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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

HUNGARY

**RELEVANT EXTRACTS
OF**

**ACT XXXI OF 1997
ACT XLVIII OF 2008
ACT CLXXXV OF 2010
ACT CCXI OF 2011
AND
ACT CXC OF 2011*
(CONSOLIDATED VERSION)**

**Non-official translation*

Act XXXI of 1997
on the Protection of Children and Guardianship Administration¹

Valid: 01.07.2021 – 07.07.2021

The National Assembly, guided by its responsibility for future generations, adopted the UN Convention on the Rights of the Child in New York, 1989. In order to enforce the rights of the child as defined in Act LXIV of 1991 on the proclamation of the Convention of 20 November and the Fundamental Law, in accordance with Act IV of 1952 on marriage, family and guardianship and Act III of 1993 on social administration and social benefits, the following Act is hereby adopted:²

PART ONE

FUNDAMENTAL PROVISIONS

Chapter I

General provisions

The objectives and principles of the Act

Section 1 (1) The purpose of this Act is to lay down the basic rules according to which the State, local authorities and natural and legal persons protecting children, and also other unincorporated entities, may provide specific benefits and measures to assist in enforcing children's rights and interests under the law, in fulfilling parental duties and to prevent and eliminate children's vulnerability, make up for the lack of parental care and achieve the social integration of young adults leaving child protection care.

(2) In order to achieve the objectives set out in Subsection (1), the Act shall lay down the fundamental rights of children and the guarantees for the enforcement of those rights, and also the system and basic rules for the protection of children.

Section 2 (1)³ Local authorities, guardianship authorities, courts, police, public prosecutor's offices, metropolitan and county government offices acting as probation services (hereinafter referred to as "probation services"), other organisations and persons involved in the protection of children shall operate in the application of this Act, taking into account the best interests of the child and ensuring the rights recognised by law.

(2) Organisations and persons acting in accordance with Subsection (1) shall co-operate with the family in the course of their activities and, as defined by law, assist in the upbringing of the child in the family.

(3) The child's upbringing in the family shall be provided in accordance with the situation and needs of the child and their family.

¹ The Act was adopted by the National Assembly on the day of its sitting on 22 April 1997. Date of publication: 8 May 1997

² The preamble is amended in accordance with Paragraph a) of Section 139 of Act CCI of 2011.

³ Subsection (1) of Section 2 is the text established by Section 25 of Act XIV of 2003, Paragraph a) of Subsection (1) of Section 11 of Act VI of 2015 and is amended in accordance with Paragraph a) of Section 49 of Act CLXVI of 2016

(4) The safety of a child who has left their family for any reason shall be guaranteed according to their age and needs, and their upbringing and healthy personal development shall be ensured.

Section 3 (1) Receiving statutory benefits is generally voluntary. The child's parent or other legal representative may be obliged to receive a benefit only in cases specified by law.

(2)⁴ The requirement for equal treatment in the protection of children should be maintained.

Section 3/A In the child protection system, the State shall protect the right of children to a self-identity corresponding to their sex at birth.

Chapter II

Fundamental rights and obligations

Rights of the child

Section 6 (1)⁴⁵ A child has the right to be raised in their own family environment ensuring their physical, intellectual, emotional and moral development, healthy upbringing and well-being.

(2) A child has the right to receive assistance in being raised in their own family, developing their personality, averting any situation which jeopardises their development, being integrated into society and creating an independent way of life.

(2a)⁴⁶ Disadvantaged children and children with multiple disadvantages have the right to increased assistance in overcoming circumstances hindering their development and in improving their opportunities.

(3) Disabled and chronically ill children have the right to special care to help their general and personal development.

(4) A child has the right to be protected against environmental and social effects harmful to their development and against substances harmful to their health.

(5)⁴⁷ A child has the right to respect for their human dignity, to protection against abuse – whether physical, sexual or psychological violence – neglect and informational harm. A child shall not be subjected to torture, corporal punishment or other cruel, inhuman or degrading punishment or treatment.

(5a)⁴⁸ A child has the right to be protected by professionals acting with the aim of recognising and eradicating child abuse, in particular by applying standard principles and methodologies.

(6)⁴⁹ A child has the right to access programmes in the media which are appropriate to their level of maturity, to help them increase their knowledge and to preserve the values of the Hungarian language and culture, and to be protected against harmful effects such as hate speech, violence and pornography.

6/A For ensuring the fulfilment of the objectives set out in this Act and the implementation of the rights of the child, it is forbidden to make accessible to persons who have not attained the age of eighteen years content that is pornographic or that depicts sexuality in a gratuitous manner or that propagates or portrays divergence from self-identity corresponding to sex at birth, sex change or homosexuality

⁴ Subsection (2) of Section 3 is the text established by Section 52 of Act CXXV of 2003.

Section 7 (1) A child may be separated from their parents or other relatives only for their own benefit in cases and in the manner specified by law. A child should not be separated from their family solely because of material vulnerability.

