

Act LV of 2018
on the right of assembly

CHAPTER I

GENERAL PROVISIONS

Section 1 [*The right to peaceful assembly*]

(1) Everyone shall have the right to organise and take part peacefully and unarmed, together with others, in marches and demonstrations (hereinafter “assembly”) without authorisation or, with the exceptions laid down in this Act, without prior notification.

(2) An assembly organised at places not classified as public spaces shall require the consent of the owner and user of the property.

Section 2 [*Concept of assembly*]

(1) For the purposes of this Act, assembly means a public gathering held with the participation of at least two persons for the purpose of expressing opinion in a public affair.

(2) An assembly is public if anyone can freely join it.

Section 3 [*The organiser of the assembly*]

(1) The organiser of the assembly is the person who publicly calls upon the participants to take part in the assembly, announces the assembly (hereinafter jointly “announcement”) and who organises and leads the assembly. The name of the organiser shall be indicated in the announcement.

(2) Announcing an assembly the holding of which has been prohibited by an enforceable decision shall be prohibited.

(3) The following may be organisers of an assembly:

- a) Hungarian nationals,
- b) persons who have the right of free movement and residence in accordance with the Act on the entry and residence of persons having the right of free movement and residence,
- c) persons who fall under the scope of the Act on the entry and residence of third-country nationals and who have immigrant or resident status or residence permit, or
- d) Hungarian legal persons or other organisations the statutory representative of which complies with the conditions laid down in points a) to c).

(4) The assembly shall be led by the organiser. If more than one person organises the assembly, they shall jointly designate the leader of the assembly. If the leader of the assembly is changed, the organisers shall notify the police and the participants of the assembly without delay.

(5) If the organiser or leader of the assembly is unknown, the person who sets the agenda, who has an influence over the course of the assembly or who represents the assembly against third persons shall be considered the leader.

(6) After the end of the assembly, the organiser [or the leader under paragraph (5) if the organiser is unknown] shall ensure without delay that the place of the assembly is restored to the state it was before the assembly, including in particular disassembling the constructions and equipment erected during the assembly, removing the posters placed during the assembly, disposing the waste generated during the assembly and restoring any damage done to the environment.

Section 4 [*The leader of the assembly*]

(1) The leader of the assembly shall determine the order and the course of the assembly, including giving and taking word to or from speakers, closing the assembly or declaring its end and letting the participants leave the place. The leader shall take the measures necessary

for securing and maintaining order. If these measures remain unsuccessful, the leader shall dissolve the assembly.

(2) The leader of the assembly shall be responsible for maintaining the peaceful nature of the assembly and for compliance with the provisions set forth in the decision referred to in section 11.

(3) The leader of the assembly may exclude from the assembly any person who is significantly disturbing the assembly. Excluded persons shall be required to leave the place without delay. If the excluded person does not leave the place, the leader shall have him removed from the place of the assembly. If the continued presence of the excluded person at the assembly poses an immediate risk to public safety or public order, or it implies the infringement of the rights and freedoms of others, the leader of the assembly may ask for the contribution of the police in removing the excluded person.

(4) If there is a change in the person of the leader of the assembly, the new leader shall contact the police without delay at the place of the assembly.

Section 5 [*Staff of the assembly*]

(1) The organiser or leader of the assembly shall use the assistance of adult staff in the adequate number necessary for carrying out the assembly peacefully and for maintaining the order of the assembly, proportionately with the expected number of participants (hereinafter "staff").

(2) Staff members shall uniformly wear an armband or vest with the label "rendező" ("staff") and shall act as instructed by the leader.

(3) Before the event, the leader of the assembly shall call the attention of the staff to the requirement of complying with the restrictions that secure the peaceful nature of the assembly and to the fact that violation of these restrictions may classify as a criminal offence.

Section 6 [*Obligations of the participants*]

(1) The participants of the assembly shall be required to follow the instructions of the leader of the assembly and of the staff acting under the direction of the leader, given for the purpose of maintaining and securing the order of the assembly.

(2) A person who seriously disturbs the assembly shall leave the place of the assembly without delay upon being called upon by the staff to do so.

(3) The participants of the assembly shall be required to leave the place at the time of closing the assembly.

Section 7 [*The duties of the police*]

(1) In addition to the duties set forth in the Act on the police, the police shall be responsible for securing the peaceful holding of assemblies, maintaining the public order during assemblies and, in the context of the foregoing, carrying out appropriate measures for the purpose of preventing third persons from disturbing the assembly.

