

# **SUBMISSION OF THE HUNGARIAN LGBT ALLIANCE FOR THE ECRI FIELD VISIT ON LGBT RIGHTS IN HUNGARY**

June 2, 2014

## **A. HATE SPEECH (HOMO/TRANSPHOBIC HATE SPEECH):**

### **A.1 Existing legislative framework as regards hate speech:**

Legislation sanctioning hate speech is included in various fields of law (criminal law, civil law, media law, equal treatment law), which cover sexual orientation and gender identity to a varying degree. The new Criminal Code<sup>1</sup> in force since July 1, 2013 contains specific references to sexual orientation and gender identity in its hate speech provision (Article 269. Incitement against a community). The Civil Code – theoretically – offers protection against hate speech in the form of the protection of personality rights,<sup>2</sup> but according the prevailing interpretation of the courts<sup>3</sup> only in cases where an individual is personally mentioned, i.e. not in cases where the incitement is against a whole group. To solve this problem, an amendment to the Fundamental Law<sup>4</sup> and a corresponding provision in the new Civil Code<sup>5</sup> entered into force on March 15, 2014 which allows any individual to initiate legal proceeding in case of hate speech against a community based on nationality, ethnicity, race or religion; the list is closed and sexual orientation or gender identity are not included. The so called Media Constitution<sup>6</sup> prohibits incitement to hatred against any minority or majority, but only racial, ethnic and religious groups are specifically mentioned. Cases can be reported to the National Media and Infocommunications Authority (NMHH) which can impose a range of sanctions. The provisions on harassment in the Equal Treatment Act<sup>7</sup> allows for sanctioning hate speech that results in intimidating, hostile, degrading, humiliating or offensive environment in the areas of life covered by the Act (most notably: employment, education and access to goods and services). Both harassment based on sexual orientation and gender identity are specifically included. In recent years the courts very often overrode the broad interpretation of harassment by the Equal Treatment Authority, especially in cases of hate speech by politicians.<sup>8</sup>

For more details on hate speech legislation see *CM/Rec(2010)5 report*, p.63-68.

### **A.2 Possible gaps in legislation or in its implementation**

The criminal law provision on hate speech (incitement against a community) is seldom used following a very restrictive interpretation of the provision developed in the early 2000s<sup>9</sup> and confirmed by the case law of the Constitutional Court.<sup>10</sup> According to this interpretation only cases where the speech openly calls for violence, and there is a direct and concrete danger of such violent acts to occur can be considered incitement. In practice, even this very strict

<sup>1</sup> Act no. C of 2012 on the Criminal Code.

<sup>2</sup> Act no. V of 2013 on the Civil Code, Art. 2:43.

<sup>3</sup> See case of Péter Ádám v. Lóránt Hegedűs, jr. All documents related to the case available at: <http://www.jogvita.hu/per/tartalom.html>.

<sup>4</sup> The Fundamental Law of Hungary, Art. IX (9)

<sup>5</sup> Act no. V of 2013 on the Civil Code, Art. 2:54 (5)

<sup>6</sup> Act no. CIV of 2010 on the freedom of the press and the fundamental rules on media content, Art. 17.

<sup>7</sup> Act no. CXXV of 2003 on equal treatment and the promotion of equal opportunities, Art. 10 (1).

<sup>8</sup> Supreme Court decision No. Kfv.II.37.551/2010/5, Supreme Court decision No. Kfv. III. 39.302/2010/8.

<sup>9</sup> Metropolitan Court of Budapest decision no. 3.Bf.111/2003/10.

<sup>10</sup> Constitutional Court decisions no. 30/1992. (V. 26.) and 18/2004 (V. 25.).

interpretation is not applied, e.g. in 2008 the police recorded on video an incident where a person at a protest against the Pride March used a loudspeaker to call the several hundred participants of the rally to “beat up the faggots”; the speech occurred only a few corners away from the Pride March. Several members of the Pride March were beaten up when leaving the premises, but the police refused to start investigation against the speaker claiming there was nothing to suggest the assaults happened as a result of the inciting speech. In 2011 signs calling for the extermination of gays (the signs showed a rope, a pink triangle referring to the persecution of gays in Nazi Germany and the words: “New treatment for the gays”) was shown at a protest against the Pride March. The police and the prosecution refused to investigate the case claiming that showing signs calling for the extermination of homosexuals “might have incited hatred, but not active hatred”.

