

The Constitution of the Republic of Hungary

[Act XX of 1949 as revised and restated by Act XXXI of 1989]

as of 1 January 2010

In order to facilitate a peaceful political transition to a state under the rule of law, realizing a multi-party system, a parliamentary democracy and a social market economy, the Parliament hereby establishes the text of the Constitution of the Republic of Hungary -- until the adoption of the new Constitution of our country -- as follows:

Chapter I

General Provisions

Article 1.

Hungary shall be a republic.

Article 2.

(1) The Republic of Hungary shall be an independent, democratic state under the rule of law.

(2) In the Republic of Hungary all power shall be vested in the people, who exercise their sovereignty through elected representatives and directly.

(3) No activity of anyone may be directed at the acquisition or exercise of public authority by force, nor at its exclusive possession. Everyone shall have the right and obligation to resist such activities in a lawful manner.

Article 2/A.

(1) The Republic of Hungary may, in order of her participation in the European Union as a member state, based upon international treaty, exercise certain constitutional competences, to the extent that is necessary to exercise rights

and perform obligations, under the European Communities and European Union (hereinafter: the European Union) foundation treaties in conjunction with the other member states; the exercise of these competences may be realized independently, through the institutions of the European Union.

(2) A majority of two-thirds of the votes of the Members of Parliament is required for the ratification and adoption of the international treaty specified in paragraph (1).

Article 3.

(1) In the Republic of Hungary political parties may be established and may operate freely, provided they respect the Constitution and legal norms established in accordance with the Constitution.

(2) Political parties shall participate in the formation and expression of the will of the people.

(3) Political parties may not exercise public power directly. Accordingly, no political party may exercise exclusive control over a state organ. In order to ensure the separation of political parties and public power, the statute shall determine those functions and public offices, which may not be held by party members or officers.

Article 4.

Trade unions and other representative organizations 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 power of the people, the independence and territorial integrity of the country, and its 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 senses its responsibility for the fate of Hungarians living outside her borders and shall promote the fostering of their links with Hungary.

(4) The Republic of Hungary contributes to achieve European unity in order to realize the liberty, the well-being and the security of the European people.

Article 7.

(1) The legal system of the Republic of Hungary accepts the generally recognized rules of international law, and shall further ensure the harmony between domestic law and the obligations assumed under international law.

(2) The procedures for passing legislation shall be regulated by statute, 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 shall recognize the inviolable and inalienable fundamental human rights; respecting and protecting these rights are primary obligations of the State.

(2) In the Republic of Hungary rules pertaining to fundamental rights and duties shall be determined by statute, which, however, may not limit the essential content of any fundamental right.

(3) [Repealed.]

(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 enshrined in Articles 54-56, Article 57 paragraphs (2)-(4), Article 60, Articles 66-69 and Article 70/E.

Article 9.

(1) The economy of Hungary shall be a market economy, in which public and private property shall have equal rights and be granted equal protection.

(2) The Republic of Hungary shall recognize and support the right to enterprise and the freedom of economic competition.

Article 10.

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

(2) Fields of exclusive ownership and exclusive economic activity of the State shall be defined by statute.

Article 11.

Enterprises and economic organizations owned by the State shall conduct business independently therefrom in such manner and with such responsibility as defined by statute.

Article 12.

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

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

Article 13.

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

(2) Expropriation shall only take place in exceptional cases, in the public interest, and only in such cases and in the manner stipulated by statute, with provision of full, unconditional and immediate compensation.

Article 14.

The Constitution guarantees the right of succession.

Article 15.

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

Article 16.

The Republic of Hungary shall make special efforts to ensure a secure subsistence, education and the raising of the youth, and shall protect the interests of the youth.

Article 17.

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

Article 18.

The Republic of Hungary shall recognize and implement everyone'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 deriving from 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) adopt statutes;

(c) define the country's social and economic plan;

(d) establish 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 subverting constitutional order or at the acquisition of exclusive control of power, 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, and in the event of natural or industrial disaster (hereinafter, „state of necessity”);

(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, and the stationing of the Hungarian Defence 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 Commissioners, the President and Vice Presidents of the State Audit Office, the President of the Supreme Court and the Chief Public Prosecutor;

(l) upon the recommendation of the Government -- submitted to it after the Constitutional Court has been called upon to express its opinion -- dissolve representative bodies of local government whose activity is unconstitutional; decide on the territory of counties, their name and seat, as well as on vesting cities with the rights of a county 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 is required for the decisions specified in items (g), (h) and (i) of paragraph (3).

(5) [Repealed.]

(6) For decisions specified in items (j) and (n) of paragraph (3), a two-third majority vote of Members of Parliament present is required.

Article 19/A.

(1) Should the Parliament be obstructed in reaching such decisions, the President of the Republic shall have the power 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 its convening encounters insurmountable obstacles due to lack of time as well to the events necessitating the declaration of the state of war, state of national crisis or state of emergency.

