

The Constitution of the Republic of Hungary

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

as of 2 January 2011 [lost its effect on 1 January 2012]

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 our country -- until the adoption of the new Constitution of our country -- as follows:

Chapter I

General Provisions

§1

Hungary shall be a republic.

§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 attempts in a lawful manner.

§2/A

(1) The Republic of Hungary may exercise certain competences deriving from the Constitution in conjunction with the other member states in order of her participation in the European Union as a member state, based upon international treaty, 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; 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 shall be required for the ratification and adoption of the international treaty specified in subsection (1).

§3

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

(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, statute shall determine those functions and public offices, which may not be held by party members or officers.

§4

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

§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 her borders as established in international treaties.

§6

(1) The Republic of Hungary shall renounce 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 shall bear a sense of 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 shall contribute to achieve European unity in order to realize the liberty, the well-being and the security of the European peoples.

§7

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

(2) [Repealed]

§7/A

(1) Generally binding rules of conduct shall be established only by laws issued by law-making authorities specified in the Constitution.

(2) An Act of Parliament, a Government Decree, a Decree of the President of the National Bank, a Decree of the Prime Minister, a Ministerial Decree, a Decree of the Chair of the Hungarian Financial Supervisory Authority, a Decree of the National Media and Infocommunications Authority and a local governmental decree has the force of law. A decree issued by the National Defense Council during a state of national crisis and a decree issued by the President of the Republic during a state of emergency has also the force of law.

(3) Laws shall be promulgated in the Official Gazette of the Republic of Hungary. Rules concerning the promulgation of a local governmental decree, and the decree of the National Defense Council, the President of the Republic as well as the decree issued by the Government under Article 35 (3) may differ based upon a statute adopted by two-thirds of the votes of the Members of Parliament present.

(4) The procedures for law-making 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.

§8

(1) The Republic of Hungary shall recognize the inviolable and inalienable fundamental human rights; respecting and protecting them shall be the primary obligation of the State.

(2) In the Republic of Hungary rules pertaining to fundamental rights and duties shall be determined by statute, which, however, shall 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 §§ 54-56, § 57 subsections (2)-(4), § 60, §§ 66-69 and § 70/E.

§9

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

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

§10

(1) The property of the State of Hungary shall be national wealth.

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

§11

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

§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.

§13

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

(2) Property may only be expropriated in exceptional cases, in the public interest, and only in such cases and in the manner stipulated by statute, with full, unconditional and immediate compensation.

§14

The Constitution shall guarantee the right of succession.

§15

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

§16

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

§17

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

§18

The Republic of Hungary shall recognize and implement everyone's right to a healthy environment.

Chapter II

The Parliament

§19

(1) The Parliament shall be the supreme body of state power and popular representation in the Republic of Hungary.

(2) Exercising its rights deriving from the peoples' sovereignty, the Parliament shall ensure the constitutional order of the society and define the organization, orientation and conditions of governing.

(3) Within this competence, 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 program of the Government;
 - (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 the question of concluding peace;
 - (h) declare a state of national crisis and establish the National Defense Council, in the case of war or present 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 set forth in the Constitution, rule on the use of the Hungarian Armed Forces both within the country and abroad, the deployment of foreign armed forces in Hungary or in other countries from the territory of Hungary, and the stationing of the Hungarian Defense 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, dissolve representative bodies of local government whose activity is unconstitutional;
 - (m) exercise general amnesty;
 - (n) in the event of an armed invasion or if necessary in connection with the country's obligation under alliance, declare (extend) a state of preventive defense emergency, and shall empower the Government to take the necessary measures.
- (4) A majority of two-thirds of the votes of the Members of Parliament shall be required for the decisions specified in items (g), (h) and (i) of subsection (3).
- (5) [Repealed]
- (6) For decisions specified in items (j) and (n) of subsection (3), a two-third majority vote of the Members of Parliament present shall be required.

(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 to establish the National Defense Council, or to declare a state of emergency.

(2) The Parliament shall be considered 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 verified.

(4) At its first sitting 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 decide on the legality of the measures taken. A majority of two-thirds of the votes of the Members of Parliament shall be required for this decision.

