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Hungarian Constitution 1994

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Supplement
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Amended Hungarian Constitution as of May 1994
*95CH0147A Budapest HATALYOS JOGSZABALYOK
GYUJTEMENYE in Hungarian 1994 pp 9-20*

[The August 1990 amended version of the Hungarian Constitution of 1949, incorporating further amendments adopted by the National Assembly under the Hungarian Democratic Forum government's 1990-94 tenure]

[FBIS Translated Text]

The Constitution of the Republic of Hungary

To enhance peaceful transition to constitutional statehood realizing a multi-party system, a parliamentary democracy, and a social market economy, the National Assembly establishes the text of the Constitution of Hungary as follows, pending the adoption of a new Constitution for Hungary:

CHAPTER I.

GENERAL PROVISIONS

Paragraph 1.

Hungary is a republic.

Paragraph 2.

(1) The Hungarian Republic shall be an independent, democratic constitutional state.

(2) All power shall belong to the people in the Hungarian Republic. The people shall exercise popular sovereignty directly and through their elected representatives.

(3) No organization of society, no state organ, and no individual citizen shall engage in activities to acquire or exercise power by force, or for the exclusive possession of power. Everyone shall be empowered and obligated to act through legal means to counter such endeavors.

Paragraph 3.

(1) Political parties may be formed freely and may freely pursue their activities in the Hungarian Republic, pursuant to the Constitution and laws consistent with the Constitution.

(2) Political parties shall take part in formulating and expressing the will of the people.

(3) Political parties shall not exercise public authority directly. Consequently, no political party shall direct any state organ. To separate political parties from the exercise of public authority, high offices and public offices which must not be occupied by members or officers of political parties shall be defined by law.

Paragraph 4.

Trade unions and other interest groups shall protect and represent the interests of employees, members of cooperatives, and entrepreneurs.

Paragraph 5.

In the Hungarian Republic the state shall protect the freedom and power of the people and the independence and territorial integrity of the country, as well as its borders, as defined in international agreements.

Paragraph 6.

(1) The Hungarian Republic shall reject the idea of war as a means to resolve disputes between nations and shall abstain from applying force, or from using the threat of force, against the independence and territorial integrity of other states.

(2) The Hungarian Republic shall endeavor to cooperate with all nations and countries of the world.

(3) The Hungarian Republic shall manifest a sense of responsibility for the fate of Hungarians beyond Hungary's borders and shall encourage the cultivation of their ties with Hungary.

Paragraph 7.

(1) The legal system of the Hungarian Republic shall incorporate the generally recognized rules of international law and shall ensure harmony between legal obligations agreed to under international law and domestic law.

(2) The order of legislation shall be governed by law. The affirmative vote of a two-thirds majority of National Assembly representatives present shall be required for the adoption of such law.

Paragraph 8.

(1) The Hungarian Republic shall recognize the inviolable and inalienable fundamental rights of people; the observance and protection of these shall be the primary duty of the state.

(2) Rules pertaining to fundamental rights and duties shall be established by law in the Hungarian Republic; such law, however, shall not abridge the substantive content of fundamental rights.

(3) *(Repealed by Law No. 40 of 1990.)*

(4) Except for the exercise of fundamental rights specified in Paragraphs 54.-56., Paragraph 57. Sections (2)-(4), and Paragraphs 60., 66.-69., and 70/E, the exercise of all other fundamental rights may be suspended or restricted when extraordinary conditions, emergency conditions, or danger prevail.

Paragraph 9.

(1) The Hungarian economy shall be a market economy in which public and private property are accorded equal rights and equal protection.

(2) The Hungarian Republic shall recognize and support the right to engage in enterprise and the right to free competition in the marketplace.

Paragraph 10.

(1) The property of the Hungarian state shall constitute national assets.

(2) Property exclusively owned by the state and the scope of economic activities to be exclusively pursued by the state shall be specified by law.

Paragraph 11.

Enterprises and business organizations owned by the state shall manage their businesses in a responsible manner, as required by law.

Paragraph 12.

(1) The state shall support cooperatives established on the basis of voluntary association and shall recognize the independence of cooperatives.

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

Paragraph 13.

(1) The Hungarian Republic shall enforce the right to property ownership.

(2) Property may be expropriated only on an exceptional basis and only in the public interest, in cases and in a manner defined by law, along with full, unconditional, and immediate indemnification.

Paragraph 14.

The Constitution guarantees the right to inheritance.

Paragraph 15.

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

Paragraph 16.

The Hungarian Republic shall pay particular attention to the existential security, education, and upbringing of young people and shall protect their interests.

Paragraph 17.

The Hungarian Republic shall provide for the needy by way of extended social welfare measures.

Paragraph 18.

The Hungarian Republic shall recognize and enforce everyone's right to a healthy environment.

CHAPTER II.**THE NATIONAL ASSEMBLY****Paragraph 19.**

(1) The National Assembly shall be the highest organ to exercise state power and to provide popular representation in the Hungarian Republic.

(2) In exercising its authority stemming from popular sovereignty, the National Assembly shall provide for the constitutional order of society and shall determine the organization, direction, and conditions of governance.

(3) As part of this authority, the National Assembly shall

(a) frame the Constitution of the Hungarian Republic;

(b) create laws;

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

(d) determine the cost of operating the state organization and approve the state budget and its implementation;

(e) render a decision concerning the Government's program;

(f) enter into international agreements of outstanding significance from the standpoint of the external relations of the Hungarian Republic;

(g) render decisions concerning the declaration of war and issues related to peace making;

(h) proclaim extraordinary conditions and establish the National Defense Council in case of hostilities, or an imminent threat of an armed attack by an alien power (threat of war);

(i) proclaim emergency conditions if armed action aiming for the overthrow of the constitutional order or for the acquisition of exclusive power takes place, or if grave, violent actions are being committed with arms or by armed persons threatening the existential security of masses of citizens or of their property, and when natural disasters or industrial accidents occur (hereinafter summarily: emergency situation);

(j) render decisions concerning the deployment of the armed forces both inside and outside of Hungary;

(k) elect the president of the Republic, the prime minister, members of the Constitutional Court, the National Assembly commissioners for citizen, national and ethnic minority rights, the chairman and vice chairmen of the State Accounting Office, the chairman of the Supreme Court, and the supreme prosecutor;

(l) [As amended by Law No. 63 of 1990] at the recommendation of the Government, supported by the opinion of the Constitutional Court, dissolve local representative bodies whose functioning is repugnant to the Constitution; determine the area and names of counties and county seats; and render decisions concerning the designation of cities which exercise the authority of counties, and the establishment of the districts of Budapest; and shall

(m) grant general amnesty.

(4) The affirmative vote of a two-thirds majority of National Assembly representatives shall be required to decide issues specified in Section (3) Subsections (g), (h), (i) and (j).

(5) The National Assembly may call for national referendums. The affirmative vote of a two-thirds majority of National Assembly representatives present shall be required for the adoption of laws on popular referendums. (See Law No. 17 of 1989.)

Paragraph 19/A.

(1) If the National Assembly is impeded in making decisions, the president of the Republic shall have authority to declare war, proclaim extraordinary conditions, establish the National Defense Council, and proclaim emergency conditions.

(2) The National Assembly shall be deemed to be impeded in reaching these decisions when it is not in session and when convening the National Assembly is prevented by an obstacle that cannot be overcome in the given short time frame, by the condition of war, or by the events that necessitated proclamation of the extraordinary or emergency conditions.

(3) The fact of impediment and the justification for declaring war, or for proclaiming extraordinary or emergency conditions, shall be determined jointly by the president of the National Assembly, the chairman of the Constitutional Court, and the prime minister.

(4) The National Assembly shall examine the justification for declaring war or for proclaiming extraordinary or emergency conditions at its first session after the impediment ceases and shall render a decision concerning the legality of the measures taken. The vote of a two-thirds majority of all National Assembly representatives shall be required for rendering this decision.

Paragraph 19/B.

(1) Upon proclaiming extraordinary conditions, the National Defense Council shall render a decision concerning the deployment of armed forces in or outside the country and regarding the introduction of extraordinary measures, as those are defined in separate law.

(2) The president of the Republic shall be the chairman of the National Defense Council. Its membership shall consist of the president of the National Assembly, the leaders of parliamentary groups of representatives from parties seated in the National Assembly, the prime minister, the ministers, and the commander and chief of staff of the Hungarian Honved [military] Forces.

(3) The National Defense Council shall exercise the authorities

(a) vested in the National Defense Council by the National Assembly;

(b) of the president of the Republic; and

(c) of the Government.

(4) The National Defense Council may promulgate decrees; with these it may suspend the enforcement of certain laws and provide for deviations from provisions

of laws, and it also may introduce other special measures, but it shall not suspend the enforcement of the Constitution.

(5) A National Defense Council decree shall lose force when conditions are no longer extraordinary, except if the National Assembly decides to prolong the time during which such decree is in force.