(2)⁵⁰ A child has the right to protection substituting the care from parents or other relatives, in an adoptive family or other form of family substitute care. Temporary care and home care for the child should be provided primarily by a foster parent. The placement of a child under the age of 12 with a foster parent may be waived only if:

a) it is not in the child's interest or is not possible due to their condition to place a chronically ill, severely disabled child with a foster parent;

b) siblings cannot be placed together with the foster parent or it is necessary for other reasons to provide institutional accommodation, or

c) in the case of temporary care of children, institutional accommodation is requested by the parent or other legal representative and is not contrary to the child's interests.

(3) When a child is given temporary protection, their freedom of conscience and religion shall be respected and consideration shall also be given to their nationality, ethnicity and cultural affiliation.

(4)⁵¹ Unless otherwise provided for by law, a child has the right to know about their origin, their biological family and to keep in touch, subject to the consent of the biological family, even if the parent's custody is terminated.

(5) A child has the right to keep in contact with both parents even if the parents live in different states.

Section 8 (1) A child shall have the right to free expression and to be informed of their rights, the possibilities of exercising their rights and to be heard directly or otherwise on all matters concerning their person and property, and to have their opinion taken into account in view of their age, state of health and level of development.

(2) A child has the right to lodge a complaint in the forums provided for in this Act in matters concerning them.

(3) A child has the right to initiate proceedings with a court and other bodies specified by law in the event of an infringement of their fundamental rights.

Section 9 (1)⁵² A fostered child has the right in particular, according to their age, state of health, level of development and other needs,

a)⁵³ to receive comprehensive care which provides stability and emotional security, and receive an appropriate upbringing, education and legal representation that takes into account their nationality, ethnicity and religion;

b)⁵⁴ to initiate a change of place of care, to be placed together with their child or siblings;

c) to take part in catch-up, talent development programmes and leisure activities appropriate to their interests;

d) to freely choose, express and practise religious or conscientious beliefs and participate in religious instruction and education;

e) to express an opinion on the upbringing, education and care being provided to them, to be heard and informed about matters concerning them personally;

f) to initiate the creation of a children's self-governing body to represent their interests;

- g) to receive support from their carer or legal representative in returning to their family environment;
- h) to initiate their return to their family environment;
- i) to maintain personal relationships;
- j)⁵⁵ to exercise their rights to have ordinary items of personal property;
- k)⁵⁶ to receive aftercare.

(2) Where the exercise of the right under Paragraph *i*) of Subsection (1) adversely affects the child’s personal development, the right of contact of the parent or other close relative entitled to have contact may be restricted, revoked or suspended in accordance with this Act.

(3)⁵⁷ A child placed in a special children’s home or a special group of children’s homes should be given enhanced protection in view of their situation.

(4)⁵⁸ A child placed in a special children’s home may only be subject to:

- a) medical care, therapy required to correct their personality in a manner appropriate to their condition and protecting the safety of the other children, and
- b) measures restricting their rights and personal freedom in the course of their care and upbringing in the event of being a danger to themselves or others, if absolutely justified

45 Subsection (1) of Section 6 is the text established by Subsection (1) of Section 3 of Act IX of 2002, and, according to Subsection (1) of Section 106 of that amending law, it shall be applied to cases initiated after 1 January 2003, whereas the previous provisions shall apply to proceedings in progress at first and second instance.

46 Subsection (2a) of Section 6 is enacted by Section 21 of Act XXVII of 2013.

47 The second sentence in Subsection (5) of Section 6 is enacted by Subsection (2) of Section 3 of Act IX of 2002 and its text is established again in Section 53 of Act CXXXVI of 2004.

48 Subsection (5a) of Section 6 is enacted by Section 1 of Act CCV of 2013.

49 Subsection (6) of Section 6 is the text established in Subsection (3) of Section 3 of Act IX of 2002, and, according to Subsection (1) of Section 106 of that amending law, it shall be applied to cases initiated after 1 January 2003, whereas the previous provisions shall apply to proceedings in progress at first and second instance.

50 Subsection (2) of Section 7 is the text established by Section 24 of Act CLXVI of 2016.

51 Subsection (4) of Section 7 is the text established by Section 4 of Act IX of 2002, and, according to Subsection (1) of Section 106 of that amending law, it shall be applied to cases initiated after 1 January 2003, whereas the previous provisions shall apply to proceedings in progress at first and second instance 52 The opening part of Subsection (1) of Section 9 is amended in accordance with Paragraph a) of Subsection (2) of Section 79 of Act XXVII of 2013.

53 Paragraph a) of Subsection (1) of Section 9 is the text established by Section 32 of Act CXCII of 2012.

54 Paragraph b) of Subsection (1) of Section 9 is the text established by Subsection (1) of Section 5 of Act IX of 2002, and, according to Subsection (1) of Section 106 of that amending law, it shall be applied to cases initiated after 1 January 2003, whereas the previous provisions shall apply to proceedings in progress at first and second instance.

55 The new Paragraph j) in Subsection (1) of Section 9 is enacted in the text by Subsection (1) of Section 5 of Act IX of 2002, while changing, at the same time, the designation of the original Paragraph j) to Paragraph k).

