

After a week of long-awaited statements and letters from EU leaders castigating the implementation of anti-LGBTI legislation in Hungary, ILGA-Europe will continue working with the institutions so that words can be translated into real action

[News](#), [Civil Rights and Freedom](#), [European Commission](#), [Hungary](#), [Poland](#)

In the light of increasing attacks on LGBTI rights, stagnation of legal progress and clear lack of implementation of the rights of LGBTI people in Europe, ILGA-Europe have been calling for action from EU member states and all EU institutions for some time now. This week's developments seem to suggest that the European Commission and a large number of member states finally heard that call. Time to keep up the action and follow through on its values and responsibilities as guardians of EU law, keeping the important commitments made this week.

Ahead of the EU's General Affairs Council, where Article 7 procedures against Hungary and Poland were to be discussed on 22 June, ILGA-Europe has been informing EU ministers about systematic breaches of EU law committed by [Hungary](#) and [Poland](#), which impact on LGBTI rights and the lives of LGBTI people.

Specifically, as concerns Hungary, over the last year we have been seeing increasing legislative attacks against LGBTI rights, such as the [banning of legal gender recognition](#) in May 2020, the introduction of transphobic provisions to the Hungarian Constitution in December 2020, the restriction of adoption by non-married persons (same-sex couples cannot marry in Hungary) [also in December 2020](#), and the abolishment of the [Equal Treatment Authority](#) in January 2021. We had already seen the banning of depiction of LGBTI people in advertisements ([fining of Coca-Cola](#) in 2019), books (Labrisz [book](#) ordered to have under 18 disclaimer in January 2021), and the media ([fining of RTL](#) in March 2021).

However, Hungary went a step further on 15 June 2021, by adopting amendments banning the "portrayal and the promotion of gender identity different from sex at birth, the change of sex and homosexuality" for persons under 18, and applying these to the Child Protection Act, the Act on Business Advertising Activity, the Media Act, the Family Protection Act and the Public Education Act (see more in our [press release](#)).

With this vote, Hungary has adopted a Russian style anti-propaganda law that will effectively ban the representation or communication about diverse sexual orientations, gender identities and sex characteristics in the Hungarian public sphere, as well as specific places such as in schools. This clear violation of EU principles set out in the Charter of Fundamental Rights and the Treaties, as well as at least two EU directives, was the straw that broke the camel's back. At the General Affairs Council on 22 June, [17 Member States signed](#) a statement condemning the anti-LGBT amendments in the new Hungarian law and calling for the European Commission to act. A number of Ministers also gave statements in person at the beginning of the Council, reaffirming that these amendments run counter to EU law and the principles of non-discrimination.

On 23 June, the President of the European Commission gave a [press statement](#) calling the amendments a "shame" and saying that they go against the fundamental values of "human dignity, equality and respect for human rights". President Ursula von der Leyen promised to "use all the powers of the Commission to ensure that

the rights of all EU citizens are guaranteed.” Later in the day European Commissioners for Justice and the Internal Market sent a [letter to the Hungarian Justice Minister](#), raising concerns over the potential breach of the EU’s Charter of Fundamental Rights, TFEU, Audio-Visual Media Services Directive and the e-Commerce Directive. The Hungarian government has been given the date of 30 June to respond to the Commissioners’ concerns. If the Hungarian law enters into force, the European Commission “will not hesitate to take action in line with its powers under the Treaty” the letter closes.

Yesterday, on the 24 June, 16 EU leaders reiterated their support for LGBTI people and their equal rights in an [open letter](#) to the President of the European Commission, the EU Council, and the EU Council Presidency. On the same day, the Hungarian President signed the law (it will come into force within two weeks from now).

After a week of strong political statements, public outcry and the waving of rainbow flags, the European Commission has clearly signalled its willingness to hold Hungary accountable for its breach of EU law in flagrantly discriminating against LGBTI people and finally follow the call for action, including infringement procedures. Building on the European Commission’s LGBTIQ Equality Strategy 2020-2025 and renewed public commitments, including the EP resolution declaring the EU an ‘LGBTIQ freedom zone’, LGBTI people across the EU are still waiting for the Commission to take a clear stand towards Member States and use all tools available: negotiations, infringement procedures, the rule of law reports, ongoing Article 7 procedures, as well as funding instruments. ILGA-Europe will now work to ensure that this week will be a game changer and that real action will follow regarding Hungary, but also the so-called Polish ‘LGBT free zones’, and the non-implementation of the Coman judgement in Romania. The European Commission, through its rule of law mechanism, conditionality mechanism and all other tools at its disposal, needs to take all these threats and rollbacks on rights seriously in all Member States. We cannot allow these situations to further deteriorate. All LGBTI people in the EU should be protected and guaranteed equal rights.

And it is not only up to the EC to act. Member states also need to follow through, calling out LGBTI rights violations across Europe, while restarting and seeing through the necessary legislative steps in their own countries.

The large wave of solidarity and political commitments this week is as welcome as it is overdue, but words need to translate into action so that LGBTI people across the entire European Union can be both respected and protected as equal citizens. ILGA-Europe pledges to keep on working to support and inform the European institutions so that this can become a reality and the tide of backward sliding on LGBTI rights, dignity and equality in some EU countries can turn back in the right direction.