(3) The Speaker of the 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 its obstruction, the Parliament shall review whether the declaration of a state of war, state of national crisis or state of emergency was justified, 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 emergency, the National Defense Council shall decide on:

(a) the use of the Hungarian Defence Forces abroad and within the country, the participation of the Hungarian Defence Forces in peacekeeping missions, humanitarian operations in foreign areas of operations, and the stationing of armed forces in a foreign country;

(b) the use and stationing of foreign armed forces in Hungary either they are deployed within the country's territory, or started out therefrom;

(c) taking emergency measures as defined under a separate statute.

(2) The National Defense Council is chaired by the President of the Republic, and is composed of the following members: the Speaker of the Parliament, the leaders of the parliamentary groups of the political parties represented in Parliament, the Prime Minister, the Ministers, and – in an advisory but not voting capacity – the Chief of the Staff of the Hungarian Army.

(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 issue decrees, in which it may suspend the application of certain statutes or may deviate from statutory provisions; furthermore, it may take other extraordinary measures, but may not suspend the application of the Constitution.

(5) Decrees of the National Defense Council shall cease to have effect upon cessation of the state of national crisis, unless the Parliament extends the effect of such decrees.

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

Article 19/C.

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

(2) During a state of emergency, the emergency measures defined in a separate statute shall be introduced by decree of the President of the Republic.

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

(5) In other respects the rules governing 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 statute on 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 unexpected attack by foreign armed groups, the Government has to take immediate measures to repel such attack and defend the territorial integrity of the country with the Hungarian and allied anti-aircraft and stand-by air forces, in accordance with the defense plan approved by the President of the Republic and with forces commensurate to the gravity of the attack and prepared for such a role, until the decision on the declaration of a state of emergency or state of national crisis is made, in the interests of protecting the constitutional order, lives and property, as well as public order and safety.

(2) In order to take further measures, the Government shall immediately inform the Parliament and the President of the Republic of its 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 statute on the rules applicable to immediate measures to be taken by the Government.

Article 20.

(1) The election of the Members of Parliament -- except for the elections due to the dissolution of Parliament -- shall be held in April or May of the fourth year following the election of the previous Parliament.

(2) Members of Parliament shall perform their activities in the public interest.

(3) Members of Parliament are granted immunity, in accordance with the provisions of the statute on the legal status of Members of Parliament.

(4) Members of Parliament are entitled to remuneration adequate to ensure their independence. A majority of two-thirds of the votes of the Members of Parliament present is required to pass the statute on the remuneration of the Members of Parliament.

(5) A Member of Parliament may not be the President of the Republic, a member of the Constitutional Court, the Parliamentary Commissioner for Civil Rights, the President, Vice President or auditor of the State Audit Office, a judge or public prosecutor, an employee of an organ of the public administration - with the exception of the Members of the Government and

State Secretaries - nor a professional member of the Hungarian Defence Forces and law enforcement agencies. Other cases of incompatibility may be established by statute.

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

Article 20/A.

(1) The mandate of a Member of Parliament shall terminate:

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

(2) The Parliament shall decide on a declaration of incompatibility with a majority of two-thirds of the votes of the Members of Parliament present.

(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 the 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 by them and to testify before such committees.

Article 22.

(1) The Parliament shall hold two regular sessions annually: every year from February 1 to June 15 and from September 1 to December 15.

(2) The inaugural sitting of the Parliament shall be convened by the President of the Republic at a date within one month following the elections; in other cases the Speaker of the Parliament shall see to the convening of 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 or an extraordinary session 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 sitting of the Parliament may be adjourned by the President of the Republic no more than once in a parliamentary session and for a period not exceeding thirty days.

(5) During the period of adjournment the Speaker of Parliament has to reconvene the Parliament, upon written request made by one-fifth of the Members of Parliament, at a date no later than eight days following the receipt thereof.

Article 23.

Sittings of the Parliament are open to the public. Upon request 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 sitting *in camera*.

Article 24.

(1) The Parliament has a quorum if more than half of its Members are present.

(2) The Parliament shall pass its decisions with a majority of more than half of the votes of its Members 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 order of debate in its Standing Orders, to be adopted with a majority of two-thirds of the votes of the Members of Parliament present.

(5) [Repealed.]

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 the Parliament shall sign statutes passed by the Parliament and subsequently forward them to the President of the Republic.

Article 26.

- (1) The President of the Republic shall see to the promulgation of the statutes within a period of fifteen days following its receipt, or within a period of five days if the Speaker of the Parliament requests that the issue be accorded urgency. The President of the Republic shall sign the statutes sent for promulgation. The statutes shall be promulgated in the *Hungarian Official Gazette*.
- (2) Should the President of the Republic disagree with a statute or with any provision thereof, prior to signing it, he may return such statute, along with his comments, to the Parliament for reconsideration within the period specified in paragraph (1).
- (3) The Parliament shall debate the statute again and hold another vote on its passage. Following this, the President of the Republic is required to sign the statute forwarded to him by the Speaker of Parliament, and to promulgate it within a period of five days.
- (4) Should the President of the Republic consider any provision of a statute to be unconstitutional, he shall, prior to signing it, refer it to the Constitutional Court for appraisal within the period specified in paragraph (1).
- (5) Should the Constitutional Court – in extraordinary proceedings – determine the statute to be unconstitutional, the President of the Republic shall return the statute to the Parliament; otherwise he is required to sign the statute and promulgate it within a period of five days.
- (6) The President of the Republic shall only sign a statute submitted to referendum if it was confirmed by the referendum.

