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## **Hungary government proposes same-sex adoption ban**

***Hungary's government has drafted a change to the country's constitution that would in effect ban adoption by same-sex couples.***

BBC News (12.11.20202) - <https://bbc.in/32WqxMO> - The proposed amendment would specify that "the mother is a woman, the father is a man" and permit only married couples to adopt children.

Same-sex marriage is illegal in Hungary, but adoption has been possible if one partner applies on their own.

The draft legislation has been condemned by human rights groups.

The proposal was sent to parliament by the governing right-wing Fidesz party late on Tuesday. It would require children to be raised with a "Christian" interpretation of gender roles.

"[It] ensures education in accordance with the values based on Hungary's constitutional identity and Christian culture," it reads.

Hungary's government, led by Prime Minister Viktor Orban, has made sweeping changes to the constitution since coming to power in 2010.

The document already defines "the institution of marriage as between a man and a woman" as well as "the basis of the family and national survival".

Under the latest proposed amendment, single people could only adopt with special permission from the minister in charge of family affairs. For this reason, the proposal is also being viewed by critics as an attack on single-parent families as well as LGBT people.

### ***Government pushes its definition of family***

These proposals are the latest move by the Fidesz government to reinforce its definition of a family as a union of husband and wife and their children.

It reasons that the traditional family is under attack worldwide from ultra-liberal ideologists, and must be defended.

The amendments are likely to be voted into force by the two-thirds Fidesz majority in early December. Meanwhile, the Equal Treatment Authority, which has criticised and even fined government ministers in the past, will be abolished.

The immediate effect of this change in the constitution will be to make it almost impossible for any individuals, including a small number living in a same-sex relationship, to adopt children.

At least 500,000 children in Hungary live in single-parent families, and opposition parties have accused the government of discriminating against them in the family allowance and tax system.

LGBTQ groups said it was deliberately drafted at a time when mass protests were not possible due to the coronavirus pandemic.

"The timing is no coincidence," a statement from the Háttér Society rights group said.

It added: "The proposals that severely limit legal rights and go against basic international and European human rights ... were submitted at a time when... protests are not allowed."

In May, Hungary's parliament approved a law that banned transgender people from changing the sex they were assigned at birth on official documents.

At the time, rights groups said it would worsen discrimination against LGBTQ citizens.

"People are in panic, people want to escape from Hungary to somewhere else where they can get their gender recognised," said Tina Korlos Orban, vice president of the advocacy group Transvanilla Transgender Association.

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## **Row in Hungary around children's book fuels fears of rising homophobia**

***The children's book 'Wonderland is For Everyone' includes LGBT+ heroes and was labelled 'homosexual propaganda' by Hungary's government.***

By Krisztina Than and Krisztina Fenyo

Reuters (19.10.2020) - <https://bit.ly/2HLV0yo> - Boldizsar Nagy hoped that the tales in the children's book "Wonderland Is For Everyone" would help youngsters to learn to accept minorities and fight social ostracism.

Instead, it has caused a stir in Hungarian politics, with the far-right and the ruling nationalist government labelling it "homosexual propaganda" that should be banned from schools.

More than 1,200 psychologists have since signed a petition in defence of the book, which was edited by Nagy. The tales include stories about Tivadar, a bunny born with three ears, an adopted boy, and Batbajan, a Roma boy, who is hated by his step-mother for his skin colour but finds love when he meets Zeke, a fair-haired boy.

Only a few of the 17 stories that teach acceptance towards people who are in some way "different", are about LGBT+ heroes.

Nagy, 37, who is gay and has Roma roots, says the backlash signals a rise in official intolerance of LGBT+ people and fits into the government's political agenda.

"It is unbecoming that a children's book is used for inciting hatred...or political gains," he said. "Looking at what happened in Poland or Russia, it does not bode well for the future. We are concerned."

Russia in 2013 passed a law banning the distribution of "propaganda of non-traditional sexual relationships" to minors.

