

## **Act XX of 1949**

### **The Constitution of the Republic of Hungary**

In order to facilitate a peaceful political transition to a constitutional state, establish a multi-party system, parliamentary democracy and a social market economy, the Parliament of the Republic of Hungary hereby establishes the following text as the Constitution of the Republic of Hungary, until the country's new Constitution is adopted.

#### ***Chapter I.***

#### **General Provisions**

##### *Article 1.*

The State of Hungary is a republic.

##### *Article 2.*

- (1) The Republic of Hungary is an independent, democratic constitutional state.
- (2) In the Republic of Hungary supreme power is vested in the people, who exercise their sovereign rights directly and through elected representatives.
- (3) No activity of any person may be directed at the forcible acquisition or exercise of public power, nor at the exclusive possession of such power. Everyone has the right and obligation to resist such activities in such ways as permitted by law.

##### *Article 2/A.*

- (1) By virtue of treaty, the Republic of Hungary, in its capacity as a Member State of the European Union, may exercise certain constitutional powers jointly with other Member States to the extent necessary in connection with the rights and obligations conferred by the treaties on the foundation of the European Union and the European Communities (hereinafter referred to as 'European Union'); these powers may be exercised independently and by way of the institutions of the European Union.
- (2) The ratification and promulgation of the treaty referred to in Subsection (1) shall be subject to a two-thirds majority vote of the Parliament.

##### *Article 3.*

- (1) In the Republic of Hungary political parties may be established and may function freely, provided they respect the Constitution and laws established in accordance with the Constitution.
- (2) Political parties shall participate in the development and expression of the popular will.
- (3) Political parties may not exercise public power directly. Accordingly, no single party may exercise exclusive control of a government body. In the interest of ensuring the separation of political parties and public power, the law shall determine those functions and public offices which may not be held by party members or officers.

##### *Article 4.*

Labor unions and other representative bodies shall protect and represent the interests of employees, members of co-operatives and entrepreneurs.

##### *Article 5.*

The State of the Republic of Hungary shall defend the freedom and sovereignty of the people, the independence and territorial integrity of the country, and its national borders as established in international treaties.

##### *Article 6.*

- (1) The Republic of Hungary renounces war as a means of solving disputes between nations and shall refrain from the use of force and the threat thereof against the independence or territorial integrity of other states.
- (2) The Republic of Hungary shall endeavor to co-operate with all peoples and countries of the world.

(3) The Republic of Hungary bears a sense of responsibility for the fate of Hungarians living outside its borders and shall promote and foster their relations with Hungary.

(4) The Republic of Hungary shall take an active part in establishing a European unity in order to achieve freedom, well-being and security for the peoples of Europe.

#### *Article 7.*

(1) The legal system of the Republic of Hungary accepts the generally recognized principles of international law, and shall harmonize the country's domestic law with the obligations assumed under international law.

(2) Legislative procedures shall be regulated by law, for the passage of which a majority of two-thirds of the votes of the Members of Parliament present is required.

#### *Article 8.*

(1) The Republic of Hungary recognizes inviolable and inalienable fundamental human rights. The respect and protection of these rights is a primary obligation of the State.

(2) In the Republic of Hungary regulations pertaining to fundamental rights and duties are determined by law; such law, however, may not restrict the basic meaning and contents of fundamental rights.

(3)

(4) During a state of national crisis, state of emergency or state of danger, the exercise of fundamental rights may be suspended or restricted, with the exception of the fundamental rights specified in Articles 54. -56., Paragraphs (2)-(4) of Article 57., Article 60., Articles 66. -69. and Article 70/E.

#### *Article 9.*

(1) The economy of Hungary is a market economy, in which public and private property shall receive equal consideration and protection under the law.

(2) The Republic of Hungary recognizes and supports the right to enterprise and the freedom of competition in the economy.

#### *Article 10.*

(1) Property of the State of Hungary is considered national wealth.

(2) Fields of ownership and economic activity deemed to be the sole domain of the State shall be defined by law.

#### *Article 11.*

Enterprises and economic organizations owned by the State shall conduct business in such manner and with such responsibilities as defined by law.

#### *Article 12.*

(1) The State shall support co-operatives based on voluntary association and shall recognize the autonomy of such co-operatives.

(2) The State shall respect the property of local governments.

#### *Article 13.*

(1) The Republic of Hungary guarantees the right to property.

(2) Expropriation shall only be permitted in exceptional cases, when such action is in the public interest, and only in such cases and in the manner stipulated by law, with provision of full, unconditional and immediate compensation.

#### *Article 14.*

The Constitution guarantees the right of inheritance.

#### *Article 15.*

The Republic of Hungary shall protect the institutions of marriage and the family.

#### *Article 16.*

The Republic of Hungary shall make special efforts to ensure a secure standard of living, instruction and education for the young, and shall protect the interests of the young.

*Article 17.*

The Republic of Hungary shall provide support for those in need through a wide range of social measures.

*Article 18.*

The Republic of Hungary recognizes and shall implement the individual's right to a healthy environment.

***Chapter II.***

**The Parliament**

*Article 19.*

(1) The Parliament is the supreme body of State power and popular representation in the Republic of Hungary.

(2) Exercising its rights based on the sovereignty of the people, the Parliament shall ensure the constitutional order of society and define the organization, orientation and conditions of government.

(3) Within this sphere of authority, the Parliament shall -

*a)* adopt the Constitution of the Republic of Hungary;

*b)* pass legislation;

*c)* define the country's social and economic policy;

*d)* assess the balance of public finances, approve the State Budget and its implementation;

*e)* decide on the Government's program;

*f)* conclude international treaties of outstanding importance to the foreign relations of the Republic of Hungary;

*g)* decide on the declaration of a state of war and on the conclusion of peace;

*h)* declare a state of national crisis and establish the National Defense Council, in the case of war, or imminent danger of armed attack by a foreign power (danger of war);

*i)* declare a state of emergency, in the case of armed actions aimed at overturning constitutional order or at the acquisition of exclusive control of public power, in the case of acts of violence committed by force of arms or by armed groups which gravely endanger lives and property on a mass scale, and in the event of natural or industrial disaster;

*j)* with the exceptions laid down in the Constitution, rule on the use of the Hungarian Armed Forces both abroad and within the country, the deployment of foreign armed forces in Hungary or in other countries from the territory of Hungary, the participation of the Hungarian Armed Forces in peacekeeping missions, humanitarian operations in foreign theaters, and the stationing of the Hungarian Armed Forces abroad or of foreign armed forces in Hungary;

*k)* elect the President of the Republic, the Prime Minister, the members of the Constitutional Court, the Parliamentary Ombudsmen, the President and Vice-Presidents of the State Audit Office, the President of the Supreme Court and the General Prosecutor;

*l)* upon recommendation made by the Government, which shall first be submitted to the Constitutional Court for its review, dissolve representative bodies of local government whose actions have been found unconstitutional, decide on the territory of counties, their designation and seat, as well as the declaration of cities with county-level rights and the establishment of the Districts of the Capital;

*m)* exercise general amnesty.

*n)* in the event of an imminent armed invasion or if necessary in connection with the country's commitment under alliance, declare (extend) a state of preventive defense emergency, and shall empower the Government to take the measures necessary.

(4) A majority of two-thirds of the votes of the Members of Parliament shall be required for the decisions specified in points *g)*, *h)* and *i)* of Paragraph. 3.

(5)

(6) A majority of two-thirds of the votes of the Members of Parliament in attendance shall be required for the decision specified in Subparagraphs *j)* and *n)* of Paragraph (3).

*Article 19/A.*

(1) Should the Parliament be obstructed in reaching such decisions, the President of the Republic shall have the right to declare a state of war, a state of national crisis and establish the National Defense Council, or to declare a state of emergency.