The new Civil Code in force from March 2013 will introduce a hierarchy of grounds as only hate speech targeting national, ethnic, racial and religious minorities will be litigable.

### **A.3 Available data and existing arrangements for collecting data on homo/transphobic hate speech**

According to the Unified System of Criminal Statistics of the Investigative Authorities and of Public Prosecution (*Egységes Nyomozóhatósági és Ügyészési Bűnügyi Statisztika – ENYÜBS*) there were 7, 6, 5 and 3 cases of incitement against a community in 2010, 2011, 2012 and 2013 respectively, including all grounds. While cases of incitement against a community are categorized according to the protected ground (including sexual orientation and gender identity as separate categories), similarly to hate crimes, the data is not available in a disaggregated way based on the protected ground. For more details about the operation of the ENYÜBS system, see B.3.1.

There is no data collection on hate speech cases at civil courts or the National Media and Infocommunications Authority (NMHH).

According to survey research among LGBT people by the European Union Agency for Fundamental Rights<sup>11</sup> 83% of respondents claimed that expressions of hatred and aversion towards lesbian, gay, bisexual and/or transgender in public are very widespread or fairly widespread in Hungary, and 68% that is very widespread or fairly widespread among politicians. A survey research among LGBT people in 2010 by the Institute of Sociology at the Hungarian Academy of Sciences and Háttér Society<sup>12</sup> found that 91% of respondents agreed with the statement that the media shows a distorted image about LGBT people.

### **A.5 Mandate of and monitoring by independent institutions**

The Commissioner for Fundamental Rights is a national human rights institution with a broad mandate to investigate fundamental rights violations and to monitor the situation of fundamental rights in Hungary. While sexual and gender minorities are not specifically mentioned in its mandate (children, future generations and national and ethnic minorities are), the category of “the most vulnerable social groups” might be interpreted to include LGBT people as well. Commissioner Máté Szabó became more active in the field of LGBT rights in the second half of his mandate, he initiated a freedom of assembly monitoring project specifically targeting the police protection afforded to Pride marches,<sup>13</sup> executed a

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<sup>11</sup> [http://fra.europa.eu/sites/default/files/eu-lgbt-survey-results-at-a-glance\\_en.pdf](http://fra.europa.eu/sites/default/files/eu-lgbt-survey-results-at-a-glance_en.pdf)

<sup>12</sup> <http://www.hatter.hu/programjaink/kutatasok/lmbt-kutatas-2010>

<sup>13</sup> <http://www.ajbh.hu/documents/10180/124842/gyulekezesijogi.pdf>

project on the impact of the economic crises on fundamental rights including a workshop on bias-motivated crimes<sup>14</sup>, and executed a project on inclusive form of communication and tolerance education with a final report containing several recommendations concerning LGBT issues.<sup>15</sup> His mandate was not renewed in 2013.

The Equal Treatment Authority (ETA) is an autonomous public body with a primary mandate for investigating cases of discrimination and harassment, specifically including discrimination and harassment based on sexual orientation and gender identity. It also has a general mandate to inform the public and the Parliament about the situation concerning equal treatment in Hungary. The ETA implemented this duty via publishing yearly reports focusing exclusively on its own work containing a (hard to follow) statistical analysis of the cases it received. As part of a multiyear project the ETA also conducted several research projects into various aspects of equal treatment, but none of them related to the issues of hate speech.

The National Media and Infocommunications Authority (NMHH) is an autonomous public body with a primary mandate to supervise the functioning of the media (both print and electronic) and telecommunication services. The Authority has a Media Council responsible for investigating complaints among others regarding incitement to hatred in electronic, print and internet media. The Authority also manages the Board of Public Services, a body consisting of civil society representatives supervising the work of the public TV and radio channels and the press agency. Members of the Board are selected via a lottery in various categories, LGBT civil society organizations cannot run any of the categories. The NMHH has a media monitoring program<sup>16</sup> regularly monitoring the representation of various social groups in the media (including ethnic groups, women and men, people with disabilities, and various job categories), but groups based on sexual orientation or gender identity are not included.