According to Subsection (1) of Section 106 of that amending law, it shall be applied to cases initiated after 1 January 2003, whereas the previous provisions shall apply to proceedings in progress at first and second instance.

56 The designation of the original Paragraph j) in Subsection (1) of Section 9 was changed to Paragraph k) by Subsection (1) of Section 5 of Act IX of 2002.

57 Subsection (3) of Section 9 was inserted in the text by Subsection (2) of Section 5 of Act IX of 2002, and, according to Subsection (1) of Section 106 of that amending law, it shall be applied to cases initiated after 1 January 2003, whereas the previous provisions shall apply to proceedings in progress at first and second instance.

58 Subsection (4) of Section 9 was inserted in the text by Subsection (2) of Section 5 of Act IX of 2002, and, according to Subsection (1) of Section 106 of that amending law, it shall be applied to cases initiated after 1 January 2003, whereas the previous provisions shall apply to proceedings in progress at first and second instance.

Act XLVIII of 2008
on the Basic Requirements and Certain Restrictions of Commercial Advertising
Activities¹

Valid: 01.01.2021 – 07.07.2021

Having regard to the protection of the health of citizens, with particular attention to minors, to the suppression of incidents that may be detrimental to public policy, and - with a view to sustaining market competition which serves economic efficiency and social welfare - protecting the interests of enterprises which fulfil the requirements of fair business practices, recognising the weight of self-governance and - for this purpose - fostering the enforcement of codes of conduct established within the framework of self-governance, the National Assembly has adopted the following Act.

General advertising prohibitions and restrictions

Section 7 (1) No advertisement may be disseminated if it contains violence or if it encourages any conduct that is likely to jeopardise personal or public safety.

(2) No advertisement may be disseminated if it encourages any conduct that is likely to jeopardise the natural or man-made environment.

Section 8 (1) No advertisement may be disseminated if it is capable of harming the physical, mental, emotional or moral development of children and young persons.

(1a) It shall be forbidden to make accessible to persons who have not attained the age of eighteen years advertisement that depicts sexuality in a gratuitous manner or that propagates or portrays divergence from self-identity corresponding to sex at birth, sex change or homosexuality

1. The Act was adopted by the National Assembly on the day of its sitting on 9 June 2008. Date of publication: 28 June 2008.

(2) No advertisement aimed at children and young persons may be disseminated if it has the capacity to impair the physical, mental, emotional or moral development of children and young persons, in particular those that depict or make reference to gratuitous violence or sexual content, or that are dominated by conflict situations resolved by violence.

(3) No advertisement may be disseminated if it portrays children or young persons in situations depicting danger or violence, or in situations with a sexual emphasis.

(4) No advertisement of any kind may be disseminated in child welfare and child protection institutions, nursery schools, general schools and in boarding schools receiving students from general schools. This ban shall not apply to the dissemination of information intended to promote healthy lifestyles, the protection of the environment, or information related to public affairs, educational and cultural activities and events, or to the display of the name or trademark of any company that participates in or makes any form of contribution to the organisation of such events, to the extent of the involvement of such company directly related to the activity or event in question.

Section 9 (1) No advertisement may be disseminated if it displays sexuality in a gravely indecent manner, meaning in particular the open display of sexual intercourse or genitals (pornographic advertisement).

(2) No advertisement of sexual services may be disseminated. The definition of sexual services and additional restrictions pertaining to the advertisement of such services are laid down in other specific legislation.

(3) No advertisement which is aimed at arousing sexual interest may be disseminated.

(4) The restrictions set out in Subsections (1) and (3) shall not apply to advertisements on sex products or to advertisements displayed inside sex shops. The definition of sex product and sex shop is contained in other specific legislation.

Section 10 Advertising is prohibited for goods whose production or marketing is illegal.

Section 11 The dissemination of subliminal advertising is prohibited.

Section 12²⁷ The advertising of gifts, discounts, rebates, benefits in kind and prize draws in connection with the sale of goods in conjunction with a trade fair, as defined in the Act on Trade, is prohibited.

Section 13²⁸

27 Section 12 and the Subtitle preceding it were repealed by [Section 107 of Act CCL of 2013](#). Section 12 was newly enacted in [Section 5 of Act CXCIV of 2015](#)

28 Section 13 was repealed by [Section 107 of Act CCL of 2013](#).

Act CLXXXV of 2010
on Media Services and Mass Media¹

Valid: 01.01.2021 – 07.07.2021

The National Assembly, with a view to promoting community and individual interests and social integrity, to ensuring proper operation of the democratic order and to strengthening national and cultural identity, with due respect to the Fundamental Law, the constitutional principles and the norms of international law and of the European Union, by taking into consideration the circumstances created by the developments in technology, by preserving the freedom of expression, speech and the press, and considering the key importance of media services in cultural, social and economic terms and the importance of ensuring competition on the media market, hereby adopts this Act on Media Services and Mass Media, as follows:²