§19/B

(1) During a state of national crisis, the National Defense Council shall decide on:

(a) the use of the Hungarian Defense Forces within the country and abroad, the participation of the Hungarian Defense Forces in peacekeeping, humanitarian affairs in foreign areas of operation, and the stationing of the Hungarian Defense 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 extraordinary measures as determined by a separate statute.

(2) The National Defense Council shall be chaired by the President of the Republic, and shall be composed of: the Speaker of the Parliament, the leaders of the parliamentary fractions of the political parties represented in Parliament, the Prime Minister, the Ministers, and in an advisory capacity the Chief of Defense Staff.

(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 the 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.

§19/C

(1) Should the Parliament be obstructed in declaring a state of emergency, the President of the Republic shall decide on the use of the Hungarian Defense Forces under subsection (2) of §40/B.

(2) During a state of emergency, the extraordinary 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 the extraordinary measures taken. The Parliament or, in case of its obstruction, 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 extraordinary measures introduced by the President of the Republic.

(4) Extraordinary measures introduced by decree shall remain in force for a period of thirty days, unless the Parliament or, in case of its obstruction, the Parliamentary Defense Committee extends their effect.

(5) In other respects the regulations governing a state of national crisis shall be applied to a state of emergency.

§19/D

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

§19/E

(1) Should the territory of Hungary be subject to unexpected attack by foreign armed groups, the Government shall 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 state of emergency or state of national crisis is declared, 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 subsection (1).

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

§20

- (1) The general 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 shall be entitled to immunity, in accordance with the provisions of the statute on the legal status of Members of Parliament.
- (4) Members of Parliament shall be entitled to remuneration adequate to ensure their independence. A majority of two-thirds of the votes of the Members of Parliament present shall be required to pass the statute on the remuneration of Members of Parliament.
- (5) No Member of Parliament may be President of the Republic, member of the Constitutional Court, Parliamentary Commissioner for Civil Rights, President, Vice President or auditor of the State Audit Office, judge or public prosecutor, employee of an organ of the public administration, with the exception of the Members of the Government, State Secretaries and Government Representatives nor a professional member of the Hungarian Defense 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 shall be required to pass the statute on the legal status of Members of Parliament.

§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 incompatibility;
 - (d) upon resignation;
 - (e) upon disfranchisement.
- (2) The Parliament shall decide on the 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 such statement to the Parliament. No statement of acceptance by the Parliament shall be required for the resignation to be effective.

§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 shall provide Parliamentary Committees with the information requested by them and to testify before such committees.

§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 shall reconvene the Parliament, upon written request by one-fifth of the Members of Parliament, at a date no later than eight days following the receipt thereof.

§23

Sittings of the Parliament shall be 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*.

§24

(1) The Parliament shall have 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 shall be required to amend the Constitution and for certain decisions specified in the Constitution.

(4) The Parliament shall establish its rules of procedure and order of debate in its Standing Orders, being adopted with a majority of two-thirds of the votes of the Members of Parliament present.

(5) [Repealed]

§25

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

(2) The authority to pass legislation shall be 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.

§26

(1) The President of the Republic shall sign and order 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 Parliament requests that the issue be accorded urgency.

(2) Should the President of the Republic disagree with a statute or with any provision thereof, prior to signing it, the President may return such statute, along with comments, to the Parliament for reconsideration within the period specified in subsection (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 order the promulgation of it within a period of five days.

(4) Should the President of the Republic consider any provision of a statute to be unconstitutional, the President shall, prior to signing it, refer it to the Constitutional Court for appraisal within the period specified in subsection (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 the President is required to sign the statute and order the promulgation of 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.

§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, to the Chief Public Prosecutor as well as to the President of the National Bank of Hungary, and an interpellation or a question to the Government or any of the Members of the Government on any matter which falls within their respective competence.

§28

(1) The mandate of the Parliament shall commence with its inaugural sitting.

(2) The Parliament may declare its dissolution prior to the expiration of its mandate.

