With what means does the Hungarian Government refuse the ratification of the Istanbul Convention, saying it supports "destructive gender ideologies" and "illegal migration"?

An intersectional and critical descriptive analysis, based on the relevant articles of Istanbul Convention, together with an unsupportive political statement of the Hungarian Government.

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Abstract

The aim with this master's thesis is to provide a deeper understanding of the intentions and purposes behind the Hungarian Government, why it refuses the ratification of the Istanbul Convention, referring that it supports gender ideology and illegal migration, in contrast to Christian values and the survival of the nation. The institutionalized ways, how the political elite approaches social, cultural, political and all minority groups in the country will also be outlined. In order to investigate this, I prepared an intersectional, critical WPR (What's the 'problem' represented to be) policy analysis on the relevant articles of Istanbul Convention and the political statement, in which the Hungarian co-governing party, the KDNP, calls for the rejection of the Convention. To analyze these two policies, I intend to use Carol Bacchi´s critical WPR approach. I scrutinized the content of the Hungarian political statement, which later became an amendment of the Hungarian Fundamental Law (Constitution). To do so, I analytically examine the problem representation of both of these policies, the assumptions underlying this representation of the 'problem', followed by what is left unproblematic and the effects produced by the representation of the 'problem'. Finally, I introduce how and where this representation of the 'problem' has been produced, disseminated and defended/how it can be disrupted and replaced. The study mainly focuses on the Hungarian case and examines more thoroughly the Government's political statement, the Istanbul Convention is a starting point, a recommendation, which the Hungarian case reflects and builds upon. The presentation incorporates many aspects of the cultural, social, political and ecological environment of Hungarian politics in the last few years.

Key words: Istanbul Convention, conflict theory, gender equality, intersectionality, domestic violence, migration, gender mainstreaming, WPR approach, feminist theory, social difference.

Important note:

The present thesis is an improved, expanded version of the original thesis from January 2021. The subject, research and data have not been changed, either updated to the current political and social situation in Hungary. Changes have been carried out in the methodology and analysis sections.

The title of this thesis changed from Why does the Hungarian Government refuse the ratification of the Istanbul Convention, referring, it supports "destructive gender ideologies" and "illegal migration"? to With what means does the Hungarian Government refuse the ratification of the Istanbul Convention, saying it   supports "destructive gender ideologies" and "illegal migration"?

Table of content

3. Theory

4. Analysis

Abbreviations

CoE – Council of Europe

FIDESZ – Fiatal Demokrata Szövetség – Youth Democrats Alliance

GA – Gender Analysis

GIA – Gender Impact Assessment

GM – Gender Mainstreaming

IC – Istanbul Convention

KDNP – Keresztánydemokrata Náppárt – Christian-Democratic People's

Party UN – United Nations

VAW – Violation Against Women

WPR - What's the 'problem' represented to be?

1. Introduction

1.1. Research interest

This thesis was inspired by personal interests in the topic, which is based both on personal involvement and on recent years` political and social happenings in Central European Hungary. Although Gender studies wasn`t a main subject during my education, my obsession towards gender equality has rooted in my childhood, where the surrounding culture represented more traditional, conservative Christian values.

In this thesis I combined and researched a few of the main global issues, according to United Nations: gender equality, violence against women, domestic violence and the question of refugees, but I will also address a number of other important problems (social issues of minorities in Hungary, social inequality, violation of human rights, wide scale of discrimination, etc.)

(www.un.org/global-issues-overview).

1.2 Problem formulation

The Istanbul Convention is a human rights treaty, proposed by the Council of Europe, a convention on preventing and combating violence against women and domestic violence, among signatory and ratifying countries (www.coe.int/istanbul convention). Access to sign the Convention was opened on 11 May 2011 in Istanbul, Turkey. This treaty was signed by Hungary in 2014, but has not been ratified ever since. The Hungarian co- governing party, KDNP (Christian Democratic People's Party) argued against the enactment of this convention, saying it supports "destructive gender ideologies" and "illegal migration", which the government protests against, rewriting many parts of the constitution in favor of their right-sided politics. The policy against the Istanbul Convention has been adopted by the national Parliament on May 5, 2020. This conflict has raised many public and political problems and caused social outrage amongst civil society and women's rights organizations nationwide (www.index.hu kdnp_isztambuli_egyezmeny_szavazas_parlament).

The purpose of the present study is to widely describe, investigate and explore the following group of questions: How does the Hungarian Government refuse the ratification of the Istanbul Convention? Why do the governing and co-governing parties state that the Convention supports

"destructive gender ideologies" and "illegal migration"? What do they mean by the prejudiced ethnic groups mentioned above and how do the ruling parties politicize and succeed in Hungary?

1.3 The case of Hungary

This East - Central European country has changed significantly in the last three decades, since the political transformation occurred in 1989. After the regime change, Hungary became a multi-party democracy with a market economy. Hungary joined the European Union in 2004, but catching up with Western European countries is a slow process for the country and its population, both socially and economically. Since then, no political system has emerged that will significantly advance the country's development, dissension, mistrust and the lack of confidence towards institutions, political systems and doubt in administration characterize the Hungarian people (Bíró-Nagy, 2016). Bíró-Nagy states: "A general lack of confidence seen in Hungarian society is harmful not only for having a negative impact on the political system and democratic institutions (if citizens have no trust in elected officials, they will have no stake in participating in the democratic process); distrust will also hamper the development of such fundamental social values as tolerance and solidarity. And all this, aside from eroding social cohesion, also eliminates opportunities for economic improvement, i.e., a lack of trust has a detrimental effect on all aspects of public life" (Ibid). In parallel to the lack of trust in the political system and democratic institutions, due to uncertainty and dissension, Hungarians "give a low preference for values that strengthen social cohesion, such as solidarity and tolerance" (Ibid). Under such political and socio-cultural circumstances, the rise of discrimination towards minorities (refugees, LGBTQ communities, etc.) aggravated: "Non-supportive institutional attitudes have turned into social exclusion and hostility, sentiments that reached their peak during the refugee crisis. In 2015/2016, the Government claimed 'ethnic homogeneity' in demolishing the asylum system, while presenting itself as the defender of the nation and "European Christianity" (Fekete, 2016 in Gyollai, 2018).

Considering all this information, it is clearly visible how high is the responsiveness of the Hungarian population towards exclusion, due to their political and economic vulnerability, which partially comes from the government's inadequate administration and exclusionary rhetoric. Structural inequality based on gender, race, age, ethnic and religion has become an everyday problem in the circle of institutions, social life, and as long as the government represents and voices

9

this approach in their political discourse in every possible way, people are in a very difficult situation.

1.4 Domestic violence, violence against women, Istanbul Convention

1.4.1 Domestic violence

Hungary's government represented a gender-neutral or implicitly gendered approach towards domestic violence, hence creating an institutionalized gender-equality program of domestic violence (Krizsán & Popa, 2018, p. 105). At the time of the country's regime change, in the new democratic constitution, there were only inherited references of women's rights, which made it difficult "framing domestic violence as a problem of gender inequality" (Ibid, p. 106). In 2003, a domestic violence policy document was adopted (Parliamentary Strategy on Preventing Domestic Violence), the only policy that resonated with gender equality. Krizsán & Popa highlight the importance of structural gender equality, as in Hungary's case one can see the "opposition as a structural component that gets manifested in gender-equality ignorant democratization master frames, as well as in implicitly gendered oppositional frames that block gendered claims and policies sensitive to gender equality" (Ibid, p. 107).

1.4.2 Statistics about the violence against women in Hungary

There are very few and only old statistics can be found on the actual extent of violence against women in Hungary. I definitely thought it was worth seeing numbers as well, how the perpetrators of domestic violence are distributed by gender.

