



HUNGARIAN
HELSINKI
COMMITTEE

NATIONAL REPORT HUNGARY

LGBTIQ Detainees “Strengthening the rights of LGBTIQ detainees in the EU”



Co-funded by
the European Union



NATIONAL REPORT HUNGARY

AUTHORS

Hungarian Helsinki Committee, Háttér Society

PROJECT CONSORTIUM

[Ludwig Boltzmann Institute of Fundamental and Human Rights](#) (Austria) in cooperation with
[Centre for European Constitutional Law](#) (Greece), [Hungarian Helsinki Committee](#) (Hungary)
and [Associazione Antigone](#) (Italy)

COVER AND ILLUSTRATIONS

Jakob Axel Brix

ACKNOWLEDGMENTS

The authors would like to thank the participants who actively contributed to the development of this study through interviews, consultations or feedback during the drafting process despite the increasing challenges they face in the current legal and political climate.

2025



Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Commission. Neither the European Union nor the granting authority can be held responsible for them.

TABLE OF CONTENTS

ABBREVIATIONS	3
GLOSSARY.....	4
EXECUTIVE SUMMARY	7
PROJECT OVERVIEW AND METHODOLOGY	8
PROJECT BACKGROUND AND OBJECTIVES	8
METHODOLOGY.....	10
OVERVIEW OF GENERAL SITUATION REGARDING THE RIGHTS OF LGBTIQ PERSONS IN HUNGARY	11
THE SITUATION OF LGBTIQ PEOPLE IN HUNGARY.....	11
THE GENERAL SITUATION OF THE PENITENTIARY SYSTEM.....	16
LEGAL AND POLICY FRAMEWORK REGARDING THE SITUATION OF LGBTIQ DETAINEES	17
RELEVANT LAWS AND POLICIES.....	18
INTERNATIONAL AND NATIONAL CASE LAW	20
THE OMBUDSPERSON'S OPERATION.....	21
THE VIEWPOINT OF THE NATIONAL PRISON ADMINISTRATION.....	24
EDUCATION AND TRAINING	25
SITUATION FOR LGBTIQ DETAINEES	26
SEXUAL ORIENTATION AND GENDER IDENTITY IN DETENTION	26
PLACEMENT AND ALLOCATION	27
BODY SEARCHES	33
ACCESS TO HEALTH CARE	34
HARASSMENT AND VIOLENCE.....	36
ACCESS TO JUSTICE	40
LIFE IN PRISON	41
CONCLUSIONS.....	47
RECOMMENDATIONS.....	48
BIBLIOGRAPHY.....	51
ANNEX: QUOTES FROM INTERVIEWS.....	60



ABBREVIATIONS

CAT: Committee against Torture

CJEU: Court of Justice of the European Union

CPT: European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

ECtHR: European Court of Human Rights

FRA: European Union Agency for Fundamental Rights

FOI: freedom of information

GANHRI: Global Alliance of National Human Rights Institutions

GDPR: EU Data Protection Directive

HHC: Hungarian Helsinki Committee

HRC: Human Rights Committee

LGBTIQ: lesbian, gay, bisexual, transgender, intersex, queer

NGO: Non-governmental organisation

NPA: National Prison Administration

NPM: National Preventive Mechanism

SPT: Subcommittee on Prevention of Torture

GLOSSARY

Allocation / Placement	The decision in which specific detention facility a convicted person/ person in pre-trial detention is assigned to (e.g., male or female facility). Usually, the allocation is closely linked to the classification of the detainee, which includes a comprehensive risk assessment. This term is used interchangeably with “placement”.
Bisexual	A person who is physically, romantically and/or emotionally attracted to people of two (or more) sexes or genders. ¹
Cisgender	A person who identifies with the gender that aligns with the gender assigned at birth.
Deprivation of liberty	Any form of detention or imprisonment or the placement of a person in a detention setting where a person is not free to leave at will, as ordered by a judicial, administrative or other authority. ²
Detainee	In the framework of this project, ‘detainee’ refers to persons who are deprived of liberty within the criminal justice context (including both pre-trial detention and imprisonment after conviction).
Gay	Primarily used to describe a man who is (physically, romantically and/or emotionally) attracted to other men; may also be used to describe both gay men and women. ³
Gender	Gender can be understood as a socially constructed set of norms, roles and behaviours associated with being a man (or boy), woman (or girl), or other gender.
Gender identity	Each person’s deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including their personal sense of their body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms. ⁴
Gender expression	Describes how an individual publicly expresses or presents their gender. This may include behaviour, outwards appearance (e.g., hair, make-up, choice of clothes, body language, voice). ⁵
Gender affirming surgery/ procedures	Also sometimes called “sex reassignment surgery;” this includes gender confirmation/affirmation surgery, i.e., a surgical procedure, bringing a

¹ Association for the Prevention of Torture (APT), Towards the Effective Protection of LGBTIQ Persons Deprived of Liberty: A Monitoring Guide (2018), page 17, <https://www.apr.ch/knowledge-hub/publications/towards-effective-protection-lgbti-persons-deprived-liberty-monitoring> (last accessed: 17 July 2025).

² See also: Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (9 January 2003), A/RES/57/199, Article 4, https://treaties.un.org/doc/source/docs/A_RES_57_199-E.pdf (last accessed: 17 July 2025).

³ APT, Towards the Effective Protection of LGBTIQ Persons Deprived of Liberty: A Monitoring Guide (2018), page 18, <https://www.apr.ch/knowledge-hub/publications/towards-effective-protection-lgbti-persons-deprived-liberty-monitoring> (last accessed: 17 July 2025).

⁴ Yogyakarta Principles, <https://yogyakartaprinciples.org/> (last accessed: 17 July 2025).

⁵ APT, Towards the Effective Protection of LGBTIQ Persons Deprived of Liberty: A Monitoring Guide (2018), page 18, <https://www.apr.ch/knowledge-hub/publications/towards-effective-protection-lgbti-persons-deprived-liberty-monitoring> (last accessed: 17 July 2025).



	person's physical appearance and genitals into alignment with their gender identity. ⁶
Gender-diverse	A person whose gender identity, including their gender expression, is at odds with what is perceived as being the gender norm in a particular context at a particular point in time, including those who do not place themselves in the male/female binary. ⁷ Transgender is a more specific form of gender-diverse.
Homophobia	An irrational fear of, hatred or aversion towards lesbian, gay or bisexual people.
Intersex	People whose bodies do not have typically male or female sex characteristics due to variations in chromosomes, gonads, sex hormones and/or genitals. ⁸ Intersex people are born with physical sex characteristics (such as sexual anatomy, reproductive organs, hormonal patterns and/or chromosomal patterns) that do not fit typical definitions for male or female bodies. ⁹ Intersex is not about gender identity or sexual orientation. Intersex is a lived experience of the body. Many forms of intersex exist, mostly genetic in origin.
Legal recognition (gender)	The process of changing official documents to match a person's gender identity.
Lesbian	A woman who is (physically, romantically and/or emotionally) attracted to other women.
Non-binary	A gender identity that is outside the male/female gender binary, i.e., that does not conform to binary beliefs about gender which indicate that all individuals are exclusively either male or female.
Queer	An umbrella term for persons whose identity does not fit into a binary classification of sexuality and/or gender, ¹⁰ i.e., sexual and gender identities that are not cisgender and heterosexual.
Sex¹¹	The classification of a person as having female, male and/or intersex sex characteristics. A person's sex is a combination of a range of bodily sex characteristics. A person's sex may or may not be aligned with their gender identity.

⁶ See also: European Union Agency for Fundamental Rights (FRA), <https://fra.europa.eu/en/publication/2017/mapping-minimum-age-requirements-concerning-rights-child-eu/access-sex-reassignment-surgery> (last accessed: 17 July 2025). The term "gender reassignment" should not be used, as the gender is chosen by the person.

⁷ See also: Independent Expert on sexual orientation and gender identity, The struggle of trans and gender-diverse persons, https://www.ohchr.org/en/special-procedures/ie-sexual-orientation-and-gender-identity/struggle-trans-and-gender-diverse-persons#_ftn1 (last accessed: 17 July 2025).

⁸ United Nations Development Programme (UNDP), The Sustainable Development Goals: Sexual and gender Minorities, https://www.undp.org/sites/g/files/zskgke326/files/publications/SDGs_SexualAndGenderMinorities.pdf (last accessed: 17 July 2025).

⁹ See also: Office of the High Commissioner for Human Rights (OHCHR), Background Note on Human Rights Violations against Intersex People (24 October 2019), <https://www.ohchr.org/en/documents/tools-and-resources/background-note-human-rights-violations-against-intersex-people> (last accessed: 17 July 2025).

¹⁰ European Commission, LGBTIQ Equality Strategy 2020-2025 (12 November 2020), https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/lesbian-gay-bi-trans-and-intersex-equality/lgbtiq-equality-strategy-2020-2025_en (last accessed: 17 July 2025).

¹¹ Committee against Torture (CAT), Ninth annual report of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (22 March 2016), CAT/C/57/4, <https://docs.un.org/en/CAT/C/57/4> (last accessed: 17 July 2025).

Sex characteristics	Each person's physical features relating to sex, including genitalia and other sexual and reproductive anatomy, chromosomes, hormones, and secondary physical features emerging from puberty. ¹²
Sexual orientation	Each person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.
Transgender / Trans	A person whose gender identity does not align with the sex they were assigned at birth.
Transphobia	An irrational fear of, hatred or aversion towards transgender people.

Relevant additional concept for the project:

Reasonable accommodation	<p>According to Article 2 of the Convention on the Rights of Persons with Disabilities (CRPD), reasonable accommodation encompasses "[n]ecessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment of exercise on an equal basis with others of all human rights and fundamental freedoms."¹³</p> <p>While the concept of "reasonable accommodation" stems from the law on the equal treatment of persons with a disability, it provides an adequate explanation to define the obligations to act that are necessary to protect persons from discrimination on grounds of sex, faith or age. In this realm, it fulfils the same purpose, which is to define the terms and conditions required for the social participation of persons potentially facing discrimination and to substantiate specific imperatives to act.¹⁴</p> <p>"Reasonable accommodation is related to the quest for substantive equality. It is based on a fundamental observation: some individuals, because of an inherent characteristic (for instance, disability, sex, age, race, culture or language), face barriers to full participation in society on an equal footing. They might, for instance, be prevented from performing a task or from accessing certain spaces in conventional ways. Since society is organised primarily on the basis of the needs of people who do not share such characteristics or differences, those individuals are unable to access employment, services, or other activities."¹⁵</p>
---------------------------------	--

¹² See also: Yogyakarta Principles, Principle 25, <https://yogyakartaprinciples.org/> (last accessed: 17 July 2025).

¹³ Article 2 CRPD.

¹⁴ See:

https://www.antidiskriminierungsstelle.de/SharedDocs/forschungsprojekte/EN/RG_Angemessene_Vorkehrungen_en.html#:~:text=While%20the%20concept%20of%20reasonable,of%20sex%2C%20faith%20or%20age

¹⁵ Bribosia E., and Rorive I., supervised by Waddington L., Reasonable Accommodation beyond Disability in Europe?, European network of legal experts in the non-discrimination field, DG Just, European Commission, 2013, p. 8.

EXECUTIVE SUMMARY

Since 2016, in Hungary various groups of vulnerable people have come under attack by the government, including LGBTIQ people, whose human rights situation has also deteriorated significantly with the increasingly hostile political and media climate. Homo- and transphobia have been present in prisons as well but there is a culture of silence around this issue.

The rights of LGBTIQ detainees in Hungary are not adequately addressed within the domestic legal framework. This indicates a significant legal gap regarding the protection of fundamental rights for this group, suggesting that legislation and judicial practice do not respond to the specific needs of the LGBTIQ community in detention.

LGBTIQ detainees without doubt face discrimination or the threat of discrimination in the Hungarian prison system. Discrimination may take the form of verbal or physical harassment or abuse by fellow detainees and sometimes even by prison personnel, or absence of firm action by prison personnel against harassment by fellow detainees.

Improving the situation of LGBTIQ detainees in Hungary would require a comprehensive approach that addresses structural issues within the justice system, recognizes the

specific needs of diverse populations, and implements effective training and support mechanisms. By fostering an environment of inclusivity and safety, Hungary should work toward ensuring that all individuals, regardless of their sexual orientation or gender identity, are treated with dignity and respect while incarcerated. Taking these steps would not only enhance the rights of LGBTIQ detainees but would also contribute to a more just and equitable society as a whole.

To effectively improve the rights and safety of LGBTIQ detainees, Hungary must implement urgent legal reforms that explicitly recognize their vulnerabilities, develop targeted policies that ensure their safety and dignity, and provide comprehensive training for all prison staff. Only through a coordinated, rights-based approach that actively involves detainees, NGOs, and relevant stakeholders can the systemic discrimination and risks faced by LGBTIQ individuals in detention be addressed, ultimately fostering a prison environment that upholds human rights and equality for all.

PROJECT OVERVIEW AND METHODOLOGY

PROJECT BACKGROUND AND OBJECTIVES

In our societies, lesbian, gay, bisexual, trans, intersex or queer (LGBTIQ) persons experience heightened levels of discrimination and marginalisation in many areas of life.¹⁶ Although many countries have laws and policies in place to tackle discrimination based on sexual orientation and gender identity, many LGBTIQ persons are confronted with intolerance, homophobia, transphobia or hate speech in their lives and face a higher likelihood of experiencing violence.¹⁷ In addition, LGBTIQ persons may experience intersecting forms of discrimination. LGBTIQ people from ethnic minorities might face discrimination from their ethnic minority community but also racism from the broader LGBTIQ community and a combination of both from the dominant heterosexual community. Muslim LGBTIQ women may be confronted with a mixture of racism, homophobia, transphobia or sexism.¹⁸

Prisons are not only part of the community, and as such not immune to societal attitudes

towards LGBTIQ persons, but in many ways, challenges that LGBTIQ persons face are heightened in the prison environment.

Lesbian, gay, bisexual, transgender, intersex and queer people have long been a hidden part of the prison population and continue being one until today. Due to lack of data, obtaining a good insight into the situation of LGBTIQ detainees remains challenging, similarly to the situation of LGBTIQ persons outside of the prison setting.¹⁹

The EU-funded project “**Strengthening the rights of LGBTIQ detainees in the EU – LGBTIQ Detainees**” aims to enhance the rights and wellbeing of LGBTIQ individuals in detention by addressing specific challenges such as placement and accommodation, body searches, access to health care, discrimination and treatment of LGBTIQ detainees, harassment, ill-treatment and violence, and access to justice. So far, initiatives concerning LGBTIQ detainees have been limited. Notably, very little attention has been paid to specific challenges, risks and discrimination faced by this group of detainees.

To address these gaps, the project raises awareness on and assesses relevant standards as well as challenges, gaps and good practices

¹⁶ Rainbow Map, ILGA Europe, accessible at <https://rainbowmap.ilga-europe.org/>

¹⁷ FRA survey <https://fra.europa.eu/en/publication/2024/lgbtiq-crossroads-progress-and-challenges#publication-tab-3>.

¹⁸ Sandra Fredman, Intersectional Discrimination in EU gender equality and non-discrimination role, Directorate Justice and Consumers, May 2016.

¹⁹ See: <https://search.coe.int/cm?i=0900001680ac3af4>

with regard to the fundamental rights of LGBTIQ individuals in detention. The project focuses on all EU Member States, with in-depth research in Austria, Greece, Italy, and Hungary, and engages diverse stakeholders, including civil society representatives, legal professionals, LGBTIQ detainees, oversight bodies, and state authorities responsible for implementing reforms.

The objectives include mapping existing legal and policy frameworks in the EU, identifying challenges and best practices, fostering mutual learning among stakeholders, and raising awareness and capacity to improve conditions for LGBTIQ individuals in detention. By strengthening mutual trust between EU Member States and ensuring compliance with international human rights standards, the project seeks to address discrimination and promote humane detention conditions for LGBTIQ individuals.

METHODOLOGY

In the framework of the project, we conducted in-depth research on the national situation of the country, encompassing desk-research as well as interviews with relevant actors, including lawyers, former prison staff and persons with lived detention experience. As part of the research, we conducted a total of 11 semi-structured interviews between September 2024 and June 2025 with professionals and individuals with lived experience of detention.

The research relied on multiple data sources and methods to provide a comprehensive overview. To map the legal environment, we conducted a detailed analysis of the relevant domestic legislation, international and national case law. To access official data, we submitted a freedom of information (FOI) request to the Hungarian Prison Administration (NPA); the NPA's reply to this request is marked as "NPA response" throughout the text. The research also drew upon monitoring reports by the Hungarian Ombudsperson and the Council of Europe's Committee for the Prevention of Torture (CPT), which provided insights into detention conditions. Civil society organisations' practical experience was another important source.

