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COMMUNICATION

In accordance with Rule 9.2. of the Rules of the Committee of Ministers regarding the supervision

of the execution of judgments by
the *Hungarian Civil Liberties Union* and the *Hungarian Helsinki Committee*

Karácsony and Others v. Hungary (Application No. 42461/13 and 44357/13)[1]

1. INTRODUCTION

Case summary

The case concerned fines imposed by the Speaker on opposition MPs. The Grand Chamber found that the interference with the applicants' freedom of expression had not been proportionate to the legitimate aims pursued because it had not been accompanied by adequate procedural guarantees. The judgment made clear that parliamentary autonomy does not provide a blanket exemption from the oversight of the Court and reconfirmed that Parliamentary autonomy should not be abused for the purpose of suppressing the freedom of expression of MPs, which lay at the heart of political debate in a democracy.

Arbitrary or mala fide sanctioning, including blatantly disproportionate sanctions are subject to the Court's full scrutiny (§153). In any event, by means of procedural safeguards, a balance had to be achieved to ensure the fair and proper treatment of the parliamentary minority and preclude abuse of a

[1] http://hudoc.echr.coe.int/eng?i=001-162831

dominant position by the majority (§ 157). These, as a minimum, have to include the right to be heard in the procedure. Also, the decision has to lay out the basic reasons to enable the MP concerned to understand the justification for the measure and permit some form of public scrutiny of it (§§ 156, 158).

The Grand Chamber judgment became final on 17 May 2016. The case is under standard supervision.

Description of the organisations

The **Hungarian Civil Liberties Union (HCLU)** is an independent watchdog organization that has been protecting civil liberties in Hungary since 1994. Its Political Liberties Project focuses on the protection of freedom of political expression, assembly and association, as well as voting rights and parliamentary privileges necessary for fair democratic representation and parliamentary pluralism. The HCLU has been active in strategic human rights litigation before the European Court of Human Rights. It has represented clients before the Court in landmark cases concerning, *inter alia,* the freedom of expression of parliamentarians forcefully removed from public buildings, as well as the freedom of the press in Parliamentary reporting. The HCLU has thus accumulated considerable legal expertise in protecting institutions of parliamentary democracy and political pluralism, which it is honored to share with the Committee of Ministers in the present Communication.

The **Hungarian Helsinki Committee** (HHC) is an independent human rights watchdog organisation founded in 1989 in Hungary. The HHC focuses on defending the rule of law and a strong civil society in a shrinking democratic space; the right to seek asylum and access protection; the rights to be free from torture and inhuman treatment and the right to fairness in the criminal justice system. The HHC carries out monitoring, research, advocacy and litigation in its fields of expertise, contributes to monitoring Hungary's compliance with relevant UN, EU, Council of Europe, and OSCE human rights standards and cooperates with international human rights fora and mechanisms. Its activities around the rule of law in Hungary cover a wide range of issues, including the disruption of the system of checks and balances, the lack of a transparent and inclusive legislative process, and the chilling effect of government measures and legislative steps on various independent actors.

2. EXECUTIVE SUMMARY

The authors find that:

- Despite the general measures – i.e., recently introduced procedural safeguards – highlighted in the Government's action report, **parliamentary disciplinary proceedings can be and still are systematically used to significantly restrict the freedom of expression of opposition MPs in an arbitrary, discriminatory manner**.

- **The severity of the individual sanctions escalated significantly** since the Grand Chamber judgment: in the Karácsony and Others case, fines ranged from HUF 50k to 185k (approx. EUR 170 – 600). The latest sanction imposed by the Speaker is HUF 9.7 million (approx. EUR 26,800), **an increase of a staggering 2,519.480 %**.

- The introduced appeal procedure is a mere formality: **there has not been a single case where any of the appellate bodies would overrule the Speaker's decision.**

- **Hungary has not complied with its obligations under Article 46, Paragraph 1 of the Convention** with respect to the Court's judgment in ***Karácsony and Others v. Hungary*.**

For the reasons above, the authors respectfully recommend the Committee of Ministers to:

- Continue examining the execution of the judgments in the *Karácsony and Others v. Hungary* case under **the enhanced procedure**,

as well as to call on the Government of Hungary, among other measures, to introduce amendments to Act XXXVI of 2012 on Parliament (henceforth: the Parliament Act) that:

- **Require a majority decision** in the Committee on Discipline **to *uphold* the Speaker's disciplinary decisions**.
- **Establish the obligation of the Committee on Discipline** in disciplinary proceedings to **consider and explicitly evaluate all available evidence** offered to or reasonably accessible by the Committee **in its fact-finding**.
- **Repeal the financial sanctioning system** imposed on parliamentarians.
- Call on **Parliament to refrain from** all **disciplinary proceedings before the general parliamentary election of 2022 that** might raise the suspicion or **create the impression that such proceedings are used to curtail parliamentary pluralism**.