Article 27.

Members of Parliament may direct a question to the Parliamentary Commissioner for Civil Rights and the Parliamentary Commissioner for the Rights of National and Ethnic Minorities, to the President of the State Audit Office and the Chairman of the National Bank of Hungary, and an interpellation or a question to the Government or any of the Members of the Government, as well as to the Chief Public Prosecutor on any matter which falls within their respective sphere of authority.

Article 28.

- (1) The parliamentary term shall commence with its inaugural sitting.
- (2) The Parliament may declare its dissolution prior to the completion of its term.
- (3) The President of the Republic may also 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 terminates, a candidate for Prime Minister nominated 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) [Repealed.]
- (5) Prior to dissolving the Parliament, the President of the Republic has to request the opinions of the Prime Minister, the Speaker of the Parliament and the leaders of the parliamentary groups 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 the 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, state of danger or state of 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) Questions falling within the competence of the Parliament may be the subject of a national referendum or popular initiative.

(2) A majority of two thirds of the votes of the Members of Parliament present is required to pass the statute on national referenda and popular initiatives.

Article 28/C.

(1) A national referendum may be held with the objective of taking a decision or of consultation; the holding of a referendum may be obligatory or discretionary.

(2) A national referendum must be held on the petition of at least 200,000 voters.

(3) Should the holding of a national referendum be obligatory, the decision made in the successful referendum shall bind the Parliament.

(4) On the initiative of the President of the Republic, the Government, one-third of the Members of Parliament or 100,000 voters, the Parliament may decide in its discretion that a national referendum be held.

(5) A national referendum may not be held:

(a) on the statutes concerning State Budget and its implementation, central taxes, stamp and customs duties, as well as on the content of statutes concerning uniform requirements on local taxes;

(b) on the obligations arising from international treaties in force and on the content of the laws containing these obligations;

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

(d) on personal issues, and on such questions concerning the establishment (restructuring, dissolution) of organizations that fall within the competence of the Parliament;

(e) on the dissolution of the Parliament;

(f) on the program of the Government;

(g) on the declaration of a state of war, state of national crisis or state of emergency;

(h) on the use of the Hungarian Defence Forces abroad or within the country;

(i) on the dissolution of the representative body of the local government;

(j) on the exercise of general amnesty.

(6) A decisive obligatory referendum is successful if more than half of the voters voting validly and at least more than one quarter of all persons having the right to vote have given the same answer to the question put.

Article 28/D.

A popular initiative may be submitted by at least 50,000 voters. A popular initiative may be directed at putting onto Parliament's agenda a question falling within its competence. Parliament is obliged to discuss the question contained in the initiative.

Article 28/E.

Signatures may be collected for four months in the case of a petition of the voters directed at a referendum and for two months in the case of a popular initiative.

Chapter III

The President of the Republic

Article 29.

(1) The Head of State of Hungary is the President of the Republic, who shall represent the unity of the nation and guard the democratic operation of the State.

(2) The President of the Republic shall be the Commander in Chief of the Hungarian Defence Forces.

Article 29/A.

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

(2) The Parliament shall elect the President of the Republic by secret ballot. Voting shall 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 shall be elected President of the Republic.

(3) Should no candidate receive such a majority in the first round of voting, a new vote must be held on the basis of a new nomination, in accordance with paragraph (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 gain the required majority in the second round of voting, a third round of voting must 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 shall be 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 at least thirty days prior to the expiration of the previous President's mandate or, should the President's mandate end prematurely, within thirty days from the date upon which the mandate ends.

(2) The Speaker of the 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 the Parliament.

Article 29/E.

(1) In the event that the President is temporarily prevented from attending to his duties, or that his mandate should for any reason end prematurely, the Speaker of the Parliament shall exercise the powers of the President of the Republic until the newly elected President enters office, with the limitation that the Speaker may not return statutes 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 the Parliament may not exercise his powers as a Member of Parliament, and his duties as Speaker of the Parliament shall be attended to by the Deputy Speaker of the 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 otherwise gainfully pursue an occupation 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 shall be required to pass the statute on the amount of remuneration, 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 the competence of the legislative, prior approval by the Parliament is necessary for conclusion of the treaty;

(c) accredit and receive ambassadors and envoys;

(d) announce general parliamentary, local government and mayors elections, as well as the dates of European Parliament 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 propose the Parliament to take action;

(g) have the right to initiate national referenda;

(h) [Repealed.]

