



New Constitution Draft Document: “Governing Principles of the Hungarian Constitution”¹

Prepared by the *Ad hoc* Parliamentary Constitution Drafting Committee²

GENERAL PROVISIONS

1. The Parliament accepts the principles of the Hungarian Constitution according to the appendix of this resolution.
2. The Parliament will call for the government to draft the bill of the New Constitution according to the accepted governing principles and present the bill to the Parliament by March 15.
3. This resolution enters into force on the day of its publication, at the same time the Parliamentary Resolution nr. 119/1996 (XII.21.) becomes invalid.

APPENDIX:

GOVERNING PRINCIPLES OF THE HUNGARIAN CONSTITUTION

General considerations related to the governing principles

1. Constitutional power is vested in the Parliament, which is the main representative body of the nation. The constitution is the most important source of law in Hungary, but it is not only a legal document, but a living framework, which expresses the common will of the nation and defines our preferred way of self-governance. Therefore it should be short, concise, and with an elevated style expressing constitutional principles. The wording should be careful, in order to avoid often amendment.
2. Therefore even when describing the rules of government, only the most important laws should be included in the constitution, other critically important details should be regulated by a set of two-thirds laws—to be accepted by the two thirds majority of the present Members of Parliament—hereinafter referred as cardinal laws. Laws of minor importance pertaining to the routine details of public administration should be regulated by laws adopted by a simple majority of the Parliament.

¹ This condensed English translation is provided by Common Sense Society (Budapest, Hungary: February 4, 2011) and is available at: <http://www.common sensebudapest.com>

² Original Hungarian version available at: <http://www.parlament.hu/irom39/02057/02057.pdf>

3. The Preamble should be the most elevated part of the Constitution and should pay tribute to all our norms and principles that guide this nation. However, these values gain weight only, if they are not just represented in the Preamble but are reflected by certain provisions of the Constitution. Therefore, the Preamble should be a brief text which will then be detailed in the first part of the text.

PREAMBLE

The Preamble should refer to our most important fundamental values, democracy, the principles of rule of law, and the principles of constitutional government. It should honor our one thousand years of history, the role of Christianity in shaping our history, and the role and principles of our historic constitution. In connection to this, it should refer to the Holy Crown, as the embodiment of Hungarian statehood. It should both evoke the ideas of liberty, social solidarity, and mention our historic fights for the cause of liberty.

The Preamble's last sentence should introduce the provisions of the Constitution by saying that the Parliament by exercising its constitutional authority shall define Hungary's Constitution as follows.

FUNDAMENTAL PRINCIPLES

1. In Hungary, all power belongs to the political nation, *i.e.* the people, whose members are responsible for each other and are equal in their inalienable dignity. Hungary's constitutional continuity is represented by the Holy Crown. The nation exercises its political power through its elected representatives or, in special cases, directly. Hungary bears responsibility for the fate of Hungarians living outside of its borders.
2. Hungary is an independent democratic republic based on the principle of separation of powers. 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.
3. Hungary's national symbols are its coat of arms, its national flag, its state flag, and the national anthem. 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. The state flag shall be a tricolor national flag consisting of horizontal red, white and green bands of equal width with the coat of arms in the middle. The national anthem of the Republic of Hungary is the poem "Himnusz" by Ferenc Kölcsey, set to the music of Ferenc Erkel. The national holidays are March 15th which marks both the anniversary of the revolution and war of independence of 1848-1849 and the birthday of modern parliamentary Hungary; August 20th, the celebration of King Saint Stephen and the state founding, which shall be an official holiday; and October 23rd, the starting day of the Revolution and freedom fight of 1956. The capital of Hungary shall be Budapest.

