

STATEMENT
UPR Pre-session on Hungary
7 October 2021
Delivered by: Hungarian LGBT Alliance

1- Presentation of the Organisation

This statement is delivered on behalf of a coalition of Hungarian lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) organizations, including the Hungarian LGBT Alliance, Háttér Society, Labrisz Lesbian Association and Transvanilla Transgender Association. The Hungarian LGBT Alliance has participated in UPR processes at the national level since 2011 and the UN level since 2016.

2- National consultations for the drafting of the national report

The national UPR report was supposed to be discussed in the various working groups of the Human Rights Roundtable, but we have received no draft of the national report to comment on, and the report submitted includes only very limited information on LGBTQI rights, and contains factually incorrect information.

3- Plan of the Statement

This statement addresses the following issues: (i) the general human rights situation in the country for LGBTQI people, (ii) restrictions of freedom of expression regarding LGBTQI content, (iii) the violation of transgender people's right to privacy and health, and (iv) discriminatory restrictions on the right to found a family for same-sex couples.

4- Statement

i. General human rights situation

A. Follow-up to the second review

In the previous UPR cycle, Hungary received 35 recommendations directly or indirectly relevant for LGBTQI persons. None of the recommendations specifically addressing sexual orientation or gender identity have been implemented, not even partially. While Hungary accepted the recommendation to adopt a **comprehensive LGBTQI strategy and action plan**, no such document was adopted, and the institutional framework for enforcing equal treatment has been considerably weakened.

B. New developments since the second review

The **human rights situation of LGBTQI people has significantly deteriorated** in recent years in Hungary, especially in the past few months following the submission of our shadow report to the UN. Leading government officials and pro-government media now regularly make hostile, prejudiced statements against these groups to divert attention away from the COVID crises and mobilize their voters prior to the upcoming general elections. As part of this hate campaign the Parliament and the Government adopted a **series of legislations restricting the rights of LGBTQI people**, authorities started to enforce existing laws in a discriminatory manner, and an anti-LGBTQI referendum has been initiated by the Government. The **Equal Treatment Authority** was abolished in 2020, its tasks were taken over by a **new Commissioner for Fundamental Rights** appointed in 2019, who is completely inactive with regards to LGBTQI people.

C. Recommendations

The Coalition urges the Hungarian Government to refrain from inciting hatred against LGBTQI people for political gain, to reestablish the Equal Treatment Authority as an independent agency, and to adopt a comprehensive strategy and action plan to tackle discrimination based on sexual orientation and gender identity.

ii. Freedom of expression

A. New developments since the second review

In June 2021 the Parliament passed a legislation which was supposed to increase the protection of children against paedophilia. With last minute amendments the law also **bans access of minors to content that portrays or promotes homosexuality or transgender identities**, both generally and specifically in the media, in advertisements and in schools. Furthermore, since October 2019 several publishers, media service providers and book shops have been put under investigation or fined for featuring LGBTQI content, which the authorities deem “harmful to the children.” A wide range of international human rights bodies criticized the law including the UN and the Council of Europe.

B. Recommendations

The Coalition urges the Hungarian Government to revoke the anti-LGBTQI provisions of the anti-paedophilia law, and to refrain from interpreting other child protection provisions in an arbitrary and discriminatory manner. The Coalition also urges the Hungarian government to make sure that textbooks and other educational materials used in public education cover sexual orientation and gender identity in an objective manner, and promote tolerance and respect for LGBTQI persons.

iii. Right to privacy and health

A. New developments since the second review

In May 2020 the Hungarian Parliament **banned legal gender recognition** for transgender and intersex people which was available in Hungary since the early 2000s. Trans and intersex people are forced to live with official documents that do not reflect their gender identity and / or appearance, which exposes them to discrimination and violence in many areas of life including employment, housing and healthcare. A wide range of international human rights bodies criticized the law, and parts of it have been quashed by the Constitutional Court, but even the Court’s narrow decision is not respected.

C. Recommendations

The Coalition urges the Hungarian Government to abolish the ban on legal gender recognition, and develop a quick, transparent and accessible procedure for legal gender recognition based on personal autonomy and self-determination.

iv. Right to found a family

A. Follow-up to the second review

Hungarian law does not allow a child to have two parents of the same sex to be legally recognized. Brazil recommended that the definition of family is amended to include other forms of families as well. The recommendation was only noted by the Hungarian government, and not implemented.

B. New developments since the second review

The opportunities for those living in same-sex relationship to become parents have been further restricted since the second review. Since March 2021 adoption by a non-married person (including same-sex couples) is only possible with a special permission by the Minister of Family Affairs, who made it clear in a public interview that the aim of the amendment was to make sure that same-sex couples cannot adopt. The changes were criticized among others by UNICEF and the Venice Commission.

C. Recommendations

The Coalition urges the Hungarian government to remove discriminatory differences between registered partnership and marriage, and provide legal recognition to same-sex parenting.

Thank you for your attention.