(i) appoint and dismiss the Chairman and Vice Chairmen of the National Bank of Hungary as well as university professors upon the recommendation of persons or organizations specified in a separate statute; 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, awards, medals and decorations specified by statute and authorize the use thereof;

(k) exercise the right to grant individual pardons;

(l) decide in cases of citizenship;

(m) decide in all issues assigned to his sphere of authority by separate statutes.

(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 items (a), (d), (e), (f) and (g).

Article 31.

(1) The mandate of the President of the Republic shall terminate:

(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 an incompatibility;

(e) upon resignation;

(f) upon removal of President of the Republic from his office.

(2) Should grounds for an incompatibility [paragraph (1) of Article 30] involving the President of the Republic arise during his term of office, upon the motion of any Member of Parliament, the Parliament may resolve to declare the existence of an incompatibility. 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 by the Parliament is required for the resignation to be valid. Within a period of fifteen days the Parliament may ask the President of the Republic for reconsideration. 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 statute committed while exercising his office.

Article 31/A.

(1) The person of the President of the Republic is inviolable; his protection under criminal law shall be provided for in a separate statute.

(2) Should the President of the Republic violate the Constitution or any other statute while exercising *his* office, a motion supported by one-fifth of the Members of Parliament may propose that impeachment proceedings be initiated against *him*.

(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 exercise *his* powers.

(5) The Constitutional Court shall have jurisdiction to rule upon the case.

(6) Should the Constitutional Court determine that the statute was violated, it may remove the President of the Republic from office.

(7)-(8) [Repealed.]

Article 32.

(1) If impeachment proceedings were initiated against the President of the Republic for a criminal act committed during *his* term of office in connection with official activities, then the Constitutional Court shall also apply the basic provisions of criminal procedure in its proceedings. The prosecution shall be represented by a Commissioner for Prosecution elected from among the Members of Parliament.

(2) Criminal proceedings against the President of the Republic for other acts may only be initiated subsequent to the termination 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 may apply any punishment and measure prescribed for such offense in the Criminal Code.

Chapter IV

The Constitutional Court

Article 32/A.

- (1) The Constitutional Court shall review the constitutionality of laws and perform the tasks assigned to its jurisdiction by statute.
- (2) The Constitutional Court shall annul the statutes and other legal norms that it finds unconstitutional.
- (3) Everyone shall have the right to initiate proceedings of the Constitutional Court in the cases specified by statute.
- (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 consisting of one member of the parliamentary group of each political party represented in the Parliament. A majority of two-thirds of the votes of the Members of Parliament shall be 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 beyond the duties arising from the competences of the Constitutional Court.
- (6) A majority of two-thirds of the votes of the Members of Parliament present shall be required to pass the statute on the organization and operation of the Constitutional Court.

Chapter V

The Parliamentary Commissioner for Civil Rights and the Parliamentary Commissioner for the Rights of National and Ethnic Minorities

Article 32/B.

- (1) The Parliamentary Commissioner for Civil Rights shall be responsible for investigating or having investigated anomalies concerning constitutional rights which have come to *his* attention and initiating general or specific measures for their remedy.
- (2) The Parliamentary Commissioner for the Rights of National and Ethnic Minorities shall be responsible for investigating or having investigated irregularities concerning the rights of national or ethnic minorities which come to his attention and initiating general or specific measures for their remedy.
- (3) Everyone shall have the right to initiate proceedings by the Parliamentary Commissioner in the cases specified by statute.

(4) The Parliamentary Commissioners 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, upon the nomination of the President of the Republic. The Parliament may also elect special Commissioners for the protection of certain constitutional rights.

(5) [Repealed.]

(6) The Parliamentary Commissioners shall report annually to Parliament on their activities.

(7) A majority of two-thirds of the votes of the Members of Parliament present shall be required to pass the statute on Parliamentary Commissioners.

Chapter VI

The State Audit Office and the National Bank of Hungary

Article 32/C.

(1) The State Audit Office shall be the organ of the Parliament responsible for financial and economic auditing. Within its competence the State Audit Office shall audit the management of public finances, in particular the well-founded nature of the proposed State Budget, the necessity and expediency of expenditures, and countersign contracts pertaining to the assumption of credits for the Budget; it shall review the legality of State Budget expenditures in advance; it shall audit the final accounts of the implementation of the State Budget; it shall audit the management of State assets, the activities of state-owned ventures and enterprises concerning the maintenance in the value or increase of their assets; it shall perform the tasks assigned to its competence by statute.

(2) The State Audit Office shall conduct its audits from the perspective 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 shall be required to pass the statute on the organization and basic principles of operation of the State Audit Office.

Article 32/D.

(1) The National Bank of Hungary shall be the central bank of the Republic of Hungary. The National Bank of Hungary shall be responsible for the monetary politics in such manner as provided for by a separate statute.

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

(3) The *Chairman* of the National Bank of Hungary shall report annually to the Parliament the activities of the National Bank.

