MOTION FOR A RESOLUTION

to wind up the debate on the statements by the Council and the Commission
pursuant to Rule 132(2) of the Rules of Procedure

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))

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European Parliament 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))

The European Parliament,

– having regard to the Charter of Fundamental Rights of the European Union (hereinafter ‘the Charter’),
– having regard to Articles 4 and 5 of the Treaty on European Union (TEU),
– having regard to Article 165 of the Treaty on the Functioning of the European Union (TFEU),
– having regard to the European Convention on Human Rights and the related case law of the European Court of Human Rights (ECtHR),
– having regard to the Universal Declaration of Human Rights,
– having regard to the case law of the Court of Justice of the European Union and ECtHR,
– having regard to the Declaration of the UN Convention on the Rights of the Child of 20 November 1989, which states in its preamble that ‘the child needs special safeguards and care, including appropriate legal protection, before as well as after birth’,
– having regard to the Commission communication of 24 March 2021 entitled ‘EU Strategy on the rights of the child (2020-2025)’ (COM(2021)0142),
– having regard to the Hungarian Act LXXIX of 2021 on ‘Taking more severe action against paedophile offenders and amending certain acts for the protection of children’ (hereinafter ‘the Bill’ and, after promulgation, ‘the Law’),
– having regard to Rule 132(2) of its Rules of Procedure,

A. whereas on 15 June 2021 the Hungarian National Assembly adopted the Bill which, originally intended to protect children against paedophile offenders, an objective which is shared and pursued by all Union institutions and Member States; whereas the Bill was promulgated on 23 June 2021 and will enter into force on 8 July 2021;

B. whereas the Law is about the protection of minors, and the right of parents to decide on the sex education of their children, as well as about the regulation of content meant for minors; whereas the Law only regulates minors’ access to certain sensitive content, and

1 Law published in the Official Gazette of Hungary: https://njt.hu/jogszabaly/2021-79-00-00; https://magyarkozlony.hu/dokumentumok/ba643dee7b59c2a1901132e6e3320483d2245b56/megtekintes
does not affect adults or the self-expression of individuals;

C. whereas the TFEU affirms that the Union shall fully respect ‘the responsibility of the Member States for the content of teaching and the organisation of education systems’, while being entrusted with the task of supporting, supplementing and coordinating with regard to the development of education;

D. whereas under Article 4 of the TEU, the Union shall respect the national identity of Member States, whereas it is therefore the right of Member States to decide on issues such as education, the protection of children and family law in line with constitutional and national identity and cultural traditions;

E. whereas under the principle of conferral enshrined in Article 5 of TEU, the Union shall act only within the limits of the competences conferred upon it by the Member States;

F. whereas under the Charter, the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected;

G. whereas the Convention on the Rights of the Child imposes on States Parties the obligation to make ‘the best interests of the child’ a primary consideration, ‘taking into account the rights and duties of his or her parents, legal guardians or individuals legally responsible for him or her’ (Article 3), who in turn have the right ‘to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognised in the present Convention’ (Article 5);

1. Takes the view that Member States are legally competent and thus should be closely involved in protecting children;

2. Recalls that the Member States are wholly responsible for managing their education systems, the content of their teaching and their cultural and linguistic diversity;

3. Notes that sexual education is very strongly linked to religious beliefs and ideological conviction, and should therefore not take place against the wishes of parents;

4. Notes that the Law adopted by the Hungarian Parliament has nothing to do with Union competences and thus with Union law;

5. Is of the opinion, that the Law is based on the idea reflected in international law under the Convention on the Rights of the Child that the best interests of the child shall be a primary consideration, and that States Parties shall take all appropriate measures to ensure such protection and care, taking into account the rights and duties of parents;

6. Underlines that content meant for minors can be regulated by Member State, and that this is customarily the practice in all Member States in public and private education, media and the public sphere in general;

7. Notes with concern that some groups in the European Parliament have attempted to interfere in matters that the Treaties reserve for the Member States;
8. Instructs its President to forward this resolution to the governments and parliaments of the Member States, the Council, the Commission and the Committee of Regions.