The national research was supported by a four-member national coalition with the aim to ensure that account is taken of the LGBTIQ

perspective, including representatives of our civil society.

OVERVIEW OF GENERAL SITUATION REGARDING THE RIGHTS OF LGBTIQ PERSONS IN HUNGARY

The Hungarian Helsinki Committee (hereinafter: HHC) is an independent human rights organisation founded in 1989 in Budapest, dedicated to protecting human rights and the rule of law in Hungary's declining democratic environment. The HHC focuses on issues such as asylum rights, protection against torture and degrading treatment, fairness in the criminal justice system and the prevention of rule of law backsliding. It monitors Hungary's compliance with international human rights standards and advocates for humane prison conditions.

The organisation has successfully litigated landmark cases²⁰ regarding the treatment of detainees before both domestic courts and the European Court of Human Rights (ECtHR). In the past years, the HHC has participated in several domestic and international research projects related to detention and has repeatedly raised the issue of detention

conditions and treatment in its reports prepared for international organisations, such as the UN Human Rights Committee,²¹ the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT),²² or in the framework of the Universal Periodic Review.²³ The HHC has also submitted multiple communications to the Committee of Ministers of the Council of Europe in the framework of the supervision and the execution of ECtHR judgments, including the first ever pilot judgment concerning Hungary, the *Varga and Others v. Hungary* group of cases concerning detention conditions. As a consequence of this pilot judgment, Hungary eliminated overcrowding in prisons and introduced a domestic compensation procedure.

THE SITUATION OF LGBTIQ PEOPLE IN HUNGARY

The situation regarding LGBTIQ rights in Hungary has deteriorated significantly, marked by a rise in hate speech and discriminatory language. A 2018 report prepared by three domestic LGBTIQ organisations highlighted that anti-LGBTIQ rhetoric was largely ignored

²⁰ see e.g. the cases *Engel v. Hungary*, application no. 46857/06; *X.Y. v. Hungary*, application no. 43888/08; *Varga and others v. Hungary*, applications nos. 14097/12, 45135/12, 73712/12, 34001/13, 44055/13, and 64586/13; *Takó and Viztné v Hungary*, applications nos. 82939/17 and 27166/19

²¹ The HHC's latest shadow report from 2018, see: https://helsinki.hu/wp-content/uploads/HHC_submission_to_HRC_12022018.pdf - see in particular p. 7.

²² The HHC's related briefing paper, see: <https://helsinki.hu/en/the-hhc-justice-programmes-submission-for-the-cpts-periodic-visit-to-hungary-in-2023/>

²³ The HHC's latest submission from 2021, see: https://helsinki.hu/wp-content/uploads/2021/03/HHC_UPR2021_Hungary_criminal_justice_web.pdf - see in particular p. 3.



by the political elite, in stark contrast to earlier years when such statements faced public condemnation.

This was followed by a period of fierce rhetoric attacks by high ranking politicians of the incumbent party, largely starting in May 2019, when at a town hall forum, the Speaker of the Parliament, László Kövér drew parallels between the right of homosexual couples to marry and adopt children on the one hand and paedophilia on the other, and added that "a normal homosexual is aware of the order of things in the world [...]. He tries to fit into this world while he doesn't necessarily think he is equal."²⁴ The governing party's influence over the media has turned it into a tool for propaganda, multiplying the impact of the political hate campaign and shaping public opinion as well as voting behaviour.²⁵

The hateful rhetoric was followed by hostile rhetoric, notably a law passed on 19 May

2020,²⁶ that prohibits legal gender recognition. This law states that individuals' "sex at birth"²⁷ is unchangeable in the birth registry, making it impossible to get official documents reflecting trans individual's gender identity.²⁸ Although the law triggered international criticism and legal challenges — including proceedings before the Court of Justice of the European Union (CJEU) — the law remains in force at the time of writing this report. In a March 2025 ruling,²⁹ the CJEU stated that under the GDPR, Hungarian authorities are obliged to correct personal data on sex when the social reality and gender identity of trans people differ from their sex registered at birth, and the Hungarian authorities cannot use as an excuse that national law provides no procedure for legal gender recognition.

Later, the Ninth Amendment to Hungary's Fundamental Law, adopted on 15 December 2020, reinforced traditional family structures by declaring that the mother is female, the

²⁴ See:

https://index.hu/english/2019/05/17/speaker_of_hungarian_parliament_a_normal_homosexual_does_not_regard_himself_as_equal/

²⁵ Háttér Society, Hungarian LGBT Alliance, Transvanilla Transgender Association: *Report about the Implementation of the Council of Europe Recommendation to member states on measures to combat discrimination on grounds of sexual orientation or gender identity (CM/Rec(2010)5) in Hungary*, p. 17., see: <http://hatter.hu/sites/default/files/dokumentum/kiadvany/hatter-cmrec2010-5-report2018.pdf>

²⁶ Act XXX of 2020 on the Amendment of Certain Laws Related to Public Administration and on Donating Property, 28 May 2020, see: <http://www.kozlonyok.hu/nkonline/index.php?menuindex=200&pageindex=kozltart&ev=2020&szam=125>.

²⁷ The legislation of Birth registration stipulates that all newborns must be registered as a male or a female, other

possibility is not possible (e.g. leaving the sex field blank or making other entry).

See more:

<https://hatter.hu/tevekenysegek/jogsegelyszolgalat/jogi-gyorstalpalo/interszex-emberek>

²⁸ For more details, see: Háttér Society (2020) 'Despite human rights concerns, Hungarian President signs the law that bans legal gender recognition', press release, 28 May 2020, see: <https://en.hatter.hu/news/president-signs-eeln> (2020), Flash report – Amendment of the provisions on legal recognition of gender, 30 June 2020, see: <https://www.equalitylaw.eu/downloads/5168-hungary-amendment-of-the-provisions-on-legal-recognition-of-gender-137-kb>.

²⁹ See:

<https://curia.europa.eu/jcms/upload/docs/application/pdf/2025-03/cp250034hu.pdf>



father is male, while also stipulating that children's right to their identity in line with their birth sex shall be protected, and they have a right to education aligning "with our country's constitutional identity and system of values based on Christian culture".³⁰ Another law, adopted on the same day,³¹ prescribes that, as a main rule, only married couples are allowed to adopt children. Any exceptions can only be granted on a case-by-case basis by the minister responsible for family policies, i.e. a political appointee.³²

On 15 June 2021, Parliament enacted the "*Propaganda Law*",³³ which toughened penalties for paedophilia but also included provisions³⁴ that ban access of minors to content that depicts or promotes homosexuality or gender non-conformity.³⁵

One of the harshest impacts of the legislation is that it practically silences LGBTIQ discourse in educational settings, as it prescribes that only state-approved entities can provide sexual education, thereby limiting access for NGOs that address LGBTIQ rights.

In response to the above-mentioned law, the European Commission launched an infringement proceeding³⁶ against Hungary.³⁷ A November 2024 report from the NGO Háttér Society, one of the largest and most active LGBTIQ organisations in Hungary, outlined the chilling effect of the Propaganda Law, noting an increase in hate crimes against LGBTIQ individuals reported to Háttér Society since the legislation was enacted as compared to the year prior to the adoption of the law. The reports states that instances of violence and

³⁰ See: <https://verfassungsblog.de/a-new-chapter-in-the-hungarian-governments-crusade-against-lgbtqi-people/>

³¹ Act CLXV of 2020 on the Amendment of Certain Laws Concerning Matters of the Justice System, 22 December 2020, see:

<http://www.kozlonyok.hu/nkonline/index.php?menuindex=200&pageindex=kozltart&ev=2020&szam=285>

³² Act CLXV of 2020 on the Amendment of Certain Laws Concerning Matters of the Justice System, 22 December 2020, see:

<http://www.kozlonyok.hu/nkonline/index.php?menuindex=200&pageindex=kozltart&ev=2020&szam=285>

³³ Act LXXIX of 2021 on Harsher Action Against Paedophile Criminal Perpetrators and the Amendment of Certain Laws with a View to Protecting Children. For the final text also containing the amendments proposed by the Legislative Committee, see: <https://www.parlament.hu/irom41/16365/16365-0019.pdf>

³⁴ Including: Act XXXI of 1997 on Child Protection and Guardianship Administration; Act CCXI of 2011 on the Protection of Families; Act XLVIII of 2008 on the Basic Conditions and Certain Restrictions of Commercial Advertising Activities; Act CLXXXV of 2010 on Media Services and Mass Communication; and Act CXC of 2011 on National Public Education.

³⁵ See:

https://konyvtar.parlament.hu/web/guest/folyamatban-levo-torvenyjavaslatok?p_p_id=hu_parlament cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8&p_p_lifecycle=1&p_p_state=normal&p_p_mode=view&p_auth=PQVnlxKm& hu_parlament cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8_pairAction=%2Finternet%2Fcplsql%2Fogyirom.iromadat%3Fpckl%3D41%26pizon%3D16365

³⁶ C-769/22, see:

[illegible]

37 European Commission (2021), 'EU founding values: Commission starts legal action against Hungary and Poland for violations of fundamental rights of LGBTIQ people', 15 July 2021, see: https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3668



harassment, including physical assaults and verbal abuse of LGBTIQ individuals, surged, creating an atmosphere of fear and repression.³⁸ According to data published by the European Union Agency for Fundamental Rights (FRA) also in 2024, half of Hungarian trans people experience discrimination in their daily lives.³⁹

The legislation also served as a basis for instances of censorship, as seen for example in the October 2023 case of the National Museum, which limited access to an exhibition featuring LGBTIQ themes for minors after political pressure. This included dismissing the museum director for non-compliance.⁴⁰

In 2025, the government has continued to marginalise the LGBTIQ community. In March 2025, new proposals for constitutional and legislative amendments were tabled by members of the incumbent party. The 15th Amendment to the Fundamental Law and related laws represented a step up in fear-mongering and discrimination at the legislative level. The text of the Fundamental Law has been amended to include the declaration that

"a person is a man or woman". According to the preamble of the amendment, the aim was for the state to *"prevent efforts to suggest the possibility of gender reassignment"*. The amendment also stipulated that the right of children to *"the protection and care necessary for their proper physical, mental and moral development"* takes precedence over all other fundamental rights except the right to life. With this provision, the government created a constitutional basis for the amendment of the law on assemblies with a view to prohibiting the Budapest Pride march and similar LGBTIQ-related gatherings. In addition, the amendment refers back to the Propaganda Law as the basis for the ban for which infringement proceedings are currently pending against Hungary before the CJEU. A related amendment also removes gender identity from the list of *"protected characteristics"* in the Equal Treatment Act.⁴¹

In May 2025, a member of the incumbent party submitted a new draft bill on the Transparency of Public Life,⁴² which threatens the operation of all independent legal entities (including Hungarian civil society organizations and

³⁸ Hättér Society (2024): The Anti-LGBTQI Law of Hungary in Action: A Combination of State- and Self-Enforcement, pp. 20-21., see:

<https://hatter.hu/sites/default/files/dokumentum/kiadvany/hatter-anti-lgbtqi-law-2024-november.pdf>

³⁹ See: <https://fra.europa.eu/en/publications-and-resources/data-and-maps/2024/eu-lgbtqi-survey-iii>

⁴⁰ Hättér Society (2024): The Anti-LGBTQI Law of Hungary in Action: A Combination of State- and Self-Enforcement, p. 21., see:

<https://hatter.hu/sites/default/files/dokumentum/kiadvany/hatter-anti-lgbtqi-law-2024-november.pdf>,

⁴¹ Act no. CXXV of 2003 on equal treatment and the promotion of equal opportunities, Section 8.

⁴² See:

https://www.parlament.hu/web/guest/folyamatban-levo-torvenyjavaslatok?p_p.id=hu_parlament_cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8&p_p.lifecycle=1&p_p.state=normal&p_p.mode=view&p_auth=vdBLiV8d&hu_parlament_cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8_pairAction=%2Finternet%2Fcplsql%2Fogy_irom.irom_adat%3Fp_ckl%3D42%26p_izon%3D11923



media outlets) that receive funding from abroad, including organisations focusing on LGBTIQ issues.⁴³ Following strong domestic and international protest from a wide range of actors, the Parliament postponed the debate of the law until autumn 2025.

Despite the constitutional and legislative hurdles, the Pride march was ultimately held on 28 June 2025 as an official event organized by the Municipality of Budapest, thus it did not fall within the scope of the Assembly Act⁴⁴ and hence did not necessitate a notification to the police. The Government's and governing party's communication was extremely hostile towards the event: senior government officials, including the Prime Minister and the Minister of Justice, repeatedly stated publicly that the organisation of the event is a criminal offence and that the participants commit a petty offence. The police's interpretation aligned with the Government's: the Pride march is indeed a public assembly that needs to be notified to and acknowledged by the police even if it is organized by the Municipality of Budapest. As the police treated — without a proper legal basis — a correspondence by the Chief Clerk of the City of Budapest as a notification, it banned the event under the Assembly Act. Organizing a banned

demonstration is a crime.⁴⁵ The police have also indicated in advance that facial recognition systems will be used to identify the participants; legislation has also been amended to facilitate this. Although ultimately it was communicated by the police that due to the uncertain legal situation, no procedures against the participants will be launched,⁴⁶ it was clear that the Government's intention was to create a strong chilling effect discouraging people from attending the event. (It also must be added that a criminal investigation against the organisers is still in progress.)

Overall, the cumulative effect of the anti-LGBTIQ law and the surrounding homo- and transphobia fueled by the Government's smear campaigns and legislation have created an environment where discrimination is widespread and severely impacts the rights and visibility of LGBTIQ community in Hungary. According to ILGA 2025 Europe's Rainbow Map,⁴⁷ Hungary is one of the countries where LGBTIQ rights protection has worsened the most in Europe over the past year. While Hungary ranked 9th in 2012, it was 37th this year.⁴⁸ Despite this legal and political deterioration, recent social research suggests that societal attitudes are not following the same downward trajectory. On the contrary,

⁴³ See in detail: <https://helsinki.hu/en/wp-content/uploads/sites/2/2025/05/Operation-Starve-and-Strangle-2025.pdf>

⁴⁴ Act LV of 2018 on the right of assembly

⁴⁵ See: <https://www.police.hu/hu/hirek-es-informaciok/legfrissebb-hireink/kozrendvedelem/jogeros>

⁴⁶ See: <https://www.dw.com/en/budapest-police-say-wont-prosecute-pride-participants/a-73191022>

⁴⁷ See: <https://rainbowmap.ilga-europe.org/>

⁴⁸ See: <https://hatter.hu/hirek/magyarorszag-kitunoen-teljesit-tortenelmi-melypont-on-az-lmbtqi-jogok-vedelme-hazankban>



an increasing number of people in Hungary report having acquaintances who identify as LGBTIQ, which may indicate a growing openness toward the community.⁴⁹

THE GENERAL SITUATION OF THE PENITENTIARY SYSTEM

The systemic issues within Hungary's prisons indicate a concerning environment for detainees, undermining their rights and prospects for successful reintegration.

Hungary is one of the countries with the highest prison population in Europe according to the annual prison population statistics: in 2023, the prison population rate per 100,000 inhabitants in Hungary was 211.⁵⁰ The imprisonment, pre-trial detention, arrest and confinement of adult detainees are carried out in 33⁵¹ facilities in three types of prisons: low security prison (*fogház*),⁵² medium security prison (*börtön*)⁵³ and high security prison

(*fegyház*).⁵⁴ The Hungarian prison system faces significant challenges, including recurring overcrowding and poor physical conditions, especially in older institutions where issues like lack of natural light, poor hygiene,⁵⁵ and inadequate heating⁵⁶ are prevalent. Problems are compounded and caused by strict criminal policies, the underuse of alternative sanctions,⁵⁷ and an increasing number of pre-trial detainees, who now account for about 24% of the total prison population.⁵⁸

After a significant decrease in overcrowding in 2020 (that was mainly due to a prison building program), as a result of the strict criminal policies and the underuse of alternatives to incarceration, the prison population started to rise again⁵⁹ and — according to the latest data available to the HHC —, on 31 March 2025 the penitentiary system operated at a 111.5% average occupancy rate.⁶⁰

⁴⁹ See: <https://hatter.hu/kiadvanyaink/az-lmbtqi-temak-magyarorszag-megitelese-2024-november>

⁵⁰ Council of Europe Annual Penal Statistics – SPACE I 2023

⁵¹ Of these, one is currently under construction. See:

<https://bv.gov.hu/hu/intezetek/bvszervezet/hirek/7252>

⁵² Low security prison (*fogház*): less severe form of imprisonment, for less serious criminal offences and petty offences. The prisoners' lives and schedules are lightly regulated.