GENERAL RULES RELATING TO MEDIA SERVICES AND PRESS PRODUCTS
Chapter I

REQUIREMENTS REGARDING THE CONTENT OF MEDIA SERVICES

Protection of children and minors

Section 9 (1) ~~Media service providers providing linear media services shall assign a rating to each and every programme they intend to broadcast in accordance with the categories under Subsections (2)-(7) prior to broadcasting, with the exception of news programmes, political programmes, sports programmes, previews and advertisements, political advertisements, teleshopping, social advertisements and public service announcements.~~

(1) With the exception of news programmes, political information programmes, sports programmes, programme previews, political advertisements, teleshopping, community facility advertisements, and public service announcements, media service providers offering linear media services shall classify all programmes they wish to broadcast into one of the categories under paragraphs (2) to (7).

(2) Category I shall include programmes which may be viewed or listened to by persons of any age.

(3)¹⁵ Category II shall include programmes which may trigger fear in persons under the age of six or may not be comprehended or may be misunderstood by such viewers or listeners owing to their age. These programmes shall be classified as “Not recommended for audiences under the age of six”.

(4)¹⁶ Category III shall include programmes which may trigger fear in persons under the age of twelve or may not be comprehended or may be misunderstood by such viewers or listeners owing to their age. These programmes shall be classified as “Not recommended for audiences under the age of twelve”.

(5)¹⁷ Category IV shall include programmes which may impair the physical, mental or moral development of persons under the age of sixteen, particularly because they refer to violence or sexuality, or are dominated by conflicts resolved by violence. These programmes shall be classified as “Not recommended for audiences under the age of sixteen”.

~~(6) Category V shall include programmes which may impair the physical, mental or moral development of minors, particularly because they are dominated by graphic scenes of violence or sexual content. These programmes shall be classified as “Not recommended for audiences under the age of eighteen”.~~

(6) Programmes shall be classified into category V if they are capable of exerting negative influence on the physical, mental or moral development of minors, in particular as a result of having as their central element violence, propagation or portrayal of divergence from self-identity corresponding to sex at birth, sex change or homosexuality or direct, naturalistic or gratuitous depiction of sexuality. These programmes shall be rated as follows: not appropriate for audiences under the age of eighteen.

(7) Category VI shall include programmes which may seriously impair the physical, mental or moral development of minors, particularly because they involve pornography or scenes of extreme and/or gratuitous violence.

(8)¹⁸ The Media Council shall issue recommendations on the most important conceptual aspects of the enforcement practice applied by it concerning the detailed criteria governing the ratings as per Subsections (2)-(7), the signs to be used prior to and in the course of broadcasting the various programmes and the method of communicating the rating, if justified by public interest related to the protection of minors or by the uniform approach to the protection of minors.

(9) Upon request from the media service provider, the Media Council shall adopt a regulatory decision on the rating of the programme within fifteen days from having received the programme in question, for an administrative service fee.

(10) It shall not be considered a violation of Subsections (1)-(7) if the media service provider rates a programme in a higher category than would be required pursuant to Subsections (2)-(6).

(11)¹⁹ As regards cinematographic works distributed in Hungary, the ratings assigned by the motion picture authority shall be binding upon the media service providers and also on the Media Council where the cinematographic works in question are shown to be unaltered, with the exception provided for in Subsection (10), and any deviation therefrom is subject to the decision made at the request of the media service provider specified in Subsection (9).

1 The Act was adopted by the National Assembly on the day of its sitting on 20 December 2010. Date of publication: 31 December 2010

2 The preamble is amended in accordance with Paragraph a) of Section 390 of Act CCI of 2011.

15 Subsection (3) of Section 9 is amended in accordance with Subsection (75) of Section 64 of Act CVII of 2011. For its application, see Subsection (3) of Section 71 of this amending act.

16 Subsection (4) of Section 9 is amended in accordance with Subsection (75) of Section 64 of Act CVII of 2011. For its application, see Subsection (3) of Section 71 of this amending act.

17 Subsection (5) of Section 9 is amended in accordance with Subsection (75) of Section 64 of Act CVII of 2011. For its application, see Subsection (3) of Section 71 of this amending act.

18 Subsection (8) of Section 9 is amended in accordance with Subsection (1) of Section 81 of Act LXIII of 2019.

19 Subsection (11) of Section 9 is enacted by Section 10 of Act LXIII of 2019.

Political advertisements, public service announcements, public service advertisements

Section 32 (1) The person or entity ordering the publication of political advertisements, public service announcements and public service advertisements, and the person or entity with an interest in the publication thereof shall not exert editorial influence over the media service, except for the time of publication.

(2) The political advertisement, public service announcement and public service advertisement shall be immediately recognisable in nature and distinguishable from other media content. The method of distinguishing from other media content in linear media services

- a) shall take place in visual and acoustic form in the case of audio-visual media services;
- b) shall take place in acoustic form in the case of radio media services.

