

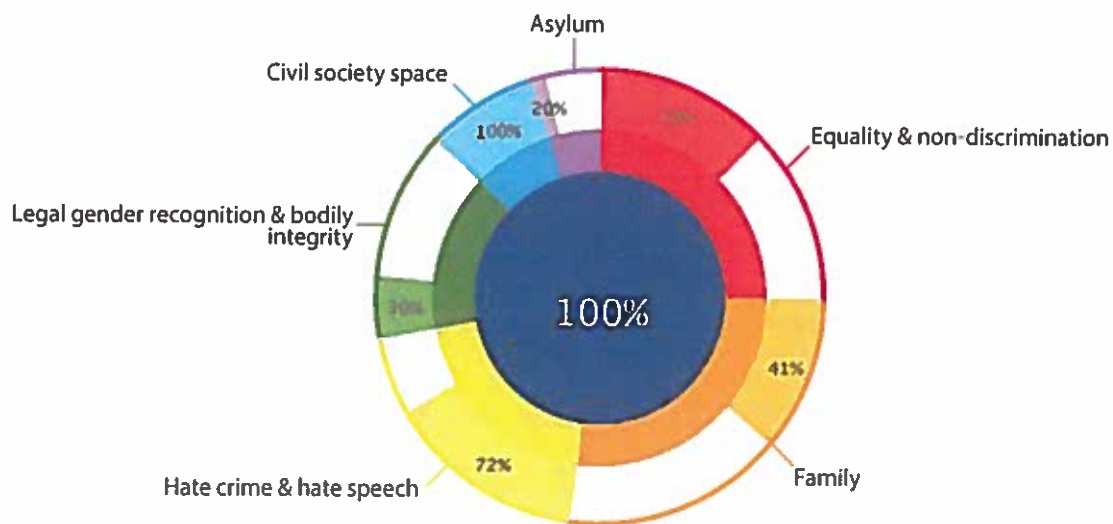
Hungary



The Hungarian authorities' outspoken attitudes on the issue of asylum overlapped with the area of LGBTI equality several times in 2016. The European Court of Human Rights critiqued the two-month long detention of a gay man seeking asylum, criticising the fact that his vulnerability on the grounds of sexual orientation wasn't taken into account. Also, LGBTI activists campaigned alongside their allies for a show of diversity and solidarity with asylum seekers in defiance of the attempted referendum against EU migrant quotas. In another attempt to show that the reality of life in Hungary may vary from the traditional picture painted by the government, same-sex couples were encouraged to get involved in a census initiative and register their relationships. The existing gaps in the area of legal gender recognition law were highlighted by the fundamental rights commissioner, who called on relevant ministries to legislate. In this context, it is noteworthy that the Equal Treatment Authority issued the first decision of its kind in favour of trans woman who had been rejected for a job, finding that she was discriminated against due to her gender identity. In another positive development for LGBTI activists, there were no reports of violence at Budapest Pride for the first time since 2007.

For more information on developments in 2016, visit www.rainbow-europe.org where you can read the full country chapter.

Legal and policy situation in **Hungary** as of 31 December 2016



In order to improve the legal and policy situation of LGBTI people, ILGA-Europe recommend:

- ➡ Developing a fair, transparent legal framework for legal gender recognition, based on a process of self-determination, free from abusive requirements (such as GID/medical diagnosis or surgical/medical intervention).
- ➡ Explicitly including all SOGISC (sexual orientation, gender identity, sex characteristics) grounds in an equality action plan, accompanied by specific measures of progress.
- ➡ Removing obstacles to the effective exercise of freedom of assembly, association and expression.

Asylum

- In February, Prime Minister Viktor Orban (Fidesz; right-wing) announced a referendum on migrant quotas would be held in October, asking if voters approved of the EU's migrant resettlement plans. Before the vote took place, NGO Hungarian LGBT Alliance launched a social media campaign on 24 September, encouraging LGBTI people to cast invalid votes in the referendum to protest against intolerance directed towards particular social groups. Turnout for the 2 October referendum did not reach 50%, so the result was invalid.
- The European Court of Human Rights unanimously ruled that Hungary's two-month-long detention of a gay Iranian man violated his rights under the European Convention. In the judgment handed down on 5 July, the Court held that the detention was arbitrary and unjustified, violating Article 5's protection of liberty and security. The decision also emphasised the particular situation faced by LGBTI asylum seekers: "...asylum seekers who claim to be a part of a vulnerable group in the country which they had to leave, the authorities should exercise particular care in order to avoid situations which may reproduce the plight that forced these persons to flee in the first place."