Crime	Number of victims Women Men		Proportion of victims, % Women Men		Distribution of victims by crime, % Women Men	
Homicide	31	17	64,6	35,4	1,1	5,9

Assault	1340	165	89,0	11,0	46,5	571
Coercion	12	1	92,3	7,7	0,4	0,3

Violation of personal liberty	146	3	98,0	2,0	5,1	1,0
Harassment	835	60	93,3	6,7	29,0	20,8
Defamation (technical)	10	1	909	9,1	0,3	0,3
Endangering a minor	1	-	100,0	-	0,0	-
Violent intercourse	27	-	100,0	-	0,9	-
Violence against the pubic area	7	-	100,0	-	0,2	-
Rowdyism	421	32	92,9	7,1	14,6	11,1
Frontier justice	23	6	79,3	20,7	0,8	2,1
Against property	27	4	87,1	12,9	0,9	1,4
All	2880	289	90,9	9,1	100,0	100,0

Number, proportion and distribution of victims of domestic violence by gender in 2011, Hungary (www.ksh.hu, Hungarian Central Statistical Office, Németh Eszter).

1.5 Istanbul Convention

A short introduction of the Convention was previously made, describing a few facts in the Introduction chapter of this paper, further information and discussions will be presented throughout the analysis.

2. Methodology

2.1 Research question

A research question is the indicator of a research in one sentence, which briefly indicates what the topic will be about. Three most important branches of a research are data collection, research design and data analysis. In the following these three main headings will be represented, alongside with the explanation and shaping of the thesis' research question.

2.2 Developing the research question. The role of research questions.

A good social (and any scientific) research fits between the research question and the used methods. With the help of research questions, throughout a research, the writer should see the connection between data, design and conceptual clarity.

It is necessary to point out the area and the topic of our research, developing the research question from general towards specific questions, as the topic becomes more focused into a specific question. What is the author trying to find out with the research question? The research question can change throughout the research, as the collected data and information shape the subject, the key is that the available data should be relevant to answer the research question and the parts of the concept should follow each other logically. (Punch 2014, p. 58-62)

2.3 Data collection

My thesis is based on empirical research, which is used in most works related to social sciences and it is driven by a research question. Empiricism is a philosophical theory, describing experiences as the source of knowledge, through direct observations, using one's senses. In order to use empirical data for an empirical research, the research question must be also empirical-must be able to be answered, through observable information.

2.4 Data and sources

The two primary data of my thesis are provided by the Istanbul Convention (the relevant articles of it) and a Hungarian governmental political statement, which calls for the governmental parties to reject the ratification of the Istanbul Convention. Both of these public policies will be critically analyzed by the methods of WPR policy analysis. The reason why I chose these two policies as primary data of my project lies in my interest in the topic of gender equality in general, especially in my patriarchal society and culture, in Hungary. The two selected public policies are very different in many ways, but this multi-layered distinction assists to support my problem statement.

Public policies are meant to 'fix' different problems, as the Istanbul Convention has been made to solve a serious social problem, which affects millions of people worldwide: violence against women and domestic violence. In addition, it promotes acceptance and openness towards minority groups, it sensitizes, educates, and fights against discrimination. The Convention is a huge campaign, the largest of its kind and it presents a revolutionary strategy with the aim to defeat one of the oldest social problems of mankind.

The Hungarian statement also tries to 'fix' an issue of its own kind, just taking into account different factors: the importance of their objection to ratify the IC lies in quite different factors. These are the "illegal migration" and "gender ideology" which, according to the government's point of view, pose a threat to the security and value system of the country. The analysis reveals the aspects of this amendment and which was later enacted into law.

To provide the method of my analysis, the book of Carol Bacchi, What's the 'problem' represented to be? was my biggest help. Bacchi's book was presenting practical examples about the application of the question sequence, helping to understand the proper adaptation and design of the method. The public policy method/theory is presented in detail earlier in the methodology section.

To arrange an extensive and detailed critical policy analysis, amongst the materials, which provided the methodology and theory, several scholarly journals, researches, scientific articles, case studies assisted the creation of this thesis. The precise list of the used materials as preferences, can be found in the last chapter of my paper.

13

The previously mentioned sources and materials created the foundation of the present project, the majority of them are qualitative data, as public policies can be viewed as cultural products (Bacchi, p. ix). Quantitative forms of data were also used, in the forms of a few statistics.

In this chapter the aim is to demonstrate the choice of methodological framework of the project: method, the selection of data and other sources. There is an introduction of Carol Bacchi's WPR approach, as an often used method, for analyzing different political texts and policies. The analyzed primary data, sources and materials will be clarified.

2.5 The Istanbul Convention and WPR approach

I apply the WPR on the Istanbul Convention's relevant articles contrasted to the political declaration, submitted by the Hungarian co-governing party, the KDNP (Christian Democratic People's Party). I did not consider it relevant in all cases to draw the Convention into the analysis, for example in question 3, where I have decided not to describe the preconditions.

2.6 Carol Bacchi's WPR approach

"Asking 'what's the problem represented to be?' provides a new way to think about comparing social and political developments across space and time. We shall see, for example, how some key problem representations in criminal justice, immigration, health and education policies appear in a number of settings." (Bacchi, 2014, p. xx)

Carol Bacchi's WPR – What's the 'problem' represented to be? (hereafter WPR) approach is a form of critical analysis applied on public policies. The WPR approach was first developed in 1999 by Bacchi and it was specifically meant to provide a deeper understanding of how "women's inequality has been understood in Western policy interventions, and the implications for feminist theorists" (Bacchi, 2014, p. vi). Bacchi states that her policy analysis has been created to "shift the focus from 'problem' solving to 'problem' questioning – interrogating the ways in which proposals for change represent 'problems'"" (p. vii). According to Shore and Wright (1997) polices have cultural dimensions and they are shaped by historical and national/international contexts, therefore they are anthropological terms and cultural products (Shore and Wright in Bacchi, p. ix). Therefore if one interrogates policies, they also try to understand how governing takes place, and with what implications for those are governed (Ibid).

14

"In asking how governing takes place the aim is to understand how order is maintained, and how we live within and abide by rules. The concern with public policy, therefore, includes but extends beyond laws and legislation to encompass' 'a general understanding of societal administration'"" (Dean and Hindess 1998, p.l.7 in Bacchi 2014, p. ix). This is the first important key concept of the WPR, we are governed by problematizations, and it has a significant role in a good public policy analysis. Public policies are created to fix problems, which suggests there is a problem that needs to be fixed (p. ix). Whereas "most government policies do not officially declare there is a problem that the policy will address and remedy" (p. xi). Inferring directly from this it is compulsory to examine these policies deeply and make the implied problems explicit with the help of 6 questions of the WPR analysis (p. x). The first question is the starting point of the analysis, asking "What is the problem represented to be?" within the policy. It is a straightforward question, seeking the answer of what the government hopes to change about the problem (Ibid). Question 2 through question 6 are called subsequent questions, and they interrogate the proposal thoroughly, inquiring about rationales, deep-seated cultural assumptions and presuppositions, possible silences in the understanding of what needs to be changed, effects etc. about the proposal (Ibid).

As Bacchi (2014) stated: "policies *give shape* to 'problems', they do not *address* them", the purpose of the policy is to solve social problems and "policies by their nature imply a certain understanding of what needs to be changed" (Ibid). Policies affect every dimension of our lives through 'problems': "the ways in which 'problems' are constituted (or shaped) carry all sorts of implications for how we live our lives on a day-to-day basis" (p. xviii). It is also important to clarify the complex meaning of the word 'problem'. It has two common usages: firstly, it is either something difficult to deal with or not easy to understand, secondly it can be a challenge that needs to be solved. And sometimes the problem can be a combination of these two types (p. x). Bacchi says that "calling those conditions 'problems' or 'social problems' fixes them in ways that need to be interrogated. Even those who wish to contest a particular understanding (or construction) of a 'social problem'- asserting (…) often still assume that at some level a 'problem' exists" (p. xi).

Osborne (1997) agrees with Bacchi: policies are meant to fix problems and it can be presumed

that problems by their nature need to be fixed (Osborne1997 in Bacchi, p. xi). He also stated that a government first should problematize its territory: "We need to direct our attention away from

assumed 'problems' to the shape and character of problematizations" (Ibid). The second key premise of WPR is the importance of studying problematizations. To study problematizations, it is important to identify, or analyze the implied problem – to understand how an issue is being understood. "What we propose to do about something indicates what we think needs to change" -this is what Dean (1999, p. 102 in Bacchi) calls a problem representation (Bacchi, 2014, p. xi).

