

Can the rights of the child be a justification for human rights violations?

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Abstract: *This article examines how Hungarian law restricts the rights of media creators, focusing on the delicate balance between protecting children's rights and preserving fundamental freedoms. The research method involves a thorough analysis of case law from the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR), alongside a review of legal doctrine and relevant interdisciplinary studies. The Hungarian government has implemented legal measures that justify restricting media content under the guise of child protection, particularly in areas related to gender, sexuality, and family values. The article critically assesses whether such laws, which restrict the freedom of expression of media creators, can be legitimately justified by the need to protect children. By analysing the jurisprudence of the CJEU and ECtHR, the study highlights the tension between the protection of minors and the infringement on the rights of media creators. It explores how these legal frameworks have dealt with similar issues, assessing the balance between child protection and freedom of expression in both the European and international contexts. Ultimately, the article raises key questions about the limits of justifiable legal restrictions, arguing for a careful reconsideration of the relationship between protecting children and upholding fundamental human rights.*

Keywords: *children's rights; media freedom; freedom of expression; populism; EU values; dignity; democracy; Hungary*

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1. Introduction

“If parents buy their children under eighteen a youth novel on LGBTQI¹ persons or let them watch a film featuring LGBTQI characters, they violate the law.” This quotation is from the Venice Commission Opinion (2021) on the legislation introduced in Hungary to enhance child protection – Act LXXIX of 2021 on taking more severe action against paedophile offenders and amending certain acts for the protection of children. The legal changes introduced in Hungary became the subject not only of the Venice Commission’s opinion, but also of a vociferous public debate that was widely reported in the media (Bayer 2021; Reuters 2021; Verfassungsblog 2021). Indeed, the issue is multifaceted, touching on not only human rights protection but also particularly on children’s rights, European Union (EU) values, and a State’s implementation of treaty regulations. This law implicates the way of thinking about the global mechanisms for the legal protection of children’s rights, diversity, and non-discrimination in public sphere.

The legal changes introduced in Hungary prohibit the portrayal or discussion of multiple gender identities and sexual orientations in the public sphere, including in schools and the media, by *inter alia* restricting access to content that “promotes or depicts a divergence from self-identification corresponding to sex at birth, gender reassignment or homosexuality” for persons under 18 years (Venice Commission Opinion 2021, 7). Hungary’s state authorities justified the implementation of such regulations as protecting of children and preventing paedophilia (Bayer 2021). In other words, the stated aim of the proposed legislation was to impose “harsher sentencing for paedophile criminal offences and a criminal registry for perpetrators of such offences”. The draft was submitted to the Hungarian Parliament by two members on 25 May 2021. Although Hungary’s stated aim was to counteract and explicitly prohibit content that promotes paedophilia, Hungary’s action was not received positively by international bodies, as it is seen as contrary to fundamental rights, international law, and EU law. A case challenging the law is currently pending in the Court of Justice of the European Union (CJEU) (Deutsche Welle 2024). The case operates in the context of the values, as enshrined in Article 2 of the Treaty on European Union (TEU) (see also *Hungary v. Parliament and Council*, paras. 127 and 232),² and the role of the EU and its institutions, including the CJEU.

¹ The manuscript uses both ‘LGBTQ+’ and ‘LGBTQI’ intentionally. ‘LGBTQI’ is retained when referring to sources or legal documents that use this specific acronym, while ‘LGBTQ+’ is used as the general umbrella term throughout the text.

² It is apparent from the case law that certain provisions of the Charter and of the TFEU specify the scope of the values enshrined in Article 2 TEU, since those provisions may, where appropriate, be the subject of infringement proceedings, but not under Article 2 TEU itself. Article 2 TEU is not merely a statement of political guidelines or intentions, but contains values which fall within the very identity of the EU as a common legal order.

One of the recent challenges for the EU Member States and non-EU Member States is to find solutions to the challenges posed by the populism of contemporary democracy (Vidmar 2020). The analysis is narrowed to examine the case in terms of children's rights and to identify the relevant legal regulations. In the context of international law, this case is related not only to the violation of the fundamental rights of the child, but also to the violation of the freedom of expression. The purpose of this article is to consider the impact of Hungary's new regulations on children's rights and to answer the question whether the law is discriminatory and incompatible with the fundamental principles of EU law.