(2) If there are valid grounds to assume that persons may appear at an assembly by violating the restrictions that secure the peaceful nature of the assembly, the police may carry out enhanced control as regulated in the Act on the police in the interest of the security of the participants and for the purpose of maintaining the peaceful nature of the assembly.

(3) Control points shall be set up in a way not hindering the holding of and access to the assembly and allowing the swift implementation of the controls.

(4) The police shall notify the organiser or leader on ordering the control and shall also announce it publicly.

(5) The representative of the police may attend the assembly.

(6) The provisions of the Act on the police shall be applied in the questions not regulated in this Act, with regard to the activity of the police.

Section 8 [*Obligation of cooperation*]

(1) The organiser or leader of the assembly and the police shall cooperate with each other during organising and holding an assembly.

(2) In the framework of the cooperation, the organiser or leader of the assembly shall continuously inform the police, indicating the nature and the level of the risks, of any significant change in the security situation that he has become aware of.

(3) Everyone shall exercise his rights in good faith and appropriately during organising and holding the assembly.

Section 9 [*Restrictions ensuring the peaceful nature of the assembly*]

(1) Attending an assembly, including going to and leaving it, shall be prohibited for persons

- a) carrying a firearm, ammunition, explosives, detonating equipment, a device designed to use explosives or detonating equipment, a dangerous substance within the meaning of Article 2 (2) of Council Directive 67/548/EEC, or the imitation of the foregoing,

- b) carrying an instrument capable of causing death, personal injury or a serious material damage, or

- c) wearing paramilitary or similar clothing conveying violence or having an intimidating character.

(2) Unless specified in the notification which was noted, the participants

- a) may not wear a protective equipment, uniform or clothing that may be mistaken for the foregoing,

- b) and may not cover their face.

CHAPTER II

HOLDING THE ASSEMBLY

Section 10 [*Notification of an assembly to be held in public space*]

(1) The organiser of a public assembly in public space shall be required to notify the holding of the assembly to the competent police headquarters, in Budapest to the Budapest Police Headquarters, (hereinafter “the assembly authority”) not earlier than three months before holding it and not later than 48 hours before the announcement.

(2) A single assembly needs to be notified only once, even if it has more than one organiser. In that case the organisers shall either notify it jointly or the notifier shall act on behalf of the other organisers as an agent.

(3) The assembly may be notified in writing or in person. The notification presented in person shall be recorded in the minutes by the assembly authority.

(4) The notification shall contain

- a) the name and address of the organiser or, if there is more than one organiser, of the leader, or, if the organiser is an organisation, the address of the authorised representative as well as the contact details to be used in contacting the police,

- b) the following information regarding the assembly:

- ba) place (route),

- bb) starting and ending time,

- bc) purpose,

- bd) number of staff,

- be) expected number of participants,

- bf) the intention, if any, of the participants to attend the assembly in the way laid down in section 9 (2) with reference to the agenda or purpose of the assembly;

- c) a statement, if any, made by the organiser or leader holding it justified that a representative of the police attend the place of the assembly.

(5) The name and the address of the leader of the assembly designated subsequently or any change in the person of the organiser of the assembly shall be notified without delay by the organiser to the assembly authority.

(6) If compliance with the time limit of notification would put the purpose of the assembly at risk, the assembly shall be notified, together with sending the announcement, to the assembly authority without delay after the event serving as ground for the assembly (urgent assembly).

(7) No notification shall be required for an assembly if the gathering has been formed without planning and without an organiser due to a cause immediately preceding it (spontaneous assembly).

(8) For the purposes of this Act, public space means any piece of land for public use owned by the State or by a local government and registered as such in the real estate register, provided that it may be accessed by any person without restriction, including the parts of public space used as public road or square.

Section 11 [*Consultation after notification*]

(1) The general rules of administrative procedures shall apply to handling a notification subject to the derogations set out in this Act.

(2) On the basis of the notification, the assembly authority shall hold a consultation according to the rules pertaining to hearings, provided that the assessment of the notification requires the hearing of the organiser, the leader or any other person, and the organiser or leader shall be summoned to it in an expedited manner via the contact details he specified in the notification.

(3) If the assembly authority notes during the consultation that the assembly cannot be held in the notified place and time, it shall call the organiser's attention to the possibility of holding it in other places.