⁵³ Medium security prison (*börtön*): stricter form of imprisonment for serious crimes. The life and schedules of the prisoners are mostly regulated.

⁵⁴ High security prison (*fegyház*): the most severe form of imprisonment for the most serious crimes.

⁵⁵ The Ombudsperson's report no. AJB-874/2021 about his visit to Márianosztra Maximum and Medium Security Prison, pp. 6-7., see:

https://www.ajbh.hu/documents/10180/3656566/AJB_8

[74. 2021. jelent%C3%A9s.pdf/6cc4f087-6c2c-0b9b-e0a8-fea8d62d97e5?t=1636457476973](https://hatter.hu/kiadvanyaink/az-lmbtqi-temak-magyarorszag-megitelese-2024-november)

⁵⁶ The HHC put on a map those complaints that it has received from detainees suffering from the cold in the prisons.

See: <https://helsinki.hu/borton-tapasztalatok-a-hidegrol/>

⁵⁷ See HHC's country report on the use of alternative

sanctions: Krámer, L. – Lukovics, A. – Szegő, D.:

Alternatives to Prison: Hungarian Law and Practice on Non-custodial Sentences, 2022, p. 36., pp. 41-42., see:

<https://helsinki.hu/en/alternatives-to-prison-hungarian-law-and-practice-on-non-custodial-sentences/>

⁵⁸ Source: Office of the Prosecutor General, p. 64., see:

[Statistics on Criminal Prosecution 2020](#)

⁵⁹ See: https://helsinki.hu/en/wp-content/uploads/sites/2/2025/01/HHC_Varga_Rule_9-2_FINAL_200125.pdf, pp. 5-8.

⁶⁰ Response no. 30500/1948-6/2025 issued by the NPA to the HHC's FOI request 05/05/2025.

Communication with the outside world is heavily restricted, particularly for newly sentenced detainees and persons in the initial phase of their pre-trial detention, who often face delays in establishing contact. Moreover, irrespective of the pandemic, visits are limited by stringent regulations (such as low frequency, transparent plastic screens in the case of certain groups of detainees, systemic search of the detainees before and after the visits including sometimes undressing and squatting naked) prohibiting substantive physical contact, which violates the right to private and family life. While phone access is available, high costs hinder communication, particularly for detainees.⁶¹

The punitive approach of the system and staffing shortages⁶² affect its ability to provide adequate education and work opportunities, therefore reintegration potential is low. The lack of a reintegrative approach and institutional capacity also prevent a more tailored response to the individual needs of detainees.

Although the picture is varied with significant differences between individual penitentiaries, according to some detainees, the picture is rather bleak:

“...there [in the prison] you lose your rights. You lose them all, I lost them too. There, rights do not exist. There, they cut them down to nothing. There, you are nothing.” — former non-LGBTIQ detainee Interviewee

LEGAL AND POLICY FRAMEWORK REGARDING THE SITUATION OF LGBTIQ DETAINEES

Over the course of this project, the case of M.T., a non-binary person extradited from Germany to Hungary became known to the researchers and the public, drawing attention to the lack of preparedness of the Hungarian prison service for handling such cases. In the extradition case, the German Constitutional Court concluded that it could not be substantiated that the protection of M.T. as a non-binary person was sufficiently ensured in the Hungarian prison system: *“There is no indication in the submitted documents of the detainees’ gender identity being registered at all. In fact, the Hungarian authorities stated precisely that the detainees’ gender identity*

⁶¹ See the HHC’s factsheet on the contacts with the outside world:
https://helsinki.hu/en/wp-content/uploads/sites/2/2022/03/HHC_factsheet_detainees_contact_Hungary_fin_EN.pdf

⁶² Response no. 30500/1948-6/2025 issued by the NPA to the HHC’s FOI request on 05/05/2025.

*was not being registered. If attacks on detainees due to their gender identity are not registered as such, it is unclear how discrimination due to gender identity is to be effectively targeted.”*⁶³ In court, M.T. said that they were not being treated under their preferred name, *“they are being prosecuted in a country where they, M.T., a non-binary person, does not exist.”*⁶⁴ In court, they also complained that they have practically been held in solitary confinement, that they have not been allowed contact with other detainees, so they had started talking to themselves and it had been humiliating when they had to undress in front of others.⁶⁵ This case raises serious concerns and points to a structural problem: the lack of an established protocol for the treatment of gender-diverse persons in the Hungarian penitentiary system.

RELEVANT LAWS AND POLICIES

The current Hungarian legislation on LGBTIQ prisoners can be summarized as follows. There is no specific provision in the Fundamental Law that expressly stipulates rights of prisoners or LGBTIQ people in general. Article III (1), which lays down the prohibition of torture, inhuman

or degrading treatment or punishment,⁶⁶ is the only provision that explicitly addresses the implementation of criminal penalties. On the other hand, as explained above, the Fundamental Law includes openly anti-LGBTIQ provisions, such as the one entrenching the binary understanding of sexes or the one that gives precedence to traditional families and denies the existence of rainbow families. Furthermore, sexual orientation or gender identity are not listed in Article XV as protected grounds on the basis of which discrimination is prohibited (although the list is open ended, so this does not mean a full exclusion from the protection of the Fundamental Law’s non-discrimination clause). A further relevant provision is Article 29(2)(c), according to which the Prosecutor General and the Public Prosecutor's Office shall exercise supervision over the legality of the execution of sentences.

The review of the domestic legislation also indicates that there are no provisions specifically applicable to LGBTIQ detainees, not even in the Penitentiary Code.⁶⁷ Nor are there any other statutory provisions relating to the enforcement of sentences that specifically apply to LGBTIQ prisoners. There are also no

⁶³ See: https://www.bundesverfassungsgericht.de/SharedDocs/Downloads/EN/2025/01/rk20250124_2bvr110324en.pdf?__blob=publicationFile&v=3, pp. 13-14.

⁶⁴ See: <https://telex.hu/belfold/2025/02/21/maja-t-hanna-s-antifasiszta-antifa-ugy-antifa-tamadasok-targyalas-elokeszito-ules-fovarosi-torvenyszek>

⁶⁵ See: <https://index.hu/belfold/2025/02/21/antifa-tamadas-fovarosi-torvenyszek-elokeszito-ules/?token=1331792eb7b6fcb2298946d7cc287ecb>

⁶⁶ Article III (1): “No one shall be subjected to torture, inhuman or degrading treatment or punishment, or held in servitude. Trafficking in persons shall be prohibited.”

⁶⁷ Act CCXL of 2013 on the execution of punishments, measures, certain coercive measures and petty offence confinement.



provisions pertaining to LGBTIQ detainees in lower level legislation.⁶⁸ It should be noted that there is no specific provision for LGBTIQ detainees in any of the publicly available official documents of the penitentiary system, including more than 100 orders of the Commander General of the Prison Administration.

The Hungarian Penitentiary Code does not specifically mention sexual orientation and/or gender identity. However, according to the preamble of the Code, the Parliament enacted the Act, *inter alia*, to enforce the requirement of equal treatment.

In the absence of specific legal instruments addressing the rights and treatment of LGBTIQ detainees in Hungary, a review of the general legal framework remains essential to interpret the guarantees that shall apply to this group. Provisions of the Fundamental Law safeguard human dignity, private and family life, personal integrity, the prohibition of torture and ill-treatment and the free development of personality (Articles II - VI), which are of particular relevance in the context of LGBTIQ individuals deprived of their liberty. The Act on Equal Treatment prohibits discrimination

based on sexual orientation, and identity corresponding to biological sex (but not gender identity as such), and must be observed by all public institutions, including penitentiaries. The general personality rights protection tools provided under the Civil Code⁶⁹ offer legal remedies in case of violations of human dignity, privacy or discrimination, and may therefore serve as a safeguard for LGBTIQ persons in detention.

Even though these above listed provisions can be relied onto address problems faced by LGBTIQ detainees, many issues arise from the lack of more specific LGBTIQ-related regulation on placement, body searches, treatment, hygiene, access to health-care and contact with the outside world.

The situation of LGBTIQ prisoners is an underdiscussed topic in the Hungarian scholarly literature. The relevant studies deal, for example, with sexuality in prison, homosexuality, transgender detainees, describes the position LGBTIQ detainees occupy within the prison hierarchy, the attitude of others towards them, social exclusion and the accommodation issues.⁷⁰ Some of the available literature points to

⁶⁸ Decree 16/2018 (7.VI.) of the Ministry of Interior (BM) on the rules for the designation of penitentiary institutions for the enforcement of custodial sanctions, Decree 16/2014 (XII. 19.) of the Ministry of Justice (IM) on the detailed rules for the enforcement of imprisonment, detention, pre-trial detention and detention replacing a fine, Decree 56/2014 (XII. 5.) of the Ministry of Interior (BM) on the Rules of Police Detention Facilities

⁶⁹ Act V of 2013 on the Civil Code, Sections 2:51 and 2:52

⁷⁰ Szalma, E. (1987): *Adalékok a homoszexualitás problémájához* [Contributions to the Problem of Homosexuality], Fiáth, T. (2012): *Szexualitás a börtönben* [Sexuality in Prison, Part 1., Part 2.], Csicsayné Solymosi, M. (2011): „Cindy”, *avagy férfi testbe zárt nőként a börtön világában* [„Cindy”, or as a woman trapped in a male body in the world of prison], Nagy, N. (2018): *Erőszak és szexualitás a börtön falain belül*. [Violence and sexuality behind the prison walls]



systemic shortcomings in the protection of LGBTIQ detainees' rights and calls for further research, staff training and/or policy development to ensure sufficiently tailored special needs treatment and safety within penitentiary institutions.⁷¹

The overall conclusion can be summed up as follows. The current Hungarian legislation on LGBTIQ detainees fully lacks specific rules, but there are some general legal provisions that are applicable to this group of detainees by interpretation. Despite this, the legislation is not sufficient. The legislator has a duty to recognise the shortcomings of the relevant legislation and the practical difficulties that arise from them. Especially as the existing practices often create situations that are humiliating for the persons concerned and cannot be resolved solely by the professionals working with detained LGBTIQ persons even if the will is in place. The legislator has a duty to amend or supplement the legislation in order to help resolve the shortcomings.

⁷¹ See: Csicsayné Solymosi, M. (2011): „Cindy”, *avagy férfi testbe zárt nőként a börtön világában* [„Cindy,” or as a woman trapped in a male body in the world of prison], Nagy, N. (2018): *Erőszak és szexualitás a börtön falain belül*. [Violence and sexuality behind the prison walls]

⁷² The UNCAT also entered into force in Hungary on 26 June 1987, subject to the date of deposit of the instrument of ratification, and was promulgated in Hungary by Decree-Law No. 3 of 1988. Hungary made a declaration of recognition of competence in relation to inter-State complaints and individual notifications on 13 September 1989.

⁷³ See: <https://juris.ohchr.org/AdvancedSearch>.

⁷⁴ See: https://tbinternet.ohchr.org/_layouts/15/treatybodyexte

INTERNATIONAL AND NATIONAL CASE LAW

The Committee against Torture (CAT⁷²) case law does not contain any decisions related to the rights of LGBTIQ prisoners in the context of Hungary⁷³ and since 2010 the CAT has not issued any concluding observations on Hungary.⁷⁴ The Human Rights Committee (HRC⁷⁵) jurisprudence does not include cases related to the subject of the present research, *i.e.* the rights of LGBTIQ prisoners.⁷⁶ The HRC's fifth country report includes concluding observations on minorities and detainees, but no concluding observations on LGBTIQ detainees.⁷⁷ The HRC's sixth country report also covered the situation of detainees and specifically addressed discrimination against LGBTIQ persons among minorities, but no concluding observations on LGBTIQ detainees were included in this country report.⁷⁸

The case law of the European Court of Human

[rnal/TBSearch.aspx?Lang=en&TreatyID=1&CountryID=77&DocTypeID=5](https://juris.ohchr.org/AdvancedSearch?Lang=en&TreatyID=1&CountryID=77&DocTypeID=5)

⁷⁵ In view of the date of deposit of the instrument of ratification, the ICCPR entered into force for Hungary on 23 March 1976, and was promulgated in Hungary by Decree-Law No. 8 of 1976.

⁷⁶ See: <https://juris.ohchr.org/AdvancedSearch>

⁷⁷ CCPR/C/HUN/CO/5, Concluding observations on the fifth periodic report of Hungary, see: <https://documents.un.org/doc/undoc/gen/g10/466/91/pdf/g1046691.pdf>

⁷⁸ CCPR/C/HUN/CO/6, Concluding observations on the sixth periodic report of Hungary, see: <https://documents.un.org/doc/undoc/gen/g18/129/41/pdf/g1812941.pdf>



Rights (ECtHR)⁷⁹ concerning Hungary does not include any judgment touching upon the rights of LGBTIQ prisoners,⁸⁰ consequently, the Committee of Ministers has not made any recommendation(s) regarding the implementation of such a decision.

The reports on the periodic visits to Hungary by the European Committee for the Prevention of Torture, Inhuman or Degrading Treatment or Punishment (CPT⁸¹) did not concern the rights of LGBTIQ prisoners until recently.⁸² However, the 2023 CPT report raised concerns about the treatment of vulnerable groups, including transgender detainees.⁸³ The Hungarian government provided responses to each of these points in its official reply.⁸⁴

The database of the case-law of Hungarian courts⁸⁵ for judgments on the rights of LGBTIQ prisoners has yielded no results.

The lack of case-law suggests not only under reporting and a structural invisibility of the LGBTIQ group in the penitentiary system, but also that the legal system has yet to

systematically address the specific needs and rights violations of LGBTIQ individuals in detention. However, the empirical information shows that the specific needs and problems of LGBTIQ detainees do exist, which may point toward emerging patterns that could shape a case-law in the future.

THE OMBUDSPERSON'S OPERATION

The Commissioner for Fundamental Rights as Hungary's Ombudsperson, operating as the NPM, in 2022 received a "B status" by the Global Alliance of National Human Rights Institutions (GANHRI) due to inadequate engagement with human rights issues, notably — among other things — problems faced by the LGBTIQ community. The Ombudsperson's inaction in politically sensitive matters undermines its independence, adversely affecting LGBTIQ detainees as well.

Sexual orientation and the LGBTIQ community have received minimal attention in its annual reports.⁸⁶ In the 2022 report, only two instances related to the LGBTIQ community

⁷⁹ In view of the date of the deposit of the instrument of ratification, the ECHR entered into force for Hungary on 5 November 1992, and was promulgated in Hungary by Act XXXI of 1993.

⁸⁰ See: <https://hudoc.echr.coe.int/#%7B%22fulltext%22:%5B%22LGBT%22%5D%22respondent%22:%5B%22HUN%22%5D%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%22CHAMBER%22%5D%7D>.

⁸¹ In view of the date of deposit of the instrument of ratification, the ECPT entered into force for Hungary on 1 March 1994, and was promulgated in Hungary by Act III of 1995.

⁸² Reports on CPT visits to Hungary: CPT/Inf (2014) 13, CPT/Inf (2016) 27, CPT/Inf (2018) 42, CPT/Inf (2020) 8., see: <https://www.coe.int/en/web/cpt/hungary>

⁸³ See: <https://www.coe.int/hu/web/cpt/-/council-of-europe-anti-torture-committee-cpt-publishes-report-on-its-2023-periodic-visit-to-hungary-1>

⁸⁴ The specific findings and the government's responses concerning LGBTIQ detainees are discussed under the relevant thematic sections of this study.

⁸⁵ See: <https://eakta.birosag.hu/anonimizalt-hatarozatok>.