(6) The operation of the Constitutional Court shall not be restricted even in times of extraordinary conditions.

Paragraph 19/C.

(1) The president of the Republic shall render a decision concerning the deployment of the armed forces if the National Assembly is impeded when emergency conditions are proclaimed.

(2) Under emergency conditions, extraordinary measures defined in separate law shall be decreed by the president of the Republic.

(3) The president of the Republic shall inform the president of the National Assembly without delay concerning the extraordinary measures introduced. The National Assembly, or, in case of its impediment, the National Defense Committee of the National Assembly shall remain in continuous session when emergency conditions prevail. The National Assembly, or alternatively, the National Defense Committee of the National Assembly, may suspend the enforcement of extraordinary measures introduced by the president of the Republic.

(4) Extraordinary measures decreed shall remain in force for 30 days, unless extended by the National Assembly, or, in case of impediment, by the National Defense Committee of the National Assembly.

(5) In other respects, rules pertaining to extraordinary conditions shall be applied under emergency conditions.

Paragraph 19/D.

The affirmative vote of a two-thirds majority of National Assembly representatives present shall be required for the adoption of a law providing detailed rules to be applied under extraordinary and emergency conditions.

Paragraph 19/E.

(Amendment: Paragraph 1. of Law No. 107 of 1993)

(1) In case of an unexpected incursion by an external armed group into Hungarian territory, it shall be the duty of the Government to take immediate action even before a decision is made to proclaim a state of emergency or a state of extraordinary conditions, in order to protect the lives and property of citizens, the public order and public safety. Such action shall be in accordance with the defense plan approved by the president of the Republic. In taking such action, the Government shall utilize combat-ready forces of proportionate strength to repulse the attack and shall deploy the air

defense and ready alert air forces of the Hungarian Army to protect the territory of Hungary.

(2) The Government shall inform the National Assembly and the president of the Republic without delay of the action taken pursuant to Section (1), so that further action can be taken.

(3) The vote of a two-thirds majority of the National Assembly representatives present shall be required to pass the law that establishes rules for the scope of "immediate action" the Government is authorized to take.

Paragraph 20.

(1) The National Assembly shall be elected for four year terms.

(2) National Assembly representatives shall pursue their activities in the public interest.

(3) National Assembly representatives shall be entitled to parliamentary immunity pursuant to provisions of a law governing the legal status of National Assembly representatives.

(4) National Assembly representatives shall receive honorariums which ensure their independence, certain benefits, and funds to cover their expenses. The affirmative vote of a two-thirds majority of National Assembly representatives present shall be required for the adoption of a law that specifies the amounts of the honorariums and reimbursable expenses. (*See Law No. 56 of 1990.*)

(5) Except for appointments as members of the Government or as political state secretaries, representatives shall not be elected or appointed, as the case may be, as president of the Republic, members of the Constitutional Court, the National Assembly commissioner of civil rights, the chairman, vice chairman or an accountant of the State Accounting Office, a judge, a prosecutor, a mayor, a worker at a state administrative office, or as members of the professional staff of the armed forces, the police and other law enforcement agencies. Other cases of incompatibility may also be defined by law.

(6) The affirmative vote of a two-thirds majority of National Assembly representatives present shall be required for the adoption of the law governing the legal capacity of National Assembly representatives. (*See Law No. 55 of 1990.*)

Paragraph 20/A.

(1) The mandate of a National Assembly representative shall cease upon

(a) the conclusion of the functioning of the National Assembly,

(b) the death of the representative,

(c) the determination of incompatibility,

(d) the representative's resignation, or

(e) the loss of the representative's right to vote.

(2) If the matter of incompatibility arises regarding a representative holding an office (as per Paragraph 20. Section (5)), the National Assembly shall decide upon a motion introduced by any representative, whether to issue a finding of incompatibility.

(3) A representative may resign his mandate by submitting a statement to that effect to the National Assembly. No statement of acceptance by the National Assembly is needed to render the resignation valid.

Paragraph 21.

(1) The National Assembly shall elect a president, vice presidents, and clerks from among its members.

(2) The National Assembly shall establish permanent committees composed of its members, and it may establish committees for the investigation of any matter.

(3) All persons requested by a National Assembly committee to provide information to, or to testify before, the requesting committee shall do so.

Paragraph 22.

(1) The National Assembly shall hold two regular sessions each year: one between 1 February and 15 June, and another between 1 September and 15 December.

(2) The president of the Republic shall convene the organizing meeting of the National Assembly scheduled for a date within one month after the elections; for the rest of the term, the president of the National Assembly shall convene the sessions, and within those the meetings of the National Assembly.

(3) The National Assembly shall be convened into special session or for a special meeting upon the written request of the president of the Republic, the Government, or one-fifth the number of all representatives. Such request shall state the reason for convening the National Assembly, as well as the proposed date and agenda.

(4) The president of the Republic may adjourn any given National Assembly session only once, for no longer than 30 days.

(5) At the written request of one-fifth the number of all representatives, the president of the National Assembly shall convene the National Assembly during adjournment for a date not more eight days after receipt of such request.

Paragraph 23.

The meetings of the National Assembly shall be public. At the request of the president of the Republic, the Government, or any representative, the National

Assembly may decide to hold a closed meeting. Such decision shall be based on the vote of a two-thirds majority of all representatives.

Paragraph 24.

(1) A quorum of the National Assembly shall be deemed to be present when more than half the number of all representatives is present.

(2) The National Assembly shall make its decisions based on the vote of more than half the number of representatives present.

(3) The affirmative vote of two-thirds majority of all representatives shall be required for the approval of proposed amendments to the Constitution, and to render certain decisions specified in the Constitution.

(4) The affirmative vote of a two-thirds majority of the representatives present shall be required for the adoption of House Rules. The House Rules shall specify the operating rules and the rules of order of the National Assembly.

Paragraph 25.

(1) Legislative proposals may be introduced by the president of the Republic, the Government, any committee of the National Assembly, or any National Assembly representative.

(2) The National Assembly shall have the power to make laws.

(3) The president of the National Assembly shall sign legislative proposals adopted as laws by the National Assembly and shall forward such laws to the president of the Republic.

Paragraph 26.

(1) The president of the Republic shall proclaim laws within 15 days after receipt, or within 5 days if the president of the National Assembly expresses a need for urgent proclamation. The president of the Republic shall sign laws submitted to him for proclamation. Laws shall be proclaimed in the official gazette.

(2) If the president of the Republic disagrees with a law or with any provision of a law, he may return such law with his comments to the National Assembly for further consideration prior to affixing his signature, and within the time limit specified in Section (1) above.

(3) If the president of the Republic returns a law to the National Assembly for further consideration, the National Assembly shall once again debate the law, and shall once again render a decision concerning the adoption of the law. If the National Assembly adopts the law, it shall be the duty of the president of the Republic to

proclaim the law within five days after receiving it from the president of the National Assembly.

(4) If the president of the Republic deems any provision of a law to be repugnant to the Constitution, he shall forward such law to the Constitutional Court for comment, within the time limit specified in Section (1).

(5) If, in the course of expedited proceedings, the Constitutional Court determines that such law is unconstitutional, the president of the Republic shall return the law to the National Assembly. Otherwise he shall sign and proclaim the law within five days.

Paragraph 27.

Members of the National Assembly may pose questions to the National Assembly commissioners for citizen rights and for national and ethnic minority rights, to the chairman of the State Accounting Office, and to the chairman of the Hungarian National Bank, and they may address interpellations and pose questions to the Government, to any member of the Government, and to the supreme prosecutor in regard to any matter within their respective fields of competence.

Paragraph 28.

(1) The mandate of the National Assembly begins with the organizing meeting of the National Assembly.

(2) The National Assembly may dissolve itself even before the expiration of its mandate.

(3) By simultaneously calling for elections, the president of the Republic may dissolve the National Assembly, if

(a) within a twelve months period in the course of a National Assembly term, the National Assembly revokes its confidence in the Government at least four times, or if

(b) the mandate of the Government ceases and the National Assembly fails to elect the person recommended for prime minister by the president of the Republic within 40 days from the date of the first recommendation.

(4) *(Repealed by Law No. 40 of 1990.)*

(5) The president of the Republic shall request the opinion of the prime minister, the president of the National Assembly, and the leaders of parliamentary groups of representatives seated in the National Assembly before dissolving the National Assembly.

(6) A new National Assembly shall be elected within three months from the date when the term of the National Assembly expires, or when the National Assembly dissolves itself or is dissolved. A National Assembly [whose term has expired, or which dissolved itself or was dissolved] shall continue to function until the organizing meeting of the new National Assembly is convened.

Paragraph 28/A.

