Silencing the Opposition in Hungary

Parliamentary Reform for Christmas

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11.12.2019 doi: 10.17176/20191212-060517-0

On 10 December, the Hungarian opposition MPs got a lovely present from the governing majority for Christmas wrapped in a big legislative package amending both the Act on Parliament and the Rules of Procedure. In the rush before the end of the fall-term session, there was no time for wrapping paper, ribbons and bows. However, I am sure that the Fidesz-KDNP coalition's argument that the modifications will reinforce the authority and the prestige of the House and ensure *decorum in the* conduct of business will cheer them up.

If my sarcasm was not obvious enough, let me put it more clearly: the amendments to the parliamentary regulation serve the purpose of silencing the opposition parties which have been constantly gaining strength in the last few months (see e.g. the results of the recent local elections). It was explicitly admitted by Máté Kocsis (leader of the Fidesz PPG) that this step was a response to the actions of opposition MPs who had adopted unconventional behavior to protest against controversial legislative reforms and to exercise control over public institutions. These measures are parts of the governing majority's long-standing strategy to use the parliamentary regulation to deprive the opposition of any real power and impact.

The winner takes it all

When the government has a two-thirds majority in the unicameral Hungarian National Assembly, its power is practically unlimited and experience shows that the parliamentary opposition has no realistic chance to have a say in the legislative process and to exercise effective control over the cabinet. Therefore, shortly after the 2010 elections, opposition MPs started to use their rights in a way to counterbalance their disadvantaged position. Hence the adoption of rather unorthodox means of parliamentary communication, such as displaying billboards, using megaphone and sirens, installing paper-maché sculptures, throwing leaflets from the gallery of the chamber and so on.

The majority quickly amended the internal parliamentary rules to equip itself with the necessary tools to suppress this emerging trend of parliamentary performance. The abusive practices with respect to the disciplinary proceedings initiated against opposition MPs were found contrary to Article 10 (freedom of expression) by the Grand Chamber of the European Court of Human Rights in the *Karácsony and Szél* cases. Even before the delivery of the judgment, the rules had been amended, but the situation has not ameliorated ever since.

Based on a recent article, we know that the Speaker of the House has imposed a financial penalty in 153 cases since 2013 and the total amount of penalties paid so far is 72 million forints (appr. 217 000 euros). The severity of the sanctions has been increasing as well. In the present parliamentary term, the average amount is 854 000 forints (appr. 2 600 euros; NB the average salary/month in Hungary is about 720 euros net), but this year two deputies had to pay 1 780 000 forints (appr. 5 400 euros) each. It is also clear that the vast majority of MPs sanctioned in a disciplinary procedure belong to the opposition parties.

The revenge

Even in the face of the governing majority's oppressive techniques, sometimes the opposition parties have successfully exercised their rights in a way to put the governing majority in an uncomfortable situation. It is pretty easy to connect the dots and figure out that the new parliamentary measures react to actions of the

opposition MPs. Let me give you some examples while discussing the most important changes.

Almost exactly a year ago, the opposition parties tried to prevent the plenary from voting on two very controversial bills (an amendment to the Labor Act, also called Slavery Act, and the administrative judicial reform). On the day of the final vote they physically blocked the Speaker's podium and blew whistles for more than two hours. Even though both legislative proposals were ultimately enacted in a chaotic legislative process, this action successfully brought the international media's attention to these issues.

A more recent example is MP Hadházy's prank on PM Orbán. During the PM's first parliamentary speech after the local elections, Hadházy held billboards in front of Orbán with the text: "He needs to lie, because he stole too much" and "Stop propaganda, stop corruption". Although the rogue MP was escorted back to his seat quite quickly, the images of Orbán trying to take away the sheets from Hadházy went viral and made him an object of public ridicule.

Events like these prompted Fidesz to amend the disciplinary regulation of the House again. Firstly, two new forms of infringement were introduced with a conveniently vague definition: i) interruption gravely disturbing another MP's speech or the presiding of the session and ii) disruption of parliamentary proceedings and hindering of other MPs, parliamentary or public officials from exercising their rights and carrying out their duties.

Secondly, the disciplinary sanctions have become more severe as well. On the one hand, the upper limit of the financial penalties has been increased dramatically. According to the new rules, the remuneration of MPs may be lowered to the minimum wage for a maximum of 6 months (depending on the seriousness of the violation). If the MP excluded from the session is not willing to leave the chamber contrary to the order of the Speaker, the penalty automatically doubles and can go up to 12 months. On the other hand, in the future, deputies may not only be excluded from the session, but also banned from entering the premises of the National Assembly. While the exclusion is a sanction relatively limited in scope, the ban can last for a maximum of 60 working days (depending on the seriousness of the violation). During this time, the deputy is not allowed to enter the premises of the National Assembly (including the chambers and the offices) and may only exercise her right to vote by proxy. In addition, the MPs will lose their position as Speaker, vice-president of the National Assembly and parliamentary notary if they are excluded from the session twice or banned from entering the parliamentary premises even once.

Since the opposition's efforts to exercise meaningful control over the government in the House proved fruitless in most cases, several MPs decided to use their rights to carry out extra-parliamentary inquiries in public institutions. Some of these actions were spectacles, such as the "occupation" of the Hungarian National Television's building after the opposition MPs' failed attempt to get air time on public media amid anti-government demonstrations. But many of them very extremely useful. For example, MP Szél's intervention significantly contributed to the revelation of the shocking conditions at a state care facility for the mentally disabled when the Ministry of Human Resources failed to act. We could also mention those cases when opposition deputies helped journalists to receive information from refugee camps when their requests to enter these facilities were rejected by the Hungarian authorities (see the recent judgment of the ECtHR in the case *Szurovecz v. Hungary*).

To stop these inquiries, the freshly enacted amendments require parliamentarians to inform the public institutions they intend to visit in advance and make their right to receive information conditional upon preliminary consultation. MPs will also have to respect stricter rules on confidentiality of information. Under the new regulation, public institutions will have enough time to hide all the problems they do not want to see daylight.

And there is more

Even though the opposition parties had to fight an uphill battle, they achieved significant success at the local elections held in October not only in Budapest, but also in other big cities. The results destabilized the

government for a couple of weeks, but it has finally made the first step to get prepared for any eventuality at the 2022 general elections. By modifying the regulation on parliamentary party groups (PPGs) it made it much more difficult for the opposition parties to gain a working majority in the hemicycle with strategic electoral cooperation and create separate PPGs.

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SUGGESTED CITATION

Kazai, Viktor Z.: Silencing the Opposition in Hungary: Parliamentary Reform for Christmas, Verfassungsblog, 11.12.2019, doi: 10.17176/20191212-060517-0.

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Langzeitarchiviert bei IntRechtDok unter: doi.org/10.17176/20191212-060517-0.