4. The Constitution is the fundamental law of Hungary, and its provisions and the other constitutional regulations are binding for everyone. Parliament shall make no laws that the Constitution does not stipulate. The law making procedure shall be specified by Cardinal Law, and parliamentary procedures shall be specified by the Parliament's Standing Orders.
5. In order to achieve the freedom, security, and well-being of the European nations, Hungary contributes to the creation of a unified Europe. Therefore, Hungary, as a sovereign member of the European Union, in order of her participation in the European Union as a Member State, based upon international treaty ratified by a two-thirds majority of the Parliamentary representatives, exercises certain constitutional competences, to the extent that is necessary to exercise rights and perform obligations, under the European Communities and European Union (hereinafter: the European Union) foundation treaties in conjunction with the other member states; the exercise of these competences may be realized independently, through the institutions of the European Union.
6. Hungary strives to peacefully cooperate with all other peoples, nations, and states of the world, rejects war as a means for resolving conflict, and abstains from aggression or the threat of aggression against the independence or territorial integrity of other nations. Hungary accepts the generally recognized rules of international law and guarantees the harmony between its international obligations and its domestic law.
7. The Constitution acknowledges everyone's inalienable and inviolable rights and liberties; it provides special protection to the institution of marriage, understood as the most basic and natural union between man and woman; and based on this institution, provides special protection to the institution of the family. The first and foremost responsibility of the state is to guarantee the freedom and the fundamental rights of the people and to defend the institution and general respect of marriage and the family.
8. Fundamental rights and liberties also come with responsibilities. Their exercise is governed by law, which nevertheless cannot restrict their essence. Unless the Constitution stipulates otherwise, the fundamental rights can only be restricted to the necessary extent in defense of the reputation and the fundamental rights of others, the national security, public safety, public health, or public morale. Fundamental rights cannot be understood as a right to harass others, or to exercise any activity which aims to harm or excessively restrict others' rights and liberties.
9. Human rights and fundamental rights of the citizens should apply to everyone independently of race, color, gender, language, religion, political or other opinion, social or ethnic origin, financial, social or any other situation; discrimination of any form based on these characteristics is punishable by law. Men and women shall enjoy equal rights.
10. Every child is entitled to the protection and care for proper physical, intellectual, and moral self development. Parents should have the right to choose the appropriate means of education for their children; parents and caretakers are obliged to ensure the teaching and education of their underage children. Families, mothers, and children should enjoy special support and protection under law.
11. Property of the Hungarian state, that are assets of the nation; inalienable treasury assets which belong to the state only; and activities performed exclusively by the state shall be specified by law. Public assets and public money should be used to further the public interest

and to meet the public's demands; this, however, should not constrain the chances of the future generations to meet their own future needs. The public administration bodies managing public wealth and public money should operate effectively and with due diligence, according to the law, with a requirement to be accountable to the public. A public financial system shall be in operation in order to fulfill the responsibilities of the state.

FUNDAMENTAL RIGHTS AND RESPONSIBILITIES

The new Constitution should include all the fundamental human rights and citizens' rights contained in the current constitution. Accordingly:

1. Every human life, starting from conception, should enjoy protection. Human life and human dignity are inviolable.
2. Everyone has the right to freedom and personal security. No one should be deprived of his or her liberty except in cases and for reasons defined by law following due process.

Everyone is equal under law; everyone has the right to due process, and the presumption of innocence. 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 law.

Everyone has the right to move freely and to choose a place of residence.

Everyone has the right to the good standing of reputation, to privacy of the home, and the right to the protection of personal secrets and personal data.

Everyone has the right to the freedom of thought, conscience, and of religion. That is, everyone is free to choose and change one's religion and conviction; and free to exercise, teach their religion or conviction through religious activity or ceremonies publicly or privately, individually or collectively or in other ways or to refrain from all of the above. Churches and religious congregations are independent. Rules pertaining to the relationship between the state and religious communities, the operation of churches, and the state registry of churches shall be specified by Cardinal Laws.

Everyone has the right to freedom of speech, and of expression, and to access public information.

The freedom of the press and the freedom of information shall be protected by the Constitution, their constitutional guarantees shall be specified by Cardinal Laws.

The Constitution protects and supports the freedom of scientific research and the arts, the freedom of education, and the freedom to set the curriculum. Only scientists are to decide about scientific truths and the value of scientific research.

Specific Cardinal Laws should guarantee the right of everyone to the freedom of association and assembly.

Parties—which contribute to the formation and articulation of the public will—may be formed and exercise their activities freely with due respect to the law and the Constitution. Parties cannot exercise public power directly. Specific laws should define the public offices and positions that cannot be fulfilled by party members or party officials. Cardinal Laws

should regulate the functioning and financial management of parties. Everyone should have the right to file a claim against public authorities individually or collectively.

