



Weekly Briefing

**Croatia external relations briefing:
The Hungarian LGBT Law and its Effect on the European Unity
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The Hungarian LGBT Law and its Effect on the European Unity

Summary

The new Hungarian legislation that regulates the dissemination of homosexual and gender change content came into effect in early July and provoked discussions in the European Union and its member states. In this paper, we shall tackle some aspects of the law and present the position of Croatia, a country that remained reserved in condemning the new Hungarian legislation. On the initiative of Belgium, the Netherlands, and Luxembourg, a joint declaration has been made in which the member states urge the European Commission to take the appropriate steps in approaching this issue.

Introduction

This paper deals with the recent legislative amendments approved by the Hungarian Parliament on 15 June, commonly known as Hungary's anti-LGBT law. The law gained negative reception in Europe due to its content that bans any kind of homosexual material and ideas related to gender change to be taught in schools or to address people under 18 years of age. The Hungarian National Assembly passed the legislation with 157 votes in favor and one vote against it, with several opposition parties boycotting the session, thus, expressing their dissatisfaction and concern over the subject. In the paper, we shall also present the position of Croatia, the opinions of the country's minister of foreign affairs, and some MPs.

The Context of the Law

The Amendments to the Child Protection Act, the Family Protection Act, the Act on Business Advertising Activity, the Media Act and the Public Education Act, as it is the original name of the legislative amendments, has been closely related to Russia's anti-gay "propaganda law" that was introduced to and approved by the State Duma in mid-June 2013, while it was signed into law by Vladimir Putin on 30 June 2013. The narrative of these two legislations can be seen from a somewhat different perspective, at least in their initial stages: while Russian law was openly introduced to protect children from homosexual content including the propaganda of non-traditional sexual relationships, the original version of the Hungarian bill was to

inaugurate heavier sanctions against the people accused of pedophilia. As it was reported by Euractiv, this was a hot topic in Hungary after a scandal involving its former ambassador in Peru broke down, who was arrested in mid-2019 with almost 20.000 pornographic images of minors on his electronic devices and was charged with child pornography. However, what first began as a hunt for pedophilia offenders soon became something else after Fidesz MPs arranged changes to the draft proposal which included the following: “No content featuring portrayals of homosexuality or sex reassignment can be made available to minors (...) School sex educators can no longer ‘promote’ homosexuality or sex reassignment (...) School education classes can only be held by registered organizations, limiting more liberal NGOs (...) Restrictions on ads with LGBT content”¹. Although the Hungarian Government was adamant about the law, claiming that this form of it addresses the concerns of pedophilia as well, the vast majority of politicians, EU officials, and members of human rights groups expressed their consternation due to the reason that pedophilia is being associated in the same context with LGBT community, while restricting the possibilities of sexual education at the same time. On the other hand, the Hungarian Government spokesperson commented on the law: “There are contents which children under a certain age can misunderstand and which may have a detrimental effect on their development at the given age, or which children simply cannot process, and which could therefore confuse their developing moral values or their image of themselves or the world”². Participating at the European Council summit in late June, Prime Minister Viktor Orbán approached this issue from the same perspective. He claimed that the law is not directed against homosexuals; rather, the main intention was to protect the rights of children and their parents. As it can be seen, even though Orbán knew what would be the reactions from the European Union and was prepared for subsequent condemnations from his counterparts in the European Council, he insists on using the framework of child protection to justify his government’s law and overall agenda.

¹ Kovács, Zoltán. 2021. Portrayal and promotion – Hungary’s LGBTQI+ law explained. *Euractiv.com* <https://www.euractiv.com/section/non-discrimination/news/portrayal-and-promotion-hungarys-latest-anti-lgbt-law-explained/>.

² Rankin, Jennifer. 2021. Hungary passes law banning LGBT content in schools or kids’ TV: New legislation outlaws sharing information seen as promoting homosexuality with under-18s. *theguardian.com* <https://www.theguardian.com/world/2021/jun/15/hungary-passes-law-banning-lgbt-content-in-schools>.

Reactions from the European Union

Nonetheless, most of the European Union member states remained firm in their stance toward this issue. Anna Donáth, a Hungarian member of the Renew Europe Group in the European Parliament, urged the Union and its authorities to undertake joint action against this law. She said: “The law is incompatible with the fundamental values of European democratic societies as well as the values of the Hungarian citizens and is only the latest of many shameful attacks on LGBTIQ rights by Viktor Orbán’s government (...) We need more European examples and more acceptance instead of Russian examples of propaganda laws”³. Donáth was joined by other high officials and country representatives, such as the European Commission President Ursula von der Leyen and German Chancellor Angela Merkel. Furthermore, on the initiative of Belgium, the Netherlands, and Luxembourg, a joint declaration has been made to condemn the new Hungarian legislation on the EU level. The three countries gathered the rest of the European Union member states that were willing to participate in their initiative to express their concerns over the law and to urge the European Commission to act accordingly. In the document, the countries underline that the legislation clearly violates the freedom of expression and does not go hand-in-hand with the European values embedded in the EU’s Charter of Fundamental Rights⁴.

