



HUNGARIAN
HELSINKI
COMMITTEE



Q&A

Pécs Pride 2025

The Hungarian Government uses its power arbitrarily to discourage people from attending the Pécs Pride in 2025. According to an amendment adopted by the Parliament, attending Pride will be considered a petty offence. The Hungarian Helsinki Committee, the Hungarian Civil Liberties Union (TASZ) and the Streetlawyer Association (Utcajogász) teamed up to answer your questions. Most importantly, the more people attend Pride, the less risky it becomes for everyone. Our Q&A will help you prepare for possible outcomes, and if proceedings are initiated against you, you can count on us!

The answers below are based on the status of the relevant legislation as of 12th September, 2025.

As far as I know, the police have banned Pécs Pride, but the event will still take place. What can I expect if I attend Pécs Pride?

The organizers are working continuously to ensure that the march happens safely, and that participants can exercise their fundamental right to peaceful assembly despite any external pressure.

After the success of Budapest Pride, the authorities did not take action against participants and no fines were imposed. However, Pécs Pride has been banned by the police, and attending a banned assembly is considered a petty offence. For this reason, we strongly recommend that you read this Q&A!



PETTY OFFENCE, FINANCIAL PENALTY



1. Can I be fired from my workplace if I attend Pride and get a fine for a petty offence?

No. In principle, the employer may only terminate the employment contract based on the employee's conduct and ability or for a reason related to the employer's operations. In exceptional cases, the employment contract may also be terminated if the employee exhibits certain conduct that makes it impossible to maintain further employment. As an employee, you may not show certain conduct outside of working hours that endangers the legitimate economic interests of your employer. Still, participation in Pride is not a legitimate reason for termination, and dismissal based on this may breach the Labour Code and may also constitute discrimination based on ideological beliefs.

2. If I go to work tomorrow wearing a Pride T-shirt, will it have any negative consequences?

The amendments of the law do not apply to wearing clothing outside of demonstrations, so it is not a petty offence to wear a Pride T-shirt. Your employer, however, may impose a dress code in the workplace, and its violation may have consequences under labour law.

3. What if a "clean" certificate of good conduct (erkölcsi bizonyítvány) is required for my employment?

The Hungarian 'certificate of good conduct' does not include data recorded in the petty offence register; therefore, it will not appear in the certificate if you have been fined for a petty offence. So even if you get fined for attending Pride, your certificate of good conduct will remain "clean". The content of the certificate of good conduct is based only on the criminal records registry, which refers to individuals convicted during criminal proceedings, not petty offences.

**4. How will being fined for a petty offence affect me?
Will it cause problems when applying for university, PhD programme, moving abroad or applying for foreign citizenship?**

It's unlikely that being fined for a petty offence would cause a problem with any of the above. However, if a final and binding fine is imposed on you for a petty offence, it will be included in the petty offence register (not to be confused with the criminal records registry) for two years. If you commit another petty offence during this time, you can expect a more severe penalty, such as a higher fine. The certificate of good conduct does not include data recorded in the petty offence register; therefore, if someone has been fined for a petty offence, it will not appear in their certificate. There is also an official certificate of petty offence, which states that if you have been legally fined for a petty offence. Presenting this certificate is usually not requested by employers, universities, or other third parties.

**5. What is the petty offence procedure?
If I receive a fine, where and how can I appeal?
What can be the outcome of such a legal remedy?**

A petty offence procedure will be initiated if you commit a petty offence. If you are participating in Pride, you may be fined on the spot. You can no longer appeal if you sign the form for the on-the-spot fine. You have the right to refuse the on-the-spot fine. In this case, a petty offence procedure will be initiated, and you will be informed by mail or throughout official electronic communication afterwards that you have been fined. In such a case, ask to be heard in person by the police. If the fine is upheld after the hearing, you can appeal to the court (submit an objection). The court can review the fine's legitimacy. The court may decide to annul or reduce the fine, or to impose a milder sanction, such as a written warning. You can read more about the petty offence procedure and the legal remedies [here](#).