3. Everyone has the right to private property, but they also have proprietor duties as well. Everyone has the right of forming one's last will and testament; but short of a last will, the law should define the rules of inheritance. In this case, the state or others can only inherit where there are no straight-line or side-line inheritors as described by law. Confiscation of private property is only allowed in exceptional cases and in defense of the public interest, other restrictions of private property are only allowed in defense of the public interest as defined by law with full, unconditional, and prompt compensation.

The Constitution acknowledges and supports the right to entrepreneurship and the competition in a free market, and to protect this goal it protects private and public property equally.

4. Everyone shall have the right to the free choice of one's job and occupation. The Constitution should define it as the state-goal to facilitate Hungarian citizens' right to work. Proportional to their hours worked, everyone has the right to fair payment, the right to rest, and time-off, and the right to regular paid holidays. Everyone has the right to form and join economic and social interest groups. Everyone has the right to deny work under conditions defined by law, except in occupations specified by law.

Everyone has the right to a healthy environment, and it is therefore everyone's responsibility to protect the living and built environment. To promote physical and psychological health, the state shall make provisions for the protection of adequate working conditions, for the maintenance of the public health care system and public health institutions, to provide facilities for sports and regular exercise, and to protect the built and living environment.

5. Every Hungarian citizen shall have the fundamental rights of the citizen. No one can be arbitrarily deprived of their citizenship, or expelled from the territory of Hungary. Hungarian citizens should enjoy the right of return to their home country, and consular protection while abroad. The details of citizenship should be defined by Cardinal Laws. Aliens residing legally in Hungary should only be expelled by the appropriate authority under the law.

Every Hungarian citizen shall enjoy the right to vote and to hold public office according to their abilities, education, and professional knowledge, and these requirements should be specified by Cardinal Laws.

Every citizen shall have the right to belong to an ethnic or national minority group. Ethnic and national minorities as participants in the exercise of national power, based on their collective minority rights, shall enjoy collective participation in public affairs, the cultivation of their own culture and language, including teaching of their own language, the use of their own language's version of official names, and the right to organize national and local self-governing bodies. Their representation shall be guaranteed by law.

Hungarian citizens have the right to social security and self-cultivation. The Constitution—similar to the right to health—should specifically stipulate the state's responsibilities of providing for cultural and social rights.

The Constitution should define the protection of youth and the feeble as a state interest.

Certain fundamental citizenship rights can be granted to non-citizens as well.

According to our international obligations, the Hungarian state grants asylum to aliens.

6. The Constitution should define the national defense and contribution to public revenue as a citizen's duty, with the stipulation that the latter one can extend to aliens as well. Laws should govern rules of contribution to public revenue; Cardinal Laws shall govern the obligation of national defense.
7. During a state of national crisis or state of emergency, extraordinary rule of law enters into force. During extraordinary rule of law, fundamental rights can be suspended or restricted; the method of exercising power might differ from that stipulated by the Constitution. Cardinal Laws shall define the exact cases of state of emergency and other relevant rules.

THE PRESIDENT OF THE REPUBLIC

1. The President represents national unity and oversees the democratic functioning of the state, and shall enjoy personal immunity. The office of President of the Republic is incompatible with all other public, social, and political offices or mandates. The President of the Republic shall not otherwise gainfully pursue an occupation and shall not accept remuneration for other activities, with the exception of such activities, which fall under the protection of copyright.

Cardinal Laws should specify rules governing the amount of remuneration, allowances, immunity, and reimbursement due of the President of the Republic.

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. The President of the Republic may be re-elected to such office no more than once. The Parliament shall elect the President of the Republic for a period of five years, according to the current constitutional laws.

New elections shall be held 60 days before the end of the President's term, which is the earliest; 30 days, which is the latest. Rules governing the end of his tenure should remain the same.

3. Basic responsibilities of the President should not change substantially. The President of the Republic should therefore continue to have the rights and responsibilities regarding Parliament (setting the date of elections, convening the first session of the Parliament, participating and speaking in Parliament, calling for special sessions, the power to veto legislation passed by the Parliament, signing bills into law, the power to dismiss Parliament, initiating national referenda); regarding the government (nominating the person of the Prime Minister to the Parliament, appointing and dismissing ministers and state secretaries); regarding foreign policy (representing the Hungarian state, signing international treaties, appointing of ambassadors); regarding the judiciary (appointing judges, the vice-chairperson of the Curia, the deputy state prosecutor); setting the date of European Parliamentary elections, local elections, and setting the date of national referenda.