Bias-motivated speech

- On 5 February, a court decision (that had been handed down in November 2015) was communicated to the victims of an anti-LGBTI hate crime. A member of the right-wing Sixty-Four Counties Youth Movement was given a two-year suspended sentence for using threatening homophobic language towards participants at the 2012 Budapest Pride march. Another defendant was acquitted of the same offence.
- In June, politician Klára Ungár's (Alliance of Free Democrats, SZDSZ; social-liberalism) successfully appealed against a 2015 Budapest court decision. The first instance court had originally said that she had defamed Máté Kocsis (Fidesz) by claiming in a Facebook comment that he was hiding his true sexual orientation. The judge had said that by implying that Kocsis was dishonest, it damaged his reputation. The court of appeal overturned

this, stating that no harm had been proved by Kocsis, who had also not explained why being considered gay could be defamatory. Kocsis issued a statement afterwards, sharing a link to a news article that referred to homosexuality as being "sexually deviant": "Anyone who does not understand why it is insulting for a father to be accused of homosexuality in public should read this article. Long live hetero pride!".

Bias-motivated violence

- Two men who had spat at, kicked and shouted homophobic slurs at two gay Brazilian students in 2014 were found guilty of a hate crime. On 11 February, a court in Budapest gave one of the attackers a suspended 18-month prison sentence; the other was ordered to carry out 120 hours of community service. NGO Hatter represented the victims during the legal process. The decision was appealed but the second instance judgment had not been handed down by the end of 2016.
- On 30 August, Budapest Regional Court found 15 members of the right-wing 'Arrows of the Hungarians' organisation guilty of terrorism. The series of events were committed between 2007 and 2009, and included death threats and Molotov-cocktail attacks on two gay venues before Budapest Pride in 2008. This was the country's first judgement to find an individual guilty of terrorism.
- Five members of the nationalist group New Hungarian Guard were found guilty of a homophobic/racist attack on Budapest Pride participants in a judgment passed down in November. In 2013, three Pride participants had been making their way home from the march when they were stopped by a group of 20-30 people and attacked. No individual was arrested at the time of the attack, even though police did arrive at the scene of the assault. Two men were sentenced to two- and three-year sentences, while the remaining three perpetrators had their sentences suspended.

Data collection

- A micro census took place in Hungary in October (an initiative undertaken in the years between a national census, where 10% of the population are asked about

their living conditions). The Hungarian LGBT Alliance launched a campaign, in cooperation with the Central Statistics Office, encouraging same-sex partners to declare their relationships as part of the micro census.

Diversity

- Budapest Pride carried out a project to address intersectionality in the LGBTQ community, focusing on Roma, poor and disabled LGBTQ people. It involved interviews, working with other NGOs focusing on these inequalities, and providing greater visibility to the issue of intersectionality with movie screenings and discussions. On 24 March, Budapest Pride organised a 'wedding' flashmob with a Roma same-sex couple in a busy public location, which drew significant media attention.

Education

- Budapest's Metropolitan Court awarded HUF 350,000 (approx. EUR 1,100) in October to a mother whose child was refused a place by Kispesti Waldorf School in 2013. The child's initial interview had gone well and, at the end of the conversation, the boy's mother mentioned she was raising him together with her same-sex partner. The following day, the school emailed to say that the boy could not be admitted to the class "due to their family status". The Equal Treatment Authority had ruled against the school in 2014, but the child's mother had decided to pursue a court case against the school too.

Employment

- The Equal Treatment Authority found that a clothing shop had discriminated against a trans woman by refusing to consider her application for a vacancy that was advertised for women only. The shop was seeking a female shop assistant and laughed when the applicant (who had not yet applied for legal gender recognition) arrived for an interview. The woman received support from NGO Hatter and the Equal Treatment Authority found that by rejecting her job application, the shop had doubly discriminated – on the basis of gender identity, and also on the basis of sex. This was the first decision of its kind in Hungary.

