

REGULATING LGBTQ VISIBILITY THROUGH CHILD PROTECTION AND MEDIA LAW:

A comparative doctrinal analysis of Russia, Hungary and Bulgaria under EU legal frameworks



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Introduction

- **Research Question:** How and to what extent were Russian-model restrictions on LGBTQ-related expression reshaped during their adaptation into the Hungarian and Bulgarian legal systems, and what role did the EU legal frameworks play in that process?
- **Background:** Russia's Federal Law No. 436-FZ established a child-protection framework in 2010 that was later amended to restrict LGBTQ-related expression. Scholarship identifies Hungary's Act LXXIX of 2021 as a Russian-model adaptation and Bulgaria's 2024 amendment to the Pre-school and School Education Act as a related development. The European Commission brought infringement proceedings against Hungary, culminating in a Court of Justice judgment that found multiple violations of EU law and the Bulgarian amendment underwent scrutiny as well. This raises the question whether shared themes such as "propaganda," portrayal of LGBTQ+ identities as harmful, or child protection were copied directly from the Russian model, reformulated to fit the EU legal context, recast to obscure their origins and avoid scrutiny, or adopted despite relevant EU instruments.
- **Significance:** Examining how restrictive laws change across borders reveals mechanisms of legal diffusion, exposes limits of EU protection and harmonization, and explains why similar discriminatory regulations generate different enforcement mechanisms.

Methodology

Approach: The study combines two complementary methods. The contextual legal analysis compares the legislation using secondary sources to understand how they operate in distinct legal environments, how their scope and structure changed, how they interacted with EU law and whether their implementation process can reveal information about how they were adapted. The provision-level textual analysis identifies how the wording of the source legislation (Russian law and relevant EU legal instruments) was retained or changed in provisions of national laws fulfilling analogous legal functions. Their findings are then synthesized to answer how and to what extent the Russian model was reshaped and what role EU legal frameworks played in that process.

Contextual Legal Analysis:

- 1 **Object and scope:** Compare the policy area regulated by the Russian, Hungarian and Bulgarian laws and how far their scope extends.
- 2 **Legal form and architecture:** Examine whether restrictions operate through a unified statute, an omnibus amending Act or a concentrated sectoral prohibition.
- 3 **Legislative process and justification:** Compare enactment procedures, opportunities for scrutiny and consultation, and the official framing/justification of the measures.
- 4 **Relationship with EU law:** Determine if regulated field falls within EU competence and whether national laws could be textually compared against a sector-specific EU legal instrument.

Provision-Level Textual Analysis:

- 1 **Automated lexical retrieval:** Use tested synonym groups and MAXQDA's Complex Coding Query function to locate candidate provisions related to education, media and sexuality.
- 2 **Construct and group corresponding provisions:** Expand retrieved segments to the provision (article/amendment) they belong to, classify them by policy area and group corresponding ones.
- 3 **Screen substantive text:** Separate technical or boilerplate text from operative segments, then classify operative passages by their relevance for the comparison.
- 4 **Code textual adaptation:** Use four categories to classify operative and relevant segments as retention, modification, substitution or omission of the source material.
- 5 **Assess extent:** Examine the proportion of coded passages within eligible coded text using MAXQDA's Code Coverage function without converting the result into a single similarity score.

Results

- **Contextual Legal Analysis:** The contextual analysis found institutional relocation rather than uniform transplantation. Russia embedded restrictions in a comprehensive child-information regime, Hungary dispersed them across multiple legal fields, and Bulgaria concentrated them in education. This placement shaped their exposure to EU law. Hungary's media provisions had the AVMSD as a sectoral comparator, whereas no directly corresponding EU comparator was identified for Bulgaria's education prohibition.

- **Provision-Level Textual Analysis:**

Source-target correspondence	Retention	Modification	Substitution	Omission
RU-HU: General child-access	1%	7%	9%	84%
RU-HU: Education	0%	10%	3%	87%
RU-HU: Media classification / minors	1%	49%	27%	22%
RU-BU: Education	0%	2%	12%	86%
AVMSD-HU: Media / harm to minors	7%	28%	40%	25%

Conclusion

- Russian model restrictions were reshaped primarily through omission, substitution and modification rather than direct textual copying.
- EU influence depended on regulatory field, not membership alone.
- Policymakers should prioritize the implementation of *Commission v. Hungary*, reassess Bulgaria under applicable EU law and use rule-of-law monitoring to identify adaptation early on.

Key Sources & Acknowledgements



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