(3) The President of the Republic may dissolve the Parliament, simultaneously with the announcement of new elections, if:

(a) the Parliament expresses its lack of confidence in the Government on no less than four occasions in a period of twelve months during the course of one parliamentary term, or;

(b) 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 was nominated.

(4) [Repealed]

(5) Prior to dissolving the Parliament, the President of the Republic shall request the opinions of the Prime Minister, the Speaker of the Parliament and the leaders of the parliamentary fractions 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.

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

§28/B

(1) Questions falling within the competence of the Parliament may be the subject of national referenda or popular initiatives.

(2) A majority of two thirds of the votes of the Members of Parliament present shall be required to pass the statute on national referendum and popular initiative.

§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) National referenda shall 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 to hold a national referendum.

(5) No national referenda may 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 central requirements on local taxes;

(b) on the obligations arising from international treaties in force and on the content of the statutes 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, a state of national crisis or a state of emergency;

(h) on the use of the Hungarian Defense 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 entitled to vote have given the same answer to the question put.

§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. The Parliament shall discuss the question formulated in the initiative.

§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

§29

(1) The Head of State of Hungary shall be the President of the Republic, who shall express 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 Defense Forces.

§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 this office no more than once.

§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 a valid nomination. The nomination shall 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 are 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 at the first voting shall be elected President of the Republic.

(3) Should no candidate receive such a majority at the first voting, a new voting shall be held on the basis of a new nomination, in accordance with subsection (1). A majority of two-thirds of the votes of the Members of Parliament shall also be required to be elected at the second voting.

(4) Should no candidate gain the required majority at the second voting, a third round of voting shall be held. At the third voting only those two candidates who received the largest numbers of votes at the second voting may stand for election. The candidate receiving a majority of the votes, regardless of the number of votes cast, at the third 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.

§29/C

(1) The President of the Republic shall be elected at least thirty days prior to the expiration of the previous President's mandate or, should the President's mandate terminated prematurely, within thirty days from the date upon which the mandate terminated.

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

§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 terminate 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.

§29/E

(1) Should the President of the Republic be temporarily prevented from attending to the presidential duties, or that the President's mandate should for any reason terminate 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 restriction 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 pardon 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 act as a Member of Parliament, and the duties as Speaker of the Parliament shall be performed by the Deputy Speaker of the Parliament designated by the Parliament.

§30

(1) The office of President of the Republic shall be incompatible with all other state, 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 activities falling under the protection of intellectual property law.

(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.

§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 legislature, prior approval of the Parliament shall be necessary for concluding 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 to take the floor at sittings of the Parliament and of its committees;
 - (f) have the right to propose the Parliament to take certain measures;
 - (g) have the right to initiate national referenda;
 - (h) [Repealed]
 - (i) appoint and dismiss the President and Vice Presidents of the National Bank of Hungary, the Chair of the Hungarian Financial Supervisory Authority 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; confirm the President of the Hungarian Academy of Sciences;
 - (j) confer titles, medals of merit and decorations specified by statute and authorize the use thereof;
 - (k) exercise the right to grant pardon;
 - (l) decide in cases of citizenship;
 - (m) decide in all issues assigned to the President's competence by separate statutes.
- (2) The counter-signature of the Prime Minister or competent minister shall be required for all the measures and actions of the President of the Republic enumerated in subsection (1), with the exception of the items (a), (d), (e), (f) and (g).

§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 the President from attending to his duties for a period of more than ninety days;
 - (d) upon declaration of incompatibility;
 - (e) upon resignation;
 - (f) upon removal of the President of the Republic from office.
- (2) Should grounds for incompatibility [§30 subsection (1)] involving the President of the Republic arise during the term of office, upon the motion of any Member of Parliament, the

Parliament may resolve to declare the existence of incompatibility. A majority of two-thirds of the votes of the Members of Parliament shall be necessary to pass such a resolution. Voting shall be held by secret ballot.

(3) The President of the Republic may resign in a statement addressed to the Parliament. A statement of acceptance by the Parliament shall be 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 the 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 performing presidential duties.

