

# DIRITTI COMPARATI

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## CONSTITUTION-MAKING IN HUNGARY – THE FINAL STAGE

*Posted on 9 Aprile 2011 by [Katalin Kelemen](#)*

Hungary continues to focus on the drafting of its new Constitution (see also a previous [post](#) on this topic in this blog). On March 9 the government published a detailed draft and less than two weeks later, on March 20, the debate has started in the Parliament. For an English translation of the draft see [here](#) (for the original Hungarian version [here](#)).

The draft clearly expresses the values represented by the right-wing government holding a two-thirds majority in the Hungarian Parliament which allows it to pass a new Constitution. It refers to Christianity in the Preamble, protects the life of the foetus from the moment of conception (Article II), defines marriage as a union between a man and a woman and as “the basis for the survival of the nation” (Article K), and renames some fundamental institutions, giving back to them their name used before the Second World War (e.g. the Supreme Court would become Kúria again, see Article 25).

The draft is quite long and the numbering is unusual. The three chapters have different numberings. The articles in the first part on the foundations are marked with letters (from A to S), part two on rights and duties (in the draft entitled “Liberty and Responsibility”) has Roman

numbers (from I to XXIX), while part three on the organisation of the state bears Arabic numbers (from 1 to 53).

This draft, however, is not the final text yet, but still under debate in Parliament. To compensate the lack of participation by most of the opposition in the parliamentary debate, and instead of a referendum (which the governing coalition [refuses](#) to indict for the adoption of the new Constitution), a so called “national consultation” process was started. This consultation consisted of sending (by post) a questionnaire to every Hungarian elector, who could give their opinion on [twelve selected constitutional issues](#), among which questions related to Hungarians living abroad, to the introduction of real life imprisonment and to voting rights given to minors to be exercised by the mother. Approximately 920 thousand persons filled in the questionnaire, this means 10% of the electorate. According to Prime Minister Orbán the result is going to imply changes in the draft (see an [interview](#) given by him on 1 April, in Hungarian). For example, more than 70% of the people refused the idea of giving an extra vote to mothers for every minor child. The Prime Minister declared that the government will respect the opinion of the majority and eliminate the relevant position from the text. The idea of giving voting rights to minors in order to ensure the political representation of future generations was born in Germany, he stated, where Christian-Democrat politicians proposed its introduction. However, the proposal was eagerly criticized and at the end rejected in Germany.

The drafting stage of the Constitution is already concluded. The last debate was on April 4 in the Parliament and on April 6-7 in the parliamentarian committee for constitutional issues. The Parliament will decide about 150 proposed amendments on next Monday (April 11). According to the [MTI](#), the Hungarian News Agency, only one of these proposals has been presented by a representative of the opposition, all the others arrive from the government itself or from parliamentary committees. The final vote in the Parliament is scheduled for April 18. Then, if it is approved by a two-thirds majority (but given the current composition of the Parliament, approval is more than likely), the President of the Republic Pál Schmitt will sign it one week after, on 25 April (which,

again, is quite likely, considering that he was elected by the same majority that now drafted the constitutional text). However, the main opposition Socialist Party (MSZP) has [requested](#) the President of the Republic not to sign the new Constitution, and protests are being organised against it for next weekend (April 15-16) in downtown in Budapest.

If the new Constitution will be approved, it is going to enter into force on January 1, 2012.