

Hungary's Pride ban

SUMMARY

On 18 March 2025, a law was adopted in Hungary restricting the freedom of assembly, by connecting it to a previous controversial law from 2021 that prohibited the public portrayal to children of 'divergence from self-identity corresponding to sex at birth, sex change or homosexuality'. An amendment to the Hungarian Constitution adopted on 14 April 2025 further reinforced this.

On the basis of this law, Budapest police decided to ban Budapest Pride. While at first some of the police's decisions were annulled by the Hungarian Supreme Court on procedural grounds and required new decisions, the Supreme Court later upheld these decisions and refused to check the law against the European Convention on Human Rights (ECHR) or make a preliminary reference to the Court of Justice of the European Union (CJEU). The Supreme Court considered that this case is not within the CJEU's jurisdiction.

The mayor of Budapest announced that Budapest Pride will be held as a municipal event, but the Budapest police have issued a decision prohibiting this.



IN THIS BRIEFING

- Introduction
- Infringement procedure against the 2021 law
- Legal challenges to the prohibition of Budapest Pride 2025
- Position of the ECtHR on similar laws
- European Commission positions on Pride event bans
- Reactions to the latest developments
- Position of the European Parliament



Introduction

On 15 June 2021, the Hungarian Parliament adopted [Act LXXIX of 2021](#) on 'tougher action against paedophile offenders and amending certain laws to protect children' (the 'Propaganda Law'), which curtailed LGBTI content and especially its availability to minors by introducing Section 6/A into the Child Protection Act.

On 18 March 2025, a [law](#) was adopted which required the prohibition of public events that do not comply with Section 6/A of the Child Protection Act, meaning those portraying 'divergence from self-identity corresponding to sex at birth, sex change or homosexuality'. The new law amends the law on misdemeanours and the law on the right of assembly, as well as the law on facial image analysis register that allows the use of facial image analysis to fine participants in the event.

On 14 April 2025, the Parliament adopted the 15th Amendment to the [Hungarian Constitution](#), which was signed by the President on the same day and entered into force on 15 April. The Amendment changes multiple articles in the Constitution, including specifying in Article L(1) that a person is 'a man or a woman' and in Article XVI(1) that the right of every child 'to the protection and care necessary for his or her proper physical, mental and moral development' takes precedence over all other fundamental rights, with the exception of the right to life.

Infringement procedure against the 2021 law

Act LXXIX of 2021 is the subject of an infringement procedure at the Court of Justice of the European Union (CJEU), where the case C-769/22 [Commission v Hungary](#) is still pending.

In that case, the European Commission alleges violations of the [Services](#), [Audiovisual Media Services](#), and [e-Commerce](#) Directives. It is also the first case in which the Commission has brought an infringement solely on the grounds of [Article 2 of the Treaty on European Union \(TEU\)](#). The hearing took place on 19 November 2024, with the CJEU sitting as a full court, meaning that it considers the case to be of [exceptional importance](#).

On 5 June 2025, Advocate General Ćapeta issued her [Opinion](#), in which she agreed with the Commission. She considered that a reading of Article 2 TEU in light of Article 49 TEU (on accession) shows that these articles lay down positive obligations, meaning that 'if there is a structural inequality in a society, such as it seems is present in respect of the LGBTI minority in Hungary, the Member State should actively work on solving such a structural problem, and must, *a fortiori*, refrain from aggravating it'. She considered that Article 2 TEU imposes certain 'red lines', and that this is not triggered by the quantity or the seriousness of the breaches of fundamental rights or fundamental principles of the EU, but by the negation of the values laid down in Article 2.

She considered that 'the criterion for finding a breach of Article 2 TEU is the negation of a value which is the root cause of other breaches of EU law. The seriousness and/or quantity of these other breaches may not in itself, decisively and automatically, serve as a criterion for finding a breach of Article 2 TEU, even though such elements might be an important indication of the negation of values enshrined in Article 2 TEU.' (para. 247). She stated that 'LGBTI persons deserving equal respect in Member States is not open to contestation through dialogue. Disrespect and marginalisation of a group in a society are the "red lines" imposed by the values of equality, human dignity and respect for human rights.'

