

## Death and legal family formats in Hungary

by Eszter Polgari <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 6 – Death)

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# FamiliesAndSocieties

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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](http://www.LawsAndFamilies.eu) is based on the [LawsAndFamilies questionnaire](http://www.LawsAndFamilies.eu), 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](http://www.LawsAndFamilies.eu), 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](http://www.LawsAndFamilies.eu) 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](http://www.LawsAndFamilies.eu) 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](http://www.LawsAndFamilies.eu).

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 6 (Death)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

**6.1 Tenancy continuation**

**6.2 Property at death**

**6.3 Inheritance**

**6.4 Inheritance tax**

**6.5 Survivor’s pension**

**6.6 Wrongful death**

**6.7 General background regarding death**

In the following pages of this paper, first the answer to question 6.7 is presented, followed by the answers to questions 6.1 to 6.6.

**6.07 - General background regarding death (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, etc.) that may be relevant for the understanding your answers above regarding death, then please do so here.

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Jurisdiction: **Hungary**

Source: **E. Polgari**, "Death 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-Section6.pdf](#) (please use this full citation when citing any information from this table).

Section: **6 - Death**

Question: **6.01 - Tenancy continuation**

When the partner who holds the rental contract dies, does the other partner then have a right to continue to rent the home?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No, but 1994	2015 N/A 0000	2015 N/A 0000	2015 No, but 2009	2015 No, but 1994	2015 No, but 1996
Yes 1960			N/A 0000	Yes 1978	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. 32 of Act no. LXXVIII of 1993 on Rules concerning the Rent and Sale of Flats and Premises (1993. évi LXXVIII. törvény a lakások és helyiségek bérletére, valamint az elidegenítésükre vonatkozó egyes szabályokról) (in force since 1 January 1994).</p> <p>Art. 444 (Art. 445 before 1 March 1978) of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) (provision in force between 1 May 1960 and 31 December 1993).</p>		<p><b>References to legal sources:</b> Art. 3 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról) (in force since 1 July 2009).</p> <p>Art. 32 of Act no. LXXVIII of 1993 on the Rules concerning the Rent and Sale of Flats and Premises (1993. évi LXXVIII. törvény a lakások és helyiségek bérletére, valamint az elidegenítésükre vonatkozó egyes szabályokról) (in force since 1 January 1994).</p>		<p><b>References to legal sources:</b> Art. 32 of Act no. LXXVIII of 1993 on Rules concerning the Rent and Sale of Flats and Premises (1993. évi LXXVIII. törvény a lakások és helyiségek bérletére, valamint az elidegenítésükre vonatkozó egyes szabályokról) (in force since 1 January 1994).</p> <p>Art. 444 of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) (provision in force between 1 May 1960 and 31 December 1993; was art. 445 before 1 March 1978).</p> <p>Art. 685 of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act no. IV of 1977 (in force between 1 March 1978 and 14 March 2014).</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>            If the person holding a rental contract dies - unless agreed otherwise with the lessor - the tenant's spouse can continue before everyone else the rental contract of an apartment owned by a municipality provided that he/she lived in the apartment. The rental contract may also be continued by the person who had a contractual duty to care for the tenant in return for the right to continue to rent. Since the number of municipality owned apartments is low in comparison with privately rented ones, the provision only affects a small number of tenants.</p> <p>Prior to the entry into force of the specific legislation in 1994, the Civil Code contained the relevant rules: the rental contract could be continued by the tenant's child/grandchild, other close relative, or the person who had lived together with the tenant and contractually committed him/herself to care for the tenant in return for the right to continue to rent. The spouse was considered to be close relative, thus after the descendants, the spouse was entitled to step into contract.</p>		<p><b>Explanations and nuances:</b>            Art. 3 of the Act on Registered Partnership mandates the application of rules on marriage and spouses on registered partnership and registered partners unless provided differently in the Act. Succession in tenancy is not among the explicitly listed exceptions, thus the rules on surviving spouses duly apply for surviving registered partners as well. The provision currently in force allows the registered partner to continue tenancy before everyone else. Since the number of municipality owned apartments is low in comparison with privately rented ones, the provision only affects a small number of tenants.</p>		<p><b>Explanations and nuances:</b>            'No, but': the domestic partner is not listed among those who may continue the rental contract ex lege. However, based on a prior agreement with the lessor, if the cohabiting partner had a contractual duty to care for the tenant in return for the right to continue the rent, s/he can continue the rent.</p> <p>Prior to 1994, the Civil Code entitled close relatives - after the descendants - to continue the rental contract. Close relatives specifically included cohabiting partners in the application of this specific article.</p>	

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Death 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-Section6.pdf](#) (please use this full citation when citing any information from this table).