- (1) The National Assembly shall not declare itself to be dissolved and shall not be dissolved when extraordinary conditions or emergency conditions prevail.
- (2) The term of a National Assembly shall be extended until the cessation of the extraordinary conditions or emergency conditions if the term of the National Assembly would otherwise expire when extraordinary conditions or emergency conditions prevail.
- (3) A National Assembly which dissolved itself or was dissolved may be reconvened by the president of the Republic in case of war or a threat of war, or if emergency conditions prevail. The National Assembly itself shall render a decision concerning the extension of its term.

CHAPTER III.**THE PRESIDENT OF THE REPUBLIC****Paragraph 29.**

- (1) The president of the Republic shall be the head of state of Hungary. The president of the Republic shall convey a sense of national unity and shall guard over the democratic functioning of the state organization.
- (2) The president of the Republic shall be the commander in chief of the armed forces.

Paragraph 29/A.

- (1) The president of the Republic shall be elected by the National Assembly for five year terms.
- (2) Any citizen who has the right to vote, and who has reached the age of 35 by the day of the elections, may be elected president of the Republic.
- (3) The president of the Republic may be reelected to his office only once.

Paragraph 29/B.

- (1) The election of the president of the Republic shall be preceded by a nomination. Nominations shall be valid only if supported in writing by at least 50 members of the National Assembly. Nominations shall be submitted to the president of the National Assembly prior to ordering a vote. Any member of the National Assembly shall recommend only one candidate. Multiple nominations made by an individual member of the National Assembly shall invalidate all nominations offered by that member.
- (2) The president of the Republic shall be elected by secret votes cast in the National Assembly. Several rounds of balloting may take place if necessary. The vote of a two-thirds majority of all representatives shall be required in the first round of balloting to elect the president of the Republic.

(3) Based on new recommendations made pursuant to Section (1), a new round of balloting shall be called if no candidate for the office of the president of the Republic acquired the required majority in the first round of balloting. The vote of a two-thirds majority of all representatives shall again be required in the second round of balloting to elect the president of the Republic.

(4) A third round of balloting shall be ordered if in the second round of balloting no nominee acquired the support of the required majority. In the third round of balloting votes shall be cast only for the two candidates having received the highest number of votes in the second round of balloting. The person for whom a majority of the votes is cast in the third ballot—irrespective of the number of representatives voting—shall become the president of the Republic.

(5) Balloting shall be completed within three consecutive days at most.

Paragraph 29/C.

(1) The president of the Republic shall be elected at least 30 days prior to the expiration of the term of office of the previous president of the Republic, or if the term of the previous president of the Republic ceases prior to the expiration of his term, the president of the Republic shall be elected within 30 days after the term of the previous president of the Republic has ceased.

(2) The president of the National Assembly shall schedule the election of the president of the Republic.

Paragraph 29/D.

The elected president of the Republic shall take office on the day the term of office of the previous president expires, or if the term of office of the previous president ceases prior to the conclusion of his scheduled term of office, the elected president of the Republic shall take office on the eighth day after the results of the election are proclaimed. The National Assembly shall administer the oath of office to the president of the Republic prior to his taking office.

Paragraph 29/E.

(1) If the president of the Republic is temporarily impeded in the performance of his duties, or if the term of office of the president of the Republic prematurely ceases for any reason, the powers of the president of the Republic shall be exercised by the president of the National Assembly until such time that a new president of the Republic takes office. The powers of the president of the National Assembly acting as president of the Republic shall be limited as follows: The acting President of the Republic shall not return laws for reconsideration to the National Assembly, shall not forward laws for review to the Constitutional Court, shall not dissolve the National Assembly, and shall grant clemency only in favor of persons convicted on the basis of an affirmed judgment of a court.

(2) The president of the National Assembly shall not exercise his prerogatives as a representative while acting on behalf of the president of the Republic. In his

absence, a vice president designated by the National Assembly shall perform the duties of the president of the National Assembly.

Paragraph 30.

(1) The office of the president of the Republic is incompatible with all other state, social, and political offices and assignments. The president of the Republic shall not pursue other income-producing occupations and shall not receive compensation for his other activities—except for work protected by copyright.

(2) The vote of a two-thirds majority of National Assembly representatives present shall be required for the adoption of a law providing for the honorarium, benefits and expense reimbursement the president of the Republic is entitled to. (*See Law No. 36 of 1992.*)

Paragraph 30/A.

(*See Constitutional Court decisions Nos. 48 of 1991 and 36 of 1992.*)

(1) The president of the Republic

(a) shall represent the Hungarian state;

(b) shall consummate international agreements on behalf of the Hungarian Republic; if such agreements fall under the purview of legislative powers, the prior concurrence of the National Assembly shall be required;

(c) shall appoint and receive ambassadors;

(d) shall issue calls for National Assembly and local government general elections;

(e) may take part in, and may address the National Assembly and National Assembly committee meetings;

(f) may recommend action to be taken by the National Assembly;

(g) may initiate popular referendums;

(h) shall appoint and relieve of their duties state secretaries and regional prefects of the Republic pursuant to rules specified in separate law; (*See Constitutional Court decision No. 8 of 1992.*)

(i) shall appoint and relieve of their duties the chairman and vice chairmen of the Hungarian National Bank and university professors at the recommendation of a person or organs specified in separate law; assign and relieve of their duties the rectors of universities; appoint and promote generals; and confirm in his office the chairman of the Hungarian Academy of Science; (*See Constitutional Court decision No. 8 of 1992.*)

(j) shall grant titles, medals of honor, and decorations defined by law, and authorize their use;

(k) shall exercise the authority of granting individual clemency;

(l) shall render decisions in citizenship cases; and

(m) shall render decisions in all cases placed within the scope of his powers by separate law. (*See Constitutional Court decision No. 8 of 1992.*)

(2) Except for actions specified in Section (1) Subsections (a), (d), (e), (f) and (g), all actions taken and orders issued by the president of the Republic under Section (1) above shall be countersigned by the prime minister or by the ministers having jurisdiction.

Paragraph 31.

(1) The mandate of the president shall cease:

(a) when his mandate expires,

(b) with the death of the president,

(c) with a condition of incapacity to perform the duties of the president of the Republic lasting more than 90 days,

(d) with a finding of incompatibility,

(e) with resignation,

(f) with deprivation of the office of the president.

(2) In the event that the matter of incompatibility arises in regard to the president of the Republic while in office (as per Paragraph 30. Section (1)), the National Assembly shall, upon motion by any representative, render a decision in regard to issuing a finding of incompatibility. The vote of a two-thirds majority of all National Assembly representatives cast by secret ballot shall be required to make this determination.

(3) The president of the Republic may resign his mandate by issuing a statement to the National Assembly. The resignation shall become valid when the National Assembly issues a statement accepting the resignation. The National Assembly may request the president of the Republic within 15 days to reconsider his decision to resign. The National Assembly shall not deny recognition of the resignation if the president of the Republic maintains his determination to resign.

(4) The president of the Republic may be deprived of holding the office if, in the course of performing his duties, he intentionally violates the Constitution or some other law.

Paragraph 31/A.

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

(2) One-fifth the number of all representatives may initiate a proceeding to hold to account the president of the Republic for violating the Constitution or some other law in the course of performing his official duties.

(3) The affirmative vote of a two-thirds majority of all National Assembly representatives cast by secret ballot

shall be required to authorize the initiation of proceedings to hold to account the president of the Republic.

(4) The president of the Republic shall not exercise his powers from the time when the National Assembly determines that a proceeding to hold him to account will be initiated, until the conclusion of the proceeding.

(5) The Constitutional Court shall have authority to judge the objectionable act committed by the president of the Republic.

(6) The Constitutional Court may deprive the president of his office if, as a result of the proceeding, it determines that a law was violated.

(7) and (8) (*Repealed by Law No. 40 of 1990*)

Paragraph 32.

(1) The Constitutional Court shall also observe the fundamental provisions of criminal procedure if the proceeding to hold to account the president of the Republic involves an act to be persecuted under criminal law, is related to the official activities of the president of the Republic, and was committed during his term of office. An impeachment commissioner elected by the National Assembly from among its members shall represent the prosecution.

(2) Criminal proceedings against the president of the Republic for other actions may be initiated only after the expiration of his mandate.

(3) If the Constitutional Court finds the president of the Republic guilty of the intentional commission of a crime, it may deprive the president of his office, and at the same time, may impose any punishment or measure provided for in the Criminal Code of Laws regarding the given criminal act.

CHAPTER IV.

THE CONSTITUTIONAL COURT

(*For implementation see Law No. 32 of 1989.*)

Paragraph 32/A.

(1) The Constitutional Court shall review the constitutionality of legal provisions and shall perform the tasks assigned to it by law.

(2) The Constitutional Court shall declare laws and other legal provisions null and void if it finds a law or legal provision to be repugnant to the Constitution.

(3) Anyone may initiate proceedings before the Constitutional Court in regard to certain classes of cases specified by law.