Legal challenges to the prohibition of Budapest Pride 2025

After the 2025 law was adopted, the Budapest police issued several decisions related to events they considered to be successors of previous Budapest Pride events, using materials from previous Pride marches as proof that they violate the new law (though the origin of some of these materials is [contested](#)). These decisions were subsequently appealed to Hungary's Supreme Court (the Curia; [Kgyk.VII.39.057/2025/8](#) of 31 May 2025, [Kgyk.IV.39.061/2025/7](#) of 11 June 2025 and [Kgyk.IV.39.065/2025/6](#) of 20 June 2025).

In the first two cases, the Curia considered the appeal to be founded and required the police to make a new assessment. The Curia considered that the police had acted on an assumption that the event is a successor to the previous Pride events, but did not provide factual proof since the organiser of the previous Budapest Pride had explicitly withdrawn from the organisation. In the decision of 20 June, the Curia dismissed the appeal and upheld the prohibition.

In the decision of 11 June, the Curia stated in para. 69 that 'both the assembly authority and the court are law enforcement bodies, and they cannot override the content of the law, they are bound to it. Legal regulation is the task and responsibility of the legislature, the court cannot make a decision based on *contra legem* interpretation of the law.' It specified that the new Article XVI(1) of the Constitution, Article 13/A of the Assembly Act and Article 6/A of the Criminal Code contain a categorical prohibition. In its decision of 20 June, the Curia expanded on this in para. 83, stating that it could not examine the applicants' claim that the police decision was in violation of the ECHR.

In all cases, the applicants also requested a preliminary ruling to be sent to the CJEU. In the second decision, the Curia considered that there was no need to refer since the applicants were successful. In the last decision, the Curia considered that there was not sufficient time to do so. In the first [decision](#), however, the Curia considered that the case would have been outside the CJEU's scope of jurisdiction, stating that:

the general principles of EU law and the fundamental rights of the Union apply only in situations falling within the scope of EU law, i.e. in cases where the authorities of a Member State or the courts are implementing EU law, but not in cases where the underlying facts do not, in any other way, relate to EU law (purely internal situation). The CJEU has no jurisdiction over legislation which does not fall within the framework of Community law and where the subject matter of the dispute is not in any way connected with any situation falling within the scope of the provisions of the Treaties (order of the CJEU in Case C-328/04 'Vajnai'). As regards the requirements arising from the general principles of EU law and the protection of fundamental rights, it is settled case law that they are binding on the Member States whenever they are called upon to apply EU law. The CJEU cannot rule on an alleged breach of the general principles of EU law in the case of a dispute which has nothing to do with one of the situations covered by the provisions of the Treaty. The purely hypothetical possibility of exercising the freedoms guaranteed by the Treaty does not constitute a sufficient link to justify the application of provisions of EU law (order in Case C-16/12 'Hermes Hitel és Faktor'). Article 51(1) of the Charter provides that the provisions of the Charter are addressed to the Member States only when they are implementing European Union law. Article 6(1) TEU states, like Article 51(2) of the Charter, that the provisions of the Charter do not extend in any way the competences of the European Union as defined in the Treaties. Where a legal situation does not fall within the scope of EU law, the CJEU does not have jurisdiction to rule on it, and any provisions of the Charter relied on cannot, in themselves, form the basis for such jurisdiction (order in Case C-45/14 'Balázs and Papp').¹

On 16 June 2025, the mayor of Budapest, Karácsony Gergely, [announced](#): 'On 28 June, the Municipality of Budapest – in partnership with the Rainbow Mission Foundation – organises the Budapest Pride event.' On 19 June 2025, Budapest police issued a [decision](#) (Decision 01000-160/1133-3/2025) prohibiting this event.

Position of the ECtHR on similar laws

The European Court of Human Rights (ECtHR) has dealt with similar laws many times, mainly laws adopted by Russia, and concluded that these violate non-discrimination, freedom of expression and freedom of assembly. Just like Hungary, Russia had introduced a 'propaganda law' prohibiting information on LGBTI in the proximity of children. This law was used to prohibit Pride marches, among others. In the [Bayev and Others v Russia](#) case, the ECtHR considered that a law banning the promotion of homosexuality to minors violated the European Convention on Human Rights. In its ruling, the ECtHR stated that it:

has consistently declined to endorse policies and decisions which embodied a predisposed bias on the part of a heterosexual majority against a homosexual minority ... It held that these

negative attitudes, references to traditions or general assumptions in a particular country cannot of themselves be considered by the Court to amount to sufficient justification for the differential treatment, any more than similar negative attitudes towards those of a different race, origin or colour.

