

Mid-term review of the LGBTIQ Equality Strategy (2020-2025)

Fields marked with * are mandatory.

Questionnaire for civil society and other relevant stakeholders

This questionnaire was prepared in the context of the mid-term review of the LGBTIQ equality strategy 2020-2025. It is addressed to civil society and other relevant stakeholders to gather their input as regards the current challenges and situation of LGBTIQ people in the EU and the state of implementation of the LGBTIQ equality strategy, paying specific attention to certain issues (intersectionality, mainstreaming, supporting Member States).

Please provide your feedback by **July 17**.

Information on the respondent(s)

* Full name (first and last name) of the respondent(s):

Tamás Dombos

* What is the name of your organisation/ institution?

Háttér Society

* Please provide your e-mail address (this data will not be made public):

tdombos@hatter.hu

* Country/countries where your main areas of activities/knowledge are?

Hungary

* Level on which your organisation's main activities focus?

at most 3 choice(s)

- International
- European
- National
- Regional

Local

* Size of the organisation you represent?

- Large (> 250 employees)
- Medium (50- 249 employees)
- Small (10-49 employees)
- Micro (1-9)
- AnswerMicro (self-employed)

Challenges and situation of LGBTIQ people in the EU

The following questions aim to allow comparison of the challenges faced by LGBTIQ people and to assess their situation about 2,5 years, so at midterm, after the adoption of the LGBTIQ equality strategy 2020-2025.

What challenges have LGBTIQ people in the EU faced since the adoption of the LGBTIQ equality strategy 2020-2025? What are the reasons for these challenges? Are you aware of any measures mitigating or heightening these challenges that were taken at EU and/or national level?

2000 character(s) maximum

The social, legal and political situation of LGBTIQ people has sharply deteriorated in recent years in Hungary. The government launched a vicious campaign against LGBTIQ people as part of their re-election strategy (general elections held in April 2022). There has been a series of anti-LGBTIQ legislation adopted, government politicians, public and pro-government media conflate homosexuality and pedophilia, and claim that LGBTIQ activists recruit people to become gay / have gender reassignment surgery. All these measures are embedded in a struggle against "gender ideology" and "LGBT propaganda" pushed by the Western powers including the US and the EU. Extreme right wing groups disrupt and threaten LGBTIQ events, the police do not offer protection. Members of an extremist group were convicted by the courts for terrorist acts in 2007-2009 including among others Molotov-cocktail attacks on gay venues, but were recently pardoned by the president - this encourages anti-LGBTIQ violence. An anti-LGBTIQ referendum was held together with the general elections in 2022 with biased, unclear questions.

These developments are part of a conscious political strategy of the FIDESZ government in power since 2010 that is built on vilifying vulnerable groups (homeless, Roma, migrants now LGBTIQ), and promising to protect Hungarians from these threats (in case of LGBTIQ people: threats to children).

These developments have far reaching social consequences: professionals (teachers, psychologists, nurses) working with youth are afraid to talk about LGBTIQ issues; LGBTIQ people do not trust public bodies, they hide their sexual orientation / gender identity, and do not report if they are attacked or discriminated.

Similar developments have taken place in Poland, Romania and Bulgaria as well, and the EU has not found an adequate response to tackle these political developments in a timely manner.

How has the legal and socio-economic position of LGBTIQ people in the EU evolved over the implementation period of the LGBTIQ equality strategy 2020-2025?

2000 character(s) maximum

Legislative changes adopted in Hungary since 2020 include: (1) banning legal gender recognition for trans and intersex people, (2) restricting adoption by non-married persons, (3) introducing provisions stigmatizing trans people and rainbow families in the Fundamental law (right of children to be raised according to their sex at birth, mother is female, father is male), (4) abolishing the Equal Treatment Authority, (5) banning access of minors to LGBTQI content (so called "child protection law"). The EC launched an infringement procedure regarding (5), but no (visible) steps have been taken with regards to any other measures, even when the link to EU competences is clear (see e.g. the preliminary reference regarding LGR and GDPR in CJEU case no. C-247/23).

Exclusion of MSM from blood donation has been revoked, but a new exclusion against trans people has been introduced (the justification of the change contains contradictory arguments).

