[HU] Amendments to child protection rules in Hungarian media and advertising legislation

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On 13 October 2026, the Hungarian Parliament adopted amendments to several acts concerning the protection of children. Act LXII of 2026 was published in the Official Journal of Hungary (*Magyar Közlöny*) on 21 October 2026. The amendments remove express references to homosexuality and gender identity from certain restrictions on media content and advertising, introduce revised content-based criteria and establish specific safeguards for advertising in publicly accessible spaces. The relevant provisions entered into force on 24 October 2026.

The amendments follow the judgment of the Court of Justice of the European Union of 21 April 2026 in Case C-769/22, *Commission v. Hungary*. The Court found that restrictions introduced by Act LXXIX of 2021 infringed EU law, including the prohibition of discrimination and the freedoms of expression and information. It held that treating representations of certain gender identities or sexual orientations as harmful to minors irrespective of their specific content stigmatised the persons concerned. The Court also found a separate infringement of the values enshrined in Article 2 of the Treaty on European Union.

The new legislation amends Section 9(6) of Act CLXXXV of 2010 on media services and mass communication. Previously, this provision expressly identified the promotion or portrayal of homosexuality, gender reassignment and divergence from the identity corresponding to sex assigned at birth among the grounds for classifying programmes as unsuitable for persons under 18. These references are replaced by a reference to content contrary to the revised Section 6/A of Act XXXI of 1997 on the protection of children and guardianship administration.

The revised Section 6/A prohibits making pornography available to minors, together with gratuitous depictions of sexuality inappropriate to their age and maturity. It also covers content promoting, justifying or encouraging sexual violence, sexual exploitation, sexual manipulation or contact initiated for such purposes, and other offences against sexual freedom and sexual morality. A broader provision covers content capable of adversely affecting children’s physical, intellectual, emotional or moral development, taking account of their age and maturity, the nature of the content and the circumstances of its presentation.

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The amended classification provision retains violence and direct or naturalistic depictions of sexuality as relevant criteria. It expressly provides that programmes meeting the criteria for category VI, which concerns content seriously harmful to minors, must be assigned to that category.

Section 32(4a) of the Media Act is amended in a similar manner. The express references to homosexuality and gender identity are replaced with a reference to Section 6/A of the Child Protection Act when determining whether a programme may qualify as a public service announcement or social advertising. Pornography and gratuitous depictions of sexuality remain expressly mentioned.

The amendments also replace a mandatory duty with a discretionary power under Section 179(2) of the Media Act. Previously, where the provision applied to an audiovisual media service under another member state's jurisdiction and directed wholly or predominantly towards Hungary, the Media Council was required to request action from that member state concerning identified infringements. Under the amended provision, the Media Council may make such a request, allowing it to assess whether to initiate this cooperation procedure in each case.

Under the amended Section 8(1a) of Act XLVIII of 2008 on business advertising, advertising depicting sexuality gratuitously or contravening Section 6/A of the Child Protection Act may not be made available to persons under 18. A new Section 8(1b) specifically prohibits advertising in public spaces or other places accessible without restriction where its content, visual or sound effects, or manner of presentation may adversely affect minors' development, particularly by causing unjustified fear, anxiety or psychological distress.

2026. évi LXII. törvény egyes törvényeknek a gyermekek jogainak és biztonságának megerősítését célzó módosításáról

https://njt.jog.gov.hu/jogszabaly/2026-62-00-00

Act LXII of 2026 on the amendment of certain acts aimed at strengthening the rights and safety of children

Court of Justice of the European Union, Case C-769/22, Commission v. Hungary, judgment of 21 April 2026

https://infocuria.curia.europa.eu/tabs/document/C/2022/C-0769-22-00000000RD-01-P-01/ARRET/319509-EN-1-html

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