The WPR approach provides a systematic methodology to get a deeper insight into the interrogated policy: it gives us the tool (with the set of 6 questions) to question the taken-for-granted assumptions, to problematize these governmental policies, and this is why is this method (which is also a theory) is a critical mode of analysis, and this is the goal of the whole approach (pp. xiv

xv).

According to Cox (1986) we have an implicit impression that societies in general are functioning well, because we think that there are only a few 'problems' that need to be changed, ergo these problem-solving approaches are conservative by their nature. In Cox's words (1986, pp. 208-209) problem-solving theory:

> *"...takes the world as it finds it, with the prevailing social and power relationships and the institutions into which they are organized, as the given framework for action. The general aim of problem-solving is to make those relationships and institutions work smoothly by dealing effectively with particular sources of trouble ... Indeed, the purpose served by problem-solving theory is conservative, since it aims to solve the problems arising in various parts of a complex whole in order to smooth the functioning of the whole. This aim rather belies the frequent claim of problem-solving theory to be value-free."* (Cox 1986, pp. 208- 209 in Bacchi 2014, p. xvi)

Deleuze (1994) is also critical with problem solving: he thinks "Problems are given ready-made, and that they disappear in the responses or the solution". He adds that we remain "slaves so long as we *do not control the problems themselves,* so long as we do not possess *a right to the*

problems, to a participation in and management of the problems." – by demanding a 'right to the problems' Deleuze means the nature of the problem as a concept and how it needs to be understood (Deleuze in Bacchi, 2014, p. xvi).

The third key premise of WPR is the importance of problematizing the problematizations. With this step one can begin the work towards exploring the critical potential of the WPR policy analysis (Bacchi, 2014, p. 13).

2.6.1. The 3 key propositions of the WPR (Bacchi, 2014, p. xxi)

2.6.1.1 We are governed through problematizations

To fix social, political and economic 'problems' of people and groups in a country, governments create policies. In an earlier stage of policy-making, governments propose to policymakers to create problematizations, to reveal the different elements and components of the 'problems' (Bacchi, p. x).

2.6.1.2 We need to study problematizations

To identify particular 'problems', we need to study their problems by analyzing their problem representations. By knowing the identified problem representation, what needs to be fixed, we will know what and how needs to be changed to solve the 'problem' (Ibid).

2.6.1.3 We need to problematize (interrogate) problematizations

In order to create an effective, thorough and detailed policy, one needs to analyze the promises and effects of such problem representations. These effects and assumptions need to be carefully chosen, because these create the basic elements of a policy (Bacchi, p. xi).

2.6.2 What is the 'problem' represented to be? Questions for the policy analysis

2.6.2.1 Question 1: What's the 'problem' (e.g. of 'problem gamblers', 'drug use/abuse', domestic violence, global warming, health inequalities, terrorism, etc.) represented to be in a specific policy?

As an opening question, it is a clarification exercise, it clarifies implementing (or dominant) problem representations in specific policies or policy proposals. The answer thus, to this first question will be straightforward and comprehensible (Bacchi, pp. 2-3). This is somehow a subject question, because what one thinks of a case affects what one suggests to be changed about it. Bacchi calls this basic proposition "a form of commonsense" (Ibid).

2.6.2.2 Question 2: What presuppositions or assumptions underlie this representation of the 'problem'?

After one can make sure that implied problem representation is found, some underlying assumptions and presuppositions can also be identified in the policy. To find this out, some sub questions need to be asked: "What is assumed? What is taken-for-granted? What is not questioned?" (Ibid, p. 5) Question 2 includes ontological and epistemological assumptions: it refers to a background knowledge, something that is "taken-for-granted", by examining which conceptual premises (conceptual logics) can be identified (Ibid). Bacchi states that it is important to clarify that when one examines these assumptions and presuppositions (beliefs), these are not the assumptions held by policy makers, but the ones lodged within problem representations (Ibid). "WPR approach goes beyond what is in people's heads to consider the *shape of* arguments, the forms of 'knowledge' that arguments rely upon, the forms of 'knowledge' that are necessary for statements to be accorded intelligibility" (Ibid). One needs to examine the circumstances of that thing that has happened, and not how it was possible that it happened (Doty 1993 in Bacchi, 2014, p. 6).

In this thesis will be relevant that there are different styles of problematizations, or patterns of problematizations, called "governmental or political rationalities (or sometimes 'modes of governance', 'regimes of governance', or 'modes/diagrams of rule')" (Dean 1999, Rose 2000 in Bacchi 2014, p. 6). In this case rationality means the thinking that lies behind the style of governing, Bacchi calls it "govern-mentality" (Ibid). Walter (2001) identifies these governmental

rationalities/mentalities in four different ways: neo-liberal, neo-social democratic and communitarian strategies of government, and a strategy of criminalizing the poor. Rose (2000) captures neo-liberal and neo-social governmental modes in an "advanced liberalism" (Walter 2001, Rose 2000 in Bacchi 2014, p. 6).

The main purpose of question 2 is to identify deep-seated cultural premises and values in a public policy's problem representation. Policies are complexly elaborated in discourses: "discourse is more than language. It encompasses the assumptions, values, presuppositions, and accompanying signs that I have called conceptual logics" (Bacchi, 2014, p. 7). To analyze these discourses, one needs to scrutinize such tools as binaries, key concepts, categories.

Binaries are dichotomies or A/ not-A relationships: public/private, national/international, economic/social, legal/illegal etc. Binaries are meant to simplify relationships and one needs to examine their place and function how they shape the understanding of problems within a public policy's problem representation. The purpose of binaries is "to reveal the operation of conceptual logics that may act to constrain or limit our understanding of an issue (Ibid)."

Key concepts are certain open-ended abstract labels, and people associate different meanings to them. They can be obvious by their meanings or relatively open-ended. The open-ended ones are "some concepts are so solidly grounded in history and culture that it is difficult to recognize their constructed nature" (Bacchi, 2014, p. 8). Some key concepts: welfare, youth, unemployment, liberty, etc. (Ibid). Categories are also concepts but they are combined, and of a collective nature: age categories, gender/sexual categories, citizens, europeans, refugees, etc. (Ibid).

2.6.2.3 Question 3: How has this representation of the 'problem' come about?

Question 3 has two interconnected objectives: one reflects on "specific developments and decisions that contribute to the formation of identified problem representations" the second is "competing problem representations exist both over time and across space". It means that in this part of the analysis a genealogy of the problem representation should be introduced, describing the circumstances across space and time, which preceded the development of the problem (Bacchi 2014, p. 7).

2.6.2.4 Question 4: What is left unproblematic in this problem representation? Where are the silences? Can the 'problem' be thought about differently?

According to Bacchi, there are always different ways to think about a problem. At this part of the approach one can start the actual critical analysis of the problem, looking for unproblematic factors, limitations, silences. Silences can be examined together with binaries, key concepts and categories, due to the overlapping ability of the WPR approach (Ibid, pp. 12-13).

2.6.2.5 Question 5: What effects are produced by this representation of the 'problem'?

When one arrives at the fifth question, there is a very important and driving task to be performed, it is to explore three different types of effects of the problem representation: lived effects, subjectification effects and discursive effects (Ibid, p. 15). These three effects of the problem representation will be widely described in the analysis.

2.6.2.6 Question 6: How/where has this representation of the 'problem' been produced, disseminated and defended? How could it be questioned, disrupted and replaced?

The last question of the set of 6 of WPR policy analysis is a very critical one and it is the continuation of question 3: one should scrutinize the vulnerability of the problem representation, the weaknesses and incapacitations. It is a trial process which shows if the policy will be successful or not in relation to the target group (Ibid, p. 19).

3. Theory

3.1 Choice of theoretical framework

Gender mainstreaming theory and Intersectionality, as critical social theory are the two theories that create the conceptual framework of the present thesis. Gender equality – "The unfinished business of our time" – according to the United Nations definition (www.un.org

/gender-equality).   There is a long way to go to reach gender equality, demanding, strengthening, educating and   protecting human rights is a common goal of mankind. Gender equality, as a global issue, links   the two theories of my thesis, on the basis of discrimination and equal treatment.