2. The perspective of the Venice Commission

First, it is necessary to specify how the 2021 legislation implements legal changes. Act LXXIX of 2021 consists of 12 provisions, 11 of which are amendments to different Acts. These are mainly: Amendment to Act XXXI of 1997 on the protection of children and guardianship (Child Protection Act), Amendment to Act XLVIII of 2008 on the basic conditions of and certain restrictions on economic advertising activities (Advertisement Act), Amendment to Act CLXXXV of 2010 on media services and mass communication (Media Act), Amendment to Act CCXI of 2011 on the protection of families (Family Protection Act), and Amendment to Act CXC of 2011 on national public upbringing (National Public Education Act). As the Venice Commission rightly indicated, the amendments to the Child Protection Act have a much broader scope of application and also apply to parents and other legal guardians. The Family Protection Act contains no restrictions on its scope, so its provisions go even further and apply to all individuals, public bodies, and private entities in Hungary (Venice Commission Opinion 2021, 5). The main stated aim of the regulations is to ensure the protection of minors and identify measures that can be implemented to this effect. However, the content of education and other information must be adapted to the age and emotional development of children to minimise the risks to the development of minors. What is more, programmes which could harm the physical, mental, and moral development of children are not to be transmitted where it is likely, due to the timing of the broadcast and reception, that children will watch them.

The Venice Commission assessed the introduced changes from the perspective of international standards. A comprehensive analysis was performed of the non-recognition of gender identity, the protection of the right to privacy, the prohibition of discrimination, and the prohibition of the propagation and portrayal of divergence from self-identity corresponding to sex at birth, sex change, or homosexuality in the context of the freedom of expression and the prohibition of discrimination. EU law also regulates these issues in secondary law legal sources: Directive 2000/3, Directive 2006/123, Directive 2010/13, Directive 2011/93, Directive 2015/1535, as well as the General Data Protection Regulation

(GDPR). In other words, Hungary's law comes within the scope of EU law, vis-a-vis various provisions dealing with the free movement of services in the present case, namely Articles 2, 3(1), 6a(1) and 9(1)(c)(ii) of Directive 2010/13, Article 3(2) of Directive 2000/31, Articles 16 and 19 of Directive 2006/123, and Article 56 TFEU. Furthermore, in accordance with Article 4 of the European Convention on Transfrontier Television, States shall ensure freedom of expression and information in accordance with Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), and they shall guarantee freedom of reception and shall not restrict the retransmission on their territories of programme services which comply with the terms of this Convention.

As the opinion of the Venice Commission clearly states, Hungary's law is incompatible with human rights standards and European Court of Human Rights (ECtHR) cases, and there is no doubt about the dangers of such laws (Venice Commission Opinion 2021, 23). According to the ECtHR, there is "no scientific evidence or sociological data suggesting that the mere mention of homosexuality or an open public debate on the social status of sexual minorities would harm children... On the contrary, society can only position itself on such complex issues...through a fair and public debate... It would also dispel common misunderstandings, such as whether heterosexuality and homosexuality can arise from education or incitement and whether or not to be homosexual" (*Alekseyev v. Russia* 2010, para. 86). Over and above that, the ECtHR emphasised that gender identity and sexual orientation form part of the identity of the individual and thus concern an intrinsic part of the individual personality and existence (*Bayev and Others v. Russia* 2017, para. 69). Insofar as minors who witness protests in favour of LGBTQ+ rights are exposed to the ideas of diversity, equality, and tolerance, the adoption of those opinions could help to promote social cohesion (*Macatė v. Lithuania* 2023, para. 210). These ECtHR rulings are also important because of the process in the CJEU. As the CJEU held, the EU legal order undeniably seeks to ensure respect for human dignity as a general principle of law (*Omega Spielhallen- und Automatenaufstellungs-GmbH v. Oberbürgermeisterin der Bundesstadt Bonn* 2004, para. 4). In another judgment, the Court confirmed that none of the rights enshrined in the Charter of Fundamental Rights of the European Union (the Charter) may be used to undermine the dignity of others and it cannot be prejudiced, even in the event of a limitation of a right (*Netherlands v. Parliament and Council* 2001, paras. 70–77).

The Venice Commission analysed specific points of the regulation, such as the provisions that it was "necessary in a democratic society" for "the protection of health or morals" and "for the protection of the rights of others". As a result, from the perspective of human rights law, the Venice Commission has provided detailed guidelines which – in general – are limited to protecting the purpose of the Commission, which is to ensure the democratic and smooth functioning of institutions and the protection of human rights.

