



## The disciplinary power of the Hungarian National Assembly fits the European average

The Center for Fundamental Rights investigated the Parliament's operative standing orders. In the course of our analysis, we paid special attention to the question of disciplinary power, since the Strasbourg based European Court of Human Rights reprimanded Hungary on this topic. The Center conducted a comparative analysis of the disciplinary power regulations prevalent in the Parliaments of several European countries. To sum it up it can be stated, that all of the examined parliamentary laws contain rules regulating the order of the parliamentary talk, and it is a typical practice that the Speaker exclusively controls the disciplinary power. The Hungarian regulations are middle-of-the road, because both more and less strict regulations do exist in the European practice. For example, in the United Kingdom, the Speaker has the right to suspend a representative from practicing his rights for an indefinite term, – including the revoke of the representative's payment – while in Austria, the strictest sanction in the case of disorderly conduct is to exclude the concerned representative from the given session. All things considered, it can be said that the Hungarian rules in force fit the European mainstream and they do not diverge from the European parliamentary traditions in any form.

Related to the sentence of the ECHR, it is clear that the body reprimanded Hungary because of a general and an ad hoc violation of law. The legislature has already amended the regulation, this way corrected the general violation, which the Court itself recognized in its decision. As for the ad hoc violation of law, the violation of the freedom of speech certainly has to be judged case by case. Based on the above, it is important to highlight that the Hungarian rules in force fit all the criteria set by the Court. The Court itself declared, that limiting the freedom of opinion and expression is in itself not contrary to the European Convention of Human Rights. As taking a look at the European average, it is important to mention that there is a European Union member state, – the Netherlands – where the parliamentary regulation does not provide the right to appeal against the decision, which was imposed in the disciplinary power of the parliamentary law.

The Center for Fundamental Rights did not go into a detailed analysis of the Parliament's disciplinary power in the case of all examined countries. However, we investigated carefully the sanctions against serious disorderly conduct in several European countries. In the case of disorderly conduct, perturbation, use of physical violence or calling for it, the violator can be suspended, excluded from the rest of the session or from several sessions in the following countries: Denmark, Croatia, Ireland, Norway, Italy and Romania. In the majority of these countries, either the Parliament, the committee (which is similar to the Hungarian House Committee) or the plenary session makes a decision, followed by the proposal of the Speaker. In most cases, there is no debate during the procedure of decision-making, just like in Hungary. The right to appeal is given for the penalized representative in almost all of the states. To sum it up we can state, that the disciplinary power of the Hungarian Parliament contains only rules and sanctions against violator representatives, which can be found in the regulations of the examined countries as well.