(4) The National Assembly shall elect the 15 members of the Constitutional Court. Recommendations for nominating members to the Constitutional Court shall be made by a nominating committee composed of one member of each parliamentary group of representatives seated in the National Assembly. The affirmative vote of

a two-thirds majority of all National Assembly representatives shall be required for the election of the members of the Constitutional Court.

(5) Members of the Constitutional Court shall not be members of political parties and shall not pursue political activities other than those stemming from the authority of the Constitutional Court.

(6) The affirmative vote of a two-thirds majority of National Assembly representatives present shall be required for the adoption of the law on the organization and functioning of the Constitutional Court.

CHAPTER V.

THE NATIONAL ASSEMBLY COMMISSIONER FOR CIVIL RIGHTS, AND THE NATIONAL ASSEMBLY COMMISSIONER FOR NATIONAL AND ETHNIC MINORITY RIGHTS

(*For implementation see Law No. 59 of 1993.*)

Paragraph 32/B.

(1) The National Assembly commissioner for civil rights shall investigate or shall cause investigation of disparities he has become aware of related to constitutional rights and shall initiate general or individual action to remedy such disparities.

(2) The National Assembly commissioner for national and ethnic minority rights shall investigate, or shall cause to investigate disparities related national and ethnic minority rights he becomes aware of, and shall initiate general or individual action to remedy such disparities.

(3) Anyone may initiate proceedings through the National Assembly commissioner regarding certain cases specified by law.

(4) The National Assembly commissioners for civil rights and for national and ethnic minority rights shall be elected by the affirmative vote of a two-thirds majority of National Assembly representatives, upon recommendation by the president of the Republic. The National Assembly may elect separate commissioners for the protection of specific, individual constitutional rights.

(5) The authority of the National Assembly commissioner for national and ethnic minority rights shall be exercised by a body whose members are nominated by national and ethnic minority organizations and are elected by the National Assembly. In this body each national and ethnic minority organization shall be represented by one member.

(6) The National Assembly commissioner shall report annually to the National Assembly concerning his activities.

(7) The affirmative vote of a two-thirds majority of National Assembly representatives present shall be

required for the adoption of the law on National Assembly commissioners. (For implementation see Law No. 59 of 1993.)

CHAPTER VI.

THE STATE ACCOUNTING OFFICE AND THE HUNGARIAN NATIONAL BANK

Paragraph 32/C.

(1) The State Accounting Office shall be the financial and management audit arm of the National Assembly. As part of its authority, the State Accounting Office shall audit the management of the state organization, and as part of that, the soundness of the proposed state budget and the necessity and appropriateness of the use of funds; shall countersign loan agreements to finance the state budget; shall make preliminary reviews of the legality of the utilization of budgeted state funds; shall audit the closing financial statement that indicates the way the budget was administered; shall audit the handling of state property and efforts by state-owned enterprises to preserve the value of property and to make the worth of such property appreciate; and shall perform other functions delegated to its sphere of authority by law.

(2) In performing its audits, the State Accounting Office shall view matters from the standpoint of legality, appropriateness and results produced. The State Accounting Office shall submit reports to the National Assembly on the audits performed. Such reports shall be made public. The chairman of the State Accounting Office shall submit to the National Assembly the report on the audit of the closing financial statement together with the closing financial statement.

(3) The vote of a two-thirds majority of National Assembly representatives shall be required for the election of the chairman and vice chairmen of the State Accounting Office.

(4) The vote of a two-thirds majority of National Assembly representatives present shall be required for the adoption of the law concerning the basic principles of the organization and functioning of the State Accounting Office.

Paragraph 32/D.

(1) The Hungarian National Bank shall issue the legal currency as specified in separate law, protect the worth of the national currency, and regulate the flow of money.

(2) The president of the Republic shall appoint the chairman, of the Hungarian National Bank for six year terms.

(3) The chairman of the Hungarian National Bank shall report to the National Assembly once a year on the activities of the bank.

**CHAPTER VII.
THE GOVERNMENT**

Paragraph 33.

(1) The Government shall consist of

(a) the prime minister and

(b) the ministers.

(2) A minister designated by the prime minister shall act as his substitute.

(3) The prime minister shall be elected by a majority of the National Assembly at the recommendation of the president of the Republic. The National Assembly shall simultaneously render a decision concerning the election of the prime minister and the adoption of the program proposed by the government.

(4) The president of the Republic shall appoint and relieve of their duties the ministers, at the recommendation of the prime minister.

(5) The Government shall be deemed to be established with the appointment of the ministers. The National Assembly shall administer the oath of office to members of the Government after the establishment of the Government.

Paragraph 33/A.

The mandate of the Government shall cease:

(a) when a newly elected National Assembly is organized,

(b) with the resignation of the prime minister or the Government,

(c) with the death of the prime minister, or

(d) when, pursuant to Paragraph 39/A. Section (1), the National Assembly withdraws its confidence from the prime minister and elects a new prime minister.

Paragraph 34.

A listing of the ministries of the Hungarian Republic shall be contained in separate law. (For implementation see Government Decree No. 78 of 1991.)

Paragraph 35.

(1) The Government shall

(a) protect the constitutional order, and defend and ensure the rights of citizens;

(b) ensure the execution of laws;

(c) direct the workings of the ministries and of other organs immediately subordinate to the ministries, and shall coordinate their activities;

(d) through regional prefects of the Republic, with the involvement of the minister of the interior, oversee the legality of action taken by local governments;

(e) ensure the development of social-economic plans and provide for their implementation; (*For implementation see Government Decree No. 78 of 1991.*)

(f) define state functions regarding scientific and cultural development, and establish necessary conditions for the realization of these;

(g) define the social welfare and health care systems, and provide for the financing of these;

(h) direct the functioning of the armed forces, the police, and other law enforcement organs;

(i) take action necessary to prevent disasters and their consequences threatening to the life and property of citizens (hereinafter: danger situation), as well as action necessary in the interest of protecting public order and public security;

(j) take part in establishing foreign policy and consummate agreements on behalf of the Government of the Hungarian Republic; and

(k) perform all functions assigned to the Government by law.

(2) Under its own scope of authority the Government shall promulgate decrees and issue determinations. These shall be signed by the prime minister. No decree or determination promulgated by the Government shall conflict with laws. The decrees of the Government shall be proclaimed in the official gazette.

(3) In danger situations, the Government may promulgate decrees and take actions which deviate from certain laws, as authorized by the National Assembly. The vote of a two-thirds majority of National Assembly representatives present shall be required for the adoption of the law providing rules applicable in danger situations.

(4) Except for legal provisions created by the Government, the Government shall void or change any illegal determination issued or action taken by subordinate organs.

Paragraph 36.

The Government shall cooperate with interested social organizations in the course of performing its functions.

Paragraph 37.

(1) The prime minister shall chair the meetings of the Government and provide for the execution of decrees and determinations promulgated by the Government.

(2) The various ministers shall lead the various branches of state administration under their authority and shall direct the organs under their authority in a manner consistent with legal provisions and the determinations

of the Government. Ministers without portfolio shall perform the functions assigned to them by the Government.

(3) The prime minister and members of the Government may promulgate decrees in the course of performing their functions. Such decrees shall not conflict with laws, or with decrees promulgated by the Government. Decrees shall be proclaimed in the official gazette.

Paragraph 38.

(*Repealed by Law No. 31 of 1989.*)

Paragraph 39.

(1) The Government shall be held responsible by the National Assembly for its operations. It shall report to the National Assembly on a regular basis.

(2) Members of the Government shall be held responsible by the Government and by the National Assembly; they shall report on their activities to both the Government and the National Assembly. The legal status and compensation of members of the Government and of state secretaries, as well as the manner in which they are to be held accountable, shall be governed by law. (*For implementation see Law No. 3 of 1978 and Law No. 33 of 1990.*)

(3) Members of the Government may participate in the meetings of the National Assembly, and may address the National Assembly.

Paragraph 39/A.

(1) A motion supported by at least one-fifth of all representatives shall be required to force a vote of no confidence against the prime minister; such motion shall also designate the person nominated to hold the office of the prime minister. A motion calling for a vote of no confidence against the prime minister shall be regarded as a motion calling for a vote of no confidence against the Government. If on the basis of such motion a majority of the representatives expresses no confidence, the person designated to become the new prime minister shall be deemed to be elected.

(2) Debate and vote on such motion shall take place no sooner than three days and no later than eight days after the motion of no confidence is filed.

(3) The Government may recommend that a vote of confidence be called for pursuant to the time limitations prescribed in Section (2) above. Such recommendation shall be conveyed by the prime minister.

(4) The Government—as conveyed by the prime minister—may also recommend that a vote on a proposal submitted by the Government constitute a vote of confidence.

(5) The Government shall resign if the National Assembly votes no confidence pursuant to Sections (3)-(4).

Paragraph 39/B.

