

EU vs VIKTOR ORBÁN's ANTI-LGBTIQ+ LAW

EXPLAINER #3

Hungary was the first EU country to import the legal model for stigmatising LGBTIQ+ people that Putin put on Russia's statute books in 2013. The "Act on stricter actions against paedophile offenders", criticised for equating LGBTIQ+ people with paedophilia, outlaws sharing information seen as promoting homosexuality and trans identities with minors in advertising, media, schools, bookshops and in family interactions. In 2023, 16 Member States, the EU Parliament and the Commission joined forces to bring this law before the EU Court of Justice. On November 19, judges at the Court will hear the case for the first time. The judgment in what is now the largest human rights court battle in the EU's history will likely not arrive before spring 2025.

Here is everything you need to know to follow this landmark case.

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.

In practice:

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

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

Books with LGBTIQ+ content shall be wrapped in foil and sold separately from children's books

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

Ban on inclusive sex-education

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

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Right to broadcast can be restricted for up to 7 days and withdrawn altogether, in case of repetitive offences.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 500,000 may be imposed, based on the broadcasting company's revenue. Additionally, individual media managers may face separate fines of around EUR 5,000.



Advertisers

Sanctions include the immediate removal of the ads (online and offline) and a corporate fine of up to EUR 1.25 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 LGBTIQ+ content at school risk school inspections, personal fines of up to 5,000 EUR (EUR 25,000 for organisations) and the termination of their contracts. Criminal prosecution over the crime of "endangering children" can also be initiated.

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

Service providers registered in Hungary: Hungary's Media Council marked the 2023 Budapest Pride TV commercial as unsuitable/harmful for minors and prohibited a TV station, RTL, from broadcasting it between 5 AM and 10 PM [1]

Services providers registered outside Hungary: Media Council contacted EU Member States 22 times to take action against service providers registered outside Hungary.

Books with LGBTIQ+ content shall be wrapped in foil and should be sold separately from other items

The largest bookshop retail chain, Libri, (which holds a 50% market share in the country), has largely removed the books falling within the scope of the anti-LGBTIQ+ law from its physical bookstores, after receiving a fine of EUR 2,700 [2].

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

The second largest bookshop retail chain Lira (25% country market shares) has been repeatedly fined (with total fines of approx. EUR 45,000) for selling the award-winning young adult graphic novel 'Heartstopper' or the book 'Good Night Stories for Rebel Girls' among literature accessible to youth (+14) [3]. Lira has appealed several fines, one of which made it to the Supreme Court, that confirmed the sanction.

Ban on inclusive sex-education ...and censorship of LGBTIQ+ educators

Comprehensive sex and relationship education is entirely absent in public education because the government has not adopted the decree needed to let external experts offer these programs. And even if they did, it is unclear if LGBTIQ+ inclusive education is allowed under the current law.

A school psychologist suffered harassment at work for being an LGBTIQ+ activist. [4]

Censorship of content related to LGBTIQ+ people in museums

The head of Hungary's National Museum has been fired for letting minors visit the World Press Photo exhibition, which featured images of elderly LGBTIQ+ people [5]

Children denied entrance to a photo exhibition with LGBTIQ+ people at the Museum of Ethnography. [6]

Child Protection law as amended by the Anti-LGBTIQ+ law used as a ground for rejecting suitability for adoption

Hungary's guardianship authority claims that "same-sex parents violate the law even by their mere existence" and that "they can only appear on the street if adequate precautions prevent them from meeting children". [7]

EU LAWSUIT CONTENT

The Commission has taken action against Hungary (Case C-769/22) for violating the rights of LGBTIQ+ people. The case rests, in part, on the violation of Article 2 of the Treaty on European Union (TEU) which contains the core values of the EU, like democracy or the rights of minorities. This case provides a unique opportunity for the Court of Justice of the EU (CJEU) to interpret those values and set red lines that EU countries cannot cross.

This table outlines the Commission's main arguments:

First Plea In Law:	Breach of the Audiovisual Media Services Directive	Fourth Plea In Law:	Breach of the Union rules on data protection
Second Plea In Law:	Breach of The E-Commerce Directive	Fifth Plea In Law:	Violation of the Charter of Fundamental Rights of the European Union
Third Plea In Law:	Infringement of Services Directive and Article 56 TFEU	Sixth Plea In Law:	Breach of Article 2 TEU*

* For more information, see [Luke D. Spieker, "Briefing: How to use Article 2 TEU in infringement procedures and in c-769/22"](#)

WHAT'S NEXT?



Nov 19 2024

Historic CJEU hearing

Hungary's law will be challenged in an extraordinary Full Court session—a rare configuration reserved for only 0.12% of cases. The stakes couldn't be higher, as Hungary is up against the European Commission, the European Parliament, and 16 EU countries in what's is the largest human rights battle in the history of the EU.

Spring 2025

Advocate General Opinion. Influential, but not binding.

Summer 2025

Judgment. Anti-LGBTIQ+ propaganda laws may be banned from the EU.

IF HUNGARY IS CONDEMNED:



Hungary

Crushing fine to follow, worth millions, unless the law is repealed. Potentially, Article 7 TEU - a mechanism that can lead to the suspension Hungary's voting rights - is put back on track.

EU Member States with anti-LGBT propaganda laws must repeal them (*), while those considering new ones must abandon their plans (**) — or face EU legal action and sanctions.

*Adopted:



[Bulgaria](#)



[Lithuania](#)

**Planned:



[Slovakia](#)



[Romania](#)



[Italy](#)



[Georgia](#)

Countries with anti-LGBTQ "propaganda" laws will not be able to move forward in their EU accession. Repealing these laws will become a non-negotiable pre-condition to join the EU.

JOURNALIST?

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forbidden colours

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