Prime Minister Viktor Orban's government, which faces elections in early 2022 and promotes a strongly Christian-conservative agenda, has so far refrained from strong attacks on the LGBT+ community, unlike Poland, where homophobia has been part of the ruling PiS party's ideology.

This appears to be changing now.

Orban, who faces the biggest challenge of his decade-long rule due to the coronavirus pandemic and a deep recession, told state radio that Hungary was a tolerant country when it comes to homosexuality, but "there is a red line that should not be crossed ... leave our children alone."

In a speech over the weekend, he returned to the issue.

"There is a growing debate around us, a struggle almost at daggers drawn, about the future of our children. What influences should they be under?...How should they relate to their families, to Hungarian identity, and even to the sex they have been born into?"

A government spokesman declined to say if the government was planning any legal changes. In a reply to Reuters questions he said: "We have said all we wanted with relation to this issue."

### ***Living with stigma***

The book sold out fast after a lawmaker from the far-right Our Homeland party tore a copy apart and shredded it at a news conference. On Friday, a new edition came out in print.

Several actors have volunteered to take part in a podcast, and the support they received was encouraging, Nagy said. But a widening divide in society around the issue could make lives of LGBT+ people harder, he said.

"It takes years for everyone to accept their identity which is a stigma in Hungary...especially if you grow up in the countryside or in a religious family," he said.

"This book was a little bit also self-therapy for me."

Nagy came out when he was 30 and he was able to openly talk about being gay at work. Living in a stable relationship for six years, he and his partner want to adopt a child.

This is only possible in Hungary for gay couples if one of them applies as a single person as Hungary does not allow gay marriage.

Having been on the waiting list for two years, they had high hopes. These were dampened on Oct. 5 when the government tweaked legislation, saying that for each child, a married couple should first be searched nationwide. The civil law already says married couples should enjoy priority in adoption.

"We thought we would have a child by Christmas...theoretically single people and gay people can still adopt a child, but this will be a much longer process," Nagy said.

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## **Hungary ends legal recognition for transgender and intersex people**

***President Ader should not sign problematic new law.***

By Kyle Knight & Lydia Gall

HRW (21.05.2020) - <https://bit.ly/2Xsmuxl> - Hungary's parliament this week passed a law making it impossible for transgender or intersex people to legally change their gender – putting them at risk of harassment, discrimination, and even violence in daily situations when they need to use identity documents. The law is a major backwards step on transgender and intersex rights, and yet another violation of Hungary's international rights obligations. It comes at a time when the government has used the Covid-19 pandemic as a pretext to grab unlimited power and is using parliament to rubber-stamp problematic non-public health related bills, like this one.

"Danny," a 33-year-old transgender man living in Budapest, described his daily humiliation to Human Rights Watch. "I'm always stressed and uncomfortable ... where I have to show my identity documents, for instance when I go to the post office or want to cross a border. I get funny looks, questions, and am forced to explain a very personal story to random strangers and that's humiliating," Danny said. "It really destroys my day."

The legislation redefines the word "nem," which in Hungarian can mean both "sex" and "gender," to specifically refer to a person's sex at birth as "biological sex based on primary sex characteristics and chromosomes." According to Hungarian law, birth sex, once recorded, cannot be amended. This means that anyone who doesn't identify with the sex they were assigned at birth – such as transgender people – will be denied the right to change their legal gender marker to correspond to their identity.

Intersex refers to the estimated 1.7 percent of people born with sex characteristics that differ from social expectations of female or male. Because their bodies are often misunderstood or miscategorized, intersex people may need access to legal gender recognition procedures later in life.

This new law compounds the marginalization trans people in Hungary already face. A recent survey showed that 95 percent of respondents in Hungary believe the government does not effectively combat anti-LGBT bias. It also violates Hungary's obligations under the European Convention on Human Rights.

