

Hungary is the first country to have imported Russia's 2013 anti-LGBT propaganda law into the European Union. Passed in June 2021, the "Act on stricter actions against paedophile offenders", named to discredit LGBTIQ+ people as paedophiles, outlaws sharing information seen as promoting homosexuality and transidentities with under-18s in advertising, media, schools, bookshops and in family interactions.

In Russia, a decade since the entry into force of a similar law, social hostility, hate speech, hate crimes, and abuse of LGBTIQ+ people, including children, have reached epidemic proportions. 3 in 4 LGBTIQ+ Russians report facing violence or discrimination in connection with their gender identity, gender expression and/or sexual orientation. 1 in 4 people have been doxed. The law has also had a stifling effect on access to affirming education and mental health support, with incredibly harmful consequences for LGBTIQ+ youth. [0]

CONTENT OF THE LAW

Hungary's propaganda law is an omnibus law that bans access to content that (sic) "depicts or propagates divergence from self-identity corresponding to sex at birth, sex change or homosexuality" to people under the age of 18 via amendments to already existing laws and policies on child protection; family protection; advertisement; broadcasting; and public education. [1]

In practice:

Ban on the broadcasting of LGBT content before 10 pm and after 5 am.

Ban on non-targeted advertising (e.g. billboards) featuring LGBT content

Ban on public display of children and teenagers' books depicting LGBT characters in shopping windows

Ban on selling LGBTIQ-themed goods within 200m of schools, and churches.

Ban on inclusive sex-education [2]

Penalties



Media

Right to broadcast can be restricted for up to 7 days and withdrawn altogether, in case of repetitive offences. A corporate fine of up to EUR 488,000, depending on the broadcasting company's media revenue, can also be imposed; and also separately, on relevant individual media managers (approx 5000 EUR)



Advertisers

Sanctions include the immediate removal of the ads (online and offline) and a corporate fine of up to EUR 1.21 million if the advertising company's revenue is 250.000 EUR or higher



Retailers (bookshops)

Local governments can suspend certain commercial activities or close the shop for a maximum of 90 days - or altogether if the shop refuses to comply with previous issued (labelling and packaging) instructions.



School staff & parents

Headmasters allowing unauthorised sex-ed and LGBT+ content at school risk school inspections, personal fines of up to 4800 EUR and the termination of their contracts. Criminal prosecution over the crime of "endangering children" can also be initiated.

[1] Háttér Legal analysis provides an overview of all five laws
[2] RECLAIM Legal opinion focuses on education aspects & EU law

WHO IS AFFECTED?



Children

LGBTIQ+ children are more likely to become victims of bullying and violence in school, at home and in social media



Teachers

Teachers are prevented from providing objective and pluralistic relationships and sex education



Media & Artists

Journalists' and artists cannot impart information and ideas without the interference of public authorities



LGBT NGOs

LGBTIQ-led NGOs and Pride NGOs operating space is restricted and their donors might feel discouraged to donate



Entrepreneurs

Self-employed persons and entrepreneurs are unlawfully limited in their right to provide media, advertising and training services in Hungary

DID YOU KNOW ...

~~Inviolability of human dignity~~

~~—Right to privacy—~~

~~—Non-discrimination—~~

~~—Freedom of Expression—~~

~~—Freedom of Association—~~

...that LGBTIQ+ topics are used in Putin's destabilization campaigns of European countries?

Russian so-called anti-gender funding appeared suddenly in 2013 and quickly reached over USD24 million annually, outpacing US Christian fundamentalist funding and reaching a 10-year total of USD188.2 million. This Russian funding comes from entities linked to two Russian oligarchs - not yet sanctioned, dark-money laundromats and State-funded agencies [1]. Freezing those oligarchs' accounts in the years to come would be critical to safeguard democracy and LGBTIQ+ rights in Europe

EU REACTION

On June 23, 2021, 18 EU member states condemned the law as discriminatory towards LGBTIQ people and called on the European Commission to take robust action [1]. On July, 2021, the Commission opened a formal infringement procedure against Hungary for violating EU directives on media services, e-commerce, EU single market freedoms and human rights enshrined in the EU Charter of Fundamental Rights [2]. After Hungary failed to respond satisfactorily, the Commission sent a second warning letter on December, 2022 [3]. On July, 2022, the Commission announced in a press release that diplomatic efforts to resolve the issue had failed and that it intended to bring Hungary before the EU Court of Justice [4]. On December 19, 2022, the case was officially filed under the reference C-769/22 [5]. The notice of application initiating proceedings was published on the Official Journal of the EU on February 13, 2023 [6]

April 6
2023

Member States governments have until April 6, 2023, to join the case.