**6. Is there a deadline for completing the petty offence procedure?
Will the courts be able to handle such a large caseload?**

There is no deadline for completing petty offence procedures, but two years after the date you commit the offence, you cannot be held liable. Usually, the procedure takes two to three months. Still, if a mass of petty offence proceedings are initiated against Pride participants, it can result in a significant caseload for both the police and the courts.

7. What happens if I refuse to pay the fine?

Can I sue the authorities because I refuse to pay a fine imposed based on an unconstitutional law?

If you receive an on-the-spot fine and accept it by signing the relevant form on the spot, you cannot appeal or exercise any remedies. If you do not accept the on-the-spot fine or are not fined on the spot (e.g., you are notified by the fine imposed on you later by mail), you can appeal within the deadline specified in the letter. You can ask to be heard in person by the police, and if the fine is upheld after the hearing, you can submit an objection to the court. The fine becomes final and binding if you do not appeal within the deadline or exhaust all legal remedies.

If you are fined for abuse of the right of assembly, you must pay the fine within 30 days from the time you become aware of the fine (for example, when you receive the postal notification). If you are fined for another type of petty offense (e.g. littering), you must pay the fine within 30 days from when the decision becomes final. If you fail to do so, the fine will be collected like a tax, which means that the fine may be collected from your bank account or deducted from your salary without your consent. You cannot initiate a separate lawsuit, but you can file a **constitutional complaint with the Constitutional Court of Hungary citing the violation of your fundamental right, against a final and binding fine, except for on-the-spot fines.** You must first exhaust all previous remedies (such as requesting a hearing and submitting an objection) before filing a constitutional complaint. A final and binding fine must be paid even if you have filed a constitutional complaint with the Constitutional Court of Hungary.

8. If I get a fine afterwards, how can they prove that I intentionally participated in Pride and was not accidentally mixing in with the crowd “on my way to buy groceries”?

Can I appeal the fine based on this?

You can only be fined for participating in Pride if the police preliminary warns you on site (for example, via a loudspeaker) that you are participating in a prohibited assembly. You can only be fined if you remain on site despite the warning. The police must prove (for example, with a camera recording or statements from the police officers present) that you heard the warning, yet remained on site, thus you were presumably not “on your way to buy groceries”. If the police cannot prove this, the appeal may be successful in court, but cannot be guaranteed.

9. If I plan to go abroad after Pride, can my visa application (or ESTA to America) be denied because I was fined for participating in Pride?

If you are fined for participating in Pride, it is considered a petty offence, not a crime. The certificate of good conduct does not include data recorded in the petty offence register; therefore, it will not appear in the certificate if someone has been fined for a petty offence. There is also an official certificate of petty offences, which states if you have been legally fined for a petty offence, but showing this certificate is usually not requested. It is up to sovereign foreign countries to decide what circumstances to consider when deciding on visa applications. Thus, the embassy or consulate of the specific foreign country can provide reliable information about the exact conditions.

10. What is the exact amount of fine I can expect if I go to Pride and receive a fine for it?

The fine imposed on the spot can range from 6,500 to 65,000 HUF; in the case of a repeated offence, it can range up to 90,000 HUF. The fine imposed afterwards by mail can range from 6,500 to 200,000 HUF. The exact amount is determined by considering the severity of the petty offence, any previous petty offences you may have committed in the past two years, and your financial and social situation. The police will only consider the latter if you inform them about it, which is why it is essential to seek an appeal and request your personal hearing. A judicial review of the fine can be requested, except for the on-the-spot fine. The court may reduce or even annul the fine. The exact final amount of the fine is difficult to predict; however, participating in Pride is such a minor petty offence that does not justify imposing a high fine.

11. Can children receive a fine for a petty offence as well?

Only those who are over the age of 14 at the time of committing the petty offence can be subjected to any petty offence penalty. Minors under 14 will not be tried, while juveniles between 14 and 18 are subjected to lenient rules. For example, the maximum fine for a juvenile is 65,000 HUF, while for adults it is 200,000 HUF. Suppose a minor or juvenile under 18 commits a petty offence. In that case, the Guardianship Office may open a non-criminal investigation even if the perpetrator is under 14. Such an investigation may also affect the parents. If guardianship proceedings are initiated against you, contact us so we can provide legal aid.

