



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

FLASH REPORT

Country:	Hungary
Title:	Budapest Mayor's Office unblocks access to LGBTQI websites
Date:	17 February 2020
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Update of flash report:	Hungary - Budapest Mayor's Office fined for blocking access to LGBTQI websites (PDF 71 kB)
<u>Context</u>	
Issue at stake:	Newly elected Mayor unblocks access to LBGTQI-themed websites for employees
Grounds of discrimination:	Sexual orientation, Gender
Field of application:	Other field
Source:	Policy development
Applicable law:	Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities

Content

Case development:² 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 blocked access to LGBTQI websites from its local network, meaning that neither the staff of the Office, nor local council members could 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 organizations 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 organizations.

Decision of the equality body: On 29 May 2019, 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

¹ The initial flash report was prepared by András Kádár.

² Case description based on summary by Háttér Society, available at: <http://en.hatter.hu/news/equal-treatment-authority-fines-budapest-mayors-office-for-blocking-lgbtqi-websites>.

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 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 one 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 challenged the decision of the Authority by requesting judicial review.

In October 2019 however, following local elections, the candidate of the opposition won the seat of Mayor of Budapest. In December 2019, the new Mayor, Gergely Karácsony, moved to terminate the lawsuit against the Authority's decision, and ordered to unblock the access to LGBTQI websites from the local network.

Key points of analysis: The case was relatively straightforward from a legal point of view, but was an important indication of high-ranking office holders' attitudes to LGBTQI rights and issues in Hungary. While the previous Mayor of Budapest had made a number of anti-LGBTQI statements, the new Mayor claimed on the very first day in his new office that he will display the rainbow flag on the Budapest City Hall during the next annual Budapest Pride (and he already did display the rainbow flag on the City Hall of the 14th District of Budapest, of which he was the district mayor before being elected as the Mayor of Budapest).

Internet link source: <https://budapest.hu/Lapok/2019/karacsony-nem-folytatja-a-tarlos-altal-inditott-pert-az-egyenlo-banasmod-hatosag-ellen.aspx?fbclid=IwAR0zcYEg0O8BUZeHqw9SZl3XQh3K55sN1SkHne8ehm6KDVxcUw11j-Od40w>.