This will be the first case where they can:

- Honour their 2021 pledge to protect the fundamental rights of LGBTIQ+ people through strategic litigation [7]
- Act to create an effective deterrence against the replication of anti-LGBTIQ+ propaganda laws elsewhere in Europe (e.g. Poland and Romania are debating similar draft bills)

TAKE ACTION - NOW

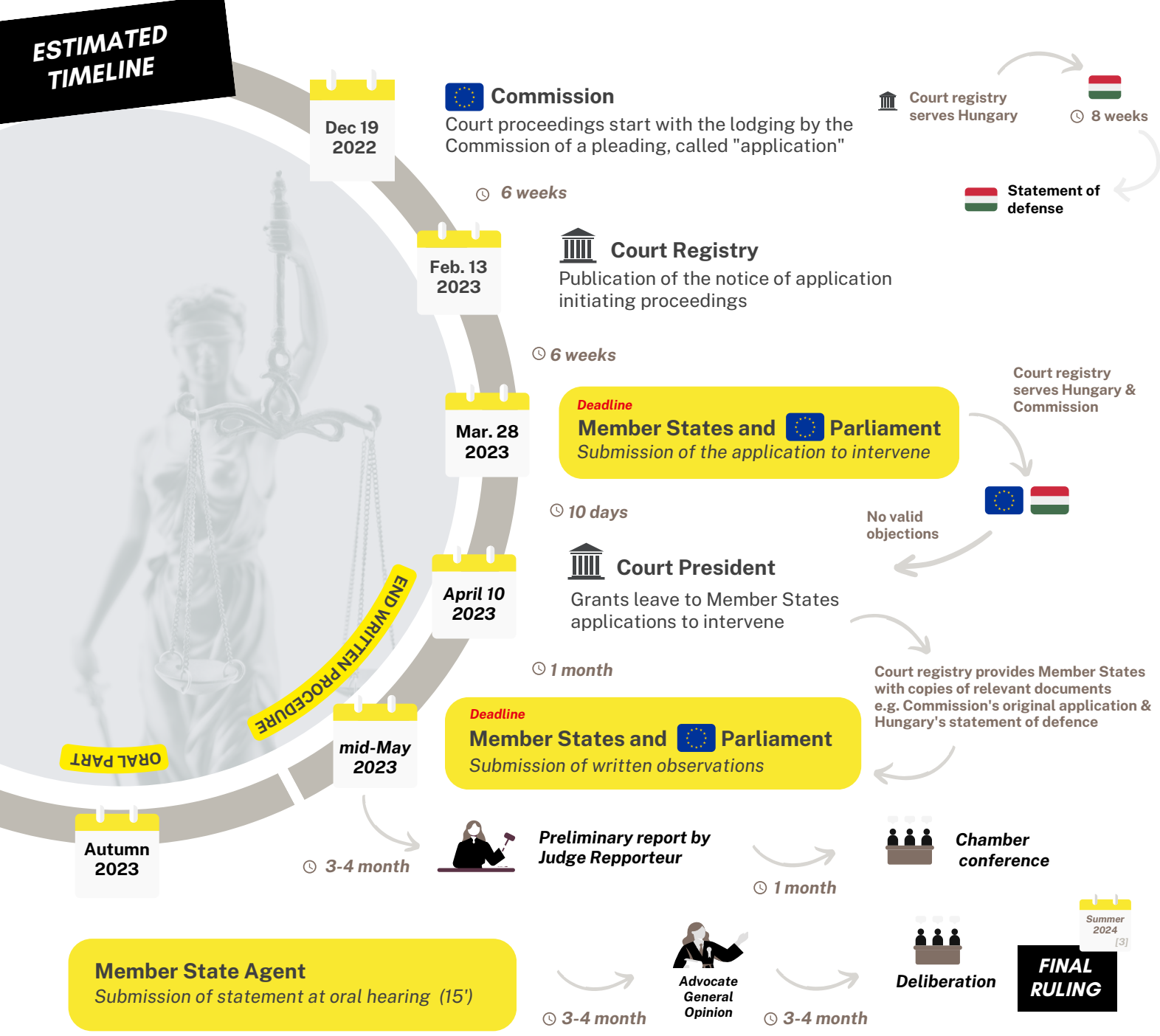
AS A MEMBER OF THE PARLIAMENT

- Sponsor parliamentary questions urging your country's Ministry of Foreign Affairs to join the Court case.
- Partner with MPs from other parties to co-organise parliamentary hearings on the deteriorating situation of LGBTIQ+ people's rights in Europe, including, Hungary, in your national parliament and to pass a cross-party resolution on the matter.
- Raise your constituents' awareness of the issue by placing opinion pieces on national media and by tweeting and sharing our information materials and our [citizens' petition](#) through social media

Disclaimer:

The information provided in this leaflet is for illustration only. In case of any doubts, please consult the authoritative legal opinions or contact us directly - [here](#)

ESTIMATED TIMELINE



APPLICATION TO INTERVENE

Mar. 28 2023

- 2-pager containing the contact details of the Member State agent, the case number (C-769/22), parties (European Commission versus Hungary) and form of order sought.
- A late request for leave to intervene (i.e., one lodged after March 28 but before the hearing) may be considered by the Court's President.
- The application to intervene must be limited to support for the "form of order" sought by the Commission. Member States can, however, later support only some of the Commission's pleas.

WRITTEN OBSERVATIONS

May 2023

- The written observations shall not exceed 10 pages and shall contain (i) the form of order sought by the intervening Member State - including whether it supports the form of order sought by the Commission, in whole or just in part, (ii) the pleas in law and legal arguments, and (iii) where appropriate, new evidence.
- This part is more important than the oral part, which is often short and might deal with only a limited number of aspects of the case.

ORAL OBSERVATIONS

Autumn 2023

- The Court may decide not to hold a hearing if it considers, on reading the written pleadings or observations lodged during the written part of the procedure, that it has sufficient information to give a ruling.

Disclaimer:

The information provided in this leaflet is for illustrative purposes. An aide mémoire can be downloaded [here](#).

[3] The average duration of proceedings in 2021 was 17 months.