

The new Hungarian constitution

The European Liberal Democrat and Reform Party convening in Palermo, Italy on 23-25 November 2011

Considering that

- on 17 April 2011 the Hungarian Parliament passed a new constitution under which a new budgetary council is to be elected for a nine-year period by the parliament.

Alarmed by

- The fact that this budgetary council can declare a budget passed by parliament to be null and void at any time;
- The new powers given to the president to dissolve parliament if the country has not passed a budget by 30 March of each year.

Considering

- The findings of the Venice Commission (European Commission for Democracy through Law) in their opinion on the new constitution of Hungary.

Are convinced that

- Through these rules, the national populist party FIDESZ undermines the democratic institutions of the country by manifesting its power far beyond this legislative period, as the new budgetary council would be in power until the end of this decade. Consequently, the parliament's decision-making power will be drastically curtailed.

Are concerned that

- The new constitution will undermine the rights of the political opposition in the country;
- The new constitution also limits the competences of the constitutional court for judicial review, since the constitutional court will also be stripped of its powers to deal with matters concerning the budget;
- The dubious preamble could be used against the freedom of expression, by the definition of God, Christianity and pride in a millennium of Hungarian history as legally binding symbols.

Strongly believe

- In Article 2 of the Treaty of Lisbon, which states that the EU is "founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity, and equality between women and men prevail".

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Calls on

- Member States, the European Parliament, the European Commission and the Council to urge Hungary to change its legislation immediately and, if it fails to do so, to initiate procedures in accordance with Article 7 (1) (TEU) in order to determine whether *“there is a clear risk of a serious and persistent breach by a Member State of the values referred to in Article 2”* and to take further measures if such a breach is identified.

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