§31/A

(1) The person of the President of the Republic shall be inviolable. The President's 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 performing presidential duties, a motion supported by one-fifth of the Members of Parliament may propose that impeachment proceedings be initiated against *the President*.

(3) A majority of two-thirds of the votes of the Members of Parliament shall be required to initiate impeachment proceedings. Voting shall be held by secret ballot.

(4) From the passage of the parliamentary resolution until the conclusion of the impeachment proceedings, the President of the Republic may not perform presidential duties.

(5) The Constitutional Court shall have competence to decide on 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]

§32

(1) If impeachment proceedings were initiated against the President of the Republic for a criminal act committed during *the* term of office in connection with official duties, 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

§32/A

(1) The Constitutional Court shall -- with special exceptions -- review the constitutionality of laws and perform the tasks assigned to its jurisdiction by statute.

(2) The Constitutional Court shall review the constitutionality of statutes on the State Budget and its implementation, on central taxes, stamp and customs duties, contributions, as well as on the content of the statutes concerning uniform requirements on local taxes only if the petition refers exclusively to the right to life and human dignity, the right to the protection of personal data, the right to freedom of thought, conscience and religion or the right connected to the Hungarian citizenship under Article 69 of the Constitution.

(3) The Constitutional Court shall annul the statutes and other legal norms that it finds to be unconstitutional. The Constitutional Court shall annul the statutes on the State Budget and its implementation, on central taxes, stamp and customs duties, contributions, as well as on the content of the statutes concerning uniform requirements on local taxes only if the content of these statutes violates the right to life and human dignity, the right to the protection of personal data, the right to freedom of thought, conscience and religion or the right connected to the Hungarian citizenship under Article 69 of the Constitution.

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

(5) The eleven members of the Constitutional Court are elected by the Parliament. Members of the Constitutional Court shall be nominated by the Nominating Committee whose members shall be appointed from and by the parties according to their weights in Parliament. A majority of two-thirds of the votes of the Members of Parliament is required to elect a member of the Constitutional Court.

(6) 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.

(7) A majority of two-thirds of the votes of the Members of Parliament present is 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

§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 *the Commissioner's* attention and initiating general or specific measures for redress.

(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 *the Commissioner's* attention and initiating general or specific measures for redress.

(3) Everyone shall have the right to initiate proceedings of 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 on their activities and experience annually to Parliament.

(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

§32/C

(1) The State Audit Office shall be the organ of the Parliament responsible for financial and economic auditing. Performing this function the State Audit Office shall audit the management of public finances, within this the well-founded nature of the bill on the 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 inform the Parliament in a report on the auditing activities it has carried out. Its report shall be made public. The President of the State Audit Office shall submit the audit report on the final accounts to the Parliament at the time when the final accounts are submitted.

(3) A majority of two-thirds of the votes of the Members of Parliament shall be 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 basic principles governing the organization and operation of the State Audit Office.

§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 a manner provided by separate statute.

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

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

(4) Within its competence specified by a separate statute, the *President* of the National Bank of Hungary shall issue decrees, which may not conflict with statutes. When issuing decrees the Vice President designated in a decree by the President of the National Bank of Hungary may substitute the President of the National Bank of Hungary.

Chapter VII*The Government*

§33

(1) The Government shall consist of:

- (a) the Prime Minister and
- (b) the ministers.

(2) The Prime Minister may designate **in** a decree a Vice Prime Minister among the ministers.

(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 program of the Government.

(4) The ministers shall be appointed and dismissed by the President of the Republic, upon the nomination of the Prime Minister.

(5) The Government shall be formed with the appointment of the ministers. Subsequent to its formation, the members of the Government shall take an oath before the Parliament.

§33/A

The mandate of the Government 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 disfranchisement of the Prime Minister;
- (e) upon the declaration of incompatibility of the Prime Minister; or
- (f) if the Parliament passes a motion of no-confidence against the Prime Minister and elects a new Prime Minister in accordance with the provisions of Section 39/A subsection (1).

§33/B

The mandate of the ministers shall terminate:

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

§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 designating the ministry, the minister or an administrative organ.