- 12. If an NGO sets up a tent at Pride, could the organisation (beyond its members participating at Pride) be subjected to retaliation? The organisation's name would be shown on the tent, and they would promote their presence on social media.**

No. According to the introduced amendments, those participating in a prohibited assembly commit a petty offence, but only humans are liable for petty offences; organisations or other legal entities are not.

- 13. If I display my rainbow flag on my balcony, will I be fined 200,000 HUF?**

No, you can definitely display the rainbow flag on your balcony, and you are not breaching any law by doing so.

- 14. If all the participants are to be fined individually simultaneously, will you help legally represent everyone and even take the case to an international forum or to the EU court? Is establishing a litigation company and filing a mass lawsuit before international forums possible? Or will the penalty have to be paid?**

Petty offence cases and appeals will be conducted separately. Still, we will publish submission sample forms that everyone can easily adapt to their unique situation, and we will also prepare a clear "user manual" for them, so that you know when, to whom, and by what deadline you can submit them. We are working to ensure that as many lawyers and attorneys as possible will participate in legal assistance, and we will continuously inform the public about this. Please see the answers in the section entitled PETTY OFFENCE, FINANCIAL PENALTY, mainly the answers to questions no. 5 and 7 for more information on the petty offence proceedings and appeal procedures against fines.





FREEDOM OF ASSEMBLY

15. Can a sonic weapon like in Serbia be used here too? Do the police have such a device? Can they use it legally?

The Police Act specifically states what weapons and devices the police can use, and sonic weapons are not among them. Even if the police have such a device, they cannot use it legally.

16. If I come to Pride wearing a mask, must I prove my identity if the police check my identity?

Yes, even if you do not wear a mask! So, make sure you have an ID or other document with which you can prove your identity. Moreover, wearing a mask in an assembly (whether it is Pride or not) is considered a crime and will result in criminal proceedings. Thus, we do not recommend wearing a mask.

17. What exactly does it mean that I am not allowed to cover my face during an assembly? Does wearing sunglasses, a hat, a hood, a mask or face paint count as covering my face? Is it allowed to dress up as the Pink Panther?

The Assembly Act and the Criminal Code consider covering your face to be a violation of the restrictions ensuring the peaceful nature of assemblies. Thus, you might want to refrain from wearing a mask because although it makes it impossible to use the facial recognition system on you, the police can still request you to identify yourself personally on the spot, in which case you must comply. However, wearing glasses or sunglasses, makeup and face paint, a cap, a hat or a hood, or a costume would only fit into the above prohibition with a very broad interpretation. It cannot be ruled out that proceedings will be initiated against you in such a case, but your defence will have a greater chance of success.

18. Can wearing a medical mask be justified by saying that I have a contagious disease, or I am a hypochondriac, and there is a health emergency anyway?

Unfortunately, no. There is currently no epidemic or health emergency in Hungary, and wearing a medical mask at an assembly is also considered to cover the face. Police practice varies; sometimes they order the participants to take their medical masks off, sometimes they do not. For the sake of safety and to avoid criminal prosecution, we advise you not to wear a medical mask if you participate in Pride. If you feel sick, then it is better not to participate in a mass event anyway and express your sympathy for Pride in another way.

19. What surveillance systems and secret service tools do the police use at demonstrations and other assemblies?

For example, do they monitor phones and mobile networks?

The police can make video and audio recordings, and they typically do so at large assemblies. They can also access recordings made by public cameras. Some secret service tools require a court warrant, while others do not. Due to the nature of the matter, we do not know about using secret service tools, but more serious techniques, such as telephone tapping, accessing messages, monitoring of mobile networks, etc., are subject to judicial authorisation.

20. If I go out to a demonstration for fresh air and scroll on my phone, does that count as participating in an assembly? Can I be punished for doing a recreational activity right then and there?

Liability for a petty offence is determined by whether your intention while getting some fresh air and scrolling on your phone was to participate in the demonstration. If so, then you may be liable. Please see the answers in the PETTY OFFENCE, FINANCIAL PENALTY section, especially the answer to question no. 8 for more details.