(3)⁶⁹ During election campaign periods, political advertisements may only be published in accordance with the provisions of the Act on Electoral Procedure. Outside of election campaign periods, political advertisements may only be published in connection with referendums already decreed. The media service provider shall not be responsible for the content of the political advertisement. If the request for the publication of the political advertisement is in compliance with the provisions of the Act on Electoral Procedure, in such case the media service provider shall be obliged to publish the advertisement without further consideration.

(4) At the time of publication of political advertisements, public service announcements and public service advertisements, the person or entity ordering publication shall be clearly identified.

(4a) Programmes shall not qualify as public service announcements and community facility advertisements if they are capable of exerting negative influence on the appropriate physical, mental or moral development of minors, in particular as a result of having as their central element gratuitous depiction of sexuality, pornography, propagation or portrayal of divergence from self-identity corresponding to sex at birth, sex change or homosexuality.

(5) The media service provider may not request any remuneration for the publication of public service announcements.

(6) The public or community media service provider or the media service provider with significant market power shall be required to publish the public service announcements of the professional disaster management agency if it provides information on the potential occurrence of danger to the safety of life or property, on the mitigation of the consequences of an event that has already occurred or on the tasks to be carried out. Such publication shall take place in the media service of the media service provider which has the highest annual audience share on average and in the manner defined by the media service provider, with the

exception of the instance stipulated under Subsection (6) of Section 36. The obligation to publish shall also apply to the media service provider of the local media service operating in the reception area where the given events take place.

(7) The duration of the public service announcement may not exceed one minute. This restriction shall not apply to public service announcements specified in Section 15 or Subsection (6).

(8) Upon request from the media service provider, the Media Council shall decide – within fifteen days of receipt of the request and for an administrative service fee – by means of a regulatory decision whether the announcement in respect of which the request is lodged qualifies as a public service announcement, a public service advertisement or a political advertisement.

(9) Information concerning the corporate social responsibility of an undertaking shall not be considered surreptitious commercial communication, but such reports may only contain the name, logo and trademark of the undertaking and its product or service, if it is closely connected to its social responsibility. The slogan of the undertaking or any parts of its commercial communication may not appear in the report and the information may not expressly encourage the purchase of the product or the use of the service offered by the undertaking.

69 Subsection (3) of Section 32 is the text set out by Section 366 of Act XXXVI of 2013.

Supervisory plan⁵⁰⁸

~~**Section 168/A** (1) The Media Council shall prepare an annual supervisory plan with due consideration of the findings of previous year's supervisory activities by 1 December of the year preceding the given year and shall publish it on its website within fifteen days. The Media Council shall ensure that its supervisory plans are harmonised. The plans may be reviewed at the end of the first half-year period to assess the latest observations and may be amended, if necessary, by the Media Council. The Media Council shall post the amended supervisory plan on its website within fifteen days from the date of amendment.~~

Section 168/A (1) Taking account of the experience of the previous year, the Media Council shall prepare an annual supervision plan by 1 December of the year preceding the year in question and publish it on its website within fifteen days. The Media Council shall prepare its annual supervision plan with particular attention to compliance with the provisions on the protection of children and minors. The Media Council shall ensure the consistency of supervision plans prepared by it. The plans may be reviewed on the basis of experience from the first half year at the end of the half year concerned; the plans may be amended by the Media Council if necessary. Amended supervision plans shall be published by the Media Council on its website within fifteen days of such amendment.

(2) The Media Council shall prepare an annual report on the fulfilment of the objectives set out in the supervisory plan, the results and findings of its supervisory operations and its proposals on the amendment of legislation, which may arise on the basis of supervisory decisions. The Media Council shall post its report on its website within fifteen days of the date of approval thereof.

508 The "Supervisory plan" subtitle (Section 168/A) enacted by Section 61 of Act LXIII of 2019.

Proceedings against media content providers established in other Member States in cases of circumvention⁵³⁴

Section 179⁵³⁵ (1) This Act and Sections 13-20 of the Press Freedom Act shall apply to the audio-visual media service of any media service provider established in another Member State in accordance with the provisions of Subsections (2)-(6) hereof, provided that the media service provider established in another Member State directs the audio-visual media services in question wholly or mostly towards the territory of Hungary.

~~(2) In connection with any problems identified in relation to Subsection (1) and in the event of any infringement of the relevant provisions of this Act and the Press Freedom Act, the Media Council may request the Member State under whose jurisdiction the media service provider under Subsection (1) falls to implement effective measures. In that context, the Media Council may request the Member State in question to order the cessation of the infringements specified by the Media Council.~~

(2) If problems are identified in connection with the provisions of paragraph (1), and if this Act or the provisions concerned of the Smtv. Are violated, the Media Council shall be obliged to request the Member State under the jurisdiction of which the media service provider specified in paragraph (1) falls to implement effective measures. In such a request, the Media Council shall request the Member State to take action for the elimination of violations specified by the Media Council.

