



4 November 2010

Mr. Thorbjørn Jagland

Secretary General
Council of Europe

Dear Mr Jagland,

We are writing to express our grave concern regarding impending restriction of the powers of the Hungarian Constitutional Court.

On 26 October 2010 the Constitutional Court struck down provisions of a recently adopted law which had retroactively imposed a tax on severance payments in the civil service. As a response to the Court's ruling, the leader of the parliamentary faction of the major governing party introduced an amendment to the Constitution in Parliament. The governing parties command the necessary qualified majority in Parliament to pass the amendment – indeed they have passed amendments seven times since the spring 2010 elections when they entered office. The proposed changes would prevent the Constitutional Court from examining the legal content of any law concerning the national budget, implementation of the budget, central taxes, levies and contributions, customs as well as conditions on local taxes. In the reasoning of his submission the politician stated that "the Constitutional Court has extensive powers of norm control, which was reasonable in the beginning of the political transition. Such extensive powers of constitutional justice have become unjustified by the establishment of the rule of law".

Hungary will celebrate the twentieth anniversary of its Council of Europe accession this week. That time the Republic of Hungary pledged itself to "accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms". For twenty years the Constitutional Court has been the ultimate safeguard of the rule of law in this country, and the public institution that has consistently enjoyed highest levels of trust among citizens.

The Venice Commission of the Council of Europe promotes and protects constitutional justice as one of the main fields of its activity. The Venice Commission's primary task is to give legal advice to individual countries on laws that are important for the democratic functioning of institutions. We are aware that individuals or civil society organisations cannot directly turn to the Commission to request its opinion on the above matter. However, we felt it important to bring this matter to your attention. We see your office as the best route to initiate the provision of the Venice Commission's opinion. We believe that the opinion would be pivotal in protecting the Constitutional Court, and more broadly constitutionalism and the rule of law in Hungary.

Sincerely,

A handwritten signature in black ink, appearing to read "Noémi Alexa".

Noémi Alexa
Executive Director
Transparency International Hungary

Transparency International Hungary is an independent anticorruption organization which aims at mitigating corruption, promoting transparency and accountability in the public sphere of decision making processes as well as allocation of public funds, moreover at improving accessibility of public interest information.



TRANSPARENCY INTERNATIONAL

HUNGARY

Balazs Dénes
Executive Director
Hungarian Civil Liberties Union

The HCLU is a law reform and legal defence public interest NGO in Hungary, working independently of political parties, the state or any of its institutions. HCLU's aim is to promote the case of fundamental rights and principles laid down by the Constitution of the Republic of Hungary and by international conventions.

Sándor Léderer
Director
K-Monitor

K-Monitor Association is a watchdog organization with the aim of drawing constant attention to issues of corruption in Hungary. We seek to bring a new level of transparency in the field of governance for the purpose of fostering democracy and the rule of law.

András Kádár
Co-chair
Hungarian Helsinki Committee

The Hungarian Helsinki Committee (HHC) monitors the enforcement in Hungary of human rights enshrined in international human rights instruments, provides legal defence to victims of human rights abuses by state authorities and informs the public about rights violations. The HHC strives to ensure that domestic legislation guarantees the consistent implementation of human rights norms and the proper functioning of the rule of law.

László Majtényi
Chair
Eötvös Károly Policy Institute

The Eötvös Károly Policy Institute (EKINT) wishes to contribute to raising professional and general public awareness and to shaping the political agenda in issues with an impact on the quality of relations between citizens and public power. The Institute is deeply committed to the liberal interpretation of constitutionality, constitutional democracy, and individual rights.

Certified by Noemi Alexa, Executive Director, Transparency International Hungary.