

(English version)

**Question for written answer E-001124/25
to the Commission
Tomasz Froelich (ESN)
(17 March 2025)**

Subject: Criticism of the rainbow flag and of its symbolism

The Göttingen Public Prosecutor's Office is conducting a preliminary investigation into Lower Saxony State Assembly Member Vanessa Behrendt (AfD) for incitement to hatred. ⁽¹⁾ The reason: on 23 October 2024, she posted the following on X (unofficial translation): 'The rainbow flag stands for machinations of paedophile lobby groups, the endangering of children through LGBTQ propaganda, the plaguing of young children with transsexuality.' It is a proven fact that children have been and continue to be abused in the name of sexual freedom. ⁽²⁾ As examples of the dangers she associates with the rainbow flag, Behrendt cites 'legal "cuddling" and "rough-and-tumble" involving unfamiliar men and kindergarten children ("original play") and the treatment of gender identity disorders with puberty blockers, hormone therapies and transgender surgeries'. Behrendt wants to protect children against this.

Is Behrendt's criticism of what she believes the rainbow flag stands for covered by freedom of expression as enshrined in Article 11 of the EU Charter of Fundamental Rights and, if not, why not?

Submitted: 17.3.2025

**Answer given by Mr McGrath on behalf of the European Commission
(14 July 2025)**

Freedom of expression is a fundamental right and a cherished value. There is, however, a line drawn by fundamental rights law: it must not be exploited to incite hatred and violence.

Hate speech represents a systemic risk for democracy and fundamental rights, and a threat to the common values of respect for human dignity, freedom, democracy and equality enshrined in the Treaty on European Union ⁽¹⁾.

Freedom of expression is protected by Article 11 of the Charter of Fundamental Rights of the EU ⁽²⁾ ('the Charter') and the Commission is committed to ensuring its respect within the remit of its competences. According to its Article 51(1), the Charter applies to Member States when they are implementing EU law.

The Commission firmly believes that the protection of children and the safeguarding of the fundamental rights of lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) people are not mutually exclusive.

The Commission remains fully committed to addressing inequality and discrimination, as outlined in our LGBTIQ Equality Strategy 2020-2025 ⁽³⁾.

As announced in the Commission President's Political Guidelines ⁽⁴⁾ and in the 2025 Commission Work Programme ⁽⁵⁾, the LGBTIQ Equality Strategy will be renewed beyond 2025.

Where EU law does not apply, Member States remain bound to respect fundamental rights under their national legislation and international human rights obligations, and where applicable, to investigate and prosecute instances of hate speech. The Commission does not comment on ongoing investigations at national level.

¹ <https://www.nius.de/gesellschaft/news/staatsanwaltschaft-goettingen-afd-vanessa-behrendt-volksverhetzung-regenbogen-lgbtq/136ebf66-da49-44f4-b978-a90b9f4e24fd>

² <https://www.tagesspiegel.de/berlin/missbrauch-von-kindern-im-namen-der-sexuellen-freiheit-4233352.html>

⁽¹⁾ Treaty of the European Union, OJ C 202, 7.6.2016, p. 1-388.

⁽²⁾ Charter of Fundamental Rights of the European Union, OJ C 326, 26.10.2012, p. 391-407.

⁽³⁾ Union of Equality: LGBTIQ Equality Strategy 2020-2025, COM/2020/698 final.

⁽⁴⁾ https://commission.europa.eu/document/download/e6cd4328-673c-4e7a-8683-f63ffb2cf648_en?filename=Political%20Guidelines%202024-2029_EN.pdf.

⁽⁵⁾ https://commission.europa.eu/document/download/7617998c-86e6-4a74-b33c-249e8a7938cd_en?filename=COM_2025_45_1_annexes_EN.pdf.