§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 Defense 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) represent the Republic of Hungary in the institutions of the European Union that require government participation;

(l) perform all those tasks assigned to its competence by statute.

m) have powers, in the event of a state of preventive defense, 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 exceeding 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, which shall not conflict with statutes.

(3) In a state of danger and in a state of preventive defense 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 statutes. A majority of two-thirds of the votes of the Members of Parliament present shall be required to pass the statute 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.

§35/A

(1) In matters connected with European integration the detailed rules governing the control 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 the Parliament the motions that are on the agenda of the decision-making mechanism of those institutions of the European Union that require governmental participation.

§36

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

§37

(1) The Prime Minister shall preside at the sittings 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 legal norms 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, shall not conflict with statutes or with Government decrees.

§38

[Repealed]

§39

(1) The Government shall be responsible to the Parliament for its operation. The Government shall be obliged 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, state secretaries and Government Representatives shall be regulated by statute.

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

§39/A

(1) A written motion of no-confidence against the Prime Minister may be introduced by no less than one-fifth of the Members of Parliament, nominating a candidate for the office of Prime Minister. A motion of no-confidence against the Prime Minister shall be considered a motion of no-confidence against 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 subsection (2).

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

(5) Should the Parliament, in the instances set out in subsections (3)-(4), not vote for confidence in the Government, the Government shall be obliged to resign.

§39/B

Should the mandate of the Government terminated, 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 expressed authorization of a statute, in cases when delay shall not be permissible.

§39/C

(1) If the mandate of the Prime Minister 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 continue exercising powers without 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 terminated upon death, disfranchisement or the declaration of incompatibility, until the new Prime Minister is elected the Deputy Prime Minister shall, with the limitations provided for in subsection (1) hereof, exercise the powers of the Prime Minister; should be more Deputy Prime Ministers, the Deputy Prime Minister appointed in the first place shall exercise such powers.

§40

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

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

(3) The legal status, remuneration and method of accountability of the employees of ministries and organs placed under the Government shall be regulated by separate statute.

Chapter VIII

The Hungarian Defense Forces and the law enforcement agencies

Article 40/A

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

(2) The fundamental duty of the Police shall be the protection of public security and to maintain public 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 shall be required to pass the statutes on the Hungarian Defense 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.

§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 Defense 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 competent minister shall have the right to command the Hungarian Defense Forces, unless otherwise provided by international treaties.

(4) Professional members of the Hungarian Defense Forces, the Police and the national security services may not be members of political parties and may not engage in political activities, furthermore during their service and three years after the expiration or termination of their service may not stand as candidates in the elections of Members of Parliament, in European Parliament elections, in local elections of representatives and mayors as well as in the election of representatives of minority self-governments.

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

§40/C

(1) The Government shall authorize the use of the Hungarian Defense Forces and foreign armed units as well as deployment of troops upon the decision of the European Union, or upon the decision of the North Atlantic Treaty Organization in accordance with item (j) of subsection (3) of §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 Defense Forces in peacekeeping missions and humanitarian operations in foreign areas of operations.

Chapter VIII/A

The Hungarian Financial Supervisory Authority

§40/D

(1) The Hungarian Financial Supervisory Authority is the supervisory, regulatory and control body of the financial intermediation system. The Hungarian Financial Supervisory Authority is responsible in a manner specified by statute for ensuring the smooth operation of the financial intermediation system.

(2) The Chair of the Hungarian Financial Supervisory Authority shall be appointed by the President of the Republic for a term of six years. The Deputy Chairs shall be appointed by the Prime Minister for a term of six years.

(3) The Chair of the Hungarian Financial Supervisory Authority shall give account of the Authority's activities to the Parliament each year.

(4) Within its competence specified by statute, the Chair of the Hungarian Financial Supervisory Authority shall issue decrees in accordance with an authorization given by a statute, which shall not conflict with statutes, Government decrees and the decrees of the President of the National Bank of Hungary. When issuing decrees the Deputy Chair designated in a decree by the Chair of the Hungarian Financial Supervisory Authority may substitute the Chair of the Hungarian Financial Supervisory Authority.