The Court considered that a law like the 'homosexual propaganda law' is an example of such predisposed bias. The ECtHR considered, in particular, 'the attempts to draw parallels between homosexuality and paedophilia' to be unacceptable (para. 69). The Court concluded that:

the legal provisions in question do not serve to advance the legitimate aim of the protection of morals, and that such measures are likely to be counterproductive in achieving the declared legitimate aims of the protection of health and the protection of rights of others. Given the vagueness of the terminology used and the potentially unlimited scope of their application, these provisions are open to abuse in individual cases ... Above all, by adopting such laws the authorities reinforce stigma and prejudice and encourage homophobia, which is incompatible with the notions of equality, pluralism and tolerance inherent in a democratic society.

On the banning of Pride events specifically, the ECtHR considered, in the case of [Alekseyev v Russia](#), that 'there is no scientific evidence or sociological data at the Court's disposal suggesting that the mere mention of homosexuality, or open public debate about sexual minorities' social status, would adversely affect children or "vulnerable adults".'

On the contrary, the Court considered that 'it is only through fair and public debate that society may address such complex issues'. The Court concluded that the prohibition of the Pride event 'did not correspond to a pressing social need and was thus not necessary in a democratic society', and consequently established a violation of Article 11 of the European Convention on Human Rights (ECHR; freedom of assembly and association). Furthermore, the ECtHR considered that 'it has been established ... that the main reason for the ban imposed on the events organised by the applicant was the authorities' disapproval of demonstrations which they considered to promote homosexuality ... In the light of these findings the Court also considers it established that the applicant suffered discrimination on the grounds of his sexual orientation and that of other participants in the proposed events.' Therefore, a violation of Article 14 (non-discrimination) in conjunction with Article 11 ECHR was also established.

The [Macatė v Lithuania](#) case concerned the temporary suspension of a children's fairy tale book depicting same-sex relationships, and its subsequent labelling as harmful to children under the age of 14. In its January 2023 judgment, the ECtHR found a violation of the freedom of expression in this case, considering that 'a legislative ban on "promotion of homosexuality or non-traditional sexual relations" among minors does not serve to advance the legitimate aims of protection of morals, health or the rights of others'. In that case, the Court also noted that every time the law had 'been applied or relied on has concerned information about LGBTI-related issues, such as social advertisements or television broadcasts seeking to foster social acceptance of sexual minorities, information about gay pride events or those events themselves ... and the applicant's book of fairy tales depicting same-sex relationships'. Subsequently, the Court found a violation of Article 10 ECHR (freedom of expression).

In its [Glukhin v Russia](#) judgment of 2023, the ECtHR found that the use of highly intrusive recognition technology, to identify and arrest participants for taking part in peaceful protest actions and for the purpose of pursuing a misdemeanour, was a violation of Article 8.

European Commission positions on Pride event bans

The [EU guidelines to promote and protect the enjoyment of all human rights by LGBTI persons](#), issued by the European External Action Service (EEAS), see limitations to pride events as a specific indicator in the checklist of the situation regarding LGBTI human rights issues, considering that 'such criminalisation is contrary to international human rights law and is in violation of the human rights of LGBTI persons, including the right to life, privacy, liberty, security and to health, as well as freedom of association, assembly and expression. These fundamental freedoms are also curtailed by

legislative initiatives that criminalise public discussion and/or expression of homosexuality, including the prohibition of "pride marches". The guidelines consider that the EU should 'also actively oppose other limitations on access to human rights, in particular legislative initiatives limiting the rights to freedom of expression, association and assembly'.

In the debate on 2 April 2025 in the Parliament, the Commissioner for Democracy, Justice, the Rule of Law and Consumer Protection, Michael McGrath, stated:

This child protection law stigmatises LGBTIQ-related content and presents it as being detrimental to children's development. We want to be clear the protection of all children in all their diversity is an absolute priority for the EU and for its Member States. However, the Hungarian law contains provisions which are not justified on the basis of promoting this fundamental interest or are disproportionate to achieve the stated objective. The Commission will continue to assess the overall rule of law situation in Hungary in the 2025 Rule of Law Report, which is currently being prepared. And let me assure you that the rule of law related developments in Hungary have our full attention, and that includes my personal, full attention.