Hungarian President Janos Ader has a duty to ensure that people's basic rights are not violated by unconstitutional laws. He should decline to sign this law and instead refer it to the Constitutional Court for review. And the European Union's Commissioner on Equality, Helena Dalli, should strongly denounce Hungary's attack against nondiscrimination, a core right enshrined in EU treaties.

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## **#Drop33: Europe's two largest networks of LGBTI and transgender organisations call on Hungarian Parliament to reject attempts to ban legal gender recognition**

***ILGA-Europe and Transgender Europe, the two largest networks of LGBTI and trans organisations in Europe and Central Asia, representing over 800 organisations and groups across the region collectively, are calling on the Hungarian Parliament and the Justice Committee of the Parliament to drop Article 33 of a legislative omnibus bill, which would deny access to legal gender recognition in the country.***

ILGA-Europe (06.04.2020) - <https://bit.ly/3be8VHK> - The Hungarian government Tuesday, 31 March, released a draft omnibus bill simultaneously amending many laws and provisions. One of the laws proposed for amendment relates to legal gender recognition for trans people – proposing to replace “sex” with “sex assigned at birth” in the national registry and on identity documents, as cited in Article 33 of the omnibus bill.

The cited reasoning for this amendment is:

“The sex entered into the civil registry is based on facts determined by doctors, declared by the registry. The registry certifies the facts and rights it includes until proven otherwise, therefore it does not create rights. However, the sex declared by the registry could create rights or obligations, and therefore it is necessary to define the term of birth sex. Given that completely changing one's biological sex is impossible, it is necessary to lay it down in law that it cannot be changed in the civil registry either.”

Functionally, this amendment would mean that legal gender recognition would become impossible under any circumstances in Hungary, because all current mentions of “sex” in identity documents would be changed to the immutable characteristic of “sex assigned at birth”. Currently identity documents can be changed in Hungary by law, although processes have been suspended for nearly two years.

The amendment comes at a time when the Hungarian Parliament has given Prime Minister Viktor Orbán power to rule by decree indefinitely because of the COVID-19 crisis, which means he no longer needs to consult other lawmakers before making policy decisions. Orbán's attacks against the LGBTI community go back to 2015, when he blocked a draft agreement at the Council of the European Union which called on the European Commission to tackle homophobic and transphobic discrimination. He has also refused to ratify the Istanbul Convention because of its definition of gender as a social construct, and in 2017 he hosted the International Organisation of the Family (IOF), a US group which campaigns against same-sex marriage.

The Hungarian people overwhelmingly support access to legal gender recognition for trans people. According to a Median representative survey in September 2019, 70% of respondents believe that trans people should have access to legal gender recognition and only 17% believed that trans people should under no circumstances change their gender or name in their papers.

According to Advocacy Director of ILGA-Europe, Katrin Hugendubel: "Case law from the European Court of human rights clearly establishes the right to legal gender recognition for transgender people. International human rights actors must act firmly and swiftly to stop this extreme rollback in a settled area of human rights law."

Trans-led Hungarian civil society organisation Transvanilla Transgender Association President Barnabás Hidasi affirms that “legal gender recognition ensures a person's right

to self-determination, and that procedures must be existent, quick, transparent, and accessible”.

“Hungary’s proposed Article 33 runs counter to well-established international human rights standards, including the Council of Europe’s recommendations to member states,” said Masen Davis, Interim Executive Director at Transgender Europe (TGEU). “This dangerous bill would subject trans people in Hungary to increased scrutiny, discrimination, and violence. The Parliament should be focusing on what the people of Hungary to survive the COVID-19 pandemic, not using this crisis as cover to roll back the rights of an already-marginalised group.”

ILGA-Europe and Transgender Europe call on the Hungarian Parliament and the Justice Committee of the Parliament to #Drop33, amending the omnibus bill to protect the fundamental rights of all Hungarians. Further, we call on international human rights actors to raise awareness of this issue, and call on the Hungarian government to mobilise to protect trans people in Hungary and everywhere from derogations of their rights.

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