

# Income, troubles and legal family formats in Hungary

by Tamás Dombos<sup>1</sup>

*The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 2 – Income and troubles)

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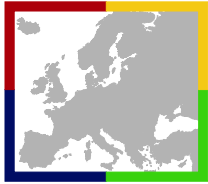


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# FamiliesAndSocieties

## Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

## The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

## Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu). There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

## About the questionnaire

The [full text of the questionnaire](#) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), [www.familiesandsocieties.eu](http://www.familiesandsocieties.eu).

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

## About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

### The six papers about Hungary

The answers concerning Hungary can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu)):

**Formalisation of legal family formats in Hungary  
by Eszter Polgari (Section 1)**

**Income, troubles and legal family formats in Hungary  
by Tamás Dombos (Section 2)**

**Parenting and legal family formats in Hungary  
by Eszter Polgari (Section 3)**

**Migration and legal family formats in Hungary  
by Tamás Dombos (Section 4)**

**Splitting up and legal family formats in Hungary  
by Eszter Polgari (Section 5)**

**Death and legal family formats in Hungary  
by Eszter Polgari (Section 6)**

So this paper is based on **Section 2 (Income and troubles)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

- 2.1 Lower income tax**
- 2.2 Social benefits**
- 2.3 Health insurance**
- 2.4 Care between partners**
- 2.5 Care for a parent**
- 2.6 Next of kin**
- 2.7 Domestic violence**
- 2.8 Criminal procedure**
- 2.9 General background regarding income and troubles**

In the following pages of this paper, first the answer to question 2.9 is presented, followed by the answers to questions 2.1 to 2.8.

**2.09 - General background regarding income and troubles  
(Open question)**

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, family support, etc.) that may be relevant for the understanding of your answers above regarding income and troubles, then please do so here.

Questions in this section cover areas of law that are fully covered by the general reference rule of the Registered Partnership Act. This method of codification proved to be very beneficial for securing the rights of same-sex couples, as any new benefits introduced for different-sex couples (and there have been quite a few introduced by the conservative government since 2010) also automatically apply to registered partners.

The recent change in the way the Criminal Code treats registered partners (they used to be named explicitly, now are included only via a reference to cohabiting partners) is worrisome, although the fact that all differences between spouses and cohabiting partners were abolished in the new Criminal Code meant that this "downgrading" did not lead to any loss of specific rights.

The status of cohabiting partners differs significantly in the various fields of law even within this section, lacking any consistent policy. The most contentious issue was access to family benefits: these issues were hotly debated already in 1999 with the introduction of the family tax benefit: opposition parties and professionals often criticized the government for making an unreasonable distinction between the children of cohabiting and married partners, but when they came to power in 2002 they also did not change the legislation (and then abolished this form of tax benefit altogether in 2006). When family tax benefit was reintroduced in 2011 the debates intensified, which was ended only by the decision of the Constitutional Court in 2014 that decided in favour of equalizing the status of spouses and cohabiting partners in this regard, disregarding the amendment to the Fundamental Law in 2014 favouring marriage based families that many expected would stop further extension of the rights of cohabiting partners. It has to be noted that the debate does not concern all families of cohabiting partners, but only cohabiting partners who raise children that not both of them are legal parents of.

Jurisdiction: **Hungary**

Source: **T. Dombos**, "Income, troubles and legal family formats in Hungary". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-HU-Section2.pdf](#) (please use this full citation when citing any information from this table).

