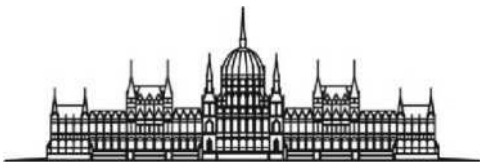


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Consignee: **László Kövér, Speaker of the National Assembly**

Subject: **Submission of a Bill**

Submitted by: **Dr. Gabriella Selmeczi (Fidesz), Dr. Hajnalka Juhász (KDNP), Dr. Imre Vejkey (KDNP), Mónika Dunai (Fidesz), Barbara Hegedűs (Fidesz), István Hollik (KDNP)**

Title of the bill: **Amending Act LV of 2018 on the right of assembly with regard to the protection of children and related acts**

Pursuant to Article 6(1) of the Fundamental Law, we intend to submit the attached bill entitled ‘**Amendment of Act LV of 2018 on the right of assembly in relation to the protection of children and related acts**’.



2025 ..... law

**On the amendment of Act LV of 2018 on the right of assembly in relation to the protection of children and related acts**

[1] The Act supplements the Act on the right of assembly by prohibiting the holding of an assembly that violates the prohibition laid down in the Act on the protection of children.

[2] At the same time, the protection of children requires that the legislator should also provide that the conduct of anyone who, misleading the assembly authority, holds a prohibited assembly or attends such an assembly despite having been expressly informed by the police at the place of the assembly of the prohibited nature of the assembly is also prohibited. In order to avoid abuses, the amendment classifies those conducts as administrative offences, with the possibility of imposing a fine on the offender for the administrative offence, which is to be enforced as a public debt to be recovered as taxes, and the amount thus obtained is to be used for the purposes of child protection.

[3] In view of the above, the National Assembly adopts the following Act:

**1. Amendment of Act II of 2012 on administrative offences, the administrative offence procedure and the administrative offence registration system**

**1. §**

The following paragraph (5) is added to 56 § of Act II of 2012 on administrative offences, the administrative offence procedure and the administrative offence registration system:

‘(5) In order to establish the identity of a person suspected of having committed an administrative offence, if the offender is unknown, the court, the administrative offence authority and the body conducting the preparatory procedure may use the facial image analysis services of the body performing facial image analysis activities in accordance with the Act on the facial image analysis register and the facial image analysis system.’

**2. §**

141 § (17) of Act II of 2012 on administrative offences, the administrative offence procedure and the administrative offence registration system is replaced by the following:

‘(17) If the offender fails to pay the fine or the on-the-spot fine within thirty days of the decision becoming final, it shall be collected as taxes if there is no possibility of conversion to detention and if the offender has not replaced it by community service or if this Act excludes replacement by community service.’

**3. §**

(1) The following point (b) is added to 189 § (1) of Act II of 2012 on administrative offences, the administrative offence procedure and the administrative offence registration system:

*(Who)*

“(b) pursuant to 13/A § (1) of Act LV of 2018 on the right of assembly, organises and holds an

assembly as organiser or leader of the assembly in circumvention of the Act on the right of assembly, and anyone who despite having been expressly informed by the police at the place of the assembly of the prohibited nature of the assembly, attends such an assembly following a call for participation,”

*(is committing an administrative offence.)*

(2) The following paragraphs (5) and (6) are added to 189 § of Act II of 2012 on administrative offences, the administrative offence procedure and the administrative offence registration system:

‘(5) On-the-spot fine or fine imposed for an administrative offence specified in this § shall not be

- a) replaced by community service, and
- b) converted into administrative detention.

(6) Fines and on-the-spot fines paid or recovered in connection with an administrative offence under paragraph (1)(b) shall be used by the State for the purposes of child protection.’

#### 4. §

117 § (9) of Act II of 2012 on administrative offences, the administrative offence procedure and the administrative offence registration system is repealed.

### **2. Amendment to Act CLXXXVIII of 2015 on the facial image analysis register and the facial image analysis system**

#### 5. §

3§ (3)(w) of Act CLXXXVIII of 2015 on the facial image analysis register and the facial image analysis system is replaced by the following:

*(Purpose of maintaining the facial image profile register)*

“(w) the prevention, deterrence, detection and interruption of administrative offences as well as the prosecution of offenders.”

#### 6. §

9 § (18) of Act CLXXXVIII of 2015 on the facial image analysis register and the facial image analysis system is replaced by the following:

‘(18) For the purposes set out in 3 § (3)(w), the court, the administrative authority responsible for the administrative offence and the body conducting the preparatory procedure in the case of an administrative offence shall be entitled to use the facial image analysis services of the body conducting the facial image analysis activity in order to establish and verify the identity of the offender using the facial image available to it or recorded by it.’