21. If I happen to be walking around Pécs on Pride Day wearing a rainbow T-shirt with colourful hair, and suddenly many other people are walking the same way in rainbow clothes, are we breaking any laws?

No. There are no prohibitive rules regarding clothing and attire in this area, but even a seemingly spontaneous gathering like this can be considered a prohibited assembly. Regarding participation in a prohibited assembly, please see the answers in the PETTY OFFENCE, FINANCIAL PENALTY section, mainly the answers to questions no. 8 and no. 20.

22. Can the police disperse an assembly? What is the process of dispersal? What should you pay attention to as a participant if the assembly is dispersed?

The police disperse a gathering that has lost its peaceful nature, if it is held despite a prohibition, or if it was not prohibited only because the organisers failed to announce it to the police in advance. Before dispersing the assembly, the police draw the participants' attention to the fact that the assembly is (in their opinion) illegal and call on the participants to leave voluntarily. If they do not comply, the police disperse the assembly. In practice, this means that the participants must leave the venue once the assembly ends. By failing to do so, they are committing a petty offence. The police can then ask the remaining participants to identify themselves and, in extreme cases, even disperse the crowd by force (riot control).

23. Are there any groups other than the LGBTQ+ community that are prohibited by law from gathering?

There is currently no similar ban against any other group. The police can prohibit a gathering if they have reasonable grounds to believe that it would directly endanger public safety or order or unnecessarily and disproportionately restrict the rights of others. According to the Assembly Act, for example, it is forbidden to hold an assembly that can violate the dignity of ethnic communities. Assemblies likely to disrupt the functioning of the courts are also prohibited.

24. What if my daughter walks with a rainbow flag? Does it matter whether she does it at an assembly or just on the street?

It is not against the law to walk with a rainbow flag in a public place. However, if she does it at an assembly (e.g. at Pride), it may be considered a petty offence and - depending on how old your daughter is - may result in a fine or other penalty. In this regard, see the PETTY OFFENCE, FINANCIAL PENALTY section. Regarding the liability of children for petty offences, see question no. 11.

25. Can an assembly be announced as only for adults? If so, could such an assembly infringe children's rights?

The definition of an "assembly" in the law is that it involves at least two people, is held to express an opinion on a public matter and is public. Public means that anyone can join. Based on this, participants under 18 cannot be excluded. The newly introduced ban infringes human rights and does not clearly define when an assembly should be prohibited. So, the law does not state

whether the presence or absence of minors changes the ban or whether an assembly visited only by adults would be subject to a different assessment. So far, the police have treated it as prohibited if someone under 18 could even see such an assembly.

**26. If I, as a transgender woman, go to an assembly other than Pride wearing makeup, can I be fined for that?
Or anyone else at that gathering for my presence?**

You can't be fined for that; your presence doesn't infringe any law. The newly introduced ban violates human rights and does not clearly define when a gathering should be banned. However, the text of the prohibiting law can be interpreted to mean that the organiser of any assembly on any topic is responsible for ensuring that "differences from birth gender" or homosexuality do not "appear". For this reason, the police can even declare an assembly illegal. If the police interpret the law in this way, it will seriously infringe human rights.

27. What weapons and tools can the police use during riot control?

The police must follow the principles of proportionality and gradation. The police must first call on the organiser to disperse the assembly, if necessary, under the law. The police must then, or at the same time, inform the participants that they are dispersing the assembly. The participants must leave the venue accordingly. If the participants do not leave when the police call them to do so, and the police deem this necessary, they may use so-called coercive measures. Coercive measures: physical force, handcuffs, tasers, batons (rubber batons), dogs on leashes, roadblocks. The police may also decide to use so-called riot control measures if this is necessary and proportionate. The crowd must be informed in advance about riot control measures. Riot control measures include water cannon, pyrotechnic devices, irritant gas (tear gas, pepper spray), interception nets, and forced dispersal on horseback or with other vehicles. It is prohibited to use firearms or rubber bullets for riot control.