Chapter VIII/B

The National Media and Infocommunications Authority

§40/E

40/E (1) The National Media and Infocommunications Authority is the supervisory and control body of the electronic communication market. The National Media and Infocommunications Authority is responsible for ensuring the smooth operation of the electronic communication market.

(2) The President of the National Media and Infocommunications Authority shall be appointed by the Prime Minister for a term of nine years.

(3) The National Media and Infocommunications Authority shall give account of the Authority's activities to the Parliament each year.

(4) Within its competence specified in statute, the President of the National Media and Infocommunications Authority shall issue decrees in accordance with an authorization given by a statute, which shall not conflict with other laws.

Chapter IX

Local Governments

§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.

§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 self-governance. Local self-governance 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.

§43

(1) The fundamental rights of local governments (§44/A) shall be equal. The obligations 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.

§44

(1) Voters exercise local self-governance 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 local 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 local 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 local 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 governments. Upon dissolution of the body or it is dissolved [§19 subsection (3) item (1)], the mandate of the mayor also terminates.

§44/A

(1) The local representative body:

(a) shall independently regulate and administrate the affairs of local government; its decisions may only be reviewed on the grounds of 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 associate 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 other laws.

§44/B

(1) The mayor shall be the *president* of the local representative body. The representative body may elect vice mayor for the substitution of the mayor. A person may be elected to vice mayor who is not member of the representative body, but the mayor as chairman of the representative body may be substituted only by a vice mayor who is member of the representative body.

(2) The representative body elects committees and shall set up office.

(3) Besides the duties relating to the local government, the mayor may exceptionally perform duties and exercise competence of public administration in accordance with statute or government decree authorized by statute.

(4) Duties and competences of the public administration may be assigned, by a statute or government decree, to the notary of the local government and in exceptional cases to the administrators of the office of local government.

§44/C

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

Chapter X

The Judiciary

§45

(1) In the Republic of Hungary justice shall be administered by the Supreme Court of the Republic of Hungary, the Regional Courts of Appeal, the Metropolitan 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.

§46

(1) The courts, unless provided otherwise by statute, shall adjudicate in panels.

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

(3) Only professional judges may proceed alone or act as president of a panel. In matters that fall within the competence of local court and defined by statute the officer of the court may also proceed as single judge who shall perform independently, subordinated only to statute.

§47

(1) The Supreme Court shall be 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 uniformity resolutions shall be binding on all courts.

§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.

§49

[Repealed]

§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

§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 consistently any act which violates or endangers the constitutional order, security and independence of the country.

(2) The Office of the Public Prosecutor shall exercise powers in relation to investigations as specified by statute, 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. Should the law be violated, the Office of the Public Prosecutor shall act to uphold the law in the cases and manner specified by statute.

§52

(1) The Chief Public Prosecutor shall be elected by the Parliament upon the recommendation of the President of the Republic; the deputies of the Chief Public Prosecutor shall be elected on the basis of the recommendation made by the Chief Public Prosecutor. A majority of two-thirds of the votes of the Members of Parliament is required to elect the Chief Public Prosecutor.

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

§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 prosecution shall be headed and directed by the Chief Public Prosecutor.

(4) A majority of two-thirds of the votes of the Members of Parliament present is required to pass the statute on the Prosecution as well as on the legal status of the prosecutors.

Chapter XII

Fundamental Rights and Duties

§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; and it is particularly prohibited to conduct medical or scientific experiments on human beings without their consent.

§55

(1) In the Republic of Hungary everyone shall have the right to freedom and personal security; no one shall be deprived of this 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 arresting the individual.

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

§56

In the Republic of Hungary everyone shall have legal capacity.

§57

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

(2) In the Republic of Hungary no one shall be considered guilty until the court establishes the criminal responsibility in a final judgment.

(3) Everyone subjected to criminal proceedings shall be entitled to be defended at all stages of the proceedings. Representative of 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 limitation of the essential content of any fundamental right.

(5) In the Republic of Hungary everyone shall be entitled to seek legal remedy, as provided for by statute, against decisions of the courts, the public administration or other authorities, which infringe *their* 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 and in proportion with adjudicating disputes in a reasonable time.