Section: **6 - Death**

Question: **6.02 - Property at death**

When one partner dies, do statutory rules consider as joint property any possessions acquired by either of them after they started this type of relationship? (In other words: would the surviving partner be deemed to own 50% of these possessions, while the other 50% are subject to relevant rules of inheritance law?)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2014	2015 N/A 0000	2015 N/A 0000	2015 Yes 2014	2015 No 2014	2015 No 2014
Yes 1953			Yes 2009	Yes 1996	Yes 1996
			N/A 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. 4:37 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 27 of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p>		<p><b>References to legal sources:</b> Art. 3 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról) (in force since 1 July 2009).</p> <p>Art. 4:37 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Two (Marriage) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 27 of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p>		<p><b>References to legal sources:</b> Art. 6:516 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Three (Certain Contracts) of Book Six (Contracts) (in force since 15 March 2014).</p> <p>Article 578/G of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act no. XLII of 1996 (in force between 19 June 1996 and 14 March 2014).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      According to the 2013 Civil Code unless otherwise provided in marital agreement, community of property exists between the spouses during their marriage. If the spouses lived in domestic partnership before getting married and fail to conclude a contract, the statutory property regime, i.e. marital community of property, comes into effect retrospectively dating to the establishment of cohabitation.</p> <p>Spouses share the joint property equally, i.e. if one of them dies, half of the joint property remains with the surviving partner and only the other half of it becomes subject of inheritance.</p> <p>The 1952 Family Code also considered property acquired during the matrimonial community as joint property; the possibility of marital agreement only opened in 1987.</p>		<p><b>Explanations and nuances:</b>                      The Act on Registered Partnership contains a general reference rule in Art. 3 mandating the application of legal norms on marriage and married couples on registered partners as well - with the exception of cases specified in the law. Rules on the relevant property regime, i.e. marital community of property, duly apply and there is no difference in this regard between marriage and registered partnership.</p>		<p><b>Explanations and nuances:</b>                      In the 2013 Civil Code the general rule - followed previously as well - is that domestic partnership does not lead to community of property. Unless agreed otherwise in a partnership contract, domestic partners are considered independent in their property acquisitions during their cohabitation. They may acquire property jointly during their cohabitation and if the cohabitation is terminated, they can request the division of such property. The 1959 Civil Code after the 1996 amendment also contained rules on the property of cohabiting partners: cohabiting partners acquired joint title to property in proportion to their contribution for acquisition while cohabiting. If the ratio of contribution could not be determined, it was considered equal. Work done in the household was construed as contributing to acquisition.</p>	