The Position of Croatia

When it comes to Croatia, the country was among those that choose not to sign the joint declaration. If one looks at the list of countries that supported the initiative of Belgium, the Netherlands, and Luxembourg, it would be reasonable to argue that Croatia should have been among them, especially taking into account the influence of Prime Minister Andrej Plenković in the European Union (at least that is what Croatian citizens believe) and his close relations with its leaders. However, if we look at the map of Europe, we can see that most of the countries that abstained from signing the document are those from Eastern Europe, meaning the countries that joined the European Union in 2004 and 2007. The explanation for Croatia’s absence from the list was given by the Minister of Foreign and European Affairs, Goran Grlić Radman. While trying to stay diplomatic, Grlić Radman failed to provide a meaningful answer. He said: “All

³ Rankin, Jennifer. 2021. Hungary passes law banning LGBT content in schools or kids’ TV: New legislation outlaws sharing information seen as promoting homosexuality with under-18s. [theguardian.com https://www.theguardian.com/world/2021/jun/15/hungary-passes-law-banning-lbgt-content-in-schools](https://www.theguardian.com/world/2021/jun/15/hungary-passes-law-banning-lbgt-content-in-schools).

⁴ Eighteen Countries Unite at Belgium’s Initiative to Defend LGBTIQ Rights in Europe. Sophie Wilmès. [wilmes.belgium.be https://wilmes.belgium.be/en/thirteen-countries-unite-belgiums-initiative-defend-lgbtig-rights-europe](https://wilmes.belgium.be/en/thirteen-countries-unite-belgiums-initiative-defend-lgbtig-rights-europe).

those declarations that do not contribute to unity, it seems to me, may bring more unrest among the member states (...) There are institutions, there is a need for dialogue and we need to show a willingness to listen and see. This is actually our Croatian position; our position is always assertive”⁵. The discussion on this matter soon became a hot topic in Croatia when Nikola Grmoja, a political secretary of the Bridge party (Most) and a member of Croatian Parliament, expressed his opinion which many believed was in the line with what was previously explained and regulated by the Hungarian legislation. Grmoja said that he does not want to be a subject of any kind of propaganda, including the LGBT propaganda, and that children have to be protected from it as well. He further underlined that the European Union should not have the power to engage in national legislations of member states. After these remarks, he posted a question on his Facebook profile asking whether the citizens would support his initiative to vote on anti-pedophilia law that would introduce stricter penalties for offenders, and that would protect children from sexual content and LGBT propaganda⁶.

Conclusion

All in all, the Hungarian legislation once again provoked debates that many find over long ago. Unfortunately, that was not the case, and apart from the discussions on the rights of the LGBTIQ community, the legislation showed that not all member states have equal positions on this topic. Of course, by the virtue of political and ideological pluralism, they do not need to have the same positions; however, they have to display the same respect for every person, regardless of their sexual orientation. On the other hand, this could have been bait that was successfully thrown by Orbán, to mobilize his supporters in light of the 2022 parliamentary election and to divide Hungarian opposition, as was explained by professor Andras Bozoki from Central European University⁷.

⁵ Duhaček, Gordan. 2021. Mađarska izglasala homofobni zakon, Hrvatska među par članica EU koje ga ne osuđuju. *Indeks.hr* <https://www.index.hr/vijesti/clanak/madarska-izglasala-homofobni-zakon-hrvatska-medju-par-clanica-eu-koje-ga-ne-osudjuju/2285649.aspx>.

⁶ N.N. 2021. Grmoja: 'Djeci se nameće LGBT propaganda, izradit ću antipedofilski paket i tome stati na kraj'. *vecernji.hr* <https://www.vecernji.hr/vijesti/grmoja-djeci-se-namece-lgbt-propaganda-izradit-cu-antipedofilski-paket-i-tome-stati-na-kraj-1504633>.

⁷ Verseck, Keno. 2021. Hungary approves law banning LGBTQ+ content for minors. *www.dw.com* <https://www.dw.com/en/hungary-approves-law-banning-lgbtq-content-for-minors/a-57909844>.