3. The meaning of children's rights protection in the context of fundamental rights

The wider context of the Hungary case is worthy of attention, as the problems it addresses affect a number of institutions. The assessment of these issues by international courts will be important in shaping the future of international society and rule of law. By enacting these legal changes, Hungary built a legislative system that operates outside of the values of EU law (i.e., tolerance, pluralism, non-discrimination, solidarity, justice, and equality), human rights norms, and children's rights. What remains to be addressed is the problem of invoking more expansive protection of fundamental rights than that provided for by EU law. Otherwise, Hungary's law will continue stigmatising groups of persons based on sexual orientation and/or gender identity. Hungary should respect the fundamental rights guaranteed by the Charter. As scholar Eszter Mihály said: "The Propaganda Law has created a cloud of fear and limited access to information, particularly for young people. Fear from sanctions have resulted in a chilling effect [Ploska 2024] that is preventing people from imparting, seeking and receiving information about sexual orientation and gender identity. The Propaganda Law has also contributed to negative stereotypes and discriminatory attitudes towards LGBTI people" (Amnesty International 2024).³

The tension created by Hungary's regulations and the backdrop of international commitments shows that the State's objective is not always consistent with EU values, which calls into question the stability and internal cohesion of the EU community. Nevertheless, a State could justify national measures which it considers necessary for the protection of a public interest, but only insofar as it complies with the fundamental rights protected in the EU legal order (*Omega Spielhallen- und Automatenaufstellungs-GmbH v Oberbürgermeisterin der Bundesstadt Bonn* 2004 para. 35). As the CJEU's judgments clearly confirm, even if a Member State invokes its constitutional identity as an overriding reason in the public interest under Article 4(2) of the TEU, the State still must demonstrate that its national restriction is justified, proportionate, and compatible with fundamental rights (*Las Anton Las v. PSA Antwerp NV* CHECK YEAR). This understanding of Article 4(2) Treaty on the Functioning of the European Union is supported also by the Opinion of CJEU Advocate General Emiliou in *Cilevičs and Others* (2022), which mainly clarified the reasons why Article 4 of the TEU cannot be regarded as a provision through which the EU legislature intended to derogate from Article 2 of the TEU. In addition, the principle set out in Articles 11(1)

³ Amnesty International's findings indicate that the law is unduly restricting people's right to freedom of expression, including children's right to access information, in a manner that is neither provided by law, nor necessary or proportionate. The law has no legitimate aim and is therefore inconsistent with international human rights law and standards.

and (2) of the Charter supports the principle of pluralism in the EU (*Sky Österreich* 2013). Consequently, it seems that the regulations introduced by Hungary may violate this principle.

On the other hand, every Member State is allowed to determine the level of protection of rights closely connected with its national identity (Opinion of Advocate General Anthony Collins, *OP v Commune d'Ans* 2023). Nonetheless, it seems doubtful that the protection of children's rights, the right of parents to raise their children freely, and the right to make decisions regarding education and teaching, would justify such a broad infringement of an individual's fundamental rights, which encroach on dignity, sexual identity, and gender identity. Above all, it should be noted that the general principles of EU law, such as the principles of non-discrimination and proportionality, are expressed in broad terms and then often expounded in other provisions of primary or secondary law, without being devoid of binding effect or clarity. The necessary proportionality test is justified by the rights of parents to ensure that their children are educated and taught in accordance with their religious, philosophical, and pedagogical convictions (Charter, Articles 14(3) and 24(2)).

The legislative amendments introduced in Hungary give rise to doubts as to Hungary's respect of human rights in the context of the protection of human dignity and fundamental rights. However, one would have to wonder about the necessity and proportionality of the legislation. In other words, the primary concern of the legislators ought to be whether these provisions protect minors from negative impacts on their health and development. Therefore, an examination of whether content promoting personal identity, gender reassignment, or homosexuality, resulting from commercial content or messages, may violate the children's rights would need to occur (Global Initiative on Justice with Children and Child Friendly Justice European Network 2022).

In addition, attention should be drawn to emerging threats in the context of freedom of expression (ECHR, Article 10) – one of the basic foundations of a democratic society and one of the fundamental conditions for its development, but also a precursor for the participation of individuals. Accordingly, any attempt to destroy freedom of expression in society by preventing pluralism, tolerance, and openness – core values of a democratic society (*P.I. v. Migracijos departamentas prie Lietuvos Respublikos vidaus reikalų ministerijos* 2023) – must be critically analysed. The ECtHR jurisprudence makes it clear that Article 10 ensures freedom of expression and information not only as regards the creation of informational content, but also as concerns the means of communication. Restrictions on the establishment of informational content and on the means of distribution also affect the reception of this content, which implies a violation of the right to receive and impart information (*Republic of Poland v. European Parliament and Council of the European Union* 2022).

