

STATUTES of Hungarian Civil Liberties Union
Adopted at General Assembly on May 28th, 1998
Last modified at General Assembly on December 19, 2008

Section I.

General Provisions

1. Name of the non-governmental organization: Hungarian Civil Liberties Union (hereinafter referred to as “NGO”)
Abbreviated name of the non-governmental organization: HCLU
2. The seat of the NGO is 1084 Budapest Hungary, Víg u. 28., I/3.
3. The Hungarian Civil Liberties Union is a non-governmental organization, acting within the territory of Hungary, founded on the basis of the dispositions in Act no. II. of 1989.
4. The aim of the NGO is to facilitate real respect, application and acceptance of human rights and to ensure that the freedoms associated with human rights are protected by the rule of the law. The main objective of the NGO is that laws that ensure the respect of basic human rights are created in Hungary, and that the persistent observance of these laws is ensured by the state. The NGO takes a special interest in instances where the legislator restricts freedom pleading the public good. The NGO wishes to draw public attention to anomalies within the practice of law, and wishes to provide legal help to those whose freedom and dignity are violated, and wishes to urge the improvement of legislation and the application of the law. The NGO also wishes to extensively inspect those areas of the Hungarian law the state of civil liberties and the private sphere are unstable. The NGO also wishes to make the problems of those marginalized groups in society the destiny of whom is followed neither with respect nor attention by the public. Related to the aforementioned scope of activities, the NGO edits, vets, distributes and sells (if needed free of charge, at cost price or under the market price) books and other publications of public interest. The NGO organizes professional forums, conferences related to its professional activity, participates in conferences organized by others, and provides all the necessary means for NGO representation by staff. In order to achieve the aforementioned objectives, the NGO also organizes educational and informative activities.
5. The NGO is independent from all political parties: it does not receive or provide support for them; it does not nominate candidates or support any parliamentary representatives; and does not participate in any partisan political activities.
6. The NGO is a legal entity.
7. The NGO operates as public benefit organization. Its public benefit undertakings are scientific activities, research, the support of equal treatment for marginalized groups, and the protection of their civil and human rights, according to points 3, 11 and 12 of article 26 c of the Act no. CLVI. of 1997.
8. Any person may benefit from the services of the NGO.

9. The NGO fulfils the requirement of transparency set out by law in that anyone, upon request, may consult all documents related to the functioning of the NGO, the meetings of the General Assembly are public, the annual public benefit reports, the annual general reports, the ways of using its services, the date and place and the minutes of the General Assembly are made public in either electronic or hard copy format by the NGO.

Section II.

Members of the NGO

1. Any person or legal entity who undertakes to fulfill the membership obligations prescribed by the present statutes and has their application accepted by the General Assembly, may become a member of the NGO.
2. A non-Hungarian citizen may also become a member of the NGO.
3. The acceptance of a new member, upon proposal by the Managing Board, is done at the General Assembly.
4. Membership may be terminated due to:
 - (1) exit, which is presented in written form to the Managing Board,
 - (2) expulsion by the General Assembly, following a proposal by the Managing Board,
 - (3) death, or in the case of a legal entity due to termination without a legal successor,
 - (4) a member not being personally present at two successive General Assemblies and having made no attempt to contact the NGO during the interim period; nor personally taking part in the work of the NGO.
5. Rights and obligations of a member:
 - (1) The members of the NGO shall comply with the provisions of the present statutes, shall supply moral support to the NGO, and shall personally take part in the everyday work of the NGO.
 - (2) The members have voting rights and may also be elected.
 - (3) The members who are legal entities can take part in the work of the NGO, and in the election of the executive officers through their representatives.
6. Supporting members
 - (1) The supporting membership is granted to a person or legal entity – who agrees with the aims of the NGO, or with the principals of the present statutes- who pays the annual supporting membership fee to the NGO, and who is registered as a supporting member by the NGO.
 - (2) The supporting member receives:
 - a quarterly report from the executive director of the NGO about the operation and achievements of the NGO,
 - notification about the programs and events of the NGO,
 - a membership card which they are entitle to possess and use all benefits related to it.In addition to the supporting membership fee, the supporting member can also give further donations to the NGO, according to the operative laws.