(4) Within its competence, the *Chairman* of the National Bank of Hungary shall issue decrees, which may not conflict with statutes. Decrees shall be promulgated in the *Hungarian Official Gazette*.

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 be substituted by a Minister designated by *him*.

(3) The Prime Minister shall be elected by a majority of the votes of the Members of Parliament, upon the nomination of the President of the Republic. The Parliament shall decide on the election of the Prime Minister together with the Government's program.

(4) The Ministers shall be appointed and dismissed by the President of the Republic, based on the nomination of the Prime Minister.

(5) The Government is formed with the 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 terminate:

- (a) upon inauguration 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 the Prime Minister losing his right to vote;
- (e) upon the declaration of incompatibility 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 Article 39/A paragraph (1).

Article 33/B.

The mandate of the ministers shall terminate:

- (a) upon the end of the mandate of the Government;
- (b) upon their resignation;
- (c) upon their dismissal;
- (d) upon their death;
- (e) upon their disfranchisement ;
- (f) upon the declaration of their incompatibility.

Article 34.

(1) The Ministries of the Republic of Hungary shall be listed in a separate statute.

(2) A statute adopted by a simple majority of the votes of the Members of Parliament shall amend statutory provisions specifying the Ministry, the minister or an administrative organ.

Article 35.

(1) The Government shall:

- (a) protect constitutional order, and protect and guarantee the rights of natural and legal persons as well as organizations without legal personality;
- (b) ensure the implementation of statutes;
- (c) direct the Ministries and other organs placed under its direct control and co-ordinate their work;
- (d) ensure the supervision of the lawful operation of local governments;
- (e) provide for the formulation of social and economic plans and the implementation thereof;
- (f) define the tasks of the State in the development of science and culture, and provide for the conditions necessary for the implementation thereof;
- (g) define the State system of social welfare and health care services, and provide the coverage for such services;
- (h) supervise the operation of the Hungarian Defence Forces and of the law enforcement agencies;
- (i) take the measures necessary to avert natural disasters and their consequences that endanger lives and property (hereinafter: "state of danger") and to maintain public order and safety;
- (j) participate in the determination of foreign policy; conclude international treaties in the name of the Government of the Republic of Hungary;
- (k) perform those tasks assigned to its competence by statute.
- 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 sixty days, and the Government shall continuously inform the President of the Republic and the competent parliamentary committees concerning these measures.

(2) Within its competence, the Government shall issue decrees and pass resolutions. These shall be signed by the Prime Minister. Government decrees and resolutions may not conflict with statutes. Government decrees shall be promulgated in the *Hungarian 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 norms, the Government shall annul or amend all resolutions or measures of any subordinate organs, which conflict with a statute.

Article 35/A.

(1) In all matters connected with European integration the detailed rules governing the oversight powers of the Parliament or its committees, the relationship between the Parliament and the Government, and the Government's obligation to disclose information shall be enacted by a majority of two-thirds of the votes of the 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 tasks, the Government shall co-operate with the relevant social organizations.

Article 37.

(1) The Prime Minister shall preside at the meetings of the Government and shall ensure the implementation of Government decrees and resolutions.

(2) The Ministers shall conduct the branches of public administration falling within their respective portfolios and direct the public organs subordinate to them in accordance with the provisions of laws and Government resolutions. Ministers without Portfolio shall perform the tasks determined by the Government.

(3) Within the ambit of performing their tasks, Members of the Government may issue decrees in accordance with an authorization given by a statute or a

government decree. These, however, may not stand in conflict with a statute or with a government decree. Such decrees shall be promulgated in the *Hungarian Official Gazette*.

Article 38.

[Repealed.]

Article 39.

(1) The Government shall be responsible to the Parliament for its operation. It shall be required to report regularly to the Parliament.

(2) Members of the Government shall be responsible to the Government and to the Parliament and shall report to the Government and the Parliament on their activities. The legal status, remuneration and method of accountability of Members of the Government and State Secretaries shall be regulated by statute.

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

Article 39/A.

(1) A written motion of no confidence in the Prime Minister may be introduced by no less than one-fifth of the Members of Parliament, indicating the nomination for a candidate for the office of Prime Minister. A motion of no confidence in the Prime Minister shall be 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 express their lack of confidence, the candidate nominated for the office of 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 and no later than eight days following the submission of the motion.

(3) The Government, via the Prime Minister, may propose a vote of confidence in accordance with the terms 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, in the instances set out in paragraphs (3)-(4), not vote for confidence in the Government, the Government shall resign.

Article 39/B.

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

Article 39/C.

(1) If the mandate of the Prime Minister has ended upon the inauguration of the newly elected Parliament or upon the resignation of the Prime Minister or of the Government, the Prime Minister shall exercise his powers as acting Prime Minister, but *he* shall not have the power to propose the appointment or dismissal of Ministers, and may only issue a decree in urgent cases and on the basis of express authorization provided for by statute.