28. If someone attacks us with baseball bats, will the police not help us?

Anyone who attacks participants at a peaceful event is committing a serious crime. The most important task of the police is to ensure public order and prevent crime, so they cannot stand by idly if Pride participants are attacked, even if the police consider the parade to be illegal.

29. If a Ukrainian-Hungarian dual citizen goes to Pride and is fined, can that be the basis for expelling dual citizens who have been admitted?

The rule regarding the suspension of citizenship infringes human rights. It is essential to know that an ID check does not reveal that you have another citizenship besides Hungarian. There is no central register where the Hungarian state lists those Hungarian citizens who also have another citizenship.

However, if the Government were to suspend citizenship against anyone, we would provide legal assistance.

30. Is it a good idea to leave my phone at home, so they can't tell I'm at Pride?

Don't leave your phone at home! The police have enough tools to identify you even without your phone. You may need your phone during the parade, as you can use it to take photos and videos of presumably illegal situations, which can later be valuable evidence in legal proceedings.



FACIAL RECOGNITION SYSTEM



31. Does the facial recognition system identify children as well?

The facial recognition system can identify a person subjected to a petty offence procedure. Since only those over 14 can be held responsible for petty offences, attempts may be made to identify young people around that age using the facial recognition system.

32. What sources does the facial recognition system use to identify people? What kind of registry does the system work from? What is the source of the facial image? Does the system recognise people even if they do not have an ID or passport?

Everyone's photo who has an ID, passport or driving license is recorded in the facial profile registry maintained by the Hungarian Institute for Forensic Sciences (NSZKK). The same goes for those in the immigration and criminal records. The registry does not contain the photographs themselves, but the biometric identifier created from the photos, called the "facial profile". So, the facial recognition system can identify anyone with a Hungarian photo ID.

33. What legislation authorises the police to use the facial recognition system? How does the system work?

Facial image analysis is regulated by Act CLXXXVIII of 2015 on the facial image analysis registry and facial image analysis system. The system performs facial recognition from still photos. Thus, the identification does not happen in real time, but by analysing images of the individuals concerned subsequently. The first step is to initiate the petty offence procedure. Then, using the NSZKK facial recognition service, the police will presumably systematically identify those of whom a suitable quality image was taken during the parade. The system also creates a facial profile from the submitted images and compares it with the database elements. Based on the comparison results, a human must decide on the person's identity in the image.

34. If I go to the event and the police don't fine me on the spot, can they still use the facial recognition system to find me and send me a check?

Yes, if you are identified afterwards based on a recording, you can still be fined.

35. How long can the police track my movements? If I commit any petty offence outside of an assembly, can they still use facial recognition?

Facial image analysis is not done in real time, so the facial recognition system does not track your movements. As for Pride, the footage used for the analysis is explicitly taken at the assembly, so it is unlikely that you will be prosecuted for any other petty offence based on this footage.

However, the law now allows facial recognition for any other petty offence. Even if it is not based on footage taken at Pride, you can be prosecuted using any camera footage, for example, footage from public cameras.

36. Does the facial recognition system conflict with EU law?

According to the European Union's Artificial Intelligence Regulation (AI Act), a system is considered "real-time" even if it operates with limited, short delays. The AI Act explicitly prohibits "near real-time" remote biometric identification. While the legally regulated facial recognition system is not suitable for continuous tracking of movement, it can be used for very rapid on-site identification of certain individuals. Whether the system is deployed in this way depends solely on the intention of the police.

We believe it is unacceptable that the law leaves it to the discretion of the police to decide whether to use the facial recognition system in a prohibited manner. Therefore, the regulation must be interpreted restrictively, and the "near real-time" use of facial recognition systems should be considered prohibited.

37. Can a referendum be initiated to prevent the surveillance of crowds through surveillance cameras or similar devices?

The Fundamental Law of Hungary allows citizens to initiate a referendum on the rules of surveillance cameras or other similar devices. However, several legal requirements exist for a specific question intended for a referendum. For example, the question must be formulated in such a way that it can be answered clearly with a "yes" or "no", and based on the result of the referendum, the Parliament must be able to decide whether it is obliged to enact legislation and, if so, what legislation it is obliged to enact exactly. The National Election Office is entitled to examine whether a specific question meets these conditions and, if not, the referendum initiative might be rejected. You can read more about the process of initiating a referendum [here](#).