Two NGOs are active in the field of monitoring the media for hate speech: CivilMedia<sup>17</sup> and Mertek Media Monitor,<sup>18</sup> the reports they published contain no relevant information.

## **B. VIOLENCE (HOMO/TRANSPHOBIC VIOLENCE):**

### **B.1 Existing legislative framework as regards homo/transphobic violence**

A *sui generis* hate crime (violence against a member of a community, previously violence against a member of a national, ethnic, racial or religious group) has been present in Hungarian criminal law since 1961. This was extended to – implicitly – also cover sexual orientation and gender identity by the introduction “any other group of society” as a protected ground in 2008. The new Criminal Code that entered into force on July 1, 2013 specifically mentions sexual orientation and gender identity in its relevant provision (Article 216). Violence against a member of a community covers cases of assault, coercion and “anti-communal conduct suitable for inducing alarm”. For cases not falling under this provision, bias motive can be recognized as a base reason (*aljas indok*), which is a qualifying circumstance for several crimes (most importantly, murder) and an aggravating circumstance for any other crimes.

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<sup>14</sup> [http://www.ajbh.hu/documents/10180/124834/valsag\\_veztese\\_2013.pdf](http://www.ajbh.hu/documents/10180/124834/valsag_veztese_2013.pdf)

<sup>15</sup> <http://www.ajbh.hu/-/kommunikacioval-az-egyenlo-meltosagert-befogado-beszed-kontra-gyuloletbeszed-az-ombudsman-projektje>

<sup>16</sup> [http://mediatanacs.hu/dokumentum/160955/tarsadalmi\\_sokszinuseg\\_2013\\_2.pdf](http://mediatanacs.hu/dokumentum/160955/tarsadalmi_sokszinuseg_2013_2.pdf).

<sup>17</sup> <http://civilmedia.net/>

<sup>18</sup> <http://mertek.eu/>

For more information on hate crime legislation, see *CM/Rec(2010)5 report*, p. 48-51.

## **B.2 Possible gaps in legislation or in its implementation**

Both civil society organizations<sup>19</sup> and the Commissioner for Fundamental Rights<sup>20</sup> criticized the law for not including crimes against property and stalking in its hate crimes provision, and for not having “bias motive” as a specific qualifying or aggravating circumstance alongside “base reason”, which includes several other motivations, and thus does not allow for separating hate crimes from regular crimes.

## **B.3 Available data and existing arrangements for collecting data on homo/transphobic violence**

There is no specific data collection on hate crimes, the Unified System of Criminal Statistics of the Investigative Authorities and of Public Prosecution (*Egységes Nyomozóhatósági és Ügyészségi Bűnügyi Statisztika – ENYÜBS*) is used to collect data on such incidents. The data collection is limited to cases that the authorities consider crimes, there is no data collection on hate motivated incidents that do not reach the level of criminal sanctioning. Crimes are categorized according to the legal qualification the authorities attach to the case, so if the authorities fail to take into account the hate motivation, the crime will not appear in the system as a hate crime. For Article 216 (violence against a member of a community) the cases have to be further categorized according to the protected ground (national group, ethnic group, racial group, religious group, sexual orientation, gender identity, disability, other). Sexual orientation and gender identity was added in July 2013 after the entry into force of the new Criminal Code, however, marking cases for sexual orientation, gender identity and disability is only optional, while it is compulsory for national group, ethnic group, racial group, religious group. Most recent data shows that the authorities do not use the optional categories.<sup>21</sup> For cases of murder, bodily harm and relationship violence “racism, racist bias”, which – theoretically – makes it possible to separate hate crimes from other crimes committed with a base reason, is also a specific category to mark, it is not clear, however, whether in cases of homophobic or transphobic hate crimes this category is applied or not. Experts<sup>22</sup> claim that the statistical data collection is not very trustworthy: even if the crime is prosecuted according to the proper legal qualification, the appropriate categories are not always properly marked in the statistical datasheet.

