Subject: Recently proposed bills in Hungary infringing on the rights of LGBTI persons

The Hungarian Government has proposed two bills to amend the Constitution, which include provisions such as ‘the mother is female, the father is male’, ‘children will be raised with a Christian interpretation of gender roles’ and ‘the gender of a person is defined as the one established at birth’.

This draft legislation would constitute an indirect and de facto ban on adoption for same-sex couples. Equally, the Hungarian Parliament’s Justice Committee adopted a bill which would abolish its equality body – the Equal Treatment Authority (ETA) – by January 2021, without any impact assessment or public consultation, and shift its obligations to the Commissioner for Fundamental Rights, who has previously failed to take action on flagrant cases of discrimination.

1. What steps will the Commission take to prevent Hungary from adopting legislation that openly goes against the EU Charter of Fundamental Rights?

2. Will the Commission include these issues in the agenda of the Article 7(1) hearing on Hungary to be held by the General Affairs Council on 8 December 2020?

3. EU equal treatment directives require Member States to designate bodies for the promotion of equal treatment. What is the Commission’s view on the abolishment of the ETA?

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1 Hungarian Parliament Legislative Proposal T/13647