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Prerequisites of a parliamentary inquiry as a minority right: an international comparison

Parliamentary committees of inquiry

Main features:

- Direct source of information
- Rule of law and proper functioning democracy is precondition (AL, Ko)

Comparative models:

- England-USA: standing control committees, „watch-dog-committees“
- Scandinavian model: rare inquiries by parliamentary committees
- German model: (Max Weber): strong minority rights („zwingender Minderheitsantrag“), judicial guarantees



Obligatory minority initiative

Germany:

- Art. 34 WRV: *lex imperfecta*
- Art 44 GG
- BVG case law

Minority rights should prevail also after launch of the committee, especially information rights!

Austrian reform of 2014: alignment to the German model.



Issues of the effectiveness of the inquiries

- Establishment
- Membership: composition, changes
- Information requests, evidence
- Status of the 'affected person'
- Sanctions
- Reporting
- Right to judicial remedy



Majority and minority inquiries

	Germany 1949-20		Austria 2015-2019		Portugal 1993-2019		Slovenia 1992-2022		Hungary 1994-2022		Lithuania 1998-2020	
	nr	%	nr	%	nr	%	nr	%	nr	%	nr	%
Majority	9	19%	10	77%	35	73%	13	37%	18	42%	55	71%
Minority	38	81%	3	23%	13	27%	22	63%	25	58%	22	29%
In total	47	100%	13	100%	48	100%	35	100%	43	100%	77	100%

Successful inquiries (majority/minority)

	Germany 1949-20		Austria 2015-2019		Portugal 1993-2019		Slovenia 1992-2022		Hungary 1994-2022		Lithuania 1998-2020	
	nr	%	nr	%	nr	%	nr	%	nr	%	nr	%
Majority	5	14%	6	67%	25	69%	6	67%	5	45%	47	75%
Minority	30	86%	3	33%	11	31%	3	33%	6	55%	16	25%
In total	35	100%	9	100%	36	100%	9	100%	11	100%	63	100%

Some conclusions

Parliament cannot fulfil its control functions without

- the right to information
- access of the opposition to this right
- judicial guarantees



Thank you for your attention!

