

LGBTQI RIGHTS IN HUNGARY

A joint submission by the Hungarian LGBT Alliance,
Transvanilla Transgender Association, Háttér Society, and
Labrisz Lesbian Association

for the review of Hungary by the United Nations Human Rights
Committee at its 122nd session

Hungary, February 2018



In the **List of issues prior to submission of the sixth periodic report of Hungary** (9 December 2015), under the heading “Non-discrimination and the rights of persons belonging to ethnic, religious, linguistic or sexual minorities (arts. 2 and 24-27),” the Human Rights Committee asked Hungary to indicate the **measures taken to combat discrimination on the grounds of sexual orientation**, including **societal discrimination and discrimination in public education**, as well as to comment on **reports of discrimination and hate speech** against and **harassment** of lesbian, gay, bisexual and transgender persons and provide information on **measures taken to investigate such cases and bring perpetrators to justice** (para. 6.). The document also requested information on **government audits against non-governmental organizations** (para 29.)

In its report submitted on 16 January 2017, Hungary provided only a **partial response** referring to “criminalizing violence against a member of a community and incitement against a community.” It did not, however, mention any specific measures and policies besides the relevant provisions of the Criminal Code (Act C of 2012 on the Criminal Code, Article 216: violence against a member of a community, Article 332: incitement against a community).

Indeed, as we elucidate below, the legal framework in principle, makes it possible for the authorities to effectively tackle hate crimes. However, **systemic failures** can be detected when it comes to the **implementation and application of the law** in case of hate crimes against members of vulnerable groups. Hate crimes are often prosecuted as less serious crimes disregarding the bias motive, perpetrators are often not identified due to the failure of police to undertake measures at the crime scene or during later stages of the investigation. These could only be alleviated by targeted measures, policies and strategies that improve law enforcement; laws are not only to be written words but also to be implemented.

Hungary’s state report contains **no information** on combating discrimination on the grounds of sexual orientation and gender identity, including societal discrimination and discrimination in public education.

In our report, we focus on the **legal and societal discrimination of LGBTQI people in Hungary**; we explore societal discrimination especially in the areas of **employment, education and parenting**; and we give a special attention to the **situation of trans people, especially regarding legal gender recognition**. The report also includes a chapter on **governmental attacks against civil society organizations, in particular LGBTQI civil society organizations**.

Submitting organizations:

The **Hungarian LGBT Alliance** is a national umbrella organization bringing together LGBTQI organizations in Hungary.

Transvanilla Transgender Association, the only registered trans rights organization in Hungary, has been representing the rights of trans people since 2011.

Háttér Society is the oldest LGBTQI organization, providing key services such as legal support and a helpline.

Labrisz Lesbian Association works to draw public attention to the discrimination against sexual minority women, and eliminate prejudice and stereotypes against them.

RIGHT TO EQUALITY AND NON-DISCRIMINATION

Art. 2. UDHR, Art. 26 ICCPR, Art. 14. ECHR, Art.1 of the Protocol no.12, CEDAW/C/GC/28, Yogyakarta Principles, 2

1. Incitement to hatred against sexual and gender minorities is on the rise: in recent years not only extreme right wing politicians, but also **leading government officials made prejudiced statements** against this group. In 2015, Prime Minister Viktor Orban publicly declared that the very topic of LGBTQI people's rights "lures one to joke," and then added that "homosexuals should not behave in a provocative way like one can see in Western countries." Special advisor to Prime Minister Orbán, Imre Kerényi called for "stopping the faggot lobby", Mayor of Budapest István Tarlós talked about homosexuality as "unnatural and repulsive", Vice Prime Minister Zsolt Semjén called homosexuality "a deviance" and "an aberration". No government officials distanced themselves from these statements.