(2) The Parliament shall be considered to be obstructed in reaching such decisions, if it is not in session and convening it is impossible due to lack of time or due to the events responsible for the declaration of the state of war, state of national crisis or state of emergency.

(3) The Speaker of Parliament, the President of the Constitutional Court and the Prime Minister shall jointly determine whether the Parliament is obstructed, and whether a declaration of a state of war, a state of national crisis or a state of emergency is justified.

(4) At its first meeting following the end of the obstruction, the Parliament shall review the justification of the declaration of a state of war, state of national crisis or state of emergency, and shall rule on the legality of the measures taken. A majority of two-thirds of the votes of the Members of Parliament is required for this decision.

#### *Article 19/B.*

(1) During a state of martial law, the National Defense Council shall decide

a) on the use of the Hungarian Armed Forces abroad and within the country, the participation of the Hungarian Armed Forces in peacekeeping missions, humanitarian operations in foreign theaters, and the stationing of armed forces in a foreign country,

b) on the deployment of foreign armed forces in Hungary or in other countries from the territory of Hungary, and on the stationing of foreign armed forces in Hungary,

c) on the introduction of emergency measures as defined in a separate law.

(2) The National Defense Council is chaired by the President of the Republic, and is composed of the following members: the Speaker of Parliament, the floor leaders of the political parties represented in Parliament, the Prime Minister, the Ministers, and the Chief of Staff of the Hungarian Armed Forces with the right of consultation.

(3) The National Defense Council shall exercise -

a) the powers transferred to it by the Parliament;

b) the powers of the President of the Republic;

c) the powers of the Government.

(4) The National Defense Council may pass decrees, which may suspend the application of certain laws or which may deviate from the provisions of certain laws. Furthermore, it may take other extraordinary measures, but may not, however, suspend the application of the Constitution.

(5) Decrees passed by the National Defense Council shall lose validity upon cessation of the state of national crisis, unless the Parliament extends the validity of such decrees.

(6) The operation of the Constitutional Court may not be restricted during a state of national crisis.

#### *Article 19/C.*

(1) Should Parliament be obstructed upon declaration of a state of emergency, the President of the Republic shall decide on the use of the Hungarian Armed Forces under Subsection (2) of Section 40/B.

(2) The President of the Republic shall introduce emergency measures, which are defined in a separate law, by decree during a state of emergency.

(3) The President of the Republic shall immediately inform the Speaker of Parliament of any emergency measures that have been introduced. The Parliament or, should the Parliament be obstructed, the Parliamentary Defense Committee shall remain in session during a state of emergency. The Parliament, or the Parliamentary Defense Committee, shall have the right to suspend emergency measures introduced by the President of the Republic.

(4) Emergency measures introduced by decree shall remain in force for a period of thirty days, unless the Parliament or, should the Parliament be obstructed, the Parliamentary Defense Committee extends their validity.

(5) In other respects the regulations pertaining to a state of national crisis shall apply to a state of emergency.

#### *Article 19/D.*

A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law specifying the detailed regulations to be applied during a state of national crisis and a state of emergency.

#### *Article 19/E.*

(1) In the event that the territory of Hungary is subject to an unexpected attack by foreign armed units, immediate action shall, in accordance with the defense plan approved by the Government and the President of the Republic, be taken - with forces that are commensurate to the gravity of the attack and equipped for such a role - prior to the declaration of a state of emergency or a state of martial law in order to repel such attack, defend the territorial integrity of the country with the active air and air defense forces of the Hungarian and allied armed forces, ensure constitutional order and the security of lives and property, protect public order and safety.

(2) In the interest of determining further measures to be taken, the Government shall immediately inform the Parliament and the President of the Republic on the measures taken on the basis of Paragraph (1).

(3) A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law specifying the regulations applicable to immediate measures to be taken by the Government.

#### *Article 20.*

(1) The general election of Members of Parliament - with the exception of elections held due to the declaration of the Parliament's dissolution or the Parliament having been dissolved - shall be held in the month of April or May in the fourth year following the election of the previous Parliament.

(2) Members of Parliament shall carry out their duties in the public interest.

(3) Members of Parliament are granted parliamentary immunity, in accordance with the regulations of the law defining the legal status of Members of Parliament.

(4) Members of Parliament are entitled to compensation adequate to ensure their independence, to specified allowances and to reimbursement of their expenses. A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on the amount of compensation, reimbursement of expenses and allowances.

(5) A Member of Parliament may not be the President of the Republic, a member of the Constitutional Court, the Ombudsman for Civil Rights, the President, Vice President or accountant of the State Audit Office, a judge or prosecutor, the employee of an administrative body - with the exception of the members of the Government and under-secretaries of state - nor an active member of the Hungarian Armed Forces and law enforcement agencies. Other cases of incompatibility may be established by law.

(6) A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on the legal status of Members of Parliament.

#### *Article 20/A.*

(1) The mandate of a Member of Parliament shall end -

- a) upon completion of the term of Parliament;
- b) upon the death of the Member of Parliament;
- c) upon declaration of a conflict of interest;
- d) upon resignation;
- e) upon disfranchisement.

(2) A majority of two-thirds of the votes of the Members of Parliament present shall be required for the Parliament to establish a conflict of interest.

(3) Members of Parliament may resign their mandate by making a statement to this effect to the Parliament. A statement of acceptance by the Parliament is not required for the resignation to be effective.

#### *Article 21.*

(1) The Parliament shall elect the Speaker of Parliament, Deputy Speakers and Clerks from among its Members.

(2) The Parliament shall establish standing committees from among its members and may delegate a committee for the investigation of any issue whatsoever.

(3) Everyone is obliged to provide Parliamentary Committees with the information requested and is obliged to testify before such committees.

#### *Article 22.*

(1) The Parliament shall hold two regular sessions annually: every year from the 1st of February through the 15th of June and from the 1st of September through the 15th of December.

(2) The inaugural sitting of the Parliament shall be convened by the President of the Republic within a period of one month following the elections; in other cases the Speaker of Parliament is responsible for convening sessions of the Parliament and its individual sittings.

(3) Upon written request by the President of the Republic, the Government or one-fifth of the Members of Parliament, an extraordinary sitting of the Parliament shall be convened. Such request shall contain the grounds for convening the extraordinary sitting, as well as the proposed date and agenda.

(4) The Parliament may be adjourned by the President of the Republic no more than once per parliamentary session and for a period not to exceed thirty days.

(5) During the period of adjournment the Speaker of Parliament shall re-convene the Parliament, at a date no later than eight days following the receipt of a written request to this effect, signed by one-fifth of the Members of Parliament.

#### *Article 23.*

Sittings of the Parliament are open to the public. Upon petition by the President of the Republic, the Government or any Member of Parliament and with the assent of two-thirds of its Members, the Parliament may decide to hold a closed sitting.

#### *Article 24.*

(1) The Parliament has a quorum if no less than half of its members are present.

(2) The Parliament shall pass decisions with a majority of one-half of the votes of the Members of Parliament present.

(3) A majority of two-thirds of the votes of the Members of Parliament is required to amend the Constitution and for certain decisions specified therein.

(4) The Parliament shall establish its rules of procedure and speaking order in the House Rules. A majority of two-thirds of the votes of the Members of Parliament present is required to pass the House Rules.

(5)

#### *Article 25.*

(1) Legislation may be initiated by the President of the Republic, the Government, all Parliamentary Committees, and any Member of Parliament.

(2) The authority to pass legislation is vested in the Parliament.

(3) The Speaker of Parliament shall sign laws which have been passed by the Parliament and subsequently send such laws to the President of the Republic.

