

## **Same-sex parenting in Hungary**

### **The Situation of Rainbow Families 2016-17**

#### **Research report**

Háttér, 2017

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#### **SUMMARY**

##### **Introduction**

Aim of the project: to map the legal and social environment and promote the visibility of and advocate for the rights of families formed by same-sex parents and their kids. During the last 10 years, a number of same-sex couples / LGBTQI people have had kids in Hungary. Many of them turn to Háttér's legal aid service with questions. Earlier research took place in 2010 (LGBT Survey). This project included an online survey among members of the LGBTQI community, interviews and video interviews, as well as interviews with teachers who were asked about the ways of creating an environment that respects the diversity of families in educational institutions.

## **Methodology**

Online survey, community sample. We found respondents through the mailing lists of NGOs and the social media. Full responses: 1329. We analysed the data from 905 respondents (omitting respondents who were heterosexual, under 18, or answered only a few of the questions). Interviewees were found through mailing lists and an online group of LGBTQI parents.

## **Legal environment**

Registered partnership legislation: 2009. In many respects, this institution is similar to marriage, but the question of same-sex couples having kids is still a taboo. They cannot adopt jointly, only single women can apply for artificial insemination, and there's no second parent adoption either.

### Children from a previous relationship

When deciding about custody and visitation rights, courts and guardianship authorities are not allowed to consider a parent's sexual orientation or gender identity.

### Artificial insemination

The legislation itself is discriminatory. The Health Law (Act CLIV of 1997) contains that only married couples, different sex partners and single women are entitled to artificial insemination in medical institutions.

"Unofficial" artificial insemination (at home or with a doctor's help): counts as "forbidden use of the human body" (Criminal Code).

Another problem: since 2015, because of policy changes initiated by the leader of the Chief Public Health Office, since donor sperm cannot be imported and the major donor bank was closed down, there's an extreme shortage of donor sperm in Hungary. Thus it is practically impossible to get social security funded artificial insemination.

### Surrogacy

Not allowed by the existing legislation.

### Adoption

Joint adoption is only made possible for married couples, and why anyone can adopt as an individual, the Civil Code explicitly orders the preference of married couples.

Second parent adoption is not allowed.

### Family relations between children and their non-biological second parents (partners of biological or adoptive parents)

They count as dependent or stepchildren. The new Civil Code (2014) contains that these persons may participate in nurturing the kids. However, stepchildren are not heirs.

## **Results of the online survey**

Number of LGBTQI adult respondents: 905.

Sexual orientation: 68,5% lesbian/gay, 28,7 % bisexual, 2,2% queer.

Demographical data: more than half of the respondents were among 26 and 35, the second largest group was that of 18-25 years old respondents (28,5%).

17,35% are or have been parents or partner parents. Among respondents older than 26, this proportion is 21%. 73% of parents / partner parents were women, 25% men. 7,5% of respondents would like to have kids very soon and has already made steps to realize this, while 57% plans to have kids later.

Registered partners: their number was small (only 14 men and 20 men of all respondents) despite the fact that 71% of female and 58% of male respondents live with their partner. Most respondents marked that the reason they do not register their partnership is that it does not grant suitable rights (which is obviously true regarding rights related to parenting), and that they are afraid of being registered.

In 2010, 82% of respondents raising kids told that they had been born from a previous heterosexual relationship. This time it was only 60%, which shows the growing number of those who have kids together as a same-sex couple.

While 55% of all respondents are fully out to their parents and closest relatives, among those who raise kids this proportion is 76%. Those who raise kids are more out in their family (45% compared to 23%) and at their workplace, too (40% compared to 33%). However, approximately 1/3 of respondents who have kids hide the fact that they live with a same-sex partner from doctors, nurses and at work. This shows that many are afraid of negative reactions and discrimination.

We also examined attitudes within the family. 75% of respondents living with their partner told that they have a good relationship with their parents; however, only 68% of them strengthened that their parents accepted their relationship, 60% stated that their parents regarded them and their partners fully as a couple, e.g. inviting them as a couple to family gatherings and celebrations, and 58% of the respondents raising kids stated that their parents fully treated their kid(s) as their grandchildren.

## **Experiences of discrimination**

### Artificial insemination

Examples from interviews: the differences between being treated as a couple abroad and as a single woman in Hungary; lack of donor sperm – it is practically impossible to have kids with anonymously donated donor sperm.

### Adoption

Discrimination in legislation. Example from the interviews: different treatment during the training for prospecting adoptive parents.

## Education

Example from the interviews: discrimination when wanting to choose a new school because of moving; different treatment in kindergartens and schools.

## Family

Examples of non-acceptance (and an account of the positive attitude of someone's broader family).

## Broader environment

Examples of stereotyping (from a gay man who is a dad); a divorce case (judges' attitudes); workplace.

## **Desires, aspirations and needs**

From the online survey and interviews:

- Second parent adoption
- Joint adoption
- Policies that declare that LGBTQI prospective parents should not be discriminated during the adoption process

That is: formal legal equality.

- Legalizing the institution of surrogacy.
- Developing professionals' competence
- Education. trainings (for students, teachers, social workers, etc.)
- Easily accessible information for those who want to have kids
- Forms and protocols that reflect the acceptance of same-sex / LGBTQI parents

## **Recommendations**

To the government; to educational institutions; to Guardianship Authorities and Family Support Services.