

Mr. Radosław Sikorski
Minister of Foreign Affairs
Ministry of Foreign Affairs, Poland

Mr. Adam Bodnar
Minister of Justice
Ministry of Justice, Poland

Brussels, 17 April 2024

Subject: Invitation to join the Case C-769/22 - European Commission v Hungary

Dear Minister Sikorski, Dear Minister Bodnar,

We are contacting you on behalf of RECLAIM, Forbidden Colours and Háttér Society, three civil rights initiatives dedicated to addressing violations of LGBTQ+ rights, the rule of law, freedom of the press and freedom of association within Europe. We value our ongoing dialogue and appreciate Poland's recent efforts in these areas.

We are currently engaged with the European Commission in case C-769/22, which addresses the anti-LGBTQ+ propaganda law Hungary adopted from Russia. As you may know, this case has not yet proceeded to oral hearings, and while 16 Member States have already joined supporting the Commission, Poland's intervention remains critical.¹

Participating in the case against Hungary would show the current government's serious intention to amend eight-years of continuous humiliation, helping rebuild LGBTQ+ confidence in national institutions and ushering a new era of inclusivity and respect in Poland.

Poland would also show that it is moving towards restoring its relations with the European Union. Member States involved in the case would appreciate such a courageous action, leading to more cooperation with your country in the future.

Furthermore, Poland's participation in such a case would enhance its capacity to resist Russian geopolitical foreign interference propaganda campaigns that support anti-LGBTIQ+ groups and policymakers in the EU as part of their plan to destabilize Europe.² A firm stand in this matter would affirm Poland's dedication to countering Russian harmful influence into Europe.³

Lastly, a strong position on LGBTQ+ rights unequivocally indicates that Poland rejects the idea that LGBTQ+ rights are foreign to Eastern and Central Europe, and thus strengthens its role as a defender of global human rights standards.

We believe in your resolve to advance this case and we look forward to your contribution to making the EU's democracy more resilient and safer for LGBTQ+ individuals.

In the meantime, we wish you successful new term.


With warmest regards,



Esther Martínez
Director



Rémy Bonny
Executive Director



Dr. Eszter Polgári
Director of the Legal Program

CC ---

Mr. Adam Szapka; Minister for European Union affairs;

Ms. Katarzyna Kotula, Minister for Equality;

Ms. Ms. Barbara Nowacka, Minister of Education;

Mr. Krzysztof Śmiszek, Secretary of State, Ministry of Justice;

Ms. Magdalena Sobkowiak-Czarnecka, Undersecretary of State, Prime Minister's Office;

Mr. Marek Prawda, Undersecretary of State, Ministry of Foreign Affairs;

Ms. Maria Ejchart, Undersecretary of State, Ministry of Justice;

Ms. Aleksandra Klimont Bodzińska, Head of the Political Cabinet, Ministry of Foreign Affairs;

Mr. Krzysztof Dobies, Head of the Political Cabinet, Ministry of Justice.

Attachments ---

2023 July, [RECLAIM Factsheet on Hungary's Anti-LGBTQI Law](#)

2023 November, Háttér Society, [Report on Act LXXIX of 2021 and its Implementation](#)

Footnotes to the present letter ---

¹ Legal basis for a late application: According to [Article 129\(4\)](#) of the Rules of Procedure of the Court of Justice, an application to intervene can still be lodged after the closing of the written part of the procedure but before the start of its oral phase. The Court accepts most of these interventions when they come from Member States, which means that Poland could present its observations at the oral hearing directly.

² See March 23, 2023, [Statement by Ukrainian LGBTQI+ Civil Society Organizations on EU Lawsuit Against Hungary](#): Twelve Ukrainian LGBTQI+ civil society organizations are urging EU member states to support the European Commission's lawsuit against Hungary's anti-propaganda law, which mirrors Russia's harmful legislation. Since its introduction in Russia, this law has been used to target and oppress sexual and gender minorities, associating them with pedophiles and encouraging violence against them. With Hungary adopting similar measures in 2021, these organizations view the lawsuit as a critical opportunity to halt the spread of Kremlin's ideology within the EU. They highlight ongoing Russian efforts to destabilize Europe by promoting anti-LGBTQI+ sentiments among EU policymakers.

³ Russian anti-gender funding appeared suddenly in 2013 and has quickly outpaced US Christian Right funding, reaching a 10-year total of USD188.2 million. Russian anti-gender funding in Europe comes from entities linked to two Russian oligarchs, dark-money laundrettes. See (in Polish): European Forum for Reproductive Rights ["Wierchotek Góry Lodowej, Fundatorzy ekstremistów religijnych przeciwko prawom człowieka do zdrowia seksualnego i reprodukcyjnego w Europie w latach 2009-2018"](#)