At the same time, the methodological framework of my paper is provided by Carol Bacchi's WPR – What's the 'problem' represented to be? Critical policy analysis. The WPR approach is both a method and a theory, as it examines underpinnings such as discourses, governmentalism and binarism, but I decided to use it as a method, to help me support my analysis.

One of the key points of the WPR critical analysis is that "We are governed through problematizations" (Bacchi, p. x), and the idea of problematization originally came from the famous French philosopher, Michel Foucault. Foucault's form of critical problematization is a method, and it examines *how*, and not *why* an issue became problematized: "a critique does not consist in saying that things aren't good the way they are. It consists in seeing on what type of assumptions, of familiar notions, of established, unexamined ways of thinking the accepted practices are based" (Foucault in Bacchi, p. xv). The WPR is based on the same concept, it also prioritizes the method, *how* an issue is problematized, rather than the reason for the problem (Bacchi, p. 1).

3.2. Intersectionality as critical social theory

The intersectional approach is a widely recognized and used social theory, which can help one to study social problems, related to many dimensions of discrimination, for example gender and migration, in relation to different social orders. In this chapter I am going to present the concept of Intersectionality, according to how different scholars look at this theory.

Intersectionality is a specific social framework or social theory of race and gender. The term intersectionality was first used by Kimberlé Crenshaw, a civil right activist and legal scholar in 1989, by "intersecting" two or more overlapping forms of discrimination (Perlman, 2018). While Crenshaw examined the situation of African-American women's employment experiences, she found that this particular group of the society lives in the intersection of two types of discrimination: gender and race (Crenshaw, 1991, p. 1244). Crenshaw claims:

"Where systems of race, gender, and class domination converge, as they do in the experiences of battered women of color, intervention strategies based solely on the experiences of women who do not share the same class, or race backgrounds will be of limited help to women who because of race and class face different obstacles." (Crenshaw 1991, p. 1246)

Social theories in general are meant to focus on the social world, they define why things happen the way they happen and how they should transform (Collins, 2019, p. 4). In addition, social theories also question the existing social orders, and sometimes even justify them. At the same time critical social theories examine, explain and criticize these social orders, and they created the opportunity for change (Ibid. pp. 4-5). Collins (Collins, 2019) defines intersectionality as a critical social theory, "a broad-based, collaborative intellectual and political project, with many kinds of social actors" (Collins, 2019, p. 5).

According to Kaijser and Kronsell (2014) intersectionality is: "the interaction between gender, race, and other categories of difference in individual lives, social practices, institutional arrangements, and cultural ideologies and the outcomes of these interactions in terms of power." (Davis, 2008, p. 68 in Kaijser & Kronsell, 2014, pp. 418-419).

Hankivsky and Cormier (2011) states that despite the high expectations towards the impacts of intersectionality on policy making, the theory "has failed to reshape substantively mainstream public policy" (Manuel, 2006, p. 187 in Hankivsky and Cormier, 2011, p. 219). According to the authors, the reason for this failure is the lack of effective methodological practices of intersectionality, and it "may undermine the generation of appropriate information for policy application" (Hankivsky and Cormier, 2011, p. 220). Many scholars argued by certain issues regarding the methodological application of intersectionality, which require further research: the lack of knowledge how, when and where the intersectional frameworks should be applied (Davis 2008; Hankivsky and Christoffersen 2008; Hankivsky et al. 2007; Lorber 2006 in Hankivsky and Cormier, 2011, p. 220).

Thus, in the present paper, three analytical approaches are detailed, to apply intersectionality on public policies (Hankivsky and Cormier, 2011, p. 220): Space as an analytical dimension in intersectionality policy analysis, intersectional policy process analysis and multi-strand project.

In the next three paragraphs, I will introduce these three different methodological frameworks, how they can be applied to analyze a public policy, through the lens of intersectionality (Ibid).

3.2.1 Space as an analytical dimension in intersectionality policy analysis

The first approach is Space as an analytical dimension in intersectionality policy analysis, developed by the Swedish researcher, Malin Rönnblom. She specifies that the element of space "is one possible solution to use, as a way of contextualizing policy analysis so that different power relations and their mutual production in policy are better understood" (Rönnblom 2008, p. 4 in Hankivsky and Cormier, 2011, p. 221). The focus of this methodology is the role of power and how the space is produced within a policy analysis. Spatial contextualization is a very important aspect of understanding how a public policy or policy problems have been created (Hankivsky and Cormier, 2011, p. 221).

3.2.2 Intersectional policy process analysis

This second methodological framework of the public policy application of intersectionality has been created by Bishwakarma, Hunt and Zajicek in 2007. The key point of the approach is the systematic integration of intersectionality through the whole policy-making process, using a policy cycle. The authors argue that "since governing bodies, both national and international, as well as different non-governmental organizations have a vested interest in developing social policies leading to inclusion of the most marginalized groups, they must integrate intersectionality at all phases of policy making process" (Bishwakarma, Hunt and Zajicek, 2007 in Hankivsky and Cormier, 2011, pp. 221-222).

3.2.3 Multi-Strand Project

This third approach is based on a project, developed in the United Kingdom. The project has been established as a response to the "six-strand" equal treatments' legislation in social care, with the aim of promoting and achieving equality, based on the six equal standards: gender, sexual orientation, religion, race, disability and age. When Parken and Young developed the approach

(2008), their intention was to investigate the field of the policy. The approach includes four steps: the mapping, visioning, road testing, monitoring and evaluating, and all stakeholders are required to be involved. This is based on *"the collection, collation, analysis and synthesis of equality evidence for all equality 'strands' and human rights and those outside of 'strands'"* (Parken and Young, 2007, p. 50 in Hankivsky and Cormier, 2011, p. 223). The Multi-Strand Project is designed to promote cross-strand: "each strand is equally important in the policy investigation process and that equality in outcomes for all groups who may be affected by the decision(s), is the principle underlying the process" (Hankivsky and Cormier, 2011, p. 223).

3.3 Gender Mainstreaming

Gender mainstreaming is a policy-making approach, which takes into account the significance of gender, as a "central element of thinking and acting" (Vlassov and Garcia Moreno, 2002 in Hankivsky, 2005) and as a nature which influences people's roles in power relations and institutions (Woodward, 2003 in Hankivsky, 2005). The gender mainstreaming strategy was first formulated 1985 Nairobi UN World Conference on Women, and formally adopted at the 1995 Fourth United Nations World Conference on Women in Beijing. In 1998 the Council of Europe defined gender mainstreaming as:

> *"The (re)organization, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making."* (www.coe.int)

According to the Council of Europe, women and men have different needs, living conditions and circumstances in many levels, unequal access to power, resources, education, human rights, justice and to several additional dimensions (www.coe.int). Other factors such as religion,

culture, age, country, language, social and ethical background can also divide women and men by their gender (Ibid).

GM claims that women and men are treated and affected differently by the policies and the strategy's purpose is to acknowledge this into decision making by analyzing all policies by their gendered impact and benefit men and women equally at all stages of policies, programs and projects (Hankivsky, 2005, www.coe.int). The CoE states that the aim of GM is to take these gender inequalities in account when designing, implementing and evaluating policies, "so that they benefit both women and men and do not increase inequality but enhance gender equality" (www.coe.int).

The concept of GM has been greeted many ways by the scholars, as a "potentially revolutionary concept" (Pollack and Hafner-Burton, 2000 in Hankivsky, 2005), "a significant policy innovation, and a paradigm shift for thinking about gender equality in policy-making processes" (Rees, 2002 in Hankivsky, 2005).

According to Hankivsky (2005), GM is inherently limited because it emphasizes and prioritizes gender, as "*the* axis of discrimination and moreover, the conceptualization of gender that GM rests upon is clearly outdated". Thus the gender of people (both at individual or group level) shouldn't be always mentioned or anticipated in a specific policy, program or project because as a precaution, it may have the opposite effect, and may give motive to discrimination. The CoE states that GM is an inclusive strategy, it wants to integrate the needs of all people, and disproves the fact that women are a vulnerable group, as they are often represented, because more than half of the population are women (www.coe.int).