If the mandate of the Government ceases, the Government shall stay in office until a new Government is formed and shall exercise all powers which the government is entitled to exercise, but it shall not enter into international agreements, and it shall promulgate decrees only as expressly authorized by law and only in regard to matters that cannot be delayed.

Paragraph 40.

- (1) The Government may establish government committees for the performance of certain functions.
- (2) The Government may take action in regard to any matter within the scope of state administrative authority, either directly or through one of its members.
- (3) The Government is authorized to draw any branch of state administration under its direct supervision and to establish separate organs for this purpose.

CHAPTER VIII.

THE ARMED FORCES AND THE POLICE

Paragraph 40/A.

(1) [As amended by Paragraph 2. of Law 107. of 1993.] The fundamental duty of the armed forces (the Hungarian Honved Forces, the Border Guards) shall be the provision of military protection for the homeland. As part of its enforcement authority, the Border Guard shall guard the borders, control border traffic, and maintain order at the borders. The vote of a two-thirds majority of representatives present shall be required for the adoption of the law providing for the functions and detailed rules applicable to the armed forces. (See Law No. 110 of 1993.)

(2) The fundamental task of the police shall be to guard public safety and the domestic order. The vote of a two-thirds majority of representatives present shall be required for the adoption of the law providing detailed rules related to the police and to national security activities.

Paragraph 40/B.

(1) Except for military exercises based on international agreements in force and for peace keeping activities performed at the request of the United Nations Organization, the armed forces shall transgress the state borders only with the advance concurrence of the National Assembly.

(2) The armed forces may be deployed in cases involving armed actions aiming to overthrow the constitutional order or to acquire exclusive power, or when grave, violent acts are committed with arms or by armed persons which endanger the safety to life and property of citizens, but only when emergency conditions prevail consistent with the applicable provisions of the Constitution, and only if the deployment of the police is insufficient.

(3) Unless otherwise provided for in international agreements in force, the National Assembly, the president of

the Republic, the National Defense Council, the Government, and the minister having jurisdiction shall have exclusive authority to direct the armed forces within a framework specified by the Constitution and in separate law. (See Constitutional Court decision No. 48 of 1991.)

(4) (As amended by Law No. 107 of 1993.) The professional members of the armed forces, the police, and the civilian national security services shall not be members of any political party and shall not pursue political activities.

(5) (This section added by Law No. 107 of 1993.) A law adopted by a two-thirds majority of National Assembly representatives present may establish limits to the activities of non-professional military members of the armed forces in political party activities.

Paragraph 40/C.

(1) Unless otherwise provided for in international agreements in force or authorized in advance by the National Assembly, foreign armed forces shall not pass through, shall not be deployed in, and shall not be stationed within the territory of Hungary.

(2) International agreements affecting national defense shall be confirmed in the form of laws and shall be publicly proclaimed.

CHAPTER IX.

LOCAL GOVERNMENT

Paragraph 41.

(1) The area of the Hungarian Republic shall be divided into the capital, counties, cities and towns.

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

Paragraph 42.

The community of voters in towns, cities, the capital and its districts, and counties shall have the right to local self-governance. Local self-governance shall mean the independent, democratic administration of local public affairs affecting the community and the exercise of public authority in the interest of the populace.

Paragraph 43.

(1) The basic rights of all local governments shall be equal (Paragraph 44/A.). The duties of the various local governments may vary.

(2) The rights and duties of local governments shall be established by law. The legitimate exercise of rights by local governments shall enjoy judicial protection, and local governments may turn to the Constitutional Court for the protection of their rights.

Paragraph 44.

- (1) Citizens entitled to vote shall exercise the right of self governance through representative bodies duly elected by the electorate and through popular referendums.
- (2) Members of representative bodies shall be elected for four year terms.

Paragraph 44/A.

- (1) Local representative bodies
- (a) shall independently regulate and administer matters of local concern, and their decisions may be reviewed exclusively from the standpoint of legality;
- (b) shall exercise ownership rights over local government property and manage local government revenues independently, and they may engage in entrepreneurial ventures at their own risk;
- (c) shall be entitled to an appropriate amount of their own revenues to perform the legally established functions of local governments and shall receive state subsidies proportionate to the tasks to be performed;
- (d) shall determine the types of taxes and tax rates to be established within a framework provided by law;
- (e) shall establish their organizations and rules of operation within the framework provided by law; and
- (f) may establish symbols for the local government, as well as decorations and titles of recognition;
- (g) may submit proposals concerning public affairs affecting the local community, to the organ authorized to render decisions concerning such proposals;
- (h) may freely form associations with other local representative bodies, may establish local alliances of common interest to represent their interests, may within the scope of their duties cooperate with local governments in other countries, and may hold membership in international organizations representing local governments.
- (2) Local representative bodies may promulgate decrees within their scope of authority, provided that such decrees do not conflict with higher level legal provisions.

Paragraph 44/B.

- (1) Mayors shall be the chairmen of local representative bodies. Representative bodies may elect committees and establish offices.
- (2) In addition to duties related to local governance, mayors may, on an exceptional basis, perform state administrative functions and exercise state administrative authority based on law, or on a government decree duly authorized by law.

- (3) A state administrative task or sphere of authority may be assigned to town clerks by law or by government decree, and in exceptional cases to the administrator of the office of the representative body. In such cases the town clerk or the administrator acts as an authority.

Paragraph 44/C.

The affirmative vote of a two-thirds majority of National Assembly representatives present shall be required for the adoption of the local government law. A law adopted on the basis of the same voting ratio may restrict the basic rights of local governments. (*See Law No. 65 of 1990.*)

CHAPTER X.**THE JUDICIARY****Paragraph 45.**

- (1) Justice shall be administered in the Hungarian Republic by the Supreme Court of the Hungarian Republic, the Budapest Court, county courts, and by local courts.
- (2) The establishment of separate courts for defined classes of cases may be ordered by law.

Paragraph 46.

Courts shall perform their adjudicative work in the framework of judicial councils composed of professional judges and lay judges. Exceptions to this rule may be provided by law.

Paragraph 47.

The Supreme Court of the Hungarian Republic shall provide conceptual guidance to the operations of, and to judicial pronouncements by, the judges of all courts. The guidelines and conceptual rulings of the Supreme Court shall have a mandatory effect with respect to inferior courts.

Paragraph 48.

- (1) The chairman of the Supreme Court shall be elected by the National Assembly upon recommendation by the president of the Republic, and its vice chairmen shall be appointed by the president of the Republic based on recommendations made by the chairman of the Supreme Court. The vote of a two-thirds majority of all National Assembly representatives shall be required for the election of the chairman of the Supreme Court.
- (2) Professional judges shall be appointed by the president of the Republic as specified by law.
- (3) Judges shall be removed from office only for cause specified by law and only in the framework of a proceeding.

Paragraph 49.

(*Repealed by Law No. 31 of 1989.*)

Paragraph 50.

(1) The courts of the Hungarian Republic shall protect and secure the constitutional order and the rights and legitimate interests of citizens, and shall punish those who commit crimes.

(2) The courts shall ascertain the legality of governmental administrative determinations. (*See Law No. 26 of 1991.*)

(3) Judges shall be independent and shall be subject only to law. Judges shall not be members of political parties and shall not pursue political activities.

(4) The vote of a two-thirds majority of National Assembly representatives present shall be required for the adoption of a law concerning the courts. (*For implementation see Law No. 4 of 1972.*)

CHAPTER XI.

THE OFFICE OF THE PROSECUTOR

Paragraph 51.

(1) The supreme prosecutor and the office of the prosecutor of the Hungarian Republic shall provide for the protection of the rights of citizens and shall consistently persecute all action that violates or endangers the constitutional order and the country's security and independence.

(2) The office of the prosecutor shall conduct investigations in cases specified by law, oversee the legality of investigations, represent the prosecution in court proceedings, and oversee the legality of penal enforcement.

(3) The office of the prosecutor shall take part in ensuring that all organizations of society, all state organs, and all citizens obey the laws. If laws are violated in cases and ways specified by law, the office of the prosecutor shall take action to ensure that legality prevails.

Paragraph 52.

(1) The supreme prosecutor of the Hungarian Republic shall be elected by the National Assembly upon recommendation by the president of the Republic. The deputies of the supreme prosecutor shall be appointed by the president of the Republic based on recommendations made by the supreme prosecutor.

(2) The supreme prosecutor shall be held responsible by the National Assembly and shall report to the National Assembly concerning his functioning.

Paragraph 53.

(1) Prosecutors shall be appointed by the supreme prosecutor of the Hungarian Republic.

(2) Prosecutors shall not be members of political parties and shall not pursue political activities.

(3) The organization of prosecutors shall be headed and directed by the supreme prosecutor.

(4) Rules pertaining to the office of the prosecutor shall be specified by law. (*For implementation see Law No. 5 of 1972.*)

CHAPTER XII.