The number of registered hate crime cases remains very low: there were 18, 34, 36 and 36 cases of violence against a member of a community in 2010, 2011, 2012 and 2013 respectively, including all grounds. The data is not available in a disaggregated way based on the protected ground.

## **B.5 Mandate of and monitoring by independent institutions and NGOs**

Besides the Commissioner for Fundamental Rights (see under A.5.1), the Independent Police Complaints Board has a broad mandate that implicitly also covers hate crimes. The Board is a committee of 5 legal experts elected by the Parliament to investigate cases of rights violations by law enforcement authorities; hate crimes committed by police officers, or

<sup>19</sup> [http://gyuloletelen.hu/sites/default/files/btkvelemenyparl\\_2012-05-03.pdf](http://gyuloletelen.hu/sites/default/files/btkvelemenyparl_2012-05-03.pdf)

<sup>20</sup> Letter no. AJB-2448/2012 of the Commissioner for Fundamental Rights to the State Secretary for Justice.

<sup>21</sup> Letter No. 2900/8268-5/2014. Ált. of the National Police Headquarters in response to an information request by the Hungarian Helsinki Committee.

<sup>22</sup> Judit Utasi (2012) A gyűlölet-bűncselekmények elemzése – esettanulmányok I-II, in: *Belügyi Szemle*, Issue no. 1-2.

the failure to respond to hate crime reports can be conceived as such violations. The Board has received several cases concerning police inactivity in cases of homophobic hate crimes, but found no violation or only minor violation in which case it has no mandate.<sup>23</sup>

There are three NGOs monitoring homophobic and transphobic hate crimes in Hungary. Patent Association is a women's and LGBT rights NGO, they published a report based on 15 cases of discrimination and violence against LGBT people in 2007,<sup>24</sup> but have recently not been active in the field. Háttér Society is the oldest and largest LGBT NGO in Hungary, among others offering legal aid for victims of discrimination and violence based on sexual orientation and gender identity. In 2010 the organization in cooperation with the Institute of Sociology at the Hungarian Academy of Sciences conducted survey research among LGBT people (n=1674) concerning their experience of homophobic and transphobic violence.<sup>25</sup> They maintain an online reporting interface where cases of violent attacks can be reported.<sup>26</sup> They prepare submissions every year for the OSCE ODIHR annual hate crime report.<sup>27</sup> They are members of the Working Group Against Hate Crimes<sup>28</sup> set up by five NGOs to advocate for more efficient measures against hate crimes and to monitor hate crime investigations. TransVanilla Transgender Association – in partnership with several other trans organizations in Europe – recently started a transphobic hate crime monitoring project called Pro Trans<sup>29</sup>. No results of the project have been published so far.

### **C. THE AUTHORITIES' RESPONSE TO HATE SPEECH AND VIOLENCE:**

#### **C.1 Legislative and policy measures taken to deal with violence and hate speech, including forms of expression that should be criminalised or measures to counter in general, intolerant and offensive discourse targeting LGBT**

Besides the existing criminal law framework there are no policy measures in place to counter homophobia and transphobia. There is no comprehensive policy (national strategy or action plan) against discrimination based on sexual orientation or gender identity, and neither is there a general antidiscrimination / equal opportunity / human rights policy. Such strategies exist for most other equality grounds.<sup>30</sup> There have been no awareness raising campaigns targeting homophobia or transphobia, except for a campaign concerning sexual orientation in the workplace organized by the European Commission.

For more information on comprehensive policies, see *CM/Rec(2010)5 report*, p. 40-41, .

#### **C.2 Preventive measures / awareness raising measures in the fields of education, youth and sport**

There are no preventive or awareness raising measures concerning homophobia and transphobia in the fields of education, youth or sport. Neither the Public Education Act,<sup>31</sup> nor

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<sup>23</sup> Independent Police Complaint Board decisions no. 413/2012. (XII. 19.) and 281/2011. (X. 5.).