2. These statements are particularly harmful, as LGBTQI people are one of the **most discriminated social groups** in Hungary. 55% of Hungarians would not welcome a 'homosexual' person as their neighbor,¹ and only 57% would be totally comfortable having a gay, lesbian or bisexual colleague.² A research commissioned by the Equal Treatment Authority in 2011 found that over 61% considered homosexuality a sickness.³ Research by the European Agency for Fundamental Rights (FRA) found in 2012 that 45% of Hungarian LGBT respondents have been subjected to discrimination.⁴ Survey by the European Commission⁵ found that less than half (49%) of Hungarians agree that gay, lesbian and bisexual people should have the same rights as heterosexual people, and only 34% would allow transgender people to change their civil documents to match their gender identity.

3. Yet, there are **no government sponsored campaigns or concentrated efforts** to tackle discrimination. Unlike most other minority groups (Roma, gender, disability, youth), there is no strategy or action plan on LGBTQI equality. Besides LGBTQI NGOs, the European Commission against Racism and Intolerance (ECRI)⁶ and the UN Human Rights Council⁷ as part of the Universal Periodic Review of Hungary also called for the **adoption of an action plan** to promote tolerance towards LGBTQI persons and to combat homophobia and transphobia.

Recommendation 1: Adopt a comprehensive strategy and action plan covering all spheres of life to tackle discrimination based on sexual orientation and gender identity.

¹ *Antiszemita előítéletesség a mai magyar társadalomban – 2016. év.* Action and Protection Foundation, 2017. http://tev.hu/wp-content/uploads/2017/04/TEV_Antiszemitizmus-tanulmany_2016.pdf

² *Discrimination in the EU in 2015. Special Eurobarometer 437.* European Commission, October 2015. (hereinafter: Eurobarometer 2015) <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/ResultDoc/download/DocumentKy/68004>

³ *Az egyenlő bánásmóddal kapcsolatos jogtudatosság növekedésének mértéke – fókuszban a nők, a romák, a fogyatékos és az LMBT emberek.* Equal Treatment Authority, 2011. http://www.egyenlobanasmod.hu/tamop/data/MTA_1hullam.pdf

⁴ *LGBT Survey 2012.* Fundamental Rights Agency, 2012. (hereinafter: FRA 2012) <http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-lgbt-survey-2012>

⁵ Eurobarometer 2015

⁶ *ECRI Report on Hungary, Fifth monitoring cycle (CRI(2015)19).* (hereinafter: ECRI 2015) March 2015

⁷ *Report of the Working Group on the Universal Periodic Review. Hungary (A/HRC/DEC/33/106).* July 2016

Recommendation 2: Strengthen its efforts in fighting homophobic and transphobic hate speech by condemning such statements, especially if made by public officials.

RIGHT TO LIFE, LIBERTY AND SECURITY OF THE PERSON

Art 3. UDHR, Article 6, 9 ICCPR, Art. 1-4, 6, General Recommendation #19 CEDAW, Yogyakarta Principles, 4, 5

4. **Homophobic and transphobic hate crimes are widespread** in Hungary: a 2012 EU Fundamental Rights Agency survey (2267 Hungarian respondents) found that 28% of Hungarian LGBTQI respondents had been physically/sexually attacked or threatened with violence in the past 5 years, in 59% of the cases due to their sexual orientation or gender identity.⁸ The **underreporting of anti-LGBTQI hate crimes** is well documented by research in Hungary. A large scale survey research in 2010 by the Institute of Sociology of the Hungarian Academy of Sciences and Háttér Society (1674 respondents) found that only 15% of those respondents who had been victims to violence due to their sexual orientation or gender identity made an official report.⁹ The FRA survey quoted above found that only 10% of the most recent and 14% of the most serious threats or assaults were reported to the police in Hungary.¹⁰ The most recent research from 2016 covering 10 European countries (348 LGBT respondents in Hungary) found that 46% of Hungarian respondents had been victims or witnesses of hate crimes or online hate speech, but only 10% of those experiencing such incidents reported them to the authorities.¹¹

5. Recent years brought some positive developments concerning state responses to hate crimes, and LGBTQI-phobic hate crimes in particular. The Criminal Code (2013) **explicitly includes sexual orientation and gender identity in its hate speech and hate crimes provisions** (Art. 332 and 216, respectively). A **network of hate crime investigators** was set up at the police increasing dialogue between the police and LGBTQI NGOs, including **training sessions** conducted by these NGOs.