FUNDAMENTAL RIGHTS AND DUTIES

Paragraph 54.

(1) All persons in the Hungarian Republic shall have an inherent right to life and human dignity. No person shall arbitrarily deprive anyone of these rights.

(2) No person shall be subjected to torture or to cruel, inhumane, or humiliating treatment or punishment. In particular, conducting medical or scientific experiments on persons without their consent is prohibited.

Paragraph 55.

(1) All persons in the Hungarian Republic shall possess the right to freedom and to personal security, and no person shall be deprived of his freedom except for reasons specified by law and based on proceedings specified by law.

(2) A person who is suspected of having committed a crime and is detained shall either be freed or presented to a judge within the shortest possible time. The judge shall hear the person presented to him and without delay shall issue a ruling supported by written argument concerning the release or the arrest of such person.

(3) Any victim of illegal arrest or detention shall be entitled to indemnification.

Paragraph 56.

All persons in the Hungarian Republic shall be regarded as legally competent.

Paragraph 57.

(1) All persons shall be equal before the courts of the Hungarian Republic, and all persons shall have the right to have any charge made against him, or his rights and responsibilities in a proceeding, adjudged by a legally constituted independent and impartial court in a fair and public trial.

(2) No person shall be regarded as guilty in the Hungarian Republic until the court has established his criminal liability in a judgment that has the force of law.

(3) Persons subject to criminal proceedings shall be entitled to defense in all phases of a proceeding. The defense counsel shall not be held to account for opinions he expressed in the course of defense.

(4) No person shall be declared guilty and punished for actions not regarded as criminal acts by Hungarian law at the time of commission.

(5) All persons in the Hungarian Republic shall be entitled to legal recourse pursuant to law against decisions rendered by courts, state administrative organs, or other authorities which violate the rights or just interests of a person.

Paragraph 58.

(1) Except with respect to cases specified by law, all persons legally staying within the territory of Hungary shall have the right to move freely and to choose freely where they stay, including the right to choose their place of residence and the right to leave the country.

(2) Foreign nationals legally staying within the territory of Hungary may be expelled only on the basis of a determination made consistent with law.

(3) The vote of a two-thirds majority of National Assembly representatives present shall be required for the adoption of the law concerning the freedom to travel and to settle in Hungary. *(For implementation see Laws Nos. 28 and 29 of 1989.)*

Paragraph 59.

(1) All persons in the Hungarian Republic shall be entitled to the right to a good reputation, to the inviolability of the private home, and to the protection of private secrets and personal data.

(2) The vote of a two-thirds majority of National Assembly representatives present shall be required for the adoption of the law concerning the protection of personal data.

Paragraph 60.

(1) All persons in the Hungarian Republic shall have a right to the freedom of thought, conscience, and religion.

(2) This right shall include the free choice or free acceptance of religion or other conviction of conscience, as well as the freedom of all persons to express or not to express, practice or teach, individually or jointly with others, publicly or privately, by way of rituals or in other ways, their religion or other conviction.

(3) The church shall function separately from the state in the Hungarian Republic.

(4) The vote of a two-thirds majority of National Assembly representatives present shall be required for the adoption of a law concerning the freedom of conscience and religion. *(For implementation see Law No. 4 of 1990.)*

Paragraph 61.

(1) All persons in the Hungarian Republic shall have a right to freely express their views and to familiarize themselves with and disseminate materials of public interest.

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

(3) The vote of a two-thirds majority of National Assembly representatives present shall be required for the adoption of the law concerning the public character of materials of public interest and of the law concerning the freedom of the press.

(4) The vote of a two-thirds majority of National Assembly representatives present shall be required for the adoption of the law concerning the oversight of the public service radio, television, and news agency and concerning the appointment of the leaders of these organizations, as well as for the law on licensing commercial radio and television and on preventing monopolies in the field of information.

Paragraph 62.

(1) The Hungarian Republic shall recognize the right to peaceful assembly and ensure the free exercise of that right.

(2) The vote of a two-thirds majority of National Assembly representatives present shall be required for the adoption of a law concerning the right to assemble. *(For implementation see Law No. 3 of 1989.)*

Paragraph 63.

(1) Based on the right to assemble, all persons in the Hungarian Republic shall have the right to establish or join organizations established for purposes not prohibited by law.

(2) Armed organizations serving political purposes shall not be established on the basis of the right to assemble.

(3) The vote of a two-thirds majority of National Assembly representatives present shall be required for the adoption of a law concerning the right to assemble and concerning the management and functioning of political parties. *(For implementation see Laws Nos. 2 and 33 of 1989.)*

Paragraph 64.

Everyone in the Hungarian Republic shall have the right to submit written petitions or complaints to state organs having jurisdiction. This right may be exercised individually or jointly with others.

Paragraph 65.

(1) Pursuant to conditions established by law, the Hungarian Republic shall provide asylum to foreign citizens and to stateless persons persecuted for reasons of race, religion, nationality or language, or for political reasons in their homelands or their place of stay.

(2) A person enjoying asylum shall not be extradited to another state.

(3) The vote of a two-thirds majority of National Assembly representatives present shall be required for the adoption of a law concerning the right to asylum.

Paragraph 66.

- (1) The Hungarian Republic shall provide for the equality of men and women in regard to all political, economic, social, and cultural rights.
- (2) Pursuant to separate provisions, the Hungarian Republic shall provide support and protection to mothers before and after the birth of a child.
- (3) Separate rules shall provide for protecting women and youths while they are working at their jobs.

Paragraph 67.

- (1) Every child in the Hungarian Republic shall have the right to receive the kind of protection and care from the family, the state, and society that is needed for appropriate physical, intellectual and moral development.
- (2) Parents shall be entitled to the right to choose the manner in which their child is brought up.
- (3) Separate provisions shall treat state functions related to the situation of families and youths and to their protection.

Paragraph 68.

- (1) National and ethnic minorities residing in the Hungarian Republic shall share the people's power: they are constituting factors of the state.
- (2) The Hungarian Republic shall protect national and ethnic minorities. It shall provide for their collective participation in public life and for nurturing their own culture, using their native tongue, getting education in their native tongue, and using their names in their own language.
- (3) The laws of the Hungarian Republic shall provide for the representation of national and ethnic minorities within the territory of the country.
- (4) National and ethnic minorities may establish local and national self governing bodies.
- (5) The vote of a two-thirds majority of National Assembly representatives present shall be required for the adoption of a law concerning the rights of national and ethnic minorities.

Paragraph 69.

- (1) No person in the Hungarian Republic shall be arbitrarily deprived of Hungarian citizenship, and no Hungarian citizen shall be expelled from the territory of the Hungarian Republic.
- (2) Hungarian citizens may return to Hungary from abroad at any time.
- (3) All Hungarian citizens shall be entitled to the protection of the Hungarian Republic while staying abroad.

- (4) The vote of a two-thirds majority of National Assembly representatives present shall be required for the adoption of a law concerning citizenship.

Paragraph 70.

- (1) Every adult Hungarian citizen shall have the right to be elected in the course of National Assembly and local government elections provided that the permanent residence of the citizen is in Hungary, and shall have the right to vote provided that the citizen stays within the territory of Hungary on election day.
- (2) A person shall not have the right to vote if he is under guardianship with limited ability to act, is prohibited from taking part in public affairs pursuant to a court judgment with force of law, is serving a prison sentence pursuant to a court judgment with force of law, or is subject to medical treatment as a result of a court judgment with force of law rendered in a criminal proceeding.
- (3) Based on separate law, persons who hold citizenship other than Hungarian citizenship but have permanently settled in Hungary shall be entitled to exercise the right to vote in local government elections.
- (4) All persons of Hungarian citizenship shall have the right to take part in the conduct of public affairs and to hold public office commensurate with their fitness to hold public office, their education, and their professional knowledge.

Paragraph 70/A.

- (1) The Hungarian Republic shall observe the human and civil rights of all persons staying within its territory, without discrimination, notably, without distinguishing on the basis of race, color, gender, language, religion, political or other view, national or social origin, property, birth, or other condition.
- (2) Any adverse discrimination in regard to matters enumerated in Section (1) shall be severely punished by law.
- (3) The Hungarian Republic shall support the realization of equality under law with actions aiming for the elimination of inequalities in opportunity. (*See Constitutional Court decision No. 21 of 1990.*)

Paragraph 70/B.

- (1) All persons in the Hungarian Republic shall have the right to work and to choose their work and occupation.
- (2) All persons shall be entitled to receive equal wages for equal work, without discrimination.
- (3) All workers shall have the right to expect to receive an income commensurate with the quantity and quality of work performed.
- (4) All persons shall have the right to recreation, to free time, and to regular, paid vacations.

Paragraph 70/C.