#### *Article 26.*

(1) The President of the Republic shall ensure promulgation of the law within a period of fifteen days following its receipt, or within a period of five days if the Speaker of Parliament requests that the issue be accorded urgency. The President of the Republic shall ratify the law sent for promulgation. The law shall be promulgated in the Official Gazette.

(2) Should the President of the Republic disagree with a law or with any provision of a law, prior to ratification, he shall refer such law, along with his comments, to the Parliament for reconsideration within the period of time specified in Par. (1).

(3) The Parliament shall debate the law again and hold another vote on its passage. The President of the Republic is required to ratify and promulgate the law sent to him by the Speaker of Parliament following this procedure, within a period of five days.

(4) Should the President of the Republic have reservations about the constitutionality of any provision of a law, he may refer such law to the Constitutional Court for review within the period of time specified in Par. (1) prior to ratification.

(5) Should the Constitutional Court - in special proceedings - determine the law to be unconstitutional, the President of the Republic shall refer such law to the Parliament; otherwise he shall ratify and promulgate the law within a period of five days.

(6) The President of the Republic shall ratify the law subject to national referendum if such law is confirmed by the national referendum.

#### *Article 27.*

Any Member of Parliament may direct a question to the Ombudsman for Civil Rights and the Ombudsman for the Rights of National and Ethnic Minorities, to the President of the State Audit Office and the President of the National Bank of Hungary, to the Government or any of the Members of the Government, as well as to the General Prosecutor on matters which fall within their respective sphere of authority.

#### *Article 28.*

(1) The term of Parliament commences from its inaugural sitting.

(2) The Parliament has the right to declare its dissolution prior to the completion of its term.

(3) The President of the Republic has the right to dissolve the Parliament, simultaneously with the announcement of new elections, if -

*a)* the Parliament passes a motion of no-confidence in the Government on no less than four occasions in a period of twelve months during the course of one term, or;

*b)* in the event that the mandate of the Government ends, a candidate for Prime Minister proposed by the President of the Republic is not elected by the Parliament within a period of forty days from the day upon which the first candidate is nominated.

(4)

(5) Prior to dissolving the Parliament, the President of the Republic is required to request the opinions of the Prime Minister, the Speaker of Parliament and the floor leaders of the parties represented in the Parliament.

(6) A new Parliament shall be elected within a period of three months following the declaration of the Parliament's dissolution or the Parliament having been dissolved.

(7) The Parliament shall continue to operate until the inaugural sitting of the new Parliament.

#### *Article 28/A.*

(1) During a state of national crisis or a state of emergency the Parliament may neither declare its dissolution nor be dissolved.

(2) Should a term of Parliament expire during a state of national crisis or a state of emergency, its mandate shall be extended until the cessation of the state of national crisis or state of emergency.

(3) During a state of war, the danger of war or an emergency, the President of the Republic may reconvene a Parliament which has declared its dissolution or which has been dissolved. The Parliament itself shall pass a resolution on the extension of its mandate.

#### *Article 28/B.*

(1) The subject of national referenda or popular initiatives may fall under the jurisdiction of the Parliament.

(2) A majority of two-thirds of the votes of the Members of Parliament present shall be required for the Parliament to pass the law on national referenda and popular initiatives.

#### *Article 28/C.*

(1) A national referendum may be held for reaching a decision or for an expression of opinion. Carrying out a national referendum may be mandatory or may be the result of the consideration of a matter.

(2) A national referendum shall be held if so initiated by at least 200,000 voting citizens.

(3) If a national referendum is mandatory, the result of the successfully held national referendum shall be binding for the Parliament.

(4) Based on its consideration, the Parliament may order a national referendum upon the initiative by the President of the Republic, the Government, by one-third of Members of the Parliament or by 100,000 voting citizens.

(5) National referendum may not be held on the following subjects:

a) on laws on the central budget, the execution of the central budget, taxes to the central government and duties, customs tariffs, and on the central government conditions for local taxes,

b) obligations set forth in valid international treaties and on the contents of laws prescribing such obligations,

c) the provisions of the Constitution on national referenda and popular initiatives,

d) personnel and restructuring (reorganization, termination) matters falling under Parliamentary jurisdiction,

e) dissolution of the Parliament,

f) the Government's program,

g) declaration of a state of war, a state of emergency or a state of national crisis,

h) use of the Hungarian Armed Forces abroad or within the country,

i) dissolution of the representative body of local governments,

j) amnesty.

(6) A national ratification referendum shall be considered successful if more than half of the votes of the citizens voting are valid, but at least more than one-quarter of all eligible voters have given the same answer in the referendum.

#### *Article 28/D.*

At least 50,000 voting citizens are required for a national popular initiative. A national popular initiative may be for the purpose of forcing the Parliament to place a subject under its jurisdiction on the agenda. The Parliament shall debate the subject defined by the national popular initiative.

#### *Article 28/E.*

In order to call a national referendum, signatures may be collected for a period of four months in the case of a civic initiative, and for a period of two months in the case of a national popular initiative.

### ***Chapter III.***

## **The President of the Republic**

#### *Article 29.*

(1) Hungary's Head of State is the President of the Republic, who represents the unity of the nation and monitors the democratic operation of the State.

(2) The President of the Republic is the Commander in Chief of the Hungarian Armed Forces.

#### *Article 29/A.*

- (1) The Parliament shall elect the President of the Republic for a term of five years.
- (2) Any enfranchised Hungarian citizen who has reached the age of thirty-five prior to the date of the election may be elected to the office of President of the Republic.
- (3) The President of the Republic may be re-elected to such office no more than once.

*Article 29/B.*

(1) The election of the President of the Republic shall be preceded by the nomination of a candidate. The written recommendation of no less than fifty Members of Parliament is required for such a nomination to be valid. The nomination must be submitted to the Speaker of Parliament prior to the announcement of the election. No Member of Parliament may nominate more than one candidate. If a Member of Parliament nominates more than one candidate, all nominations made by the Member shall be invalid.

(2) The Parliament shall elect the President of the Republic by secret ballot. Voting may be repeated should this prove necessary. The candidate who receives a majority of two-thirds of the votes of the Members of Parliament in the first round of voting is elected President of the Republic.

(3) Should no candidate receive such a majority in the first round of voting, the voting process must be repeated, in accordance with Par. (1). A majority of two-thirds of the votes of the Members of Parliament shall also be required to be elected in the second round of voting.

(4) Should no candidate win the required majority in the second round of voting, a third round of voting shall be held. In the third round of voting only those two candidates who received the largest numbers of votes in the second round may stand for election. The candidate receiving a majority of the votes - regardless of the number of votes cast - in the third round of voting is elected President of the Republic.

(5) The election procedure shall be completed within a period of no more than three consecutive days.

*Article 29/C.*

(1) The President of the Republic must be elected within a period of 30 days prior to the expiration of the President's mandate or, should the President's mandate end prematurely, within 30 days from the date upon which the mandate ends.

(2) The Speaker of Parliament shall announce the elections for the office of President of the Republic.

*Article 29/D.*

The newly elected President of the Republic shall enter office upon expiration of the previous President's mandate or, should the President's mandate end prematurely, on the eighth day following the announcement of the result of the elections. Prior to entering office, the President of the Republic shall take an oath before Parliament.

*Article 29/E.*

(1) In the event that the President should be temporarily prevented from attending to his duties, or that his mandate should for any reason end prematurely, the Speaker of Parliament shall exercise the powers of the President of the Republic until the newly elected President enters office. Such powers are limited to the extent that the Speaker may not refer laws to the Parliament for consideration, nor to the Constitutional Court for review, may not dissolve the Parliament, and may only grant pardons to individuals upon whom final conviction has been passed.