§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 a place for residence, including the right to leave their 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.

§59

(1) In the Republic of Hungary everyone shall have the right to the good standing of reputation, the inviolability of home and the protection of 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.

§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 conscious conviction, 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 and the State shall operate separately.

(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 conscience and religion.

§61

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

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

(3) In order to develop a democratic public opinion, everyone shall have the right to receive adequate information in respect of public affairs. .

(4) In the Republic of Hungary, public service broadcasting contributes to foster and enrich national self-identity and European identity, the culture and language of the Hungarians as well as ethnic minorities, to strengthen national cohesion and to satisfy the needs of national, ethnic, family and religious communities. The public service broadcasting shall be monitored by an autonomous administrative authority operating with members elected by the Parliament and by an independent body of owners, and certain communities of citizens specified by statute shall safeguard the implementation of its objectives.

(5) A majority of two-thirds of the votes of the Members of Parliament present shall be required to pass the statute on the access to information of public interest and the statute on the freedom of the press and the fundamental rules of media contents, furthermore the statute on the control over media services.

§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.

§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.

§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.

§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, nationality, belonging to a certain group of society, 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.

§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 course of working.

§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 condition and protection of the family and youth.

§68

(1) The national and ethnic minorities living in the Republic of Hungary shall be participants of the power of the people: they shall be constituent parts 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 statutes 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 shall be required to pass the statute on the rights of national and ethnic minorities.

§69

- (1) In the Republic of Hungary no one shall be arbitrarily deprived of Hungarian citizenship and no Hungarian citizen may be expelled from the territory of the Republic of Hungary.
- (2) Hungarian citizens may return to Hungary from abroad at any time.
- (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.

§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 elections 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 in the capital.
- (3) All adult persons holding refugee, immigrant or permanent resident status in the Republic of Hungary shall have the right to vote in local elections 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 were deprived of such right in their country of citizenship by the laws of that country or by a decision of court or other public authorities.
- (6) All Hungarian citizens shall have the right to hold public office in accordance with their suitability, education and professional ability.

§70/A

(1) The Republic of Hungary shall ensure the human rights and civil rights for all persons on her 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 subsection (1) shall be strictly penalized by statute.

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

§70/B

(1) In the Republic of Hungary everyone shall have the right to work and to freely choose 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 leisure, free time and regular paid vacation.

§70/C

(1) Everyone shall have the right to establish or join organizations together with others in order to protect their 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 shall be required to pass the statute on the right to strike.

§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 labor safety, 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.

§70/E

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

(2) The Republic of Hungary shall implement the right to social support through the social insurance system and the system of social institutions.

§70/F

(1) The Republic of Hungary shall ensure the right to education for all her citizens.

(2) The Republic of Hungary shall implement this right through the extension and general access to public culture, 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 students in training.

§70/G

(1) The Republic of Hungary shall respect and support the freedom of scientific and artistic expression, the freedom to study and to teach.

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

§70/H

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

(2) During a state of national crisis, or if the Parliament 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 adult men 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 due to conscientious objections shall perform civil service.

(3) Adult Hungarian citizens 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 national crisis, 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 shall be required to pass the statute on military obligation.

§70/I

(1) Every natural and legal person and organization without legal personality shall have the obligation to contribute to public revenues in accordance with their income and wealth.

(2) For incomes paid from sources serving for public revenues as well as for incomes paid by organizations managing state assets or organizations owned or controlled by the state, starting from the fifth tax year preceding the given tax year, obligation may be compelled by statute to contribute to public revenues of a level less than the income.

§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.

§70/K

Claims arising from any violation of fundamental rights, and objections to the decisions of public authorities regarding the fulfillment of duties may be enforced in court.

Chapter XIII

The Basic Principles of Elections

§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.

§§72-73

[Repealed]

Chapter XIV

The Capital and National Symbols of the Republic of Hungary

§74

The Capital of the Republic of Hungary is Budapest.

§75

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

§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

§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]

§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.

§79

[Repealed]