(4) If the organiser or his representative fails to attend the consultation or when the consultation is unsuccessful, the assembly authority shall adopt a decision in the interest of maintaining the order of the assembly and securing public order.

(5) The decision shall regulate in particular

a) the safety conditions connected to holding the assembly and necessary for the protection of public safety, public order or the rights and freedoms of others,

b) the contacts between the police and the organiser or leader of the assembly,

c) the number of staff,

d) the application of the technical equipment that secure providing on-site information to the participants, and

e) the safety rules necessary for the carrying out the assembly safely, without the disclosure of classified data.

Section 12 [*Concurrence of events*]

(1) If more than one assembly is notified to the same place and time, and holding them simultaneously would be impossible due to their nature or because of the features of the place, the assembly notified earlier to the assembly authority shall enjoy primacy.

(2) If the assembly authority prohibits the holding of the assembly notified earlier, it shall suspend the handling of the other notifications until decision is made on the legal remedy submitted against the decision.

(3) At the consultation with the assembly authority, held according to section 11, the organiser of a competing event may request the relocation of the event he notified to a time or place suitable for achieving the purpose of the event.

Section 13 [*Reasons for prohibiting an assembly*]

(1) Within 48 hours from receiving the notification, the assembly authority shall prohibit the holding of the assembly in the place or time specified in the notification if, according to the information available after the consultation, there are valid grounds to assume that the assembly would pose an immediate, unnecessary and disproportionate risk to public safety or public order, or it would imply an unnecessary and disproportionate infringement of the rights and freedoms of others, and the protection of public safety, public order or the rights and freedoms of others cannot be guaranteed with a more lenient restriction under paragraph (5).

(2) Public safety shall be at risk in particular if the announcement or the assembly qualifies as a criminal offence or a call to commit a criminal offence.

(3) Public safety shall also be at risk if the announcement or the assembly

a) hinders the performance of an obligation undertaken regarding a person residing in Hungary and enjoying diplomatic or other immunity based on international law,

b) is suitable to disturb the operation of the courts, or

c) implies the impairment of the order of traffic.

(4) The rights and freedoms of others shall be considered infringed in particular if the announcement or the assembly is suitable, due to the technical equipment used or the duration of it, to infringe the rights of others to privacy and to family life, home, human dignity, the dignity of the Hungarian nation or of national, ethnic, racial or religious communities, or to restrict the right to free movement or the right to freely choose the place of residence.

(5) If the assembly authority does not prohibit holding the assembly, it may adopt a decision specifying for the organiser the conditions of holding the assembly, provided that it is necessary for the purpose of protecting public safety, public order or the rights and freedoms of others.

Section 14 [*Protection of the memory of the victims of national socialist and communist regimes*]

The assembly authority shall also prohibit holding the assembly if

a) the place of the assembly is a historical memorial site of national importance or the date of the assembly is a day that commemorates the victims of the inhuman crimes committed during the national socialist or the communist dictatorship, and

b) according to the circumstances known at the time of the notification, there is an immediate risk of the assembly denying, doubting, trivialising or trying to justify the fact of the inhuman crimes committed by the national socialist or communist dictatorship, and therefore the assembly is suitable to disturb public peace.

Section 15 [*Legal remedy against the decision of the assembly authority*]

(1) The assembly authority shall communicate its decision to the organiser without delay and shall also announce it publicly. In case of doubt, the time of public announcement shall be considered to be the time of communication.

(2) No appeal shall lie against the decision of the assembly authority. Within three days from the communication of the decision, the organiser may challenge it in an administrative court action. The decision of the assembly authority shall be attached to the claim. The assembly authority shall forward the claim to the court within three days.

(3) Joining the action by an interested person shall not be possible in the court action under paragraph (2).

(4) The court shall adopt a decision within three days from the receipt of the claim. If the claim is upheld, the court shall set aside the decision adopted on the basis of section 13 (1) and section 14, and amend or annul the decision adopted on the basis of section 11 (4) and section 13 (5).

(5) If the court annuls the decision of the assembly authority after the time of the assembly specified in the notification, the organiser shall communicate to the assembly authority the planned new time of holding the assembly 24 hours before holding the assembly.

Section 16 *[No authorisation]*

No other authorisation of the assembly authority shall be required for holding an assembly organised in public space.

