

What Is the Hungarian “Pedophilia Act” and What Is behind It?

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On June 10, 2021, the Hungarian parliament made public the contents of a proposed “Pedophilia Act,” to be voted on less than a week later, on June 15. The [bill](#) has caused general outrage among national and international human rights organizations. Considering the name under which that bill was circulated, it might sound surprising that in fact the proposed law speaks less about children’s rights and more about curtailing the representation of LGBT+ people. Despite thousands protesting in front of the Hungarian Parliament, on Tuesday, June 15, the parliament passed the law with 157 MPs voting for and only one independent MP voting against (left-wing parties have previously announced that they would abstain from voting).

In this short piece, I will review of the law’s anti-LGBT+ elements, and provide a context of relevant international connections. I will list a few potential reasons for why it was so important for Hungary’s governing party Fidesz to introduce this law, what they hope to gain from it, and how it is likely to affect the LGBT+ community and minors in Hungary. I will conclude by outlining the emerging resistance to this law, and the potential steps that the EU can take in responding to it.

What makes this law homophobic?

The new law starts with sentences such as: “The state should ensure the right of children to an identity in line with their sex at birth” (Article 3/A). This is reminiscent of [Article 33 of the 2020 omnibus law](#), which introduced “birth sex” instead of “gender” into legal documents, thus making the gender recognition of trans people legally impossible. In addition, the “Pedophilia Act” also contains several openly homo- and transphobic provisions. These provisions include a ban on “exposing minors to any content that depicts sexuality for its own sake or portrays and promotes homosexuality or deviance from gender identity based on birth sex” including in advertisements, education, and any media content. Also, any school programs related to sex education may only be conducted by organizations authorized by the state – and it is unlikely that any LGBT+ or feminist groups will be granted this permission.

There are striking similarities between this law and the Russian “[Gay Propaganda Law](#),” in effect since 2013. The official name of the latter law is “[Law] for the Purpose of Protecting Children from Information Advocating for a Denial of Traditional Family Values.” Another potential predecessor is the infamous [UK Section 128 of the 1980s](#), which forbade local authorities to promote teaching about homosexuality as a “pretended family relationship.” A common thread among these laws is their framing of LGBT+ visibility as a negative influence on minors. The Hungarian law makes an even stronger statement here than the Russian one, embedding these measures in a law against pedophilia. It is also stricter in its banning of the representation of not only same-sex relationships but LGBT+ people themselves. Understanding why lawmakers used such a strategy requires shedding some light on the context surrounding the law’s proposal.

The context: pedophile scandals and anti-LGBT+ backlash

Child sexual abuse and adult sexual promiscuity have recently received unprecedented attention in Hungary, partly due to the involvement of leading political figures. For example, [Hungarian ambassador to Peru, Gábor Kaleta, was found in possession of thousands of child pornographic pictures on his office computer in 2020](#). In another incident - and ahead of the 2019 municipal elections - several videos of Győr city mayor Zsolt Borkai depicting his participation in sex orgies were made public. Despite the scandal, Borkai was re-elected, though he resigned soon after. In addition, the new decade started with [József Szájer, EMP and one of the drafters of the Hungarian constitution \(which effectively bans same-sex marriage\), sliding down a drainpipe in Brussels when caught by police at a gay sex party](#) breaching Covid restrictions. Finally, in a country where leading government politicians often loudly voice their Christianity and where there is a strong intertwining between church and state, the fact that a theologian has written [a book on sexual abuse in church contexts in Hungary](#) must also have been a blow. Indeed, Rita Perintfalvi's book was launched on June 11, 2021. Clearly, the introduction of the "Pedophilia Act" a day before the book's launch was a preventative measure, lest criticism against the Roman Catholic Church doing nothing about the problem may be extended to the Hungarian state.

We must also be aware that in recent years, Prime Minister Viktor Orbán's right-wing government has launched a strong backlash against LGBT+ people. In fact, we can discover predecessors to this law in 2019, when [Coca Cola was fined for using a gay male couple for one of its posters](#). The same year, the new Vocational Education Act ordered school principals to be fired if they allowed access to any programs that "may harm the children's sense of morality" into their schools. Although this provision has not been used against LGBT+ sensitizing or sex education programs, it might have deterred some schools from inviting them.

Extreme right-wing thugs have also repeatedly disturbed discussions on LGBT+-inclusive education over the past years. In 2020, Dóra Dúró, vice-president of the extreme right-wing Mi Hazánk ("Our Homeland") party [publicly shredded a children's book, *Wonderland Is for Everyone*](#), because some of its fairy tales depicted same-sex couples. [Viktor Orbán himself also spoke](#) about this affair, calling the book "homosexual propaganda" directed at children. As more and more rainbow families came out publicly - partly in reaction to the book scandal, the country's leadership became aware that many gay men and lesbians have adopted children as individuals (joint adoption being only possible for heterosexuals), so in December 2020 the law on adoption was changed. As a result, [adoption is now restricted](#) to married couples. In 2021, [the government placed all fertility centers under state control](#), possibly also with the intent of excluding lesbians from fertility treatment and assisted reproduction.