⁸⁶ The annual report for 2024 is not yet available on its website. Read more about this issue here: https://helsinki.hu/en/wp-content/uploads/sites/2/2024/12/HHC_Assessment_of_Hungarian_NHRI_2024.pdf, p. 47.



can be found — once when a case is described where the Ombudsperson as Hungary's equality body approved a friendly settlement between a municipality and complainants who complained that the municipality had refused to give them an appointment for the registration of their same sex partnership,⁸⁷ and once where the report mentions that *"on 5 and 6 October 2022, the acting head of the OPCAT NPM Department took part in the European NPM Forum in Strasbourg, France, at which the methodology of monitoring with regard to all the vulnerable groups deprived of their liberty (the elderly, women, young persons and minors, migrants, persons belonging to ethnic minorities, LGBTQ persons) was discussed"*.⁸⁸ In the 2023 report,⁸⁹ there is only one mention of any LGBTIQ related issues, a brief account of the visit of the General Rapporteur of the Council of Europe to discuss the enforcement of the fundamental rights of LGBTIQ persons. It is written in the annual report that the General Rapporteur had received information from the

Ombudsperson's Office on individual cases and that the Office proceeded with great care and thoroughness in each case that was submitted to it, carefully investigating into the matters raised in the complaints.⁹⁰ Meanwhile symbolic gestures such as commemorating the International Day against Homophobia and Transphobia have also disappeared from the Ombudsperson's practice. This theme appeared in the 2021 report,⁹¹ but was entirely absent from the 2022 and 2023 reports, and similarly, there have been no website announcements⁹² commemorating the day since 2021,⁹³ reflecting an unwillingness on the part of the Ombudsperson to deal with this politically sensitive issue, and provide adequate protection the rights of the LGTIQ community, which is also likely to diminish LGBTIQ detainees' willingness to seek help from or file complaints with the Ombudsperson when their rights are violated. The 2024 report fails to address the topic entirely.⁹⁴

⁸⁷ Ibid. p. 118.

⁸⁸ The English summary of the Annual report of the Ombudsperson for the year 2022, see: <https://www.ajbh.hu/documents/14315/7850978/AJBH-annual-report-2022.pdf/f87945f3-3abb-8ae7-c5d4-f427964f2acc?version=1.0&t=1705311325562>, p. 29.

⁸⁹ Annual report of the Ombudsperson for the year 2023, see: <https://www.ajbh.hu/documents/10180/8220495/%C3%89ves+besz%C3%A1mol%C3%B3+2023.pdf/d9e42aeb-5add-32f2-b7a2-8d69146e9537?version=1.0&t=1734946431121>

⁹⁰ The English summary of the Annual report of the Ombudsperson for the year 2023, see: <https://www.ajbh.hu/documents/14315/8220512/AJBH-annual-report-2023.pdf/3580b116-0faf-4966-c991-d4e735e09299?version=1.0&t=1734948427245>, p. 14.

⁹¹ See:

<https://www.ajbh.hu/documents/10180/7431400/AJBH+besz%C3%A1mol%C3%B3+2021.pdf/bf73947f-a224-3e34-ca23-32efe207423b?version=1.0&t=1667998470775>

⁹² It should be noted that other International Days have been commemorated on the website even after 2021, so the absence of commemoration is not due to a general shift of policy in this regard.

⁹³ See: <https://www.ajbh.hu/en/kozlemenyek>

⁹⁴ See: https://www.parlament.hu/web/magyarorszag-i-nemzetisegek-bizottsaga/a-bizottsag-altal-targyalt-iromanyok?p_p_id=hu_parlament cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9jP4z8&p_p_lifecycle=1&p_p



The Ombudsperson's activities from the pre-2021 period reveal some information about the situation of LGBTIQ detainees. For instance, some reports of the Ombudsperson in its capacity of Hungary's NPM seem to suggest that law enforcement officials are biased regarding LGBTIQ persons. A 2019 report about visits in police holding facilities revealed that *"in the Balassagyarmat Police Holding Facility, staff members made stereotypical, prejudiced statements about LGBT people"*⁹⁵ even in the presence of the NPM visitors, and in general, the NPM delegation sensed biased thinking and attitudes on the part of the police personnel it met during the visit.⁹⁶

Another report (on a juvenile correctional facility) in 2018 pointed out the following: *"some staff members revealed that although they may be able to provide the ostracised juveniles with help when they are one-on-one, they are unable to take effective action against harassment when the children are in the group. The visitors believe that the personnel are not sufficiently prepared [...] to change the group*

*members' attitude into acceptance towards otherness, including gay identities, although according to the estimation of some staff members, 10% of the detainees are homosexual. Those juveniles who belong to one of the vulnerable groups – e.g. LGBT, persons with disabilities, persons with special needs – are especially at risk, therefore the increased attention of the personnel would be needed in order to prevent and investigate the atrocities they suffer."*⁹⁷

It should be mentioned that in 2021, the Ombudsperson's office organised a two-day international workshop on *"Interview techniques for special groups of detainees"*, which was attended by professionals with expertise in the field.⁹⁸ The event was co-funded by the Special Fund of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). Summarising the experiences of the forum, the Ombudsperson's office prepared a methodological toolkit⁹⁹ intended to improve the way interviews are carried out during

[state=normal&p_p_mode=view&p_auth=kyaiGXsZ&_hu_parlament/cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9iP4z8_pairAction=%2Finternet%2Fcpql%2Fogy_ir_om.irom_adat%3Fp_ckl%3D42%26p_izon%3D11125](https://www.ajbh.hu/parlament/cms_pair_portlet_PairProxy_INSTANCE_9xd2Wc9iP4z8_pairAction=%2Finternet%2Fcpql%2Fogy_ir_om.irom_adat%3Fp_ckl%3D42%26p_izon%3D11125)

⁹⁵ The Ombudsperson's report no. AJB- 1774/2019 on the visit to Nógrád County police holding facilities, p. 28., see: <https://www.ajbh.hu/documents/10180/2936606/SAJ%C3%81T+N%C3%93GR%C3%81D+MEGYE+honlapra.pdf/36ca5ffc-26ed-480c-0fea-6138a2a5184b>

⁹⁶ Ibid., p. 24.

⁹⁷ The Ombudsperson's report no. AJB-493/2018 on the visit to the Debrecen juvenile correctional facility of the Ministry of Human Capacities, p. 29., see:

https://www.ajbh.hu/documents/10180/2809026/AJB_493_2018+sz%C3%A1m%C3%BA+al%C3%A1%C3%ADrt+je_lent%C3%A9s.pdf/44a1a6c5-3628-ecc8-a3aa-6ef70aea717e?version=1.0&t=1522851576492&

⁹⁸ See: https://www.ajbh.hu/en/web/ajbh-en/opcat-spt-npm-relations?p_l_back_url=%2Fen%2Fweb%2Fajbh-en%2Fsearch%3Fq%3DSpecific%2Btechniques%2Bof%2Binterviewing%2Bmembers%2Bof%2Bvulnerable%2Bgrou ps

⁹⁹ See:

https://www.ajbh.hu/documents/14315/7316391/leaflet_EN_LGBTIQ.pdf/8685111f-a135-564f-29eb-8dce834ade0b?t=1653407690796



monitoring visits with members of four particularly vulnerable groups of detainees, including LGBTIQ people. They include a theoretical introduction, general requirements concerning interviews with vulnerable groups, and finally, practical guidance tailored to each specific group. The leaflet focusing on LGBTIQ detainees outlines specific challenges and risks of discrimination in a general and brief manner but does not elaborate on these issues in depth. The document does not include concrete practical examples or case studies that would support its application in the practice. Moreover, the accessibility of the document is limited, the summary of the workshop and the leaflet for interviewing LGBTIQ persons are currently not available on the official Hungarian-language website of the Ombudsperson,¹⁰⁰ only on the English version.¹⁰¹ Overall, the methodological materials are nevertheless valuable resources for improving detainee interviews; however, the lack of practical applicability, detailed guidance and limited access surely limit their effectiveness.

THE VIEWPOINT OF THE NATIONAL PRISON ADMINISTRATION

As a consequence of the criminal policy becoming increasingly harsher in the past

years, the penitentiary system has become even more non-transparent, thus only limited research has been recently conducted by independent experts within the prison system related to any topic, particularly concerning the treatment of sexual and gender minorities.

For the purposes of the present research, the HHC sent a request¹⁰² to the Ministry of Interior, supervising the penitentiary system, with the aim of conducting qualitative interviews with LGBTIQ detainees and also requested interviews with from the leading experts of the National Prison Administration's (hereinafter: NPA) responsible for the first risk assessment of detainees, the development of the methodology for the assessment of detainees, matters related to detainee placement and the design and operation of specialized prison units, but the request was rejected by the NPA and no professionals were assigned to be interviewed. Similarly, the NPA has not responded to the question whether it applies any recommendations aimed at improving the situation of LGBTIQ detainees, and whether it has identified any promising or good practices for ensuring their rights or protection. These rejections have significantly limited the ability to incorporate institutional perspectives and the lived experience of

¹⁰⁰ See: <https://www.ajbh.hu/en/opcat-SPT-jelentes-2017>

¹⁰¹ See: <https://www.ajbh.hu/en/web/ajbh-en/opcat-spt-npm-relations>

¹⁰² Empirical research in prisons can only be carried out with permission.

current detainees into the study.

EDUCATION AND TRAINING

Actors of the criminal justice system, such as police, lawyers, judges, prosecutors and prison staff receive only minimal — if any — training on issues regarding sexual orientation and gender identity, or treatment and special needs of the LGBTIQ community. Consistent with this, according to the NPA's response, there is no specialized training or education regarding persons belonging to sexual and gender minorities. Moreover, from the prison's — rather formalistic — perspective, training concerning the LGBTIQ group is not necessary, as the prison service does not keep records of sexual orientation and gender identity, so it is not known how many concerned people are in prison, nor are there specific regulations for these groups.

In its response to the HHC's FOI request, the NPA provided a general overview, stating — without going into specifics — that their data protection trainings place special emphasis on conveying knowledge related to the handling of special categories of personal data.¹⁰³ Between 2018 and 2023, prison staff attended some trainings touching upon issues related to hate crime, sexual orientation, gender identity and gender characteristics. The basic training "*Reintegration Skills*" is based on the principle

of non-discrimination, the course "*Service Skills*" focuses on the protection of human dignity and the prohibition of cruel, inhuman or degrading treatment, and the course "*Security Skills*" provides knowledge on how to prevent human rights violations. The e-learning training course "*Ethics of the profession*" also covers the prohibition of discrimination.¹⁰⁴ However, according to a former prison officer, in the framework of these and any other courses, LGBTIQ issues were never raised, homosexuality — if at all — was only mentioned in relation to women, not to men. According to this interviewee, the more "*sensitive*" topics, such as homosexuality, could not even be mentioned during the lectures, let alone discussing the difficulties or solutions. Several of the persons interviewed for this study highlighted that the treatment of LGBTIQ detainees often depends largely on the individual humanity and personal attitudes of the staff members involved — and, in some cases, may be significantly influenced by the personal attitudes of those in leadership positions.

The CPT stated in its report that in the case of transgender persons, the absence of guidelines and training of staff resulted in inappropriate decisions being made in relation to accommodation, body searches, activities

¹⁰³ Response no. 30500/2507-10/2025 issued by the NPA to the HHC's FOI request on 16/06/2025.

¹⁰⁴ Response no. 30500/2390-8/2024 issued by the NPA to the Hátér Society's FOI request, 24 May 2024.

and outdoor time.¹⁰⁵

In the armed forces, especially those where security aspects are overemphasised, macho attitudes that oppress sexual minorities are even more entrenched. This is also happening in the prison system in Hungary.

"The guards impose harsher disciplinary sanctions – both formally and informally – on persons with non-heterosexual orientations. [...] Among the guards, sanctions are not necessarily imposed because of the orientation itself, but when sexual orientation becomes a factor, the punishment tends to be more severe." — Interviewee

SITUATION FOR LGBTIQ DETAINEES

SEXUAL ORIENTATION AND GENDER IDENTITY IN DETENTION

From 2015 to 2020, the NPA provided periodic statistical data on detainees and the basic data on the operation on the penitentiary system in the Review of Hungarian Prison Statistics (*Börtönstatisztikai Szemle*), a publication available on its official website.¹⁰⁶ The NPA statistics included data on the number of

prisoners, the distribution of prisoners by prison establishment, the basic sociodemographic characteristics of detainees and each annual edition also included a chapter on a specific detainee group or a specific area of the prison activities, but no specific mention was ever made of LGBTIQ detainees or their subgroups. It is now four years since the NPA has discontinued publishing these annual reports.¹⁰⁷

HHC regularly monitors the composition and trends of the Hungarian prison population, including the size of the detainee population or persons placed in a special units. According to the most recent data available, as of 31 March 2025, there were 18,988 persons held in Hungarian penal institutions, of whom 17,310 were men and 1,678 are women.¹⁰⁸ In response to our request, the NPA stated that no records are kept of LGBTIQ detainees, nor are there any records maintained concerning the gender identity or sexual orientation of detainees.¹⁰⁹

While no official statistics are collected on the sexual orientation or gender identity of detainees, it may still be possible to gain access to indicative information in indirect and limited ways.

¹⁰⁵ See: <https://www.coe.int/hu/web/cpt/-/council-of-europe-anti-torture-committee-cpt-publishes-report-on-its-2023-periodic-visit-to-hungary-1>

¹⁰⁶ See: <https://bv.gov.hu/hu/bortonstatisztikai-szemle>

¹⁰⁷ Therefore the HHC has to go through the process of submitting freedom of information requests to obtain all

the data needed to conduct the thorough statistical monitoring related to prison conditions.

¹⁰⁸ Response no. 30500/1948-6/2025 issued by the NPA to the HHC's FOI request on 05/05/2025.

¹⁰⁹ Response no. 30500/2507-10/2025 issued by the NPA to the HHC's FOI request on 16/06/2025.

The recent NPA response on the data protection issues of LGBTIQ detainees revealed that if, during activities aimed at preserving the detainee's psychological balance or during the risk assessment process, the detainee discloses information from which their sexual orientation can be inferred and which the specialist considers relevant, then the information itself – though not the sexual orientation or gender identity itself – may be included to the necessary extent, and never independently, in the psychological documentation. This information is recorded only on an IT platform accessible exclusively to the psychology department.

PLACEMENT AND ALLOCATION

Legal framework

The placement of detainees is subject to an individual risk assessment carried out by the Central Institute for Examination and Methodology or the individual prison's Committee on Admission and Detention at the time of admission using a Risk Analysis and Management System. During this procedure, the detainee's probable vulnerability stemming from their place in the criminological and/or prison subculture and hierarchy as well as belonging to a vulnerable risk group must be taken into account when

determining the placement and treatment of a detainee.¹¹⁰ The individual characteristics will also be taken into consideration in the placement of the detainee and in determining who gets placed in a particular cell.¹¹¹ Information regarding perceived or actual sexual orientation and gender identity is not evaluated during the risk assessment process.¹¹² In the framework of this procedure, belonging to the LGBTIQ group might be detected or revealed by the prison staff, and therefore addressed if needed and possible. No special treatment is prescribed by the law, therefore the provision or the lack of practical measures will depend on the assessment of the staff members dealing with the given detainee.

The HHC submitted a freedom of information request for the measurement tools, methods and questionnaires used in the Risk Analysis and Management System, but these were not shared, claiming that the document serves as the basis of decision making (which is an acknowledged ground in the Hungarian legal system for prevented access)¹¹³, that it is protected by copyright and subject to the limitations of access under the law and it was also argued that the provision of the toolkit would jeopardise the internal order of the penitentiary system and the security of

¹¹⁰ Penitentiary Code, §92.

¹¹¹ Response no. 30500/9997-3/2022. issued by the NPA to the Hungarian Helsinki Committee's FOI request, 22 Nov 2022.

¹¹² Response no. 30500/2507-10/2025 issued by the NPA to the HHC's FOI request on 16/06/2025.

¹¹³ Penitentiary Code, §26 (4)

detention.¹¹⁴

According to the law, “*detainees may be placed together, but where this is possible, the detainee must be placed alone.*”¹¹⁵ However, in the Hungarian system, there is practically no individual placement of detainees due to the high occupancy rate. In addition, the law prescribes mandatory single placement only in the following cases: security isolation,¹¹⁶ the enforcement of solitary confinement, and disciplinary isolation in single occupancy cell.¹¹⁷

The Penitentiary Code¹¹⁸ stipulates that men and women must be separated during the execution of the prison sentence. According to the response of the NPA, assignment to an individual prison is based on the sex of the detainees recorded in their official papers regardless of self-identification or previous or ongoing gender confirming treatment.¹¹⁹ Since May 2020, in Hungary it has not been possible to change one’s sex at birth, trans detainees are also placed on the basis of their legal sex, irrespective of their external sex characteristics or social reality. The consequence of such a regulation – as it happened in one of the HHC’s cases – is that a

person who was born with male gender markers but underwent gender confirming treatment and thus has visually female gender characteristics will be placed in a male prison together with all men causing serious difficulties for all concerned parties. The NPA reaffirmed in its response that the “*placement [of all detainees] is based on the biological sex*” of the individual.¹²⁰

There is no separate unit for detainees belonging to sexual minorities.¹²¹ The Penitentiary Code regulates¹²² the so-called psychosocial unit as a section for prisoners with special needs. The law provides for the possibility of placement in such a unit if a prisoner suffers from a personality disorder or requires special care because of their mental condition.¹²³ The reintegration process of a detainee placed in a psychosocial unit must be carried out within the framework of a complex therapeutic programme,¹²⁴ however, experience shows that these programs are insufficient. The Decree allows for the placement of a detainee in a psychosocial unit, either upon request or *ex officio* if personal circumstances, the nature of the crime committed, or other risk factors make such

¹¹⁴ Response no. 30500/9997-3/2022. issued by the NPA to the HHC’s FOI request, 22 Nov 2022.