The anti-LGBTQI political campaign made cooperation among LGBTQI NGOs and public bodies more difficult: the LGBT Working Group of the Human Rights Roundtable has not been operational since April 2021; police, universities, professional organizations report that they are put under pressure not to work on LGBTQI issues. Funding for LGBTQI NGOs from EU funds distributed through national public bodies (esp. Erasmus+) has become much more difficult, in spite of detailed complaints, the EC did not carry out an effective investigation into the discriminatory practices of the Hungarian national agency following detailed complaints. The ombuds in office since 2019 is completely inactive on LGBTQI rights, he did not speak out against legislation restricting the rights of LGBTQI people, did not initiate constitutional review, and did not even respond to LGBTQI related complaints submitted, GANHRI demoted the ombuds with reference to inactivity regarding vulnerable groups, specifically mentioning LGBTI.

Has the LGBTIQ equality strategy 2020-2025 had an impact on the situation of LGBTIQ in the EU? If yes, what has been changed and how? If no, what have been the reasons?

2000 character(s) maximum

We are not aware of any direct impact in Hungary. The strong statements from the EC and the infringement procedure regarding the so called "child protection law" might be related to the existence of the strategy and its political weight. While the infringement procedure was started in a timely manner, it took a year and a half for the Commission to launch the case with the CJEU, and a final decision will likely take an even longer time. By the time a decision is delivered, the legislation will have done its damage. Measures should be put in place to speed up infringement procedures or suspend the enforcement of legislation likely to violate EU law.

The EU-wide victims' rights campaign in 2023 did not contain any contact information for organizations offering victim support and legal aid services to LGBTQI victims; LGBTQI NGOs active in the field were not consulted about the campaign.

See impact on funding under mainstreaming.

Implementation of the LGBTIQ equality strategy 2020-2025

The following section of the questionnaire is aimed at enabling an assessment of the implementation of the LGBTIQ equality strategy, identifying aspects that could be improved, as well as identifying areas that require special attention in the final phase of implementation.

Which are the measures under the LGBTIQ equality strategy 2020-2025 that you would deem particularly successful until now?

2000 character(s) maximum

Legislative proposals have been put on the agenda as planned, but no progress has been made on their actual adoption. The language of the proposed parenthood regulation (COM(2022) 695) is weak, the public policy (ordre public) exception offers Member States the opportunity to disregard key provisions of the regulation.

Would you have suggestions to enhance the implementation of the LGBTIQ equality strategy 2020-2025 for the rest of its application?

- YES
- NO

If yes, please specify.

2000 character(s) maximum

Operation of the LGBTIQ Equality Subgroup should be made more transparent, national NGOs should be invited, dialogue between national public bodies and national NGOs encouraged.

Adoption of national action plans should be more strongly encouraged, annual questionnaire about the progress on the preparation of action plans should be sent to MSs, MSs not reporting adequate progress should be publicly named.

MSs should report on how they mainstream LGBTIQ equality when spending EU funds. Specific funding should be provided to projects monitoring how EU funds are spent by MSs (to promote or hinder LGBTIQ equality).

In countries like Hungary with a hostile political leadership, strategic litigation is the primarily tool through which changing or repealing discriminative legislation adopted against sexual and gender minorities can be achieved. Funding mechanisms should be developed that are suitable to fund strategic litigation, including longer term grants and quick, flexible funding for urgent litigation needs.

Are there any areas that have been given insufficient attention in the implementation of the LGBTIQ equality strategy 2020-2025 since its adoption?

- YES
- NO

If yes, which ones?

2000 character(s) maximum

There has been only minimal progress made on data collection. Instead of one-off sporadic research into the experience of LGBTIQ people data on sexual orientation and gender identity should form a core part of national data collection including census, labor force and health surveys. A regular, EU-wide victimization survey including questions on SOGIESC and hate crime victimization should be mandated.

Specific attention to intersectionality and mainstreaming

The LGBTIQ equality strategy 2020-2025 aims to pay particular attention to the diversity of LGBTIQ people's needs and to the most vulnerable, including those experiencing intersectional discrimination as well as trans, non-binary and intersex people. In addition, specific LGBTIQ concerns should be mainstreamed into all EU policies, legislation and funding programmes. The following questions seek to obtain key stakeholders' assessments of the effectiveness of the implementation of these two principles by midterm.

