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Addressed to **László Kövér, Speaker of the Parliament**

Subject: **Submission of a bill**

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Title of the bill: **Fifteenth Amendment to the Fundamental Law of Hungary**

Pursuant to Article S(1) of the Fundamental Law, we wish to submit the attached bill entitled **“Fifteenth Amendment to the Fundamental Law of Hungary”**.

In accordance with Article S(2) of the Fundamental Law, the adoption of the bill requires the **“yes”** vote of two thirds of the Members of Parliament.

Editor’s note: additions to the current text of the Fundamental Law are underlined.

The Fifteenth Amendment to the Fundamental Law of Hungary

[1] In recent years, there have been growing trends in Europe and North America to transform fundamental social and cultural values and norms that were previously taken for granted and that affect the very fabric of society. The transformation of these into legal norms is leading to a complete transformation of the social environment, a loss of values and the irreversible destruction of the forms of social functioning as we know them today, the signs of which are already showing in other countries.

[2] Trends in the Western world include a redefinition of the role of traditional institutions such as the family and national identity, and a shift in the balance between individual and community rights. These changes are often accompanied by political and ideological pressures that can lead to a weakening of nation-state sovereignty. Hungary's priority is to preserve its identity and ensure that the foundations of its social order continue to serve the interests of communities, including the family and the nation.

[3] The Hungarian society has strong community foundations historically as well, which create stability for the country and ensure the country's development. Accordingly, by amending the Fundamental Law, the basic rules of social functioning should be defined at constitutional level, preserving our fundamental values for future generations.

[4] The Fifteenth Amendment to Hungary's Fundamental Law confirms that the sex of a person at birth is a biological given, which, in accordance with the order of creation, can be either male or female. It is the duty of the state to ensure the legal protection of this natural order and to prevent efforts that suggest the possibility of changing the sex at birth. The fixed nature of biological sex ensures the healthy development of society and the maintenance of basic community norms.

[5] The family as the basic unit of society is based on the natural relationship between man and woman, from which the new generation is born. In order to ensure the physical, mental and spiritual development of children, the state has a special responsibility to ensure that future generations grow up in a clear and predictable legal and moral environment. Accordingly, the Hungarian legal system does not recognise any change of sex at birth, thus preserving the stability of the institution of family and the security of the social order.

[6] Cash is a legal means of payment that in its physical form is independent from digital systems, banks and other third parties. Only the maintenance of cash circulation can ensure that the functioning of the economy does not become completely vulnerable to electronic financial systems, which may be vulnerable for technical or market reasons. It is therefore necessary to enshrine at constitutional level the fundamental principle that the possibility to pay in cash is a fundamental right. The enshrinement of this right at constitutional level also guarantees that the possibility of paying in cash remains available to all, thus avoiding the possibility of financial exclusion. In the light of this, it is appropriate to place the right to pay in cash alongside and in parallel with the right to property [in the Fundamental Law].

[7] The amendment to the Fundamental Law states that the right of the child to adequate physical, mental and moral development takes precedence over all other fundamental rights, except the right to life, in the event of a conflict of fundamental rights.

[8] The production, use, distribution and promotion of drugs have serious social and health consequences. Drug addiction affects not only the individual, but hits also families, communities and the nation as a whole. The spread of drugs increases crime, weakens social cohesion and undermines the health of the population able to work. Firm action is therefore needed against the spread of drugs. The amendment to the Fundamental Law sets out that the production, use, distribution and promotion of drugs is prohibited, thus reinforcing the state's commitment to public safety, healthy lifestyle and

the protection of social order.

[9] Judicial and prosecutorial careers are inseparable and contribute equally to the operation of the rule of law and the administration of justice. The stability of the administration of justice requires that the service relationship of experienced judges and prosecutors with a lot of practice be governed by similar principles as regards the rules governing the end of their careers. The amendment to the Fundamental Law therefore ensures that the service relationship of prosecutors, with the exception of the Prosecutor General, may continue until the age of 70.

[10] The amendment to the Fundamental Law creates the possibility that the Hungarian citizenship of Hungarian citizens who are also citizens of another state, not including citizens of states with the right of free movement and residence, is suspended in accordance with the provisions of a cardinal Act.

