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NOTE

From:	General Secretariat of the Council
To:	Council
Subject:	Conclusions on the EU Strategy on the Rights of the Child - Statements by the Hungarian and Polish delegations

The following statements will be entered in the Council minutes.

Statement by Hungary regarding the conclusions on the EU Strategy on the Rights of the Child

Hungary recognizes and promotes equality between men and women in accordance with the Fundamental Law of Hungary, and the primary law, principles and values of the European Union, as well as commitments and principles stemming from the international law. Furthermore, equality between women and men is enshrined in the Treaties of the European Union as a fundamental value. In line with these and its national legislation, Hungary interprets the concept of ‘gender equality’ as reference to the ‘equality between girls and boys’ in point 2 of the Council Conclusions on the EU Strategy on the Rights of the Child.

Hungary’s agreement to the adoption of the Council Conclusion on the EU Strategy on the Rights of the Child and to the references made therein to various strategies of the European Commission and the Council of Europe cannot be interpreted as a general endorsement of all actions announced, terminologies used as well references made in those strategies, especially when these actions, terminologies and references are direct connotations of the LGBTIQ Equality Strategy 2020-2025 and/or the Gender Equality Strategy 2020-2025 of the Commission.

Statement by Poland regarding the conclusions on the EU Strategy on the Rights of the Child

Equality between women and men is enshrined in the Treaties of the European Union as a fundamental right. Poland ensures equality between women and men within the Polish national legal system in accordance with international human rights treaties and within the framework of the fundamental values and principles of the European Union. For these reasons, the expression “gender equality” will be interpreted by Poland as equality between women and men, in accordance with Article 2 and 3 of the Treaty on European Union and Article 8 and 157 para 3 of the Treaty on the Functioning of the European Union. Therefore, the remaining expressions containing the term “gender” will be interpreted by Poland as “sex”, in accordance with Article 10, Article 19 para 1 and Article 157 para 2 and 4 of the Treaty on the Functioning of the European Union.

At the same time, Poland wishes to emphasize the exclusive competence of the Member States in the area of substantive family law, in particular as regards the determination of the child’s origin and the definition of marriage, parenthood and motherhood. In Poland, issues pertaining to the concept of family and marriage are regulated in the provisions of constitutional rank (Article 18 of the Constitution) and since they define the social structure of the state, they are not subject to interference from EU institutions (Article 4 para 2 TEU), as they constitute an element of Polish national identity (see judgment of the CJEU in cases C-673/16 and C-490/20, Protocol No. 30 on the application of the Charter of Fundamental Rights of the European Union to Poland and the United Kingdom, Declaration No. 61 by the Republic of Poland on the Charter of Fundamental Rights of the European Union, according to which the Charter does not affect in any way the right of Member States to legislate in the sphere of public morality, family law, as well as the protection of human dignity and respect for human physical and moral integrity).

Therefore, it is in this spirit that Poland’s consent to the adoption of the Council Conclusions on the EU Strategy on the Rights of the Child should be interpreted, and its references to various strategies of the European Commission and the Council of Europe cannot be interpreted as a general endorsement of all actions announced, terminologies used as well as references made in those strategies, especially when these actions, terminologies and references directly refer to the LGBTIQ Equality Strategy 2020–2025 and/or the Gender Equality Strategy 2020–2025 of the Commission.