6. The provisions of the **EU Victims' Rights Directive** were **transposed into Hungarian legislation** via amendments to the Criminal Procedure Act, the Victim Support Act, the Legal Aid Act and several lower level legislations. However, while most provisions of the Directive have been transposed to Hungarian law, their **implementation is often limited** due to lack of human capacity, financial or technical reasons.¹²

7. In practice, law enforcement agencies often continue to **disregard the hate motivation** treating hate crimes as regular crimes resulting in less efficient investigation and lower sanctions. **Data collection** on homophobic/transphobic hate crimes is not adequate: recording them is optional, while for those motivated by nationality, ethnicity, race, religion it is mandatory. There are **no**

⁸ FRA 2012

⁹ *The social exclusion of lesbian, gay, bisexual and transgender people in Hungary. Results from the LGBT Survey 2010.* Háttér Society, 2015. (hereinafter: LGBT Survey 2010) <http://en.hatter.hu/publications/lgbt-survey-2010-summary>

¹⁰ FRA 2012

¹¹ *UNI-FORM: Online felület és okostelefonos alkalmazás a homofób és transzfób gyűlölet-bűncselekmények bejelentésére.* Háttér Society, 2017. <http://hatter.hu/kiadvanyaink/uniform>

¹² *Legal protection of LGBT victims of crimes. Implementation of the Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.* Hungary. Háttér Society, 2016. <http://en.hatter.hu/publications/legal-protection-of-lgbt-victims-of-crimes-2016>

measures to encourage reporting or prevention. ECRI recommended that the National Crime Prevention Strategy be revised to better combat crime motivated by racial and homo/transphobic violence.¹³ The UN Human Rights Council as part of the Universal Periodic Review of Hungary¹⁴ called for the adoption of an investigative protocol and developing the capacity of the police hate crime network to improve the response to hate crimes.

Recommendation 3: Adopt guidelines for law enforcement agencies on their response to hate crimes; integrate those guidelines in training police officers, prosecutors, judges.

Recommendation 4: Take comprehensive measures to prevent hate crimes and encourage victims to report the incidents.

WORKPLACE AND EMPLOYMENT: RIGHT TO EMPLOYMENT

Art 6. ICESCR, Art. 11, 13, 16 [1], [h] CEDAW, Yogyakarta Principles, 12

8. According to a 2010 LGBT survey¹⁵, **13% of LGBTQI persons have suffered from discrimination** at their workplace: being subject to **gossip** (81%), a **homophobic or transphobic work environment** (72%), or **harassment and humiliation** (41%). One-third of those discriminated against were **rejected** when applying for work (31%) or **fired** (32%).

9. **Trans people** are twice as likely to report experiencing discrimination at work than non-trans gays and lesbians (29% vs. 15%). They are also more likely to have experienced **long-term unemployment** in the past 5 years (46% vs. 27%).

10. In a research conducted in 2016,¹⁶ almost every third respondent (29%) had been **harassed** because of their being LGBTQI (e.g. they were rumored about or mocked), and 62% reported that they had **heard hurtful and degrading remarks and jokes** about LGBTQI people in general from their colleagues at work. Every fifth respondent (20%) said that their LGBTQI identity **influenced their career choices**; that is, they did not choose a given career because they were afraid of the homophobic, biphobic and transphobic attitudes of others working in the given field.

11. Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities and the Labor Code sanction discrimination among others based on sexual orientation or gender identity in employment. However, **reporting discrimination remains alarmingly low**, only 15%.¹⁷ More emphasis should be placed on the **prevention** discriminatory behavior, as well as the dissemination of **good practices** with regards to creating diverse, inclusive work environments.

