

Exclusion and threatening dissenters on a constitutional level

Information note

on the 15th Amendment to Hungary's Fundamental Law and accompanying laws

19 March 2025

The first months of the year in Hungary were characterized by increasingly inflammatory rhetoric by the Prime Minister, who targeted civil society actors, journalists and minority groups. His stigmatizing and threatening statements foreshadowed new steps aimed at cracking down on dissent and at excluding LGBTQI people and those who formulate opinions going against government policy. In March 2025, members of the governing party submitted the following bills to the Parliament, turning these threats into actual legislative measures:

- Bill T/11152 on the 15th Amendment to the Fundamental Law (submitted on 11 March 2025, pending before the Parliament),¹
- Bill T/11153 on Amending Certain Acts of Parliament in Relation to the 15th Amendment to the Fundamental Law (submitted on 11 March 2025, pending before the Parliament),² and
- Bill T/11201 on Amending Act LV of 2018 on the Freedom of Assembly³ in Relation to the Protection of Children and Amending Related Acts of Parliament (submitted on 17 March, adopted on 18 March, and promulgated on 19 March 2025 as Act III of 2025).⁴

These laws represent a significant escalation in the Government's efforts to suppress dissent, weaken human rights protection, and consolidate power. In this paper, we focus on the following key legislative changes and concerns brought by the bills, which are being adopted in a legislative process that was designed to limit public debate and protest:

- **Suspension of nationality:** The 15th Amendment introduces a vague and unprecedented provision allowing for the "suspension" of Hungarian nationality of those with multiple citizenship, except for those with the right to free movement and residence. This creates legal uncertainty, raises serious human rights concerns, and effectively institutionalizes political intimidation.
- **Attacks on LGBTQI rights:** The 15th Amendment seeks to constitutionally define a person as either male or female, and the attached explanatory memorandum makes it clear that the aim is to constitutionally prohibit legal gender recognition, which has already been banned by

¹ An unofficial English translation of the submitted text is available here: https://helsinki.hu/en/wp-content/uploads/sites/2/2025/03/Bill_11152_EN_unofficial_translation.pdf. The original Hungarian version is available here: <https://www.parlament.hu/irom42/11152/11152.pdf>.

² The submitted text is available here in Hungarian: <https://www.parlament.hu/irom42/11153/11153.pdf>.

³ Hereafter referred to as: Assembly Act.

⁴ The adopted text is available here in Hungarian: <https://njt.hu/jogszabaly/2025-3-00-00>.

lower-level law since 2020. This contradicts a recent ruling from the Court of Justice of the European Union (CJEU), among others. Moreover, Bill T/11153 removes “gender identity” from Hungary’s Equal Treatment Act,⁵ eliminating legal protection against discrimination.

- **Banning Budapest Pride and restricting the right to personal data:** The 15th Amendment asserts that children’s rights take precedence over all other fundamental rights, except the right to life. This provision has been used to underpin a new law prohibiting assemblies that might expose minors to content about LGBTQI identities. Thus, Act III of 2025 effectively bans Budapest Pride and similar events, violating freedom of assembly under European and international law. In addition, authorities will be allowed to use facial recognition to identify unknown perpetrators of any petty offence, irrespective of gravity or type, which is a disproportionate restriction of the right to the protection of personal data.
- **Maintaining the Government’s excessive emergency powers:** The 15th Amendment removes the time limit on the Government’s ability to declare a state of danger, allowing the Government to maintain it indefinitely without parliamentary approval. While issuing emergency decrees overriding Acts of Parliament will require authorisation from the Parliament, the governing party’s two-thirds majority ensures that this will mean a meaningful restriction only for a next Government with no such majority. Rule by decree without meaningful oversight remains entrenched.

The 15th Amendment to the Fundamental Law and the related bills deepen Hungary’s democratic backsliding by entrenching discriminatory policies and suppressing dissent. By elevating arbitrary and politically motivated restrictions to a constitutional level, the Hungarian government is further isolating itself from European democratic norms and international human rights standards.