(2) If the mandate of the Prime Minister has terminated as a result of *his* death, disfranchisement or the declaration of incompatibility, the minister who was entrusted by the Prime Minister with *his* representation shall, with the limitations provided for in paragraph (1) hereof, exercise the powers of the Prime Minister; should more than one minister be entrusted with the representation of the Prime Minister, the minister entrusted in the first place shall exercise such powers.

Article 40.

(1) The Government may form committees for specific responsibilities.

(2) [Repealed.]

(3) The Government shall have the power to place any branch of public administration under its direct supervision and establish special organs for this purpose.

Chapter VIII

The Hungarian Defence Forces and the law enforcement agencies

Article 40/A.

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

(2) The fundamental duty of the Police shall be the protection of public security and to maintain law and order and to guard the borders of the country.

(3) [Repealed.]

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

Article 40/B.

(1) [Repealed.]

(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 Defence Forces may be used, if the use of the Police proves insufficient.

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

(4) Professional members of the Hungarian Defence 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 Defence Forces may be established by a statute 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 Defence 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 item (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) and as regards the participation of the Hungarian Armed Forces in peacekeeping missions and humanitarian operations in foreign areas of operations.

Chapter IX

Local Governments

Article 41.

(1) The territory of the Republic of Hungary shall be divided into the capital, the counties, the cities and the municipalities.

(2) The capital shall be divided into districts. Districts may be formed in cities.

Article 42.

The community of voters of the municipalities, cities, the capital and its districts, as well as the counties shall have the right to local governing. Local governing shall be the independent, democratic management of local affairs affecting the community of voters and the exercise of local public authority in the interests of the population.

Article 43.

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

(2) The rights and duties of local governments shall be determined by statute. The lawful exercise of the powers of local government shall be afforded the judicial protection; the local government may turn to the Constitutional Court for the protection of its rights.

Article 44.

- (1) Voters exercise local governing through the representative body elected by them and by way of local referendum.
- (2) With the exception of mid-term elections, members of local representative bodies and Mayors shall be elected in October of the fourth year following the previous general elections.
- (3) The mandate of the representative body shall last until the day of the local government elections. If elections were not held due to the lack of candidates, the mandate of the representative body shall be extended until the day of the by-elections. The mandate of the Mayor shall last until 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 statute on local government. Upon dissolution of the body or its being dissolved [Article 19 paragraph (3) item (I)], the mandate of the Mayor also terminates.

Article 44/A.

- (1) The local representative body:
 - (a) shall independently manage and administrate the affairs of local government; its decisions may only be reviewed on the grounds of their legality;
 - (b) shall exercise the rights of ownership in respect of the property of the local government, independently manage local government revenues, and may undertake entrepreneurial activities at its own liability;
 - (c) shall be entitled to its own revenues appropriate for performing the duties of local government as prescribed by statute, and shall furthermore be entitled to state support commensurate to the scope of such tasks;
 - (d) shall determine the types and rates of local taxes within the framework established by statute;
 - (e) shall independently establish its own organization and rules of procedure within the framework established by statute;
 - (f) may create symbols and emblems of local government, and establish local honors and titles;
 - (g) may, in public matters that affect the local population, present initiatives to the decision-making organ responsible;

(h) may freely merge with other local representative bodies, may create local government associations for the representation of their interests, may co-operate with the local governments of other countries and may be a member of international organizations of local governments.

(2) Local representative bodies may issue decrees, which may not conflict with higher-ranking legal norms.

Article 44/B.

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

(2) In exceptional cases, the Mayor may perform duties and exercise powers of the public administration, in addition to *his* local government responsibilities, in accordance with a statute or a government decree authorized by a statute.

(3) Duties and powers of the public administration may be assigned, by a statute or government decree, to the Secretary of the local government and in exceptional cases to the administrators 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 statute on local governments. The fundamental rights of local governments may be restricted by a statute, which also requires a two-thirds majority.

Chapter X

The Judiciary

Article 45.

(1) In the Republic of Hungary jurisdiction shall be administered by the Supreme Court of the Republic of Hungary, the Regional Courts of Appeal, the Municipal Court of Budapest and the county courts as well as the local and labor courts.

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

Article 46.

(1) The courts, unless provided otherwise by statute, shall adjudicate as a bench.

(2) In cases and in the manner provided by statute, lay judges shall also participate in the adjudication.

(3) Only professional judges may sit alone or act as president of a bench.

Article 47.

(1) The Supreme Court is the highest judicial organ of the Republic of Hungary.

(2) The Supreme Court shall ensure the uniformity in the application of the law by the courts; its resolutions on the uniformity in the application of the law shall be binding on all courts.

Article 48.

(1) The President of the Supreme Court shall be elected by the Parliament, upon the recommendation of the President of the Republic; the Vice Presidents of the Supreme Court shall be appointed by the President of the Republic, upon the recommendation of the President of the Supreme Court. A majority of two-thirds of the votes of the Members of Parliament shall be required to elect the President of the Supreme Court.