POLICE ACTION



38. What is the worst thing a police officer can do? An ID check and a fine, or can they even take me to jail?

If you fail to provide proof of your identity or resist the police officer's order, you may be taken into custody (taken to the police station) for up to eight hours (which can be extended by four hours). If you resist, officers may use physical force or other coercive measures against you. In this case, you will likely face other legal consequences for non-compliance. If you actively resist, it can be considered a crime. During the dispersal of the assembly, if participants do not leave the site voluntarily upon request, the police can use tear gas, water cannons or other riot control measures.

39. What happens if police officers can't identify me because I don't have any documents with me?

If you cannot provide proof of your identity, you may be taken into custody (taken to the police station for up to eight hours, which can be extended by four hours). It is advisable to carry some form of identification (ID, passport, driving license), but you can also identify yourself in other ways. It is up to the police officer to accept, for example, a photo of your ID card or if someone else confirms your identity on the spot. If you are a Hungarian citizen with the Digital Citizenship Program (DÁP) application, you can identify yourself with your phone, which the police officer must accept.

40. How can I let the police officers know during a demonstration that I will not leave the venue, no matter how many times they order me to do so? How can I legally communicate that I am peacefully resisting?

Generally, everyone must comply with a police order, and coercive measures may be used against those who fail to cooperate. If you show such passive resistance, physical force might be used against you. Express your intention to stay verbally. Do not insult the police officer! Be very careful not to make any movements that the police officer might perceive as an attack, and refrain from touching the police officer even accidentally, because doing so risks criminal prosecution.

LGBTQIA+ RIGHTS



41. How can it be determined if an assembly endangers children? What is the legal basis for such a decision, and is it possible to object to it somehow?

Unfortunately, this is not known for sure. The trans and homophobic “propaganda law” adopted in 2021 (which is an amendment to the Child Protection Act) prohibits the display and “promotion” of sexual and gender minorities and homosexuality, as well as “self-serving depictions of sexuality”. According to the latest amendment to the Assembly Act, it is prohibited to hold an assembly that violates the prohibition set out in the Child Protection Act. However, as the Venice Commission, a body of experts consisting of constitutional lawyers of the Council of Europe, has noted, the exact meaning of the terms “display” and “promote” is unclear and not defined by law or lower-level legislation.

42. How can an assembly “promote homosexuality”? Who determines what constitutes “promotion of homosexuality”? Is there a specific list of actions that are considered such?

As the Venice Commission, a body of experts consisting of constitutional lawyers of the Council of Europe, has noted, the exact meaning of the terms “display” and “promote” is unclear and not defined by law or lower-level legislation. It is unclear, among other things, whether content that aims to combat homophobic attitudes or prejudices, promote equality and acceptance of sexual minorities by presenting objective facts, falls within the scope of “displaying” or “promotion”, or whether homosexuality refers to a specific act or sexual orientation, or both.

43. Does the amendment apply only to assemblies, or does it change how people can express themselves publicly? Can I hold my same-sex partner’s hand?

The amendment applies specifically to assemblies. Everyone is free to hold their partner’s hand in the street; this is not prohibited and cannot be prohibited by law.

44. Is there any evidence that learning about sexual and gender minorities affects children's development? Shouldn't it be proven first before the legislator adopts such laws?

There is no evidence for this at all. In fact, there is evidence to the contrary. The prevailing legal, psychological and pedagogical position is clear: learning about human diversity explicitly serves children's interests. The European Court of Human Rights have already stated that no scientific evidence or sociological data suggests that mentioning homosexuality or engaging in public dialogue about the social status of sexual minorities has any negative effects on children. In a democratic country governed by the rule of law, there must be a professional, evidence-based ground for legislation. Still, in Hungary, the Government has ignored this requirement for a long time (also violating the otherwise valid Hungarian law).