It is important to note that the rights guaranteed by the ECHR must also be respected in the decision-making process by the CJEU. This means that the rights protecting the individual in Article 8(1) of the ECHR must be the determinant of protection for the CJEU, although the CJEU also retains its autonomy. More broadly, this is also a question of the primacy and correlation of Article 52(1) with human rights from the ECHR, and how the obligation to respect children's rights and the right to privacy affects the understanding of law as a social function and the protection of the general interest (*Staatssecretaris van Justitie en Veiligheid* 2022).

Finally, the Hungary case is also an important step in the process of strengthening respect for human rights, in particular children's rights, freedom of expression, dignity, EU values, and the protection of these values in the context of establishing a community based on a common democratic identity. The judgment in this case will certainly provide new directions and benchmarks in the interpretation of EU values and fundamental rights. Undoubtedly, this case is also an opportunity for the CJEU to revisit the conception of Member States' national identities in the procedure of national legislation as well as the role of EU institutions in controlling and promoting EU values. The problem of LGBTQ+ rights is present in the EU. Forms of discrimination often appear in various forms. LGBTQ+ rights differ from one Member State to another. Such discrimination affects these community members in the workplace, family relationships, health services, and more (De Groot 2022).

The changes in education law are also significant in the context of children's rights. As the Venice Commission underlines: "In fact, it seems that it will no longer be possible for parents to teach their children to accept gay, lesbian or transgender people, or even help their children to accept their own" (Venice Commission Opinion 2021, 22). The assessment of the changes made is certainly reflected in the words of Dunja Mijatović, the Council of Europe's Commissioner for Human Rights. In a comment on comprehensive sexuality education, she stated: "By providing factual, non-stigmatizing information on sexual orientation and gender identity as one aspect of human development, comprehensive sexuality education can help save lives. It can contribute to combating homophobia and transphobia, at school and beyond, and to creating a safer and more inclusive learning environment for all" (Commissioner for Human Rights 2020).

It is also worth noting that there are serious concerns about the adoption procedure of Hungary's act as regards the essence of a democratic society. As the Secretary General of the United Nations stressed, meaningful participation in decision-making is a human right that must be defended in the face of pushback (Secretary General of the United Nations 2020). In other words, Hungary's omission of public consultations raises

doubts as to the standards and quality of the legislative process. Further, this is not the first case in which Hungary is accused of violating the principles of proper implementation of legislation (CDL-AD(2021)034; CDL-AD (2021)036; CDL-AD (2021)039). In this case, the process was quite fast, as after the draft was submitted on 25 May 2021 and a series of amendments were submitted on 10 June 2021 by the Legislative Committee of Parliament, the document was adopted by Parliament on 15 June 2021 and came into force on 8 July 2021 (Venice Commission Opinion 2021, 3–5).

4. Is it still the rights of the child or rather a violation of individual rights?

The tension between human rights and children's rights arises from differing interpretations of autonomy, protection, and cultural norms. While both frameworks aim to safeguard dignity and well-being, they sometimes conflict in implementation. International agreements like the United Nations Convention on the Rights of the Child (CRC 1989) aim to harmonise children's rights with broader human rights frameworks. However, the implementation of these rights can be inconsistent, with some governments prioritising national sovereignty or economic considerations over children's rights. This inconsistency can lead to situations where children's rights are not fully realised, despite international commitments (Strauss and Powell 2015; Tisdall 2015). While human rights and children's rights share common goals of dignity and equality, their application can diverge due to differences in emphasis on autonomy, protection, cultural norms, and policy priorities. Addressing these tensions requires a nuanced approach that respects both individual rights and the specific needs of children.

Exposing an individual to the deprivation of the right to share and receive information is not only a violation of children's and individual rights, but also a violation of the rights of LGBTQ+ children. This consideration broadens the context of the case and threatens the potentially far-reaching stigmatisation not only of LGBTQ+ adults, but also of LGBTQ+ children. "In recent months, lesbian, gay, bisexual, and transgender (LGBT) rights have faced significant setbacks in many countries, with populist and authoritarian governments passing draconian laws curtailing LGBT rights" (Thoreson 2024).