Hankivsky (2005) argues that what is needed is a broader approach of GM, "that is able to consistently and systematically reflect a deeper understanding of intersectionalities—the combination of various oppressions that together produce something unique and distinct from any one form of discrimination standing alone". This doesn't mean that GM should be only considered as an influential factor at the policy-making level, but it means more effective mainstreaming strategies such as dissemination of the concept, greater social sensitization campaigns, education, media appearance, more research in the subject, systemic involvement of the society etc. However, as far as GM is used as an approach in policy making, it will always

serve as a primary concern and will take gender in consideration, disregarding other aspects: "the unique vulnerability of differently socially constructed groups of women and men will remain obscured" (Hankivsky, 2005).

According to the CoE, it is important to take GM in consideration at all stages of policymaking. It's particularly crucial to count with it at an early point of the planning, together with the identification of other essential factors (problems, needs, concerns of the beneficiaries of the particular policy) (www.coe.int). Two major tools (amongst others) are significant in the practical implementation of GM: gender analysis and gender impact assessment.

3.3.1 Gender analysis

The European Commission defines gender analysis as "the study of differences in the conditions, needs, participation rates, access to resources and development, control of assets, decision-making powers, etc., between women and men in their assigned gender roles" (www.eige.europa.eu). Gender analysis is a tool which provides the collection of necessary data, sources and information to the integration of a gender perspective into policies (Ibid). It identifies the differences between and among women and men, taking in consideration many factors and features such as their opportunities, relative positions in society and the distribution of resources, constraints and powers in a given context etc. With the tool of gender analysis, the policy makers are able to eliminate gender inequalities and meet the different needs of both women and men (Ibid). The purposes of GA: the previously mentioned difference acknowledgement between among women and men, based on unequal distribution of resources and opportunities; identification of the needs of women and men; recognizing the different impacts of policies on women and men; promoting women's participation in community, political and economic life; and finally promoting gender-responsive effective interventions (Ibid).

3.3.2 Gender impact assessment

According to the definition of the European Commission, the gender impact assessment is "the process of comparing and assessing, according to gender relevant criteria, the current situation and trend with the expected development resulting from the introduction of the proposed policy" (www.eige.europa.eu). The central question of GIA is **"Does a law, policy or programme reduce, maintain or increase the gender inequalities between women and men?"** (Ibid) To examine this, the GIA involves a dual approach: the current gender-related position before the implementation of the policy and the projected impacts on women and men once the policy has been implemented. It is important that GIA is systematic, transparent and analytical. The aim of GIA is also dual: there is a short term and a long-term purpose. The short term (i.e. particular or local) purpose is to "improve the design and the planning of the policy under consideration, to prevent a negative impact on gender equality" (Ibid), the long-term purpose (more general) is to "strengthen gender equality through better designed, transformative legislation and policies" (Ibid). Policies are usually gender-neutral and value-free, but as long as structural inequalities among women and men are still an issue in our society and women has less access to and control over material and non-material resources, gender equality needs to be an extremely important aspect of every policy, project or program. If a given policy is neutral, that means it is not equalling but gender blind (Ibid). If there are deep-seated inequalities in the social, political and economic life and in culture between women and men, a gender-neutral policy will also have unequal impacts on them (Ibid).

4. Analysis

4.1 Question 1 –What are the 'problems' with the VAW, domestic violence, gender equality and illegal migration represented to be in the Istanbul Convention and in the Hungarian rejecting statement?

In this thesis two policies form the basis practical structure of the analysis: Istanbul Convention and a Hungarian political statement, which calls the Hungarian parliament for the rejection of the Istanbul Convention.

The first question of Bacchi's critical frame analysis is a descriptive and clarifying part of the approach, thus the answer is also straightforward (Bacchi, 2014, p. 2). In this question one should identify the implicit problem representation of the examined public policy: "A WPR approach starts with the policy and works backwards to elucidate the problem representation" (Bacchi, 2014, p. 3). In this chapter, first the Istanbul Convention's problem representation will be interrogated, then the problem representation of Hungarian legislation will be presented, which corresponds to certain points of the Istanbul Convention rejected by the Hungarian parliament. These public policies will be later scrutinized through the lenses of intersectionality and gender mainstreaming as theoretical frameworks.

Policies are meant to 'fix' previously existing social problems, but such policies are also active in creating and constantly shaping the problems: „all policies make proposals for change, by their very nature they contain implicit representations of 'problems'" (Bacchi, 2009, p. 1). Bacchi also states that how a problem is represented in a policy reveals how significant the given issue is and what level of change the creator wants to achieve with it (Bacchi, 2009, p. xii).

4.1.1 What is the 'problem' represented to be in the Istanbul Convention?

The represented problem in the Istanbul Convention is to solve several issues, but the primary purpose is perhaps the oldest that can happen in the family, at the most elemental level of the society, without exaggeration: violence against women and domestic violence (Council of Europe, 2011). As the first elements of the problem representation, the Convention furthermore recognises and condemns:

- "the structural nature of violence against women as gender‑based violence, as a main social mechanism";
- "crimes committed in the name of so‑called 'honour' and genital mutilation, as a serious violation of the human rights of women and girls and a major obstacle to the achievement

of equality between women and men";

- "widespread or systematic rape and sexual violence during armed conflicts"; - "domestic violence affects women disproportionately, and that men may also be victims of domestic violence";

- "children are victims of domestic violence, including as witnesses of violence in the family" etc. (Istanbul Convention, Preamble, Council of Europe, 2011).

Therefore the problem representation of the Istanbul Convention is the first and foremost the violence against women and domestic violence. In the Convention, in indirect ways a great number of other social issues arise in this regard: violation of human rights, the millennial oppression of women, law enforcement of refugees, structural and gender inequality, the lack of education and appropriate legislation, disregard for the rights of minorities, suppression of sexual orientations other than the majority, crimes committed against the weaker, etc.

In this project the problem representation of IC is not just implicit, but also explicit: during the interrogation of the policy, it is visible that there are numerous propositions included to solve the problem of domestic violence. What the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence proposes to do about the protection of human rights, clearly reveals the problematic points: VAW, domestic violence, intersectional discrimination, violation of human rights in multiple ways. The issue of domestic violence is very complex, as well as the variety of proposals incorporated into this legal framework.

4.1.2 What is the problem represented in the Hungarian rejection statement?

As the six questions of WPR policy analysis operate with overlaps, at this point I find it relevant to mention a few information about the rejection of IC in Hungary. Further aspects of the genealogy of IC in Hungary, will be discussed in another WPR question.

The Hungarian governing parties' perspective about the ratification of IC is thoroughly different from other countries in Europe which ratified and enacted it. Several states considered the policy as an opportunity towards a comprehensive and drastic change against domestic violence, violence against women and in the battle against discrimination. The two-thirds Fidesz-KDNP

coalition led Hungarian Government adopted with 115 yes, 35 no and 3 abstention that political declaration, which has been submitted by three KDNP parliamentarians on May 4th, 2020. The declaration premises that "Hungary nowadays pays special attention to families, children and to the protection of women. Violence against women is a criminal offense in Hungary and law enforcement protects the women's rights" (Political declaration: On the importance of protecting children and women and refusing to accede to the Istanbul Convention, May 4th, 2020, Budapest).

The problem representation of this official statement contains implicit indications starting from the second paragraph. It states that the writers of declaration agree on the modern world hides challenges and dangers, especially outside of the country's borders – these are latent remarks about the two defining question of present thesis: 'illegal' refugees threatening the country and Europe and the gender ideology, which is a non-existent phenomenon in terms of the Christian democrat, nationalist, right-wing governing parties of Hungary. According to the Hungarian government's rejecting statement, the problem representation here is not what one would think it is, not taking further steps towards the tackle of VAW, domestic violence or gender inequality. The government's position in this issue is much more ridiculously simple, a limited, lost in detail politics: they state that the reason of rejection of IC is, it contains and supports "gender ideology" and "illegal migration", which phenomena are of opposite value to the Hungarian government's and the *Hungarian nation's* national interests. Based on these objections, the government did not ratify IC, endangering the physical and mental integrity of thousands of women, children and families, which would provide a solution in the long run.