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Section: **6 - Death**

Question: **6.03 - Inheritance**

When one partner dies without testament, is the other partner then an inheritor?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2014	2015 N/A 0000	2015 N/A 0000	2015 Yes 2014	2015 No 2014	2015 No 2014
Yes, but 1960			Yes, but 2009	No 0000	No 0000
			N/A 0000		
<p><b>References to legal sources:</b> Art. 7:58-7:62 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Three (Intestate Succession) of Book Seven (Succession) (in force since 15 March 2014).</p> <p>Art. 607 of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) (in force between 1 May 1960 and 14 March 2014).</p>		<p><b>References to legal sources:</b> Art. 3 of Act no. XXIX of 2009 on the Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatáról) (in force since 1 July 2009).</p> <p>Art. 7:58-7:62 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Three (Intestate Succession) of Book Seven (Succession) (in force since 15 March 2014).</p> <p>Art. 607 of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) (in force between 1 May 1960 and 14 March 2014).</p>		<p><b>References to legal sources:</b></p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      The 2013 Civil Code re-codified the rules of intestate succession and strengthened the spouse's position in comparison with other heirs. The deceased's spouse is entitled to a) life estate (the right to personal and economic use of the property until death) on the family dwelling used together with the deceased spouse, and b) one share of a child from the remainder of the estate. The spouse may at any time request compensation for waiving his/her life estate. The law sets the value of the life estate at one child share in kind or in money of the estate. The life estate ceases if the partner enters into a new marriage or registered partnership.</p> <p>If there is no descendant or if the descendent is excluded from succession, the testator's spouse shall inherit the family dwelling used together with the deceased.</p> <p>If there is no descendant or parent, or if they are excluded from succession, the surviving spouse is the sole inheritor.</p> <p>'Yes, but': previously - on the basis of the 1959 Civil Code - the spouse only inherited from his/her deceased partner if there were no descendants. Children were to be considered as the primary legal heirs. The spouse received life estate on all property not inherited by him/her; he/she was entitled to that until re-marrying.</p> <p>The justification for the change in 2013 was to bring the law in line with the social reality and provide solutions for problems signalled by professionals (notaries and judges). The socio-economic changes resulted in a growing number of families where the interest of the children from the previous marriage collided with the later spouse of the deceased. Instead of only providing life estate for the surviving spouse, the Civil Code lists him/her among the heirs.</p>		<p><b>Explanations and nuances:</b>                      By virtue of the general reference rule in art. 3 of the Registered Partnership Act, there is no difference between marriage and registered partnership in the application of the inheritance rules. The 2013 Civil Code re-codified the rules of intestate succession and strengthened the registered partner's position in comparison with other heirs. The deceased's spouse is entitled to a) life estate (the right to personal and economic use of the property until death) on the family dwelling used together with the deceased registered partner, and b) one share of a child from the remainder of the estate. The registered partner may at any time request compensation for waiving his/her life estate. The law sets the value of the life estate at one child share in kind or in money of the estate. The life estate ceases if the partner enters into a new registered partnership or marriage.</p> <p>If there is no descendant or if the descendant is excluded from succession, the testator's registered partner shall inherit the family dwelling used together with the deceased. The life estate ceases if the partner enters again into a registered partnership.</p> <p>If there is no descendant or parent, or if they are excluded from succession, the surviving registered partner is the sole inheritor.</p> <p>'Yes, but': previously - between 2009 and 2014 on the basis of the 1959 Civil Code - the registered partner only inherited after his/her deceased partner if there were no descendants. Children were to be considered as the primary legal heirs. The registered partner received life estate on all property not inherited by him/her; he/she was entitled to that until entering into a registered partnership again.</p> <p>The legal changes concerning inheritance by spouses - without explicit reference - also strengthened the positions of the surviving registered partner, since there is no difference between them and spouses in matters relating to inheritance.</p> <p>While the 1959 Civil Code explicitly referred to registered partners in the book on inheritance, the current Code makes no mention of them. However, due to the general reference rule in the Act on Registered Partnership, the positive changes accordingly apply to registered partners as well.</p>		<p><b>Explanations and nuances:</b>                      Domestic partners cannot benefit from intestate succession.</p>	

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Section: **6 - Death**

Question: **6.04 - Inheritance tax**

Is the surviving partner exempted from paying inheritance tax (or required to pay less than a mere friend would have to pay)?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2013	2015 N/A 0000	2015 N/A 0000	2015 Yes 2013	2015 No 0000	2015 No 0000
No 0000			No 2009		
			N/A 0000		
<p><b>References to legal sources:</b> Art. 16(1)(i) of Act no. XCIII of 1990 on Public Service Fees (1990. évi XCIII. törvény az illetékekről) as amended by Act no. CLXXVIII of 2012 (provision in force since 1 January 2012).</p>		<p><b>References to legal sources:</b> Art. 3 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról) (in force since 1 July 2009).  Art. 16(1)(i) of Act no. XCIII of 1990 on Public Service Fees (1990. évi XCIII. törvény az illetékekről) as amended by Act no. CLXXVIII of 2012 (provision in force since 1 January 2012).</p>		<p><b>References to legal sources:</b> Art. 12 of Act no. XCIII of 1990 on Public Service Fees (1990. évi XCIII. törvény az illetékekről) as amended by Act no. CLXXVIII of 2012 (provision in force since 1 January 2012).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      The Public Service Fees Act abolished the inheritance tax of surviving spouses in 2013 and similarly to descendants, spouses are thus exempted from paying this tax.</p>		<p><b>Explanations and nuances:</b>                      The general reference rule in art. 3 of the Registered Partnership Act mandates the application of the provisions on marriage to registered partnership: the inheritance tax regime is not an exception to this rule.</p>		<p><b>Explanations and nuances:</b>                      Domestic partners may only inherit from their deceased partner by testament. In such cases the general tax regime applies: no exception is made for domestic partners.</p>	