12. Although employers can put in place so-called **equal opportunity plans**, only the public bodies and state-owned companies are obliged to do so. Financial incentives (funding, tax credits etc.) for employers to adopt such proactive measures is lacking. Accordingly, only 21% among those discriminated said that their employers had a **non-discrimination policy**.¹⁸

¹³ ECRI 2015

¹⁴ *Report of the Working Group on the Universal Periodic Review. Hungary (A/HRC/DEC/33/106)*. July 2016

¹⁵ LGBT Survey 2010

¹⁶ *"They can be anything?" Employment and Workplace Discrimination against LGBTQI People in Hungary*. Háttér Society, 2016. (hereinafter: *They can be anything*, 2016) <http://en.hatter.hu/publications/they-can-be-anything>

¹⁷ *They can be anything*, 2016

¹⁸ *They can be anything*, 2016

Recommendation 5: Extend the requirement to adopt equal opportunity plans to all public and private employers and issue guidelines on their content with specific reference to the needs of LGBTQI employees.

Recommendation 6: Develop programs improving the employability of trans persons to prevent long-term unemployment including trainings and financial incentives to employ them.

Recommendation 7: Introduce financial incentives for employers to provide diversity trainings for their employees specifically including LGBTQI issues.

RIGHT TO EDUCATION

Art. 26 UDHR, Art. 13 ICESCR, Art. 10 CEDAW, Yogyakarta Principles, 16

13. In the **report provided by the State, para. 56 on Education** declares: “It is a primary goal to ensure equitable quality education. In this context, it is a headline target to mitigate segregation, promote inclusiveness and integration in nursery schools and schools. In order to achieve these goals Hungary has set the objectives of the educational sector in the Public Education Development Strategy (hereinafter: Strategy) for the period of 2014-2020 including the priority measures to reduce early leaving from education and training and to support inclusive education.”

14. Facts, however, show that the above mentioned **inclusiveness is not realized**, and is particularly **lacking for LGBTQI students**.

15. Research conducted by Háttér Society in 2010 and 2017 show that **LGBTQI students** often experience discrimination in school. The 2010 research (n=1991) found that one in five respondents had **experienced discrimination** in school.¹⁹ According to Háttér Society’s recent *National School Climate Survey*²⁰ (conducted under the methodological guidance of GLSEN, USA), an online survey with the participation of 928 LGBTQI students between the ages of 13 and 21, more than half (51%) of the respondents reported **hearing other students make homo- and transphobic derogatory remarks** often or frequently in the past school year. In addition, more than two-thirds (70%) of students reported hearing at least once homophobic remarks from their teachers or other school staff in the past school year. **Teachers and school staff most often did not intervene** when homophobic remarks were made: 35% reported that staff never intervened, and only 7% reported that they always intervened. Almost two-thirds of respondents (64%) had been **verbally harassed** at school because of their sexual orientation, and more than half of them (56%) were verbally harassed because of their gender expression in the past school year. 22% of respondents had been **physically harassed** because of their sexual orientation, and 19% because of their gender expression.

16. 53% of respondents reported **feeling unsafe at school** in the past year because of their sexual orientation; 27% felt unsafe because of how they expressed their gender. Feeling unsafe or uncomfortable at school can negatively affect the ability of students to succeed academically, particularly if it results in avoiding school or classes. When asked about **absenteeism**, one quarter (26%) of LGBTQI students reported missing at least one day of school in the last month of school.

¹⁹ LGBT Survey 2010

²⁰ *National School Climate Survey 2017*. Háttér Society, 2017.
<http://en.hatter.hu/what-we-do/research/school-climate-2017>

17. **Trans students** are **routinely harassed** because of their gender expression or their documents not matching up with their physical presentation. There is little to **no flexibility** by school administrators when it comes to trans students using their preferred names or bathrooms that match their gender identity.

18. There is currently **no obligation for educational institutions to put in place policies against bullying**.

19. The **National Core Curriculum** and the very detailed Framework Curricula lacks any mention of **LGBTQI topics** that could be fostering an inclusive school environment and boosting the self-esteem of LGBTQI students. In 2017 all references to the notion of gender were removed from these documents. Two-thirds of LGBT survey respondents said that **LGBTQI topics were not covered at all** at their school.²¹

20. There has also been a rise in **homophobic and transphobic materials in books** that schools can choose to use. For instance a 2013 Religion textbook states that homosexuality is a “serious, deadly sin”.²² Religious freedom is routinely cited as an excuse for such contents. A biology textbook authorized for classroom use mentions homosexuality in the context of mental disorders.²³

21. Hungary has not signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*²⁴, issued by Ministers and their designated representatives attending the International Ministerial Meeting on Education Sector Responses to Violence based on Sexual Orientation and Gender Identity/Expression, gathering at the invitation of the Director-General of UNESCO in Paris, France in May 2016. The Hungarian LGBT Alliance specifically recommended the Government to sign the document; the Ministry of Human Capacities, however, did not even provide an answer to the written request.

