Europe’s leading LGBTI rights organisation calls on EU to act as Hungarian parliament adopts legislation censoring communication about LGBTI people

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> As Hungary adopts Russian-style anti-LGBTI legislation, it is time for the EU to use all instruments available to hold its member state accountable for the respect of fundamental rights, including LGBTI rights, and for clear breaches of EU law, says ILGA-Europe.

Today, 15 June, the Hungarian Parliament adopted a number of amendments which directly discriminate against LGBTI people. The amendments were tabled by the ruling FIDESZ party and introduce a ban on the “portrayal and the promotion of gender identity different from sex at birth, the change of sex and homosexuality” for persons under 18.

The amendments clearly breach a number of EU laws and violate international human rights norms, in particular the case law of the European Court of Human Rights, UN Human Rights Committee and the EU’s Charter of Fundamental Rights (Articles 11 and 21) and Treaty on the European Union (Articles 2 and 6).

This language surrounding this ban will be introduced into the following Hungarian legislation:

- **The Child Protection Act;**
- **The Act on Business Advertising Activity;**
- **The Media Act –** all such content will be qualified as category V (unsuitable for minors), and the publication of such content will be banned in public service advertisements;
- **The Family Protection Act and the Public Education Act –** such topics cannot be part of sexuality education, schools cannot invite external speakers or NGOs for education on “sexual culture, sexual life, sexual orientation or sexual development” unless they receive a special licence by the state to do so. Participating in such activity without a licence is classified as a misdemeanour.

The discriminatory language being introduced to the Media Act constitutes a clear violation of the EU’s Audiovisual Media Services Directive. The discriminatory language being introduced to the Act on Business Advertising Activity constitutes a violation of the EU’s Unfair Commercial Practices Directive. The discriminatory language being introduced to the Business Advertising Activity Act and the Family Protection Act breaches the right to freedom of service provision and freedom of movement of goods as set out in the Treaty on the Functioning of the European Union.

According to Executive Director of ILGA-Europe, Evelyne Paradis: “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 law clearly violates EU principles set out in the Charter of Fundamental Rights and the Treaties, as well as at least two EU directives.

“The European Commission can no longer turn a blind eye to the ongoing legislative attacks launched by FIDESZ against the human rights and fundamental freedoms of LGBTI people in Hungary, but needs to use all instruments available to hold Hungary accountable for the respect of fundamental rights, including LGBTI rights. The enabling conditions of the Cohesion Funds clearly state that Member States need to respect the fundamental rights set out in the Charter. Hungary is violating fundamental rights with this new law and thus no EU funds should be paid out to Hungary before the law is withdrawn.”

Paradis concluded: “Building on the European Commission’s LGBTIQ Equality Strategy 2020-2025 and renewed public commitments, 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, to ensure that the Hungarian government stops the ongoing violation of LGBTI human rights in its country.”