<sup>24</sup> <http://www.patent.org.hu/kiadvanyok/item/76-rideg-bnsmd/76-rideg-bnsmd>

<sup>25</sup> <http://www.hatter.hu/programjaink/kutatasok/lmbt-kutatas-2010>

<sup>26</sup> <http://www.jelentsd-a-homofobiat.hu/>

<sup>27</sup> <http://www.hatter.hu/kiadvanyaink?keys=&tipus=All&tid=142>

<sup>28</sup> <http://gyuloletellen.hu/about-us>

<sup>29</sup> <http://www.tgeu.org/node/436>

<sup>30</sup> Government Decree no. 1004/2010 (I. 21.) on the National strategy on promoting the social equality of women and men; Parliamentary Decision no. 10/2006 (II. 16.) on the New national strategy on disability affairs; Parliamentary Decision no. 88/2009 (X. 21.) on the National youth strategy; National Social Inclusion Strategy – Extreme Poverty, Child Poverty, The Roma (2011–2020))

<sup>31</sup> Act no. CXC of 2011 on national public education

the National Basic Curriculum<sup>32</sup> or the 6,036 pages long framework curricula<sup>33</sup> contain any mention of homosexuality, bisexuality or transgender people. While human rights and tolerance are recognized as core values in all of these documents, and the topic of majority–minority relations are included in both ethics and social studies curricula, these are usually understood as applying only to national and ethnic minorities. A government representative admitted at a meeting of the LGBT Working Group of the Human Rights Roundtable that the legislation does not require schools to talk about the issues of sexual orientation or gender identity, and that teachers are free to decide if they want to talk about it or not. The Commissioner for Fundamental Rights criticized<sup>34</sup> the curricula for failing to specifically promote tolerance towards sexual minorities. Religious education was introduced as an optional subject in school curricula in 2013, a textbook<sup>35</sup> used in such courses refers to homosexuality as a “deadly sin”. A biology text book for 17 year olds<sup>36</sup> explains homosexuality with starting sexual life to early, and links homosexuality to a higher risk of HIV/AIDS and other STDs. The book is now the only textbook to be used in 11<sup>th</sup> grade biology classes in public schools, the official reason being it saves money for schools.

For more details on education policies see *CM/Rec(2010)5 report*, p. 122-129.

The National Youth Strategy<sup>37</sup> does contain the spreading of a tolerant and accepting attitude among youth as a specific goal, but only the Roma and disabled people are mentioned in this context. The first two action plans of the strategy<sup>38</sup> contained no actions targeting LGBT youth or homophobia and transphobia in general either. The Hungarian Government did officially joined the *No Hate Speech Movement* of the Council of Europe and a National Campaign Committee was set up, but a high-ranking official in the Ministry of Human Resources ordered that no LGBT organizations should be members of the Committee.<sup>39</sup>

Measures countering discriminatory and offensive behaviour of sport fans is scarce in general, and the few campaigns that do exist only concern racial and ethnic minorities. The Sport Act contains a general duty of sport event organizers<sup>40</sup> to remove participants who incite to hatred, but only racist chanting is specifically mentioned.

For more details on sport policies see *CM/Rec(2010)5 report*, p. 142-147.

### **C.3 Cooperation with NGOs in tackling these phenomena**

A Working Group on the Rights of LGBT People was set up in December 2012 within the newly established Human Rights Roundtable<sup>41</sup> to consult with NGOs working in the fields of human rights. Four meetings have been held so far, touching also upon the issues of homophobic and transphobic hate crime and speech. The participating NGOs have

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<sup>32</sup> Government Decree no. 110/2012 (VI. 4.)

<sup>33</sup> Decree No. 51/2012 (XII. 21.) of the Ministry of Human Resources on issuing and validating framework curricula

<sup>34</sup> Commissioner for Fundamental Rights (2013), Report No. AJB-1199/2013, available in Hungarian at: <http://www.ajbh.hu/documents/10180/111959/201301199.doc>.

<sup>35</sup> Fülöpné, E.M. (2010), *Élet a hitben. Hit- és erkölcsstan gyerekeknek*, Szent István Társulat, Budapest.