¹¹⁵ Penitentiary Code, § 155.

¹¹⁶ Decree 16/2014 (XII. 19.) of the Ministry of Justice (IM) on the detailed rules for the enforcement of imprisonment, detention, pre-trial detention and detention replacing a fine, § 52. (2)

¹¹⁷ Penitentiary Code, § 169 (8)

¹¹⁸ Penitentiary Code, § 101 (1)

¹¹⁹ Response no. 30500/2390-8/2024 issued by the NPA to the Hátér Society’s FOI request, 24 May 2024.

¹²⁰ Response no. 30500/2507-10/2025 issued by the NPA to the HHC’s FOI request on 16/06/2025.

¹²¹ Response no. 30500/2507-10/2025 issued by the NPA to the HHC’s FOI request on 16/06/2025.

¹²² Penitentiary Code, § 107

¹²³ Penitentiary Code, § 107

¹²⁴ Penitentiary Code, § 107

placement necessary to ensure safe placement.¹²⁵

The implementation of the tasks related to prisoners with special treatment needs and prisoners placed in special units is described in Order 20/2021 (IV. 16.) of the Commander General of the Prison Administration. According to this order,¹²⁶ aim of the psychosocial unit is to emphasise the community aspect and to require, as a rule of conduct, that prisoners treat each other fairly, and to constantly monitor the community atmosphere in order to maintain good cooperation. In addition to the reintegration officer, the psychologist has a key role in the running of the unit, primarily providing detainees housed in the unit with community activities. Where justified, the psychologist takes the initiative to change the placement of the prisoner, possibly by transferring them from the psychosocial unit. The decision on the placement of the detainee in the psychosocial unit and their removal from there shall be taken by the Committee on Admission and Detention in the individual penitentiary institution. It shall decide on the duration of the placement, which may be indefinite or for a fixed period. The decision to remove a detainee from the unit must take into account the detention risks of the detainee, the

previous reasons for the placement in the unit and the security and detention risks of the detainee's placement in or removal from the psychosocial unit.

Application in practice

LGBTIQ detainees are sometimes allocated in psychosocial units, however, their status in most cases would not require the placement in a special unit and the special units were not established specifically for LGBTIQ detainees. It is also clear that several LGBTIQ detainees (who do not suffer from mental health problems), if accommodated here, are not placed in an environment suitable for them and that the placement of LGBTIQ detainees in such units reduces the number of places available for those detainees with mental health issues, for whom the unit was originally created. Therefore, the placement of LGBTIQ detainees to psychosocial units should in no way be a long-term or institutional solution.

Experience shows that LGBTIQ detainees are often placed in this special unit because of the security threats resulting from their vulnerability, and due to a lack of adequate regulation and appropriate practical solutions to protect them otherwise. Professionals tend to assume that under the present circumstances, such placement for LGBTIQ

¹²⁵ Decree 16/2014. (XII. 19.) of the Ministry of Justice (IM) on the detailed rules for the execution of imprisonment,

detention, pre-trial detention, and detention replacing a disciplinary fine, § 70.

¹²⁶ Points 25-32.



prisoners is a reasonable response to the security risks but this might only justify the measure on a temporary basis until no more appropriate institutional solution is established. The fact that persons with psychosocial disabilities or difficulties, sexual offenders, LGBTIQ individuals and victims of prison rape are held in the same unit leads to this diverse group being treated as one single unit. These fundamentally different categories are mixed together – not only in practice, but also in people’s minds, says one of our interviewees. Such a placement leads to serious professional concerns and can certainly not be regarded as an ideal solution for anybody.

The general homo- and transphobia of Hungarian society finds its way into prisons, as a Hungarian prison psychologist states: *“aggressive homophobia is an integral element of the concept of hegemon masculinity [...] [...] detainees often refuse to be placed together with gay persons, and if they are forced to do so, they introduce strict rules against them – for instance, they may not touch their property or may not appear in underwear in front of the others [...]”*¹²⁷ According to one former non-LGBTIQ detainee interviewee, the detainees avoid being associated with homosexual or transgender detainees because they fear to be excluded by

association. Another interviewee reported that even placement in the same cell with a LGBTIQ detainee may lead to the non-LGBTIQ facing mocking remarks and insinuations both from fellow detainees and prison staff due to the assumption that simply sharing a cell implied sexual relationship.

According to two interviewees, the treatment of LGBTIQ individuals in detention is fundamentally a matter of humanity. Not all staff members possess the sensitivity or awareness required to adequately address the specific vulnerabilities of this group. As the prison population continues to grow, accommodating detainees in a manner that respects the individual needs becomes increasingly challenging. This often leads to uncertainty and stress among staff members regarding appropriate placement and treatment.

As mentioned above, the practice of the Hungarian penitentiary system is that LGBTIQ detainees are often placed in the psychosocial unit of the prisons where the safety of vulnerable detainees might better be guaranteed. This practice is confirmed by several of our interviewees. Such a department is, however, not available in every prison.

As of 31 December 2024, there were a total of

¹²⁷ Fiáth, T.: *Börtönkönyv [PrisonBook]*. Háttér Kiadó, Budapest, 2012, p. 111.

167 detainees out of almost 19,000 prisoners (which is only 0.08%) placed in psychosocial units in seven different institutions.¹²⁸ A weekly program schedule is prepared for detainees placed in this unit. With the involvement of all detainees, small group sessions are held weekly, and large group sessions are conducted at least every three months. The psychologist primarily conducts community-based group sessions for those housed in this unit.¹²⁹

A former staff member shared that during the admission process, detainees typically spoke with an officer and a psychologist, and some made their situation explicitly known at that stage. In cases where a detainee's appearance visibly indicated that the person belongs to a gender or sexual minority, prison management may directly ask whether the person wished to be placed in a specialised unit. Some individuals took this opportunity, expressing that their physical safety was their top priority and that they wanted to be in an environment where, if they were threatened, appropriate protective measures would be taken — including the removal of the aggressor from the unit. Others, however, chose not to isolate themselves. They preferred to remain in the general population for various reasons: not to do therapeutic activities, to maintain social ties or a previous reputation, or because they felt

confident in their ability to protect themselves. In some cases, the possibility of forming or maintaining a romantic relationship also influenced their decision to stay in the regular unit. There were also cases where individuals initially remained in the general population but later requested transfer to the specialised unit after encountering difficulties — indicating that some flexibility and movement between units was possible depending on personal experience and changing needs.

According to the opinion of a former non-LGBTIQ detainee, *“the prison officers handled the situation very well”*, which meant in practice that once a detainee's sexual orientation / gender identity was revealed, they were separated from other detainees or transferred to another cell or institution.

During its visit, the CPT observed that a transgender person who self-identified as a woman was held in a single occupancy cell in a closed regime and with only prisoners and staff with whom they did not self-identify or feel safe. She was treated as a man, the strip searches were carried out by male staff, and she was never given opportunity to attend activities organized for female prisoners. During the one-hour outdoor time, she endured verbal abuse and unwanted physical

¹²⁸ Response no. 30500/1948-6/2025 issued by the NPA to the HHC's FOI request on 05/05/2025.

¹²⁹ Order 20/2021 (IV. 16.) of the Commander General of the Prison Administration, point 27., 29.

attention.¹³⁰ According to the response of Hungary, the placement of transgender detainees is considered on a case-by-case basis, taking into account the need to protect the physical integrity of both the individual and others and to ensure the full safety of detention. In the cited case, the single occupancy *“prevented both the consequences of the possible impact on the prisoner community and the possible unintended consequences of gender identity abuse (sexual coercion/abuse).”*¹³¹

Nevertheless, while the intention might be to protect LGBTIQ detainees from potential harm, the practice of isolating or relocating them based on their sexual orientation or gender identity raises serious concerns. Such measures, if not individually justified and consensual, may infringe the right to human dignity and private life by treating LGBTIQ individuals as inherently different or problematic. Moreover, systematic separation could amount to indirect discrimination, reinforcing stigma and contributing to their marginalization within the prison system. This practice also endorses the will of the majority of detainees to segregate LGBTIQ persons and may further fuel hatred towards them.

The HHC received information of cases where

the LGBTIQ detainee did not receive any special treatment but was placed in a single-occupancy cell or with a detainee whose personality guaranteed the personal safety of the detainee belonging to a sexual or gender minority group. The reason for such placement is never officially stated, since belonging to the LGBTIQ group could not be officially registered, therefore, no measure might be officially taken based on sexual orientation or gender identity. However, in order to protect the personal safety of certain LGBTIQ detainees, the personnel needs to undertake some sort of interventions without explicitly stating the underlying reasons for it. It is unclear whether the placement in single-occupancy cells was perceived positively by the detainees themselves, however, in the above mentioned case, M.T. went on a hunger strike partly for this reason.¹³² In some cases, such placement might be considered preferable — particularly if it ensures physical safety without additional restrictions. However, if such separation is imposed without the detainee’s consent or results in social isolation, it can be experienced as stigmatizing or punitive. The lack of assessment and the detainee’s limited involvement in the decision raise concerns about whether this approach is truly respectful of the concerned detainee’s dignity and

¹³⁰ See: <https://www.coe.int/hu/web/cpt/-/council-of-europe-anti-torture-committee-cpt-publishes-report-on-its-2023-periodic-visit-to-hungary-1>

¹³¹ See: <https://www.coe.int/hu/web/cpt/-/council-of-europe-anti-torture-committee-cpt-publishes-report-on-its-2023-periodic-visit-to-hungary-1>, p. 58.

¹³² See: <https://24.hu/belfold/2025/07/01/antifa-tamadas-ehsegsztrajk-kritikus-allapot-maja-t/>



private life.

A case illustrating this issue was reported by an interviewee, giving an account of a transgender detainee, who could not be placed with women because she was *de jure* a man, but was also not allowed to be with men, because her physical characteristics aligned with the female gender she identified with.

The CPT recommends that Hungarian authorities establish a clear policy on the accommodation of transgender detainees, ensuring that they are housed in prison units corresponding to their self-identified gender, following an individual risk assessment.

"...verbal abuse, especially in the case of transgender individuals, was a daily occurrence both from the staff [and] from other detainees." — Interviewee

BODY SEARCHES

Legal framework

According to the Penitentiary Code,¹³³ the searches of a detainee's body, clothing, and personal belongings can only be conducted by a staff member of the same sex as the detainee, except for visual inspections of the oral cavity where the sex of the staff does not matter. Therefore, in the case of transgender individuals, there is no option to choose a staff

member of different gender. Regardless of which gender's typical marks the detainee has or whether they have already undergone gender confirming treatment, the search will be performed by a staff member of the same sex as the detainee's official sex.¹³⁴

Application in practice

Scanners are applied within the prison system, however, direct body searches are a daily practice. Furthermore, strip searches are also used frequently — says one of our interviewees and complainants of the HHC.

This situation is not appropriate and fair for transgender detainees, nor for the staff. A former prison professional with six years of experience in the penitentiary system stated that being in such a situation was very uncomfortable and he felt the need to apologize for it. The interviewee reported this to the management. The answer was to treat transgender persons as they appear on their ID card. According to this interviewee, this issue should be addressed and explored at the time of admission, because it can cause a lot of conflicts later on.

"...the response was that if the person is listed as female on their ID, then they must be treated as a woman." - Interviewee

¹³³ Penitentiary Code, §151

¹³⁴ Response no. 30500/2507-10/2025 issued by the NPA to the HHC's FOI request on 16/06/2025.

ACCESS TO HEALTH CARE

Legal framework

The right to health-care is also governed by the general rules of the Penitentiary Code.¹³⁵ As part of the medical admission procedure, all detainees are informed about the available free testing options, including HIV and Hepatitis C.¹³⁶ Testing is voluntary and cannot be forced.¹³⁷ Furthermore, if the detainee's health condition justifies it, the medical professionals initiate the provision of the necessary care and provide information about the available services.¹³⁸ Prison doctors are available in all prisons, although the reports of the Ombudperson as Hungary's NPM frequently reveal sometimes serious shortages in health care personnel within the prisons.

Anyone who is more seriously ill and requires constant supervision but whose illness is not serious enough to require hospitalisation will be placed in the medical department of the prison, on the recommendation of the prison doctor. If the detainee cannot be treated in the institution, the detainee shall preferably be transferred to the Central Prison Hospital, which is located at the Eastern border of the country to Romania, thus very far from most of

the other penitentiary institutions and many detainees' family members. The detained person must be transferred to an outpatient department of a hospital or an outpatient clinic if the special treatment required cannot be provided within the prison system in a timely manner.¹³⁹ It has to be underlined that the provision of general health-care services is one of the most critical issues within the prison system.

Fee-based healthcare services of which cannot be provided within the prison system are available only with the permission of the individual Prison Commander, on the basis of the costs paid by the detainee. In addition to the cost of the treatment, the detainee must also pay for the costs of transportation and the supervising guards.¹⁴⁰ When assessing the request, the Prison Commander *"also relies on the opinion of the relevant medical specialist, which is decisive in terms of the feasibility of the procedures, as ongoing treatments and surgical interventions involve risks."*¹⁴¹

Application in practice

Transgender detainees' access to trans-specific treatments is further complicated by the fact that these treatments are not only costly¹⁴² (as

¹³⁵ §156-163

¹³⁶ Response no. 30500/2507-10/2025 issued by the NPA to the HHC's FOI request on 16/06/2025.

¹³⁷ Act CLIV of 1997 on Health Care, §15.

¹³⁸ Response no. 30500/2507-10/2025 issued by the NPA to the HHC's FOI request on 16/06/2025.

¹³⁹ Penitentiary Code, § 156-163

¹⁴⁰ Penitentiary Code, §162

¹⁴¹ Response no. 30500/2507-10/2025 issued by the NPA to the HHC's FOI request on 16/06/2025.

¹⁴² In civilian settings — that is, outside the penitentiary system — hormone therapy requires patient co-payment, as it is not fully reimbursed by the general health insurance. Surgical procedures are 10% subsidized by the



only 10% of the costs are covered by the public healthcare system and the detainee must pay for the transportation and the supervising guards) but also resource-intensive for the prison service, while the system is struggling with staff shortages.¹⁴³ Based on the NPA response, sexual and reproductive health care services — including those provided by civilian health institutions — are available to all detainees.¹⁴⁴ However the provision of services is not always easy in practice: we were informed of a case in which the medication that had been prescribed prior to incarceration was intended to be replaced with another drug under a different name, and the detainee was asked to sign a request stating that the substitution was made at their own initiative. Another interviewee observed that there was no sign of openness from the prison authorities regarding the continuation of hormone replacement therapy.

The delegation of CPT came across two cases, where transgender persons had to stop hormonal treatment after they entered the prison.¹⁴⁵

Decree 16/2014 of the Ministry of Justice on the detailed rules of implementing imprisonment, confinement, pretrial

detention and confinement replacing disciplinary fine (hereafter: Decree) lists the objects that can be kept in the possession of detainees. Specific devices that may be needed after gender-affirming surgery may only be kept in the possession of detainees based on a special permission, and while in one case that became known to the HHC a permission was granted to a detainee who had undergone such surgery before being admitted to prison, the proper conditions of hygiene and privacy could not be provided and therefore, the concerned detainee had to decide to give up the use of the device.

Mental health care

As part of the psychological admission process, detainees undergo an individual mental health assessment, during which the relevant professionals — regardless of the detainee's sexual orientation or gender identity — determine the necessary level and frequency of psychological support during detention. They may also recommend participating in various mental health programs. Psychological consultations and participation in such programs are subject to the voluntary consent of the detainee.¹⁴⁶ According to a prison psychologist who was heard in 2023 as a

public healthcare system, while the remaining 90% must be covered by the individual.

¹⁴³ Response no. 30500/1948-6/2025 issued by the NPA to the HHC's FOI request on 05/05/2025.

¹⁴⁴ Response no. 30500/2507-10/2025 issued by the NPA to the HHC's FOI request on 16/06/2025.

