

Hungary

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<http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/HUN-CbC-V-2015-19-ENG.pdf>

- **Context information from ECRI**

129. ECRI notes that there is no government strategy or action plan to promote tolerance and combat discrimination against LGBT persons in Hungary, despite evidence of prejudice in various fields of everyday life.⁵¹ The difficulties faced by the organisers of the Budapest Pride festival in obtaining permits to hold the event in 2011 and in 2012 testify to such prejudice, although there were no problems in 2013. The Commissioner for Fundamental Rights has conducted several investigations into the Pride festival marches and the conduct of the police. These concluded that by cordoning off the entire route to prevent incidents, the police had secured the safety of participants at the expense of freedom of assembly. The 2014 festival was also held amid heavy police presence along a cordoned-off route. ECRI is pleased to note that training for police on this particular issue has been provided to some 2 500 police officers.

130. As regards health issues, ECRI has been informed that there are no clinical guidelines or medical protocols in relation to transgender issues. Hungary's health insurance cover for gender reassignment treatment is 10% of the total costs. No applications for funding have been denied so far, but the lack of specialised surgeons in the public health care system remains an obstacle.

131. Concerning school education, while the national curriculum includes elements on discrimination and difference, homosexuality and homophobia-related topics are not explicitly mentioned. According to a report of the Council of Europe's Commissioner for Human Rights, schools do not provide any information about homosexuality or only biased, incorrect information.

132. In view of the above, ECRI considers that the authorities should draw up and adopt an action plan to promote tolerance towards LGBT persons in different areas, as well as to combat homophobia and transphobia.

133. ECRI recommends that the authorities draw up and adopt an action plan to combat homophobia and transphobia in all areas of everyday life, including education, employment and health care, drawing inspiration from Recommendation CM/Rec(2010)5 of the Committee of Ministers of the Council of Europe on measures to combat discrimination on grounds of sexual orientation or gender identity.

- **Transphobia and data on hate crimes in the country**

Racist and homo/transphobic violence fall under Criminal Code Article 216 (violence towards members of a community). According to information provided by the authorities, between 2009 and 2013, there were 191 reported cases of alleged hate motivated violence; 94 of these resulted in

convictions with 33 prison sentences handed out. The authorities informed ECRI that 54% of the victims of these offences were Roma, 8.5% were Jews and 17% involved violence against the Hungarian majority. No data was provided as to any LGBT victims.

- **Legislative issues**

Hungary has explicitly recognised in its national legislation that sexual orientation is included in the notion of “membership of a particular social group”. Therefore, persons fleeing persecution on grounds of their sexual orientation are able to be recognised as refugees and benefit from international protection. In 2014 there was a case of refugee recognition on the basis of transsexualism.

Transgender persons are able to have their new gender recognised by means of legal/administrative procedures for change of name and legal gender. Thus, official documents can be changed to match the gender identity. No compulsory medical/surgical intervention is required for legal gender recognition, nor is sterilisation or proof of infertility. However, the person who applies for a rectification of the recorded sex has to be unmarried. This entails mandatory divorce if the person is already married.

As regards health issues, ECRI has been informed that there are no clinical guidelines or medical protocols in relation to transgender issues. Hungary’s health insurance cover for gender reassignment treatment is 10% of the total costs. No applications for funding have been denied so far, but the lack of specialised surgeons in the public health care system remains an obstacle.

- **List of recommendations from ECRI**

10. (§66) ECRI recommends that the National Crime Prevention Strategy should be revised to include measures aimed at combating crime motivated by racial and homo/transphobic violence.

23. (§133) ECRI recommends that the authorities draw up and adopt an action plan to combat homophobia and transphobia in all areas of everyday life, including education, employment and health care, drawing inspiration from Recommendation CM/Rec(2010)5 of the Committee of Ministers of the Council of Europe on measures to combat discrimination on grounds of sexual orientation or gender identity.