gender quota in the fall of 2011, where most of the parties rejected the idea (once a bill in front of the previous parliament in 2007). To the surprise of the human rights based women NGOs, on December 6<sup>th</sup> 2011 the LMP handed in an amendment to the new election bill together with the extreme right-wing party, Jobbik about a quota for women in Parliament in order to double the number of women in Parliament (which would have been still under the desired minimum 30% of women). The amendment finally was turned down by 291 no and 54 yes..

### NGO sector financing restructuring

The new Civil Law, in force from 2012 January 1<sup>st</sup> changed the financial and administrative framework of ngos. On the one hand in order to keep the status of "public interest" ( necessary for successful fundraising) ngos must employ the more complicated and more costly double-entry book keeping, on the other hand ngos must make written agreement with local municipalities to be eligible for entering calls for project. This, for an organisation with country-wide scope can be difficult. The grace period for changing working methods is until 2014, during this time it will be clear if the fear of women ngos (usually of small income) that they would be cut off from prefinanced state sources and would lose their public interest status is justified or not. It is another fear that the State will increase its political control, while the women NGOs with a gender equal stand do not belong to the mainstream accepted by today's Hungarian ruling ideology. Further difficulties arose in January 2012, when it turned

out that a new measure, the so called “wage compensation” (a compulsory compensation introduced to compensate the wage loss due to the annulment of previous tax refunds) would be compulsory to them as well. These NGOs usually work on a project base, and their budget is established precisely for years. Now, they either contradict the law, and lose their eligibility for further state project funding (much EU money), or they keep the law, but overspend their set budget, when, again, they lose the eligibility for state project money. A true Catch 22.

### **Violence Against Women, Trafficking, Child Prostitution**

It was during the Hungarian Presidency in April 2011 that *the Council of Europe Convention on preventing and combating violence against women and domestic violence* was signed by some member states, but Hungary was not among them, and has not answered women NGOs enquiry if they intend to do so. This might be as joining the Convention would mean expenditure on the fight against violence against women. During 2011 the government closed off 40 places for battered women in crisis shelters from the previous 80, although according to international standards there should be more than 1000 in a country the size of Hungary. A contradictory approach characterises the government on prostitution. One Fidesz MP, Ms. Ékes, a long-time fighter against child prostitution, has launched a campaign against child prostitution, and Mr. Balog, state secretary on social inclusion conducted negotiations with Swiss officials about the lifting of the Swiss age limit on prostitution (16) affecting Hungarian under-age prostitutes in Zürich. On the other hand Mr. Pintér, the minister of the interior declared that in Hungary there is no child prostitution, as young girls sell themselves from their own free will. The report of the ombudsman for citizen's rights, Mr. Szabó, on child prostitution published in December 2011, does acknowledge the existence of trafficking of children for sexual purposes, and points clearly at the responsibility of the social welfare system, the lack of protocols, and what it calls: „professional passivity”.

### **New Law on Municipalities and Education**

The new law on municipalities and education plans to nationalise schools, and take away most of the responsibilities of the local self-governments. According to a secret protocol to the Educational Bill, this will result in closing down hundreds of small elementary schools in the rural regions forcing the pupils to commute by bus to central schools. All these possible cuts will influence mostly women's lives, as most teachers are women, and it is usually the mother who has to deal with organizing the travel of the children to and from school.

### **Conclusion**

The past almost two years of the Orbán cabinet showed a harsh backlash in gender issues. Based on a strong ideological bias, the whole gender approach and the gender machinery representing this on the state level were dismantled, and family policies rooted in Christian ideology were put forward concentrating on demographical growth. At the same time a right-wing economic policy detrimental to workers and employees, the criminalisation of poverty, and harsh austerity measures, sometimes cloaked into centralisation and nationalisation

moves, will cause thousands of working women and mothers lose their jobs and push poor women and their families into extreme poverty.

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