- (3) The supporting membership may be terminated due to,
- Exit by the supporting member,
 - by expulsion,- if the supporting member's behavior is contrary to the aims of the NGO - by the General Assembly (this decision is taken by secret ballot and majority votes of the General Assembly, following the proposal of the Managing Board),
 - if the supportive member does not pay the annual supportive membership fee within the 15 months counted from the last payment,
 - by death or termination without legal successor of the supportive member.
- With the termination of the supporting membership, the supporting member is deleted from the register of supporting members.

Section III.

Functioning of the NGO

1. The supreme consultation and decision making organ of the NGO is the General Assembly.
2. Every member has the right to participate, which includes voting and speaking rights within the General Assembly. The sessions of the General Assembly are open to the public.
3. The General Assembly is convened at least once a year by the executive director of the NGO, following a motion by the Managing Board.
4. The convocation and the agenda of the General Assembly shall be sent to each member at least one week before the date of the General Assembly.
5. The General Assembly has quorum only if 50%+1 of the members of the NGO are present. If the convocation was not made formally, or if less than 50% percent +1 of the members were present at the General Assembly, it must to be convoked again. A General Assembly that has been repeatedly convoked has quorum regardless of the number of the members present.
6. The General Assembly makes its decisions on every question by a simple majority of votes cast by the members present (unless the statutes or the General Assembly dispose otherwise).
7. The General Assembly has the following exclusive competencies:
 - (1) to create and modify the statutes,
 - (2) to determine the annual budget,
 - (3) after listening to the opinion of the Supervisory Board, to approve the annual report of Managing Board,
 - (4) to approve the public benefit report,
 - (5) to approve the rules of investments,
 - (6) to absorb or merge with other social organization, and also to dissolve the NGO.
8. The Managing Board, which has seven members, is elected from the members by secret ballot. (The members of the Managing Board, at the moment, are the following: Dénes Balázs, Pelle Andrea, Baltay Levente, Sárosi Péter).
9. Any person who held an executive officer position in a public benefit organization - for at least one year and in the two year period and before its termination - which did not fulfill its financial obligations, according to the act of the taxation rules, can not become a member of the Managing Board.

This limitation is valid for two years counted from the termination of the public benefit organization.

10. Each member of the Managing Board has the right to represent and manage the NGO.
11. The Managing Board elects from its members the Executive Director of the NGO, who convenes and organizes the Managing Board and harmonizes the functioning of the NGO.
12. The Managing Board has its meeting as needed, but at least once a year. The Managing Board members must receive the date and agenda of the meeting at least 3 days prior to the meeting.
13. The Managing Board has the right to record its work plan in the operational regulations.
14. The tasks and competence of the Managing Board, besides the above written, are to represent the NGO and to direct and co-ordinate the work of its members. The Managing Board is responsible for decisions which, according to the dispositions of the Statutes, do not belong to the exclusive competence of the General Assembly.
15. The Managing Board makes its decisions on every proposition by simple majority vote. In the case of an equal number of votes cast for and against a proposition, the proposition is counted as rejected.
16. A person has no right to take part in a decision of the General Assembly or the Managing Board, when it regards them, or their close relatives (according to §685 b. of the civil code), or companions (hereinafter commonly referred to as: the “relative”)
 - a) and as a result of the decision is exempted from any obligations or responsibility,
 - b) or can gain any other advantage or interest through the decision of the General Assembly or the Managing Board. The non-monetary services which can be used by anybody without any limitation within the framework of the objective allowance of the public benefit organization, or the objective allowance of the NGO for its members, based on the membership right, according to the provisions of the statutes shall not be considered as advantages.
16. a) The Managing Board shall ensure
 - a) that the maintenance of minutes include the following: the content, the date and the scope of decisions by the Managing Board and the General Assembly and also the official tally of votes (if possible the person),
 - b) the method of communicating the decisions of the Managing Board and the General Assembly towards the affected and publicizing them.
17. The meetings of the General Assembly are open to the public.
18. The Managing Board may request the help of consultants, to whom it shall report annually about the undertaken tasks, to help the work of the NGO. Although the consultant is not a member of the NGO, s/he could be present at the General Assembly and the meetings of the Managing Board with consultancy right.
19. The Managing Board shall present a public report and a public benefit report to the General Assembly annually, and shall also report to the consultants about the tasks undertaken by the NGO. In addition to these tasks, the Managing Board fulfills all other reporting obligations, specified by the law, of the NGO. The mentioned annual report and the benefit report are approved by a simple majority of votes at the General Assembly.
20. The General Assembly elects the Supervisory Board, with a minimum 3 members.
21. The following can not become the member of the Supervisory Board:
 - a) A member of the Managing Board,
 - b) A person who is employed by, or is in any kind of working relationship with the NGO,
 - c) A person who is entitled to any targeted allowance of the NGO – except the non-monetary services of the NGO which can be used by anybody without any limitation,