The President's special rights of deciding over personnel not herein listed should remain the same, including the office of the Commander in Chief.

The Constitution, after enumerating the President's powers and responsibilities, should also include a clause which would give the right to Parliament to empower the President with special authority in certain cases.

The Constitution should also specify—as the current Constitution does—in which cases the President's decisions need to be co-signed by a minister or the Prime Minister, and which are those cases without the necessity of co-signature. No changes of the merit of the present regulations are necessary.

The Constitution, according to the Constitutional Court's decision, should also specify that the President can only deny the government's (Prime Minister's or a minister's) proposal, if it is otherwise against the law, or would endanger the democratic functioning of the state, or in case of granting medals, this can only happen in defense of Constitutional values.

4. In the event that the President is temporarily prevented from attending to his duties, or that his mandate should for any reason end prematurely, the Speaker of the Parliament shall exercise the powers of the President of the Republic until the newly elected President enters office, without limitation. While acting as the President of the Republic, the Speaker of the Parliament may not exercise his powers as a Member of Parliament, and his duties as Speaker of the Parliament shall be attended to by the Deputy Speaker of the Parliament designated by the Parliament.

Impeachment of the president shall not be amended, but the procedure following the impeachment shall be regulated in specific law.

THE LEGISLATURE

The Parliament

1. The supreme constitutional body of indirect power resting with the people is the Parliament and thus it manifests popular representation and exercises the legislative power.
2. The regulations regarding the role and competencies of the Parliament do not need fundamental revision. These competences cannot be listed in the Constitution, thus references to laws increasing its authority have to be added. The Constitution shall include the following competences: the power to adopt the Constitution, to adopt statutes, to elect the highest state officials, to approve the State Budget, to conclude international treaties of outstanding importance, to decide on the declaration of a state of war and peace, to rule on the use of the Hungarian Armed Forces abroad and on deployment related to the sovereignty of the country, and to declare a state of national crisis and a state of necessity. The Constitution shall include explicitly the power of the Parliament to decide on issues related to the confidence in the Government.
3. The Parliament has one chamber and is elected for a four year term according to the principle of popular representation, based on direct and secret ballot and on the principle of universal and equal suffrage.
4. Members of Parliament shall fulfill their duties according to the principle of free mandate. Members of the Parliament shall perform their activities for the public interest and for the entire nation and they cannot be directly instructed. In order to preserve the integrity of the

Parliament, Members of the Parliament are granted immunity. These details and other regulations (including the regulations regarding conflicts of interest) on the legal status of Members of Parliament shall be determined by Cardinal Laws. The Constitution shall contain the cases of the termination of a Member of the Parliament's mandate.

5. The Constitution shall only include the most important regulations referring to the structure and operations of the Parliament (for instance nomination or appointment of officials, including the Speaker of the Parliament, Deputy Speakers and the Clerks) and the start and termination of the parliamentary term. The Parliament shall establish its rules of procedure and order of debate in its Standing Orders, to be adopted with a majority of two-thirds of the votes of the Members of Parliament present. The Constitution shall include the most important rights—introducing a bill, interpellation, and the right to ask questions—of a Member of Parliament with regards to adopting statutes and checking the executive branch.
6. Regulations on the dissolution of the Parliament should change in a way that the Parliament can be dissolved if it passes a motion of no-confidence in the Government on no less than three occasions in a period of twelve months or if it fails to approve the State Budget. Parliament could also be dissolved if the new Prime Minister recommended by the President is not approved by Parliament within forty days after the President announces the nomination. The President has the right to dissolve the Parliament in the exceptional case when dissolution serves the resolution of a constitutional-political crisis caused by serious lack of confidence. The Parliament can dissolve itself before the end of its term.
7. The Parliament adopts a statute about the State Budget every year. The bill is introduced to the Parliament by the Government. Principles of transparency and reasonability shall be applied to the budgetary details. The Parliament gives the right to the Government to collect revenues and perform approved expenses (appropriations) by adopting the budget. If the budget is not adopted by the end of the year, the Parliament shall adopt a law on temporary measures (indemnity). If the bill on the budget is not adopted by the beginning of the active fiscal year and there have been no temporary measures adopted, the Government is entitled to collect revenues based on the statute in effect, and conduct expenses proportionate in time and based on the budgetary constraints approved for the previous year (*ex-lex*). If the budget is not approved by March 31 of the actual fiscal year, the President may dissolve the Parliament.

