

Hungarian Criminal Code

Denialism:

In Section 333 of the Hungarian Criminal Code, titled Open Denial of Nazi Crimes and Communist Crimes, the Hungarian legislator provides for the punishability of denialist conducts for what specifically concerns crimes of genocide and crimes against humanity perpetrated by both the Nazi regime and the Communist regime. The punishable denialist conducts are the denial, as well as the expression of “doubt”, minimization and justification of said international crimes.

“Section 333 - Open Denial of Nazi Crimes and Communist Crimes

Any person who denies before the public large the crime of genocide and other crimes committed against humanity by Nazi and Communist regimes, or expresses any doubt or implies that it is insignificant, or attempts to justify them is guilty of felony punishable by imprisonment not exceeding three years.”

Decommunization:

Section 335 of the Criminal Code, titled “Use of symbols of Totalitarianisms”, criminalizes the use of symbolism tied to National Socialism – e.g.: the swastika – as well as Communism – e.g.: sickle and hammer. The provision prohibits the distribution, the public display as well as public usage of said symbols.

[Full English text of the Hungarian Criminal Code available at:

<https://www.legislationline.org/documents/section/criminal-codes/country/25/Hungary/show>]

CRIMINAL OFFENSES AGAINST PUBLIC PEACE

Incitement to War

Section 331

Any person who before the public at large engages in incitement to war or otherwise displays war propaganda is guilty of a felony punishable by imprisonment between one to five years.

Incitement Against a Community

Section 332

Any person who before the public at large incites hatred against:

- a) the Hungarian nation;
- b) any national, ethnic, racial or religious group; or
- c) certain societal groups, in particular on the grounds of disability, gender identity or sexual orientation;

is guilty of a felony punishable by imprisonment not exceeding three years.

Open Denial of Nazi Crimes and Communist Crimes³²

Section 333³³

Any person who denies before the public large the crime of genocide and other crimes committed against humanity by nazi and communist regimes, or expresses any doubt or implies that it is insignificant, or attempts to justify them is guilty of felony punishable by imprisonment not exceeding three years.

Blasphemy of National Symbol

Section 334

Any person who - before the public at large - uses an expression to dishonor or degrade the national anthem, the flag or the coat of arms, or the Holy Crown of Hungary, or commits any other similarly slanderous act is guilty of a misdemeanor punishable by imprisonment not exceeding one year, insofar as the act did not result in a more serious criminal offense.

Use of Symbols of Totalitarianism

Section 335³⁴

Any person who:

a) distributes,

b) uses before the public at large, or

c) publicly exhibits,

the swastika, the insignia of the SS, the arrow cross, the sickle and hammer, the five-pointed red star or any symbol depicting the above so as to breach public peace - specifically in a way to offend the dignity of victims of totalitarian regimes and their right to sanctity - is guilty of a misdemeanor punishable by custodial arrest, insofar as the did not result in a more serious criminal offense.

³²Enters into force as under Subsection (2) of Section 2 of Act XLVIII of 2013.

³³Enters into force as under Subsection (2) of Section 2 of Act XLVIII of 2013.

³⁴Enters into force as under Subsection (1) of Section 2 of Act XLVIII of