(2) While acting as the President of the Republic, the Speaker of Parliament may not exercise his powers as a Member of Parliament, and his duties as Speaker of Parliament shall be attended to by the Deputy Speaker of Parliament designated by the Parliament.

*Article 30.*

(1) The office of President of the Republic is incompatible with all other public, social and political offices or mandates. The President of the Republic shall not be otherwise gainfully employed and shall not accept remuneration for other activities, with the exception of such activities which fall under the protection of copyright.

(2) A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on the amount of compensation, allowances and reimbursement due to the President of the Republic.

*Article 30/A.*

- (1) The President of the Republic shall -
  - a) represent the State of Hungary;
  - b) conclude international treaties in the name of the Republic of Hungary; if the subject of the treaty falls within its legislative competence, prior ratification by the Parliament is necessary for conclusion of the treaty;
  - c) accredit and receive ambassadors and envoys;



- d)* announce general parliamentary and local government elections, mayoral elections as well as the dates of the European parliamentary elections and national referenda;
  - e)* have the right to participate in and speak at sittings of the Parliament and of its committees;
  - f)* have the right to petition the Parliament to take action;
  - g)* have the right to initiate national referenda;
  - h)*
  - i)* appoint and dismiss the President and Vice-Presidents of the National Bank of Hungary, and university professors upon the recommendation of persons or organizations specified in a separate law; appoint and dismiss the university rectors; appoint and promote Generals of the armed forces; confirm the President of the Hungarian Academy of Sciences;
  - j)* confer titles, orders, awards and decorations specified by law and authorize the use thereof;
  - k)* exercise the right to grant individual pardons;
  - l)* issue rulings in cases of citizenship;
  - m)* issue rulings in all issues assigned to his sphere of authority on the basis of separate laws.
- (2) The counter-signature of the Prime Minister or responsible Minister is required for all of the measures and actions of the President of the Republic listed in Paragraph (1), with the exception of the items specified in Points *a), d), e), f)* and *g)*.

#### *Article 31.*

- (1) The mandate of the President of the Republic shall end -
- a)* upon completion of the term of office;
  - b)* upon the death of the President;
  - c)* upon incapacitation preventing him from attending to his duties for a period of more than ninety days;
  - d)* upon declaration of a conflict of interest;
  - e)* upon resignation;
  - f)* upon removal from the office of President.
- (2) Should grounds for a conflict of interest [Article 30, Par. (1)] involving the President of the Republic arise during his term of office, any Member of Parliament may petition the Parliament to decide on a declaration of a conflict of interest. A majority of two-thirds of the votes of the Members of Parliament is necessary to carry such a resolution. Voting shall be held by secret ballot.
- (3) The President of the Republic may resign from office by addressing a statement to this effect to the Parliament. A statement of acceptance on behalf of the Parliament is required for the resignation to be valid. Within a period of fifteen days the Parliament may request that the President of the Republic reconsider the decision. Should the President of the Republic stand by the decision, the Parliament may not deny recognition of his resignation.
- (4) The President of the Republic may be removed from office on the basis of an intentional violation of the Constitution or any other law committed while in office.

#### *Article 31/A.*

- (1) The person of the President of the Republic is inviolable; protection from criminal prosecution shall be granted by a separate law.
- (2) Should the President of the Republic violate the Constitution or any other law while in office, a motion supported by one-fifth of the Members of Parliament may propose that impeachment proceedings be initiated against the President of the Republic.
- (3) A majority of two-thirds of the votes of the Members of Parliament is required to initiate impeachment proceedings. Voting shall be held by secret ballot.
- (4) From passage of this resolution by the Parliament until the conclusion of the impeachment proceedings, the President of the Republic may not attend to any of the duties of his office.
- (5) The Constitutional Court shall have jurisdiction in such cases.
- (6) Should the Constitutional Court determine that the law was violated, it shall have the authority to remove the President of the Republic from office.
- (7)-(8)

#### *Article 32.*

- (1) If impeachment proceedings are initiated against the President of the Republic on the basis of an indictable offense committed in connection with official activities while in office, then the Constitutional Court shall also apply the basic provisions of criminal prosecution in its proceedings. The prosecution shall be represented by a Special Prosecutor elected from among the Members of Parliament.
- (2) In other cases, criminal proceedings against the President of the Republic may only be initiated subsequent to the end of his term of office.

(3) Should the Constitutional Court find the President of the Republic guilty of an intentional criminal offense, it may remove the President of the Republic from office and simultaneously apply any punishment and measures prescribed for such offense in the Penal Code.

## ***Chapter IV.***

### **The Constitutional Court**

#### *Article 32/A.*

(1) The Constitutional Court shall review the constitutionality of laws and attend to the duties assigned to its jurisdiction by law.

(2) The Constitutional Court shall annul any laws and other statutes that it finds to be unconstitutional.

(3) Everyone has the right to initiate proceedings of the Constitutional Court in the cases specified by law.

(4) The Constitutional Court shall consist of eleven members who are elected by the Parliament. Members of the Constitutional Court shall be nominated by the Nominating Committee which shall consist of one member of each political party represented in the Parliament. A majority of two-thirds of the votes of the Members of Parliament is required to elect a member of the Constitutional Court.

(5) Members of the Constitutional Court may not be members of a political party and may not engage in any political activities outside of the responsibilities arising from the Constitutional Court's sphere of jurisdiction.

(6) A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law regulating the organization and operation of the Constitutional Court.

## ***Chapter V.***

### **The Parliamentary Ombudsman for Civil Rights and the Parliamentary Ombudsman for the Rights of National and Ethnic Minorities**

#### *Article 32/B.*

(1) The Parliamentary Ombudsman for Civil Rights is responsible for investigating or initiating the investigation of cases involving the infringement of constitutional rights which come to his attention and initiating general or specific measures for their remedy.

(2) The Parliamentary Ombudsman for the Rights of National and Ethnic Minorities is responsible for investigating or initiating the investigation of cases involving the infringement of the rights of national or ethnic minorities which come to his attention and initiating general or specific measures for their remedy.

(3) Everyone has the right to initiate proceedings by the Parliamentary Ombudsmen in the cases specified by law.

(4) The Parliamentary Ombudsmen for Civil Rights and for the Rights of National and Ethnic Minorities shall be elected by a majority of two-thirds of the votes of the Members of Parliament, based on the recommendation made by the President of the Republic. The Parliament may also elect special Ombudsmen for the protection of individual constitutional rights.

(5)

(6) The Parliamentary Ombudsmen shall present the Parliament with an annual report on their activities.

(7) A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on Parliamentary Ombudsmen.

## ***Chapter VI.***

### **The State Audit Office and the National Bank of Hungary**

#### *Article 32/C.*

(1) The State Audit Office is the organ of Parliament responsible for financial and economic auditing. Within its sphere of authority the State Audit Office shall control the management of public finances, in the course of which it shall review the fundamental soundness of the proposed State Budget, review the necessity and expediency of expenditures, and countersign contracts pertaining to the assumption of credits for the Budget; it shall review the legality of proposed State Budget expenditures in advance; it shall audit the final accounts of the implementation of the State Budget; it shall monitor the management of State assets, audit state-owned enterprises and their activities

directed at the maintenance or increase of the value of their assets; it shall attend to other duties assigned to its sphere of authority by law.

(2) The State Audit Office shall carry out its review and control activities bearing in mind the aspects of legality, expediency and efficiency. The State Audit Office shall present the Parliament with a report on the auditing activities it has carried out. Its report shall be made public. The President of the State Audit Office shall present the Parliament with the audit report on the final accounts together with the final accounts themselves.

(3) A majority of two-thirds of the votes of the Members of Parliament is required to elect the President and Vice-Presidents of the State Audit Office.

(4) A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on the organization and basic principles of operation of the State Audit Office.