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Section: **6 - Death**

Question: **6.05 - Survivor's pension**

When one partner dies while being employed, is the surviving partner then normally entitled to a survivor's pension?

(For example on the basis of statutory law, and/or on the basis of a collective labour agreement or arrangements of the employer.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1997	2015 N/A 0000	2015 N/A 0000	2015 Yes 2009	2015 Yes, but 1997	2015 Yes, but 1997
Yes 1975			N/A 0000	Yes, but 1975	Yes, but 1996
? 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. 45 of Act no. LXXXI of 1997 on Social Security Pensions (1997. évi LXXXI. törvény a társadalombiztosítási nyugellátásról) (in force since 1 January 1998).</p> <p>Art. 58 of Act no. II of 1975 on Social Security (1975. évi II. törvény a társadalombiztosításról) (in force between 1 July 1975 and 31 December 1997).</p>		<p><b>References to legal sources:</b> Art. 3 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról) (in force since 1 July 2009).</p> <p>Art. 45 of Act no. LXXXI of 1997 on Social Security Pensions (1997. évi LXXXI. törvény a társadalombiztosítási nyugellátásról) (in force since 1 January 1998).</p> <p>Art. 58 of Act no. II of 1975 on Social Security (1975. évi II. törvény a társadalombiztosításról) (in force between 1 July 1975 and 31 December 1997).</p>		<p><b>References to legal sources:</b> Art. 45 of Act no. LXXXI of 1997 on Social Security Pensions (1997. évi LXXXI. törvény a társadalombiztosítási nyugellátásról) (in force since 1 January 1998).</p> <p>Art. 58 of Act no. II of 1975 on Social Security (1975. évi II. törvény a társadalombiztosításról) (in force between 1 July 1975 and 31 December 1997).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      The spouse is entitled to a survivor's pension if the deceased partner already received pension or met the statutory minimum criteria: every age group is coupled with a minimum number of years in service. The survivor's pension may be temporary or permanent. If the spouse lived separate and apart from the deceased, he/she can only claim a survivor's pension if he/she otherwise had been receiving maintenance from the deceased.</p>		<p><b>Explanations and nuances:</b>                      According to art. 3 of the Act on Registered Partnership the rules on marriage, spouses, widows, etc. unless the Act provides so, duly apply to registered partners. Survivor's pension is not an exception to the general reference rule.</p> <p>The registered partner is entitled to a survivor's pension if the deceased partner already received pension or met the statutory minimum criteria: every age group is coupled with a minimum number of years in service. The survivor's pension may be temporary or permanent. If the registered partner lived separate and apart from the deceased, he/she can only claim a survivor's pension if he/she otherwise had been receiving maintenance from the deceased.</p>		<p><b>Explanations and nuances:</b>                      According to the 1997 Act on Pensions the domestic partner is entitled to a survivor's pension if they a) lived together prior to the death for at least one year and a child was born in the relationship, or b) they lived together as domestic partners for at least ten years.</p> <p>Since same-sex domestic partners cannot have a common child, they are only entitled to survivor's pension after ten years of cohabitation.</p> <p>The domestic partner loses the entitlement if during the cohabitation or at least for a part of the duration he/she received survivor's pension because of someone else's death.</p> <p>The 1975 Act on Social Security provided survivor's pension for (different sex) domestic partners even before the Civil Code recognised this type of relationship. The conditions of entitlement for survivor's pension were not specified in the Act.</p>	

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Death 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-Section6.pdf](#) (please use this full citation when citing any information from this table).

