

EU Court of Justice condemns Hungarian anti-LGBTI ‘propaganda’ laws

[article](#), [non-discrimination](#), [legal gender recognition](#), [resilience against anti-gender ideology](#), [self-determination](#)

TGEU welcomes the decision by the EU Court of Justice condemning Hungary’s anti-LGBTI ‘propaganda’ laws in a sweeping ruling.

In a [historic decision](#) on 21 April 2026, the EU Court of Justice firmly rejected Hungary’s pretext of child-protection for a gag-rule that made talking positively about LGBTI people illegal.

The Court of Justice also found that Hungary breached EU law on several levels: Article 2 of the Treaty on European Union, the Charter of Fundamental Rights of the European Union, the General Data Protection Regulation (GDPR), and EU rules on media and digital services in the internal market.

How does the ruling protect LGBTI people’s dignity?

The Court found that the laws stigmatise and marginalise non-cisgender and non-heterosexual people by associating them with paedophilia, encouraging hateful conduct against them. By pushing LGBTI people into social invisibility, the laws violate their dignity. The Court said such restrictions could never be justified, though states can still protect minors in an adequate and reasonable way.

Why this judgment matters for trans people

The ruling matters because of the level at which it operates. Earlier trans rights cases were largely decided through other routes, such as free movement (*Mirin, Shipov*), data protection, and private life (*Deldits*), and were therefore tied to protection under particular instruments or other rights. Here, the Court applied Article 21(1) of the Fundamental Rights Charter directly, as a self-standing prohibition of discrimination that binds the EU legislature and the Member States whenever they act within the scope of EU law.

In paragraph 133 of its judgment, the EU Court of Justice held that the ban on sex discrimination cannot be confined to discrimination based on whether a person is man or a woman. It also covers discrimination linked to gender reassignment and “discrimination based on a deviation from the self-identity corresponding to the sex assigned at birth”.

Does EU law protect gender identity?

The Court confirmed that the right to private life (Article 7 of the Charter) includes the right of transgender persons to personal fulfilment, physical and moral integrity, and recognition of their gender identity. It also moved from “transsexual” to “transgender” in its language.

What does the judgment mean for legal gender recognition?

For the first time, the Court stated that member states have a “positive obligation to ensure the effective respect of every person’s right to the development of a gender identity”. The case did not directly concern Hungary’s ban on

legal gender recognition, but this wording can reasonably be read as requiring all Member States to have such a procedure in place.

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