- In August, NGO Hatter published a report on workplace discrimination against LGBTQI people. The information was compiled between June 2015 and July 2016 as part of the 'Stories behind the Data' research project. 62% of those surveyed had heard offensive remarks or jokes about LGBTQI people at work. 29% of respondents had actually experienced harassment at work because they identify as LGBTQI. Trans respondents discussed the problem of under- or unemployment; 49% of trans people surveyed had been unemployed and seeking a job for more than three months during the last five years.

Equality and non-discrimination

- At a European Council meeting on 7 March, 27 EU member states expressed their support for the European Commission's list of actions to advance LGBTI equality. Hungary's ministerial representative vetoed the common response so there was no unanimous Council conclusion on the list of actions.
- On 7 December, the city of Budapest adopted its equality programme for 2017-2022; a local government programme designed to promote equal opportunities. Following contributions from the NGO Hungarian LGBT Alliance, sexual and gender minorities were included in the plan as a specific target group. At the end of 2016, the Budapest municipal assembly was preparing an action plan to accompany the equality programme.
- A final report under the UN's Universal Periodic Review process was adopted for Hungary in 2016 (see **United Nations**).

Family

- The Ministry of National Economy introduced a bill in parliament on 3 May. The budget omnibus bill also contained text changes that, although textually minimal, had the potential to limit the rights of same-sex civil partners. The bill was later altered and the problematic provisions relating to same-sex couples were dropped before it was finally adopted on 7 June.
- In September, the Commissioner for Fundamental Rights initiated an investigation into why the authorities in Pécs halted an adoption involving a lesbian couple. The

couple had met with and cared for the child on numerous occasions since being introduced in December 2015. The couple were then informed that the process must be halted and attempted to appeal the decision, later turning to the Commissioner for assistance. The Commissioner's investigation will not only focus on the specific case, but aims to explore the difficulties faced by same-sex couples during adoption procedures in general.

Freedom of assembly

- For the first time since 2007, the Budapest Pride march took place with no reported threats or violence. It was also authorised to end at parliament square for the first time in the march's 20-year history.

Freedom of association

- A community group in the city of Miskolc who had been working with the LGBT community there since 2013 applied to be registered as an NGO. The group wished to include the city's name in their organisation's title so had to apply for permission to use the name. The mayor subsequently refused to issue the relevant permit, without providing a reason. In December, the Equal Treatment Authority fined the Miskolc mayor HUF 500,000 (approx. EUR 1625) for the unprecedented denial of the name.

Freedom of expression

- The village of Ásotthalom introduced a ban on 23 November on so-called 'propaganda' featuring same-sex marriage or families not based on marriage between different-sex couples. On 11 December, LGBT groups organised a protest in the village to deliberately violate the ban. Subsequently, the Commissioner for Fundamental Rights petitioned the Constitutional Court, stating that the ban is discriminatory and infringes on freedom of expression. The county government office called on the Ásotthalom authorities to revoke the ban; if the village refused, the office stated its intention to challenge the decision at the Supreme Court.

Health

- On 20 December, the LGBTQ Section of the Hungarian Psychological Association published a translation of the

American Psychological Association's guidelines to working with clients who identify as LGBT or gender non-conforming.

Legal gender recognition

- In a report issued in September, the Commissioner for Fundamental Rights recommended that the Minister for Human Resources address existing regulatory problems with the legal gender recognition procedure, to introduce more transparent legislation, to allow trans people in higher education to change their names on certificates, and to separate the legal recognition process from access to trans-specific health care.

Public opinion

- The results of a detailed IPSOS survey across 23 countries were published by the University of California, Los Angeles' (UCLA) Williams Institute in December. 28% of the approximately 500 people interviewed in Hungary as part of the study on attitudes towards trans people opposed allowing trans people to undergo surgery. 43% believed trans people should be able to use toilets that correspond with their true gender (a higher percentage than those surveyed who actively disagreed). 48% supported protecting trans people against discrimination.
- The results of a national opinion poll conducted by Budapest Pride and Integrity Lab were published in December. 36% expressed support for marriage equality and 46% supported extending adoption possibilities to same-sex couples; both figures are higher than results from previous polls. 60% of those surveyed said that LGBT people should have the same rights as heterosexual people.