[11] The Parliament, as the constitution-making authority, acting within its powers under Article 1(2)(a) of the Fundamental Law, shall amend the Fundamental Law as follows:

Article 1

Article G(3) of the Fundamental Law shall be replaced by the following provision:

“(3) No one shall be deprived of Hungarian citizenship established by birth or acquired in a lawful manner. The citizenship of a Hungarian citizen who is also a citizen of another state, with the exception of a citizen of a state with the right of free movement and residence, may be suspended for a definite period of time, as established by a cardinal Act. Collective suspension is prohibited.”

Article 2

Article L(1) of the Fundamental Law shall be replaced by the following provision:

“(1) Hungary shall protect the institution of marriage as the union of one man and one woman established by voluntary decision, and the family as the basis of the survival of the nation. Family ties shall be based on marriage or the relationship between parents and children. The person is a man or a woman. The father shall be a man, the mother shall be a woman.”

Article 3

Article XIII(1) of the Fundamental Law shall be replaced by the following provision:

“(1) Everyone shall have the right to property and inheritance and to pay in cash. Property shall entail social responsibility.”

Article 4

Article XVI(1) of the Fundamental Law shall be replaced by the following:

“(1) Every child shall have the right to the protection and care necessary for his or her proper physical, mental and moral development. This right shall take precedence over all other fundamental rights, with the exception of the right to life. Hungary shall protect the right of children to a self-identity corresponding to their sex at birth, and shall ensure an upbringing for them that is in accordance with the values based on the constitutional identity and Christian culture of our country.”

Article 5

The following Paragraph (3) shall be added to Article XX of the Fundamental Law:

“(3) The production, use, distribution and promotion of drugs shall be prohibited in Hungary.”

Article 6

Article 29(3) of the Fundamental Law shall be replaced by the following provision:

“(3) The organisation of the prosecution service shall be led and directed by the Prosecutor General who shall appoint prosecutors. Except for the Prosecutor General, the service relationship of prosecutors may exist until they reach the age of 70 years.”

Article 7

Article 51 of the Fundamental Law shall be replaced by the following provision:

“Article 51

The Government may declare a state of danger in the event of an armed conflict, war situation or humanitarian catastrophe in a neighbouring country, or a serious incident endangering life and property, in particular a natural disaster or industrial accident, and in order to eliminate the consequences thereof.”

Article 8

Article 53(1) of the Fundamental Law shall be replaced by the following provision:

“(1) During the period of a special legal order, the Government may adopt decrees by means of which it may, as provided for in a cardinal Act, take extraordinary measures and may,

a) in a state of war or state of emergency, without a separate authorisation from the Parliament,

b) in a state of danger, upon the authorisation of the Parliament provided by the votes of two thirds of the Members of Parliament present for a definite period of time,

suspend the application of certain Acts and derogate from the provisions of Acts.”

Article 9

In Article XV(5) of the Fundamental Law the term “disabled” shall be replaced by the term “with disabilities”.

Article 10

The text “and to authorise the Government to extend a state of danger” in Article 56(1) of the Fundamental Law shall cease to have effect.

Article 11

- (1) This amendment to the Fundamental Law shall enter into force on the third day following its promulgation, with the exception of Paragraphs (2) and (3).
- (2) Articles 1 and 4 shall enter into force on 15 April 2025.
- (3) Articles 6 to 8 and Article 10 shall enter into force on 1 January 2026.
- (4) This amendment to the Fundamental Law shall be adopted by the Parliament in accordance with Article 1(2)(a) and Article S(2) of the Fundamental Law.
- (5) The consolidated text of the Fundamental Law shall be published in the Official Gazette without delay after the entry into force of this amendment to the Fundamental Law.

General explanatory memorandum

The Fifteenth Amendment to the Fundamental Law was drafted in response to social, economic and political developments in the world, taking into account the preservation of Hungary's sovereignty and traditional values. In recent years, there have been increasing trends in Europe and North America to transform fundamental social norms and cultural values that were previously taken as evident and for granted, and which affect the very fabric of society. The transformation of these into legal norms, of which there are already examples, is leading to a complete transformation of the social environment, a loss of values and the irreversible destruction of the forms of social functioning as we know them today, the signs of which are already visible in some countries.

Trends in the Western world include a redefinition of the role of traditional institutions such as the family and national identity, and a shift in the balance between individual and community rights. These changes are often accompanied by political and ideological pressures that can lead to a weakening of nation-state sovereignty. Hungary's priority is to preserve its identity and ensure that the foundations of its social order continue to serve the interests of communities, including the family and the nation.