1. Context: escalating verbal threats

The 15th Amendment to the Fundamental Law and the accompanying bills were foreshadowed and accompanied by an escalation of stigmatizing and threatening statements by the Prime Minister, who welcomed the steps of President Trump suspending and then terminating foreign aid programs as well:

- In a radio interview on 17 January 2025, the Prime Minister stated that “the most important foreign policy goal for 2025 is to push the Soros Empire out of Europe, to push them back to America”, and that “[t]he time has come to speak clearly, to dismantle the foreign networks that threaten Hungarian sovereignty, and to send them home”.⁶
- According to a government-friendly newspaper, in February 2025, the Prime Minister said at the gathering of the governing party Fidesz that Trump and Musk have busted the “political corruption network” of Soros and the Democrats, who distributed billions of dollars to the media and to international organisations, but they will no longer pay their “mercenaries” with

⁵ Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities

⁶ See: <https://miniszterelnok.hu/en/prime-minister-viktor-orban-on-the-kossuth-radio-programme-good-morning-hungary-2025-01-17/>.

“rolling dollars” in Hungary. The Prime Minister asked the MPs to pass strict laws and “ban” those from Hungary who benefited from these funds.⁷

- In his “State of the Nation” address, delivered on 22 February 2025, the Prime Minister said the following: “Let us have a new law like America’s Magnitsky Act. Let us shut off the Soros network’s financial sluice gates, let the state bodies do their duty in protecting sovereignty [...]. We can wind up the Empire’s Budapest depot by Easter.” The Prime Minister referred to this as “spring cleaning for Easter”. In addition, he stated the following in relation to LGBTQI people: “we must not yield, we must not give up on protecting our children. Dragging us before a court in Luxembourg will be of no use to them. In fact, I suggest that on this we go on the counter-attack. Let us write into the Constitution that a person is either male or female. Full stop. In fact, I advise the Pride organizers that they should not bother preparing for this year’s parade. It would be a waste of time and money [...].”⁸
- In his speech delivered on 15 March 2025 on the anniversary of the revolution and war of independence of 1848–1849, the Prime Minister likened various independent actors to stinkbugs/bedbugs (*poloska*): “After today’s festive gathering will come house cleaning for Easter. The bugs have survived winter. We are dismantling the financial machine that has used corrupt dollars to buy politicians, judges, journalists, bogus civil society organisations and political activists. We will disperse the entire shadow army. They are [...] the minions of Brussels, paid to do the empire’s bidding against their own country. They have been here too long. They have survived too much. They have received money from too many places. [...] If there is justice, and there is, there is a special place in Hell for them.”⁹

These statements have come after an almost full year of operation of the Sovereignty Protection Office, with its “investigations” and “reports” repeatedly framing EU activities, EU funding and engagement with the EU’s rule of law toolbox as threats to the sovereignty of Hungary; and were accompanied by appointing a special commissioner “responsible for uncovering political corruption funds paid by the United States Agency for International Development to Hungarian entities”.¹⁰

2. Deficiencies of the legislative process

The bills show that the Hungarian government’s concept of law puts its self-interest above public interest. The 15th Amendment reduces even the Fundamental Law to a tool of oppression and silencing and proves once again that the governing majority and the Government take an “instrumental attitude” towards the Fundamental Law and continue to treat it as a political tool of the Government.

Furthermore, the 15th Amendment and all the accompanying bills were submitted to the Parliament by individual MPs. This is another example of the Government introducing laws to the Parliament that are clearly part of government policy via governing majority MPs in order to circumvent statutory public consultation, which is obligatory only for bills prepared and submitted by Ministries.

⁷ See: <https://magyarnemzet.hu/belfold/2025/02/orban-viktor-ukrajna-kihelyezett-frakcioules-fidesz-kdnp-balatonfured-haboru-trump>.

⁸ See: <https://miniszterelnok.hu/en/prime-minister-viktor-orbans-state-of-the-nation-address-2025-02-22/>.

⁹ See: <https://miniszterelnok.hu/en/speech-by-prime-minister-viktor-orban-on-the-177th-anniversary-of-the-hungarian-revolution-and-war-of-independence-of-1848-49/>.

¹⁰ Government Resolution 1033/2025. (II. 27.)

