



Permanent Mission of Hungary to the United Nations Office and Other International Organizations in Geneva

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Geneva, 18 December 2020

The Permanent Mission of Hungary to the United Nations Office and Other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and is pleased to communicate the following.

With reference to the Joint Communication from Special Procedures (OL HUN 3/2020) dated 15 December 2020, and concerning the request for clarification contained therein, the Government of Hungary has prepared its preliminary comments.

Please find attached to the present note verbale the above-mentioned preliminary comments, which are kindly requested to be published simultaneously with the publication of the Joint Communication itself on the relevant OHCHR webpage. The Permanent Mission commends the decision by Special Procedures of granting an extension of the deadline to 18 December.

The Permanent Mission of Hungary to the United Nations Office and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Annex: 1 document

- *Preliminary comments by Hungary on the joint communication sent by the Special Rapporteur on the right to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the right to privacy, the Special Rapporteur on freedom of religion or belief; the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity; and the Working Group on discrimination against women and girls (ref.: OL HUN 3/2020)*

**Office of the United Nations High Commissioner for Human Rights
Geneva**

Preliminary comments by Hungary

on the joint communication sent by the Special Rapporteur on the right to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the right to privacy, the Special Rapporteur on freedom of religion or belief; the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity; and the Working Group on discrimination against women and girls (ref.: OL HUN 3/2020)

The Hungarian Government has reviewed the aforementioned joint communication and it strongly contests its conclusions. The joint communication appears to be based on an incomplete summary of the legal amendments in question, while misrepresenting the legal context in which these amendments are embedded.

States have the sovereign right as well as an obligation to ensure the most appropriate living environment to the younger and future generations. The joint communication does not provide for any internationally accepted definition for “family” – precisely because it belongs to the State’s exclusive sovereign competence. In this spirit, the Fundamental Law sets out common values that permeate the legal system of Hungary and, at the same time, reflect unchangeable laws of nature.

The Fundamental Law sets out that the mother is a woman and the father is man, a fact that is biologically indisputable and is – in our view – by no means contradictory to any of the international conventions. Nothing in this biological truth restricts the rights of any particular groups. The Fundamental Law leaves the legal institution of registered partnerships available to same-sex couples unchanged, and registered partnerships will continue to enjoy the same protection in accordance with international standards. Further, Hungary fights discrimination against any particular group on numerous levels. Act CXXV of 2003 on equal treatment and the promotion of equal opportunities contains strict rules regarding the requirement of equal treatment. In addition, Hungary established a Human Rights Working Group, which has thematic working groups (such as a working group for LGBT rights), a permanent forum for dialogue between the Government and civil society. The LGBT NGOs had the opportunity to comment on these very draft bills, too.

As to the rights of the child, it is the Fundamental Law itself that expressly protects the right of children to a healthy development. This development must be free of any pressure from any ideological trends. Since a core element of the identity, the sex at birth is again an unchangeable biological principle, Hungary vigorously protects the right of children to be raised accordingly.

The rights of children must be protected during adoptions, too. Married couples can provide for the highest level of emotional security, and they have always been privileged by law. Yet Hungary does not prohibit adoption by single persons, and does not allow for discrimination based on the sexual orientation of the applicant either. Any relating conclusion is untrue. As to the adoption by registered same-sex couples, it is prohibited since 2009 (see Act XXIX of 2009, as adopted by the previous, socialist government) and has never been criticised.

Finally, the amendments have been adopted through a normal legislative procedure. Contrary to any different allegations, they have no link or effect to the extraordinary situation caused by the pandemic.