

EU accepts attack on press freedom in Hungary

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The conflict between the EU Commission and the government in Budapest over the Hungarian media law was settled two weeks ago. The commissioner responsible for media affairs, Neelie Kroes, said in Brussels that she was satisfied with the changes proposed by Hungary. At the same time, the EU parliament decided not to vote on a resolution critical of the Hungarian media law.

Brussels has thus virtually accepted the abolition of press freedoms in Hungary, passed by the right-wing government of Victor Orban.

Late last year, the Hungarian Civic Association (Fidesz) used its two-thirds parliamentary majority to push through a new media law giving the government sweeping powers to regulate the media. A five-member Media Council, headed by a long-time confidante of Prime Minister Viktor Orban, can in future impose tough penalties against any media outlet whose reporting is deemed not “balanced”. The Media Council determines what constitutes “balanced” reporting, and journalists who write about “national security” issues must disclose their sources.

Moreover, the news output of all public broadcasters will be produced by a central government agency.

Several politicians and media representatives have reacted angrily to the law muzzling the press. The spokesman of the German Journalists Association (DJV), Hendrik Zörner, spoke of an “attack on the fundamental values of democracy”, adding: “These are unbelievable conditions.”

In contrast, the EU Commission, which is responsible for compliance with EU treaties, reacted cautiously to this trampling of press freedoms in Hungary, calling for only minimal changes. Although there have been months of disputes over the new media law, Kroes has expressly refused to initiate an audit procedure to establish the compatibility of the media law with the EU Charter of Fundamental Rights.

Kroes sent a letter to the government in Budapest in late January, calling for a correction to three issues identified in the new law, imposing a deadline for a response in two weeks. She threatened to instigate infringement proceedings, which could lead to a conviction before the European Court and high fines. The letter stated: “The Commission has serious doubts about the compatibility of the law with the law of the [European] Union.”

But when the Hungarian government promised to make some minor amendments, Commissioner Kroes announced: “We welcome the changes the Hungarian government has undertaken.” Separate review or infringement proceedings were no longer necessary, she added.

Kroes justified her decision by claiming that Budapest would change the law in relation to the obligation for “balanced reporting”. This would only apply to broadcasters, not other media such as Internet blogs. She was also satisfied that no foreign media in Hungary would be subject to the law. According to the EU Commission, the Orban government wants to restrict the obligation for “balanced reporting” to radio and television broadcasters, as is the case in other EU countries.

The changes made in Budapest are purely cosmetic and do not alter the fact that the government can muzzle media it considers unacceptable. Prime Minister Orban has not made any changes to the Media Authority, in which he has installed his confidante Annamária Szalai as leader for nine years.

According to *Reporters Without Borders* (RSF), even after the changes to the Hungarian media law, unacceptable interference with the freedom of the press remains. The Hungarian government only wants to adapt secondary aspects of the law; the essential character of the media law is retained. In the amended form, the protection of journalists’ sources is still not guaranteed, and the

Hungarian government can also act directly on private media, RSF noted.

“With its minimal demands on Hungary, the European Commission has set the bar so low that the government in Budapest can easily jump over it, without abandoning its controls over the private media,” RSF spokesperson Michael Rediske said. In this context, he warned against regarding the ending of the conflict between the EU Commission and the Hungarian government as a success for the freedom of the press. This view completely ignores the fact that on formal legal grounds, the EU has effectively ignored the massive violations of fundamental principles of press freedom in the Hungarian law.

RSF concludes: “The European Commission is apparently not in a position to enforce the constitutional protections in the area of press freedom in relation to member states.”

The new law also contains numerous provisions designed to ensure pro-government reporting.

“Political propaganda” outside of election campaigns is prohibited. If “national security” is touched upon, sources must be disclosed, removing the protection for journalist’s informants essential for a democratic press. Moreover, public media news programmes will no longer be produced by the various existing outlets, but by the pro-government MIT news agency.

The power of the Media Council to place strict bans on allegedly pornographic and violent images, together with its right to prescribe rules about reporting standards and the avoidance of “illegal” statements, provide the government with numerous means for taking direct control over the media’s output. A so-called “Media Charter” also requires journalists to uphold Christian, patriotic and national values.

In recent months, the Fidesz government has already made it clear that despite massive criticism it will not hesitate to apply the law. No sooner had the law come into effect than the newly created Media Council launched proceedings against the small, left-liberal broadcaster *Tilos Radio*. It was charged with having aired a song by rapper Ice-T four months ago. Since very few Hungarians would understand the gangsta rapper’s American slang, the Media Council simultaneously published a Hungarian translation of the disputed text in order to demonstrate its allegedly harmful effect on children.

The decision in Brussels has strengthened Orban. On February 14, he appeared in parliament and boasted that he had “repulsed” the “attacks” that had “offended” the

Hungarian people.

Orban received backing from the ultra-right party Jobbik, which supports the media law. During the parliamentary session, its leader Gabor Vona wore a vest of the officially banned paramilitary organisation “Hungarian Guard”, which appeals to the tradition of the fascist Arrow Cross. The Fidesz parliamentary leadership allowed Vona to attend the sitting unchallenged; the meeting was interrupted only hours later at the insistence of the opposition parliamentary deputy chair.

Already, the work of the Media Council has clearly shown that far-right media can freely disseminate racist propaganda, without fear of sanctions.

The European People’s Party—which includes Hungary’s Fidesz party of Prime Minister Orban, as well as Germany’s Christian Democratic Union and Christian Social Union—defends the law. Parliamentary faction leader Joseph Daul said the “attacks on the law were premature and unwarranted.”

The manner in which the European Commission responded to the Hungarian law gagging the media makes clear that Brussels will accept attacks on democratic rights in member states without further ado. More so, the EU is interested in restricting the freedom of expression.

In many European countries, freedom of the press is already severely restricted or exists only on paper. In Italy, Silvio Berlusconi owns and controls almost all the private media outlets, and as head of government controls the public broadcasters. In France, Nicolas Sarkozy maintains close personal relations with the influential newspaper publishers and as president gags the public media. He has personally seen to it that critical journalists have lost their jobs. In this respect, Berlusconi and Sarkozy are the political models of the Hungarian government leader Orban.

Brussels’ decision should be seen against the background of the draconian austerity measures being pushed through in almost all European countries. The massive cuts in wages and social provisions increasingly meet resistance in the population. These measures are incompatible with democratic freedoms. In Hungary, an austerity programme that includes drastic cuts in all areas was adopted at the same time as the media law.



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