



Name of Country and Jurisdiction:

Hungary

- 1. What forms of legally recognized relationships are available?
- 2. What are the requirements to be able to enter into the above relationships?
- 3. Differences between marriage and civil unions and how the two sets of laws interact.
- 4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?
- 5. When a couple comes to Hungary, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?
- 6. How can each form of relationship be dissolved? What is the residency requirement or other link to Hungary for an authority to grant a divorce/dissolution?



1. What forms of legally recognized relationships are available?



LEGAL RECOGNITIONS FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	AVAILABLE TO SAME-SEX COUPLE?
Marriage, registered	Hungary	Magyarország Alaptörvénye [Hungarian Constitution, or "The Fundamental Law of Hungary"], Alaptörvény, art. L, (2011).	No
Registered cohabitation	Hungary	1959. évi IV. törvény a Polgári Torvénykönyvről (Act IV of 1959 on the Civil Code, sec. 685/A) (Hung.).	Yes
Unregistered cohabitation	Hungary	1959. évi IV. törvény a Polgári Torvénykönyvről (Act IV of 1959 on the Civil Code, sec. 685/A) (Hung.).	Yes

2009. évi XXIX. törvény a Polgári Torvénykönyvről (Act XXIX of 2009 on Registered Partnerships) (Hung.) established legal recognition of partnerships available only to same-sex couples.

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2. What are the requirements to be able to enter into the above relationships?

(i) Geographic requirements:

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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Registered partnership	At least one partner must be a citizen or permanent resident of Hungary. Háttér Support Society for LGBT People – Hungarian LGBT Alliance, Registered Partnership: Guide for Gay and Lesbian Couples 15, 18 (July 1, 2011).
Registered cohabitation	No specific requirement is provided for by law except cohabitation. Consequently, both partners should reside in Hungary. Registration takes place at a public notary. Háttér Support Society for LGBT People – Hungarian LGBT Alliance, Registered Partnership: Guide for Gay and Lesbian Couples 17 (July 1, 2011).
Unregistered cohabitation	No specific requirement is provided for by law except cohabitation. Consequently, both partners should reside in Hungary. No registration is needed. Cohabitation rights automatically accrue when the parties move in together. Háttér Support Society for LGBT People – Hungarian LGBT Alliance, Registered Partnership: Guide for Gay and Lesbian Couples 17 (July 1, 2011).

(ii) Other substantive eligibility criteria:

FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Registered partnership	<ul style="list-style-type: none"> • The parties must be of the same sex. • Both parties must be at least 18 years old. • The parties must be legally competent and not bound by an existing marriage or registered partnership with another person. • The parties may not be close relatives. • This relationship is available to couples if at least one party is a Hungarian citizen or permanent resident. <p>Háttér Support Society for LGBT People – Hungarian LGBT Alliance, Registered Partnership: Guide for Gay and Lesbian Couples 3, 15 (July 1, 2011).</p>
Registered cohabitation	<ul style="list-style-type: none"> • This relationship is available to both same-sex and opposite-sex couples. • Registration takes place at a public notary. There do not appear to be any formal requirements other than that the parties move in together. <p>Háttér Support Society for LGBT People – Hungarian LGBT Alliance, Registered Partnership: Guide for Gay and Lesbian Couples 2 (July 1, 2011).</p>

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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Unregistered cohabitation	<ul style="list-style-type: none"> This relationship is available to both same-sex and opposite-sex couples. Official registration is not required but is available (see “Registered cohabitation” section above). There do not appear to be any formal requirements other than that the parties move in together. <p>Háttér Support Society for LGBT People – Hungarian LGBT Alliance, Registered Partnership: Guide for Gay and Lesbian Couples 2 (July 1, 2011).</p>

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3. If both marriage and civil unions exist:

- (a) Identify any significant differences in eligibility; and
- (b) Briefly highlight how they interact if both are in effect (e.g., in some countries, entering into a marriage with the same or a different person automatically dissolves any civil union that the two parties were previously party to, making the latter vulnerable and potentially circumventing separation laws).
- (c) If both marriage and civil unions are available to same-sex couples, briefly highlight areas where major differences exist between marriage and civil unions (e.g., taxes, adoption, immigration, etc.).

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(a)–(c)	Not applicable; same-sex marriages are not recognized in Hungary.
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4. What kinds of pre-existing relationships make you ineligible to enter each kind of relationship?

