



## European network of legal experts in gender equality and non-discrimination

### FLASH REPORT

<b>Country:</b>	Hungary
<b>Title:</b>	Budapest Mayor's Office fined for blocking access to LGBTQI websites
<b>Date:</b>	19 July 2019
<b>Expert:</b>	András Kádár
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Whether blocking access to LGBTQI-themed websites for employees constitutes discrimination
<b>Grounds of discrimination:</b>	Sexual orientation, Gender
<b>Field of application:</b>	Other field
<b>Source:</b>	National equality body, decision of 29 May 2019
<b>Applicable law:</b>	Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities

### **Content**

**Case development:**<sup>1</sup> Háttér Society, Labrisz Lesbian Association, and Rainbow Mission Foundation turned to the Equal Treatment Authority in March 2019, after media had reported that Budapest Mayor's Office blocks access to LGBTQI websites from its local network, meaning that neither the staff of the Office, nor local council members can access such pages.

During the procedure the Mayor's Office made conflicting statements about how blocking works, and tried to shift the liability on the manufacturer and distributor of the firewall hardware responsible for web filtering. The main argument of the Office, however, was that staff do not need access to these websites for their work. However, it became clear from a document submitted by the Office that several types of websites such as entertainment videos and internet auctions were not blocked. Furthermore, staff at the Office do need access to publication and press materials from the organisations of discriminated groups to achieve their commitment to equal opportunities. This was supported by the fact that the websites of other vulnerable groups, such as Roma, women and people living with disabilities were available from the network, the Mayor's Office was only blocking LGBTQI-themed websites, including the websites of LGBTQI rights organisations.

**Decision of the equality body:** The Equal Treatment Authority found that the conduct of the Mayor's Office amounted to discrimination based on sexual orientation and gender identity. The Authority pointed out that the conduct also caused harm to the entire LGBTQI community: it limited the possibility to have their interests represented, as well as humiliated them. In the words of the Authority: "Based on the categories blocked it can be ascertained that gay, lesbian and bisexual content was treated similarly to harmful, deviant, even illegal content that is clearly not suitable for work. [...] The conduct of the

---

<sup>1</sup> Case description based on summary by Háttér Society.

local government of the country's capital to block gay, lesbian and bisexual content in the same way as they do with deviant topics condones and strengthens existing social prejudices."

The Authority imposed multiple sanctions: it ordered the Mayor's Office to discontinue its unlawful practice, forbade such a conduct in the future, imposed a HUF 1 million (appr. EUR 3 000) fine and ordered its decision to be published on its own website, as well as the opening page of the city's website. The Mayor's Office has requested judicial review, the case is pending before the court.

**Key points of analysis:** The case is relatively straightforward from a legal point of view, but is an important indication of high-ranking office holders' attitude to LGBTQI rights and issues in Hungary. The Mayor of Budapest himself has made in the past a number of statements denouncing LGBTQI events (e.g. after becoming the Mayor of Budapest in 2010, he talked about how "unnatural and repulsive" he finds Pride events), while at a recent (may 2019) public forum, the Speaker of the House compared the wish of same sex couples to adopt children to paedophilia and said the following: "A reasonable homosexual knows what the order of the world is, that he was born like this, he became this. He tries to adapt to this world in a way that he does not necessarily regard himself to be equal [to heterosexuals]." In this context, the Equal Treatment Authority's decision is an important message concerning the significance of the requirement of equal treatment.

**Internet link source:** <http://en.hatter.hu/news/equal-treatment-authority-fines-budapest-mayors-office-for-blocking-lgbtqi-websites>.