3. INDIVIDUAL MEASURES

Note is taken of the just satisfaction awarded in respect of pecuniary damage and costs and expenses to the respective individual applicants.

4. GENERAL MEASURES

a) Legislative Changes

Significant omissions by the Government

The Government has been highly selective in its presentation of legislative changes pursuant to the Court's final decision in *Karácsony and Others*.

First, effective February 1st, 2020, § 46 (1) of the Parliament Act introduces an entirely new system of **sanctions** for MPs who violate rules of conduct in Parliament.[2] This section authorizes the Speaker of the House to impose heavy fines on parliamentarians which can amount to up to 6 (six) months' worth of their remuneration [see § 47 (1) *d)*]. The effectiveness of procedural safeguards should be evaluated in light of the substantial burdens that have recently been introduced to threaten MPs, especially if they are seen by the majority as obstructing parliamentary debates (Parliament Act, § 46/F).

These new ex post sanctions are not merely political, but financial in kind. Instead of guaranteeing the unimpeded operation of Parliament – e.g., by merely taking away the right of a parliamentarian to speak before her speech ends –, such sanctions threaten the very livelihood of MPs as professional politicians. This threat, in turn, is extremely likely to exert a chilling effect on free speech in Parliament – and foremost, on the freedom of speech of MPs in opposition. Consequently, the newly introduced sanctioning system constitutes a major threat to parliamentary pluralism even together with the minimal procedural safeguards introduced.

[2] For the text of the Parliament Act (in Hungarian), see https://www.njt.hu/jogszabaly/2012-36-00-00.

Second, in addition to heavy fines (which, taken into account the increased degree of severity, might be considered to belong in general to the "criminal" sphere from the point of view of the Convention [Lutz v. Germany, § 55; Öztürk v. Germany, § 54]), newly introduced provisions in the Parliament Act threaten MPs if they are seen by the majority as obstructing parliamentary debates with their access to Parliament being suspended for up to 12 session days or 30 calendar days [see § 47 (2) *c)*]. Such sanctions endanger parliamentary pluralism for sustained intervals even together with the minimal – and mostly formal – procedural safeguards introduced. The taking away of one third of an MP's yearly income for a single incident (e.g. the peaceful affixing of a flag to the Speaker's pulpit) vastly increases the chilling effect of the sanctions imposed on political speech in Parliament. These severe sanctions have already been applied in multiple cases, showing a tendency of sharp increase (for details, see esp. Subsection *b)* below).

Procedural safeguards.

Legislative amendments passed since the Court's judgement in *Karácsony and Others* became final have complicated the disciplinary procedure MPs face. Yet the mere existence of a more complex procedure does not satisfy the Court's standards laid down in *Karácsony*, which require "an *effective* means of challenging the Speaker's proposal" (§ 158, emphasis added).

The Court offered the following principle to judge the effectiveness of the procedural safeguards that serve to protect the freedom of speech of parliamentarians: "balance must be achieved which **ensures the fair and proper treatment of the parliamentary minority** and **precludes abuse of a dominant position by the majority**" (§ 158; emphases added). Procedural safeguards in the exercise of disciplinary powers over MPs ultimately serve as guarantees of parliamentary pluralism. However, the safeguards introduced by legislative amendments, presented by the Government, are insufficient to achieve this aim not only in light of the new sanctions introduced along with them, but also in themselves.

The Court clarified in *Karácsony and Others* that "any ex post facto decision imposing a disciplinary sanction should state **basic reasons**, thus not only enabling the MP concerned to understand the justification for the measure but also permitting some form of public scrutiny of it" (§ 158). While the Parliament Act has been amended to require reasoned decisions in cases of concern, Parliamentary practice has shown that this requirement has been insufficient to address the systematic violation of MPs' freedom of expression by means of arbitrarily imposed ex post sanctions.

On the one hand, **reason-giving has not typically guaranteed any level of reliability** with which disciplinary procedures established the facts which ground the reasons supporting disciplinary sanctions.