Adopting Bill T/11201 the day after it was submitted to the Parliament was possible after a governing party MP requested a special, so-called “exceptional” procedure. This was not warranted by outside circumstances, and its only “use” was to create a shock in the public and leave no space for meaningful advocacy and protest before the adoption of the bill.

3. Vague threats and rights violations raised to a constitutional level

3.1. “Suspension” of nationality

The 15th Amendment would add the following to Article G(3) of the Fundamental Law as of 15 April 2025:

“The citizenship of a Hungarian citizen who is also a citizen of another state, with the exception of a citizen of a state with the right of free movement and residence, may be suspended for a definite period of time, as established by a cardinal Act. Collective suspension is prohibited.”

Before the 15th Amendment was officially submitted to the Parliament, the head of the Fidesz parliamentary group posted excerpts of the envisaged text on Facebook, according to which the amendment would have stated that Hungarian citizens who are also citizens of another state may be “expelled” from Hungary if conditions specified by law are fulfilled and if their activities “threaten the national sovereignty, public order, territorial integrity or safety of Hungary”.¹¹ However, the submitted text no longer speaks about the “expulsion” of Hungarian citizens with multiple citizenship, but about the “suspension” of their Hungarian citizenship (i.e. nationality),¹² and does not include anything on the potential grounds of such a suspension either.

The original idea of expelling Hungarian nationals from Hungary would have been in a clear violation of the European Convention on Human Rights (ECHR), which prohibits the expulsion of nationals,¹³ but the submitted wording is equally deeply problematic. Currently, the institution of “suspending” Hungarian citizenship does not exist in the respective domestic law on nationality, there is no related procedure and no safeguards, there is no reference in the 15th Amendment on what basis this would be possible, and no information is available of how this would look like in practice. The “suspension” of nationality is a legally meaningless concept: it is almost unprecedented in the world for a state to “suspend” one’s nationality, and even when this occurs exceptionally, it is nothing more than a creative re-labelling of depriving someone of their citizenship for political reasons. This remains the case irrespective of the exception applicable to persons with multiple nationality who have the right of free movement and residence, i.e., broadly speaking, EEA nationals (including nationals of other EU Member States) and their family members.¹⁴

¹¹ See e.g.: <https://telex.hu/belfold/2025/03/09/kocsis-mate-alaptorveny-modositas-szuverenitas-kiutasitas>.

¹² Although the official English translation of the Fundamental Law uses the term “citizenship”, and we will follow this wording in this note, from an international law perspective, “citizenship” equals the term “nationality” as used in relevant international treaties and EU law in English.

¹³ Article 3(1) of Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms sets out the following: “No one shall be expelled, by means either of an individual or of a collective measure, from the territory of the State of which he is a national.”

¹⁴ Section 1 of Act I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence prescribes the following:

“(1) Hungary shall ensure the right of free movement and residence in accordance with the provisions of this Act:

Thus, via the 15th Amendment, the Government is turning an intimidating message into a vague constitutional provision, leaving its own citizens anxiously wondering whether they would face repercussions e.g. for expressing their opinion publicly. Aiming to exclude Hungarian citizens from the country, regardless of its exact legal modality, signals an entirely next level of cracking down on dissent.

3.2. Violating the rights of trans people

As a next step in the long line of legislative measures adopted in the past years aimed at undermining the rights of and stigmatizing LGBTQI people, the 15th Amendment would add to Article L(1) of the Fundamental Law the following: *“The person is a man or a woman.”*¹⁵

As pointed out by civil society organisations, “[s]ome trans people identify as wom[a]n or m[a]n – and at first reading, the amendment does not affect them – but rather targets those who consider themselves non-binary. However, the explanatory memorandum of the amendment makes it clear that the aim is to constitutionally prohibit legal gender recognition for all transgender people, which has already been banned by [lower-level] law since 2020.”¹⁶ This violates the rights of trans people, and is all the more problematic in light of a judgment handed down by the CJEU on 13 March 2025 (incidentally, in a Hungarian case), ruling that EU Member States must allow gender marker changes as a matter of data protection rights, regardless of the existence of a procedure for the legal recognition of transgender identity in the domestic legal context. The CJEU also held that any national legislation that prevents trans people, in the absence of recognition of their gender identity, from fulfilling a requirement necessary to exercise a right protected by EU law is, in principle, incompatible with the latter.¹⁷