The social and economic tensions in Western societies, such as the consequences of immigration, political polarisation and inter-group conflicts, show that ill-conceived social reforms can have a destabilising effect in the long term. Hungary aims to avoid the mistakes made by other countries and to continue to maintain a safe, predictable and well-functioning society.

Globalisation is increasingly leading to international efforts to limit the powers of national governments and to place decision-making processes under the influence of international organisations far removed from the interests of local communities. Hungary's priority is that decisions affecting the country's internal affairs continue to be taken by the democratically elected Hungarian institutions, taking into account the will of Hungarian citizens.

Hungarian society is based on strong community foundations, which contribute to the country's stability and development. It is necessary to define at constitutional level, by amending the Fundamental Law, the basic rules of social functioning, preserving our fundamental values for future generations.

Starting from this moral basis, the amendment to the Fundamental Law contains the following elements.

The amendment stipulates that the protection of children's right to the protection necessary for their physical, mental and moral development and their right to a self-identity corresponding to their sex at birth is a fundamental right which is of paramount importance compared to other fundamental rights guaranteed by the Fundamental Law, not including the right to life, and as such enjoys proportionate protection.

The amendment also states that the right to pay in cash is a fundamental right. The amendment is in line with international efforts that deem the survival of official means of payment in the form of banknotes and coins important for various reasons even in the face of the increasingly rapid rise of electronic means of payment. In view of this, it is appropriate to place the right to pay in cash alongside and in parallel with the right to property [in the Fundamental Law].

The constitutional-level prohibition of the production, use, distribution and promotion of drugs makes it clear that Hungary is taking a firm stand against the legalisation of drugs in order to protect public health, public safety and future generations. The state thus creates a clear legal basis for strict regulation and the effective implementation of prevention measures. The amendment states that the production, use, distribution and promotion of drugs are prohibited.

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The amendment also aims to replace the term “disabled persons” [*fogyatékkal élők*] in the wording of the Fundamental Law with the term “persons with disabilities” [*fogyatékosággal élők*]. The term “disabled” used colloquially is incorrect, but it is currently used in Article XV(5) of the Fundamental Law.

The amendment to the Fundamental Law creates the possibility that the Hungarian citizenship of Hungarian citizens who are also citizens of another state, not including citizens of states with the right of free movement and residence, is suspended in accordance with the provisions of a cardinal Act.

A state of danger may be declared in the event of an armed conflict, war situation or humanitarian catastrophe in a neighbouring country, or a serious incident endangering life and property, in particular a natural disaster or industrial accident.

Under the proposed amendment to the Fundamental Law, the Government would only be entitled to derogate from provisions of Acts in a state of danger on the basis of a two-thirds majority authorisation by the Parliament provided for a definite period of time; otherwise it would only be entitled to take extraordinary measures as defined in a cardinal Act.

With the Fourteenth Amendment to the Fundamental Law, the constitution-making authority ensured that judges could retire at the age of 70, as provided for by a cardinal Act. Given that the legal status of judges and prosecutors is generally regulated on the basis of the same considerations, it is warranted to adapt the rules established by the Fourteenth Amendment to the Fundamental Law to the legal status of prosecutors. Accordingly, the amendment’s aim is that prosecutors, with the exception of the Prosecutor General, may remain in service until the age of 70.

Pursuant to Section 18(6) of Act CXXX of 2010 on Law-making and Section 20(2)(a) of Decree 5/2019. (III. 13.) IM of the Minister of Justice on the Issuing of the Hungarian Official Gazette and on the Identification of Laws upon Promulgation and of Public Law Regulatory Instruments upon Publication, this explanatory memorandum shall be published in the Inventory of Explanatory Memorandums published as an annex to the Hungarian Official Gazette.

Detailed explanatory memorandum

1.

The amendment creates the possibility that the Hungarian citizenship of Hungarian citizens who are also citizens of another state, not including citizens of states with the right of free movement and residence, is suspended in accordance with the provisions of a cardinal Act.

In light of the above, Article G of the Fundamental Law is supplemented with the possibility of suspension and, as one of the guarantees related to the suspension, the prohibition of collective suspension.

2.

