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Freedom Of The Press - Hungary (2011)

Status: Free
Legal Environment: 10
Political Environment: 11
Economic Environment: 9
Total Score: 30

Hungary's constitution protects freedom of speech and of the press. Numerous competitive and independent media outlets generally operate without interference from the state, and many clearly reflect the divisions of the national political scene. However, a series of new press laws passed under Prime Minister Viktor Orbán from June to December 2010 has been criticized by international observers and European Union representatives for threatening media independence and pluralism. Libel remains a criminal offense, and journalists are responsible not only for their own words, but also for publicizing insulting or libelous statements made by others. Restrictive state secrecy legislation has also raised concerns.

In March 2010, then-President László Sólyom approved an amendment to the penal code outlawing public denial of the Holocaust or Nazi war crimes, with penalties of up to three years in prison. Orbán's new government amended the law in June to remove specific references to the Holocaust and to prohibit denial of unspecified crimes of Hungary's communist regime as well as those of the Nazis. In June, the new Fidesz government proposed a media reform package in an effort to tighten government control over broadcasting and to extend regulation to print and online media. The government passed media secrecy legislation in November that forced journalists to reveal their sources when covering issues related to national security or public safety, or if the information was classified. Reporters must also notify the authorities if a source reveals material considered a state secret. The penalties for failing to comply with such a request for information could amount to up to \$230,000.

In August, newly elected President Pál Schmitt—former deputy leader of Fidesz—approved legislation which restructured supervision over Hungary's public and private media; the National Radio and Television Commission (ORTT) merged with the National Media and Communication Authority (NHH) to create the National Media and Infocommunications Authority (NMHH). The prime minister was granted the power to appoint the president of the NMHH for a nine-year term, without limits on reelection. The NMHH president also chairs the five-member autonomous Media Council, which has the power to fine television and radio stations for unbalanced coverage, as well as banning public subsidies to media outlets that are found guilty. The four other members are appointed by the parliament, in which Fidesz holds a two-thirds majority. Annamária Szalai, a former Fidesz politician, was appointed in August as the first director of the NMHH and chair of the Media Council, and the other appointed members were all candidates from the Fidesz party. The changes were criticized as restrictive by the opposition, press freedom groups, and the Organization for Security and Co-operation in Europe.

The public media, including Hungarian Television, the Hungarian News Agency (MTI), Hungarian Radio, and Duna TV, were unified under the jurisdiction of the Media Council, threatening their political and financial independence. The law gives the head of the NMHH the right to nominate the executive directors of all public media. The public broadcasters have lost their right to produce their own news; they are obliged to use MTI's news coverage. Government-funded MTI will also make its news available for no charge, which goes against EU rules regarding free market activity by effectively disadvantaging outlets providing paid subscription-based news.

As the final portion of the package, in December, President Schmitt approved a new Media Act, which contained a series of broad provisions affecting all print, broadcast, and online media, including providers and publishers. Under the new act, the Media Council will be responsible for interpreting and enforcing these new laws, one of which awarded the council the power to levy fines or suspend outlets for unbalanced or immoral reporting—specifically content involving sex, violence, or alcohol. Radio and television stations can now receive fines of some \$950,000. Daily newspapers and online news outlets can receive fines of approximately \$120,000, and weeklies as much as \$47,000. Compounded with the ambiguity of the laws, the absurd fines associated with such infractions are likely to encourage further self-censorship. Additionally, these fines must be paid before initiating an appeals process. The new law also requires that all media outlets, including online services, register with the Media Council. Registration and licenses can be revoked by the NMHH.

While most aspects of the laws will come into force in early 2011, and independent media continued to operate freely in 2010, press freedom advocates have noted a serious government bias in many public media outlets. Individual journalists are also occasionally exposed to pressure from state organs. Physical attacks on reporters or media outlets are rare. In September, representatives from Hungary's media asked the courts to prevent the airing of campaign ads by the rightist, anti-Roma party, the Movement for a Better Hungary (Jobbik), which they deemed offensive. However, the Supreme Court ruled that the advertisements—which referred to "gypsy criminals"—had to be aired in order to give equal coverage to all parties participating in the campaign.

The media landscape is dominated by private companies, with high levels of foreign investment in national and local newspapers. Privately held newspapers include 10 national and 24 local dailies. In July, Fidesz removed the article from Hungary's constitution which had previously banned information monopolies. Hungary has three national public radio stations, and two main private stations. Under the new legislation, radio stations' programming must devote at least 25 percent of airtime to Hungarian music. For television programming, 50 percent must go towards European productions. Additionally, the new law permits the restriction of not only domestic broadcasts, but those coming from abroad.

Diversity is on the rise in the electronic media; most notably, there has been an increase in vibrant and influential domestically owned electronic media outlets. The internet is

widely available, but laws passed in 2010 gave the Fidesz-dominated Media Council greater control over online media outlets. The internet was accessed by approximately 65 percent of the population in 2010.