534 Subtitle preceding Section 179 enacted by Section 9 of Act XIX of 2011.

535 Section 179 is the text set out by Section 68 of Act LXIII of 2019.

Act CCXI of 2011

on the Protection of Families¹

Valid: 01.08.2013 – 07.07.2021

The family is an autonomous community established in human history before the emergence of law and the State, which rests on moral grounds.

The family is the most important national resource in Hungary. As the basic unit of society, the family is the guarantee of the nation's survival and the natural environment for the development of human personality, which must be respected by the State.

Raising children in a family is safer than any other option. The secure basis for the creation of a family is marriage, which is a lifelong union based on reciprocal love and respect, and therefore deserves special regard at all times. The role of the family is fulfilled when the lasting and stable relationship between the mother and the father is achieved in the responsibility for raising children. Sustainable development and economic growth are not possible without the birth of children and the growth of families. Having children should not result in the family falling into poverty.

There can be no well-functioning society without harmoniously functioning families.

Cross-generational relationships, including between grandparents and grandchildren, are of paramount importance in the lives of families.

The State helps harmonise employment and family life.

Protecting families and strengthening their well-being are the responsibility of the State, local authorities, civil organisations, media service providers and economic operators alike. Religious communities also focus particular attention on achieving these goals.

In order to preserve and strengthen all these values and to create a predictable and secure regulatory environment for affording protection to, and increasing the prosperity of, families, the National Assembly shall, in order to implement the Fundamental Law, adopt the following law pursuant to Paragraph 3 of Article L) of the Fundamental Law:²

Chapter I

Objectives and principles

~~**Section 1** (1) The State shall protect the institution of the family and marriage, also because of their dignity and value in themselves.~~

Section 1 (1) The State shall protect the institutions of family and marriage also due to their dignity and value in and of themselves, with particular regard to the relationship between parents and children, in which the mother is a woman and the father is man

~~(2) The protection of orderly family relationships is of particular importance in order to safeguard physical, intellectual and mental health.~~

(2) The protection of organised family relationships and the implementation of the right of children to a self-identity corresponding to their sex at birth shall play a key role in preserving their physical, mental and moral health.

(3) The State supports parents having children and helps them achieve their intentions to have children in accordance with specific laws to support the population processes that ensure the survival of the nation.

(4) In order to enable all children to be raised in a family, the State shall support adoption and shall endeavour to establish a rapid adoption procedure within a reasonable timeframe in the best interests of the child.

Section 2 (1) Support for families shall be separated from the benefits system operated on the basis of social need. The State primarily contributes to the responsible upbringing of children in the form of allowances. The State endeavours to provide the conditions for building homes and providing housing for families with young children.

(2) Support for families shall be a primary factor when planning Hungary's budget at any time.

Section 3 (1) The life of a foetus shall be protected and respected from conception and supported in accordance with a separate law.

(2) Knowledge of the value of human life, healthy lifestyles, responsible relationships for preparing for marriage and of family life shall be a subject of education in primary and secondary education institutions.

Section 4 (1) Working parents have the right to receive assistance from the State for the duration of their working time in order to accommodate their children.

(2) The State shall assist parents bringing up children in their employment by providing day-care services for and supervision of young children, in a manner flexibly adapted to the needs of the families.

(3) The State shall, in particular, encourage and support day-to-day care and supervision of younger children in small communities in family conditions.

Section 5 In order to protect the purposes of this Act and children, media service providers are required to provide their services showing respect for the institution of marriage and the value of the family and bringing up children. The State encourages the broadcasting of programmes and media content which convey the value of family and bringing up children. In the case of infringements committed by media service providers, legal consequences are provided for in a separate law.

Section 6 (1) The State shall promote and support the development and maintenance of a family-friendly approach in all areas of social and economic life.

(2) The State shall ensure that official procedures relating to family life are simplified and shall endeavour to ensure that families can receive their allowances and services involving the minimum administrative burden.

1. The Act was adopted by the National Assembly on the day of its sitting on 23 December 2011. Date of publication: 31 December 2011

2 The preamble is amended in accordance with Section 152 of Act CXXXIII of 2013.

Act CXC of 2011
on National Public Education¹

Valid: 01.07.2021 – 07.07.2021

As a pledge to ensure the advancement of the nation, combining the noble traditions of Hungarian education with the expectations of the present age and the opportunities of the future, in order to provide a patriotic upbringing and good-quality education for the rising generations, to implement the right to education enshrined in the [Fundamental Law](#), to implement the right of national minorities to education in their mother tongue, to define the duties and rights of participants in public education, and to manage and operate a public education system which provides up-to-date knowledge, the National Assembly hereby adopts the following Act:

7. Common provisions of school education

Section 9 (1)⁸⁸ The general education of students and their preparation for the secondary-school leaving examination and the basic art examination shall be the duties of the school.

(2)⁸⁹ Students shall be prepared for the leaving examination within the framework of activities in compulsory lessons. The school shall assist the preparation for the leaving examination within the framework of activities in optional lessons.

(3) The school shall inform the parents at the end of the previous academic year of the schoolbooks, educational aids and devices, clothing and other equipment which shall be required for the educational work during the next academic year, of the schoolbooks, educational devices and other equipment which may be leased from the school, and also of the assistance the school may offer to mitigate the expenses for the parents.