Recommendation 8: Amend the law on the National Basic Curriculum and the Framework Curricula to include information on sexual orientation/gender identity.

Recommendation 9: Ensure that all textbooks and other educational materials authorized for use in public education cover sexual orientation and gender identity in an objective manner, and promote tolerance and respect for LGBTQI persons.

Recommendation 10: Issue a model policy of non-discrimination and anti-bullying for educational institutions with reference to sexual orientation/gender identity and expression.

Recommendation 11: Integrate issues of homophobic and transphobic bullying into anti-violence and safe school programs.

SAME-SEX PARENTING: RIGHT TO FAMILY

Art. 17. ICCPR, Yogyakarta Principles, 24

22. Cohabitation among same-sex couples has been recognized since 1996, and since 2009 same-sex couples can enter into **registered partnership** granting them most rights and duties that

²¹ LGBT Survey 2010

²² Mária Fülöpné Erdő: *Élet a Hitben*, p. 79.

²³ Szilárd Zátonyi: *Biológia 11*, p. 143.

²⁴ https://en.unesco.org/sites/default/files/call_for_action_2016_05_18-en.pdf

come with marriage. Notable exceptions include the right to take the partner's name, access to assisted reproduction, joint and second parent adoption. Differences between marriage and registered partnership are **solely based on the gender of partners**, have no reasonable justification, and thus amount to **discrimination based on sexual orientation**.

23. A cardinal law, the Act on the Protection of Families (Act CCXI of 2011) was adopted in December 2012 that contained **several discriminatory provisions against same-sex couples and their children**. First, the law contained a definition of family – to be used consistently throughout the Hungarian legal system – that defined “family” solely with reference to marriage and parent-child relationship (Art. 7), and secondly limiting inheritance rights of non-married couples (Art. 8). The Commissioner for Fundamental Rights claimed both provisions to be discriminatory based on sexual orientation, and turned to the Constitutional Court. In December 2013, the Court found both provisions to be unconstitutional. However, rather than respecting the decision of the Court, the **Parliament adopted an amendment to the Fundamental Law** containing the same definition of family found to be too restrictive, thus avoiding any future judicial review.

24. While the adoption of the Family Protection Act did not affect the institution of registered partnership introduced in 2009 (Act XXIX of 2009), changes to the Civil Code created a lot of confusion around the institution leading to legal uncertainty. The new Civil Code adopted in 2013 removed **all references to registered partnership** making large segments of the population believe the institution was abolished, or the rights of registered partners restricted.

25. Legislation on **assisted reproduction is openly discriminatory**: while it is possible for married couples, different-sex cohabiting couples and single women to access such services, lesbian couples (whether in registered partnership or cohabiting) are excluded.

26. The lack of recognition for same-sex parents has direct negative consequences for such children: they are not the legal heirs of one of their parents, nor can they count on maintenance in case the parents' relationship ends. *De jure* discrimination against children living with same-sex parents also **makes discriminatory behavior socially acceptable**. In 2013 a 13 year old boy's admission to a school was rejected after the school found out he was raised by a lesbian couple. The Equal Treatment Authority found the decision discriminatory and fined the school. The Hungarian LGBT Alliance recommended to the Ministry of Human Capacities to adopt comprehensive measures to prevent such incidents, but their submission was **left unanswered**. The UN Committee on the Rights of the Child specifically called on the Government to take steps against discrimination faced by children raised by same-sex parents.²⁵

27. Meanwhile, **the number of families composed of same-sex parents and their children is growing**. Research conducted in 2016 and 2017²⁶ shows that of 1249 respondents, 26% of those aged 26 and above were either parents or co-parents, and a further 9% of the respondents have already taken specific steps toward having a child. 62% of respondents plan to have children in the future.

