



The most important mistakes and omissions in the English Version

Hereunder we summarize those translation mistakes and omissions that are related to substantive issues of outstanding significance. Furthermore, we attach in a separate document a technical list of the minor, though still important mistakes and omissions. By “Original Version” we mean the proper English translation of the original Hungarian text, by “English Version” we mean the official translation provided by the Government of Hungary.

1. National Avowal of Faith

English Version: the National Avowal of Faith is completely missing from the official English translation. (In Article Q there is reference to this part of the Fundamental Law.)

Original Version: Due to length see attached translation.

In the Draft Constitution the National Avowal of Faith is the solemn preamble. It contains several Catholic religious references, which makes it utmost difficult for non-religious people and non-Christian religious people to accept it. Article Q of the Draft Constitution states the following: *The provisions of the Fundamental Law shall be interpreted in accordance with their purpose, with the Fundamental Law’s National Avowal of Faith, and with the achievements of our Historical Constitution.* The Historical Constitution is the feudal concept of state, and leaves no place for secular interpretation. Neither does the religious National Avowal of Faith.

2. Article IV. (1)

English Version: Everyone has the right to liberty and security of person; no one shall be deprived of this freedom except on the grounds and in accordance with the procedures provided for by law. Persons may only be deprived of their personal freedom after a court has established the criminal responsibility in a final judgment for a crime committed.

Original Version: Everyone shall have the right to freedom and personal security; no one shall be deprived of his or her freedom, except for reasons described in an Act of Parliament and in accordance with the procedure stipulated in an Act. A person may be deprived of his or her freedom definitively only for committing a criminal offence and only on the basis of a final judgement.

The English version is silent about the fact that the Original Version contains the possibility of life imprisonment without parole as a sentence form. The only term that is missing from the

translation is “*definitively*”. This omission’s result is that a very controversial proposition is not mentioned in the text, as the institution of life sentence without the possibility of a parole (so-called “real life sentence”) has been severely criticized by international human rights organizations, such as the Council of Europe Committee for the Prevention of Torture

3. Article XXI. (1)

English Version: All adult Hungarian citizens residing in the territory of Hungary shall have the right to be elected and the right to vote in parliamentary elections [...].

Original Version All adult Hungarian citizens shall have the right to vote and to stand as candidates in parliamentary elections [...].

In contrast with what is stated in the official English translation, the Original Version would open the possibility of giving the right to vote to Hungarian citizens living in foreign countries and having no official residence in Hungary. In fact, the second sentence of the same Article (“The right to vote or the comprehensiveness of such right **may be restricted to residence in Hungary** and eligibility to be elected to further criteria **in a separate super majority law**”) shows that this is seen as the starting point, and unless a separate law sets forth otherwise, the right to vote will not be tied to residence in Hungary. It is also a controversial point that the omission hides completely.

4. Article XXI. (2)

English Version: (2) It cannot be considered an infringement of equal voting rights if a super majority law provides an additional vote for mothers in families with minor children, or as a provided by law, another person may be entitled to an additional vote.

Original Version: (2) A cardinal Act of Parliament may grant the right referred to in Paragraph (1) to minors as well. The right of the minor to vote shall be exercised – as determined in a cardinal Act of Parliament – by his or her mother or other legal representative and in such a way that the latter can have at most one vote in addition to his or her own.

The English translation is not the same as the Original Version that the Parliament is currently debating. However, the content of this article gives in both cases the same result: the breach of the ‘one man, one vote’ principle, and the probable introduction of a plural voting system.

5. Article 24. Paragraph (4)

English Version: Acting pursuant to its jurisdiction under **section c)-d) of paragraph (2)**, the Constitutional Court shall review the constitutionality of laws on the State Budget and its implementation, on central taxes, fees and customs duties, pension and health care contributions, as well as on the content of the statues concerning uniform requirements on local taxes only if the petition refers exclusively to the right to life and human dignity, the right to the protection of personal data, the right to freedom of thought, conscience and religion or the right connected to

the Hungarian citizenship, if the conditions defined for adopting and promulgating the law have not been met.

Original Version: The Constitutional Court may, within its competence pursuant to **Points b) to d) of Paragraph (2)**, rule on the conformity with the Fundamental Law of Acts related to the central budget, on the implementation of the budget, on central taxes, on stamp duties and contributions, on customs duties, and on the central requirements related to local taxes, exclusively in connection with the rights to life and human dignity, to the protection of personal data, to the freedom of thought, conscience and religion, or in connection with the rights related to Hungarian citizenship, and it may only annul these Acts for the violation of these rights. Acts governing the above matters may be annulled by the Constitutional Court without restriction if the procedural requirements laid down in the Fundamental Law for the creation and publication of such rules of law have not been complied with.

In sharp contrast with what is stated in the English version, the restriction of the powers of the Constitutional Court is more dramatic: based on the official translation it seems that this restriction does not apply to cases in which a judge requests the review of a law in a specific lawsuit [as this is listed in Point b) of Paragraph (2)], while from the Hungarian original it is clear that not even upon judicial initiative is the Constitutional Court entitled to review fiscal laws.

6. Article 28.

English Version: During the application of law the courts will interpret the language of the law consistent with its intent and the Constitution. When interpreting laws it has to be assumed that these serve rational, ethical and economic objectives.

Original Version: In the course of the application of law, the courts shall interpret the law primarily in light of their purpose and in accordance with the Fundamental Law. When interpreting the Fundamental Law or any other law, it shall be presumed that they are reasonable and serve the public good and morally right and economic purposes.

The Draft Constitution would establish a general principle of interpretation. Upon reading the English version it remains unclear what it means exactly. However, the Original Version is more complete and shows a clear intent to shield the legislature's Acts from challenges when setting up a presumption. It must be stressed that general interpretation directives are very rare in modern constitutions.