<sup>36</sup> Zátonyi, Sz. (2009), *Biológia a gimnáziumok 11. évfolyama számára*, Apáczai Kiadó, Budapest.

<sup>37</sup> Parliamentary Resolution 88/2009. (X. 29.).

<sup>38</sup> Government Decree 1012/2010. (I. 22.) on the Action Plan for 2010-2011 of the National Youth Strategy; Government Decree 1590/2012. (XII. 17.) on the Action Plan for 2012–2013 of the National Youth Strategy.

<sup>39</sup> Information received from an activist closely involved in national campaign activities.

<sup>40</sup> Act no. I of 2004 on sport, Art. 71 (2).

<sup>41</sup> Government Decision no. 1039/2012 (III. 22.) on the Human Rights Working Group.

proposed several concrete measures to be implemented in this area, however, none of these have been implemented so far.

Several LGBT NGOs have complained that their funding from state bodies have been seriously reduced since the change of the government in 2010. Indeed, the National Cooperation Fund distributing 21 billion forints (70 million euros) a year among NGOs in Hungary have supported no LGBT-related projects since its establishment two years ago. In a recent attempt to discredit the impartiality of the Norwegian Civic Fund, the government claimed that the money is only distributed among left-wing opposition NGOs, and qualified all NGOs working on LGBT issues who received funding as being affiliated to left-wing parties.

For more details on cooperation and funding of NGOs see *CM/Rec(2010)5 report*, p. 75-81.

#### **D. Specific questions**

##### **Are there statistics based on voluntary self-identification concerning the number of homosexuals, bisexuals, transsexuals and intersex persons in Hungary?**

There have been no census or large scale surveys of the population with questions on sexual orientation or gender identity. The last representative survey on sexual behaviour of the population with a question on the gender of sexual partners was conducted in 2002.<sup>42</sup> A representative survey among youth aged 15-29 was conducted in 2008 with a question on the sexual orientation of respondents.<sup>43</sup> Due to their methodological limitations neither survey can be considered an adequate measure of the proportion of LGBT people.

##### **Statistics on discrimination towards LGBT persons in the civil and administrative law field.**

The statistical data collection system of the judiciary does not allow for identifying discrimination cases, let alone cases of discrimination based on sexual orientation or gender identity.<sup>44</sup> The Equal Treatment Authority has detailed statistics on the cases it handles disaggregated by the ground of discrimination, the number of SOGI cases reported remain relatively low, 3-9 cases a year.

##### **Does the State cover the costs of gender-reassignment medical procedures and related hormone therapy and counselling?**

Legislation<sup>45</sup> in force since December 2006 puts gender reassignment treatments in the category of treatments only partially funded by public health insurance. A government decree<sup>46</sup> sets fees at 90% of the cost of the treatment, thus public health insurance covers only 10% of the costs of gender reassignment treatments. The actual cost paid for treatments varies significantly between health care providers and on a per patient basis as well. Since there are no established funding protocols (it is not clear 90% of what to pay), prices are often negotiated on an individual basis. There is a general procedure on equity-based coverage of health treatments which are otherwise not funded.<sup>47</sup> There have been

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<sup>42</sup> [http://www.marketingcentrum.hu/download.php?filename%3Duploads/tartalom\\_fajl\\_02\\_12089418770715981001208941877.pdf](http://www.marketingcentrum.hu/download.php?filename%3Duploads/tartalom_fajl_02_12089418770715981001208941877.pdf)

<sup>43</sup> [http://ncsszi.hu/download.php?file\\_id=236](http://ncsszi.hu/download.php?file_id=236)

<sup>44</sup> Letter no. 2014.OBH.XX.T.6.7/2 of the National Office for the Judiciary in response to an information request by the Hungarian Helsinki Committee

<sup>45</sup> Act LXXXIII of 1997 on mandatory health insurance, Art. 23 k).

<sup>46</sup> Government Decree no. 284/1997. (XII. 23.), Appendix I, par. 6.

<sup>47</sup> Instruction no. 28/2008 (Eb.K.10.) of the National Health Insurance Fund (OEP).

cases where this discretionary procedure was used to fully fund gender reassignment treatments, however, the eligibility criteria is so low that almost all patients who have a regular income lose the possibility for equity-based funding.