In addition, Bill T/11153 would also amend the Equal Treatment Act, and would delete “gender identity” from the list of protected grounds, and at the same time would replace the term “sex” with the term “sex and corresponding identity” in the list.¹⁸ This would leave trans people without legal defence against discrimination. As put by civil society organisations: “The situation is already worrying:

a) with the exception of Hungarian citizens, to nationals of any Member State of the European Union and States who are parties to the Agreement on the European Economic Area, and to persons enjoying the same treatment as nationals of States who are parties to the Agreement on the European Economic Area by virtue of an agreement between the European Community and its Member States and a State that is not a party to the Agreement on the European Economic Area with respect to the right of free movement and residence (hereinafter referred to as ‘EEA nationals’);

b) to the family member of an EEA national who does not have Hungarian citizenship, accompanying or joining the EEA national (hereinafter referred to as ‘family members of EEA nationals’); [...]

d) to any persons accompanying or joining an EEA national, who had been dependants or members of the household of an EEA national in the country from which they are arriving, or who require the personal care of an EEA national due to serious health reasons, and whose entry and residence has been authorised by the authority as a family member.

(2) The provisions of this Act shall apply to EEA nationals granted diplomatic or other personal immunity, or who are entering the country for the purposes stipulated in treaties or international agreements, unless prescribed otherwise by treaty.

(3) This Act shall not apply to persons to whom the Hungarian refugee authority has granted asylum, or placed under any subsidiary form of protection or under temporary protection schemes.”

¹⁵ If the 15th Amendment is adopted, Article L(1) of the Fundamental Law will read as follows in its entirety: *“(1) Hungary shall protect the institution of marriage as the union of one man and one woman established by voluntary decision, and the family as the basis of the survival of the nation. Family ties shall be based on marriage or the relationship between parents and children. The person is a man or a woman. The father shall be a man, the mother shall be a woman.”*

¹⁶ See the joint statement by Amnesty International Hungary, Budapest Pride, Háttér Society, Labrisz Lesbian Association and Prizma Transgender Community: <https://en.hatter.hu/node/36840>.

¹⁷ *Case C-247/23*, Judgment of the Court (First Chamber), 13 March 2025, ECLI:EU:C:2025:172. See especially para. 37.

¹⁸ See Sections 5 and 6 of Bill T/11153, amending Points a) and n) of Section 8 of the Equal Treatment Act.

according to FRA data,^[19] half of trans people in Hungary experience discrimination in their daily lives. The amendment would only exacerbate this, making a simple parcel collection at the post office, credit card payment or even errands at the municipal council office much more problematic.”

3.3. “Protecting” children from the Budapest Pride

The 15th Amendment would add to Article XVI(1) of the Fundamental Law that the child’s right to the protection and care necessary for their proper physical, mental and moral development “shall take precedence over all other fundamental rights, with the exception of the right to life”.²⁰

This provision of the 15th Amendment was meant to provide a constitutional-level basis for prohibiting Budapest Pride and similar events, as suggested by the Prime Minister. This was supplemented by Act III of 2025, the main points of which are the following:

- Act III of 2025 amends the Assembly Act, introducing a new Section 13/A setting out that it is prohibited to hold an assembly that violates the prohibition set forth in Section 6/A of Act XXXI of 1997 on the Protection of Children and Guardianship Administration or that displays a substantial element of the content prohibited under Section 6/A. According to the amendment, authorities shall prohibit holding an assembly if, on the basis of consulting the organisers, there are reasonable grounds to believe that they plan to hold such a prohibited assembly.