Section: **6 - Death**

Question: **6.06 - Wrongful death**

In case of wrongful death of one partner, is the other partner then entitled to compensation from the wrongdoer?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2014	2015 N/A 0000	2015 N/A 0000	2015 Yes 2014	2015 Yes 2014	2015 Yes 2014
Yes 1992			Yes 2009	Yes 1992	Yes 1996
Yes, but 1978			N/A 0000	Yes, but 1978	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. 2:43 and 2:52 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Three (Personality Rights) of Book Two (Man as a Subject at Law) (in force since 14 March 2014).</p> <p>Art. 84(e) and 354-355 of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act no. IV of 1977 (in force between 1 March 1978 and 14 March 2014).</p> <p>Constitutional Court Decision no. 34/1992 (VI. 1.).</p> <p>Supreme Court Directive no. 21 (1989).</p> <p>Supreme Court Directive no. 16 (1981, overruled in 1989).</p>		<p><b>References to legal sources:</b>                      Art. 2:43 and 2:52 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Three (Personality Rights) of Book Two (Man as a Subject at Law) (in force since 14 March 2014).</p> <p>Art. 84(e) and 354-355 of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act no. IV of 1977 (in force between 1 March 1978 and 14 March 2014).</p> <p>Constitutional Court Decision no. 34/1992 (VI. 1.).</p> <p>Supreme Court Directive no. 21 (1989).</p> <p>Supreme Court Directive no. 16 (1981, overruled in 1989).</p>		<p><b>References to legal sources:</b>                      Art. 2:43 and 2:52 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Three (Personality Rights) of Book Two (Man as a Subject at Law) (in force since 14 March 2014).</p> <p>Art. 84(e) and 354-355 of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act no. IV of 1977 (in force between 1 March 1978 and 14 March 2014).</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>Constitutional Court Decision no. 34/1992 (VI. 1.).</p> <p>Supreme Court Directive no. 21 (1989).</p> <p>Supreme Court Directive no. 16 (1981, overruled in 1989).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      Both the Civil Codes of 1959 (since 1978) and 2013 name among the personality rights the violation of private life. There has never been an explicit provision, the judicial practice interpreted this right as encompassing harm caused by the loss of a close relative (parent, child, partner, etc.). Also, both Civil Codes recognise the possibility of claiming non-pecuniary damages and the case-law and the directives of the Supreme Court accept the standing of those who are affected by the loss (i.e. spouses) since 1989.</p> <p>"Yes, but": the Constitutional Court in 1992 quashed the provision which required that the injured party had to become incapable to take part in social life or hindered to a large extent to pursue his/her life. Prior to the decision of the Constitutional Court these two conditions had to be met when entitlement to compensation was assessed.</p>		<p><b>Explanations and nuances:</b>                      Both the Civil Codes of 1959 (since 1978) and 2013 name among the personality rights the violation of private life. There has never been an explicit provision, the judicial practice interpreted this right as encompassing harm caused by the loss of a close relative (parent, child, partner, etc.). Also, both Civil Codes recognise the possibility of claiming non-pecuniary damages and the case-law and the directives of the Supreme Court accept the standing of those who are affected by the loss (i.e. registered partners) since 1989, which since 2009 also applies to registered partners.</p>		<p><b>Explanations and nuances:</b>                      Both the Civil Codes of 1959 (since 1978) and 2013 name among the personality rights the violation of private life. There has never been an explicit provision, the judicial practice interpreted this right as encompassing harm caused by the loss of a close relative (parent, child, partner, etc.). Also, both Civil Codes recognise the possibility of claiming non-pecuniary damages and the case-law and the directives of the Supreme Court accept the standing of those who are affected by the loss (i.e. cohabiting partners) since 1989.</p> <p>"Yes, but": the Constitutional Court in 1992 quashed the provision which required that the injured party had to become incapable to take part in social life or hindered to a large extent to pursue his/her life. Prior to the decision of the Constitutional Court these two conditions had to be met when entitlement to compensation was assessed.</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>	