Section: **2 - Income and Troubles**

Question: **2.01 - Lower income tax**

Can a relationship of this type result in lower income tax than for two individuals without a partner?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2011	2015 N/A 0000	2015 N/A 0000	2015 Yes 2015	2015 Yes, but 2015	2015 Yes, but 2015
No 2006			Yes 2011	No 0000	No 1996
Yes 1999			No 2009		No 0000
? 0000			N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b>                      Art. 29/C of Act No. CXVII of 1995 on personal income tax (1995. évi CXVII. törvény a személyi jövedelemadóról).</p> <p>Art. 29/A-29/B of Act No. CXVII of 1995 on personal income tax (1995. évi CXVII. törvény a személyi jövedelemadóról) read together with art. 7(a) of Act No. LXXXIV of 1998 on the support of families (1998. évi LXXXIV. törvény a családok támogatásáról).</p>		<p><b>References to legal sources:</b>                      Art. 3 of Act No. XXIX of 2009 on registered partnership and related legislation and on the amendment of other statutes to facilitate the proof of cohabitation (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról, az ezzel összefüggő, valamint az élettársi viszony igazolásának megkönnyítéséhez szükséges egyes törvények módosításáról).</p>		<p><b>References to legal sources:</b>                      Art. 29/B(1b) of of Act No. CXVII of 1995 on personal income tax (1995. évi CXVII. törvény a személyi jövedelemadóról) read together with art. 7(a) of Act No. LXXXIV of 1998 on the support of families (1998. évi LXXXIV. törvény a családok támogatásáról) as amended by Act No. LXXIV of 2014 on amendment of tax laws and related legislation (2014. évi LXXIV. törvény az egyes adótörvények és azokkal összefüggő más törvények, valamint a Nemzeti Adó- és Vámhivatalról szóló 2010. évi CXXII. törvény módosításáról).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      Income taxation in principle is based on individual income and a tax declaration has to be submitted individually, but some tax benefits apply:</p> <p>a) newly weds (in case at least one partner has not been married before) are entitled to reduce their taxable income by HUF 31,250 (EUR 100) EUR a month for 24 months following the wedding ("első házások kedvezménye"); (introduced 1 January 2015);</p> <p>b) parents raising children can reduce there taxable income by HUF 62,500 (EUR 200) if they are raising 1 or 2, or HUF 206,250 (EUR 658) if they are raising 3 or more children ("családi kedvezmény"); only one person can use this tax reduction for a child, but spouses (including the spouse of the parent who is not the legal parent of the child) can split the reduction of taxable income in case the income of the partner with higher income is lower than the available reduction. (introduced 1 January 2011).</p> <p>A family tax reduction based on the number of children similar to point b) was in place between 1991 and 1996 (see art. 34(2) of Act No. XC of 1991 on the income tax of private persons (1991. évi XC. törvény a magánszemélyek jövedelemadójáról) and between 1999 and 2006 (see then art. 40 of Act No. CXVII of 1995). It is not clear whether the splitting of the reduction between the spouses in case the income of the spouse with higher income is lower than the available reduction was possible.</p>		<p><b>Explanations and nuances:</b>                      The general reference rule of the Registered Partnership Act applies, all tax benefits afforded to spouses are afforded to registered partners as well.</p> <p>Letter e-284084 on 2 March 2015 of the National Tax and Customs Administration confirms this interpretation also with regards to the tax reduction for newly weds.</p>		<p><b>Explanations and nuances:</b>                      There are no tax reductions for couples not raising children.</p> <p>Before 1 January 2015 the cohabiting partner of a parent was not entitled to split tax reduction with the parent of the child, as opposed to the spouse/ registered partner of the parent. The legislation was changed in response to Constitutional Court decision no. 14/2014. (V. 13.) following a petition by the Commissioner for Fundamental Rights.</p>	

Jurisdiction: **Hungary**

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Section: **2 - Income and Troubles**

Question: **2.02 - Social benefits**

When one partner (long-term unemployed or even never having been employed at all) would be entitled to a basic social benefit, will the income of the other partner then be taken into consideration and will it possibly result in loss or reduction of this entitlement?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1993	2015 N/A 0000	2015 N/A 0000	2015 Yes 2009	2015 Yes 1993	2015 Yes 1996
? 0000			N/A 0000	? 0000	No 0000



Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b> Art. 4(1)(c) and 4(1)(da) of Act No. III of 1993 on social administration and social benefits (1993. évi III. törvény a szociális igazgatásról és szociális ellátásokról).</p>		<p><b>References to legal sources:</b> Art. 3 of Act No. XXIX of 2009 on registered partnership and related legislation and on the amendment of other statutes to facilitate the proof of cohabitation (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról, az ezzel összefüggő, valamint az élettársi viszony igazolásának megkönnyítéséhez szükséges egyes törvények módosításáról).</p>		<p><b>References to legal sources:</b> Art. 4(1)(c) and 4(1)(da) of Act No. III of 1993 on social administration and social benefits (1993. évi III. törvény a szociális igazgatásról és szociális ellátásokról).</p> <p>Constitutional Court Decision No. 14/1995 (13 March 1995).</p> <p>Art. 578/G of Act No. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act No. XXV of 1988 (in force between 1 January 1989 and 19 June 1996).</p>	
<p><b>Explanations and nuances:</b> The law sets a certain level of family income as prerequisite for being entitled to social benefits, family is defined in art. 4(1)(c) with reference to next of kins (közeli hozzátartozó), and definition of next of kins in art. (4)(1)(da) include spouses.</p> <p>Social benefits are administered in a decentralized manner, it primarily belongs to the local government's competence to set the eligibility criteria.</p>		<p><b>Explanations and nuances:</b> The general reference rule of the Registered Partnership Act applies.</p>		<p><b>Explanations and nuances:</b> Definition of next of kins (közeli hozzátartozó) in art. (4)(1)(da) include cohabiting partners.</p> <p>In 1995 the Constitutional Court found the provision of the 1959 Civil Code limiting the recognition of cohabitation to different-sex couples unconstitutional. To comply with the decision of the Constitutional Court the Civil Code was amended in 1996 to introduce a gender-neutral definition of cohabitation.</p>	