He further stated that the Commission:

will not hesitate to take further action to ensure respect for the rule of law and fundamental rights in Hungary and, indeed, in any other Member State. These are obligations that are core to membership of the European Union and have been signed up to explicitly by every member of the European Union, and we will act to uphold them every day in our work.

Reactions to the latest developments

On 27 March 2025, ambassadors of [22 countries](#) (Australia, Austria, Belgium, Czechia, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Latvia, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Slovenia, Spain, Sweden, Switzerland and the United Kingdom) expressed deep concern about the new legislation 'that results in restrictions on the right of peaceful assembly and the freedom of expression'. They committed to 'respecting, protecting and fulfilling the human rights and fundamental freedoms of all people, regardless of sexual orientation, gender identity and sex characteristics, and to combating discrimination based on those grounds'. In a [separate declaration](#) of 27 May 2025, 20 Member States (Austria, Belgium, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Slovenia, Spain and Sweden) stated that they are 'highly alarmed by these developments which run contrary to the fundamental values of human dignity, freedom, equality and respect for human rights, as laid down in Article 2 of the Treaty on European Union', and called on the Commission 'to expeditiously make full use of the rule of law toolbox at its disposal in case these measures are not revised accordingly'.

The [European Commission](#) condemned the law as violating the fundamental right to peaceful assembly, along with the AI Act and EU privacy rules. Commission President Ursula von der Leyen [called](#) on the Hungarian authorities 'to allow the Budapest Pride to go ahead without fear of any criminal or administrative sanctions against the organisers or participants'. The Commissioner for Equality, Preparedness and Crisis Management, Hadja Lahbib, [considered](#) that 'the right to gather peacefully is a fundamental right to be championed across the European Union. We stand with the LGBTQI community – in Hungary & in all Member States.' The [UN Human Rights spokesperson](#) said that they 'are deeply concerned at legislation passed this week in Hungary that results in arbitrary and discriminatory restrictions on the rights of LGBTIQ+ individuals to freedom of expression, peaceful assembly and privacy, including when advocating for their human rights in events such as Pride parades'. Furthermore, UN Human Rights Chief Volker Türk called on the Hungarian authorities 'to repeal this law and other legislation that discriminates against LGBTIQ+ individuals'.

In a [letter](#) to the Hungarian National Assembly, the Commissioner for Human Rights of the Council of Europe, Michael O'Flaherty, asked it 'to initiate a reconsideration of the recently adopted amendment to the law on the right to assembly' with reference to the case law mentioned above.

Position of the European Parliament

Parliament has consistently condemned 'anti-LGBTI propaganda laws'. It first did so concerning the law introduced in Russia in [2013](#), stating that it was 'deeply concerned at the negative consequences of the adoption of a federal law on "homosexual propaganda", which could increase discrimination and violence against LGBTI individuals'.

In March 2021, vis-à-vis Hungary, Parliament declared the EU an [LGBTIQ Freedom Zone](#). In its [resolution of 8 July 2021](#) on breaches of EU law and of the rights of LGBTIQ citizens in Hungary as a result of the adopted legal changes in the Hungarian Parliament, Parliament condemned the 2021 law in the strongest possible terms. Parliament considered that the law constituted 'a clear breach of the EU's values, principles and law ... [and] recall[ed] that the Law will introduce into different Hungarian acts provisions that violate fundamental rights under the Charter and the Treaties and EU internal market legislation (the AVMSD [Audiovisual Media Services Directive] and the e-Commerce directive)', as well as a violation of the established EU *acquis*.

Parliament also states its 'unwavering commitment to defending children's rights in the EU and abroad; 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'. It considered in that regard 'that the conflation of sexual orientation and gender identity with paedophilia or attacks on children's rights displays a clear attempt to instrumentalise human rights language in order to enact discriminatory policies' and that it considers this 'to be contrary to international human rights principles and norms.'

Parliament also recalled that LGBTIQ rights are human rights and reiterated 'its call on encouraging Member States, particularly Hungary, to ensure that existing legislation on education and information available to minors fully complies with the fundamental rights enshrined in EU and international law and to ensure access to comprehensive sexuality and relationship education that is scientifically accurate, evidence-based, age-appropriate and non-judgmental', and 'recall[ed] that published information should reflect the diversity of sexual orientations, gender identities, expressions and sex characteristics, so as to counter misinformation based on stereotypes or biases'.

ENDNOTE

¹ Machine translation of judgment using European Commission's eTranslation tool.

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