CHAPTER III

DISSOLUTION OF THE ASSEMBLY

Section 17 *[Dissolution of the assembly by the leader]*

If the behaviour of the participants of the assembly put the lawfulness of the assembly at risk, including in particular the loss of the peaceful nature of the assembly, the violation of the restrictions that ensure its peaceful nature, as well as the injury of the rights or freedoms of others, the leader of the assembly shall dissolve the assembly, provided that order may not be restored by other means.

Section 18 *[Dissolution of the assembly by the police]*

(1) The police shall dissolve an assembly if

- a) it is held despite of a decision prohibiting it,
- b) the leader fails to fulfil his obligation under section 17 despite of being called upon by the representative of the police to do so, including the case when the police cannot communicate the call to the leader in person or at the contact address specified in the notification or in the decision under section 11 (4),
- c) it is held differently from the notification that was noted, regarding the place, route, time or duration of the assembly, in a way that would have justified the prohibition of the assembly, or
- d) the assembly should have been prohibited; however, prohibition was not ordered due to the lack of notification.

(2) The police shall inform the organiser or leader of the assembly of the cause of the dissolution; the information shall be provided before starting the dissolution provided that this does not put its implementation at risk.

(3) If an assembly was dissolved by the police, the participant of the assembly may bring an administrative court action within fifteen days from the dissolution to have the unlawfulness of the dissolution established.

Section 19 *[Common rules on dissolving the assembly]*

(1) During the dissolution of an assembly, in the case specified in section 17, the leader of the assembly, while in the case specified in section 18, the police shall order the participants to leave the place of the assembly.

(2) If an assembly is dissolved, the assembly shall end and the participants shall leave the place immediately; they shall not remain there lawfully.

CHAPTER IV

COMPENSATION FOR THE DAMAGE CAUSED BY THE ASSEMBLY

Section 20 *[Liability for damages]*

(1) The organiser of the assembly (including the organising organisation, its statutory representative and the leader) and the participant of the assembly who caused the damage shall be jointly and severally liable against the injured third person for the damage caused by the participant. The organiser shall be exempted from liability if he proves that during

organising and holding the assembly he proceeded with the care that is generally expected under the given circumstances.

(2) This rule shall be without prejudice to the right of the organiser to claim compensation for damage from the person who caused the damage.

(3) If the organiser (including the organising organisation, its statutory representative and the leader) fails to meet his obligation set out in section 3 (6), he shall be required to reimburse the occurring costs to

- a) the owner or the trustee of the place classified as public space,
- b) the owner of the place not classified as public space.

Section 21 *[Administrative fine]*

(1) An administrative fine may be imposed on the organiser (including the organising organisation, its statutory representative and the leader) who violates the obligation set out in section 3 (6).

(2) The assembly authority having territorial competence over the place of the assembly shall be entitled to impose the administrative fine.

(3) The minimum amount of the administrative fine shall be five thousand forints and the maximum amount of it shall be fifty thousand forints.

(4) The proceeding assembly authority may reduce the level of the administrative fine without limitation or it may dispense with imposing the fine due to the minor gravity of the unlawful conduct.

(5) The final and unpaid administrative fine shall be considered a public due to be collected as taxes.

CHAPTER V
FINAL PROVISIONS

Section 22 *[Entry into force]*

(1) This Act shall enter into force on 1 October 2018.

(2)

Section 23 *[Transitional provisions]*

(1) The provisions of this Act shall apply also to notifications not yet assessed, to assemblies not yet held, and to procedures pending, at the entry into force of this Act.

(2) If the starting time of an assembly notified before the entry into force of this Act is on a date later than three months after the entry into force, the organiser shall be required to notify the assembly again.

Section 24 *[Authorising provisions]*

The Government shall determine in a decree the detailed rules on establishing the administrative fine provided for in section 21 (1) and the way of paying it.

Section 25

Section 26

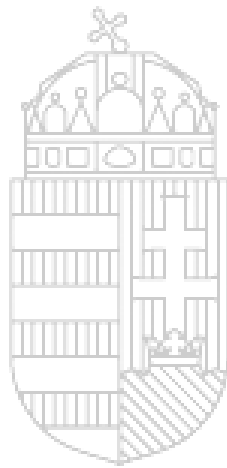
Section 27

1. Compliance with the law of the European Union

Section 28 *[Legal approximation clause]*

Section 3 (3) b) of this Act serves the purpose of compliance with Article 24 of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives

64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC,
90/365/EEC and 93/96/EEC.



MINISTRY OF JUSTICE HUNGARY