In the framework of the Ninth Amendment to the Fundamental Law, the constitution-making authority made it clear that it is necessary to establish certain facts, such as the father being created as a man and the mother being created as a woman, along the lines of the values of the Fundamental Law. In addition, the fundamental guarantees aimed to protect the rights of children and future generations shall also be laid down.

The Fifteenth Amendment to the Fundamental Law states that a person is born biologically male or female and that sex at birth cannot be changed in a legal sense.

In recent years, influencing children and young people in relation to gender identity has become increasingly common in Western Europe and North America, with potentially irreversible consequences even in the short term. The prohibition of legally changing sex at birth helps to preserve the natural developmental process of children and to ensure that children are not subjected to ideological or social pressure on an issue that they should understand and assess as adults.

Hungary is committed to preserving its own cultural identity, which includes respect for the natural order of men and women.

The definition of human sex is based on biological reality: the sex chromosomes (XX or XY) determined at birth and the anatomical characteristics associated with them. Modern science clearly confirms that biological sex is an objective and immutable factor. Although there are individual differences and special life situations, these do not change the binary nature of biological sex.

The prohibition of changing sex at birth makes it clear that the state takes biological reality as the basis for both law-making and the organisation of society. This regulation contributes to the maintenance of legal certainty, the protection of children and the stability of the family and social order.

The amendment is not an attack on those whose self-identity does not correspond to their sex at birth: the constitution-making authority considers this to be a private matter for the person concerned. However, the legal recognition of the possibility of changing one's sex at birth, although seemingly only a gesture, would be a starting point for a whole series of legal consequences, which would create a number of legal and social uncertainties in areas such as family law, public law and the social welfare system.

3.

The amendment aims to include the right to pay in cash among the fundamental rights, at the highest level of regulation, to counterbalance the increasing shift of means of payment towards electronic, digital means. The amendment is in line with international efforts (e.g. a similar constitutional

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amendment adopted in Slovakia) that deem the survival of official means of payment in the form of banknotes and coins important for various reasons even in the face of the increasingly rapid rise of electronic means of payment. In view of this, it is appropriate to place the right to pay in cash alongside and in parallel with the right to property [in the Fundamental Law].

4.

The amendment stipulates that the protection of children's right to the protection necessary for their physical, mental and moral development and their right to a self-identity corresponding to their sex at birth is a fundamental right which is of paramount importance compared to other fundamental rights guaranteed by the Fundamental Law, not including the right to life, and as such enjoys proportionate protection.

5.

In many countries, liberal drug policies have not lived up to expectations. In some places, they have led to serious social problems, such as a deterioration in public safety and a reduction in the liveability of public spaces. Hungary, on the other hand, determines its drug policy on the basis of its own cultural and social values, and, with the amendment to the Fundamental Law, confirms that the production, use, distribution and promotion of drugs are incompatible with social well-being and the public interest.

The constitutional-level prohibition of the production, use, distribution and promotion of drugs makes it clear that Hungary is taking a firm stand against the legalisation of drugs in order to protect public health, public safety and future generations. The state thus creates a clear legal basis for strict regulation and the effective implementation of prevention measures.

However, this prohibition does not, by necessity, affect cases where drugs are applied (used) not for the above purposes but for a medical or therapeutic purpose, as defined by law, under appropriate professional supervision.

The amendment states that the production, use, distribution and promotion of drugs are prohibited.

6.

The amendment to the Fundamental Law ensures that the service relationship of prosecutors, except for the Prosecutor General, may exist until they reach the age of 70.

7-8., 10.

A state of danger may be declared in the event of an armed conflict, war situation or humanitarian catastrophe in a neighbouring country, or a serious incident endangering life and property, in particular a natural disaster or industrial accident.

Under the proposed amendment to the Fundamental Law, the Government would only be entitled to derogate from provisions of Acts in a state of danger on the basis of a two-thirds majority authorisation by the Parliament provided for a definite period of time; otherwise it would only be entitled to take extraordinary measures as defined in a cardinal Act.

It is also necessary to repeal the unnecessary reference to the state of danger in Article 56(1) of the Fundamental Law.

9.

The term “persons with disabilities” is preferable because it clearly distinguishes the person from the life situation they experience, emphasising that disability is only one aspect of an individual’s life, not its defining characteristic; thus, a person-centred approach promotes a more complex understanding of dignity and identity, while being consistent with international recommendations and inclusive social norms.

11.

Provisions on entering into force and provisions related to the amendment and publication of the Fundamental Law.