Jurisdiction: **Hungary**

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Section: **2 - Income and Troubles**

Question: **2.03 - Health insurance**

Is the amount of money that the two partners in this type of relationship would have to pay for (public or private) health insurance, normally smaller than what two individuals without a partner would have to pay?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 2007	2015 N/A 0000	2015 N/A 0000	2015 No 2009	2015 No 2007	2015 No 2007
Yes, but 1992			N/A 0000	Yes, but 1998	Yes, but 1998
N/A 1975				No 1992	No 0000
? 0000				? 0000	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b>                      Art. 16(1)(k) of Act No. LXXX of 1997 on persons entitled to social security insurance and to private pensions, and on financing such services (1997. évi LXXX. törvény a társadalombiztosítás ellátásaira és a magánnyugdíjra jogosultakról, valamint e szolgáltatások fedezetéről) as amended by Act No. CXXI of 2006 on amendments to laws in relation to the adoption of the 2007 budget for the Republic of Hungary (2006. évi CXXI. törvény a Magyar Köztársaság 2007. évi költségvetését megalapozó egyes törvények módosításáról).</p> <p>Art. 15(2)-(3) of Act No. II of 1975 on social security (1975. évi II. törvény a társadalombiztosításról) as amended by Act IX of 1992 amending Act II of 1975 on social security (1992. évi IX. törvény a társadalombiztosításról szóló 1975. évi II. törvény módosításáról és kiegészítéséről).</p>		<p><b>References to legal sources:</b></p>		<p><b>References to legal sources:</b>                      Art. 16(1)(k) of Act No. LXXX of 1997 on persons entitled to social security insurance and to private pensions, and on financing such services (1997. évi LXXX. törvény a társadalombiztosítás ellátásaira és a magánnyugdíjra jogosultakról, valamint e szolgáltatások fedezetéről) as amended by Act No. CXXI of 2006 on amendments to laws in relation to the adoption of the 2007 budget for the Republic of Hungary (2006. évi CXXI. törvény a Magyar Köztársaság 2007. évi költségvetését megalapozó egyes törvények módosításáról).</p> <p>Art. 15(3) of Act No. II of 1975 on social security (1975. évi II. törvény a társadalombiztosításról) as amended by Act No. IX of 1992 amending Act II of 1975 on social security (1992. évi IX. törvény a társadalombiztosításról szóló 1975. évi II. törvény módosításáról és kiegészítéséről).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      Compulsory public health insurance is paid for either by deduction of a certain percentage of an employed person's salary or a fixed monthly service fee for persons not employed (with several categories of persons exempted). Since 2007 spouses of insured persons are no longer exempted, they are obliged to pay the fixed service fee.</p> <p>Before 2007 spouses of insured persons with an income lower than 30% of the minimum wage were considered insured on their spouse's right. Between 1992 and 1998 spouses of insured persons with an income lower than the minimum wage were considered insured on their spouse's right. Since these options were limited to a certain category of spouses (those with low income, typically homemakers), thus the "Yes, but" category was marked.</p> <p>Between 1975 and 1992, health care was provided free of charge to every citizen, thus the question was not applicable.</p>		<p><b>Explanations and nuances:</b>                      The limited coverage for spouses was abolished before the introduction of registered partnership.</p>		<p><b>Explanations and nuances:</b>                      Between 1998 and 2007, cohabiting partners were treated equally to spouses, that is a cohabiting partner of an insured person was considered insured if his/her income was lower than 30% of the minimum income. Since these options were limited to a certain category of cohabiting partners (those with low income, typically homemakers), thus the "Yes, but" category was marked.</p> <p>Between 1992 and 1998, as opposed to spouses, cohabiting partners were not considered insured.</p> <p>Between 1975 and 1992, health care was provided free of charge to every citizen, thus the question was not applicable.</p>	

