

EN
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Answer given by Ms Lahbib
on behalf of the European Commission
(25.9.2025)

The right to gather peacefully is a fundamental right enshrined in the Charter of Fundamental Rights of the EU and must be protected and upheld at all times.

The Commission, as guardian of the Treaties, monitors the application of the Charter and related EU laws, strengthens its dialogue with Member States and launches infringements as appropriate where there is a breach of EU law.

In July 2022, the Commission referred Hungary to the Court of Justice of the EU over national rules that discriminate against people based on sexual orientation and gender identity¹. The Commission considered that those rules violate single market rules and the fundamental rights of individuals, in particular of lesbian, gay, bisexual, trans, non-binary, intersex and queer (LGBTIQ) people, as well as the common values at the core of the EU². The case is still pending before the Court of Justice. A hearing in this case took place on 19 November 2024 and the Advocate General issued her opinion on 5 June 2025.

The Commission is committed to achieving a Union of Equality, including for LGBTIQ people as outlined in the LGBTIQ Equality Strategy 2020-2025³. As announced in the 2025 Commission Work Programme⁴, the Commission will present a renewed LGBTIQ Equality Strategy in 2025.

The Commission firmly believes that children's rights and LGBTIQ rights are not mutually exclusive. The preamble to the Charter of Fundamental Rights reaffirms that the EU is founded on indivisible and universal values, which means that no fundamental right can be more important than the others, and that the fundamental rights contained therein are rooted in international obligations shared by all Member States. Any limitation on these rights must meet the conditions set out in Article 52(1) of the Charter, including respect for the principle of proportionality.

¹ C-769/22, *Commission v Hungary, Valeurs de l'Union*.

² Article 2 of the Treaty on European Union.

³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Union of Equality: LGBTIQ Equality Strategy 2020-2025, 12 November 2020, COM(2020) 698 final.

⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Commission work programme 2025, 11 February 2025, COM(2025) 45 final.