¹⁴⁵ See: <https://www.coe.int/hu/web/cpt/-/council-of-europe-anti-torture-committee-cpt-publishes-report-on-its-2023-periodic-visit-to-hungary-1>

¹⁴⁶ Response no. 30500/2507-10/2025 issued by the NPA to the HHC's FOI request on 16/06/2025.

witness in a court case for an HHC client, there were about 250 prisoners per prison psychologist in the prison where the psychologist worked, while nearly half of the detainees in the penitentiary were considered having psychological problems or being at risk of these.¹⁴⁷ This kind of workload was confirmed by two former prison professional interviewees. In contrast, an interviewee with lived experience reported that it is relatively easy to access a psychologist — typically, within a week. According to the account, when someone appears to be in emotional distress, such as crying or showing signs of psychological strain, a reintegration officer usually inquires about their well-being, invites them for a conversation, and, if necessary, refers them to a psychologist. In their view, professionals do pay attention to ensuring psychological support.

To prevent crises, suicide attempts and self-harm among LGBTIQ detainees, the general provisions¹⁴⁸ regarding suicide prevention apply.¹⁴⁹

One interviewee mentioned that the prison priest can be another protective factor. The prison chaplain is someone the detainee can

approach, share their problems with, and even signal in some way if they are experiencing abuse or mistreatment. There are prison chaplains who are truly present — available even when others are not — and genuinely open toward the detainees, which cannot be said about everyone within the prison system.

"You're basically standing there, from one moment to the next, in the middle of a treatment, and they don't even tell you what the super complicated procedure is, at the end of which [...] you get your medicine, they simply reject you [after months]." — Interviewee

HARASSMENT AND VIOLENCE

Legal framework

According to the response of the NPA, in order to prevent and investigate violent attacks, the NPA has established a general preventive signaling mechanism to identify and perform specific tasks including general preventive principles and actions for the protection of all kinds of vulnerable prisoners. The NPA's response did not detail what these principles and actions exactly mean in practice.¹⁵⁰ Practitioners and interviewees did not give

¹⁴⁷ Hungarian Helsinki Committee's communication under Rule 9(2) of the "Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements" regarding the execution of the judgments of the European Court of Human Rights in the ISTVAN GABOR KOVACS and VARGA AND OTHERS v. Hungary group of cases (Application nos. 15707/10, 14097/12, 45135/12, 73712/12, 34001/13, 44055/13, and 64586/13). See: [https://helsinki.hu/en/wp-](https://helsinki.hu/en/wp-content/uploads/sites/2/2023/12/HHC_Varga_Rule_9_FI_NAL_171223.pdf)

[content/uploads/sites/2/2023/12/HHC_Varga_Rule_9_FI_NAL_171223.pdf](https://helsinki.hu/en/wp-content/uploads/sites/2/2023/12/HHC_Varga_Rule_9_FI_NAL_171223.pdf)

¹⁴⁸ Order 18/2020 (V.29.) of the Commander General of the Prison Administration on the prevention of detainee crises, suicide attempts, and self-harm

¹⁴⁹ Response no. 30500/2507-10/2025 issued by the NPA to the HHC's FOI request on 16/06/2025.

¹⁵⁰ Response no. 30500/2390-8/2024 issued by the NPA to the Hátér Society's FOI request, 24 May 2024.



account of any specific action or special treatment applied with respect to LGBTIQ detainees.

Application in practice

First, it has to be noted that even specialised NGOs receive a relatively low number of complaints from LGBTIQ detainees, which is most probably due to the extreme degree of latency of such cases linked to the specifically vulnerable situation of detainees belonging to this community.

While those who know the world of prisons all agree that LGBTIQ persons are among the most vulnerable groups, the exact extent to which the strong negative attitudes towards them manifest in harassment and other forms of abuse posing a threat to personal safety, is difficult to assess due to the extremely high level of latency of such incidents. As a prison psychologist said in 2013, *“gay men almost never come out, they do not talk about their sexual orientation, [...] and usually do not complain if they suffered disadvantages [due to their homosexuality].”*¹⁵¹ One interviewee shared that, in a male prison, individuals often tend to suppress their orientation or identity. The interviewee gave account of a case when a trans person had felt compelled to “revert” to male appearance — for example, by growing

facial hair.

Verbal and physical abuse, humiliation, and harassment are common — especially targeting individuals perceived to be gay or transgender. Homo- and transphobic attitudes are widespread not only among detainees but also among prison staff. There have been cases in which newly arrived detainees were explicitly informed by guards about another prisoner’s sexual orientation or gender identity, thereby exposing them to increased risks. Reports indicate that such incidents of abuse are often covered up by the institution to avoid accountability.

Of particular concern are cases in which LGBTIQ detainees are exploited or *“pimped out”* by other detainees for sexual or other services. These situations raise serious human rights concerns, as such interactions are rarely based on mutual consent but are instead driven by coercion, violence, and degradation.

There are several particularly high-risk situations for LGBTIQ detainees within the prison system that increase their vulnerability to harmful treatment, shared with us by interviewees. One such situation is placement in large-capacity cells, where — based on the interviewees’ experience — the likelihood of abuse significantly increases with the number

¹⁵¹ Krisztina Pősz, psychologist of the Vác Prison, quoted in: *Ha vállaljátok, lehetek egy cellában [If you come out, you can be in the same cell]* (article in a newsportal), October 2013. See:

<http://www.origo.hu/itthon/20131003-a-homoszexualisok-helyzete-a-magyar-bortonokban.html>



of people in the cell. Transfers also present considerable risks, as detainees are placed in holding cells with previously unknown peers, often with inadequate supervision and insufficient care. Similarly, being moved to a new cell can be dangerous, as detainees have no knowledge of who they will be placed with or what kind of behaviour to expect. Concerns were also raised particularly in relation to medical check-ups, where no witnesses are present and only prison personnel are in the room. Being escorted outside the prison can also put detainees in vulnerable situations, as they may find themselves alone with multiple staff members. It is often highlighted that placement in solitary confinement is a particularly sensitive issue, as detainees in such conditions are entirely isolated and do not interact with others, increasing their psychological and physical vulnerability. If solitary confinement is used as a protective measure, it must be accompanied by appropriate safeguards and compensatory measures to mitigate its harmful effects. According to another interviewee, verbal abuse and mocking remarks are a daily occurrence, especially in the case of transgender detainees — coming from both the staff and other detainees.

In its response to the HHC's FOI request, the

NPA stated that they did not have any data whether in the past five years, any complaints had been received or any criminal proceedings had been initiated against staff members or detainees for harassment, abuse, or other crimes committed due to actual or perceived sexual and/or gender minority status. The NPA declared that for such complaints or reports detained persons may use the general complaint mechanisms available to all detainees.¹⁵²

According to one interviewee, violence against detainees is always documented if it results in injury, requires medical treatment, or leads to a serious incident. However, the actual reason for violence is not always accurately recorded — possibly because even in such cases, the victim may still be too afraid to disclose what actually happened or why the violence took place.

The fact that harassment against LGBTIQ persons is prevalent (even though presumably only a small percentage of such incidents is reported) is also confirmed by a former detainee interviewed on the occasion that he entered into a registered same-sex partnership with his former cellmate who was still in prison.¹⁵³ He said that very few detainees risk coming out because of the harassment ("*blood sucking*") and verbal abuse that follows. He

¹⁵² Response no. 30500/2507-10/2025 issued by the NPA to the HHC's FOI request on 16/06/2025.

¹⁵³ See: <https://www.youtube.com/watch?v=p1PEIPm4CM> (see from 6:10)

also reported that ever since his relationship with his partner was made official, his partner had been vexed by both the detainees and the guards. The story of this particular detainee is also interesting because it provides an example highlighting the hostile attitude of the penitentiary personnel: after the same-sex partnership was registered, the inmate who was still in prison requested a permission to be visited by his registered partner (who had already been released from the prison). However, the prison only allowed for contact between them via phone and mail, but did not authorise personal visitations. The couple turned to the Equal Treatment Authority, because they were of the view that the permission had been denied due to their sexual orientation. The Authority concluded that on the basis of the statements of the prison warden, it was apparent that the prison tends to permit personal contact (visitations) between married couples and civil partners of opposite genders, as well as relatives who previously served their prison sentence together. The Authority also established that no special or specific security risk applied in this particular case that would have justified a deviation from the general practice. For this reason, the Authority concluded that the contact between the complainants had been restricted because of their sexual orientation, instructed the prison to end the infringing

situation and ordered the publication of its decision for a period of 30 days on the website of the prison and of the Authority.¹⁵⁴

Information about serious violations by the personnel is also available among the few complaints that make their way out of the prison system. One complainant requesting help from Háttér Society claimed to have been ill-treated by prison guards allegedly in relation to his sexual orientation.

In another case, a complainant turning to Háttér claimed that his telephone conversation with his same-sex partner, who was in prison, had been intercepted by the prison guards. Later the guards disclosed to his partner's fellow-detainees that his partner was involved in a same-sex relationship, and in addition they made up some details concerning sexual "*perversions*", and presented these to the fellow-detainees as if these had been told by the complainant and his detained partner. According to the complainant, after this, the cell-mates started to harass his partner. A former prison staff interviewee reported quite the opposite: it was usually the guards who found out last — but sooner or later, everyone's identity or orientation became known.

The CPT report described a particularly severe case of abuse: a prisoner was allegedly

¹⁵⁴ 2018 annual report of the Equal Treatment Authority, pp. 47-48.

attacked in his cell by fellow detainees because of his sexual orientation. He was forced to perform oral sex, bark like a dog; he had to kneel while was kicked in the head and ribs, his head was pushed into the toilet, and he was made to drink from it.¹⁵⁵

"Comments like 'damn faggots' and similar slurs came from the staff as well — and this happened regularly." — Interviewee

ACCESS TO JUSTICE

Legal framework

Detainees can request a personal interview with the head of the department of the prison or submit written complaints, and appeal decisions. They may also turn to the Prosecutor's Office supervising the legality of the execution of criminal sanctions (including the deprivation of liberty) or file a complaint with the Ombudsperson, who can examine systemic issues. Furthermore, detainees may submit written complaints directly to international human rights bodies recognised under an international treaty.¹⁵⁶ Until 2017, prisoners could also raise their concerns in person during the monitoring visits carried out in the framework of HHC's prison-monitoring program, but after the unilateral termination of the cooperation agreement between the NPA and HHC that year,¹⁵⁷ contact between

the detainees and the HHC is now limited to letters, through a legal counsel, or once the individual has been released.

Application in practice

Detainees are afraid to come out, and those who do or who are outed, often abstain from reporting abuses in fear of further retribution. The low number of cases reported to human rights organisations does not presumably indicate an absence of discrimination and harassment of LGBTIQ detainees in the Hungarian prison system, but rather demonstrates the concerned detainees' unwillingness to come forward with their complaints due to fears of further abuse and deterioration in their situation.

In the past few years, the HHC has received only a handful of relevant complaints from within the Hungarian penitentiary system. A transgender detainee complained that although she identified as a woman and this was reflected in how she looked, she had very explicit female external characteristics, but *de iure* she was a man, and had therefore been placed in a male prison, where she had suffered harassment from the other detainees due to her gender identity and looks. She had to share her cell with a man who was/became her partner and this way she was somehow

¹⁵⁵ See: <https://www.coe.int/hu/web/cpt/-/council-of-europe-anti-torture-committee-cpt-publishes-report-on-its-2023-periodic-visit-to-hungary-1>

¹⁵⁶ Penitentiary Code, §10, §140-144/B

¹⁵⁷ See: <https://helsinki.hu/en/authorities-terminated-cooperation-agreements-with-the-hhc/>



protected from other detainees. She complained that once when she was taking a shower in the commonly shared bathroom alone, but a prison guard allowed another male detainee to enter the bathroom, and he physically and verbally insulted her. The prison staff intervened before more serious consequences could have occurred, but she often had to bear humiliating insults from peer-detainees and also from staff.

A gay detainee complained that a member of the personnel had disclosed his sexual orientation to his fellow detainees, and as a result, he had been sexually abused by one of the detainees.¹⁵⁸ Based on feedback from an interviewee, there is a general impression that prison staff display limited empathy and are themselves often active participants in harassment against LGBTIQ detainees. These rights violations typically remain hidden, so no sanctions are imposed, and no proceedings are initiated against the perpetrators. Victims are most often left to cope alone, lacking sufficient means to assert their rights, and — either for their own long-term safety or under external pressure — they refrain from reporting such abuses. This culture of silence further entrenches a situation in which violations are rarely uncovered or investigated.

A transwoman detainee complained to the HHC's human rights legal counselling office

that during her previous detention in the male unit of a penitentiary institution, she was ill-treated, harassed, threatened by other detainees. She also complained that the penitentiary had failed to take the necessary steps to protect the rights and equal opportunities of sexual and gender minorities, as the prisons were not well-prepared to address the needs of transgender persons.

"Protection against staff members is very difficult to achieve; verbal abuse is a widespread and frequent aspect of daily life for individuals placed in correctional institutions."
— former prison staff interviewee

"We didn't allow ourselves to resort to physical [violence] ... but verbally yes. And it had to be verbal so that [...] he would leave that cell, because I wasn't allowed to request my case officer to say that we didn't want him there."
— former non-LGBTIQ detainee interviewee

LIFE IN PRISON

Treatment

The general hostile climate against LGBTIQ people has a negative impact on the criminal justice system professionals as well, however, no recent research is available on the topic, due to the fact that the penitentiary system has become more non-transparent in recent

¹⁵⁸ Information from HHC staff.

years.¹⁵⁹ A former prison officer interviewee confirmed that the system has changed noticeably since 2016/2017 as a result of the political intolerance campaigns, and it became *"rigid, dismissive and completely impersonal"*. The negative atmosphere created by the political leaders and the prison authorities was a message for all professionals and people concerned with the penitentiary system on how to think about the issue of LGBTIQ detainees. Another interviewee echoed this perception, stating that the general political atmosphere directly affects the penitentiary system. According to them, when the government targets gay, lesbian and trans people through overarching political narratives, it inevitably worsens the situation of LGBTIQ individuals in prison as well. This environment, they argued, strengthens homophobic impulses among prison staff too. The shift in the prison culture is also clearly reflected in the account of the former non-LGBTIQ detainee interviewee. He recalled that 15 years ago, it wasn't a problem if a trans person was assigned as a cellmate — *"she would simply be told to wear men's clothing, and that was the end of the matter"*. Today, however, prison works differently, anyone who is different is marginalized. Several of our

interviewees stated that staff often made mocking remarks and teased LGBTIQ detainees.

Appearing as an LGBTIQ person

According to a 2016 media article, the statements of which seem still valid today, one of the main intentions in prisons is to avoid *"looking like a homosexual"*, since gay detainees are at the bottom of the hierarchy (along with snitches and those convicted for paedophilia). People in these groups *"have no influence, they are weak or too effeminate in a world that prefers masculine traits"*. *"In prison, you must avoid feminine gestures: no bottom out, no looking back over one's shoulder, because detainees regard these as feminine gestures."*¹⁶⁰

The summary finding of one interviewee having direct personal experience within the prison system was that considerations for the LGBTIQ aspects are virtually absent in prisons. Sexual relations between men emerge practically as pure violence, repression, assertion of power, and when this comes to the knowledge of the staff — which is most often the case in serious instances — it is treated without any consideration of the

¹⁵⁹ From 1999 to 2017, our Committee had regular access to prisons in Hungary, thanks to a bilateral agreement that was renewed several times. We have been able to investigate prisoners' rights, follow up on individual complaints, comment on our prison reports and, in many cases incorporate our recommendations into their practices. However, after 18 years, the NPA terminated

the agreement with effect from 1 October 2017, claiming that prisoners' rights could be guaranteed without the agreement.

¹⁶⁰ See: <https://www.boon.hu/magyarorszag/2016/04/a-bortonben-nem-a-ciganyok-es-a-magyarok-esnek-egymasnak>



possible gay or bisexual orientation. In these relationships, sexual orientation is said by the interviewee to be irrelevant. The prison system's self-perceived organisational interest is not dealing with problems and issues that lie beneath the surface. Given that LGBTIQ people usually do not come out, the prison service does not seek to address these issues and sometimes pretends that they do not exist. Prisons deal with any cases involving LGBTIQ detainees, only if the security aspect also appears and, in this case, they tend to deal with it as a security issue regardless of other aspects of the sexual orientation or gender identity of the persons concerned. The interviews clearly show that same-sex relationships in prison cannot be discussed without addressing the surrounding context of violence, oppression, coercion, and sexual exploitation. The institutional denial of the existence of LGBTIQ issues, the absence of prevention strategies, and the failure to provide protection contribute to a deeply harmful environment where victims remain invisible and violence goes unaddressed. This situation not only violates human dignity but also stands in contradiction with the basic principles of rule of law and international human rights standards. The alarming lack of publicly available data on this topic within the Hungarian prison system exacerbates concerns

— what lies beneath the surface remains unknown, but based on the evidence collected, the level of vulnerability experienced by affected individuals is likely to be extreme.