45. I am visibly transgender and a dual citizen (one Hungarian, and the other from a different EU country). Recently, I heard about another amendment of the Fundamental Law of Hungary, according to which if my activities “endanger the national sovereignty, public order, territorial integrity or security of Hungary”, I can legally be expelled from Hungary as a dual citizen. If I were to be checked for participation in Pride, would the authorities find out that I am a dual citizen, and would they determine that I endangered public order by participating in the event? Would I be at risk of being deported?

The rule regarding the suspension of citizenship infringes human rights. However, this threat does not apply to those who are citizens of another EU member state, an EU candidate state (Albania, Bosnia and Herzegovina, Georgia, Moldova, Montenegro, North Macedonia, Serbia, Turkey, Ukraine), a state that is part of the European Economic Area (Norway, Iceland, Liechtenstein), or a state that is included in this area by special agreement (Switzerland).

Citizens of another EU member state (and the states listed above) are therefore not threatened with the suspension of Hungarian citizenship. In addition, it is essential to know that an ID check does not reveal that you have another citizenship besides Hungarian. There is no central register where the Hungarian state lists those Hungarian citizens who also have another citizenship.

However, if the Government were to suspend citizenship against anyone, we would provide legal assistance.

46. What tools does the EU have against such unconstitutional laws?

The EU has a variety of tools. It can launch an infringement procedure, at the end of which the Court of Justice of the European Union may find that the Hungarian law contradicts EU law. In this case, the national law must be amended to comply with EU law. In individual cases – for example, if petty offence procedures are initiated against someone for participating in Pride – the Hungarian courts can also directly refer the matter to the Court of Justice of the European Union (preliminary ruling procedure).

CHILDREN'S RIGHTS



47. Will I face any retaliation if I take my child to Pride?

Can my child be placed under guardianship by the authorities?

In our opinion, no. The laws do not allow the Guardianship Office to take a child away from their parent because they brought the child to Pride. Only a very extreme interpretation of the law would allow this. According to the Fundamental Law of Hungary, parents have the right to choose how they raise their child, which we believe should include parental discretion in deciding whether to take a child to Pride. If guardianship proceedings are initiated against you for participating in Pride with your child, contact us so we can provide legal assistance.

48. The law claims that children's rights are stronger than other rights, such as freedom of speech or the right to assembly.

But what exactly are these children's rights in the Fundamental Law of Hungary, and how tangible are they?

According to the new amendment, the right of children to “protection and care necessary for their proper physical, mental and moral development” takes precedence over all other fundamental rights except for the right to life. The authorities use this to achieve their own political goals while cynically ignoring the collapse of the child protection system. Ultimately, however, the court will consider whether children's rights and the right to assembly conflict in a specific case, i.e., Pride's case. It cannot be ignored that no objective evidence supports the idea that expressing an opinion on the equality and acceptance of sexual and gender minorities would endanger the development of children, but rather the opposite.

49. If I go to Pride and get fined, will my mother, who works in the child protection sector, get in trouble during her impeccable conduct of life test?

It's unlikely that this would cause a problem. On the one hand, such tests have already taken place. On the other hand, only criminal records are considered in the scope of such tests, petty offences are not.

FOREIGN CITIZENS

50. Do foreigners living in Hungary with a work or student residence permit have anything to fear, like dual citizens?

Dual citizens have nothing to fear, and those with residence permits have no reason to worry. Participation in a prohibited assembly is not a crime but only a petty offence. Committing a petty offence will not be included in the criminal record and your certificate of good conduct ("erkölcsi bizonyítvány") will remain "clean".

51. How might the amendment affect dual citizens or those who do not have Hungarian citizenship?

The Petty Offences Act applies to every petty offence committed in Hungary, regardless of whether the perpetrator is a Hungarian or a foreign citizen. Therefore, foreign participants of Pride are liable for petty offences just like Hungarian participants. Although the petty offence procedure may be suspended if it is impossible to adjudicate the case substantively in the absence of the perpetrator, there is nothing to prevent a fine from being imposed on you in your absence.