The Government shall execute the budget by applying the principle of reasonable treatment of public money. The Government shall file a final account of the implementation, which—if approved by the Parliament—absolves the Government of further responsibility of management.

The State Audit Office

The State Audit Office shall be the organ of the Parliament responsible for financial auditing. It shall conduct its audits from the perspective of legality, expediency, and efficiency. The State Audit Office shall present the Parliament a report on the auditing activities it has carried out. Its report shall be made public. A majority of two-thirds of the votes of the Members of Parliament is required to elect the President of the State Audit Office. A

Cardinal Law shall regulate the organizational structure and basic principles of operation of the State Audit Office.

Parliamentary Commissioners/Ombudsmen

The Parliamentary Commissioners/Ombudsmen shall be responsible for investigating anomalies concerning constitutional rights which have come to public attention and for initiating general or specific measures for their remedy. The Parliamentary Commissioners shall report annually to the Parliament on their activities. The annual report shall be made public. Everyone shall have the right to initiate proceedings by the Parliamentary Commissioner about his or her complaint. Parliamentary Commissioners may conduct investigations ex officio, if in that particular case there is no way to achieve ordinary remedy (legal redress in courts excluded) or remedy has been sought. The Parliamentary Commissioners 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. Ombudsmen act by the power of their own office. A Cardinal Law shall regulate the Parliamentary Commissioner's legal status, competencies, and proceedings.

Direct ways of exercising power

National referendum and popular initiative are the direct ways of exercising power of the people. A two-thirds law shall include the rules and regulations of the national referendum and popular initiative. The Constitution shall include the following provisions regarding these institutions: a national referendum may only be held on issues that fall within the authority of the Parliament or of a local government and thus national and local referenda are both possible. No referendum may be held on issues specified as being competences of the Parliament in the current Constitution. Additionally, in accordance with the Constitutional Court's interpretation, no national referendum may be held to amend the Constitution. Depending on voter turnout, national referenda can be indicative of opinion or of a decisive nature. Local referenda are decisive. The results of decisive national referenda have a compulsory binding force for the Parliament; local referenda have a compulsory binding force for the local governments.

THE EXECUTIVE

1. The Government is at the top of the executive branch. The Government shall be responsible to the Parliament for its operation.

The Constitution shall include only the most important duties of the Government without specifications (implementation of statutes, setting the state's general and sector-specific political guidelines and their implementation, conducting activities regarding national defense and law enforcement, and ensuring the supervision of the lawful operation of local governments). The Constitution shall include cases as a special regulation when the decision lays in the competence of the Government inherited from international treaties on the use of the Hungarian Armed Forces abroad and on deployment related to the sovereignty of the

country. The Constitution shall regulate the relationship of the Parliament and the Government in decisions related to the EU membership.

The Constitution shall include that the Government supervises the law enforcement agencies, whose duty is to ensure public safety, to maintain law and order, and to guard the borders of the country. The constitutionally guaranteed specifics of their operations shall be regulated by Cardinal Laws.

The Government shall consist of the Prime Minister and the Ministers. The Ministries of the Republic of Hungary shall be listed in a separate statute. The Government shall determine the organization of the central (national) public administration system within the framework of statutes.

Within its constitutional competence or with authorization of a statute, the Government shall pass resolutions that may not conflict with statutes. The Government shall regulate its own operations and of those institutions under its control by issuing decrees.

Rules on the formation of the Government require no change. The constitutional rules on the termination of the Government's mandate shall change in a way that the motion of no confidence introduced by Members of the Parliament shall not need a nomination for a candidate for the office of Prime Minister and if the motion is passed, the candidate nominated for the office of Prime Minister in the motion shall not be considered to have been elected. The motion may be introduced by no less than one-third of the Members of Parliament, and during a parliamentary term a Member of Parliament may sponsor only one motion.

In case the Government's mandate is terminated, the Government shall exercise its powers as acting Government until the new Government's formation. Further details related to this issue—exercise of power within the Prime Minister's sphere of authority included—shall be regulated by a statute.