- (1) All persons shall have the right to establish or join organizations with others to protect their economic and social interests.
- (2) The right to strike may be exercised within the framework of applicable laws.
- (3) The vote of a two-thirds majority of National Assembly representatives present shall be required for the adoption of the law concerning the right to strike. *(For implementation see Law No. 7 of 1989.)*

Paragraph 70/D.

- (1) Persons residing within the territory of Hungary shall have the right to enjoy the highest quality of physical and spiritual health.
- (2) The Hungarian Republic shall enforce this right by way of occupational safety [regulations], by organizing health care institutions and medical care, by ensuring opportunities for regular physical exercise, and by protecting the man-made and natural environments.

Paragraph 70/E.

- (1) Citizens of the Hungarian Republic shall have the right to social security and to existential provisions in old age, when ill or disabled, upon the death of their spouse or parents, and during unemployment, provided that the unemployed person has lost his job through no fault of his own.
- (2) The Hungarian Republic shall enforce the right to be provided for through social security and through the system of social institutions.

Paragraph 70/F.

- (1) The Hungarian Republic shall ensure the right to cultural enjoyment for its citizens.
- (2) The Hungarian Republic shall enforce this right by expanding public cultural events and providing general access to them, by providing free and obligatory elementary schools as well as intermediate and higher education accessible to everyone according to his abilities, and further, by providing financial support to persons receiving an education.

Paragraph 70/G.

- (1) The Hungarian Republic shall respect and support the freedom of scientific and artistic life, academic freedom, and the freedom to teach.
- (2) Persons who cultivate the sciences shall have an exclusive right to make decisions regarding issues of scientific truths and to determine the scientific worth of research.

Paragraph 70/H.

- (1) It shall be the duty of all citizens of the Hungarian Republic to defend their homeland.
- (2) Based on the general duty of national defense, citizens shall perform armed or unarmed military duty, or civilian service pursuant to conditions established by law.
- (3) The vote of a two-thirds majority of National Assembly representatives present shall be required for the adoption of a law concerning national defense obligations. *(For implementation see Law No. 110 of 1993.)*

Paragraph 70/I.

All citizens of the Hungarian Republic shall help defray the public burden consistent with their income and financial situation.

Paragraph 70/J.

Parents and guardians in the Hungarian Republic shall provide for the education of their minor children.

Paragraph 70/K.

Claims based on the violation of fundamental rights and objections to state decisions concerning the state's performance on obligations may be enforced in court.

CHAPTER XIII.**BASIC PRINCIPLES GOVERNING ELECTIONS****Paragraph 71.**

- (1) Voters shall elect directly by secret ballot, based on equal suffrage, National Assembly representatives and the members of the representative bodies of local self governments, as well as mayors and the lord mayor of the capital.
- (2) Members of the country general assembly shall elect the chairman of the county general assembly by secret ballot.
- (3) *(As amended by Paragraph 7. of Law No. 63 of 1990.)* Separate laws shall govern the election of National Assembly representatives, members of local representative bodies, and mayors. Such laws shall be adopted by the affirmative vote of a two-thirds majority of National Assembly representatives present.

Paragraphs 72. and 73.

(Repealed by Law No. 31 of 1989.)

CHAPTER XIV.**THE CAPITAL AND THE NATIONAL SYMBOLS OF THE HUNGARIAN REPUBLIC****Paragraph 74.**

Budapest shall be the capital of the Hungarian Republic.

Paragraph 75.

Ferenc Kolcsey's poem entitled "Himnusz" with Ferenc Erkel's music shall be the national anthem of the Hungarian Republic.

Paragraph 76.

(1) The flag of the Hungarian Republic shall consist of three horizontal strips of equal width colored red, white, and green.

(2) *(As amended by Law No. 44 of 1990.)* A shield with a pointed base, vertically divided into two equal fields shall be the coat of arms of the Hungarian Republic. The left field is cut into seven fields in red and silver colors. In the right red field, at the center of an outstanding hill of three hills there stands an apostolic cross on a golden crown base. The Sacred Crown of Hungary rests on the shield.

[Graphic omitted]

(3) The vote of a two-thirds majority of all National Assembly representatives shall be required for the adoption of a law concerning the coat of arms and the flag of the Hungarian Republic, and the use of these.

CHAPTER XV.

CLOSING PROVISIONS

Paragraph 77.

(1) The Constitution shall be the basic law of the Hungarian Republic.

(2) The Constitution and legal provisions consistent with the Constitution shall be equally mandatory with respect to all organizations of society and all state organs and citizens.

(3) *(Repealed by Law No. 31 of 1989.)*

Paragraph 78.

(1) The Constitution of the Republic of Hungary shall take force on the day it is proclaimed; the Government shall provide for its implementation.

(2) The Government shall submit to the National Assembly the legislative proposals needed to implement the Constitution.

Local Governments Amendment

95CH0149A Budapest MAGYAR KOZLONY in Hungarian No 98, 6 Oct 94 pp 3063-3064

[Amendment to the Hungarian Constitution: "Law No. 61 of 1994 amending Law No. 20 of 1949 on the Constitution of the Hungarian Republic"; adopted by the National Assembly on 30 September 1994]

[FBIS Translated Text]

**Law No. 61 of 1994
Amending Law No. 20 of 1949 on the Constitution
of the Hungarian Republic**

The National Assembly creates the following law, to amend Law No. 20 of 1949 on the Constitution of the Hungarian Republic:

Paragraph 1.

Paragraph 44. Section (2) of the Constitution shall be replaced by the following provision, and Paragraph 44. shall be supplemented with the following Sections (3) and (4):

"(2) Except for special interim elections, members of representative bodies shall be elected for four year terms.

"(3) The mandate of the representative body shall last until the organizing meeting of the new representative body; the mandate of the mayor shall last until the election of the new mayor.

"(4) A representative body may dissolve itself—pursuant to conditions specified in the law on local government—prior to the expiration of its mandate. Voluntary or mandatory dissolution (the latter per Paragraph 19. Section (3) Subsection (I)) shall also terminate the mayor's mandate."

Paragraph 2.

(1) Paragraph 70. Section (1) of the Constitution shall be replaced by the following provision:

"(1) Every adult Hungarian citizen residing within the territory of the Hungarian Republic shall have the right to be elected in the course of National Assembly, local government, and local minority government elections, and—provided that the citizen is present in Hungary on the day of the election or popular referendum—shall have the right to vote, and to take part in national or local popular referendums and popular initiatives."

(2) Paragraph 70. Section (3) shall be replaced by the following provision; at the same time, the numbering of Section (3) shall be changed to Section (2), and the numbering of Section (2) shall be changed to Section (3):

"(3) Pursuant to separate law, an immigrant not holding Hungarian citizenship but residing within the territory of the Hungarian Republic shall have the right to vote in local representative and mayoral elections, as well as the right to participate in local popular referendums and local popular initiatives, provided that he is present in Hungary on the day of the election or popular referendum."

Paragraph 3.

Sections (1) and (2) of Paragraph 71. of the Constitution shall be replaced by the following provisions:

"(1) The electorate, on the basis of universal and equal suffrage, shall elect National Assembly representatives,

members of local representative bodies, mayors, and the lord mayor of the capital by casting direct, secret votes.

“(2) The chairman of the county general assembly shall be elected by the members of the county general assembly in secret ballot.”

Paragraph 4.

This law shall take effect on the day of the announcement of local representative and mayoral elections in 1994. On the day of the 1994 election of local government representatives the partial texts “regional prefects of the Republic” in Paragraph 30/A. Section (1) Subsection (h) of the Constitution, and “through the regional prefects of the Republic” in Paragraph 35. Section (1) Subsection (d) shall lose force.

[Signed] Arpad Goncz President of the Republic

[Signed] Dr. Zoltan Gal President of the National Assembly

National Assembly Amendment

95CH0149B Budapest MAGYAR KOZLONY in Hungarian No 117, 2 Dec 94 pp 3976-3977

[Amendment to the Hungarian Constitution: “Law No. 73 of 1994 amending Law No. 20 of 1949, previously amended several times, on the Constitution of the Hungarian Republic”; adopted by the National Assembly on 15 November 1994]

[FBIS Translated Text]

**Law No. 73 of 1994
Amending Law No. 20 of 1949 on the Constitution
of the Hungarian Republic
Previously Amended Several Times**

Law No. 20 of 1949 on the Constitution of the Hungarian Republic, previously amended several times (hereinafter: Constitution), shall be amended as follows:

Paragraph 1.

(1) Paragraph 19. Section (3) Subsection (k) shall be replaced by the following provision:

(Under this authority the National Assembly shall:)

“(k) elect the president of the Republic, the prime minister, the members of the Constitutional Court, the

National Assembly commissioners, the chairman and vice chairmen of the State Accounting Office, the chairman of the Supreme Court, and the supreme prosecutor.”

(2) Paragraph 32/B. Section (5) of the Constitution, established by virtue of Paragraph 24. Section (2) of Law No. 40 of 1990, amending the Constitution, is hereby repealed.