The gender ideology, theory or concept has been under crossfire of the Hungarian government in recent years, as a government strategy, which seeks to protect traditional Christian values such as family, heterosexual marriage, patriotism etc. The ruling parties are now attacking the concept of social gender, and they want to legislate that the gender of the birth should be indicated in the identity cards of Hungarians, making the gender reassignment processes even more difficult. Since, in their opinion, gender theory is not included in the Bible, and is not part of Christian culture, the people who undergo gender reassignment are unable to conceive, which leads to population decline. The political parties want to legislate that children can only be adopted by

spouses, for the reason that "marriages are much more lasting than cohabitation relationships" (Varga Judit   Minister of Justice, 9th law amendment proposal, November 9 2020, hvg.hu/itthon/20201110).

4.2 Question 2 / Question 4 – What assumptions, presuppositions and silences underlie the problem representation of the Istanbul Convention and the Hungarian political statement?

The purpose of Question 2 is to understand what deep-seated presuppositions or assumptions the two analyzed documents, the Istanbul Convention and most importantly the Hungarian Government's political statement reflecting on the Convention underlie, after making the problem representation in Question 1 (Bacchi, p. 5) "What is left unproblematic in this problem representation? Where are the silences? Can the 'problem' be thought about differently?" -these are to be asked in Question 4, where the goal is to "bring into discussion issues and perspectives that are silenced in identified problem representations" (Bacchi, p. 13). In this section I merge Question 2 and Question 4, starting the real work with the help of Bacchi's policy analysis.

The previously stated problem representation is that the Hungarian Government referring to apocryphal reasons, rejected the Istanbul Convention, endangered the lives and health of many families and especially women, thereby discriminating them on the basis of their gender, nationality, denying the public institutions' responsibility. And because the governing parties refuse further precautions similar to the provisions of the Convention, therefore it indirectly institutionalized discrimination and violation of human rights.

In Question 2 the task is to identify the conceptual logic of the issued policy's problem representation: "the term 'conceptual logic' refers to the meanings that must be in place for problem representation to cohere or to make sense" (Bacchi, p. 5). To put it another way, pre existing knowledge is what is necessary to be in place, and the issue is not "why something happens" but rather "how it is possible for something to happen" (Doty in Bacchi, p. 5). Finding out these assumptions and presuppositions can be challenging, because as Bacchi says, "we are all immersed in the 'knowledge' and perceptions of our age" (p. 7). To find these deep-seated

presuppositions and cultural assumptions in the KDNP's rejecting statement one need to dig deeper and scrutinize   hidden binaries (dichotomies), key concepts (abstract labels) and categories (social categories) (Bacchi, p. 7-9). During the analysis one needs to look at silences, what is left unproblematic in problem representation and how the problem (if) can be thought of in any other ways (Bacchi, p. 12- 13).

The Hungarian case is different, the rejecting statement of IC is loaded with the phenomena researched on the issue. Binaries for example have a role of simplifying complex relationships and   they show us these issues by their function (Bacchi, p. 7). There is clearly a hierarchy implied in   binaries (Ibid): the women and children – the men, abroad – homeland, European Union – Hungarian Parliament etc.

The binary of women and children – the men in a typically patriarchal country like Hungary, in general, the head of the family is the father, the man, who makes the main decisions about family life. Not what the children will eat for dinner, because that is the mother's (the women's) function, to take care of children and household, while the man works and financially supports the family.   Even if they make the decisions together, women's 'place' in the society is somewhere lower down   the hierarchy. Children are 'small people', they have no rights in decision-making.

The Hungarian Government's so-called 'enemy' is the European Union, especially the European Parliament, which is the epitome of 'declining the West'. The right-wing governing parties declared a boycott on every aspect of liberalism, at the political, social and individual level. Brussels (where the European Parliament is located) is the embodiment of to liberal ideas, to 'the West', according to the politics of Fidesz-KDNP. In one of the National Consultations, these parties   launched a national poster campaign against Brussels' refugee policy, with the motto „Stop Brussels!", „We won't let refugees take our jobs!". I will cover the topic in more detail in question 6.

The dichotomy of the Hungarian nation and illegal refugees is a cumulatively discriminatory intersectional subject. As widely described before, the Hungarian Government's refugee policy is almost unprecedentedly unsupportive towards third-country national asylum seekers (Gyollai 2018, p 12), as well as the civilian population, because "'foreignness-aversive' discourses have

been constantly bolstering xenophobic feelings towards them" (Korkut, 2014 in Gyollai 2018, p 12). The examined Hungarian policy unmistakably expresses the relevant provisions of the Istanbul Convention guaranteeing asylum on the basis of gender are contrary to the government's political positions and objectives and the Hungarian legal environment that implements them and ensures effective action against illegal immigration. In the fight against violence against women and domestic violence Istanbul Convention represents the interests of women by all means, yet immigrant women with no rights, those in trouble will not receive help in Hungary from the government, on the contrary, they face hate campaigns, exclusion, and multiple discrimination in the country. These circumstances and the Hungarian legislation will not help these helpless immigrant women, their integration into the society or employment are not even mentioned here. Thus inferred that racial and gender discrimination is cross-disciplinary, cross-sectoral and institutionalized by the government of Hungary.

The Hungarian government formulated its perspective on the subject because the Istanbul Convention includes 3 points in Article 60 – Gender‑based asylum claims, in which it invites the signatory countries to "take the necessary legislative to ensure that gender‑based violence against women may be recognised as a form of persecution" (www.coe.int).

Viktor Orbán, Prime Minister of Hungary and other leading members of the Hungarian government (ministers, politicians of the governing parties of Fidesz-KDNP) constantly refers to it as a fact, that Hungarians are the most populous nation in the Carpathian Basin. In contrast, statistical researches claim that between 2010-2018, 200. 000 people of the skilled young population left the country (Hárs, 2016, Gödri et al, 2014 in Gyollai 2018, p. 13). This aspect is relevant to the silences of the problem representation, as the government's delusive rhetoric, characterized by the presentation of contradictory information as facts.

4.3 Question 3 – How has this representation of the 'problem' come about?

After I analyzed assumptions, presuppositions and silences in question 2, I started the contextualization and preconditions that lead to the formation of the problem representation.

4.3.1 The Hungarian case

In order to understand the anti-immigration rhetoric of the Government, it is important to get acquainted with the preconditions and ideological concepts. At the time of the election of second Orbán government in 2010, the Fidesz-KDNP got enough votes to change the previous Constitution "to enhance democracy, and to demolish the elitist and plutocratic scope of the 1989 Constitution" (Gyollai, 2018, p. 15). In the new Constitution, so called "Fundamental Law" as of 1 January 2012 transformed into a centralized executive control and "Hungary has become a constitutional democracy in name only", and a "broken" and "guided" democracy" (Bánkuti et al, 2012; Korkut, 2014; Bozóki, 2015 in Gyollai, 2018, p. 15). This new Constitution of the state led to the weakening of independent institutions, NGOs, and opposition parties, from which state aid has been withdrawn and has been withdrawn ever since. Numerous leading positions and of course ministers were elected by and from the circles of Fidesz-KDNP (Bánkuti et al, 2012 in Gyollai, 2018, p. 15). The Fundamental Law (Constitution) has been undergoing continuous amendments ever since in many ways in violation of human rights. According to Gyollai the Fundamental Law changed the 'We the people' formula to 'We the members of the Hungarian nation', which is unquestionably implied as an ethnic connotation and it excludes "nationalities living with us" aka non-ethnic citizens of the country (Venice Commission, 2011: para 40, 149; Körtvélyesi, 2012 in Gyollai, 2018, p. 18). "The Fundamental Law's concept of human dignity fails to represent an inherent quality acknowledged for all human beings" - clearly distinguishes between Hungarian and non-Hungarian citizens (Gyollai, 2018, p. 18). The constitution is 'loaded with religious and family values' referring to Christianity and it violates the fundamental human rights of women as dignity, privacy and autonomy (Kis, 2012; Dupré, 2012 in. Numerous of its amendments contradict EU law, such as limitation of voting rights, narrowing the notion of family, violating the freedom of religion, criminalizing homelessness (Gyollai, 2018, p. 18). On 10 November 2020 the Hungarian Minister of Justice, dr. Varga Judit submitted a proposal for the ninth amendment to the Fundamental Law, which states: "Hungary protects the institution of marriage as a cohabitation between a man and a woman, based on voluntary determination, and the family as the basis for the survival of the nation. The basis of

the family relationship is marriage and the parent-child relationship. The mother is a woman, the father is a man." (parliament.hu, proposal for the 9th amendment to Fundamental Law, article 1). The government states that the survival of the Hungarian nation is in the heterosexual people, the traditional family model and "destructive gender identity" can't detain this. Hence in the problem representation of the Hungarian rejecting statement the main focus is not on the VAW, but on the objected European perspective on gender equality and refugee policy.