In its recent decision, the Committee on Immunities, Conflict of Interest, Discipline and Verification of Credentials (henceforth: Committee on Discipline) assessed the relevant legal provisions regarding the disciplinary powers of the Speaker [§ 3 (4) and § 2 (2) f) and p) of Parliament Act] and concluded that "by adopting such measures, the lawmaker took the stance that the Speaker chairing the session is in the best position to assess and evaluate the conduct of Members of Parliament during the session" and therefore the Committee on Discipline refused to either accept the penalized MP's own assessment *or* the readily available CCTV recordings capturing the subject event that the MP requested to be watched and taken into consideration by the Committee on Discipline [Decision No. MEB-41/11-5/2021] when assessing the accuracy and veracity of the facts established by the Speaker.

In more than one instance, the Speaker's establishment of facts was not compatible with the House Minutes, the official records of parliamentary sessions [e.g. OE-41/174-1/2021., OE-41/191-1/2019.].

The refusal of the Committee on Discipline to even take into account or weigh any such evidence was an in principle decision based on the interpretation of the current legal regime. It stated that the Speaker's assessment *in general, by principle of law,* renders evidence offered by the subject MP, including videotape, irrelevant, as the Speaker's opinion of the facts is, on its own, decisive in principle, by law. Since there is no authority – judicial or otherwise – to review or rebuff this assessment of the law, the effectiveness of the safeguard of the current requirement of stating the facts in the decision can only be assessed through this current interpretation. The video evidence offered by the MP subject to disciplinary proceedings was reviewed in a different instance when the decisive question was whether physical contact had been established or not between an opposition MP and the Speaker in case no. OE-41/198-1/2019. While in the MP's view, there was no such contact, the word of the Speaker was taken as conclusive on this factual matter despite the availability of video evidence that could have settled the factual dispute. Hence, the MP appealed in vain to the Committee on Discipline. That case has been referred to and is currently pending before the European Court of Human Rights [Applicant: Mr. Olivio Kocsis-Cake].

On the other hand, reason-giving has not been individualized at all in parliamentary practice so far. On the contrary, some parliamentarians were fined based on reasons which manifestly do not apply to them, raising the suspicion that in some cases (for specific examples, see the next paragraph), reasons were copied from another disciplinary case to the factual circumstances of which they did indeed apply.

In the context of a highly contested legislative amendment curtailing workers' rights, Members of Parliament demonstrated by standing around the Speaker's pulpit, rendering it inaccessible by the Speaker. More than 10 MPs have been sanctioned by the Speaker for "physical violence" (Parliament Act, § 46/G.), a non-defined term that – in the opinion of the MPs – did not include protests that merely included standing still. The Speaker issued boilerplate reasoning for the fines imposed. This led to including in the reasoning of the penalty of MP Zsolt Gréczy a statement that he prevented, by physical force, the Speaker from accessing the pulpit, even though he was not even part of the crowd blocking the stairs that the Speaker attempted to use. This grave factual error has not been corrected by either the Committee on Discipline nor the vote by the Parliament despite the MP's express arguments and video evidence offered [case no. OE-41/191-1/2019; currently submitted before the Court].

MPs subjected to disciplinary sanctions by the Speaker have a **right to appeal the decision** to the Committee on Discipline [Parliament Act, § 51 (1)-(2)], and **the right to be heard** by the Committee on the matter of her disciplinary proceedings [Parliament Act, § 51 (4)].

In assessing – and finding inadequate – the safeguarding function of the appeal procedure, including the right to be heard, the following considerations are deemed relevant by the authors.

In order to overturn the decision of the Speaker (a witness and judge in one person in the decision), a majority decision is required by the Committee on Discipline.[3] The panel consists of equal numbers of

[3] In concreto, since August 6, 2010, the Speaker is Mr. László Kövér, a founding member and former President of the governing Fidesz party. In April, 2020, in an interview with a national weekly, he voiced his opinion that "this opposition is not part of the nation" explicitly calling into question the very legitimacy of parliamentary

majority and opposition MPs, thus the governing party's committee members can – and do – block attempts to overturn the Speaker's decisions. An equally split vote is sufficient to block such attempts. The decision is then worded by the president of the Committee, an MP of the governing coalition. (Another consequence is that the decision to refuse to overturn is published in the name of the Committee on Discipline without earning the support of the majority of its members.)

This is the only stance where the sanctioned MP's right to be heard is established. However, given the nature of the procedure, **the hearing is merely formal**. Since a decision not to overturn can be worded and published without the consent of a single non-majority party MP, there is no effective safeguard ensuring the adequate weighing of the arguments and proposed evidence of the sanctioned MP.

