Resolution on breaches of EU law and of the rights of LGBTIQ citizens in Hungary as a result of the legal changes adopted by the Hungarian Parliament

2021/2780(RSP) - 08/07/2021 - Text adopted by Parliament, single reading

The European Parliament adopted by 459 votes to 147, with 58 abstentions, a resolution on breaches of EU law and of the rights of LGBTIQ citizens in Hungary as a result of the legal changes adopted by the Hungarian Parliament.

The text adopted in plenary was tabled by the EPP, S&D, Renew, Greens/EFA and the Left groups.

As a reminder, the Hungarian National Assembly adopted on 15 June 2021 a Bill which, at its origin, is intended to protect children against paedophile offenders, an objective which is shared and pursued by all institutions and Member States within the EU. The new law will also restrict severely and intentionally the rights and freedoms of LGBTIQ persons, as well as children's rights. Hungary has made a number of statements in the Council recently, interpreting the concept of 'gender' in certain texts as a reference to sex and thus denying the existence of gender. The definitions of the law are deliberately vague with the aim of causing a chilling effect. The law prohibits the 'portrayal and promotion of gender identity different from sex assigned at birth, the change of sex and homosexuality' in schools, in television programmes and in publicly available advertisements on any platforms for persons aged under 18, even for educational purposes.

The law, its provisions and the violation of EU law

Parliament condemned in the strongest possible terms the Law adopted by the Hungarian Parliament, which constitutes a clear breach of the EU's values, principles and law.

The Commission is called on to:

- immediately take legal action, namely by launching an accelerated infringement procedure against Hungary under Article 258 TFEU concerning the Law;

- use all Court of Justice procedural tools if necessary, including requests for an expedited procedure and interim measures, including penalties for non-compliance with the latter;

Ongoing Article 7(1) procedures

The resolution expressed strong concerns that since Parliament triggered Article 7(1), the rule of law and fundamental rights situation has continued to deteriorate in Hungary. It stressed the lack of action and responsibility from the Council in this regard over the years. Parliament reiterated its call on the Council to issue concrete recommendations to Hungary, as stipulated in Article 7(1) TEU, including a recommendation to repeal the Law, and to provide deadlines for the implementation of those recommendations.

Parliament stated its unwavering commitment to defending children's rights in the EU and abroad. It takes the position that the promotion of tolerance, acceptance and diversity, rather than the promotion of

LGBTIQ phobia and hatred, should serve as guiding principles for ensuring respect for the best interests of the child.

Urgent action

The Commission is called on Commission and the Council to finally recognise the urgent need for action to defend the values enshrined in Article 2 TEU and to admit that a Member State cannot amend its legislation, including constitutional provisions, in such a way as to bring about a reduction in the protection of these values. Both the Council and the Commission are called on to urgently unblock the Horizontal Discrimination Directive, which has been blocked in the Council for over 10 years.

Furthermore, Parliament pointed out to a number of issues in Hungary where the Rule of Law Conditionality Regulation should be immediately triggered to protect the EU budget and expressed serious concerns that the Hungarian Recovery and Resilience Plan may not comply with EU law. It called on the Member States to bring the matter to the CJEU should the Commission not act, and to launch an inter-state application to the European Court of Human Rights.