Unsurprisingly, international connections also encourage and support Hungary's anti-LGBT+ legislation. The Hungarian government has close ties to the World Congress of Families, an American but partly Russian-funded right-wing organization that has been [strongly involved in bringing about the Russian anti-gay propaganda law, as well as anti-gay laws in several African countries](#). Its 11th conference was held in Budapest in 2017, with Viktor Orbán giving a speech. Hungarian Families' Minister Katalin Novák was also a keynote speaker at the Verona conference two years later. Although there is no evidence of the involvement of this organization in the Hungarian "Pedophilia Act", it is clear that the Hungarian leadership makes strong efforts to ingratiate themselves into the organization. The Hungarian leadership also cultivates strong ties with Vladimir Putin, their desired ally against the EU, which has repeatedly criticized Hungary on the absence of the freedom of speech and the rule of law, among other issues.

What can Orbán gain with this law?

There are several ways Viktor Orbán can profit from this new law on the home front. Naturally, one of the advantages of a controversy over this law is that it diverts attention from other, more pressing problems, like the economic crisis, corruption, the crash of the health care system or [bringing a branch of the Chinese Fudan University to Budapest](#). In the past years, LGBT+ topics have been repeatedly used for such purposes. This time, however, more direct political gains are in sight as well.

In view of the parliamentary elections next year, what the ruling party Fidesz wants more than anything else is voters. Having seen that Dóra Dúró's book-shredding act was popular among the extreme right, they hope to attract these voters by exhibiting the same level of homophobia. At the same time, framing the law as a "Pedophilia Act" was a trap for opposition parties: they knew that, should they vote for the bill, they would lose their LGBT+ voters and those who support LGBT+ rights, but if they voted against it, they would risk appearing as if they approved of pedophilia, which would also mean a loss of voters. The left-wing parties chose to boycott the vote. But given Fidesz's two-thirds majority in the parliament, this was unlikely to make a difference, so it was clearly more about saving their image. Even more crucially, the vote is likely to cause a breach within the already fragile oppositional coalition. Only recently have opposition parties decided to cooperate in order to defeat Fidesz next year - but this coalition of mostly left-wing- parties also includes Jobbik, a right-wing party that has [repeatedly expressed extremely homophobic views](#) and called for a ban on pride marches, among other stances. At present, Jobbik is also the most popular opposition party, and the only opposition party that voted for the bill. Thus, the LGBT+ topic could become the straw that breaks the camel's (already not so sturdy) back.

The fact that the European Union is likely to protest this law also favors Orbán's policies, who has recently been trying to demonize the EU and strengthen Hungary's ties to authoritarian China and Russia. Nevertheless, Hungary's [EU membership is still supported by 85% of the population](#), so any attempt at a "Huxit" would cause enough outrage to potentially remove Fidesz from power. Saying that the EU speaks up against the "pedophilia law", that is, allegedly supports pedophiles, might induce hostility towards the EU and Western democracies in general.

What are the likely effects of the bill?

It is unlikely that the new law will be implemented in its entirety. Having to move all TV programs that feature LGBT+ characters to after 10 pm is practically unmanageable for channels broadcasting exclusively sitcoms and drama series, as they would be hard put to find any with no LGBT+ representation at all. Similarly, Orbán's regime does not have enough control over the Internet to ban all sites with LGBT+ content. It is possible, however, that telephone hotlines and websites where children and youth without an age limit can talk about sexuality and LGBT+ issues may be targeted. This might include [Háttér Society's LGBT+ telephone and chat hotline](#) or [yelon.hu](#), the chat hotline of Híntalovon Child Rights Foundation.

The first most likely target of the new law is the Pride March. Hungarian society is extremely divided over the Pride March, and Jobbik has repeatedly appealed to the Parliament to ban it. This year, the march is scheduled in late July, which would give enough time for the authorities to ban it; likely, this was the reason for Parliament's haste to vote on the bill.

Secondly, judging from the scandal caused by the book *Wonderland Is for Everyone*, children's and youth literature with LGBT+ content will probably also be banned. There will be no room for public advertisements picturing same-sex couples, and any public discussion on LGBT+ youth or diversity education will be made impossible.

While the 2019 Vocational Education Act was not used to crack down on school sensitization

programs, this law is more explicit and could be potentially easier to enforce. In the most extreme case, any LGBT+ organizations that do not put the “over 18” banner on their website or that target minors with any of their materials or programs could suffer serious consequences. Naturally, the rhetoric of equating LGBT+ people with pedophiles is likely to increase homophobic sentiments in the country and lead to more hate crimes and discrimination.

What can be done?

Naturally, the LGBT+ community and its supporters reacted as soon as the contents of the bill became public. A [petition](#) has been started, a [demonstration](#) was organized on June 14th and the new law has been denounced by human rights organizations, both [national](#) and [international](#). Open For Business, a global alliance of LGBT+ friendly businesses, has published a [business briefing](#) explaining how LGBT+ phobic legislation is against Hungary’s economic interests. [A German-owned popular TV channel has also protested against the new law as an infringement on the freedom of speech](#). However, Viktor Orbán and his government are unlikely to worry about whether they are seen as the champions of human rights or not. The only external power that may achieve success in exerting any pressure is the European Union, though mere condemnation is not enough and (as discussed above) might even backfire. However, cutting off funds and/or suspending some of Hungary’s rights as a Member State may deprive Fidesz of valuable resources and turn a large enough portion of the Hungarian population against the party so that it would be forced to withdraw the law. Fidesz has [withdrawn unpopular bills before](#) and one year before parliamentary elections it will not risk a loss of power due to a falling-out with the EU. While obviously EU-level measures are not a panacea to domestic problems, in this particular case I do not think the passing of another “Gay Propaganda Law” can be challenged without outside help.

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