According to our information, in Hungarian penitentiary institutions, same-sex sexual relationships are officially unacknowledged and remain a taboo topic at the institutional level. In practice, however, such relationships do occur — often as a means of survival, protection, or in exchange for services — taking the form of so-called “quasi-commercial” arrangements. The attitude of prison staff varies greatly: in some cases, such relationships are tacitly accepted or ignored, while in others, staff actively intervene and separate the individuals involved, citing moral or security concerns. Some interviewees reported that cell arrangements were even adjusted according to existing relationships, while others described instances where prison personnel deliberately broke up such pairs, arguing that imprisonment should inherently involve the deprivation of sexual life.

In male institutions, same-sex relationships are most often characterized by a strong imbalance of power. Individuals placed in the “female” or subordinate role are frequently in highly vulnerable positions and are exploited.¹⁶¹ These relationships are often

¹⁶¹ See:
<https://journals.sagepub.com/doi/pdf/10.1177/0032885511409891>

allowed to exist because they are perceived to make it easier for the staff to maintain control and order.

In contrast, same-sex relationships in female institutions are often openly acknowledged and generally accepted. The reluctance to share cells with same-sex couples is often rooted in discomfort with witnessing sexual activity. In certain units — particularly among the so-called "*elite*" first-category working detainees — these relationships are normalized, not sanctioned by staff, and not openly criticized by fellow detainees. This presents a stark contrast to the male institutions, where same-sex relationships are heavily stigmatized and often inseparable from coercion and subjugation within the prison hierarchy.

Special needs

In addition to the fact that official data and records cannot be kept by the Prison Administration on belonging to the LGBTIQ group, the whole prison system is characterised by a low level of informal awareness of issues related to sexual orientation and gender identity. Preventing and responding to violence among detainees is allegedly a priority for the Prison Administration, but the special vulnerability of LGBTIQ detainees is not recognized either officially, or in practice. There are no special programmes addressing their needs; and they

only get closer supervision (and thus more attention) if they are at risk of committing suicide or suffer from some sort of mental issue, or are at risk from other detainees. As one of our professional interviewees put it, LGBTIQ detainees face additional obstacles beyond the already extremely difficult experience of incarceration. In the interviewee's experience, there are no systemic legal safeguards in place — only ad hoc practical solutions work. Compared to society at large, the prison environment is even less accepting, which makes LGBTIQ individuals especially vulnerable to other detainees. They frequently become involved in conflicts and are often subjected to various forms of aggression, with limited access to effective physical or psychological protection from the prison staff.

The NPA informed us that there is no specific internal procedure to address the specific needs of LGBTIQ detainees. Based on individual assessments and when justified, the penitentiary may designate specific time slots for detainees to use the showers — although the law does not explicitly provide for the possibility of separate or out-of-schedule access to hygiene facilities. Single-occupancy cells might also be provided for LGBTIQ

persons.¹⁶² According to an interviewee who worked for the NPA, in some cases, staff do attempt to take action: however such efforts often depend on personal goodwill or informal discretion.

Gender expression

In Hungarian detention facilities, the Order regarding clothing states that convicted detainees must wear uniforms provided by the institution. Personal clothing may be allowed under certain conditions, but it must meet specific conditions concerning appropriateness, cleanliness, and safety.¹⁶³ Pre-trial detainees and persons convicted for petty offences can wear their own clothes.

According to the response of the NPA all detainees are guaranteed the possibility to express their gender identity through their clothing or hair style, subject to the rule on the wearing of uniforms.¹⁶⁴ Several interviewees confirmed that, in practice, the detainees transform their uniforms to the extent allowed to meet their taste.¹⁶⁵ However, damaging the uniform constitutes misconduct entailing a disciplinary procedure, and a disciplinary record may hinder the early release of the detainee. On the subject of make-up,

experiences vary: the practice is not the same in different institutions. Some interviewees reported that wearing make-up is implicitly allowed, some reported that it is prohibited, others reported that wearing make-up is only possible with permission. Where it is not allowed, some unique solutions have emerged, such as eyeshadow powdered with cigarette ash.

Chosen name

According to a Ministry of Interior Decree,¹⁶⁶ staff are required to address detainees by their last names, meaning that, theoretically, the chosen first name of transgender detainees is not relevant. However, several of our interviewees noted that in practice, detainees are often addressed by their first names, and within the prison walls the chosen names of transgender individuals are often respected by other detainees and staff as well. However, other reports show that LGBTIQ persons, especially gay or transgender men are often called by their nicknames, often a jerk name chosen in an authoritarian manner by peer detainees or the staff.

Contact with the outside world

According to the NPA response, there are no

¹⁶² Response no. 30500/2507-10/2025 issued by the NPA to the HHC's FOI request on 16/06/2025.

¹⁶³ Order 21/2020 (VI. 11.) of the Commander General of the Prison Administration on the rules for the care and accommodation of prisoners

¹⁶⁴ Response no. 30500/2390-8/2024 issued by the NPA to the Hättér Society's FOI request, 24 May 2024.

¹⁶⁵ Read more about this here:

http://epa.niif.hu/02700/02705/00087/pdf/EPA02705_bortonugyi_szemle_2011_3_075-084.pdf

¹⁶⁶ Decree 33/2024. (VIII. 8.) of the Ministry of Interior (BM) on the service regulations of the penitentiary organisation, § 7

different rules regarding visitations for LGBTIQ detainees pursuant the applicable legal provision.¹⁶⁷ A detainee may receive visitors—up to four visitors at a time — for a minimum of 60 minutes at least once a month but the visit may be longer and more frequent than that depending on the category in which the detainee is placed. Prisoners and visitors will be scanned before and after the visit. Food cannot be brought in and the time after the serving of which they can greet each other with a kiss, or a hug also depends on the security category of the detainee. Nothing can be handed-over, only talking is allowed and it can be monitored.¹⁶⁸ There are family visits allowed for detainees with children at least once every six months for at least one hour, but no more than two hours.¹⁶⁹ A family visit is a special type of visits when there is no plastic partition (so called, plexiglass) wall between the detainee and the visitors and various forms of physical contact (kiss on the cheek, a handshake and a hug) is permitted and the detainees may hold their child under the age of 8 in their laps and may hold each other's hands.¹⁷⁰

According to the amended Civil Code, same-sex couples cannot jointly adopt a child, only as individuals and step-parent adoption is not

possible either.¹⁷¹ However, the notion of a family member applied by the prison system is quite vague. The Criminal Code¹⁷² defines the notion of a relative, whom the detainee might have closer contact with. A relative is — among others — a spouse, a co-habiting partner, the children and direct relatives of the spouse and partner, stepparents, foster, adopted and stepchildren. This means that direct relatives, including co-habiting same-sex partners and children of these co-habiting partners are equally treated as any other relative, a family visit of a same-sex partner and jointly raised children is possible in theory. *"The issue of heterosexual privilege also arises in the context of maintaining relationships, as a heterosexual detainee does not have to face potential disdain, contempt, ridicule, or more severe forms of discrimination simply because of their partner's gender — whereas an LGBTQ detainee might. This is one reason why coming out can be a difficult decision for an LGBTQ detainee during their imprisonment. If they are forced to hide their sexual orientation, it can significantly affect their prison experience (e.g., causing frustration). On the other hand, if they choose to come out, they must be mindful of the possible consequences. For example, the prison staff must always ensure that a same-sex partner is not subjected to abuse during*

¹⁶⁷ Act XXIX of 2009 on Registered Partnerships, and on the Amendment of Certain Related Laws and Laws Necessary to Facilitate the Proof of Cohabitation

¹⁶⁸ Penitentiary Code, § 177-177/A

¹⁶⁹ Penitentiary Code, § 177

¹⁷⁰ Order 12/2020 (IV.24.) of the Commander General of the Prison Administration on the procedural rules for the implementation of the visit

¹⁷¹ § 4:121, § 4:132

¹⁷² Act C of 2012 on the Criminal Code, § 459, point 14.



visits.”¹⁷³

The above outlined case taken to the Equal Treatment Authority (where the partners were not allowed in person visits) offers a good example for the problems experienced by same-sex couples, even if they are in a registered partnership.

Access to information

In the framework of the research, the HHC also submitted an FOI request on how sensitive data on gender identity and/or sexual orientation are recorded and processed, what data protection measures are in place to protect such data, and what right of access is granted.

As outlined above, according to the NPA’ response, no information on sexual orientation and gender identity is recorded in the detainee records, but if the detainee provides such information as part of the activity to maintain the detainee’s mental balance or as part of a risk assessment process, or if the detainee’s sexual orientation may be inferred from the offence, the *“information itself (and not the actual sexual orientation or gender identity)”* may be included in the detainee’s psychological record to the extent necessary, provided that it is relevant in the opinion of the

professional who acquired the information. The information is recorded only on an IT interface that is accessible only to the psychologists. A separate platform is available for recording confidential psychological opinions, access to which is granted by the Psychological Department of the Health Division at the National Prison Administration. Access to the psychological report prepared during the risk assessment process is permitted only with authorization by the Central Institute for Examination and Methodology within the IT system.¹⁷⁴

CONCLUSIONS

The treatment of LGBTIQ individuals within the Hungarian justice and prison system raises several pressing issues that would necessitate a comprehensive reform. To improve the situation of LGBTIQ detainees, a multifaceted approach is required and the views of specialised NGOs, detainees and their family members should be taken into account in the process. Structural changes are needed, including the legislative recognition of vulnerability, awareness and training within correctional facilities, accessible complaint mechanisms, risk assessment, and responding to the special needs of incarcerated persons, including LGBTIQ persons.

¹⁷³ Dávid Vig, J.D.: *Korlátlan fájdalom? - A bebörtönzés kirekesztő hatásai a semlegesítésben és azon túl* [Unlimited pain? Exclusionary effects of imprisonment in incapacitation and beyond], PhD thesis, 2014., p. 173.

¹⁷⁴ Response no. 30500/2507-10/2025 issued by the NPA to the HHC’s FOI request on 16/06/2025.

RECOMMENDATIONS

Structural changes in the criminal justice system

One of the most significant problems the Hungarian justice system faces today is over-reliance on imprisonment as a primary form of punishment. Implementing alternative sanctions would not only help to reduce the prison population but would also allow for a more tailored response to the individual needs of detainees, particularly those from vulnerable communities, including LGBTIQ individuals. This structural shift requires legislative openness and a commitment from legislators to explore alternative sanctions that prioritise rehabilitation and individual circumstances over punitive measures. The latter approach is equally important within the prison system once somebody is in detention. It is recommended that all forms of violence — regardless of their nature — be addressed without exception.

Legislative acknowledgment of vulnerability

At the legislative level, there is an urgent need for legislators to explicitly recognize the vulnerabilities faced by LGBTIQ individuals within the penitentiary system. This acknowledgment should translate into the creation of rules that address the specific risks these individuals encounter in prison settings.

By formalising legal protection for LGBTIQ detainees, Hungary could take a significant step toward ensuring their safety and well-being while incarcerated. At the same time, legislative changes must be based on practical awareness-raising, closely linked to the training and education of staff, because without this, rules focusing on LGBTIQ people in detention may increase their exposure to risks without guarantees.

Regulations for vulnerable groups – reasonable accommodation

While the notion of vulnerability is acknowledged to some extent within the Hungarian prison system, the principle of *reasonable accommodation* should be consistently applied in detention settings. This means adjusting security or procedural practices to avoid a disproportionately negative impact on LGBTIQ individuals.

Dedicated units or separate placement options

Within the current legal framework, the possibility of creating separate, non-isolating units for LGBTIQ or otherwise vulnerable detainees should be considered, ensuring both their safety and dignity. *"Appropriate placement must not mean placing individuals belonging to sexual minorities in separate cells or completely isolating them from the general prison population, as this could amount to cruel or degrading treatment. After a proper*



*risk assessment, cell communities should be selected into which LGBT inmates can be integrated. Of course, safety remains the primary concern, so in certain cases, it may be necessary to establish cells exclusively for LGBT inmates. However, in such cases, special emphasis must be placed on ensuring shared programs and recreational activities with the rest of the inmate population.*¹⁷⁵

Review of placement regulations

Separation rules based solely on gender at birth and not taking into account self-identification (as they are set out at present in the Hungarian Penitentiary Code) should be revised with the participation of transgender and other concerned individuals and professionals involved in placement decisions. The active involvement of these actors or the organizations representing them is essential for ensuring appropriate and respectful treatment.

Awareness and training

It is vital for the NPA to recognize that these issues exist, and to implement training programs focused on understanding the unique needs and risks faced by LGBTIQ individuals. By collaborating with non-governmental organisations and allowing them to provide insights and support, the NPA

can enhance its capacity to respond effectively to the challenges faced by LGBTIQ detainees. First of all, it has to be very clear for all staff members that under no circumstances are they entitled to reveal one's sexual orientation or gender identity.

The training should cover:

- Vulnerability awareness with a special focus on LGBTIQ identities;
- Human rights and non-discrimination principles;
- Preventing abuse, coercion, and exploitation;
- Institution-specific challenges.

The need to reinstate lay prison monitoring

Reinstating lay prison monitoring mechanisms is essential to ensure the protection of detainees' rights and institutional transparency. An independent, regular, professional, and civil society-based monitoring system can reveal the actual practices and contribute to their improvement. It is especially important to track, document, and formulate recommendations based on the lived experiences of vulnerable groups — including LGBTIQ individuals.

Listening to the voices of LGBTIQ

¹⁷⁵ Hungarian Helsinki Committee – *Egyenlő esélyek - Útmutató a diszkriminációmentes bánásmód elősegítéséhez a büntetés-végrehajtásban* (Equal

Opportunities - A Guide to Promoting Non-Discriminatory Treatment in the Prison System), 2015. p. 9.

detainees

Engaging directly with LGBTIQ detainees is crucial for understanding their needs and experiences. Initiatives that prioritise listening to the voices of detainees or “outsider” civil organizations representing them can foster a more inclusive dialogue and help inform policies and practices that better serve the society. Inspiration could be drawn from successful models seen in other countries, where officials actively seek feedback from LGBTIQ individuals.

Recommendations to be implemented as a matter of urgency

- In cases of immediate threat or violence, staff must intervene without hesitation to ensure the detainees’ safety and remove them from harmful environments.
- Provide urgent medical and

psychological care whenever an LGBTIQ detainee shows signs of physical or mental harm, trauma, or distress.

- Activate emergency protective housing protocols to relocate vulnerable detainees quickly to safer accommodations.
- Immediately document and report any incidents of abuse or discrimination to relevant authorities, ensuring transparency and accountability.
- Ensure detainees have rapid access to confidential complaint mechanisms during urgent situations, with staff trained to respond swiftly and appropriately.
- Suspend or review any transfers or placements that could increase risk, pending a thorough safety assessment.

BIBLIOGRAPHY

Bribosia, E. and Rorive, I., supervised by Waddington, L., 2013. *Reasonable Accommodation beyond Disability in Europe?* European Network of Legal Experts in the Non-discrimination Field. DG Just, European Commission.

CAT/OP/HUN/2, *Report of the Subcommittee on Prevention of Torture*. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FOP%2FHUN%2F2&Lang=en

Council of Europe, 2023. *Council of Europe Annual Penal Statistics – SPACE I*.

Csicsayné Solymosi, M., 2011. „Cindy”, *avagy férfi testbe zárt nőként a börtön világában* [„Cindy,” or as a woman trapped in a male body in the world of prison], In: *Börtönügyi Szemle*, 2011/2., Available at: https://epa.oszk.hu/02700/02705/00086/pdf/EPA02705_bortonugyi_szemle_2011_2_051-066.pdf

Szalma, E., 1987. *Adalékok a homoszexualitás problémájához* [Contributions to the Problem of Homosexuality], In: *Módszertani füzetek*, 1987/2., Available at: https://epa.oszk.hu/02600/02699/00019/pdf/EPA02699_modszertani_fuzetek_1987_02_041-046.pdf

European Commission, 2021. *EU founding values: Commission starts legal action against Hungary and Poland for violations of fundamental rights of LGBTIQ people*. Available at: https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3668

Fiath, T., 2012. *Börtönkönyv* [Prison Book]. Budapest: HáttérKiadó.