(4) Primary and secondary schools shall organise cross-border excursions in any year between the seventh and twelfth year, based on the parliamentary decree on the introduction

of the Day of National Cohesion in schools, the development and strengthening in public education of relationships among young people living in Hungary and young Hungarians living outside Hungary, and the presentation of Hungarians living outside the borders of Hungary. The cross-border excursions shall be subsidised from the central budget. When allocating the subsidy, Hungarian schools with a documented exchange relationship with the foreign school shall be given priority.

(5)⁹⁰ Irrespective of the school type, the certificate issued on the successful completion of the eighth year shall provide proof of primary school qualification.

(6)⁹¹ The certificate issued on the successful completion of the final year of secondary school shall provide proof of secondary school qualification.

(7)⁹² In grammar schools the fifth, seventh and ninth year may be preceded by a preparatory language year, provided that the grammar school meets the requirements laid down in separate legal regulations.

1 The Act was adopted by the National Assembly on the day of its sitting on 19 December 2011. Date of publication: 29 December 2011

88 Subsection (1) of Section 9 is amended in accordance with point 3 of Subsection (1) of Section 79 of Act CXII of 2019.

89 Subsection (2) of Section 9 is amended in accordance with point 3 of Section 78 of Act CXII of 2019.

90 Subsection (5) of Section 9 is the text established by Section 5 of Act LXV of 2015 as amended in accordance with point 4 of Subsection (1) of Section 79 of Act CXII of 2019.

91 Subsection (6) of Section 9 is the text established by Section 20 of Act LXXX of 2016 as amended in accordance with point 5 of Subsection (1) of Section 79 of Act CXII of 2019 and point 4 of Subsection (1) of Section 23 of Act LII of 2021.

92 Subsection (7) of Section 9 is the text established by Subsection (1) of Section 46 of Act CCX of 2012 as amended in accordance with point 6 of Subsection (1) of Section 79 of Act CXII of 2019.

(7a)⁹³

(8)⁹⁴ In order to improve the work of pre-school education, primary and secondary education, the minister responsible for education may authorise the use of special solutions with regard to matters pertaining to teaching and education content, the management model deployed, the methods for organising teaching and education, any quality policy and quality care system, the number of compulsory hours per week for pupils, if there is no appropriate higher-education training in the country for the subject or subject module, with regard to teachers' qualifications and competency, and the conditions required for operation. In this case, if the institution is not maintained by a central budgetary body or a local government, the minister responsible for education shall register the institution and issue the operating licence to it, and exercise the powers of legitimate control and supervision.

(9)⁹⁵ The licence mentioned under Subsection (8) may be granted if the subject structure of the curriculum submitted deviates by no more than thirty per cent from the subject structure set out in the National Fundamental Curriculum (NAT) and in the framework curriculum issued by the Minister responsible for education, in order to ensure interoperability between schools and further learning when adapting the areas of education set out in the NAT.

(9a)⁹⁶ The operator of the nursery or school shall be entitled to submit the application for a licence to the minister responsible education as specified in Subsection (8).

9/A (1) A person or organisation other than an employee employed as a teacher by an educational and upbringing institution, a professional providing school health services in such an institution and a state organ party to a cooperation agreement concluded with such an institution may conduct an activity in class or organised otherwise for students relating to sexual culture, sex, sexual orientation, sexual development, the adverse effects of drug consumption, the dangers of the Internet, and any form of physical or mental health development (for the purposes of this section, hereinafter the “programme”) only if he is registered by the organ designated by law.

(2) Data in the register under paragraph (1) shall qualify as data accessible on public interest grounds that shall be published on the website of the organ designated by law to keep the register under paragraph (1).

(3) The register under paragraph (1) shall contain the following:

a) title of the programme,

b) contact data and

ba) name of a natural person programme owner or

bb) name and seat of an organisation programme owner,

c) specification of the type of public upbringing institution in which the programme is to be implemented,

d) date of registration and period (school year) during which the registered programme may be carried out in a public upbringing institution, and

e) topic of the programme.

(4) The organ designated to keep a register under paragraph (1) shall be authorised to process data in the register under paragraph (1) until the date of their deletion from the register.”

(10)⁹⁷

(11)⁹⁸ The public education institution is required to provide computers accessible to children and students with internet access, running easy-to-install and usable software in Hungarian to protect the harmonious mental, physical and intellectual development of children and students.

(12) In the conduct of activities concerning sexual culture, sex, sexual orientation and sexual development, special attention shall be paid to the provisions of Article XVI (1) of the Fundamental Law. Such activities cannot be aimed at the propagation of divergence from self-identity corresponding to sex at birth, sex change or homosexuality.

93 Subsection (7a) of Section 9 is enacted by Section 51 of Act XL of 2018 and is repealed by point 5 of Subsection (2) of Section 79 of Act CXII of 2019.

