# Hungary to be Brought Before Top EU Court For its Ban on LGBTI Content

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> The European Commission has referred Hungary to the CJEU over discriminatory amendments adopted in June 2021, which ban the "portrayal and the promotion of gender identity different from sex at birth, the change of sex and homosexuality" to under 18s.

Today, 15 July 2022, the European Commission formally referred Hungary to the Court of Justice of the European Union due to Hungary's unsatisfactory response to concerns raised in the "reasoned opinion" sent by the Commission in December 2021.

This "reasoned opinion" was the second stage of the infringement process launched against Hungary in July 2021, in which the Commission outlined its concerns about the amendments breaching various aspects of EU law, asked for clarification over certain issues, and requested the amendments be brought in line with EU law.

In particular the Commission is concerned about discrimination against LGBTI people when it comes to various areas of EU competence, including the freedom to provide services, the free movement of goods, the Audiovisual Media Services Directive, the e-commerce Directive, freedom of expression and information, the right to respect of private life, and the right to non-discrimination.

ILGA-Europe's member organisation, Hátter Society has reported that the amendments have already had a severe impact on LGBTI people in Hungary, as media service providers, bookshops, libraries, schools, and other actors covered by the law have begung to implement it voluntarily, in fear of sanctions. The discriminatory amendments and government campaigning around them has also resulted in a stark increase in hate crime against LGBTI people, and the amendments also leave LGBTI people and organisations at risk of arbitrary legal proceedings.

The Commission has found that Hungary's response to their concerns in relation to equality and the protection of fundamental rights is unsatisfactory and does not include any commitment to remedy the incompatibility of the amendments with EU law, and have therefore decided to refer Hungary to the EU's Court of Justice.

According to ILGA-Europe's Executive Director, Evelyne Paradis: "It is encouraging to see the European Commission strongly defending EU law and the principle of non-discrimination when it comes to the treatment of LGBTI people. These amendments breach a variety of EU laws in a wide range of areas, and have already had a devastating impact on the rights of LGBTI people in Hungary. For too long the Hungarian government has been using LGBTI people as a political scapegoat; the rule of law must prevail in order to stop such an abuse of power. Now it is over to the Court of Justice of the European Union to live up to its legal responsibilities and defend EU law and the right of LGBTI people to live free from discrimination."

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To learn about the anti-LGBTI amendments in Hungary, and how the media, bookshops, libraries, schools etc. are implementing them, read this alarming report.

Read the Commission's press release, which explains in more detail about which EU laws are breached here.