52. Can foreigners also get fined? I am thinking about bringing some friends with me.

Yes. The Petty Offences Act allows foreign citizens to be fined in the same way as Hungarian citizens. If you have a workplace or a bank account in Hungary, these can be subject to enforcement just as in the case of Hungarian citizens. The Hungarian authorities may transfer the final and binding fine for collection to the state's authorities where you usually reside. If this happens, the authorities of your own country will enforce the fine. Whether the fine will actually be collected depends on which country you usually reside in, and whether that country is a member of the EU, another international treaty or has a bilateral agreement with Hungary on enforcing fines.

53. How will it be enforced if I am a non-Hungarian citizen and receive a fine?

If you have a workplace or a bank account in Hungary, these can be subject to enforcement just as in the case of Hungarian citizens. The Hungarian authorities may transfer the final and binding fine for collection to the state's authorities where you usually reside. If this happens, the authorities of your own country will enforce the fine. Whether the fine will actually be collected depends on which country you usually reside in, and whether that country is a member of the EU, another international treaty or has a bilateral agreement with Hungary on enforcing fines.

54. As a dual citizen, if I attend Pride and present my foreign ID when police officers check me, can I be fined, or could there be other legal consequences? Is it worth it to leave my Hungarian ID at home, and bring only my foreign documents to Pride?

If you are a dual citizen and possess both Hungarian and foreign identification documents, we recommend bringing along and presenting your Hungarian documents during police checks to avoid later complications and uncomfortable situations.

Firstly, during an identity check, the police officer can query the data on your foreign documents from the Hungarian Registry of Personal Data and Addresses. If they do so, it will become apparent during the check that you also hold Hungarian citizenship. Secondly, foreign citizens can be fined for offences just like Hungarians, so in this regard, it does not matter whether the police believe you to be a foreign or Hungarian citizen after the check. Therefore, you cannot avoid a fine simply by presenting your foreign documents instead of your Hungarian ones during a police check. For more information on the fining of foreigners, see the answer to question no. 52 and 53. Thirdly, if you possess a Hungarian ID, the facial recognition systems can also identify you. In this case, it will be revealed that you are also a Hungarian citizen.

55. Can they use facial recognition against me as a non-Hungarian citizen? Can the system even identify me?

The facial recognition system can be used against any Pride participant, not only Hungarians. The system's ability to identify you depends on whether your facial profile is stored in its database. The facial recognition database does not only contain the facial profile of Hungarian citizens but also the facial profile of non-EU citizen foreigners who reside in Hungary or arrived with a visa, so the system can identify them as well. However, the database does not contain the profile of non-Hungarian EU citizens, so they cannot be identified.

56. Are Hungarians from the historical territory of Hungary who have acquired Hungarian citizenship through simplified naturalisation at any risk by participating in Pride? Can their Hungarian citizenship be taken away, or can they be expelled from Hungary? Can their citizenship be suspended for disturbing public order?

No, their citizenship cannot be revoked or suspended, and they can not be expelled from Hungary. The rule regarding the suspension of citizenship infringes human rights. However, this threat does not apply to those who are citizens of another EU member state, an EU candidate state (Albania, Bosnia and Herzegovina, Georgia, Moldova, Montenegro, North Macedonia, Serbia, Turkey, Ukraine), a state that is part of the European Economic Area (Norway, Iceland, Liechtenstein), or a state that is included in this area by special agreement (Switzerland).

Therefore, the citizenship of Hungarians who also hold citizenship in other countries located within the historical territory of Hungary (Austria, Slovakia, Ukraine, Romania, Serbia, Croatia, Slovenia) cannot be suspended.

57. If we are travelling to Pride from abroad, can we be stopped by the police at the airport or on the train on arrival or departure?

No, the police cannot prevent individuals entering the country from attending the event by detaining them or otherwise restricting their freedom of movement. They also cannot prohibit you from leaving the country after you have participated in Pride.

58. Can foreign participants be arrested solely for attending Pride?

No, no arrest can be made against Pride participants solely for attending the event or participating in the march. If an arrest were to occur, a lawyer would be appointed for you, and you would have the right to request consular protection.

This document collects and answers the questions received by the organisations involved in its creation. If you have any further questions, please get in touch with us via our official channels or at the email addresses below!

helsinki@helsinki.hu

tasz@tasz.hu

utcajogasz@gmail.com