Even worse, **the right to be heard can be – and often is – taken away without consequences**. Committee member MPs of the ruling coalition can cause the Committee to fail to arrange a hearing in the statutory time. The consequence of that is that the appeal goes before the plenary of the Parliament. Here – where the governing party, again, has a majority – the Parliament Act states that the decision has to be taken without a debate. The sanctioned MP therefore can be sanctioned without ever being heard. This is not a theoretical scenario: **such deprivation of even the formal right to be heard has happened in at least 10 (ten) disciplinary cases in the past two years, with each imposing severe fines.**[4] Each of the affected MPs have submitted Article 10 applications that are currently pending before the Court.

As explained above, the Committee typically declines further factual evidence offered by the MP subjected to the disciplinary proceedings, and interprets the law as requiring it to accept the Speaker's assessment without meaningful scrutiny. It is no surprise, then, that the authors of this Communication are not aware of any case in which the Committee on Discipline would have overturned the Speaker's decision to impose disciplinary sanctions. This is just as expected in a politically highly polarized Parliament, as a majority decision would be necessary within the Committee on Discipline to overturn the Speaker's disciplinary decision.

The decision of the Committee on Discipline may be further appealed to the plenary session of the House [Parliament Act, § 51 (7)]. Nonetheless, opposition parliamentarians – the only MPs on whom the Speaker imposes disciplinary sanctions – cannot expect the majority to overturn sanctions imposed on the opposition. Indeed, the House majority has not overturned the decision of the Committee on Discipline in a single case. The overtly political nature of the procedure is underlined by the fact that the Parliament votes on the appeal without debate [Parliament Act, § 51 (8)].

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opposition, and hence rejecting parliamentary pluralism. See https://demokrata.hu/magyarorszag/bunkerben-varjak-a-csodafegyvert-2-237021/ .

[4] Cases no. OE-41/172-1/2019; OE-41-165-1/2019.; OE-41/191-1/2019.; OE-41/198-1/2019.; OE-41/185-1/2019.; OE-41/164-1/2019.; OE-41/174-1/2019.; OE-41/170-1/2019.; OE-41/184-1/2019., OE-41/188-1/2019.

b) Sustained practices and aggravated abuse of disciplinary measures

The ineffectiveness of the general measures taken by the Government to address the violations identified by the Court in *Karácsony and Others v. Hungary* is clearly evidenced by extremely concerning trends in the disciplinary practice of the Speaker of the House that are moving decisively towards more, not less, suppression of speech since *Karácsony and Others*, as outlined below.

The more severe disciplinary fines that the Speaker of the House is authorized to impose since February 1st, 2020, have been imposed in a **manifestly disproportionate** manner. The individual sums of the fines imposed over this almost 2-year-long period show an uninterrupted trend of sharp increase. Further, the sheer **volume of sanctions** imposed since the new system of sanctions was introduced, together with apparent procedural safeguards, is alarming.

Since the 2012 adoption of the current Parliament Act, **the Speaker has sanctioned MPs more than 160 times in the total value of more than HUF 95 million** – which roughly equals 271 430 EUR, or more than 78 months' or 6.5 years worth of gross monthly remuneration of an MP. **In more than 95% of cases, the fine was imposed on opposition members. The value of the sum of penalties is even more extremely tilted towards the opposition: 99.5% versus 0.5%.**[5]

From its entry into force until the 2014 elections, MPs have received fines 69 times in a cumulated value of HUF 21.3 million. The first MP sanctioned under the current Parliament Act, opposition member Tibor Szanyi, brought an application before the Court which found that the fine of HUF 131k violated Article 10. [*Szanyi v. Hungary,* 35493/13]. In the next parliamentary cycle from 2014 to 2018, the number of penalties dropped to 28 and the sum value to HUF 3.1 million. In the cycle beginning in 2018, less than two years following the adoption of the Grand Chamber judgment in the *Karácsony and Others* case, the number of penalties rose significantly to above 60 as of now. The cumulated value of the penalties within this period is a staggering HUF 71.2 million (164 535 EUR). **As the elections of 2022 are approaching**, the upward **trend is accelerating**. The most recent four fines, imposed exclusively on opposition MPs are: Bence Tordai, March, HUF 8,2 million (ca. 22 400 EUR) Ágnes Vadai, March, HUF 2 million (ca. 5 460 EUR); Péter Jakab, May, HUF 9.6 million (ca. 26 230 EUR); Tímea Szabó, June, HUF 9.7 million (26 500 EUR).[6] Three out of the last four penalties shattered the then-current record for most severe monetary sanction in the history of Hungarian parliamentarism. The stated grounds include interrupting a speech, putting a flag on the pulpit and attempting to hand over a sack of potatoes to the Prime Minister. In sharp contrast, the most severe sanction imposed on a majority MP under in the history of the current Parliament Act was HUF 50k.