(2) Professional judges shall be appointed by the President of the Republic in the manner specified by statute.

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

Article 49.

[Repealed.]

Article 50.

(1) The courts of the Republic of Hungary shall protect and guarantee the constitutional order, as well as the rights and lawful interests of natural and legal persons as well organizations without legal personality, and shall punish those who commit criminal offenses.

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

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

(4) The administration of the courts shall be the task of the National Council of the Judiciary; self-government organs of the judges shall also participate in the administration.

(5) A majority of two-thirds of the votes of the Members of Parliament present shall be required to pass the statute on the organization and administration of courts, as well as on the legal status and remuneration of judges.

Chapter XI.

The Office of the Public Prosecutor

Article 51.

(1) The Chief Public Prosecutor and the Office of the Public Prosecutor of the Republic of Hungary shall ensure the protection of the rights of natural and legal persons as well as organizations without legal personality, and shall prosecute to the full extent of the law any act which violates or endangers the constitutional order, and the security and independence of the country.

(2) The Office of the Public Prosecutor shall exercise powers in relation to investigations as provided for by law, represent the prosecution in court proceedings, and supervise the legality of the implementation of punishments.

(3) The Office of the Public Prosecutor shall contribute to ensuring that everyone complies 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 statute.

Article 52.

(1) The Chief Public Prosecutor shall be elected by the Parliament upon the recommendation of the President of the Republic; the Deputies to the Chief Public Prosecutor shall be elected on the basis of the recommendation made by the Chief Public Prosecutor.

(2) The Chief Public Prosecutor shall be answerable to the Parliament and shall report on his activities.

Article 53.

(1) Public prosecutors shall be appointed by the Chief Public 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 shall be directed by the Chief Public Prosecutor.

(4) Rules pertaining to the Office of the Public Prosecutor shall be determined by statute.

Chapter XII

Fundamental Rights and Duties

Article 54.

(1) In the Republic of Hungary everyone shall have the inherent right to life and to human dignity, of which no one can be arbitrarily deprived.

(2) No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment; it is particularly prohibited to conduct medical or scientific experiments on human beings without their consent.

Article 55.

(1) In the Republic of Hungary everyone shall have the right to freedom and personal security; no one shall be deprived of his freedom except on the grounds and in accordance with the procedure provided for by statute.

(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 shall be 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) Everyone who has been the victim of an illegal arrest or detention shall be entitled to compensation.

Article 56.

In the Republic of Hungary everyone shall be legally capable.

Article 57.

(1) In the Republic of Hungary everyone shall be equal before the law and, in the determination of any criminal charge against him/her or in the litigation of his/her rights and duties, everyone shall be entitled to a fair and public hearing by an independent and impartial court established by statute.

(2) In the Republic of Hungary no one shall be considered guilty until his/her criminal responsibility has been established by the final judgment of a court.

(3) Everyone subjected to criminal proceedings shall be entitled to defend *himself* at all stages of the proceedings. Counsel for the defense shall not be held responsible 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 shall be entitled to seek a legal remedy, as provided for by statute, against decisions of the courts, the public administration or other authorities, which infringe *his* rights or justified interests. The right to a remedy may be restricted by a statute passed with the majority of two-thirds of the votes of the Members of Parliament present and in the interest of adjudicating disputes in a reasonable time as well as being proportional thereto.

Article 58.

- (1) Everyone legally staying in the territory of the Republic of Hungary, with the exception of the cases established by statute, shall have 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 staying in the territory of the Republic of Hungary may only be expelled on the basis of a decision made in accordance with statute.
- (3) A majority of two-thirds of the votes of the Members of Parliament present shall be required to pass the statute on the freedom of movement and residence.

Article 59.

- (1) In the Republic of Hungary everyone shall have the right to the good standing of his/her reputation, the inviolability of his/her private home and the protection of his/her personal secrets and data.
- (2) A majority of two-thirds of the votes of the Members of Parliament present shall be required to pass the statute on the protection of personal data.

Article 60.

- (1) In the Republic of Hungary everyone shall have the right to freedom of thought, conscience and religion.
- (2) This right shall include the free choice or acceptance of a religion or belief, either alone or in community with others, in public or in private, to manifest his/her religion or belief in religious acts and observances or in other ways, to refrain from its manifestation, to practice and to teach it.
- (3) In the Republic of Hungary the church shall operate in separation from the State.
- (4) A majority of two-thirds of the votes of the Members of Parliament present shall be required to pass the statute on the freedom of belief and religion.

Article 61.

(1) In the Republic of Hungary everyone shall have the right to freedom of expression, and furthermore to receive and impart information of public interest.

(2) The Republic of Hungary shall recognize and protect the freedom of the press.

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

(4) A majority of two-thirds of the votes of the Members of Parliament present shall be required to pass the statute 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 information monopolies.

Article 62.

(1) The Republic of Hungary shall recognize 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 shall be required to pass the statute on the right of assembly.