#### *Article 32/D.*

(1) The National Bank of Hungary is the central bank of the Republic of Hungary. The National Bank of Hungary shall define the country's monetary policy in accordance with the provisions of specific other legislation.

(2) The President of the National Bank of Hungary is appointed by the President of the Republic for a term of six years.

(3) The President of the National Bank of Hungary shall present the Parliament with a report on the activities of the National Bank once every year.

(4) The president of the National Bank of Hungary shall, within the framework of his responsibilities and duties, issue decrees, which may not be contradictory to any act of Parliament. These decrees shall be promulgated in the official journal.

### ***Chapter VII.***

## **The Government**

#### *Article 33.*

(1) The Government shall consist of -

- a)* the Prime Minister and
- b)* the Ministers.

(2) The Prime Minister shall designate a Minister to act as Deputy Prime Minister.

(3) The Prime Minister shall be elected by a majority of the votes of the Members of Parliament, based on the recommendation made by the President of the Republic. The Parliament shall hold the vote on the election of the Prime Minister and on the passage of the Government's program at the same time.

(4) The Ministers shall be appointed and dismissed by the President of the Republic, based on the recommendation made by the President of the Republic.

(5) The Government is formed upon appointment of the Ministers. Subsequent to its formation, the Members of the Government shall take an oath before Parliament.

#### *Article 33/A.*

The Government's mandate shall end -

- a)* upon formation of the newly elected Parliament;
- b)* upon resignation of the Prime Minister or the Government;
- c)* upon the death of the Prime Minister;
- d)* upon disfranchisement of the Prime Minister,
- e)* upon establishment of a conflict of interest on the part of the Prime Minister, or
- f)* if the Parliament passes a motion of no-confidence in the Prime Minister and elects a new Prime Minister in accordance with the provisions of Par. (1), Article 39/A.

#### *Article 33/B.*

The Minister's term shall cease -

- a)* upon completion of the Government's term,
- b)* upon the Minister's resignation,
- c)* upon the Minister's dismissal,
- d)* upon the death of the Minister,
- e)* upon disfranchisement of the Minister,
- f)* upon declaration of a conflict of interest.

*Article 34.*

- (1) The list of Ministries of the Republic of Hungary shall be contained in a separate law.
- (2) Any amendment of an Act of Parliament pertaining to the designation of a Ministry, Minister or administrative agency shall be made in an act adopted by over half of the votes of the Members of Parliament present.

*Article 35.*

- (1) The Government shall -
  - a) defend constitutional order, and defend and ensure the rights of the natural person, legal persons and unincorporated organizations;
  - b) ensure the implementation of laws;
  - c) direct and co-ordinate the work of the Ministries and other organs placed under its direct supervision;
  - d) ensure that the legal operation of local government is monitored;
  - e) ensure the formulation of social and economic policies and the implementation thereof;
  - f) define State responsibilities in the development of science and culture, and ensure the necessary conditions for the implementation thereof;
  - g) define the State system of social welfare and health care services, and ensure sufficient funds for such services;
  - h) supervise the operation of the Hungarian Armed Forces and of the law enforcement agencies;
  - i) take the measures necessary to limit and alleviate the consequences of natural disasters that endanger lives and property (hereinafter referred to as a state of danger) and to maintain public order and safety;
  - j) participate in the development of foreign policy; conclude international treaties in the name of the Government of the Republic of Hungary;
  - k) represent the Republic of Hungary in the institutions of the European Union that require government participation;
  - l) attend to those responsibilities assigned to its sphere of authority by law.
  - m) have powers, in the event of a state of preventive defense emergency, to introduce measures by way of derogation from the acts governing the administrative system and the operation of the Hungarian Armed Forces and the law enforcement agencies; such measures shall remain in force until the Parliament's decision, not to exceed 60 days, and the Government shall continuously inform the President of the Republic and the competent parliamentary committees concerning these measures.
- (2) Within its sphere of authority, the Government shall issue decrees and pass resolutions, which shall be signed by the Prime Minister. Government decrees and resolutions may not conflict with the law. Government decrees shall be promulgated in the Official Gazette.
- (3) In a state of danger and in a state of preventive defense emergency the Government, if authorized to do so by Parliament, may issue decrees and pass resolutions by way of derogation from the provisions of the respective laws. A majority of two-thirds of the votes of the Members of Parliament present shall be required to pass the law establishing the regulations to be applied in a state of danger and in a state of preventive defense emergency.
- (4) With the exception of legal statutes, the Government shall annul or amend all legally irreconcilable resolutions or measures taken by any subordinate public authorities.

*Article 35/A.*

- (1) In all matters in connection with European integration, the detailed rules governing the oversight powers of Parliament or its committees, the relationship between Parliament and the Government, and the Government's obligation to disclose information shall be enacted by a two-thirds vote of those Members of Parliament present.
- (2) The Government shall present to Parliament the motions that are on the agenda of the decision-making mechanism of those institutions of the European Union that require government participation.

*Article 36.*

In the course of fulfilling its responsibilities, the Government shall co-operate with the relevant social organizations.

*Article 37.*

- (1) The Prime Minister shall preside over sessions of Government and shall ensure the implementation of Government decrees and resolutions.
- (2) The Ministers shall head the branches of public administration falling within their respective portfolios and direct the public authorities they are responsible for in accordance with the law and Government resolutions. Ministers without Portfolio shall attend to the responsibilities determined by the Government.

(3) In the course of administering their duties, Members of the Government may issue decrees under authorization by an act or government decree. Such decrees, however, may not be in conflict with any act or government decree. Such decrees shall be promulgated in the Official Journal.

*Article 38.*

*Article 39.*

(1) The Government is responsible to the Parliament for its operation and is required to furnish the Parliament with regular reports on its work.

(2) Members of the Government are responsible to the Government and to the Parliament and shall provide the Government and the Parliament with reports on their activities. The legal status, compensation and method of accountability of Members of the Government and State Secretaries shall be regulated by law.

(3) Members of the Government may participate and speak at sittings of Parliament.

*Article 39/A.*

(1) A motion of no-confidence in the Prime Minister may be initiated by a written petition, which includes the nomination for a candidate for the office of Prime Minister, by no less than one-fifth of the Members of Parliament. A motion of no-confidence in the Prime Minister is considered a motion of no-confidence in the Government as well. Should, on the basis of this motion, the majority of the Members of Parliament withdraw their confidence, then the candidate nominated for Prime Minister in the motion shall be considered to have been elected.

(2) The debate and vote on the motion of no-confidence shall be held no earlier than three days from the date of proposal and no later than eight days from the date of proposal.

(3) The Government, via the Prime Minister, may propose a vote of confidence in accordance with the period of time specified in Paragraph (2).

(4) The Government, via the Prime Minister, may propose that the vote on the motion it has made simultaneously be considered as a vote of confidence.

(5) Should the Parliament fail to give the Government a vote of confidence in accordance with the provisions of Paragraphs (3)-(4), the Government shall resign.

*Article 39/B.*

Should the mandate of the Government end, the Government shall remain in office until the formation of the new Government and shall continue to exercise the rights accorded to it; the Government, however, may not conclude international treaties and may only issue decrees with the express authorization of a law, in cases when delay is not permissible.

*Article 39/C.*

(1) If the term of the Prime Minister is terminated upon formation of the newly elected Parliament or upon the resignation of the Prime Minister or the Government, the Prime Minister shall remain in office as an interim Prime Minister until the new Prime Minister is elected, but may not motion for the nomination or dismissal of ministers and may only issue decrees upon the express authorization of law in urgent cases.

(2) If the term of the Prime Minister is terminated due his death, disfranchisement or upon declaration of a conflict of interest, the minister appointed by the Prime Minister for his office shall hold, with the restrictions defined in Subsection (1), the Prime Minister's office until the new Prime Minister is elected; or the minister appointed on the first place if more than one minister have been appointed.