Section 6/A in question was introduced in 2021 as part of an extensive anti-LGBTQI legislative package (the so-called “Propaganda Law”²¹), which prohibits making accessible to persons under 18 years old content that “promotes or portrays gender identities that do not correspond to the sex assigned at birth, sex reassignment or homosexuality”. This provision, as put by the Venice Commission, “can hardly be seen as compatible with the ECHR and international human rights standards”.²² The Propaganda Law violates EU law as well, as demonstrated by the action brought against Hungary by the European Commission in December 2022,²³ joined later by 15 EU Member States and the European Parliament on behalf of the Commission.²⁴

- The amendment makes it a petty offence (misdemeanour) to organise, hold and attend a prohibited assembly as outlined above via circumventing the Assembly Act. (Organising and recruiting for an assembly that has been banned by the authorities is already a criminal offence, and attending one is already a petty offence – the new element in the newly established petty offence is the “circumvention” of the Assembly Act specifically in the case of assemblies violating

¹⁹ European Union Agency for Fundamental Rights, *EU LGBTQI Survey III*, <https://fra.europa.eu/en/publications-and-resources/data-and-maps/2024/eu-lgbtqi-survey-iii>

²⁰ If the 15th Amendment is adopted, Article XVI(1) of the Fundamental Law will read as follows in its entirety: “Every child shall have the right to the protection and care necessary for his or her proper physical, mental and moral development. This right shall take precedence over all other fundamental rights, with the exception of the right to life. Hungary shall protect the right of children to a self-identity corresponding to their sex at birth, and shall ensure an upbringing for them that is in accordance with the values based on the constitutional identity and Christian culture of our country.”

²¹ For a detailed analysis and the consequences of the Propaganda Law, see: Amnesty International Hungary, *From Freedom to Censorship: Consequences of the Hungarian Propaganda Law*, 2024, https://www.amnesty.hu/wp-content/uploads/2024/02/From_Freedom_to_Censorship_EN.pdf.

²² European Commission for Democracy through Law (Venice Commission), *Hungary – Opinion on the Compatibility with International Human Rights Standards of Act LXXIX Amending Certain Acts for the Protection of Children*, CDL-AD(2021)050, 13 December 2021, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2021\)050-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2021)050-e), para. 95.

²³ *Case C-769/22, European Commission v Hungary*

²⁴ See e.g.: <https://www.ilga-europe.org/news/eu-member-states-unite-against-hungarys-anti-lgbti-propaganda-law-at-infringement-hearing/>.

the prohibition of making accessible content that “*promotes or portrays gender identities that do not correspond to the sex assigned at birth, sex reassignment or homosexuality*” to minors.)

- The amendment prescribes that the organisers can notify the police of an assembly one month before its planned date instead of the current rule of three months.
- The amendment allows authorities to use facial recognition to identify unknown perpetrators in the case of *all* petty offences – currently, this is possible only in the case of petty offences punishable with confinement.

These changes will enter into force on 15 April 2025, at the same time as the new version of Article XVI(1) of the Fundamental Law.

The amendments violate various fundamental rights, such as the freedom of assembly, the prohibition of discrimination, and the right to the protection of personal data.

Firstly, the amendments impose a content-based, discriminative restriction on freedom of assembly, effectively prohibiting Budapest Pride and similar events, which is in clear violation of international human rights standards. The European Court of Human Rights has held “on several occasions, that there was no scientific evidence or sociological data at its disposal suggesting that the mere mention of homosexuality, or open public debate about sexual minorities’ social status, would adversely affect children [...]. It has also held that, to the extent that minors who witnessed demonstrations in favour of LGBTI rights were exposed to the ideas of diversity, equality and tolerance, the adoption of these views could only be conducive to social cohesion [...]. In a similar vein, various international bodies, such as the PACE, the Venice Commission, ECRI, the European Parliament and the UN Independent Expert on sexual orientation and gender identity, have criticised laws which seek to restrict children’s access to information about different sexual orientations, on the grounds that there is no scientific evidence that such information, when presented in an objective and age-appropriate way, may cause any harm to children. On the contrary, the bodies in question have emphasised that it is the lack of such information and the continuing stigmatisation of LGBTI persons in society which is harmful to children [...].” Therefore, restricting children’s access to information about same-sex relationships based solely on considerations of sexual orientation, just as the new Hungarian amendments do, cannot serve as a legitimate aim for restricting freedom of assembly.²⁵

Secondly, allowing authorities to use facial recognition to identify unknown perpetrators of all petty offences, irrespective of the gravity or type of the petty offence, is a disproportionate restriction of the right to the protection of personal data. This does not only violate the Fundamental Law, but it also seems to be at odds with EU law. As pointed out by the European Data Protection Board regarding the use of facial recognition technology, referencing a judgment by the CJEU, “[f]or the purposes of prevention, detection or criminal prosecutions, the offences concerned would have to be considered sufficiently serious to justify the extent and seriousness of these interferences with the fundamental rights enshrined for example in Articles 7 and 8 of the Charter [of Fundamental Rights]”,²⁶ i.e. respect for private and family life and the protection of personal data. The new rules do not comply with these requirements.