How do you assess the implementation of the LGBTIQ equality strategy as regards tackling intersectional discrimination?

2000 character(s) maximum

Intersectionality with regards to sexual orientation and gender identity does appear in other equality strategies, but the reference is often very superficial without any thorough analysis. There seems to be slightly more EU funded projects focusing on intersectionality, but their results are not made accessible in a meaningful format.

How do you assess the implementation of the LGBTIQ equality strategy as regards mainstreaming equality into all EU policies, legislation and funding programmes?

2000 character(s) maximum

Direct funding from the EU as part of the CERV, JUST and EU4Health programs has been crucial for maintaining and strengthening the activities of LGBTIQ and human rights NGOs in the field. LGBTIQ issues, however, do not feature at all in the partnership agreement and operational programs setting priorities for spending ESA, ERDF, ISF and AMIESF funds in Hungary, so these funds will likely not contribute to the equality of LGBTIQ people in any meaningful way.

Supporting Member States

Many of the measures suitable to advance LGBTIQ equality are beyond the competence of the European Union. The following section of the questionnaire seeks to determine the effectiveness of existing coordination efforts at the EU level, identifying areas that need more attention and actions that would enable the Commission to better carry out its function.

How do you assess the impact of the LGBTIQ equality strategy 2020-2025 on cooperation between the Commission and Member States, including the establishment of the LGBTIQ Equality Subgroup?

2000 character(s) maximum

We do not have detailed information about the support provided by the Commission or the operation of the LGBTIQ Equality Subgroup beyond the few documents available published on the website of the Commission. We have no information on whom the Hungarian Government nominated as expert to participate in the Subgroup, if an expert has been nominated at all and if the expert attended any of the meetings. The expert has not reached out to any LGBTIQ organizations, and the previously existing consultation mechanism (the Human Rights Roundtable Working Group on the Rights of LGBT People) is no longer operational: no meeting has been called since April 2021 although the relevant bylaws require at least two meetings per year.

Do you think that EU-level action, since the adoption of the LGBTIQ equality strategy 2020-2025, provides added-value for the efforts at national level?

	Agree	Disagree	No opinion
Legal protection against discrimination on the grounds of sexual orientation, gender identity/expression and sex characteristics in various areas	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Collection of comparable and reliable equality data	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Trans and intersex people's participation in the labour market	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Ensuring safe and inclusive education for all children, young people and adults	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Addressing the mental health challenges faced by a significant number of LGBTIQ people	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Addressing the needs of LGBTIQ applicants for international protection	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Legal protection for LGBTIQ people against hate crime, hate speech and violence	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protection and support for victims of gender-based violence, domestic violence and anti-LGBTIQ hate crime	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protecting and promoting LGBTIQ people's bodily and mental health	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Legal gender recognition legislation and procedures based on the principle of self-determination and without age restrictions	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

If you agree, please indicate where you identify particular added value. If you disagree, please explain why and what could be improved or done differently.

2000 character(s) maximum

Answers provided are based on impact in Hungary.

EU level discussion on hate crimes (high level working group, proposal to include hate crimes in the list of EU crimes, EU-funded projects) did contribute to increased awareness of the topic among professionals and decision makers.

There has been no visible progress made (or even regression was made) for topics marked as "disagree".

Have you noticed any room for improvements in the national action plans on LGBTIQ equality that could be addressed in discussions with Member States?

- YES
- NO

If yes, which ones?

2000 character(s) maximum

Hungary has no national action plans on LGBTIQ equality, an adoption of any such document (in line with UPR and ECRI recommendations) would be a huge improvement.

Other observations

Would you have any other observations that you consider relevant to the mid-term review of the LGBTIQ equality strategy 2020-2025? Please specify.

2000 character(s) maximum

If yes, you can also attach a document with your observations

Please find here our privacy statement.

By checking this box, I confirm that I have read the below Privacy Statement and agree with the processing of my personal data for the purposes stated therein.

You have the right to withdraw your consent at any time by notifying the Data Controller at (insert your email for this activity) The withdrawal will not affect the lawfulness of the processing carried out before you have withdrawn the consent.

[Privacy statement targeted consultation final.docx](#)

Contact

JUST-LGBTI@ec.europa.eu