*Article 40.*

(1) The Government has the right to form committees for specific responsibilities.

(2)

(3) The Government has the right to place any branch of public administration under its direct supervision and create separate government bodies for this purpose.

***Chapter VIII.***

**Hungarian Armed Forces, law enforcement agencies**

*Article 40/A.*

(1) The fundamental duty of the Hungarian Armed Forces is the military defense of the country and participation in the collective defense duties under international treaty.

(2) The fundamental duty of the Police is to protect public security, to maintain law and order, and to guard the borders of the country.

(3)

(4) A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on the Hungarian Armed Forces and its duties, on the Police and on the use of special investigative means and techniques, and on the detailed regulations pertaining to issues of national security.

#### *Article 40/B.*

(1)

(2) In the event of armed actions aimed at overturning constitutional order or at the acquisition of exclusive control of public power, or in the case of grave acts of violence committed by force of arms or by armed groups which endanger lives and property on a mass scale, during a state of emergency declared in accordance with the provisions of the Constitution, the Hungarian Armed Forces may be used, if the use of the police proves insufficient.

(3) Within the framework of the Constitution, only Parliament, the President of the Republic, the National Defense Council, the Government and the responsible Minister shall have the right to command the Hungarian Armed Forces, unless otherwise provided by international treaties.

(4) Professional members of the Hungarian Armed Forces, the Police and the national security services may not be members of political parties and may not engage in political activities.

(5) Restrictions on the political activities of non-professional members of the Hungarian Armed Forces may be established by a law passed by a majority of two-thirds of the votes of the Members of Parliament present.

#### *Article 40/C.*

(1) The Government shall have powers to authorize the use of the Hungarian Armed Forces and foreign armed units by decision of the European Union, or deployment of troops by decision of the North Atlantic Treaty Organization in accordance with Subparagraph j) of Paragraph (3) of Article 19.

(2) The Government shall forthwith notify the Parliament and the President of the Republic concurrently of its decisions made under Paragraph (1).

### ***Chapter IX.***

## **Local Governments**

#### *Article 41.*

(1) The territory of the Republic of Hungary is divided into the following administrative units: the capital, the counties, the cities and communities.

(2) The capital is divided into districts. Districts may be formed in cities as well.

#### *Article 42.*

Eligible voters of the communities, cities, the capital and its districts, and the counties have the right to local government. Local government refers to independent, democratic management of local affairs and the exercise of local public authority in the interests of the local population.

#### *Article 43.*

(1) The fundamental rights of all local governments (see Article 44/A.) are equal. The duties of local governments may differ.

(2) The rights and duties of local governments shall be determined by law. The lawful exercise of the powers of local government is afforded the legal protection of the courts and any local government may appeal to the Constitutional Court for the protection of its rights.

#### *Article 44.*

(1) Eligible voters exercise the right to local government through the representative body that they elect and by way of local referendum.

(2) With the exception of mid-term elections, the mayor and the members of local representative bodies shall be elected in the month of October in the fourth year following the previous general elections.

(3) The mandate of the representative body shall expire on the day of the general local government elections. If no elections are held due to the lack of nominees, the mandate of the representative body shall extend to the day of the mid-term elections. The mandate of the mayor shall expire upon the election of the new mayor.

(4) A representative body may declare its dissolution prior to the expiration of its mandate and in accordance with the conditions stipulated in the law on local governments. Upon dissolution of the body [Article 19, Paragraph (3), Point l)] the mandate of the Mayor also ends.

#### *Article 44/A.*

- (1) The local representative body -
- a) shall independently manage and administrate the affairs of local government and its decisions may only be reviewed with respect to their legality;
  - b) shall exercise the rights of ownership in the assets of local government, independently manage local government revenues, and may undertake business activities at its own liability;
  - c) shall be entitled to its own revenues for attending to the duties of local government as prescribed by law, and shall furthermore be entitled to state support commensurate to the scope of such duties;
  - d) shall determine the types and rates of local taxes in accordance with the framework established by law;
  - e) shall independently establish its own organization and rules of procedure in accordance with the framework established by law;
  - f) may develop symbols and emblems of government, and establish local honors and titles;
  - g) may present proposals to the authorities responsible for decisions that affect the local population;
  - h) may freely merge with other local representative bodies and create associations of local government for the representation of their interests, may co-operate with the local governments of other countries and may be a member of international associations of local government.
- (2) Local representative bodies may issue decrees, which may not conflict with legal statutes of a superior order.

#### *Article 44/B.*

(1) The Mayor is the chairman of the local representative body. The representative body may elect committees and create offices.

(2) In exceptional cases the Mayor may attend to state administrative duties and authorities in addition to his responsibilities of local government, in accordance with the law or a government decree authorized by law.

(3) State administrative duties and authority may be assigned to the Clerk of local representative bodies and in exceptional cases to the Director of the Office of Local Government.

#### *Article 44/C.*

A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on local governments. The fundamental rights of local governments may be restricted by a law which also requires a two-thirds majority.

### ***Chapter X.***

## **The Judiciary**

#### *Article 45.*

(1) In the Republic of Hungary justice is administered by the Supreme Court of the Republic of Hungary, the appeals courts, the Municipal Court of Budapest, the county courts and the local and labor courts.

(2) Special courts for specific groups of cases may be established by law.

#### *Article 46.*

(1) The courts shall, unless otherwise prescribed by law, administer justice through councils.

(2) Non-professional judges shall also participate in the cases and in the manner prescribed by law.

(3) Only professional judges may fill the office of single judges and presidents of council.

#### *Article 47.*

(1) The Supreme Court is the supreme court authority for justice of the Republic of Hungary.

(2) The Supreme Court shall assure the uniformity of the administration of justice by the courts and its resolutions concerning uniformity shall be binding for all courts.

*Article 48.*

(1) Based on the recommendation made by the President of the Republic, the Parliament shall elect the President of the Supreme Court; based on the recommendation made by the President of the Supreme Court, the President of the Republic shall appoint the Deputy Presidents of the Supreme Court. A majority of two-thirds of the votes of the Members of Parliament is required to elect the President of the Supreme Court.

(2) The President of the Republic shall appoint professional judges in the manner specified by law.

(3) Judges may only be removed from office on the grounds and in accordance with the procedures specified by law.

*Article 49.*

*Article 50.*

(1) The courts of the Republic of Hungary shall protect and uphold constitutional order, as well as the rights and lawful interests of natural person, legal persons and unincorporated organizations, and shall determine the punishment for those who commit criminal offenses.

(2) The courts shall review the legality of the decisions of public administration.

(3) Judges are independent and answer only to the law. Judges may not be members of political parties and may not engage in political activities.

(4) Administration of the courts shall be exercised by the National Council of Justice; self-government bodies for the representation of judges shall also participate in such administration.

(5) A majority of two-thirds of the votes of the Members of Parliament present shall be required for the Parliament to pass the laws on the structure and supervision of courts and on the legal status and remuneration of judges.

***Chapter XI.***

**The Office of the Public Prosecutor**

*Article 51.*

(1) The General Prosecutor and the Office of the Public Prosecutor of the Republic of Hungary ensure the protection of the rights of the natural person, legal persons and unincorporated organizations, maintain constitutional order and shall prosecute to the full extent of the law any act which violates or endangers the security and independence of the country.

(2) The Office of the Public Prosecutor shall exercise rights specified by law in connection with investigations, shall represent the prosecution in court proceedings, and shall be responsible for the supervision of the legality of penal measures.

(3) The Office of the Public Prosecutor shall help to ensure that everybody comply with the law. When the law is violated, the Office of the Public Prosecutor shall act to uphold the law in the cases and manner specified by law.