The Prime Minister shall preside at the meetings of the Government, and he or she represents the Government's policy and coordinates its operations. The Prime Minister shall be responsible to the Parliament for its operation. The Ministers shall direct the branches of public administration falling within their respective portfolios and direct the public organs subordinate to them in accordance with the provisions of laws and Government resolutions. Ministers without portfolio shall perform the tasks determined by the Government. Ministers shall be responsible to the Government and to the Parliament for their operations. Members of the Government may participate and speak at the sittings of Parliament.

Within the ambit of performing their tasks, Members of the Government may issue decrees in accordance with an authorization given by a statute or a government decree. These, however, may not stand in conflict with the Constitution, with a statute, or with a government decree.

2. For the sake of efficient public administration and according to our historic traditions, the territory of the Republic of Hungary shall be divided into the capital, the counties, the cities, and the municipalities. The capital shall be divided into districts. Districts may be formed in cities. Certain public administration institutions may be organized based on special mixed territory units if regulated in statutes.

3. Certain branches and institutions of the public administration system are under the direct supervision of the Government or the Members of the Government. Local governments and self-governing bodies created by statute shall be independent in their operations. A statute may divide or revoke the Government's right of supervision in case of a public administration organization—taking into account its nature of authority. These organizations may include institutions with assigned duties of the public administration, related to fair competition in the economy, public procurement procedures, and freedom of expression. Specific details related to the Government and the public administration (*e.g.* replacement of the Prime Minister, duties of the state secretaries, decision-making procedures) shall be regulated in special statutes and in the Government's standing orders.

LOCAL GOVERNMENTS

Local governments preserve the traditions of the Hungarian Constitution, they are the basic forms of attachment for the citizens in public affairs, and they thus represent constitutional value. 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-government. Local government shall be independent, democratic, and the exercise of public authority subordinate to the interests of the population

In accordance with their responsibilities, the fundamental rights of all local governments shall be equal, but their duties may differ. For the defense of its autonomy and the lawful exercise of its powers, local government shall be afforded the judicial protection of public administration courts; the local government may turn to the Constitutional Court for the protection of its fundamental rights. Voters exercise local government through the representative body elected by them and by local referenda. A Cardinal Law shall determine the organizational structure of local government, the formation and termination of the mandate of local governments, their officers, and also the constitutional regulations on their activities.

In order to protect the independence and authority of the local representative body, its competences shall be determined as fundamental rights of local governments. A Cardinal Law shall establish guarantees for these fundamental rights. The essence of these rights cannot be revoked not even by statute, but they may be limited by a statute proportionately, extraordinarily, and for the public interest.

For expressing the local government's fundamental rights, the local representative body shall independently manage and administrate the affairs of the local government; its decisions may only be reviewed on the grounds of their legality when acting upon a statute or on behalf of its own duties and competences:

- the local representative body may issue decrees with an authorization given by a statute for its own implementation and for arranging local public issues not specified in a statute;
- it shall possess the right of ownership and its revenues on its own, it shall commit its expenditures on its own, it shall manage its assets within the framework established by statute at its own risk—it shall be entitled to this right in accordance with its competence authorized by a statute or self imposed;

- it is entitled to proportionate budget support for fulfilling the compulsory local and derived public administrative duties;
- it shall determine the rates of local taxes within the framework established by a statute and it shall decide on the introduction of types of local taxes;
- it shall establish its own organization and rules of procedure within the framework established by statute independently (it may create symbols and emblems of local government, and establish local honors and titles); and
- it may freely merge with other local representative bodies, but a Cardinal Law may order a compulsory merge for the purposes of efficiency.

The Constitution shall provide that certain institutions or officials of the local representative body may be authorized to perform public administrative duties and be assigned public administrative authority.

THE HUNGARIAN DEFENSE FORCES

The fundamental duty of the Hungarian Defense Forces shall be the military defense of the country and participation in the collective defense duties under international treaties. The Hungarian Defense Forces may be used in accordance with regulations of two-thirds law during a declared state of emergency for restoring order if the use of the Police proves insufficient. The duties and the detailed regulations on the operations, leadership, and management of the Hungarian Defense Forces shall be established by a Cardinal Law.