The Hungary case is an opportunity to emphasise the importance of protecting the rights of LGBTQ+ children, including children who identify as lesbian, gay, bisexual, transgender, and intersex. These children are particularly vulnerable to human rights violations and are often victims of discrimination, harassment, and violence. It is not only Hungary that has introduced similar legal regimes, but also countries such as Uganda, Ghana, Iraq, Russia (Thoreson 2015), and the United States.

An analysis of children's rights case law leads to the notion of over-protective laws, as well as issues such as "public morals" and "well-being" and the observation that Hungary violates Articles 13 and 17 of the CRC: the right to "receive and impart information and ideas of all kinds" (Article 13) and the right of "access to information" (Article 17) (Thoreson 2015). Member States should ensure access to appropriate goods, services, and information as clarified in Committee on the Rights of the Child General Comment No. 4 on Adolescent Health and Development (2003). Thoreson has correctly stated that "Laws prohibiting gay propaganda hamper the rights of not only LGBTQ+ persons, but also of children themselves. By recognizing that fact, it becomes evident that such laws do not really protect children at all" (2015, 1343). The conception of the right to receive comprehensive sexuality education as a right of children is confirmed by international human rights bodies, based on existing international standards.

However, a critique of the CRC in the context of queer children's rights exists in the literature, as does an emphasis on the importance of sex education. This was validated in 2010 by the UN Special Rapporteur on the Right to Education in a report on sexuality education, which stressed that "sexual education should be considered a right in itself and should be clearly linked with other rights in accordance with the principle of the interdependence and indivisibility of human rights... States must ensure that they respect, protect and implement the human right to comprehensive sexual education, by acting with due diligence and taking all measures necessary to ensure its effective enjoyment, without discrimination, from the early stages of life. The absence of planned, democratic and pluralist sexual education constitutes, in practice, a model of sexual education (by omission) which has particularly negative consequences for people's lives and which uncritically reproduces patriarchal practices, ideas, values and attitudes that are a source of many forms of discrimination" (para. 76). Furthermore, the requirement for sexuality education is also acknowledged in the 2030 Agenda for Sustainable Development of the United Nations, where it is viewed as necessary to achieve several of the goals in the agenda.

To conclude the above, nothing more accurately defines the significance of sexuality education than the statement "Sex-ed is not about opinions. It's about evidence, human rights and gender equality" (Action Canada for Sexual Health & Rights 2024). Not only the CRC, but also the International Covenant on Economic, Social and Cultural Rights (1966) and the Convention on the Elimination of Discrimination Against Women (1979) recognise comprehensive sex education as a human right. The right to comprehensive sexuality education is protected by global human rights laws and recognised by major international organisations, such as the World Health Organization (WHO), United Nations Educational, Scientific and

Cultural Organization (UNESCO), Joint United Nations Programme on HIV/AIDS (UNAIDS), and the United Nations Population Fund (UNFPA). Comprehensive sexuality education (CSE) is essential for promoting public health, gender equality, and overall well-being, but most crucially, CSE helps young people gain the knowledge and skills to make informed decisions about their bodies, relationships, and sexual health. UNESCO's research highlights that embedding sexual and reproductive health and rights education into a structured, written school curriculum is one of the most effective ways to ensure equal access to high-quality, comprehensive information for all young people.

Although we live in a period when children's rights are increasingly respected and young people are increasingly active in the social sphere, there are still failures to ensure that children and young people have the right to receive reliable, science-based, and comprehensive information about sex and sexuality. What is more, unfortunately, there is a renewed resistance to sexuality education in countries including Poland, Italy, and Spain (Commissioner for Human Rights 2020). An analysis of the construction of childhood and gender and sexuality issues as well as restrictions in this area leads to the conclusion that the CRC still insufficiently protects queer children (Joosten 2024). Similar issues are raised in the context of protecting children of same-sex parents (Gerber and Timoshanko 2021).

The issue of discrimination based on media freedom was the subject of the Lanzarote Convention (2007). Indeed, the preamble states that the welfare and best interests of children are fundamental values shared by all Member States and must be promoted without any discrimination. This framework is affirmed in Article 2, which states that "The implementation of the provisions of this Convention by Parties, in particular the enjoyment of measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, state of health, disability or other status." The Convention also draws attention to the participation of the media in this protection.

However, the Convention explicitly states that "Each Party shall encourage the media to provide appropriate information concerning all aspects of the sexual exploitation and sexual abuse of children, with due respect for the independence of the media and freedom of the press." However, in Hungary, Orbán's government has transformed the media to establish control over the country's judiciary (Gera 2023).