4.3.2 Istanbul Convention

In my opinion, the genealogy and preconditions of the IC's problem representation is not something I consider relevant in this case. What I want to examine and analyze in this thesis is mainly focused on the Hungarian rejecting statement. Some aspects of my WPR policy analysis scrutinizes the Istanbul Convention in other parts of the paper.

4.4 Question 5 – Discursive, subjective and lived effects

Problem representations of policies create difficulties among social groups by their nature. Just as problems do not affect different social groups equally, so does the way of addressing these people
unequal (Bacchi, p. 15). Bacchi differentiate three kinds of effects: lived effects, discursive and subjectification effects (Ibid). These effects are interconnected and may contain overlaps.

4.4.1 Lived effects

Lived effects are determinable when problems directly affect people's life: "The notion of lived

effects thereby highlights the way in which policies create representations of problems that have effects in the real by materially affecting our lives" (Bacchi, p. 18).

4.4.1.1 Istanbul Convention

The most affected social category of the examined policies (Istanbul Convention and the Hungarian political declaration of rejecting it) are the women. The whole convention was written primarily for the protection of women against domestic violence. The convention applies mainly to women, as it covers forms of violence that only women suffer because of gender inequality (forced abortion, female genital mutilation, etc). The lived effects caused by the problem representation of the IC points out the vulnerability of women within the family, exposure to physical and mental abuse and discrimination against women but its purpose first and foremost is "to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence" (Istanbul Convention, Article 1/1a).

4.4.1.2 Hungarian rejecting statement

The problem representation of the Hungarian rejecting political statement focuses on something different, in addition to combating violence against women: make this sensitive and subtle issue a political matter, trying to express the Hungarian government's migrant policies and so-called the Christian Democrat national approach through the statement. The political statement covers the main subject of the Convention only in the first paragraph: "In Hungary, laws and enforcement ensure the protection of women. Violence against women and domestic violence are criminalized." In the rest of the text, it seeks to emphasize the point of view already mentioned above. The protection of women is nowhere near as well enshrined in law and the ratification of IC would be much needed in Hungary.

In 2011, 6400 domestic violent offenses were committed in the country, of which 3169 was a

crime of a relationship nature. Among the victims of violent crimes against relatives, the proportion of women and men was 70%-30%. The number of violent domestic crimes against women is about ten times higher than the same felony against men (Ibid). Knowing these statistical numbers, it is improper from the Hungarian government to claim there is no need for the   ratification of the Istanbul Convention. According to the government, there is enough support and   appropriate law to protect the rights of women: "In Hungary, laws and the application of law ensure the protection of women" (KDNP's rejecting statement of IC).

The lived effects of our problem representation closely affect the LGBTQ communities and migrants in Hungary, these minorities are extremely vulnerable to the government's exclusionary policies. The government's gender discourse and migration policy are widely described through the analysis. In the rejection statement the KDNP emphasizes the reasons they don't support the IC, are: „it prescribes an approach based on the definition of social gender" which the government does not intend to make the part of Hungary's national law, „neither the concept of social gender nor the gender perspective of the Istanbul Convention". If the government does not recognize the   existence of the concept of gender, it makes LGBTQ individuals' and communities' lives very   difficult. The 2012 Constitution amendment did not include gender identity and sexual orientation   as „prohibited ground of discrimination", therefore the Constitution allows stigmatization of LGBTQ communities, harassment and violation of their human rights (Vida 2019, p. 14). The   same Constitution amendment created a new, stricter abortion regulation policy, made surgical abortion hard to access and it banned medical abortion pills. It introduced a two-sessions mandatory counseling with a three day „cooling-off" period in between, to persuade women to change their mind about the abortion (Ibid). Women, who live in more modest material conditions can't afford the cost of visiting other countries to terminate their pregnancy, as refugees, rural women, asylum seekers etc. These particular categories of peoples are affected by the lived effects of the Fidesz-KDNP Christian-Democrat, nationalist family-planning policy, and they are all the   victims of the same intersectional human rights violation and multiple discrimination in Hungary.

4.4.2 Discursive effects

37

In Question 5 of the WPR policy analysis there are links with previous questions in identification of deep-seated assumptions. Discursive effects are unproblematized silences, and they are created by people. The way a policy represents certain 'problems', determines what and how people think or don't think about them, and this can have "devastating effects" on certain groups of people (Bacchi, p. 16). One of the most important unproblematized discursive effects of our two examined policies are similar from a perspective. Both policies (Istanbul Convention and its rejection statement by KDNP) focus on certain groups or categories of people within society. Victimized women, children, LGBTQ communities, migrants, asylum-seekers are the key figures of these proposals.

4.4.2.1 Istanbul Convention

The Convention elaborates in detail the prevention, protection and support, prosecution and law and it calls the signatory parties to follow these, but both policies can deepen the gap between social groups, and it does not help the increase or development of gender equality. Refer to the gender impact analysis of gender mainstreaming theory, policies are usually gender-neutral and value-free, but from such a neutral aspect and with such unequal circumstances (structural inequalities among women and men, women's less access to and control over material and non material resources, etc.), the given policy is rather gender blind then gender-neutral. The phenomena are similar to the case of minority groups, where, for example refugees, asylum seekers, people in poverty have limited or no access to social help, education, legal representation, etc. These disadvantages can cause many problems, amongst others within or between the minority groups.

4.4.2.2 Hungarian case

The problem representation of the Hungarian rejecting statement ignores social differences, financial and livelihood issues, its primary purpose is the oppression of non-Christian, non

heterosexual people of the country and the reproduction of the Hungarian nation. In fact, according to many online and offline media sources, the Hungarian Fidesz-KDNP politicians themselves are running systematic hate campaigns against groups of people, which don't 'fit' into their picture of the nation (for example a submitted proposal by the Hungarian Minister of Justice, dr. Varga Judit to the 1st article of the 9th amendment of the Fundamental Law, which includes "the institution of marriage as a cohabitation between a man and a woman", and "the family as the basis for the survival of the nation", "the basis of the family relationship is marriage and the parent-child relationship", "the mother is a woman, the father is a man", etc. (parliament.hu, proposal for the 9th amendment to Fundamental Law, article 1). The members of LGBTQ communities, as a minority group, who often experience institutionalized discrimination and human rights violation by the government's exclusion, Christian national politics are very much affected by such legislations. Homosexual, heterosexual, LGBTQ, single or married, everybody should have the right to love, get married and have children.

4.4.3 Subjectification effects

Subjectification effect means a certain way of group or individual representation, which can determine the affected people's self-identity. In the Hungarian case, the government's rhetoric and politics includes many aspects and examples of subjectification effect: a woman should be feminine and be able to fulfill the female principle to keep the Hungarian nation alive, give birth to children and be a faithful companion to their working husband. Men should be masculine, emotionless and strong, to be able to support the family.

4.5. Question 6 – How/where has the problem representation of the Hungarian rejecting statement of the IC been produced, disseminated and defended? How could it be questioned, disrupted and replaced?

At this point of the analysis, it would make sense to examine only the Hungarian act, I assume

that the further examination of IC regarding the question, is unconcerned.

According to Bacchi (2014), in question 6 of WPR policy analysis, one needs to examine and analyze those particular points of the problem representation, where authors of the policy "reach their targeted audience and achieve legitimacy" (p. 19). Foucault (1991) asks the questions, how will these specific discourses be accessible to different groups of people, individuals and social classes and how is the connection "institutionalized between the discourse, speakers and its destined audience?" (Foucault in Bacchi 2014, p. 19). The role of mass media and academic research are unquestionably very powerful assets of a public policy, as the forms of knowledge and information (Bacchi 2014, p. 232-233). In this exercise one can scrutinize the political implications of theoretical 'knowledge' (Ibid). 'Knowledge' has two meanings in this description: as 'product' – a marketable product, the product of knowledge and on the other side 'knowledge' as a social product (Ibid, p. 234). 'Knowledge' is crucial to governing, there must be 'knowledge' about the governed groups to rule them (Ibid).