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Section: **2 - Income and Troubles**

Question: **2.04 - Care between partners**

In case one partner is in need of care, does the other partner then have a statutory right to paid or unpaid leave to give that care?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1993	2015 N/A 0000	2015 N/A 0000	2015 Yes 2009	2015 Yes 1993	2015 Yes 1996
Yes 1988			N/A 0000	Yes 1988	No 0000
No 0000				No 0000	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b> Art. 131 and art. 294(1)(b) of Act No. I of 2012 on the Labour Code (2012. évi I. törvény a munka törvénykönyvéről), was art. 139 of Act XXII of 1992 on the Labour Code (1992. évi XXII. törvény a Munka Törvénykönyvéről), was art. 56/A(1) and 56/A(3) of Ministerial Council Decree No. 48/1979 (XII. 1.) on implementing the Labour Code as amended by Ministerial Council Decree 87/1987 (XII. 30.) (48/1979. (XII. 1.) MT rendelet a Munka Törvénykönyve végrehajtásáról).</p> <p>Art. 41 and 4(1)(c) and 4(1)(da) of Act No. III of 1993 on social administration and social benefits (1993. évi III. törvény a szociális igazgatásról és szociális ellátásokról).</p>		<p><b>References to legal sources:</b> Art. 3 of Act No. XXIX of 2009 on registered partnership and related legislation and on the amendment of other statutes to facilitate the proof of cohabitation (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról, az ezzel összefüggő, valamint az élettársi viszony igazolásának megkönnyítéséhez szükséges egyes törvények módosításáról).</p>		<p><b>References to legal sources:</b> Art. 131 and art. 294(1)(b) of Act No. I of 2012 on the Labour Code (2012. évi I. törvény a munka törvénykönyvéről), was art. 139 of Act XXII of 1992 on the Labour Code (1992. évi XXII. törvény a Munka Törvénykönyvéről), was art. 56/A(1) and 56/A(3) of Ministerial Council Decree No. 48/1979 (XII. 1.) on implementing the Labour Code as amended by Ministerial Council Decree 87/1987 (XII. 30.) (48/1979. (XII. 1.) MT rendelet a Munka Törvénykönyve végrehajtásáról).</p> <p>Art. 41 and 4(1)(c) and 4(1)(da) of Act No. III of 1993 on social administration and social benefits (1993. évi III. törvény a szociális igazgatásról és szociális ellátásokról).</p> <p>Constitutional Court Decision No. 14/1995 (13 March 1995).</p> <p>Art. 578/G of Act No. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act No. XXV of 1988 (in force between 1 January 1989 and 19 June 1996).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            Employees are currently entitled to 24 months of unpaid leave to take care of their relatives (hózzátartozó). The definition of relative includes spouses.</p> <p>A similar entitlement was introduced in 1988 for next of kins (közeli hózzátartozó) that explicitly included spouses. The original provision was in force until 1992, and guaranteed 12 months of unpaid leave.</p> <p>Persons taking long term care of their relative in need are entitled to care benefit (ápolási díj), relatives include spouses.</p>		<p><b>Explanations and nuances:</b>            The general reference rule of the Registered Partnership Act applies.</p>		<p><b>Explanations and nuances:</b>            The definition of relatives (hózzátartozó) in the Labour Code also includes cohabiting partners, so employees are entitled to 24 months of unpaid leave to take care of their cohabiting partners.</p> <p>Between 1988 and 1992 the entitlement was granted to next of kins (közeli hózzátartozó), but the legislation explicitly included cohabiting partners in its definition of next of kin.</p> <p>Definition of relatives (hózzátartozó) in the Social Benefits Act also include cohabiting partners, so a person is entitled to care benefit (ápolási díj) to take long term care of his/her cohabiting partner.</p> <p>In 1995 the Constitutional Court found the provision of the 1959 Civil Code limiting the recognition of cohabitation to different-sex couples unconstitutional. To comply with the decision of the Constitutional Court the Civil Code was amended in 1996 to introduce a gender-neutral definition of cohabitation.</p>	

Jurisdiction: **Hungary**

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Section: **2 - Income and Troubles**