94 Subsection (8) of Section 9 is the text established by Subsection (11) of Section 77 of Act CXII of 2019.

95 Subsection (9) of Section 9 is the text established by Subsection (11) of Section 77 of Act CXII of 2019.

96 Subsection (9a) of Section 9 is enacted by Section 8 of Act LXX of 2019, its text established by Subsection (11) of Section 77 of Act CXII of 2019 as amended in accordance with point 4 of Subsection (1) of Section 29 of Act LXXXVII of 2020.

97 Subsection (10) of Section 9 is repealed by point 6 of Subsection (2) of Section 79 of Act CXII of 2019.

98 Subsection (11) of Section 9 is enacted by Section 40 of Act CCXLV of 2013, its text amended according to point 7 of Subsection (1) of Section 79 of Act CXII of 2019.

46. Specific central and regional tasks of the minister responsible for education within the scope of activities of public education

Section 79 (1)⁵⁴⁰ The minister responsible for education shall carry out certain duties falling within their public education responsibilities through the office and the regionally competent school district centre.

(2)⁵⁴¹ The authority performing public education tasks shall, within the framework of an official control procedure, check that the operation of the public education institution complies with legislative requirements.

(3)⁵⁴² The authority performing public education tasks imposes an administrative fine in order to eliminate any irregularity detected during the official control procedure.

(4)⁵⁴³ The administrative fine imposed shall be proportionate to the gravity of the act committed.

(5)⁵⁴⁴ The authority performing public education tasks, when determining the amount of the administrative fine during the official control procedure, shall consider

- a) the gravity of the infringement,
- b) the impact of the infringement on the operation of the public education institution,
- c) harm to the interests of children, students, parents and the number of persons affected,
- d) the concealment of the data, facts and information on which its action is based and the intention to conceal them, taking into account the conditions set out in points a)-d) individually and as a whole.

(6)⁵⁴⁵ If, during the official control procedure, the authority performing public education tasks reveals that the educational institution has infringed the equal treatment criteria during the assessment of the request for admission or transfer, it may, at the request of the relevant parent, declare that the given pupil has been accepted in the nursery, can assume student status or membership of the boarding school. The authority performing public education tasks may make decisions in respect of requests for transfer, if less than 150 days have lapsed from the date of submission of the request. The decision of the authority performing public education tasks shall be implemented without taking account of provisions defining the maximum number of students in the class or group and provisions stipulating enrolment quotas. Throughout the duration of enrolment of the child or student concerned in pre-school, school or boarding school in the given educational institution, the authority performing public education tasks shall verify, as required or at least once during the academic year, whether equal treatment criteria have been breached in the educational institution.

(7)⁵⁴⁶ In parallel to instituting the measure defined under Subsection (6), the authority performing public education tasks shall launch an infringement procedure against the institution for infringing equal treatment principles

(8) If the authority responsible for public upbringing tasks finds in the course of an investigation that an educational and upbringing institution violated the provisions of section 9/A (1), it shall initiate an infringement proceeding against the head of the institution and the person or member of the organisation under section 9/A (1) conducting the activity that is not registered in the register specified therein.

540 Subsection (1) of Section 79 is the text established by Subsection (11) of Section 24 of Act CLXXXVIII of 2012 as amended in accordance with point 20 of Section 45 of Act LXXX of 2016.

541 Subsection (2) of Section 79 is the text amended in accordance with Paragraph c) of Section 97 of Act CIV of 2016.

542 Subsection (3) of Section 79 is the text established by Subsection (1) of Section 109 of Act CLXVIII of 2020.

543 Subsection (4) of Section 79 is the text amended in accordance with Paragraph a) of Section 111 of Act CLXVIII of 2020.

544 Subsection (5) of Section 79 is the text established by Subsection (2) of Section 109 of Act CLXVIII of 2020.

545 Subsection (6) of Section 79 is amended in accordance with Paragraph d) of Section 97 of Act CIV of 2016, point 21 of Section 23 of Act CXXVI of 2016.

546 Subsection (7) of Section 79 is amended in accordance with Paragraph d) of Section 97 of Act CIV of 2016, point 21 of Section 23 of Act CXXVI of 2016, point 12 of Subsection (1) of Section 30 of Act LXXXVII of 2020.

52. Enabling provisions

Section 94 (1) The minister responsible for education shall be empowered to
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i)⁶⁵⁴ the order of the examinations, with the exception of the leaving examination,⁶⁵⁵

j)⁶⁵⁶

***j) (Authorisation shall be given to the minister responsible for education to
“j) designate the organ authorised to keep the register under section 9/A (1) and to determine the detailed conditions for registration and the detailed rules on keeping and publishing the register,”
(in a decree.)***

[]

654 Paragraph i) of Subsection (1) of Section 94 is amended in accordance with point 39 of Subsection (1) of Section 79 of Act CXII of 2019.

655 See EMMI Decree 20/2012. (VIII. 31.)

656 Paragraph j) of Subsection (1) of Section 94 is repealed by point 17 of Subsection (1) of Section 30 of Act LXXXVII of 2020.