The worrying trend demonstrated above provides further evidence that the procedural guarantees of the disciplinary procedure cannot, as they currently stand, preclude or even mitigate the chilling effect

[5] The sum of penalties imposed on MPs of the governing coalition in the subject period is HUF 500k [approx. EUR 1 365] stemming from two occasions: once for using an unregistered demonstration tool (HUF 50k to Péter Csizi [approx. EUR 136]) and in one instance where nine MPs attempted to physically remove a sign from the hands of opposition MP Ákos Hadházy (nine MPs were sanctioned to HUF 50k each). The sum of penalties imposed on opposition MPs exceeds HUF 94.5 million [approx. 258 195 EUR]. See for a press summary of the – since deteriorated – situation from April 2021: https://168.hu/itthon/kover-szigor-158-eset-86-millionyi-buntetes-203479

[6] All decisions referenced are final in the domestic system. Mr. Tordai's case has already been referred to the ECHR but has yet to receive an ECHR case number. Domestic case numbers.: OE-41/174-1/2021; OE-41/424/2021.

of disciplinary sanctions on the parliamentary opposition. On the contrary, the Speaker's penalties pose a direct threat to the livelihood of many prominent opposition MPs, limiting their speech rights in the crucial months leading up to the next general elections in the early spring of 2022. Hence, the general measures taken by the Government are vastly insufficient to address the impending threat on parliamentary pluralism in Hungary that the Speaker's disciplinary powers represent.

Based on the above facts, it is of note that the Court prescribed in *Karácsony and Others* safeguards for an autonomous parliamentary disciplinary procedure that are adequate on the assumption that Parliament acts *bona fide* in exercising disciplinary powers over MPs (§ 154). However, the Court also intimated that in the event of "Parliament acting clearly in excess of its powers, arbitrarily, or indeed mala fide by imposing a sanction not prescribed in the Rules or blatantly disproportionate to the alleged disciplinary breach", such procedural constraints are manifestly insufficient to guarantee MPs' freedom of expression under Article 10 of the Convention (§ 153). In such a context, in the Court's finding, the "Parliament could obviously not rely on its own autonomy in justifying the sanction it imposes". This insight should also guide the evaluation of the general measures taken to execute the Court's judgment in the present case.

The continued trend of the Speaker's use of disciplinary powers to impose increasingly severe, arbitrary and discriminatory sanctions almost exclusively on members of the opposition should be taken, in the authors' assessment, as prima facie evidence for the fact that the Speaker uses his constitutional and statutory disciplinary powers *mala fide*, with the express aim of silencing the parliamentary opposition. It follows that the minimalistic procedural amendments initiated by the Government are not sufficient to address the systemic violation of parliamentarians' freedom of expression – especially taken together with amendments increasing the severity of the sanctions and the developing *de facto* practice of the Speaker and the Committee on Discipline.

Indeed, general measures are necessary to address violations that occur when Parliament abuses its autonomy, including legislative measures and their application that may restrict this autonomy in cases of manifest abuse and provide affected parliamentarians access to a judicial procedure in the matter of their disciplinary proceedings. As per § 147 of the *Karácsony and Others* judgment, "the national discretion, which is inherent in the notion of parliamentary autonomy, in sanctioning speech or conduct in Parliament that may be deemed abusive, albeit very important, is not unfettered. The latter should be compatible with the concepts of 'effective political democracy' and 'the rule of law' to which the Preamble to the Convention refers. The Court reiterates that pluralism, tolerance and broadmindedness are hallmarks of a "democratic society". Although individual interests must on occasion be subordinated to those of a group, democracy does not simply mean that the views of a majority must always prevail: a balance must be achieved which ensures the fair and proper treatment of people from minorities and avoids abuse of a dominant position". In the authors' assessment, the above demonstrated facts point towards a conclusion that such a balance is not achieved by the general measures presented in the Government's action report, and the introduced safeguards are inadequate to prevent the actual abuse of a dominant position. In addition, the introduced safeguards are further eroded by the elevated severity of the sanctions that are not only theoretically imposable as per the amendments not included in the Government's assessment, but actually imposed in practice as well.