#### 7. §

The words ‘may also be punishable by administrative detention’ in the title of subheading 9/A of Act CLXXXVIII of 2015 on the facial image analysis register and the facial image analysis system are repealed.

### **Section 7**

### **3. Amendment of Act LV of 2018 on the right of assembly**

#### **8. §**

The following 13/A § is added to Act LV of 2018 on the right of assembly:

***‘13/A § [Protecting the right of children to the protection and care necessary for their proper physical, mental and moral development]***

(1) It shall be prohibited to hold an assembly which violates the prohibition set forth in 6/A § of Act XXXI of 1997 on the Protection of Children and Guardianship Administration (hereinafter: child protection act.), or it represents the essential element of the content prohibited under 6/A § of the child protection act.

(2) The assembly authority shall prohibit the holding of an assembly if, on the basis of the information available after consultation, it can reasonably be assumed that the purpose of the notification is to hold an assembly prohibited under paragraph (1).’

#### **9. §**

The following 23/A § is added to Act LV of 2018 on the right of assembly:

#### **‘23/A §**

13/A § of the 2025... law on the amendment of Act LV of 2018 on the right of assembly in relation to the protection of children and related acts (hereinafter: amendment act), shall also apply to notifications and legal remedy procedures that are ongoing at the time of the amendment act’s entry into force.’

#### **10. §**

In 18§ (1)(c) of Act LV of 2018 on the right of assembly, the words ‘the place, route, time or duration indicated in the notification’ are replaced by the words ‘the notification’.

### **4. Final provisions**

#### **11. §**

This Act shall enter into force on the day following its promulgation.

#### **General justification**

The amendment to Act LV of 2018 on the right of assembly (hereinafter: assembly act) is necessary in order to ensure that only such assemblies can be held in the territory of Hungary that respect the right of children to proper physical, mental and moral development. To this end, the proposal complements the act on the right of assembly by prohibiting the holding of an assembly that violates the prohibition laid down in the act on the protection of children.

At the same time, the protection of children requires the legislator to determine that the conduct of

those who, misleading the assembly authority, hold prohibited assemblies, or who participate in such assemblies as contributors or participants, should also be prohibited. In order to avoid abuse, the amendment classifies these behaviours as an administrative offence under Act II of 2012 on administrative offences, the administrative offence procedure and the administrative offence registration system (hereinafter: administrative offences act) by providing that a fine may be imposed on the offender for the offence, which shall be enforced as a public debt to be recovered as taxes, and the amount thus obtained shall be used for the purposes of child protection.

This justification will be published in the Collection of Justifications, an annex to the Hungarian Gazette, pursuant to 18 § (6) of Act CXXX of 2010 on legislation and to 20 § (2)(a) of the 5/2019 (III. 13.) Decree of the Minister for Justice on the issuance of the Hungarian Gazette and the designation of legal regulations and public law regulatory instruments during promulgation.

### Detailed justification

#### 1. §, 4-7.§

The proposal provides for the possibility to use the facial image analysis services of the body performing facial image analysis activities to establish the identity of a person suspected of committing an administrative offence, as defined in the Act on the facial image analysis register and the facial image analysis system. In line with this, the proposal introduces the necessary legal technical clarifications into the system of the administrative offences act.

#### 2-3. §

The aim of the proposal is to introduce a new administrative offence for persons who, by circumventing the Act on the right of assembly, organise and hold an assembly as organiser or leader of the assembly, which is prohibited under 13/A § (1) of Act LV of 2018 on the right of assembly, as well as persons who attend and participate in such an assembly following a call for participation, despite having been expressly informed by the police of the prohibited nature of the assembly.

The proposal also complies with the relevant constitutional requirements by making participants liable for administrative offences if they do not leave the prohibited assembly after being informed by the police of the prohibited nature of the assembly held. Participants appearing in good faith thus have the opportunity to leave the venue of the assembly voluntarily and thus to avoid being held liable for administrative offences.

The proposal states that an on-the-spot fine or fine imposed for an infringement of the right of assembly may not be replaced by community service or converted into administrative detention, and that the fine obtained on the basis of the new offense, established for the protection of children, must be used for the purposes of child protection.

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#### **8. §**

According to the proposal, the assembly act stipulates in principle that it is prohibited to hold an assembly that violates the prohibition laid down in 6/A § of Act XXXI of 1997 on the protection of children and guardianship administration, or represents the essential element of the content prohibited under 6/A § of the child protection act.

In the context of the prohibition, as it applies generally, it is also necessary to provide that the notification of such an assembly is to be prohibited by the assembly authority.

#### **9. §**

In order to ensure the enforceability of the prohibition to be introduced in the child protection act, it is necessary to provide for a transitional provision covering pending cases.

#### **10. §**

Legal technical clarification for the purpose of enforcing the new provisions laid down in the assembly act.

#### **11. §**

Entry into force provision.