Article 63.

(1) On the basis of the right of association, everyone in the Republic of Hungary shall have the right to establish organizations for any purpose not prohibited by statute 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 association.

(3) A majority of two-thirds of the votes of the Members of Parliament present shall be required to pass the statute on the right of association as well as on the financial management and operation of political parties.

Article 64.

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

Article 65.

(1) The Republic of Hungary shall provide, in accordance with the conditions established by statute, asylum to those non-Hungarian citizens who are subject to persecution in their native country or in the country of their habitual residence, on the basis of their race, religion, nationality, belonging to a certain group in society, or religious or political convictions, or whose fear of persecution is well founded, provided that neither the country of their origin nor another country provide them protection.

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

Article 66.

(1) The Republic of Hungary shall ensure the equality of men and women in respect of 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 shall have the right to receive the protection and care of their family, of the State and of the society which is necessary for their proper physical, mental and moral development.

(2) Parents shall have the right to choose the education to be 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 shall be parts of the sovereignty of the people: they shall be constituent factors of the State.

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

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

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

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

Article 69.

(1) In the Republic of Hungary no one shall be arbitrarily deprived of *his* Hungarian citizenship 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 shall be entitled to enjoy the protection of the Republic of Hungary while lawfully staying abroad.

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

Article 70.

(1) All adult Hungarian citizens residing in the territory of the Republic of Hungary shall have the right to be elected and the right to vote in Parliamentary elections; they shall 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 whose capacity is limited or restricted by being subject to guardianship, or who are subject to the final judgment of a court forbidding them to participate in public affairs, or who are imprisoned on the basis of a final legal judgment or are under compulsory institutional care on the basis of a final 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 shall 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 ensure the human rights and civil rights for all persons on its territory without any kind of discrimination, such as 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) Any kind of discrimination described in paragraph (1) shall be strictly penalized by the statute.

(3) The Republic of Hungary shall promote the equality of rights for everyone through measures aimed at eliminating the inequality in opportunity.

Article 70/B.

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

(2) Everyone shall have the right to equal remuneration for equal work, without any discrimination whatsoever.

(3) All workers shall have the right to an income that corresponds to the amount and quality of the work performed.

(4) Everyone shall have the right to rest time, free time and regular paid vacation.

Article 70/C.

(1) Everyone shall have the right to establish or join organizations together with others in order to protect *his* economic or social interests.

(2) The right to strike may be exercised within the framework of the statute regulating such right.

(3) A majority of two-thirds of the votes of the Members of Parliament present is required to pass the statute on the right to strike.

Article 70/D.

(1) Everyone living in the territory of the Republic of Hungary shall have the right to the highest possible level of physical and mental health.

(2) The Republic of Hungary shall implement this right through the organization of safety at work, health care institutions, medical care, through securing the opportunities for regular physical activity, as well as through the protection of the built and natural environment.

Article 70/E.

(1) Citizens of the Republic of Hungary shall have the right to social security; in the case of old age, sickness, disability, being widowed or orphaned and in the case of unemployment through no fault of their own, they are entitled to the assistance necessary for their subsistence.

(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 shall ensure the right to education for all its citizens.

(2) The Republic of Hungary shall implement this right through the extension and general access to public education, free compulsory primary schooling, secondary and higher education being available to all persons on the basis of their ability, and furthermore through financial support for training.

Article 70/G.

(1) The Republic of Hungary shall respect and support the freedom of scientific and artistic life, the freedom of learning and of teaching.

(2) Only scientists shall be entitled to decide on questions of scientific truth and to determine the scientific value of research.

Article 70/H.

(1) All citizens of the Republic of Hungary shall have the obligation to defend their country.

(2) During a state of emergency, or if the 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 statute to participate in civil protection and, in a state of emergency, military work obligation.

(4) Natural and legal persons as well as organizations without legal personality 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 statute on the obligation to complete military service.

Article 70/I.

Every natural and legal person and organization without legal personality of the Republic of Hungary shall have the obligation to contribute to public revenues in accordance with their income and wealth.

Article 70/J.

In the Republic of Hungary parents and guardians shall have the obligation to ensure the education of their children under the legal age.

Article 70/K.

Claims arising from a violation of 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 shall be 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 statutes 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 shall be required to pass such statutes.

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

Articles 72-73.

[Repealed.]

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 shall be a tricolor consisting of horizontal red, white and green bands of equal width.

(2) The Coat of Arms of the Republic of Hungary shall be 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 shall be required to pass the statute on the Coat of Arms and National Flag of the Republic of Hungary and the use thereof.

Chapter XV

Final Provisions

Article 77.

- (1) The Constitution shall be the basic statute of the Republic of Hungary.
- (2) The Constitution and legal norms established in accordance with this Constitution shall be equally binding on everyone.
- (3) [Repealed.]

Article 78.

- (1) The Constitution of the Republic of Hungary shall enter into force 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

[Repealed.]