Question: **2.05 - Care for a parent**

In case the parent of one partner is in need of care, does the other partner then have a statutory right to paid or unpaid leave to give that care?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1992	2015 N/A 0000	2015 N/A 0000	2015 Yes 2009	2015 No 1978	2015 No 1996
No 0000			N/A 0000	No 0000	No 0000
<b>References to legal sources:</b> See question 2.04.		<b>References to legal sources:</b> Art. 3 of Act No. XXIX of 2009 on registered partnership and related legislation and on the amendment of other statutes to facilitate the proof of cohabitation (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatáról, az ezzel összefüggő, valamint az élettársi viszony igazolásának megkönnyítéséhez szükséges egyes törvények módosításáról).		<b>References to legal sources:</b> See question 2.04.	



Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            Since 1992, the law applies to relatives (hózzátartozó) that include direct-line relatives of spouses, for further details see question 2.04.</p> <p>Between 1988 and 1992, the entitlement was limited to next of kins (közeli hózzátartozó) that did not include the parent of a spouse.</p>		<p><b>Explanations and nuances:</b>            The general reference rule of the Registered Partnership Act applies.</p>		<p><b>Explanations and nuances:</b>            Relatives (hózzátartozó) do not include direct-line relatives of cohabiting partners.</p>	

Jurisdiction: **Hungary**

Source: **T. Dombos**, "Income, troubles and legal family formats in Hungary". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-HU-Section2.pdf](#) (please use this full citation when citing any information from this table).

Section: **2 - Income and Troubles**

Question: **2.06 - Next of kin**

In case of accident or illness of one partner, is the other partner considered as next of kin for medical purposes (even without power of attorney)?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1998	2015 N/A 0000	2015 N/A 0000	2015 Yes 2009	2015 Yes 1998	2015 Yes 1998
Doubt 0000			N/A 0000	Doubt 1978	Doubt 1996
				No 0000	No 0000

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b>                      Art. 3(r) of Act No. CLIV of 1997 on health care (1997. évi CLIV. törvény az egészségügyről), was Act No. II of 1972 on health care (1972. évi II. törvény az egészségügyről).</p>		<p><b>References to legal sources:</b>                      Art. 3 of Act No. XXIX of 2009 on registered partnership and related legislation and on the amendment of other statutes to facilitate the proof of cohabitation (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatáról, az ezzel összefüggő, valamint az élettársi viszony igazolásának megkönnyítéséhez szükséges egyes törvények módosításáról).</p>		<p><b>References to legal sources:</b>                      Art. 3(r) of Act No. CLIV of 1997 on health care (1997. évi CLIV. törvény az egészségügyről), was Act No. II of 1972 on health care (1972. évi II. törvény az egészségügyről).</p> <p>Constitutional Court Decision No. 14/1995 (13 March 1995).</p> <p>Art. 578/G of Act No. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act No. XXV of 1988 (in force between 1 January 1989 and 19 June 1996).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      The Health Care Act of 1997 clearly states that spouses are next of kin (közeli hozzátartozó).</p> <p>The legislation in force before used the term relative (hozzátartozó) in several of its provisions, but did not define it. The general definition in the Civil Code, however, did include spouses as relatives and it might have been used to interpret the notion.</p>		<p><b>Explanations and nuances:</b>                      The general reference rule of the Registered Partnership Act applies.</p>		<p><b>Explanations and nuances:</b>                      The Health Care Act of 1997 clearly states that cohabitants are next of kin (közeli hozzátartozó).</p> <p>The legislation in force before used the term relative (hozzátartozó) in several of its provisions, but did not define it. The general definition in the Civil Code, however, did include cohabiting partners as relatives and it might have been used to interpret the notion.</p> <p>In 1995 the Constitutional Court found the provision of the 1959 Civil Code limiting the recognition of cohabitation to different-sex couples unconstitutional. To comply with the decision of the Constitutional Court the Civil Code was amended in 1996 to introduce a gender-neutral definition of cohabitation.</p>	

Jurisdiction: **Hungary**

Source: T. Dombos, "Income, troubles and legal family formats in Hungary". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-HU-Section2.pdf](#) (please use this full citation when citing any information from this table).