Paragraph 2.

This law shall take effect three days after its proclamation.

[Signed] Arpad Goncz, President of the Republic

[Signed] Dr. Zoltan Gal, President of the National Assembly

Constitutional Court Amendment

95CH0149C Budapest MAGYAR KOZLONY in Hungarian No 117, 2 Dec 94 p 3977

[Amendment to the Hungarian Constitution: “Law No. 74 of 1994 amending Law No. 20 of 1949 on the Constitution of the Hungarian Republic”; adopted by the National Assembly on 22 November 1994]

[FBIS Translated Text]

**Law No. 74 of 1994
Amending Law No. 20 of 1949 on the Constitution
of the Hungarian Republic**

Paragraph 1.

The first sentence of Paragraph 32/A. Section (4) of Law No. 20. of 1949 on the Constitution of the Hungarian Republic, previously amended several times, shall be replaced by the following provision:

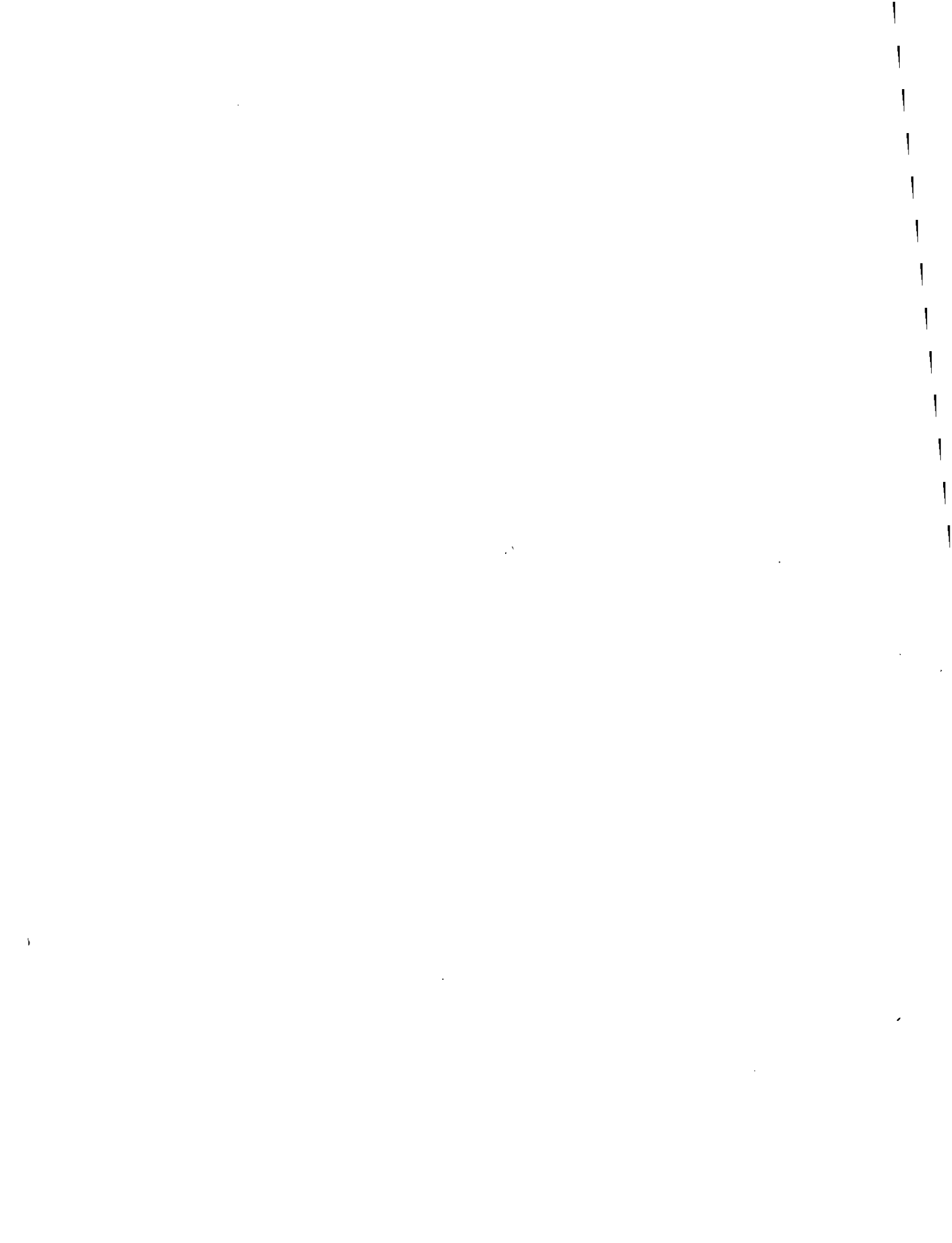
“The National Assembly shall elect the 11 members of the Constitutional Court.”

Paragraph 2.

This law shall take effect eight days after its proclamation.

[Signed] Arpad Goncz President of the Republic

[Signed] Dr. Zoltan Gal President of the National Assembly

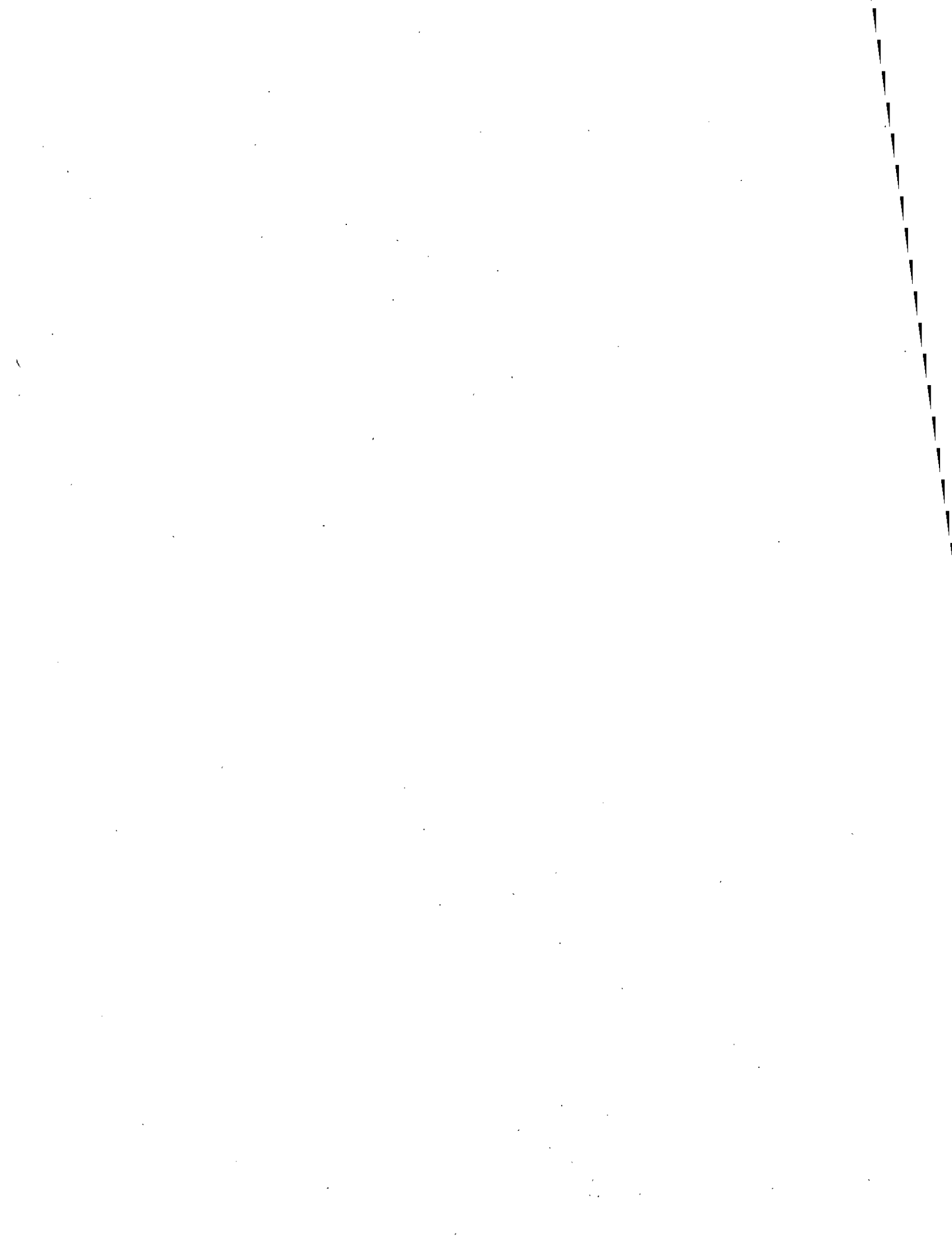










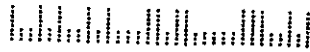


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