To answer the question of whether this is still the rights of the child or rather a violation of individual rights, the answer is both. In the current legal situation in Hungary, the child is no longer a participant in the public sphere,

just as media creators are not citizens of the State (Bruselius-Jensen, Tisdall, and Pitti 2021). Moreover, this notion also applies to LGBTQ+ people because their rights are limited by negative propaganda and a lack of political pluralism. In other words, the objectivity of media is not possible under the current legal framework. It is difficult to posit which direction to shift the vector of rights violations – whether this can be conceived of as more a violation of children's rights or individual rights in the form of restrictions on freedom of expression. It should be noted that the actions of Hungarian authorities are considered autocratic, most recently since Orbán's government took office in 2010. However, controlling women's, children's, and LGBTQ+ people's sexuality has been part of exercising State power in different political regimes. Regulated control enacted by law is another mechanism enabling State control of children and adolescents' sexuality through educational content, government communication about childhood and sexuality, and restricting children and adolescents' access to information about sexuality (Rédai 2024).

The problem of children's rights against the background of the political and social situation in Hungary is related to the populist rhetoric pursued by Prime Minister Viktor Orbán. The Orbán government shapes the political debate and anti- LGBTQ+ campaign (Gera 2023, 104–29; Mole 2011). Since 2010, populism has been considered not as a marginal political style but as an established ideology (Scheiring and Szombati 2020) and a way of understanding sovereignty and presenting its opposition when communicating with the public (Gera 2023, 105). This is aptly described by Laclau: "There is no populism without the discursive construction of an enemy: the ancient regime, the oligarchy, the Establishment, or whatever" (Laclau 2005, 39; Huddy 2001, Bos et al. 2020; Bosia 2014). Children are also actors in this dialogue, participants in the debate, and holders of the values implicated. They play a special role in this politics of antagonism (Rakusa-Suszczewski 2021, 71) as there is always a kind of space in the child's relationship with society. In other words, "the close relationship between the child and the world of politics and culture has always been part of the universal process of socialization" (Rakusa-Suszczewski 2021, 68). The role of the parent and parental authority has evolved over the years as perceptions of family relationships have changed. Nevertheless, the history of childhood and its extensive legal, psychological, and sociological studies analysis demonstrate that childhood has always been treated as a common good (Rakusa-Suszczewski 2021, 69). This notion is also clear in the Hungarian case, as children are used as an object around which antagonism is created. Although this strategy is carried out indirectly, one can see the place of children in the construction of negative dialogue and propaganda, for example in the prime minister's words: "in terms of homosexuality, Hungary is a patient, tolerant country. But there is a red line that cannot be crossed, and this is how I sum up my opinion: leave our children alone" (Gera 2023, 109); "Hungary has passed a law that clearly states that parents have exclusive rights over education in schools and sexual education. An LGBTQ+ activist or representative of any other ideology is not competent in this" (Gera 2023, 117); and "The new Hungarian law simply

states clearly that only parents can decide on the sexual education of their children. Education in schools cannot be in conflict with the will of parents, it must be supplementary at best, its form and content must be clearly defined, and it should be connected to parental consent” (Gera 2023, 118).

A community shaped on such autocratic hegemony is a notable crisis of the liberal democracy (Rakusa-Suszczewski 2021, 88). This approach not only takes away the child’s rights but also exposes them to populist indoctrination and violence. Children are no longer active participants in the political sphere, but become individuals through whom politicians fulfil their objectives, as subjects under parental authority. This process forces us to reflect again on the importance of the involvement of young people and their representation in political activism as a form of social good.

5. Conclusory remarks

In summary, the considerations presented regarding the legal changes in the Hungarian legal order indicate that these changes may have an impact on public society. Every action to erase homosexuality and equate it with paedophilia and violence in binding legal acts, leads to the stigmatisation of LGBTQ+ people and, consequently, an attack on their identity and dignity. These far-reaching legal modifications will also have an impact on media, advertising, and publishing industries. Undoubtedly, the judgments issued by the international courts will be critical guides and assessments in the public debate on the scope of legal changes in the context of children’s rights.

The populist actions of the Hungarian authorities are a manifestation of the pushback to EU values, which the prime minister himself posed as a question: “We are fighting for our national sovereignty here. What does national sovereignty mean nowadays in Europe?” (Gera 2023, 119). This is not a good trend, as it raises many concerns and questions about the shape of the law, the meaning of European integration, and the building of a stronger community based on liberal democracy – values that are undeniably implicated in the shape of children’s rights in Hungary and the world.

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