

## The New Press and Media Act in Hungary

At the end of December 2010 the Hungarian Parliament adopted a new press and media law which immediately aroused strong criticism in the EU states, OSCE (Organization for Security and Cooperation in Europe), and European journalist organizations for contradicting European ideologies. The Act came into force at the beginning of January 2011, when Hungary also assumed the EU presidency for the subsequent six months. A basic concern is how Hungary can participate in evaluating the progress of democracy in the candidate countries when it is moving away from democracy itself.

The act, comprising 230 articles, establishes in the country a new body for media control, the *National Media and Communications Authority*, for monitoring the contents of all media, including the internet. *Media Council* is an independent body of the Authority. The Authority may stipulate regulations with respect to the behavior of the media. If it regards that the published information is not balanced, it has the right to impose a heavy fine to the media in question or even suspend its activity (see article 187 below). It may also oblige the media to reveal their source of information. The Act also gives quotas to European and Hungarian programmes and music in the public media (articles 20-22). The Act stresses respecting “family values,” a fact that has made the international sexual minority organizations suspicious. The Authority, as well as several other institutions, is led by Fidesz, the leading political party.

Besides the Authority, the Act also stipulates the establishment of the *Public Service Foundation* governing the radio, the two national TV channels, and the news agency MTI. The Foundation is controlled by the parliament by 2/3 majority. Both the government and the opposition may propose 3 of the 6 members to the *Board of Trustees*, the managing organ of the Public Service Foundation. They are appointed by the parliament with 2/3 majority, and the minimum number of members in the Authority is 3. The members are appointed for nine years, which is longer than two legislative periods.

Set in the context of the political situation in Hungary the Act may be seen as expanding the power of the nationalistic centrist-rightwing party Fidesz, which occupies 2/3 of the parliament seats and is the only party in the government. In the last elections in spring 2010 the party got the absolute majority of votes. It is able to change all laws, including the constitution, without the support of other parties. The Media Act seems to indicate that Fidesz has moved a step towards one party media control.

The Act has been criticized for ambiguity: “In the lack of clear guidelines the journalists cannot know when they are breaking the law”, says Dunka Mijatovic who is responsible for the freedom of press in OSCE. He expressed his concern that if not correctly used, the Act may endanger critical media and public discussion in Hungary.

The foreign minister of Luxemburg Jean Asselborn: “This is a direct threat to democracy. Until now Lukashenka has been considered the last dictator in Europe. When this act enters into force that will no longer be the case.”

“In a democracy the media should not be considered enemies of the state. The media controlling body that will start in Hungary from the beginning of the year 2011 is an alarming sign that the state wants to control the media”, says Markku Laukkanen, member of the media committee of the OSCE parliamentary assembly.

In the European Parliament the Greens condemned the law as contrary to European basic values and demanded that the EU Commission take action.

The opposition newspapers protested the draft Act in Hungary by issuing in December blank first pages, without any text.

The EU Commission has required Hungary to prove that the Act does not violate the EU regulations. There is fear that with the Act Hungary aims at suffocating criticism of its policy. In particular the following aspects should be reviewed:

- The requirement of balanced information in electronic media has been formulated so that it may trespass the freedom of expression and people's right to free information;
- The question about the restriction of foreign programmes and the high penalties: are the penalties so high that they may lead to the closing of a media? Can the restrictions be used unduly for cases that the Authority doesn't like?
- The registration duty which concerns even private persons maintaining blogs; in the opinion of the EU Commission the registration duty restricts too much the organization and offering of services.

Also the supervision/control of foreign media (working in Hungary) has raised questions. Hungary's Prime Minister Viktor Orbán promised to submit the reviewed formulation by 10 Feb. (No information about the possible changes was available to me to date.) The Hungarian president signed the Act at the end of December and it is in force since the beginning of January 2011.

#### **Sidetracks:**

1. The Swiss-owned liberal paper Nepszabadsag had a conflict with the director of the Authority, Ms Annamária Szalai in December. The paper wrote about the media situation in Hungary, and Ms Szalai sent a response making corrections to wording. The paper disagreed with the corrections and refused to make the changes, offering Ms Szalai to take the case into court. The point is that one month later, since the act was in force, the Authority would have the power to enforce the law and say the last word;
2. The Christian Democrats form a part of the Fidezs party, whose youth organization got recently a new chairman, the 33-year old Bence Stágell. He is particularly interested in the moral attitudes of people, family values, "chastity", etc. In this context the TV programme Való Világ ("The real world", a version of Big Brother run by the German owned commercial channel RTL) has come to the focus. On the basis of the new Media Act, Stágell urged people to make complaints about the programme to the Authority. In two weeks 65 complaints arrived. Now (January 2011) there is pressure to end the programme though one million people are watching it weekly.
3. The Media and Communications Authority has a department for content supervision (MNHH, Tartalomfelügyeleti Főosztály). The director Márta Boros's first attack was against the small radio station Tilos Radio. The station transmitted the rap song "It's on" of the American artist Ice-T in the afternoon, when young people listen to the radio. The Authority regards the song to be harmful to young people's development.

### Summary of the following sources:

- [www.euractiv.fr](http://www.euractiv.fr) .Unofficial English translation of the Hungarian Press and Media Act 2010
- Unkarin medialaki on paluuta menneeseen. Helsingin Sanomat, Editorial 20.01.2011, Heikki Nyyssönen, University of Tampere, Professor of international politics
- Euroopan otsikoissa: Unkarin medialaki. Suomen Kuvalehti, 13.01.2011
- Unkarin medialaki on hylättävä. Helsingin Sanomat, Editorial 30.12.2010
- MTV3 News, 22.12.2010
- [www.ranneliike.net](http://www.ranneliike.net) Blog-pages 07.12.2010 – 24.01.2011