

## An easy spring in Parliament?

*Fidesz has promised that the spring session of parliament will be considerably more relaxed than the second half of 2011, when Parliament passed a record number of laws, many of which were controversial to boot. Still, there are some major pieces of legislation on the legislative agenda, with Fidesz planning comprehensive overhauls of both, the civil and criminal codes, for example. More importantly, the current plans constitute a vague promise that can easily be abandoned if reality or political desire require more changes. In fact, while a slower legislative pace would be beneficial in a politically overcharged environment, there are issues, notably healthcare, that need the government's attention.*

At first glance, it might appear as if this spring is going to feature a significantly more relaxed legislative session, at least as compared to the fall 2011 session, when Parliament was churning out new laws at an unprecedented pace. To keep up with the flurry of bills, MPs had to work between Christmas and New Year's, not to mention changes to the house rules permitting shorter debates and quicker promulgation.

The new legislative plan introduced by Tibor Navracsics, the minister of justice and public administration, in contrast, features far fewer laws than passed in the previous session. Still, it is a distinct possibility that the final tally will be significantly larger. Following the custom established in the past year and a half, individual MPs may introduce key legislation, while of course Fidesz and the government, too, may suggest more once the session is underway.

Below, we will briefly review some of the more important legislative objectives for the upcoming months and also take a look at what is missing from the programme.

### **Consolidation...**

The pace of legislation was one of the few issues that stirred internal division within Fidesz itself. Notably László Kövér, the Speaker of the Parliament, admonished his party to slow down. The government claims to have heeded the advice.

János Lázár, Fidesz' parliamentary leader, said that this is now a period of consolidation. The idea is that instead of continuing with new comprehensive reforms, Fidesz would now take the time for some fine tuning and consideration.

Yet this plan may easily succumb to a different reality, as it is potentially endangered by several forces. For one, the corrections stemming from hastily written and adopted laws might become more extensive as problems surface in the implementation of the existing legislation. Though it won't be a major factor in terms of the time it takes up, this could be exacerbated by amendments requested by the European Union or the IMF.

One controversial issue that will almost certainly be addressed is the correction of the religion law, which Fidesz itself scuttled just before the Constitutional Court quashed it. The problematic issue here – which has resulted in massive lobbying in and outside Hungary – is

what churches will be officially recognised by the state, which is key to the survival and/or functioning of especially smaller denominations.

Furthermore, since its revolution is incomplete in certain areas, Fidesz may itself decide not to delay the legislative changes it deems necessary. Most importantly, a number of important policy areas – e.g. health and pensions – arguably still need reforms. While Fidesz has thus far not published specific plans to address these areas in the next months, it may find that it is necessary or advisable.

## ***New codes: Civil and...***

In its relaxed spring session, Fidesz plans to comprehensively reform both the civil and the criminal code, both of which may feature substantial changes. Many questions loom with regard to the civil code, especially since the previous government adopted a new civil code in February 2010. That reform contained a number of liberalisations, notably on the rights of people under guardianship and in terms of family law. Following a petition by Fidesz, however, the Constitutional Court struck down the new Code before it could enter into effect, arguing that the transition time was too short (the Code was to become effective in January 2012).

Fidesz' new version of the Civil Code, whose reform has been an ongoing process since 1998, will likely not include some of the liberalisations contained in the previous reform bill. Organisations representing people with disabilities worry particularly about the guardianship provisions. The new code will probably also include provisions that will add a new dimension to the already controversial media law, as general remedies for defamation and injury will make it possible to demand more money from the press, too. The question is also whether some of the proposals that Fidesz proposed as amendments to the previous – ultimately failed – Code, e.g. making marital fidelity a legal issue, making divorces more difficult and abolishing civil unions, will also find their way into the final draft of the new Code.

## ***...criminal***

As anticipated, the draft of the new Criminal Code is also primarily about severity. The drafters' commentary cites the Programme of National Co-operation in emphasising that the goal is to ensure that "Hungary is no paradise for criminal offenders." In response to growing concerns about crime in general and petty crime specifically, Fidesz has of course already enacted two of its trademark measures, the zero tolerance and three strikes policies.

Now the Criminal Code will likely enshrine greater rights of self-defence, feature more severe sentences for some crimes, (including the extension of forced medical lockup for sexual crimes, to potentially cover a lifetime) and abolish the statutes of limitations for some serious crimes.



## ***Internal affairs***

Though it has little impact on the budget, it is of great symbolic importance that Parliament also plans to reform the compensation of its members. The original plan was to adopt a reform that would enact one of the key changes urged by some of those who desire greater transparency in politicians' pay: that is all the various types of money that parliamentarians receive were to be essentially collapsed into a massive pay hike, tripling salaries from 231.000 forints (800 euros) to 750.000 forints (2500 euros). In return, MPs would have had to relinquish reimbursements for the various expenditures that they can claim.

Yet it appears that this far-reaching measure might become watered down. MPs are not satisfied with the fact that the costs of their official work will not be reimbursed and propose amendments that would – though against receipts, which is a progress in itself – provide money for gasoline, hotels and phone calls. This would be fairer to those MPs who have genuinely high costs – which might be an indication that they take their work seriously –, but it would impair the clarity of what otherwise might have been a very transparent regulation.

In the spring, Parliament is also likely to address those house rules that determine the creation of new parliamentary factions, which may affect the ability of former PM Ferenc Gyurcsány's Democratic Coalition Party to establish an official parliamentary group. This status would yield significant procedural and financial advantages for the new political force.

## ***So much to do***

A number of other issues will also be on the table, including the reform of the county system, election reform (see 2011 issues 41, 42, and 48), the liberalisation of postal services (one of several EU harmonisation bills), regulation of tourism, etc. Apart from the wide variety of topics actually addressed, what is also striking is what areas are not on the agenda: health policy, probably the most neglected area in any case, fails again to draw any attention (though rumours abound that major changes are impending), education isn't part of the programme (though it was of course addressed plenty over the past months), and neither does the economy appear to be a focal point.

It is possible that come summer we will find that the plan introduced for the spring will ultimately reflect reality. But it is unlikely. Though there are some controversial issues on the table, it is true that if the current plan is upheld, the spring will be less tense than the fall session was. Still, leaving controversial issues alone might be good for calming overheated political tempers, but it would be problematic with regard to subject matters that have not been addressed, for instance in healthcare or in the economy.