Section: **2 - Income and Troubles**

Question: **2.07 - Domestic violence**

When one partner uses violence against the other partner, does specific statutory protection apply?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2009	2015 N/A 0000	2015 N/A 0000	2015 Yes 2013	2015 Yes 2014	2015 Yes 2014
Yes, but 2007			Yes 2009	Yes, but 2007	Yes, but 2007
No, but 2006			N/A 0000	No, but 2006	No, but 2006
No 0000				No 0000	No 0000

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b>                      Art. 212/A of Act No. C of 2012 on the Criminal Code (2012. évi C. törvény a Büntető Törvénykönyvről) as amended by Act No. LXXVIII of 2013 on the amendment of certain criminal laws (2013. évi LXXVIII. törvény egyes büntető tárgyú törvények módosításáról).</p> <p>Act No. LXXII of 2009 on restraining orders due to violence among relatives (2009. évi LXXII. törvény a hozzátartozók közötti erőszak miatt alkalmazható távoltartásról).</p> <p>Art 22. of Act No. C of 2012 on the Criminal Code (2012. évi C. törvény a Büntető Törvénykönyvről) was art. 176/A. of Act No. IV of 1978 on the Criminal Code (1978. évi IV. törvény a Büntető Törvénykönyvről) as amended by Act No. CLXII of 2007 on the amendment of certain criminal laws (2007. évi CLXII. törvény az egyes büntetőjogi tárgyú törvények módosításáról).</p> <p>Art. 138/A. of Act No. XIX of 1998 (1998. évi XIX. törvény a büntetőeljárásról) as amended by Act No. LI of 2006 amending Act No. XIX of 1998 on the criminal procedure (2006. évi LI. törvény a büntetőeljárásról szóló 1998. évi XIX. törvény módosításáról).</p>		<p><b>References to legal sources:</b>                      Art. 459(2) of Act No. C of 2012 on the Criminal Code (2012. évi C. törvény a Büntető Törvénykönyvről).</p> <p>Art. 1(5) of Act No. LXXII of 2009 on restraining orders due to violence among relatives (2009. évi LXXII. törvény a hozzátartozók közötti erőszak miatt alkalmazható távoltartásról).</p>		<p><b>References to legal sources:</b>                      Art. 1(5) of Act No. LXXII of 2009 on restraining orders due to violence among relatives (2009. évi LXXII. törvény a hozzátartozók közötti erőszak miatt alkalmazható távoltartásról) as amended by Act No. CCLII of 2013 on amending certain laws in relation to the entry into force of the new Civil Code (2013. évi CCLII. törvény egyes törvényeknek az új Polgári Törvénykönyv hatálybalépésével összefüggő módosításáról).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b> Relationship violence is a specific crime in the Criminal Code since 2013 (Art. 212/A), its definition includes reference to relatives (including spouses) and ex-spouses.</p> <p>The prohibited acts currently are the following: - degrading violent conduct that seriously harms the other's human dignity, - misappropriation or concealment of any asset from conjugal or common property, and thus causing serious deprivation, - causing bodily harm, - violation of personal freedom.</p> <p>The acts need to be committed on a 'regular basis' (rendszeresen) in order to fall within the scope of the provision, thus it is questionable whether one-time violence would qualify as domestic violence under this provision. The milder acts (i.e. the first two) may not be prosecuted ex officio, the motion of the victim is required (who many times is under the full control of the perpetrator).</p> <p>Since 2009, a special law on restraining orders is in place, that makes it possible for the police to issue temporary preventive restraining orders (ideiglenes megelőző távoltartás) and for courts to issue preventive restraining orders (megelőző távoltartás) in cases of "violence among relatives". Relatives are defined to include next of kins as defined by the Civil Code (including spouses) as well as ex-spouses. The difference between preventive and regular restraining orders (see below) is that for the latter a criminal proceeding already has to be in place.</p> <p>Stalking as a specific crime was included in the Criminal Code in 2007 with heightened sanctions if the perpetrator is the spouse or ex-spouse of the victim. This however, only applies to a small segment of domestic violence cases, hence the "Yes, but" answer.</p> <p>Since 2006 courts can issue restraining orders as coercive measure (kényszerintézkedés) during criminal proceedings, however, these provisions do not make any reference to partners or any other categories or persons. Restraining orders are very relevant for domestic violence, but the provisions are not partnership specific, hence the "No, but" answer.</p>		<p><b>Explanations and nuances:</b> The Criminal Code and the Restraining Orders Act were among the few laws that were amended to specifically include registered partnership. Between 2009 and 2013, the Criminal Code contained references to registered partners wherever spouses were mentioned. With the adoption of the new Criminal Code that entered into force in 2013, the law states that all the rules that apply to cohabiting partners apply to registered partners, meanwhile doing away with all differences between spouses and cohabiting partners (see section on cohabitation).</p>		<p><b>Explanations and nuances:</b> Currently, all the rules that apply to spouses (definition of relationship violence and stalking, rules on restraining orders) apply to cohabiting partner just as they apply to spouses.</p> <p>However, when the law on restraining orders was introduced in 2009, ex cohabiting partners were not included in the definition of relatives (cohabiting partners and ex spouses were). Thus if the perpetrator used to be the cohabiting partner of the victim, restraining orders could not be issued. However, if they used to be married, it could be. This was changed in 2014 with the official justification that the legal practice shows that it is ex cohabiting partners who express such violent behaviour most often.</p>	