- and the targeted allowance given to the member of the NGO on the bases of the provisions of the Statutes.
- d) the relatives of the persons mentioned in points a-c.
21. a) The following are excluded from becoming the members of the Supervisory Board, or the Managing Board.:
- a) A person who held an executive officer position in a public benefit organization - for at least one year and in the two year period before its termination - which did not fulfill its financial obligations, according to the act of the taxation rules.
This limitation is valid for two years counted from the termination of the public benefit organization.
 - b) If the person falls under the limitations mentioned in section 9. (1) and (2) of the Public benefit Act.
22. The Supervisory Board controls the functioning and the budget/finances of the NGO. In the framework of the mentioned activity, the Supervisory Board may request reports from the members of the Managing Board, information from the employees of the NGO, and may also contact and examine the books and documents of the NGO. Its opinion is presented jointly, or through its representative, to the General Assembly in written or oral form.
23. The Supervisory Board may request reports from the Managing Board, information from the employees of the NGO and may also contact and examine the books and documents of the NGO.
24. Members of the Supervisory Board may be present with right of consultation at the sessions of the Managing Board.
25. The Supervisory Board shall inform the Managing Board and shall initiate its meeting, if it comes to its attention that
- a) during the operation of the NGO such violation of rights or such an event (failure) occurred which seriously threatens the interest of the NGO, and the termination of which, or the prevention, mitigation of its consequences requires a decision by the Managing Board; or
 - b) such an event has arisen where the responsibility of the executive officers can clearly be identified.
26. Upon initiation by the Supervisory Board, the Managing Board shall be convoked within 30 days. In the case of the expiration of that deadline, the Supervisory Board itself is entitled to convoke the Managing Board.
27. The Supervisory Board shall immediately inform the legal supervisory organ if the Managing Board fails to take the necessary steps to restore the legal functioning of the NGO.
28. The Supervisory Board makes its decisions by a simple majority of votes.
29. The Supervisory Board sets its own agenda. The members of the Supervisory Board elect the chair of the Supervisory Board. The sessions of the Supervisory Board are convoked following the request of any member of the Supervisory Board or of the Managing Board by the Chair within 8 days from the request.
30. The Supervisory Board membership is terminated:
- a) by the expiration of the mandate;
 - b) by revocation;
 - c) by resignation;
 - d) by death.

Section IV.

Management/Financing of the NGO

1. The NGO is responsible for its debts, with its own wealth/assets. The members are not liable for the debts of the NGO.
2. The assets necessary for the functioning of the NGO are acquired from donations, contributions and sponsorship.
3. The NGO is only entitled to make business transactions in connection with the realization of the aims of the NGO (for example: editing activity). The activities of the NGO can not primarily be focused on business activity of any kind.
4. The NGO is only allowed to continue any enterprising activity for the realization of public benefit purposes, provided that the activity does not threaten the public benefit purposes of the NGO.
5. Any profit made from the business activity can not be divided by the NGO; it must be used for purposes (activities) defined in the Statutes.

Section V.

Additional rules regarding the functioning of the NGO

1. Regular minutes containing the decisions of the Managing Board and the General Assembly are kept by the Managing Board. The minutes contain the content, the date and place, and the scope of the decisions, the proportion of supporting and opposing votes. The decision is communicated in oral or written form to the affected person(s) by the Managing Board or by any of its members.
2. The operation of the NGO and the ways of using its services are public.
3. The public nature of the services of the NGO is ensured through the NGO informing the public about the services and the ways of using the services through the press and brochures. Anybody may consult the papers concerning the public benefit functioning of the NGO at a time agreed preliminarily with the members of the Managing Board. Anybody can consult the annual public benefit report, or may ask for a copy at their own cost.

Any question not regulated in the Statutes, the provisions of the Act. No. II. of 1989, on associations, and the provisions of the Act no. CLVI. of 1997, on the public benefit organizations apply.

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