28. The person applying for legal gender recognition has to be unmarried, this entails **mandatory divorce** if the person is already married or is in a registered partnership. This was also noted as a problem in the report of ECRI (pp. 33-34).

²⁵ *Concluding observations on the combined third, fourth and fifth periodic reports of Hungary*, (CRC/C/HUN/CO/3-5), October 2014, para. 20.

²⁶ *Sziváránycsaládok helyzete 2016-17*. Háttér Society, 2017. <http://hatter.hu/kiadvanyaink/szivarvanycsaladok-2017>

Recommendation 12: Remove discriminatory differences between registered partnership and marriage, and provide legal recognition to same-sex parenting.

Recommendation 13: Take measures to prevent discrimination against same-sex couples and their children in the fields of education, healthcare and access to social benefits.

Recommendation 14: Remove discriminatory legislative restrictions for lesbian couples in accessing assisted reproduction technologies.

Recommendation 15: Remove the requirement to be single as prerequisite for legal gender recognition.

RIGHTS OF TRANS PEOPLE

29. According to very recent legislation (Government Decree no. 429/2017 (20. XII.)) and former non-legislated practice, **transgender persons** are able to **have their legal gender recognized** (as either male or female). The procedure is not open for minors.

30. Before the Government decree was adopted in December 2017, for more than one year, between November 2016 and January 2018, **legal gender recognition requests had been pending** without answer from the competent ministry.

31. The new legal regulation leaves legal gender recognition **dependent on medical opinion**, and at the same time **does not define the authority responsible** for providing medical opinion as well as conditions and deadlines.

32. The procedure of legal gender recognition has **not become quick, transparent and accessible**, and **depends on medical opinion instead of self-determination**.

33. **Diagnosis of transsexualism and change of legal gender is mandatory for trans specific health care** (gender affirmation surgeries and hormone therapy) despite a supportive statement of mental depathologization made by the Health Professional Colleges Psychiatric and Psychotherapeutic Sections (Egészségügyi Szakmai Kollégium Pszichiátriai és pszichoterápiás Tagozat). There are **no national clinical guidelines for trans specific health care**, which results in the lack of proper care and of experts. Health insurance covers only 10% of the costs of gender affirmative surgeries. The **lack of specialized surgeons** in the public health care system is also a considerable obstacle.

34. According to a **trans specific survey research** by Transvanilla Transgender Association²⁷ **26% of the respondents felt discriminated in health care facilities or during medical examinations** because of their gender identity or expression and only 6% of those have reported the incidents. In none of the cases has the perpetrator been held accountable.

Recommendation 16: Ensure that legal gender recognition procedures and health care services are independent from each other.

Recommendation 17: Develop a quick, transparent and accessible procedure based on self-determination for legal gender recognition.

²⁷ *TransCare: Documentation of discrimination in the field of health of trans* people in Hungary*. Transvanilla Transgender Association, 2014. <http://transvanilla.hu/letoltesek/transcare-report>

Recommendation 18: Create clinical guidelines on treatment for trans persons and ensure that costs of gender affirmation procedures are reimbursed by public health insurance.

Recommendation 19: Ensure that access to trans specific health care is conditioned only upon free and informed consent of the person concerned.

RIGHT TO FREEDOM OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY

Art. 20. UDHR, Art. 21. ICCPR, Art. 10 and 11. ECHR, Yogyakarta Principles, 20

35. In the **List of issues prior to submission of the sixth periodic report of Hungary** (9 December 2015), the Human Rights Committee asked the State to “comment on reports that non-governmental organizations benefiting from the Norwegian civil fund have been audited by the Hungarian Government Control Office, on the basis of an allegation that they were supporting the opposition political party,” and “explain how this measure complies with the rights under the Covenant, in particular the freedoms of expression and association.”