Jurisdiction: **Hungary**

Source: **T. Dombos**, "Income, troubles and legal family formats in Hungary". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-HU-Section2.pdf](#) (please use this full citation when citing any information from this table).

Section: **2 - Income and Troubles**

Question: **2.08 - Criminal procedure**

In case of a criminal prosecution against one partner, can the other partner then refuse to testify against the partner who is being prosecuted?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 N/A 0000	2015 Yes 2009	2015 Yes 1978	2015 Yes 1996
			N/A 0000	Doubt 0000	No 0000



Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b>                      Art. 82(1) and 601(3) of Act No. XIX of 1998 (1998. évi XIX. törvény a büntetőeljárásról) read together with art. 459(1)(14) of Act No. C of 2012 on the Criminal Code (2012. évi C. törvény a Büntető Törvénykönyvről), was art. 137(6) of the Act No. IV of 1978 on the Criminal Code (1978. évi IV. törvény a Büntető Törvénykönyvről), was art. 66(1)(a) of Act No. I. of 1973 on the criminal procedure (1973. évi I. törvény a büntetőeljárásról) read together with art. 114 of Act No. V of 1961 on the Criminal Code of the People's Republic of Hungary (1961. évi V. törvény a Magyar Népköztársaság Büntető Törvénykönyvéről).</p>		<p><b>References to legal sources:</b>                      Art. 82(1) and 601(3) of Act No. XIX of 1998 (1998. évi XIX. törvény a büntetőeljárásról) read together with art. 459(1)(14) and art. 459(2) of Act No. C of 2012 on the Criminal Code (2012. évi C. törvény a Büntető Törvénykönyvről).</p>		<p><b>References to legal sources:</b>                      Art. 82(1) and 601(3) of Act No. XIX of 1998 (1998. évi XIX. törvény a büntetőeljárásról) read together with art. 459(1)(14) of Act No. C of 2012 on the Criminal Code (2012. évi C. törvény a Büntető Törvénykönyvről) was art. 137(6) of the Act No. IV of 1978 on the Criminal Code (1978. évi IV. törvény a Büntető Törvénykönyvről), was art. 66(1)(a) of Act No. I of 1973 on the criminal procedure (1973. évi I. törvény a büntetőeljárásról) read together with art. 114 of Act No. V of 1961 on the Criminal Code of the People's Republic of Hungary (1961. évi V. törvény a Magyar Népköztársaság Büntető Törvénykönyvéről).</p> <p>Constitutional Court Decision No. 14/1995 (13 March 1995).</p> <p>Art. 578/G of Act No. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act No. XXV of 1988 (in force between 1 January 1989 and 19 June 1996).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            Relatives (hózzátartozó) can refuse to testify against their relatives. The definition of relative refers back to the Criminal Code that lists spouses as relatives.</p>		<p><b>Explanations and nuances:</b>            The Criminal Procedure Act refers back to the Criminal Code for the definition of relatives who can refuse to testify against their relatives. As mentioned in question 2.07 the Criminal Code is one of the few laws that was amended to specifically include registered partnership.</p>		<p><b>Explanations and nuances:</b>            The Criminal Code definition of relative also includes cohabiting partners, thus they can also refuse to testify against their partners.</p> <p>In 1995 the Constitutional Court found the provision of the 1959 Civil Code limiting the recognition of cohabitation to different-sex couples unconstitutional. To comply with the decision of the Constitutional Court the Civil Code was amended in 1996 to introduce a gender-neutral definition of cohabitation.</p>	