²⁵ *Macatè v. Lithuania*, Application no. 61435/19, Judgment of 23 January 2023, §§ 210-211. and 216.

²⁶ European Data Protection Board, *Guidelines 05/2022 on the use of facial recognition technology in the area of law enforcement*, Version 2.0, adopted on 26 April 2023, https://www.edpb.europa.eu/system/files/2023-05/edpb_guidelines_202304_frtlawenforcement_v2_en.pdf, para. 55., referencing Case C-594/12, para. 60 and 61.

3.4. Tweaking the rules of the “state of danger” once again to secure power

The rules of special legal order regimes and especially the rules of the state of danger (*veszélyhelyzet*) have been transformed in the past years (since the beginning of the COVID-19 pandemic) by the governing majority in a way that maximized the Government’s emergency regulatory powers. The Government has been using this excessive regulatory power to issue emergency government decrees overriding Acts of Parliament extensively and in an abusive manner.²⁷ The 15th Amendment and Bill T/11153 alter the legal framework once again, with effect from 1 January 2026:

- The 15th Amendment removes the limitation from Article 51 of the Fundamental Law that the Government can only declare a state of danger for 30 days, and after that, it needs an authorisation from the Parliament to extend the state of danger, with 6 months per occasion. This means that the Government can maintain a state of danger as long as it wants.
- Under the current rules of the state of danger, once declared, the Government may automatically adopt decrees by means of which it may, as provided for by a cardinal law, suspend the application of certain Acts of Parliament, derogate from the provisions of Acts and take other extraordinary measures. Under the 15th Amendment, the Government will continue to automatically have the power to take extraordinary measures in a state of danger, but will need an authorisation from the Parliament, adopted with a two-thirds majority of the MPs present, to suspend the application of Acts of Parliament and derogate from the provisions of Acts. According to Bill T/11153, this authorisation can be given for 6 months per occasion, in a general manner, i.e. regarding to all potential regulatory areas/subjects listed in the respective cardinal law, or regarding certain regulatory areas.²⁸ Importantly, the amendments leave the list of these potential regulatory areas in the respective cardinal law intact, which list is not only overly broadly framed, but it is also practically open ended, i.e. rules in the cardinal law are too general and thus not capable of imposing any meaningful limit on the extraordinary powers of the Government.

At first glance, the requirement of an authorisation from the Parliament to override Acts of Parliament might seem as a restriction on the Government’s powers, but in practice, it is not: the current Government has a steady two-thirds majority in the Parliament, and it is highly unlikely that MPs will deny the Government authorisation to override Acts of Parliament – just as they have authorised the Government to extend the state of danger many times in the past years. In turn, the new rules will be capable to limit the possibilities of a next Government which does not have a two-thirds majority in the Parliament. In addition, there is still no automatic and regular parliamentary oversight over individual emergency decrees, and the effective constitutional review of emergency decrees is still not ensured.

Thus, the amendments do not establish a meaningful restriction on the Government’s excessive emergency regulatory powers, and the legal framework remains at odds with the standards set by the Venice Commission.²⁹

²⁷ For an overview, see: Hungarian Helsinki Committee, *Hungary: Perpetuated States of Exception Undermine Legal Certainty and Human Rights*, 2 April 2024, https://helsinki.hu/en/wp-content/uploads/sites/2/2024/04/HHC_Hungary_states_of_exception_20240402.pdf.

²⁸ See Section 80(2) of Act XCIII of 2021 on the Coordination of Defence and Security Activities.

²⁹ Cf.: European Commission for Democracy Through Law (Venice Commission), *Report – Respect for Democracy, Human Rights and the Rule of Law During States of Emergency: Reflections*, CDL-AD(2020)014, 19 June 2020, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2020\)014-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2020)014-e).