



Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex
People in Hungary covering the period of January to December 2018

Hungary

Access to goods and services

In June, the Equal Treatment Authority (ETA) found that a youth centre network in Szeged discriminated against an LGBT group when not letting them use the space for events. In November, the Metropolitan Court of Budapest upheld the decision.

In July, the Metropolitan Court of Budapest issued a binding judgment reaffirming the 2017 decision of the ETA that a local-government run pool discriminated against an LGBTQ sports club when declining to rent out swimming lanes for an event.

In November, the ETA established harassment on the basis of sexual orientation, when a same-sex couple was told to stop kissing in a restaurant in May.

Asylum

In January, the European Court of Justice ruled that psychological tests cannot be used to 'prove' an applicant's sexual orientation. The CJEU held that Hungarian asylum officials were wrong using such tests to determine whether a Nigerian applicant was gay. F's asylum claim was rejected, after the authorities decided it lacked credibility following a psychologist's report.

In a case concerning a trans refugee, the Constitutional Court found in June that non-Hungarian citizens permanently living in Hungary have the right to legal gender recognition.

Bias-motivated violence

A new criminal statistics system entered into force on July 1, introducing a new field flagging hate crimes and categories for SOGI bias.

Diversity

Mozaik Hub & partners continued their project on LGBTI inclusion in the Jewish community, and held a conference during Pride month. Activists held a Roma LGBTQ week during Pride, and joined the march with a Roma truck for the third time.

Education

In March, ETA established SOGI based discrimination and fined the University of Debrecen for banning an LGBTQI roundtable in 2016.

In October, the government abolished Gender Studies MA programs in Hungary. The degree was offered at two universities, ELTE and CEU.

Employment

In January, NGO Háttér published a report on trans people in employment, finding that over 30% of trans respondents faced long-term unemployment in the past 5 years. Many reported being fired, or having to deal with misgendering or unwanted curiosity at work.

Family

The Metropolitan Court of Budapest ruled on 9 February that same-sex couples who got married in another country have the right to have their union recognised as registered partnership in Hungary. Marriage equality is not legal in Hungary, but registered partnership was introduced in 2009.

In June, the Equal Treatment Authority found that a prison discriminated against a same-sex couple, banning them from in person visitation.

Government Office of Budapest clarified in June that the same-sex registered partner of an adopting parent is entitled to childcare allowance, and issued an apology for providing wrong information to a gay couple.

In November, Háttér published a guide for family members of LGBTQI people and organised a series of family day community events.

Freedom of assembly

This year's Budapest Pride Festival was one month long, with events in 5 cities. Security measures by police at the Pride March were results of consensus between police and the organisers.

The Kecskemét police banned a tabling event by local Cifra LGBTQ group. The activists held the event nonetheless and were fined. In October, the Metropolitan Court of Budapest found both actions unlawful.

Freedom of association

On 20 June, the 'Stop Soros' package laws were adopted, making it a criminal offence to assist undocumented immigrants. On 20 July, MPs approved changes to the tax code, introducing a 25% levy for NGOs supporting immigration. These laws, heavily criticised by the Venice Commission and the European Commission, could impact NGOs working LGBTQI asylum seekers.

In October, NGO Transvanilla opened TámPONT in Budapest, the first trans community space in the country. The community space also welcomes LGBTI people in general and members of other marginalised groups.

Health

In February, the ETA case concerning degrading treatment of a trans person by a urology clinic ended in settlement. The clinic apologised and published a trans healthcare guide in a urology magazine.

NGO Háttér was informed that MSM are now included as a specific category in the lifetime blood donation ban. Previously, MSM were subsumed under "risky sex", resulting in a one-year ban.

Legal gender recognition

On 1 January, the new government decree 429/2017 on LGR came into effect, governing the operation of the national birth registry. This was the first time that LGR was given a legal basis in national legislation. The process remains medicalised, requiring medical certificates. LGR procedures were suspended on 25 May to comply with Regulation (EU) 2016/679 on data protection. There is also a difference in interpretation of the new provision between the Ministry of Human Capacities (health ministry) and the Government Office of the Capital City Budapest (supervising registrars). The Ministry argues they do not have any role in this procedure so a new procedure is needed.

In October, the Commissioner for Fundamental Rights issued a new report noting that the complete lack of legal regulations and the unpredictability of requirements violate the requirement of legal certainty and that the lack of information given about the

practice causes a serious damage to the right to fair procedure and to legal remedy, seriously harming human dignity. He also highlighted that LGR should be based solely on self-determination. Until the law is in place, he urged the authorities to ensure applications are processed and requirements are made publicly available.

"As LGR procedures are suspended again, we hope the report draws the attention of the legislators to the seriousness of the situation so that transgender people do not have to wait unreasonably long for the restart of evaluation of requests. [...] Transgender people have the right to a fair trial, just like anyone else, and arbitrary behavior of law enforcers should not prevent their gender identity to be recognized."

Barnabás Hidasi, President - Transvanilla Association

Police and law enforcement

Háttér produced a guide for law enforcement on how to support victims who suffered hate crime victims on the basis of their SOGIESC.

Public opinion

European Social Study found that 44% of Hungarians would feel ashamed if they had lesbian or gay family members, scoring among the least accepting countries in the European comparative study.

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