The above-presented facts underline that parliamentary pluralism must be guaranteed through highly context-specific general measures, with due regard to the special historical, cultural, and political circumstances of the State Party concerned. As the proper execution of the Court's judgment in

Karácsony and Others turns on whether Hungary has adopted sufficient general measures to avoid undue threats to parliamentary pluralism inherent in the disciplinary powers of the Speaker of the House, the special circumstances in which opposition MPs in Hungary must operate cannot be disregarded in evaluating the Government's action report. Opposition MPs are compelled to have recourse to untypical forms of expression in Parliament where their speech is routinely ignored rather than responded to, where committee work is regularly obstructed by the majority, and generally, long-lasting supermajority in Parliament makes it extremely challenging for the opposition to fulfill its constitutional role of controlling, questioning and holding the majority. The Court formulated its "practical and effective realisation" doctrine emphasizing that "It is of crucial importance that the Convention is interpreted and applied in a manner which renders its rights practical and effective, not theoretical and illusory" [see, inter alia, Christine Goodwin v. the United Kingdom, § 74.]. As per the Court, the "practical and effective realisation" serves as a compelling argument for the dynamic and evolutive approach. *A maiori ad minus*, the doctrine must serve no less than a compelling argument against backsliding. In the context of the effective realisation of the requirements laid out in *Karácsony and Others*, most notably the establishment of effective procedural safeguards ensuring "the fair and proper treatment of people from minorities and avoids abuse of a dominant position" (§ 147), in the authors' assessment, the general measures and practices adopted since the *Karácsony and Others* judgment, as a whole, represent backsliding and deteriorate the Article 10 protections of the parliamentary minority.

5. CONCLUSIONS AND RECOMMENDATIONS to The Committee of Ministers

The authors' assessment is that Hungary has not complied with its obligations under Article 46, Paragraph 1 of the Convention with respect to the Karácsony and Others judgment.

The current regulation of disciplinary proceedings in Parliament manifestly endanger parliamentary pluralism in a systematic manner. The disciplinary regime in effect goes against the substance of the criteria identified by the Court in *Karácsony and Others*, and significantly restricts the freedom of expression of opposition MPs in an arbitrary, discriminatory manner. **The severity of the individual sanctions escalated significantly** since the Grand Chamber judgment: in the Karácsony and Others case, fines ranged from HUF 50k to 185k (approx. EUR 170 – 600). The latest sanction imposed by the Speaker is HUF 9.7 million (approx. EUR 26,800), **an increase of a staggering 2,519.480 %**. The introduced appeal procedure is a mere formality: **there has not been a single case where any of the appellate bodies would overrule the Speaker's decision.**

Given the systematic nature and severity of the threat to parliamentary pluralism, for the reasons presented above, the authors respectfully recommend the Committee of Ministers to:

- Continue examining the execution of the judgments in the *Karácsony and Others v. Hungary* case under **the enhanced procedure**,

as well as to call on the Government of Hungary to:

- Demonstrate progress in implementing measures, or the efficacy of measures already implemented, especially by providing relevant statistical evidence on how such proceedings affect majority vs. opposition MPs, on the severity of the sanctions and trends of increase or (in the future, potentially, sustained) decrease in the overall sanctions imposed.

- Provide examples of cases in which the Speaker's decision to apply disciplinary sanctions was overturned by either the Committee on Discipline or the plenary session of Parliament.
- Provide examples of cases in which disciplinary sanctions were imposed on majority MPs since the new regime of financial sanctions was introduced.
- Introduce amendments to the Parliament Act, requiring a majority decision in the Committee on Discipline to *uphold* (rather than to overturn) the Speaker's disciplinary decisions.
- Introduce amendments to the Parliament Act, **establishing the obligation of the Committee on Discipline** in disciplinary proceedings to **consider and explicitly evaluate all available evidence** offered to or reasonably accessible by the Committee **in its fact-finding**.
- Introduce amendments to the Parliament Act, **repealing the financial sanctioning system** imposed on parliamentarians.
- For the time being, before the above amendments are enacted, call on **Parliament to refrain from** all **disciplinary proceedings before the general parliamentary election of 2022 that** might raise the suspicion or **create the impression that such proceedings are used to curtail parliamentary pluralism**.
- **Include civil society** in planning the general measures for the implementation of this judgment.

Sincerely yours,

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