36. In 2014 three LGBTQI NGOs, Háttér Society, Labrisz Lesbian Association and Budapest Pride, and other human rights NGOs were subject to a **state-organized investigation**²⁸ by Hungary’s Government Control Agency (KEHI). The investigation aimed at examining whether the NGOs lawfully spent funding from the Norwegian Government and followed previous stigmatizing remarks by State officials, including by PM Viktor Orbán, labeling human rights NGOs receiving funding from abroad as “foreign agents”. NGOs working with minorities, including women and LGBTQI, were overrepresented in the process. The agency had no right under Hungarian law to launch such proceedings and provided no information to the NGOs about its grounds, the NGOs’ rights or avenues for appeal, the process and potential consequences.

37. NGOs had to submit extensive documentation about their spending on extremely tight (3-8 day) deadlines, making it barely possible for them to do their core tasks. They were told to provide lists of volunteers and participants at events: both **sensitive data** that the authority had no legal basis to gather. Other NGOs were raided at their offices or staff’s homes. None of the NGOs have received documentation of the process and its findings. The news included **stigmatizing statements** about them, never been properly backed up by evidence or withdrawn by the authority.

38. Government attacks against independent NGOs continue to date. In June 2017 the Parliament adopted legislation requiring NGOs to register as **foreign-funded NGOs** if they receive more than 7.2 million forint from abroad, and to include in all their publications reference to being foreign funded. The legislation does not improve the transparency of NGO finances, as the yearly financial reports that all NGOs are to deposit at the courts already contain such information; its sole purpose is to stigmatize NGOs receiving funding independent of the Government. The Council of Europe’s Venice Commission found the proposal infringing highly problematic;²⁹ the European Commission launched an infringement procedure, the case is pending at the European Court of Justice.³⁰

²⁸ *Timeline of governmental attacks against Hungarian civil society organisations*. Hungarian Helsinki Committee *et al.* November 2017.

https://www.helsinki.hu/wp-content/uploads/Timeline_of_gov_attacks_against_HU_NGOs_short_17112017.pdf

²⁹ *Preliminary Opinion on the Draft Law on the Transparency of Organisations receiving support from abroad*. (CDL-PI(2017)002-e). Venice Commission, 2017.

[http://www.venice.coe.int/webforms/documents/?pdf=CDL-PI\(2017\)002-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2017)002-e)

³⁰ *European Commission refers Hungary to the Court of Justice for its NGO Law*. European Commission, December

39. Most recently, a package of bills bearing the title “Stop Soros”, which in principle aims to cut down on NGOs “supporting illegal migration” contains provisions (Article 6) **amending the legislation on public benefit organizations**. “Social support” will be required for an NGO to be entitled to public benefit status, and organizations receiving more than 50% of their funding from abroad (including e.g. from the UN, the EU or other international organizations), or organizations that receive foreign funding of more than twice the amount they collect from 1% income tax scheme will lose their public benefit status. This impacts among others the tax status of NGOs, and according to some interpretations makes financial or in-kind support received from NGOs taxable, meaning if a person makes use of NGO services (such as legal aid etc.), they will have to pay income tax over the estimated value of the service. This provision is not limited to “NGOs supporting illegal migration”, but cover any NGO (association or foundation) regardless of their field of activity. The proposed restrictions disproportionately affect LGBTQI NGOs, which receive hardly any public funding locally.

40. Independent NGOs are often featured in public or close-to-government media as **foreign agents**, and their activities as **useless or harmful**. For example, trainings for judges on vulnerable groups by the Hungarian Helsinki Committee, Patent Association and Háttér Society were referred to as “brainwashing” in several news outlets.³¹

Recommendation 20: Ensure an enabling environment for LGBTQI NGOs in Hungary by avoiding stigmatizing statements against them.

Recommendation 21: Refrain from amending legislation on public benefit status singling out NGOs receiving foreign funding.

Contact:

Bea Sándor, board member, Hungarian LGBT Alliance
sandor.bea@lmbtszovetseg.hu

2017. http://europa.eu/rapid/press-release_IP-17-5003_en.htm

³¹ “Soros álcivilizei a bíróságokat vették célba”. origo.hu, October 10, 2017.
<http://www.origo.hu/itthon/20171009-soros-a-magyar-birosagot-vette-celkeresztjebe.html>