*Article 52.*

(1) The Parliament shall elect a candidate for General Prosecutor upon the recommendation made by the President of the Republic; the President of the Republic shall appoint the Deputies to the General Prosecutor on the basis of the recommendation made by the General Prosecutor.

(2) The General Prosecutor shall answer to the Parliament and shall provide a report on his activities.

*Article 53.*

(1) Public prosecutors are appointed by the General Prosecutor of the Republic of Hungary.

(2) Public prosecutors may not be members of political parties and may not engage in political activities.

(3) The Office of the Public Prosecutor is directed by the General Prosecutor.

(4) The regulations pertaining to the Office of the Public Prosecutor shall be determined by law.

***Chapter XII.***

**Fundamental Rights and Duties**

*Article 54.*



(1) In the Republic of Hungary everyone has the inherent right to life and to human dignity. No one shall be arbitrarily denied of these rights.

(2) No one shall be subject to torture or to cruel, inhuman or humiliating treatment or punishment. Under no circumstances shall anyone be subjected to medical or scientific experiments without his prior consent.

*Article 55.*

(1) In the Republic of Hungary everyone has the right to freedom and personal security; no one shall be deprived of his freedom except on the grounds and in accordance with the procedures specified by law.

(2) Any individual suspected of having committed a criminal offense and held in detention shall either be released or shall be brought before a judge within the shortest possible period of time. The judge is required to grant the detained individual a hearing and shall immediately prepare a written ruling with a justification for either releasing the detainee or having the individual placed under arrest.

(3) Any individual subject to illegal arrest or detention is entitled to compensation.

*Article 56.*

In the Republic of Hungary everyone is legally capable.

*Article 57.*

(1) In the Republic of Hungary everyone is equal before the law and has the right to have the accusations brought against him, as well as his rights and duties in legal proceedings, judged in a just, public trial by an independent and impartial court established by law.

(2) In the Republic of Hungary no one shall be considered guilty until a court has rendered a final legal judgment determining criminal culpability.

(3) Individuals subject to criminal proceedings are entitled to legal defense at all stages of the proceedings. Defense lawyers may not be held accountable for opinions expressed in the course of the defense.

👉 (4) No one shall be declared guilty and subjected to punishment for an offense that was not considered - at the time it was committed - a criminal offense under Hungarian law, or the laws of any country participating in the progressive establishment of an area of freedom, security and justice, and to the extent prescribed in the relevant Community legislation with a view to the mutual recognition of decisions, without any restrictions in terms of major fundamental rights.

(5) In the Republic of Hungary everyone may seek legal remedy, in accordance with the provisions of the law, to judicial, administrative or other official decisions, which infringe on his rights or justified interests. A law passed by a majority of two-thirds of the votes of the Members of Parliament present may impose restrictions on the right to legal remedy in the interest of, and in proportion with, adjudication of legal disputes within a reasonable period of time.

*Article 58.*

(1) Everyone legally staying or residing in the territory of the Republic of Hungary - with the exception of the cases established by law - has the right to move freely and to choose his place of residence, including the right to leave his domicile or the country.

(2) Foreigners legally residing in the territory of the Republic of Hungary may only be deported on the basis of a resolution reached in accordance with the law.

(3) A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on the freedom of movement and residence.

*Article 59.*

(1) In the Republic of Hungary everyone has the right to the good standing of his reputation, the privacy of his home and the protection of secrecy in private affairs and personal data.

(2) A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on the secrecy of personal data.

*Article 60.*

(1) In the Republic of Hungary everyone has the right to freedom of thought, freedom of conscience and freedom of religion.

(2) This right shall include the free choice or acceptance of a religion or belief, and the freedom to publicly or privately express or decline to express, exercise and teach such religions and beliefs by way of religious actions, rites or in any other way, either individually or in a group.

(3) The church and the State shall operate in separation in the Republic of Hungary.

(4) A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on the freedom of belief and religion.

*Article 61.*

(1) In the Republic of Hungary everyone has the right to freely express his opinion, and furthermore to access and distribute information of public interest.

(2) The Republic of Hungary recognizes and respects the freedom of the press.

(3) A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on the public access to information of public interest and the law on the freedom of the press.

(4) A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on the supervision of public radio, television and the public news agency, as well as the appointment of the directors thereof, on the licensing of commercial radio and television, and on the prevention of monopolies in the media sector.

*Article 62.*

(1) The Republic of Hungary recognizes the right to peaceful assembly and shall ensure the free exercise thereof.

(2) A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on the right of assembly.

*Article 63.*

(1) On the basis of the right of assembly, everyone in the Republic of Hungary has the right to establish organizations whose goals are not prohibited by law and to join such organizations.

(2) The establishment of armed organizations with political objectives shall not be permitted on the basis of the right of assembly.

(3) A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on the right of assembly and the financial management and operation of political parties.

*Article 64.*

In the Republic of Hungary everyone has the right to present, individually or together with others, written petitions or complaints to the relevant public authority.

*Article 65.*

(1) In accordance with the conditions established by law, the Republic of Hungary shall, if neither their country of origin nor another country provides protection, extend the right of asylum to foreign citizens who, in their native country or the country of their usual place of residence, are subject to persecution on the basis of race or nationality, their alliance with a specific social group, religious or political conviction, or whose fear of being subject to persecution is well founded.

(2) A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on the right to asylum.

*Article 66.*

(1) The Republic of Hungary shall ensure the equality of men and women in all civil, political, economic, social and cultural rights.

(2) In the Republic of Hungary mothers shall receive support and protection before and after the birth of the child, in accordance with separate regulations.

(3) Separate regulations shall ensure the protection of women and youth in the workplace.

*Article 67.*

(1) In the Republic of Hungary all children have the right to receive the protection and care of their family, and of the State and society, which is necessary for their satisfactory physical, mental and moral development.

(2) Parents have the right to choose the form of education given to their children.

(3) Separate regulations shall establish the responsibilities of the State with regard to the situation and protection of the family and youth.

*Article 68.*

(1) The national and ethnic minorities living in the Republic of Hungary participate in the sovereign power of the people: they represent a constituent part of the State.

(2) The Republic of Hungary shall provide for the protection of national and ethnic minorities and ensure their collective participation in public affairs, the fostering of their cultures, the use of their native languages, education in their native languages and the use of names in their native languages.

(3) The laws of the Republic of Hungary shall ensure representation for the national and ethnic minorities living within the country.

(4) National and ethnic minorities shall have the right to form local and national bodies for self-government.

(5) A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on the rights of national and ethnic minorities.

#### *Article 69.*

(1) In the Republic of Hungary no one shall be denied of his Hungarian citizenship against his will and no Hungarian citizen may be expelled from the territory of the Republic of Hungary.

(2) Hungarian citizens may always return to Hungary from abroad.

(3) All Hungarian citizens are entitled to enjoy the protection of the Republic of Hungary while legally residing or staying abroad.

(4) A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on citizenship.

#### *Article 70.*

(1) All adult Hungarian citizens residing in the territory of the Republic of Hungary have the right to be elected and the right to vote in Parliamentary elections; they have the right, furthermore, to participate in national referenda and popular initiatives.

(2) All adult Hungarian citizens residing in the territory of the Republic of Hungary and all adult citizens of other Member States of the European Union who reside in the territory of the Republic of Hungary shall have the right to be elected in local ballots for the election of representatives and mayors; they shall have the right to vote, provided that they are in the territory of the Republic of Hungary on the day of the election or referendum, and, furthermore, to participate in local referenda and popular initiatives. Only Hungarian citizens may be elected to the post of mayor in any local government and the City of Budapest.

