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Hungary's adoption of legislation akin to the Russian law against "LGBT propaganda" must be condemned

Written declaration No. 726

This written declaration does not reflect the position of the Assembly; only of those members that have signed it. It will not be considered further by the Assembly.

We, the undersigned, declare the following:

The adoption by the Hungarian Parliament on 15 June 2021 of 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 the age of 18, in the Child Protection Act, the Act on Business Advertising Activity, the Media Act, the Family Protection Act and the Public Education Act, runs contrary to international human rights law and jurisprudence.

These provisions effectively prohibit the representation or communication of diverse sexual orientations, gender identities and sexual characteristics in the public sphere, including in schools. They are similar to the 2013 Russian law against "LGBT propaganda". This Russian law was widely condemned, including by the Venice Commission, the Parliamentary Assembly and UN Special Procedures mandate holders. The Hungarian law violates the Charter of Fundamental Rights of the European Union, the EU Treaties (TFEU and TEU), the Audiovisual Media Services Directive and the Unfair Commercial Practices Directive. In addition, the European Court of Human Rights ruled in 2017 in the case of *Bayev and others v. Russia* that the law violates Articles 10 and 14 of the European Convention on Human Rights; the Hungarian law therefore also violates the Court's case law.

We call on the Hungarian Government to repeal this legislation, and on international institutions to use all available means to protect the human rights of LGBTI people in Hungary.

Signed (see overleaf)



*Signed*¹:

BEN CHIKHA Fourat, Belgium, SOC
ÆVARSDÓTTIR Thorhildur Sunna, Iceland, SOC
ARSLAN Sibel, Switzerland, SOC
BAKOYANNIS Theodora, Greece, EPP/CD
BAYR Petra, Austria, SOC
BERLINGHIERI Marina, Italy, SOC
BOER Margreet, De, Netherlands, SOC
CEGONHO Pedro, Portugal, SOC
CHATZIVASILEIOU Anastasios, Greece, EPP/CD
CILEVIČS Boriss, Latvia, SOC
FRIDEZ Pierre-Alain, Switzerland, SOC
GUTIÉRREZ LIMONES Antonio, Spain, SOC
HAJDUKOVIĆ Domagoj, Croatia, SOC
HOFFMANN Christoph, Germany, ALDE
KAIRIDIS Dimitrios, Greece, EPP/CD
KARAMANLI Marietta, France, SOC
KOPŘIVA František, Czech Republic, ALDE
KOSTADINOVSKA-STOJCHEVSKA Bisera, North Macedonia, SOC
KRISPER Stephanie, Austria, ALDE
LACROIX Christophe, Belgium, SOC
LĪBIŅA-EGNERE Inese, Latvia, EPP/CD
LÓPEZ Pere, Andorra, SOC
MAIRE Jacques, France, ALDE
MARRA Ada, Switzerland, SOC
RÖSSNER Tabea, Germany, SOC
SCHENNACH Stefan, Austria, SOC
SCHWABE Frank, Germany, SOC
SENSI Filippo, Italy, SOC
STOKKEBØ Aleksander, Norway, EPP/CD
TRISSE Nicole, France, ALDE

Total = 30

1. ALDE: Alliance of Liberals and Democrats for Europe
EPP/CD: Group of the European People's Party
SOC: Socialists, Democrats and Greens Group