Fiath, T., 2012. *Szexualitás a börtönben* [Sexuality in Prison, Part 1.], In: *Börtönügyi Szemle*, 2012/2., Available at: https://epa.oszk.hu/02700/02705/00090/pdf/EPA02705_bortonugyi_szemle_2012_2_029-044.pdf

Fiath, T., 2012. *Szexualitás a börtönben* [Sexuality in Prison, Part 2], In: *Börtönügyi Szemle*, 2012/2., Available at: https://epa.oszk.hu/02700/02705/00091/pdf/EPA02705_bortonugyi_szemle_2012_3_041-048.pdf

Fredman, S., 2016. *Intersectional Discrimination in EU Gender Equality and Non-Discrimination Law*. Directorate-General Justice and Consumers.

Háttér Society, 2020. *Despite human rights concerns, Hungarian President signs the law that bans legal gender recognition*. Available at: <https://en.hatter.hu/news/president-signs>

Háttér Society, 2024. *The Anti-LGBTQI Law of Hungary in Action: A Combination of State- and Self-Enforcement*. Available at: <https://hatter.hu/sites/default/files/dokumentum/kiadvany/hatter-anti-lgbtqi-law-2024-november.pdf>

Háttér Society, Hungarian LGBT Alliance and Transvanilla Transgender Association, 2018. *Report about the Implementation of the Council of Europe Recommendation to Member States on Measures to Combat Discrimination on Grounds of Sexual Orientation or Gender Identity (CM/Rec(2010)5) in Hungary*. Available at: <http://hatter.hu/sites/default/files/dokumentum/kiadvany/hatter-cmrec2010-5-report2018.pdf>

Hungarian Helsinki Committee, 2015. *Egyenlőséylek - Útmutató a diszkriminációmentes bánásmód elősegítéséhez a büntetés-végrehajtásban (Equal Opportunities - A Guide to Promoting Non-Discriminatory Treatment in the Prison System)*. Available at: https://helsinki.hu/wp-content/uploads/MHB_egyenlo_esely_antidiszkr_utmutato_bv_2014.pdf

Hungarian Helsinki Committee, 2018. *Shadow Report Submitted to the HRC*. Available at: https://helsinki.hu/wp-content/uploads/HHC_submission_to_HRC_12022018.pdf

Hungarian Helsinki Committee, 2021. *Submission to the UPR 2021 on Criminal Justice in Hungary*. Available at: https://helsinki.hu/wp-content/uploads/2021/03/HHC_UPR2021_Hungary_criminal_justice_web.pdf

Hungarian Helsinki Committee, 2023. *Justice Programmes Submission for the CPT's Periodic Visit to Hungary*. Available at: <https://helsinki.hu/en/the-hhc-justice-programmes-submission-for-the-cpts-periodic-visit-to-hungary-in-2023/>

Hungarian Helsinki Committee, 2025. *Rule 9(2) submission to the Council of Europe: Varga and Others v. Hungary*. Available at: https://helsinki.hu/en/wp-content/uploads/sites/2/2025/01/HHC_Varga_Rule_9-2_FINAL_200125.pdf

Independent Expert on SOGI, 2021. *The Law of Inclusion - Report of the Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity*. A/HRC/47/27. Available at: <https://documents.un.org/doc/undoc/gen/g21/123/16/pdf/g2112316.pdf>

Institute of Medicine of the National Academies, 2011. *The Health of Lesbian, Gay, Bisexual, and Transgender People: Building a Foundation for Better Understanding*. Washington, D.C.: National Academies Press.

Krámer, L., Lukovics, A. and Szegő, D., 2022. *Alternatives to Prison: Hungarian Law and Practice on Non-custodial Sentences*. Available at: <https://helsinki.hu/en/alternatives-to-prison-hungarian-law-and-practice-on-non-custodial-sentences/>

Nagy, N. 2018.: *Erőszak és szexualitás a börtön falain belül*. [Violence and sexuality behind the prison walls] In: Acta Universitatis Szegediensis: forum: publicationesdiscipulorumiusprudentiae, (1). pp. 371-404.

Pan American Health Organization (PAHO), 2011. *The Right of Young People to Health and Gender Identities: Findings, Trends and Targets for Public Health Action*. Washington, D.C.: PAHO.

SPT, 2016. *9th Annual Report*. CAT/C/57/4.

UNDP, 2016. *Measuring LGBTI Inclusion: Increasing Access to Data and Building the Evidence Base*. [Discussion Paper].

(UNDP), 2018. The Sustainable Development Goals: Sexual and gender Minorities. Available at: https://www.undp.org/sites/g/files/zskgke326/files/publications/SDGs_SexualAndGenderMinorities.pdf

UNDP, 2020. *Mapping of Good Practices for the Management of Transgender Prisoners*. Bangkok: UNDP. Available at: <https://www.undp.org/sites/g/files/zskgke326/files/2023-03/UNDP-TH-the-mapping-of-good-practices-for-the-management-of-transgender-prisoners.pdf>

Víg, D., 2014. *Korlátlan fájdalom? - A bebörtönzés kirekesztő hatásai a semlegesítésben és azontúl* [Unlimited Pain? - Exclusionary Effects of Imprisonment in Incapacitation and Beyond]. PhD thesis, ELTE

Legal and Policy Documents

Act C of 2012 on the Criminal Code

Act CCVI of 2011 on the Protection of Families

Act CCXL of 2013 on the Execution of Punishments, Measures, Certain Coercive Measures and Petty Offence Confinement

Act CLIV of 1997 on Health Care

Act CLXV of 2020 on the Amendment of Certain Laws Concerning Matters of the Justice System, 22 December 2020.

Act CLXXXV of 2010 on Media Services and Mass Communication

Act CXC of 2011 on National Public Education

Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities

Act LXXIX of 2021 on Harsher Action Against Paedophile Criminal Perpetrators and the Amendment of Certain Laws with a View to Protecting Children

Act V of 2013 on the Civil Code

Act XXIX of 2009 on Registered Partnerships, and on the Amendment of Certain Related Laws and Laws Necessary to Facilitate the Proof of Cohabitation

Act XXX of 2020 on the Amendment of Certain Laws Related to Public Administration and on Donating Property, 28 May 2020.

Act XXXI of 1997 on Child Protection and Guardianship Administration

Act XLVIII of 2008 on the Basic Conditions and Certain Restrictions of Commercial Advertising Activities

Association for the Prevention of Torture (APT), Towards the Effective Protection of LGBTIQ Persons Deprived of Liberty: A Monitoring Guide (2018)

Committee on Economic, Social and Cultural Rights, 2009. *General Comment No. 20 on Non-discrimination in Economic, Social and Cultural Rights*

Committee on the Elimination of Discrimination against Women 2010. *General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*

CRPD – Convention on the Rights of Persons with Disabilities, United Nations, 2006.

Decree 16/2018 (VII.6) of the Ministry of Interior (BM) on the rules for the designation of penitentiary institutions for the enforcement of custodial sanctions

Decree 33/2024 (VIII.8.) of the Ministry of Interior (BM) on the service regulations of the penitentiary organisation § 7.

Decree 56/2014 (XII.5.) of the Ministry of Interior (BM) on the Rules of Police Detention Facilities.

Decree 16/2014 (XII.19.) of the Ministry of Justice (IM) on the detailed rules for the enforcement of imprisonment, detention, pre-trial detention and detention replacing a fine.

European Commission, LGBTIQ Equality Strategy 2020-2025.

European Prison Rules, Council of Europe, 2020.

Fundamental Law of Hungary

OPCAT – Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. United Nations, 2002.

Order 12/2020 (IV.24.) of the Commander General of the Prison Administration on the procedural rules for the implementation of the visit

Order 18/2020 (May 29) of the Commander General of the Prison Administration on the prevention of detainee crises, suicide attempts, and self-harm

Order 20/2021 (IV. 16.) of the Commander General of the Prison Administration

Order 21/2020 (VI.11.) of the Commander General of the Prison Administration on the rules for the care and accommodation of prisoners.

Yogyakarta Principles

Official Reports and Ombudsperson Documents

Commissioner for Fundamental Rights, 2018. *Jelentés az AJB-493/2018. számú ügyben – látogatás a debreceni javítóintézetben.* Budapest. Available at:

https://www.ajbh.hu/documents/10180/2809026/AJB_493_2018+sz%C3%A1m%C3%BA+al%C3%A1



[%C3%ADrt+jelent%C3%A9s.pdf](#)

Commissioner for Fundamental Rights, 2019. *Jelentés az AJB-1774/2019. számú ügyben – látogatás Nógrád megyei rendőrségi fogdákbán*. Budapest. Available at:

[https://www.ajbh.hu/documents/10180/2936606/SAJ%C3%81T+N%C3%93GR%C3%81D+MEGYE+ho
nlapra.pdf](https://www.ajbh.hu/documents/10180/2936606/SAJ%C3%81T+N%C3%93GR%C3%81D+MEGYE+ho
nlapra.pdf)

Commissioner for Fundamental Rights, 2021. *Jelentés az AJB-874/2021. számú ügyben – látogatás a Márianosztrai Fegyház és Börtönben*. Budapest. Available at:

https://www.ajbh.hu/documents/10180/3656566/AJB_874_2021_jelent%C3%A9s.pdf

Commissioner for Fundamental Rights, 2021. *Annual Report 2021*. Budapest: Office of the Commissioner for Fundamental Rights.

Commissioner for Fundamental Rights, 2022. *Annual Report 2022*. Budapest: Office of the Commissioner for Fundamental Rights.

Commissioner for Fundamental Rights, 2023. *Annual Report 2023*. Budapest: Office of the Commissioner for Fundamental Rights.

Commissioner for Fundamental Rights, 2024. *Annual Report 2024*. Budapest: Office of the Commissioner for Fundamental Rights.

Equal Treatment Authority, 2018. *Annual Report 2018*. Available at:

<https://www.ajbh.hu/en/kozerdeku-adatok>

Human Rights Committee (UN), 2010. *Concluding observations on the fifth periodic report of Hungary*, CCPR/C/HUN/CO/5. Available at:

<https://documents.un.org/doc/undoc/gen/g10/466/91/pdf/g1046691.pdf>

Human Rights Committee (UN), 2018. *Concluding observations on the sixth periodic report of Hungary*, CCPR/C/HUN/CO/6. Available at:

<https://documents.un.org/doc/undoc/gen/g18/129/41/pdf/g1812941.pdf>

Subcommittee on Prevention of Torture (UN), 2021. *Report on Hungary*, CAT/OP/HUN/2. Available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FOP%2FHUN%2F2&Lang=en

European Committee for the Prevention of Torture (CPT), 2014–2023. *Reports on Hungary*, CPT/Inf (2014) 13; CPT/Inf (2016) 27; CPT/Inf (2018) 42; CPT/Inf (2020) 8.; CPT/Inf (2023). Available at: <https://www.coe.int/en/web/cpt/hungary>

FOI responses

Response no. 30500/1948-6/2025 issued by the NPA to the Hungarian Helsinki Committee's FOI request on 05/05/2025.

Response no. 30500/2390-8/2024 issued by the NPA to the Háttér Society's FOI request, 24 May 2024.

Response no. 30500/2507-10/2025 issued by the NPA to the Hungarian Helsinki Committee's FOI request on 16/06/2025.

Response no. 30500/9997-3/2022. issued by the NPA to the Hungarian Helsinki Committee's FOI request, 22 Nov 2022.

Web Sources

24.hu, The German activist suspected of the Antifa attack was taken to the prison hospital in critical condition. Available at: <https://24.hu/belfold/2025/07/01/antifa-tamadas-ehsegsztrajk-kritikus-allapot-maja-t/>

Antidiskriminierungsstelle, n.d. *Reasonable accommodation and intersectionality*. Available at: https://www.antidiskriminierungsstelle.de/SharedDocs/forschungsprojekte/EN/RG_Angemessene_Vorkehrungen_en.html

Bundesverfassungsgericht, 2025. *Judgment of 24 January 2025*. Available at: https://www.bundesverfassungsgericht.de/SharedDocs/Downloads/EN/2025/01/rk20250124_2bvr110324en.pdf

Council of Europe, 2024. *Recommendation CM/Rec(2024)5 on equality for LGBTI persons*. Available at: <https://search.coe.int/cm?i=0900001680ac3af4>

Council of Europe, n.d. *Intersectionality and Multiple Discrimination*. Available at: <https://www.coe.int/en/web/gender-matters/intersectionality-and-multiple-discrimination>

European Union Agency for Fundamental Rights, 2017. *Mapping minimum age requirements concerning the rights of the child in the EU – Access to sex reassignment surgery*. Available at: <https://fra.europa.eu/en/publication/2017/mapping-minimum-age-requirements-concerning-rights-child-eu/access-sex-reassignment-surgery>

European Union Agency for Fundamental Rights, 2024. *EU LGBTIQ Survey III*. Available at: <https://fra.europa.eu/en/publications-and-resources/data-and-maps/2024/eu-lgbtiq-survey-iii>

European Union Agency for Fundamental Rights, 2024. *LGBTIQ at the Crossroads – Progress and Challenges*. Available at: <https://fra.europa.eu/en/publication/2024/lgbtiq-crossroads-progress-and-challenges>

Háttér Society, 2024. *Az LMBTQI témák magyarországi megítélése – 2024 november*. Available at: <https://hatter.hu/kiadvanyaink/az-lmbtqi-temak-magyarorszagi-megitelese-2024-november>

Háttér Society, 2025. *Magyarország kitűnően teljesít: történelmi mélyponton az LMBTQI jogok védelme hazánkban*. Available at: <https://hatter.hu/hirek/magyarorszag-kitunoen-teljesit-tortenelmi-melyponton-az-lmbtqi-jogok-vedelme-hazankban>

Hungarian Helsinki Committee, 2025. *Pride 2025*. Available at: <https://helsinki.hu/en/pride2025/>

ILGA-Europe, 2025. *Rainbow Map*. Available at: <https://rainbowmap.ilga-europe.org/>

OHCHR, n.d. *Human rights violations against intersex people*. Available at: www.ohchr.org/Documents/Issues/Discrimination/LGBT/BackgroundNoteHumanRights

OHCHR, n.d. *Struggle of trans and gender diverse persons*. Available at: https://www.ohchr.org/en/special-procedures/ie-sexual-orientation-and-gender-identity/struggle-trans-and-gender-diverse-persons#_ftn1

Telex, 2025. *Antifa trial begins in Budapest*. Available at: <https://telex.hu/belfold/2025/02/21/maja-t-hanna-s-antifasiszta-antifa-ugy-antifa-tamadasok-targyalas-elokeszito-ules-fovarosi-torvenyszek>

UNDP, 2022. *SDGs and Sexual and Gender Minorities*. Available at: https://www.undp.org/sites/g/files/zskgke326/files/publications/SDGs_SexualAndGenderMinorities.pdf

UN Women, n.d. *Glossary of Gender-related Terms*. Available at:

<https://trainingcentre.unwomen.org/mod/glossary/view.php?id=36&mode=letter&hook=G&sortke>

UN Women Watch, n.d. *Concepts and Definitions*. Available at:

<https://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>

Verfassungsblog, 2025. *A new chapter in the Hungarian government's crusade against LGBTQI+ people*. Available at: <https://verfassungsblog.de/a-new-chapter-in-the-hungarian-governments-crusade-against-lgbtqi-people/>

ANNEX: QUOTES FROM INTERVIEWS

"...there [in the prison] you lose your rights. You lose them all, I lost them too. There, rights do not exist. There, they cut them down to nothing. There, you are nothing." — former non-LGBTIQ detainee, [Hungary]

"Comments like 'damn faggots' and similar slurs came from the staff as well — and this happened regularly." — Interviewee [Hungary]

"Protection against staff members is very difficult to achieve; verbal abuse is a widespread and frequent aspect of daily life for individuals placed in correctional institutions." — former prison staff Interviewee [Hungary]

"We didn't allow ourselves to resort to physical [violence] ... but verbally yes. And it had to be verbal so that [...] he would leave that cell, because I wasn't allowed to request my case officer to say that we didn't want him there." — former non-LGBTIQ detainee, [Hungary]

"The guards impose harsher disciplinary

sanctions — both formally and informally — on persons with non-heterosexual orientations. [...] Among the guards, sanctions are not necessarily imposed because of the orientation itself, but when sexual orientation becomes a factor, the punishment tends to be more severe." — Interviewee [Hungary]

"...verbal abuse, especially in the case of transgender individuals, was a daily occurrence both from the staff [and] from other detainees." — Interviewee [Hungary]

"...the response was that if the person is listed as female on their ID, then they must be treated as a woman." — Interviewee [Hungary]

"You're basically standing there, from one moment to the next, in the middle of a treatment, and they don't even tell you what the super complicated procedure is, at the end of which [...] you get your medicine, they simply reject you [after months]." — professional Interviewee [Hungary]

