

Compulsory HIV testing is limited to asylum seekers and certain professions. A known HIV-positive status has to be reported when applying for residence permit, but being HIV-positive is no ground for denying entry or residence. HIV-positive foreigners, however, are required to regularly visit their doctors.

Antiretroviral therapy is available free of charge for anyone with a Hungarian public health insurance.

## Transgender rights

Discrimination based on gender identity is explicitly prohibited by the Act on Equal Treatment and the Promotion of Equal Opportunities.

There is no legislation on changing one's legal gender; however, there is an established process for dealing with such requests: change of gender is authorized by the Ministry of Public Administration and Justice upon a submitted medical opinion. Sterilization or any form of surgery or medical treatment is not a prerequisite.

Gender reassignment surgeries are legal and performed in state as well as private medical institutions, but the public health insurance scheme covers only 10% of the costs.

## Intersex rights

The birth registry is built on a binary notion of sex, and forces children to be registered as either male or female.

Informed consent is a principle enshrined in the Health Care Act. In case of minors under the age of 14, their parents or legal guardians exercise the right of consent, but they can only consent to medically necessary interventions that do not have a negative impact on the health of the child.

## Useful contacts

### *Háttér Society*

Offers free legal aid for victims of discrimination, harassment and violence, and provides legal advice in all matters bearing on the applicant's sexual orientation or gender identity. The service is available both in Hungarian and English at +36 30 944 0765 (weekdays from 8:00am to 8:00 pm) or at [jogsegely@hatter.hu](mailto:jogsegely@hatter.hu).

### *Equal Treatment Authority*

Investigates cases of discrimination and harassment and provides support for victims. Available at +36 1 795 2975 or [ebh@egyenlobanasmod.hu](mailto:ebh@egyenlobanasmod.hu). Further info at [www.egyenlobanasmod.hu](http://www.egyenlobanasmod.hu).

### *Police*

Maintains the public order and investigates cases of homophobic and transphobic violence. Available at the emergency number 107 or 112. To report a crime anonymously, call +36 80 555 111. Further info at [www.police.hu](http://www.police.hu).

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# Your rights in Hungary

**A short introduction to legislation concerning lesbian, gay, bisexual, transgender, queer and intersex people**

## Decriminalization and age of consent

Sexual acts between consenting men was decriminalized in 1962; sexual activity between women had never been criminalized. The age of consent was equalized in 2002, it is currently 14 for both same- and different-sex sexual activity.

## Freedom of association and freedom of assembly

LGBTQI organizations are free to operate in Hungary. The first such organization was founded in 1988, there are currently more than a dozen such organizations. A national umbrella organization bringing together NGOs involved in LGBTQI issues was set up in 2009.

LGBTQI public events (including Pride Marches) have taken place in Hungary since 1997. Since 2007 violent anti-gay protestors have attacked the March several times. In 2011 and 2012 the police refused to grant permission for the Pride march, but the Court later overturned the decision.

## Prohibition of discrimination

The Hungarian Constitution does not specifically ban discrimination based on sexual orientation; however, it does prohibit discrimination based on "any other status", which has been interpreted by the Constitutional Court to include sexual orientation as well.

Since 2003 the Act on Equal Treatment and the Promotion of Equal Opportunities explicitly prohibits discrimination based on sexual orientation and gender identity in employment, education, social security and health, housing and access to goods and services.

Victims of discrimination can take cases to court or the Equal Treatment Authority. Legal proceedings at the Authority are free and relatively quick.

## Marriage and partnership

Since 2012, the Hungarian Constitution (called the Fundamental Law) defines marriage as a union between a woman and a man.

Unregistered cohabitation between same-sex partners has been recognized since 1996 and registered partnership offering similar benefits as marriage is available to same-sex couples since July 1, 2009.

Registered partners enjoy all the rights and duties of married couples except for taking the partner's name, joint adoption, stepparent adoption and assisted reproduction. Registered partnership ceremonies are conducted by registrars; divorce can be obtained through the courts or if both parties agree in all matters at public registrars. The default property regime between registered partners is joint estate, and registered partners enjoy the same inheritance, allowance and tenancy rights, tax and social benefits, survivor's pension, etc. as married couples do.

Foreigners can enter into registered partnerships if at least one of the partners has permanent residency or citizenship in Hungary. Same-sex marriages performed abroad are not recognized in Hungary, registered partnerships performed abroad on the other hand are recognized.

## Parenting

Single parent adoption is available for individuals regardless of sexual orientation or family status, but the law prescribes that preference has to be given to married (different-sex) couples. Partners in

a same-sex relationship cannot adopt jointly, nor can they adopt their partner's child.

Assisted reproduction is available to single women if they are infertile or due to their age are expected to become infertile soon. It is not available to women living in a lesbian partnership.

The parent's registered partner has a duty to maintain the children, and is recognized as stepparent in most fields of life.

## Hate crimes and hate speech

The Criminal Code includes regulation on "incitement to hatred" and "violence against a member of a community"; both provisions specifically mention sexual orientation and gender identity. This means that if a violent act against a person or his or her property is committed because of homophobic or transphobic bias, it will result in higher penalty for the perpetrator.

## Immigration and asylum

Registered partners are recognized as family members in immigration procedures to the same extent as different-sex spouses. The immigration authorities can also recognize couples who are not married, but live together permanently, however, the recognition is not automatic.

Sexual orientation is specifically mentioned as a ground for granting asylum. While gender identity is not explicitly mentioned, there have been cases where trans people suffering persecution were granted asylum.

## HIV/AIDS

Discrimination based on health status is prohibited by the on Equal Treatment Act.