When talking about the role of media, it should be asked who and how has the possibility to disseminate certain policies to dominate (Bacchi, p. 19). In 2010 the two Hungarian right wing party alliance, Fidesz-KDNP won their first two-third of the seats in parliament, and in the next months started to colonize the Hungarian media: established a National Media and Telecommunication Authority, which centralized many widely read and popular TV and radio channels, print press with long history (Several news sites in Bajomi-Lázár, 2013, p. 70). The new media regulations in Hungary generated concerns across Europe, expressed displeasure, among institutions and NGOs as Helsinki Foundation, European Federation of Journalists, Reporters Without Borders etc. The Freedom House downgraded Hungary in their annual press freedom report, and the European Commission recommended amendment of the new media regulation. In the period of 1989-1991, when Hungary – among other East European countries, went through the political revolution from communism to democracy, contradictory, the Fidesz, as an opposition youth party, was the one who stood for media freedom (Ibid).

In the next paragraph the centralization of the Hungarian media will be emphasized by a few examples. To mention a recent case of the governmental control over the freedom of media in Hungary, where the leading independent news site, Index lost its independency and nearly 90 journalists resigned in July 2020 (https://www.euronews.com/2020/07/24/index-more-than-80-

journalists-resign-from-hungarian-news-site-after-editor-sacked). Index has long been the target of PM Orbán Viktor, the editorial staff felt "the independence was 'in danger' from external forces" (https://www.euronews.com/2020/07/22/editor-in-chief-of-index-hu-fired-just-weeks after-company-said-its-independence-was-in-danger). Weeks later editor-in-chief Dull Szabolcs was fired by the CEO of Index, for leaking a document, which was the website's monitor of editorial freedom, when he changed the barometer from "independent" to "in danger" (Ibid). The resigning journalists established a new platform, called Telex.hu.

The role of the media as an information channel is very important, beyond question. The hvg.hu, the second most read Hungarian news website published a research by two media analyzer in autumn 2020, with the participation of 2000 people: 84% of those over the age of 60 regularly use Hungarian TV channels for political orientation, while those under the age of 40 is only 30%

(https://hvg.hu/kkv/20201117_media_mertekelemzo_muhely_median_sajto_hitelesseg_olvasotts ag). The ratio of TV and internet choices is 64:23 among Fidesz and 26:59 among the opposition voters. It can be a connection between the high ratio of internet users among opposition voters and the national channels, which have been centralized by the government in recent years (Ibid). As one can read in KDNP's political statement, the governing parties' communication about and towards non-Christian, non-heterosexual social groups and other minorities is exclusionary, discriminatory and humiliating. The governmental media channels consistently transmit this official position: Origo, the Magyar Nemzet (the Hungarian Nation) governmental online news platforms, the Kossuth Radio, M1-M5 TV channels and many others are all major supporters of the government's policy. The information that the citizens receive through these channels, and what defines their opinions about the social groups and minorities mentioned above (and about anything), is the propaganda voiced by the government. In Hungary homophobia, hate speech, fear and political split spreads systematically, mediated by the government. This politics is also a contributing factor that facilitates dissension and deepens ditches between people.

Since 2010, the Hungarian government has launched "National Consultation", a poster campaign and survey of several questions to the citizens, as communication channels of the government. These campaigns not only seek the opinion of the population, but as an influencing channel, have major effects on it. The topics of the National Consultation can be "Stop Brussel!", "Stop

Soros!" (National Consultation, 2017), the survey included "Brussels wants to force Hungary to let in illegal immigrants" or "Illegal immigrants heading to Hungary are encouraged to commit illegal acts by not just human traffickers but also by some international organizations" (Gyollai, 2018).

With the National Consultation, I set up an example which can link the Hungarian Government's politics to the Istanbul Convention on multiple threads. This categorization of 'us' or 'self', the Hungarians, the 'nation' is the manifestation of the identity, and 'others' can mean many things, depending on the given perspective. The government's rhetoric often includes the binary 'us' (Hungarians, right-wing, the nation, Christians, heterosexuals) and 'others' (minorities, immigrants, homosexuals, the 'West', liberals, Muslims, etc.) According to Agustín & Sata (2013), about half of the Hungarians "identify Christianity as a European and Islam as a non-European value and thus not part of the image of the 'self'" (p. 69). Hence, in the European perspective the government and a part of Hungarians consider themselves as Europeans, the 'others' are the Muslims. In Hungary, this phenomenon is the basis of dissension, deepens the gap between people and it nourishes inequality. Europe doesn't refuse Muslims and cultural diversity. The Istanbul Convention represents the 'West', the liberalism, ethnic, religious and social diversity, the new, the different, openness, gender diversity, gender equality – from the government's perspective *these* mean dissension, the destruction of family, the nation, Hungarian values and the sacred Christianity. Therefore Hungarians who believe in these European values are not welcomed by the government. From this perspective, the government and some nationalist Hungarians don't consider themselves as Europeans.

As I previously described, there are several confusions with the value system, politics and communication of the Hungarian government. At this point of the analysis, one needs to question the fail points and silences of the problem representation. Here I present a few silences of the Hungarian statement, which, in fact, have all been mentioned before. The controversial nature of the Hungarian statement's problem representation generates confusions, too. One of these silences is the disingenuous argument, which the statement includes: the denial of instrumentality of IC, which would help Hungarian women, families to tackle the problem of VAW and domestic   violence. The refusal occurred referring to the IC's perspective on promoting gender ideology and   'illegal migration'. This problem representation could be

interpreted differently if another person with different educational background, political perspective or value system, would analyze the act.

Language, or language difference can also be a failing point of this problem representation. As the analyzed Hungarian document calls refugees "illegal migrants" or gender ideology "destructive", this vocabulary, in my opinion, is insulting and discriminative.

The Hungarian statement can be questioned as an act, which contributes to the enhancement of gender inequality, VAW, domestic violence and the marginalization of minority groups. The possibilities are not equally accessible for all the groups of people or individuals, who would benefit from them. The statement says: "Today, Hungary pays special attention to the protection of families, children and women (…) laws and enforcement ensure the protection of women". Practically this is the only paragraph which mentions the issue of VAW and domestic violence.

5. Conclusion

The main focus of the present thesis was to investigate how the Hungarian government prioritized and emphasized two seemingly irrelevant terms over the seriousness and necessity of the rejection of the Istanbul Convention. The text of the Hungarian rejecting statement of IC was a complex material, and it was challenging to explore the implicit factors in it. Through the analysis, I identified a range of problem representations in the act and emphasized other contributing factors.

The Istanbul Convention has been developed by the Council of Europe, to tackle the issues of violence against women and domestic violence in the signatory countries. Whereas, Hungary has signed the Convention, it has never been enacted since. I also scrutinized a few aspects of the public policy of IC, as a starting point of the Hungarian statement.

I answered many arising questions of the topic with the help of Carol Bacchi's "What' the 'problem' represented to be?" tool of policy analysis, which is the basis of the present project. This analytical tool can be used as a theoretical framework but it is also a method, I used the latter function of it.

Through my analysis, I tried to build an argument to prove my perspective, supported by theories and methods, scholarly journals and researches, other data and sources. The applied theories are Intersectionality and Gender mainstreaming, which provided important perspectives to work with.

In total, I assume I was able to answer many aspects of the research question, but the subject is very complex and demands further research.

Limitations

I am aware of my multilayered subjectivity and personal involvement in the subject, which can be considered as a limitation of the project, and what I tried to deal with all along the research.

In terms of materials and sources, the fewer statistics and lack of quantitative data was also a limitation, but I tried to support my argument with widely available qualitative data.

Further limiting factors during my work were the less access to libraries due to the Covid-19 and lockdown, temporary lack of motivation, language difficulty and the lack of experience in research projects.

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