



HUNGARY FACT SHEET 3  
SEPTEMBER 2012

## RIGHTS OF THE PARLIAMENTARY OPPOSITION

According to the new Fundamental Law, the Hungarian governmental system remains a parliamentary democracy in which the Government is responsible to Parliament, and the Government and its governing majority in Parliament act in political unity. In this political system, the rights of the opposition with regards to the majority are substantial elements of the system of checks and balances, such as the guarantees of deliberation, control over the Government and the necessity of consensus in some of the processes of legislation and other decision-making.

### I. Deliberation

#### 1. Changes to the conditions for forming a faction

**Certain entitlements expressly belong to the factions and to their leaders, and not to individual MPs.** The Fundamental Law and other laws also contain provisions that set down rights exclusive to the faction leaders; the Standing Orders in certain cases – e.g. speaking in Parliament and submitting so-called instantaneous questions to ministers -- lay down different rules for MPs that belong to a faction than for those who are independent.

According to the former regulation, no fewer than ten MPs of the same party could form a faction, and it was possible for fewer Members to form a faction as well, provided that their party had won seats on the national party list at the general elections. **In 2012, the governing majority changed the law on forming factions so that only parties that ran on a list in the previous general election may form them. This change directly affected a new opposition party** (led by the former prime minister, Ferenc Gyurcsány), which split from the Socialists in 2011. Furthermore, **as the Democratic Coalition may not form a faction, they will not receive subsidies to MP salaries**, which would amount to € 223 000 in 2012, € 415 000 the next year, and € 35 500 per month in 2014.

#### 2. Changes in legislative procedure

**On 30 December 2011, the Parliament adopted amendments** to the Standing Orders governing the debates, **altering the legislative procedure in some essential points. The new rules do not guarantee substantial debate on bills, and provide considerably less opportunity for the opposition to make its point.** According to the new rules,

- (a) draft amendments may be submitted after the plenary phase of the legislative process has ended**, just before the final vote, with no limitations as to their content;
- (b) the institution of “exceptionally urgent procedure”** was introduced in which only three hours are provided for submitting draft amendments and the plenary debate on the bill and the draft amendments, including the **final vote, must be completed within 24 hours**;

**(c) the majority required** to initiate the “exceptional procedure” and the “exceptionally urgent procedure” **was reduced; a two-thirds vote** (equal to the seats held by the current government majority) is sufficient, replacing the former requirement of a four-fifths majority.

## II. Controlling the Government

The Parliament can establish committees of inquiry for the purpose of investigating the responsibility of the Government in certain matters. According to the Standing Orders, a committee of inquiry shall be set up if it is initiated by one-fifth of MPs; however the formal decision to set up such a committee is made by the majority of the plenum.

**Since 2010, no inquiry committee has been set up on the initiative of the opposition, due to the lack of a formal majority decision.** (Up to now, there have been eight cases where the opposition attempted to initiate an inquiry committee, six of which were refused by the majority and two of which have yet to be decided.) **The five inquiry committees operating in this period have investigated the responsibility of the former Government.**

According to the new law on the National Assembly (Act No XXXVI of 2012), **upon the initiative of the Speaker of the Parliament, MPs using extremely offensive, degrading expressions in their speech may be banned by the majority from participating in the remaining part of the sitting day.** This means that they are not allowed to take part in the voting processes, either. So far, **two MPs from the opposition fractions have been expelled from the sitting of the Parliament, both as a result of comments made about certain Fidesz “functionaries”.**

## III. Lack of consensus-seeking – unilateral decision-making

**1) Constitutional changes**, as well as **2) the adoption of cardinal laws**, including the laws on the new election system and **3) the appointment to historically independent positions** in the system of checks and balances, such as the members of the Constitutional Court, the President of the National Office for the Judiciary, the President of the Curia (Supreme Court), the President and the members of the Media Council, and the President of the State Audit Office, **have been passed and implemented in an entirely unilateral manner**, without providing any real bargaining position to the parliamentary opposition parties.

## IV. Stigmatizing a political opponent

**The Transitional Provisions of the Fundamental Law list the crimes of the former Communist party, including murder, then go on to declare the current Hungarian Socialist Party to be a successor of the Hungarian Socialist Workers’ Party, and as such, to share responsibility for everything for which its “predecessor” can be held accountable.** Consequently, the Fundamental Law is used for discrediting the strongest political opponent of the ruling majority.