



Open letter: The European Union Agency for Fundamental Rights (FRA) shall not provide platform for a report labeling Hungary's Anti-LGBTQI law as 'promising practice' in child protection

To: Fundamental Rights Agency

We, the undersigned civil society organizations, wish to express our appreciation for FRA's efforts in mapping and understanding the child protection systems across the Member States. However, we write to you with deep concern regarding the recently published [report on Hungary](#).

Specifically, we find it troubling that the report characterizes certain amendments introduced by Act LXXIX of 2021 on stricter actions against pedophile offenders (hereinafter: Anti-LGBTQI law) as 'promising practices'. This characterization fails to reflect on and acknowledge the detrimental impact the law has and disregards the united stance of the European Union and civil society against it.

It is also concerning that the report mistranslated the title of the legislation in question as well, presenting it as "The Act LXXIX of 2021 on stricter actions against child sex offenders and the amendment of certain laws in the interest of the protection of children." The inaccurate translation is problematic as the actual title of the law uses the term "pedophiles" instead of "child sex offenders." This discrepancy is significant, as the term "pedophiles" carries a highly stigmatizing and harmful message, particularly towards the LGBTQI community, and the error in the translation seems to downplay the legislation's harmful effects.

It is imperative to emphasize that a month after passing the Anti-LGBTQI law, the European Commission [launched](#) an infringement procedure against Hungary, which is currently [pending](#) before the Court of Justice of the European Union (CJEU). The case gained unprecedented support: 15 Member States and the European Parliament joined the procedure on behalf of the Commission, emphasizing that the law not only violates sectoral directives, but also breaches the fundamental rights enshrined in Articles 1, 7, 11 and 21 of the Charter of Fundamental Rights and Article 2 of the Treaty of the European Union. Moreover, as Hungary fails to comply with the horizontal enabling condition of 'effective application and implementation of the Charter', under certain [operational programmes](#) access to funds is restricted as long as the Anti-LGBTQI law is not withdrawn.

Sections 1, 3, 9, 10, 11 of the Anti-LGBTQI law passed in June 2021 amended – as correctly noted in the report – a number of sectoral laws: these restrict access of minors to “*content that is pornographic or that depicts sexuality as having a purpose in itself or that depicts or propagates divergence from self-identity corresponding to sex at birth, sex change or homosexuality.*” The National public education act bans only propagation, not depiction.

The report concludes: “*(t)he real consequences of these modifications will be seen in the future.*” (p. 103) We emphasize that the Anti-LGBTQI law's adverse effect is already apparent in all spheres. Of particular concern is the harmful impact the law has had in educational institutions. The National public education act – as noted in the report – authorizes the minister responsible for education to issue a decree which designates the state organ maintaining the registry of experts

and civil society organizations that may hold comprehensive sexual education classes in institutions of public education. As of February 11, 2024 no such decree has been published. Consequently, for over 2.5 years now, no civil society organization or external expert is authorized to hold sexual education sessions, and also civil society organizations offering human rights education have faced significant difficulties in accessing schools. The lack of the registration procedure combined with the chilling effect of the law among teachers deprives children of sexual education that would offer unbiased, scientifically sound and objective information on sexual orientations and gender diversity. Senior government officials and government aligned media [alleged](#) that civil society organization's programmes designed for young people would be illegal even beyond the above-mentioned restrictions and they publicly spread that such human rights organizations' activities would be in violation of the Anti-LGBTQI Law in widespread smear campaigns.

In August 2021 Government Decree 210/2009. (IX. 29.) on commercial activities was amended to give effect to the Anti-LGBTQI law: products targeting children depicting or propagating divergence from self-identity corresponding to sex at birth, sex change and homosexuality cannot be placed in a shopping window and can only be sold in special packaging separate from other products. Such products (not limited to those targeting children) cannot be sold within 200 meters of schools, children or youth institutions, and churches. Since May 2023 several consumer rights procedures have been initiated against book retail stores for not complying with either the packaging requirement or for selling the outlawed content within 200 meters from schools, etc. Bookstores follow different coping strategies, but books with LGBTQI content have visibly disappeared from the shelves. [Museums](#) started excluding people under the age of 18 from exhibitions, invoking the homophobic and transphobic restrictions of the Child Protection Act and Family Protection Act. The trigger for this discriminatory practice occurred when a far-right MP's complaint prompted an investigation, resulting in the determination that the National Museum had breached the Propaganda Law by displaying LGBTI content to minors at the World Press Photo exhibition.

The Hungarian Media Council has been particularly active in enforcing the ban: it submitted several legal aid requests to its foreign counterparts urging them to impose sanctions in line with the Hungarian Anti-LGBTQI law or at least reclassify the impugned contents. Although to this date no media authority approached has complied with the request, its domestic impact and its chilling effect is palpable.

For these reasons, we call upon FRA to align its position with the European institutions and remove the report from its website or request its amendment to accurately reflect the grave human rights violations caused by the Anti-LGBTQI law. It does not protect children, on the contrary, it harms them and it deprives them from age-appropriate information on sexual orientation and gender diversity that are vital for their development. Such restrictions are incompatible with the values set out in Article 2 of the TEU, and the fundamental human rights enshrined in the Charter and the European Convention on Human Rights.

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