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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Registered partnership	<p>An existing marriage or registered partnership makes a party ineligible to enter into a registered partnership.</p> <p>Háttér Support Society for LGBT People – Hungarian LGBT Alliance, Registered Partnership: Guide for Gay and Lesbian Couples 3 (July 1, 2011).</p>
Registered cohabitation	<p>There are no restrictions. Dissolution of a previous marriage or registered partnership is not a prerequisite, but a person can enter into only one cohabitation at a time.</p>
Unregistered cohabitation	<p>Háttér Support Society for LGBT People – Hungarian LGBT Alliance, Registered Partnership: Guide for Gay and Lesbian Couples 3 (July 1, 2011).</p>

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5. When a couple comes to Hungary, is their pre-existing relationship recognized? If not, is there any formalized avenue for obtaining recognition?

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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Marriage	Foreign-formed same-sex marriages are recognized in Hungary as registered partnerships.
Registered partnership	<p>A foreign-formed civil union or marriage is recognized in Hungary as a registered partnership if it was celebrated after the effective date of the Act on Registered Partnerships (i.e., after July 1, 2009), although the couple must follow certain administrative procedures to have the partnership recognized. This so-called domestic registration of a registered partnership has to be initiated at the registrar with jurisdiction according to the place of residence of the Hungarian citizen, or at an embassy. The request must be accompanied by:</p> <ul style="list-style-type: none"> • A completed form (available from the embassy of the country where the couple lives); • The original certificate of registered partnership with its authentic Hungarian translation; • Copies of identity documents of both parties; • Birth certificate(s) of the Hungarian citizen(s) or copy(ies) thereof; and • Proof of family status if divorced or widowed. <p>If the civil union was established before this date, the partners have to re-register their union as a registered partnership in Hungary.</p> <p>Háttér Support Society for LGBT People – Hungarian LGBT Alliance, Registered Partnership: Guide for Gay and Lesbian Couples 15 (July 1, 2011).</p>

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6. How can each form of relationship be dissolved? What is the residency requirement or other link to Hungary for an authority to grant a divorce/ dissolution?

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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Registered partnership	<ul style="list-style-type: none"> • Registered partnerships can be dissolved by a court or by a public notary. • Dissolution before a public notary is possible if: <ol style="list-style-type: none"> (1) The partners are not raising a child together; (2) The partners do not have any unresolved issues in relation to division of property, alimony, etc.; (3) Neither of the registered partners is legally incompetent or has limited legal competency. <p>Háttér Support Society for LGBT People – Hungarian LGBT Alliance, Registered Partnership: Guide for Gay and Lesbian Couples 12–14 (July 1, 2011).</p>

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FORM OF LEGAL RELATIONSHIP	REQUIREMENTS
Registered cohabitation	A registered cohabitation may be dissolved upon request by either party. Háttér Support Society for LGBT People – Hungarian LGBT Alliance, Registered Partnership: Guide for Gay and Lesbian Couples 12–13 (July 1, 2011).
Unregistered cohabitation	An unregistered cohabitation dissolves when the parties cease to live together, without the necessity of any formal procedure. Háttér Support Society for LGBT People – Hungarian LGBT Alliance, Registered Partnership: Guide for Gay and Lesbian Couples 14 (July 1, 2011).

■ Sources:

Primary

- Magyarország Alaptörvénye [Hungarian Constitution, or “The Fundamental Law of Hungary”], available at https://www.constituteproject.org/constitution/Hungary_2011.pdf.
- Polgari Torvénykönyv [Hungarian Civil Code], available at https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/96512/114273/F720272867/Civil_Code.pdf.
- Magyarország Alaptörvénye [The Fundamental Law of Hungary], Alaptörvény, art. L, (2011), interpreted by Constitutional Court, 1995.3.13, http://www.mkab.hu/letoltesek/en_0014_1995.pdf (holding that the Constitution confers upon same-sex couples rights equal to those of opposite-sex couples and thus recommending that cohabitation or its equivalent be available to same-sex couples).
- 1959. évi IV. törvény a Polgari Torvénykönyvről (Act IV of 1959 on the Civil Code, sec. 685/A) (Hung.) (“Unless otherwise provided by legal regulation, common-law spouses shall be construed as two unmarried persons living together in an emotional and financial community in the same household.”).
- 2009. évi XXIX. törvény a Polgari Torvénykönyvről (Act XXIX of 2009 on Registered Partnerships).

Secondary

- Háttér Support Society for LGBT People – Hungarian LGBT Alliance, Registered Partnership: Guide for Gay and Lesbian Couples (July 1, 2011), <http://en.hatter.hu/publications/registered-partnership-guide>.
- M. Jagielska, Eastern European Countries: From Penalisation to Cohabitation or Further in *Legal Recognition of Same-Sex Relationships in Europe* 55–70 (K. Boele-Woelki & A. Fuchs eds., 2012).