(3) All adult persons holding refugee, immigrant or permanent resident status in the Republic of Hungary shall have the right to vote in local ballots for the election of representatives and mayors, provided that they are in the territory of the Republic of Hungary on the day of the election or referendum, and furthermore to participate in local referenda or popular initiatives.

(4) All adult Hungarian citizens residing in the territory of the Republic of Hungary and all adult citizens of other Member States of the European Union who reside in the territory of the Republic of Hungary shall have the right to be elected and the right to vote in elections for the European Parliament.

(5) The right to vote shall not be granted to persons who are under guardianship or conservatorship, persons who are subject to a final legal judgment forbidding them to participate in public affairs, or persons who are incarcerated on the basis of a final legal judgment or who have been committed to treatment in a mental institution on the basis of a final legal judgment rendered in criminal proceedings. Furthermore, adult citizens of other Member States of the European Union who reside in the territory of the Republic of Hungary shall not have the right to be elected if they have been deprived of such right in their country of citizenship by the laws of that country or by a judicial or other official decision.

(6) All Hungarian citizens have the right to hold public office in accordance with their suitability, education and professional ability.

#### *Article 70/A.*

(1) The Republic of Hungary shall respect the human rights and civil rights of all persons in the country without discrimination on the basis of race, color, gender, language, religion, political or other opinion, national or social origins, financial situation, birth or on any other grounds whatsoever.

(2) The law shall provide for strict punishment of discrimination on the basis of Paragraph (1).

(3) The Republic of Hungary shall endeavor to implement equal rights for everyone through measures that create fair opportunities for all.

#### *Article 70/B.*

(1) In the Republic of Hungary everyone has the right to work and to freely choose his job and profession.

(2) Everyone has the right to equal compensation for equal work, without any discrimination whatsoever.

(3) All persons who work have the right to an income that corresponds to the amount and quality of work they carry out.

(4) Everyone has the right to leisure time, to free time and to regular paid vacation.

*Article 70/C.*

- (1) Everyone has the right to establish or join organizations together with others with the objective of protecting his economic or social interests.
- (2) The right to strike may be exercised within the framework of the law regulating such right.
- (3) A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on the right to strike.

*Article 70/D.*

- (1) Everyone living in the territory of the Republic of Hungary has the right to the highest possible level of physical and mental health.
- (2) The Republic of Hungary shall implement this right through institutions of labor safety and health care, through the organization of medical care and the opportunities for regular physical activity, as well as through the protection of the urban and natural environment.

*Article 70/E.*

- (1) Citizens of the Republic of Hungary have the right to social security; they are entitled to the support required to live in old age, and in the case of sickness, disability, being widowed or orphaned and in the case of unemployment through no fault of their own.
- (2) The Republic of Hungary shall implement the right to social support through the social security system and the system of social institutions.

*Article 70/F.*

- (1) The Republic of Hungary guarantees the right of education to its citizens.
- (2) The Republic of Hungary shall implement this right through the dissemination and general access to culture, free compulsory primary schooling, through secondary and higher education available to all persons on the basis of their ability, and furthermore through financial support for students.

*Article 70/G.*

- (1) The Republic of Hungary shall respect and support the freedom of scientific and artistic expression, the freedom to learn and to teach.
- (2) Only scientists are entitled to decide in questions of scientific truth and to determine the scientific value of research.

*Article 70/H.*

- (1) All citizens of the Republic of Hungary have the obligation to defend their country.
- (2) During a state of emergency, or if Parliament has so decided in a state of preventive defense emergency by a majority of two-thirds of the votes of the Members of Parliament present, all men of legal age and of Hungarian citizenship who reside in the territory of the Republic of Hungary may be conscripted according to the provisions of law. Any person who seeks exemption from military service on religious grounds shall be enlisted to perform civil service.
- (3) Hungarian citizens of legal age who reside in the territory of the Republic of Hungary may be compelled by law to participate in civil protection and, in a state of emergency, military work obligation.
- (4) Natural and legal persons and unincorporated organizations may be compelled to perform economic and material services.
- (5) A majority of two-thirds of the votes of the Members of Parliament present is required to pass the law on the obligation to complete military service.

*Article 70/I.*

All natural persons, legal persons and unincorporated organizations have the obligation to contribute to public revenues on the basis of their income and wealth.

*Article 70/J.*

In the Republic of Hungary parents and guardians have the obligation to ensure the education of their young children.

*Article 70/K.*

Claims arising from infringement on fundamental rights, and objections to the decisions of public authorities regarding the fulfillment of duties may be brought before a court of law.

### ***Chapter XIII.***

## **The Basic Principles of Elections**

### *Article 71.*

(1) Members of Parliament, Members of the European Parliament, local government representatives, mayors and the mayor of the capital are elected by direct, secret ballot by voting citizens, based on their universal and equal right to vote.

(2) The members of the local government representative bodies of counties shall elect the president of the representative body by direct, secret ballot. The president must be a Hungarian citizen.

(3) Separate laws shall establish provisions for the election of Members of Parliament, Members of the European Parliament and members of representative bodies of local governments and mayors. A two-thirds majority vote of the Members of Parliament present is required to pass such laws.

(4) A separate law shall establish provisions for the election of representatives of minority self-governments. A two-thirds majority vote of the Members of Parliament present is required to pass such laws.

### *Articles 72-73.*

### ***Chapter XIV.***

## **The Capital and National Symbols of the Republic of Hungary**

### *Article 74.*

The Capital of the Republic of Hungary is Budapest.

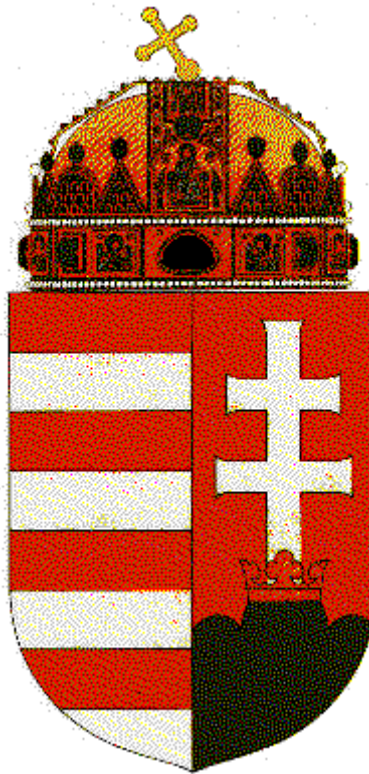
### *Article 75.*

The national anthem of the Republic of Hungary is the poem „Himnusz” by Ferenc Kölcsey, set to the music of Ferenc Erkel.

### *Article 76.*

(1) The National Flag of the Republic of Hungary is a tricolor consisting of horizontal red, white and green bands of even width.

(2) The Coat of Arms of the Republic of Hungary is a vertically divided shield with a rounded base coming to a point. The left field contains eight horizontal bars of red and silver. The right field has a background of red and depicts a base of three green hills with a golden crown resting on the center hill and a silver patriarchal cross issuing from the middle of the crown. The Holy Crown of St. Stephen rests on the top of the shield.



(3) A majority of two-thirds of the votes of the Members of Parliament is required to pass the law on the Coat of Arms and National Flag of the Republic of Hungary and the use thereof.

## ***Chapter XV.***

### **Final Provisions**

#### *Article 77.*

- (1) This Constitution is the supreme law of the Republic of Hungary.
- (2) This Constitution and laws and statutes established in accordance with this Constitution are equally binding for everybody of the country.
- (3)

#### *Article 78.*

- (1) The Constitution of the Republic of Hungary shall enter into effect on the day of its promulgation; the Government shall ensure its implementation.
- (2) The Government shall propose the Bills necessary to implement this Constitution to the Parliament.

#### *Article 79.*

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