The Constitution shall confirm that the Government shall have the right to command the Hungarian Defense Forces, unless otherwise provided by international treaties in accordance with the Constitution. 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.

THE NATIONAL BANK OF HUNGARY

The National Bank of Hungary shall be responsible for monetary policy according to a manner prescribed in a separate statute. The Governor of the National Bank of Hungary is appointed by the President of the Republic for a period of six years. To ensure the Parliament's supervision, the Governor of the National Bank of Hungary shall report annually to the Parliament about the activities of the National Bank. For the sake of clarifying the order of the source of law, the Constitution shall regulate decrees issued by the Governor of the National Bank of Hungary within its competence, which may not conflict with statutes.

THE JUDICIARY

Constitutional protection

1. The Constitutional Court shall review the constitutionality of laws for the protection of the Constitution and constitutional rights. The Constitutional Court shall consist of eleven members who are elected by the Parliament with a majority of two-thirds of the votes of the Members of Parliament. The Constitutional Court shall specify a legal action if it finds statutes and other legal norms unconstitutional. 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. Members of the Constitutional Court shall be nominated according to the Constitution. A Cardinal Law shall regulate the organizational structure, competencies, and operations of the Constitutional Court.
2. During their acts of application of law and judiciary power, the courts of the Republic of Hungary shall protect and guarantee the constitutional order, and the rights and lawful interests of natural and legal persons, as well as organizations without legal personality. They shall punish those who commit criminal offenses and shall decide in legal disputes. Courts shall decide on disputed and violated law with a final decision of binding force in a procedure regulated in a statute. The judges shall perform other duties regulated in a statute apart from the adjudication process and without its derogation.
3. Public administration courts shall supervise the legality of the operations and actions and the expediency of the public administration system drawn under the law. They shall guarantee the protection of rights of local governments, decide on public administration disputes, and shall guarantee effective legal protection as specified by law. A Cardinal Law shall prescribe the supervision process over the legality of decrees issued by local governments and other normative decisions.
4. 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. Professional judges shall be appointed by the President of the Republic in a manner specified by statute. Judges may only be removed from office on the grounds and in accordance with the procedure specified by a Cardinal Law. A Cardinal Law shall specify other guarantees of their legal status and independence. The Constitution shall authorize the participation of lay or trainee judges in the jurisdiction.
5. The Curia shall be above the court system guaranteeing uniformity of law. The President of the Curia 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 Constitution shall regulate the position of the Curia in the court system and the Curia President's formation of term.
6. The administration of the courts shall be the task of the National Council of the Judiciary; self-governing bodies of the judges shall also participate in the administration. A Cardinal Law shall include the specifics about the organization and administration of the court system.

7. The chief public prosecutor and the office of the public prosecutor shall validate the State's claim for criminal public prosecution. It shall ensure prosecution of crimes against the rights of natural and legal persons as well as organizations without legal personality. They shall prosecute any act which violates or endangers not only the constitutional order but also the security and independence of the country to the full extent of the law. The Office of the Public Prosecutor shall exercise powers in relation to investigations as provided for by law, represent the prosecution in court proceedings, supervise the legality of the implementation of punishments, and perform other duties assigned by statute. The Chief Public Prosecutor 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 Chief Public Prosecutor shall be answerable to the Parliament and shall report on his activities. The deputy chief public prosecutors shall be appointed by the President of the Republic upon the nomination of the Chief Public Prosecutor. The Office of the Public Prosecutor shall be directed by the Chief Public Prosecutor. Public prosecutors shall be appointed by the Chief Public Prosecutor. Public prosecutors may not be members of political parties and may not engage in political activities. A Cardinal Law shall prescribe regulations on the legal status of the Chief Public Prosecutor, public prosecutors and the Office of the Public Prosecutor.
8. Statutes may delegate jurisdiction to notaries without derogation of the right to due process. A statute shall regulate attorneys' legal status and duties while acting as part of the jurisdiction.

AMENDMENT PROCEDURE

The Constitution may be amended if two consecutive Parliaments approve the amendment each time in unchanged form and by a two-thirds majority of the votes of the Members of Parliament.

CLOSING ACT

The new Constitution's entry into force shall be specified with special regard to statutes that will need to be adopted and amended in a way that it does not endanger the continuity of constitutional order.