**Does Hungary grant asylum to persons persecuted in their country of origin on account of their sexual orientation or their gender identity? Has anyone been granted international protection on these grounds?**

The Asylum Act<sup>48</sup> explicitly includes that groups based on sexual orientation might be considered – based on the circumstances of the source country – a social group persecution against which can serve as a basis for asylum. Gender identity is not specifically mentioned in the legislation. The practice of the Office of Immigration and Nationality (OIN) shows that both sexual orientation and gender identity are recognized.<sup>49</sup> The number of LGBT asylum claims is relatively low, which might be explained by the fact that none of the information materials published by OIN contain information on the fact that sexual orientation and gender identity might be a relevant ground, and the staff of OIN lack skills to provide asylum seekers with the respectful and safe environment needed to come out during the asylum procedure.

For more details on sport policies see *CM/Rec(2010)5 report*, p. 148-151.

**Are sexual orientation and gender identity addressed in sex education classes in schools?**

The content of sexuality education is not regulated in the National Basic Curriculum or the framework curricula. Schools are free to choose how sex education is carried out, how much, with what content, by whom. Most often it is done by school health workers. The only recent large-scale research study on sex education,<sup>50</sup> does not provide any data on LGBT youth in school or LGBT-related content in sex education. Rédei<sup>51</sup> finds in her research (an ethnography of one school) that the school health worker does not discuss issues of sexual orientation and gender identity during sex education lessons, except briefly when students ask specific questions (most commonly about homosexual sexual practices). This sex educator claims she does not discuss such topics because she feels that she does not have enough relevant knowledge. As sex education largely depends on the individual schools, we cannot generalize these findings, but we have good reason to assume that this is likely to be a common pattern in schools.

See also C2 for the treatment of issues of sexual orientation and gender identity in schools in general.

**Are there specific programmes or campaigns to promote respect for the human rights of LGBT people?**

Labrisz Lesbian Association, in cooperation with Szimpozion Association runs the awareness-raising school program “Getting to Know LGBT People”<sup>52</sup> since 2000. The

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<sup>48</sup> Act no. LXXX of 2007 on asylum, Art. 64:2.

<sup>49</sup> [http://www.rechten.vu.nl/nl/Images/Hungary%20questionnaire\\_tcm22-236589.pdf](http://www.rechten.vu.nl/nl/Images/Hungary%20questionnaire_tcm22-236589.pdf)

<sup>50</sup> Simich, R., Fábrián R. (2010). „Iskola – egészségfejlesztés – szexedukáció. Veszélyeztetett korú diákok prevenció igényei és szükségletei.” Országos Egészségfejlesztési Intézet, Budapest, 2010. [http://www.oefi.hu/tanulmany\\_szex.pdf](http://www.oefi.hu/tanulmany_szex.pdf)

<sup>51</sup> Dorottya Rédei, ongoing doctoral research, Central European University, Budapest. Conducted in a secondary school in Budapest, focusing on sex education and the intersectional construction of gender, sexuality, ethnicity and class. Expected publication: 2015.

<sup>52</sup> <http://www.labrisz.hu/school-programme>

program visits secondary schools and universities upon invitation. Two representatives of the program facilitate group sessions, where they explain important concepts, discuss issues and answer students' questions about sexual orientation, gender identity and the rights, lives and difficulties of LGBT people. After an initial seed grant, the program has not received financial support for over a decade until 2013, when it received a grant from the Norwegian Civic Fund for the development of the program. The funding of the program received severe criticism from the government (see C3). The participating organizations report having difficulties in accessing schools, some of which claim that under the current political climate such a programme is not welcomed.

In recent years there have been only one public awareness raising campaign with a focus on sexual orientation, concerning employment issues. It was funded directly by the European Commission, no Hungarian public money was involved. The European Commission's Progress Program has funded several antidiscrimination awareness raising programs (including school education programmes and poster campaigns), but none of these targeted sexual and gender minorities. LGBT NGOs were not even invited for the planning meetings of these projects, even though this was required by the Commission.