



NEWS REPORT

Date:	17 June 2010
Expert:	Kádár, András
Title:	Registered partnership of same-sex couples held constitutional
Country:	Hungary
Context	
Issue at stake:	The Hungarian Constitutional Court found the act on registered partnership of same-sex couples to be constitutional
Ground of discrimination:	sexual orientation
Source:	legislation
Field:	other (family life)
Legislative provisions:	Act XXIX of 2009 on registered partnership, Article 70/A paragraph (1) of the Constitution of Hungary (Act XX of 1949),

Content

Law: In 2008 the Parliament adopted an act on registered partnership, offering the possibility of official recognition for same and opposite sex couples, who did not want or could not get married. However, the Constitutional Court of Hungary in its decision nr. 154/2008 ruled that the institution of registered partnership is by nature unconstitutional as – through offering a form of officially recognised and registered partnership that is an alternative to marriage – it undermines the traditional values of marriage and family life, the promotion of which is the State’s obligation under the Constitution.

The Parliament adopted a new law on the same issue. Act XXIX of 2009 recognizes the right to registered partnership, but this time only for same sex couples. The constitutionality of the law was challenged by several petitioners before the Constitutional Court on a number of grounds, including for instance that the law was ruling against the State’s obligation to protect the institutions of marriage and family and that the official recognition of such partnerships could influence young generations to believe that registered partnership is an acceptable alternative for marriage; therefore provisions were in contradiction with the children’s

constitutional right to the protection necessary for their proper physical, intellectual and moral development.

Decision of the Constitutional Court: In its decision no. 32/2010, the Constitutional Court ruled that the institution of registered partnership is not unconstitutional. The judges derived this right from the right to human dignity recognised by Article 54 paragraph (1) of the Constitution of Hungary.

Internet link source and additional information:

<http://isz.mkab.hu/netacgi/ahawkere2009.pl?s1=32/2010&s2=&s3=&s4=&s5=&s6=&s7=&s8=&s9=&s10=&s11=Dr&r=1&SECT5=AHAWKERE&op9=and&op10=and&d=AHAW&op8=and&l=20&u=/netahtml/ahawuj/ahawkere.htm&p=1&op11=and&op7=and&f=G>