



Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
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Remarks before the European Parliament LIBE Committee hearing
on the situation in Hungary

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Chairman, Honourable Committee members, Ladies and Gentlemen,

Thank you for inviting me to speak at this hearing. I warmly welcome today's meeting because international organizations play an important role in awareness-raising and in holding governments accountable to honour their international obligations and also to show readiness to assist their members, if needed.

Since 1975, the OSCE participating States have committed themselves to a set of values that they pledged to uphold and strengthen. These values include the respect for human rights and fundamental freedoms, including free expression, media pluralism and the free flow of information. My Office – often referred to as the only intergovernmental media watchdog in the world – was established by the participating States themselves, in order to assist them in implementing these commitments and to remind them if they failed to do so.

As the OSCE Representative on Freedom of the Media, I would like to summarize my views on the Hungarian media legislation and its upcoming reform.

Since June 2010, when the draft media legislation was first brought forth in the Hungarian Parliament, I have raised attention several times to the problematic aspects of these draft laws, both publicly and in bilateral meetings with Hungarian authorities. During this one and half years, my Office has been in dialogue with the Hungarian authorities, and I have commended – also publicly – the readiness of the Hungarian Government to discuss these problems.

However, on substance we are still apart, and I would like to give you an outline today in what respects we differ.

Hungary, as many other European countries, is a participating/member state of several international organizations, including the European Union, the Council of Europe, the United Nations and the OSCE. Each membership leads to a different set and different modalities of transposing the basic values of these organizations into a domestic framework.

Against the background of Hungary's commitments as an OSCE participating State, I regard the following steps essential in order to bring the Hungarian media laws in line with international good practices:

Following the decision of the Hungarian Constitutional Court, the media legislation must be amended by 31 May 2012. Hungary should use this as an opportunity to legislate at a level of international best practices.

My Office stands ready to assist Hungary in this important reform. I am currently waiting to receive the new draft laws, as agreed with Minister of State for Government Communication, Zoltan Kovacs, during our recent meeting in Vienna.

However, other provisions of the media legislation also need to be changed.

- First, the process to elect the head and members of the Media Authority and the Media Council needs to be modified.
- Second, there are serious concerns over the financial and editorial independence of public service media, including the possibility to restrict content based on vague definitions in the laws.
- Third, the threat of high fines for breaching the laws must also be addressed. The fines nourish a self-censoring attitude among media professionals and have a chilling effect.
- Fourth, and this is more of a recommendation in the field of good practices and not per se an OSCE obligation, the Hungarian Government has decided to safeguard the media legislative package with a two-thirds (constitutional) majority against any changes in the future. No one contests the legitimacy of such a move. However, one should ask: Is it far-sighted to cement a legal framework in such a way, especially when we are all witnessing the rapid changes of media in content and technology? I believe the answer given to this question has come from media freedom advocacy groups from all over the world, including from the UN and the Council of Europe.
- Fifth, we have seen that the Hungarian government has a selective approach as to which international obligations to honour. We have seen Hungary respond to some criticism voiced by the European Commission. We were assured that the criticism voiced by the Constitutional Court will be addressed. Commitments and obligations stemming from membership in other international organizations, such as the OSCE, the UN and the CoE have not been responded to. Europe and European nations should lead by example if they want other countries to engage in reform.

Media pluralism, which is the expression of a multitude of opinions, is a vital OSCE commitment and a prerequisite for media freedom. We should never forget that too many nations in Europe know that, like democracy, free media and free expression are not given once and for all. They need to be constantly justified, reaffirmed and strengthened. That is why it is my firm belief that European Union countries should lead by example.

The next steps:

- Regarding the amendments announced in response to the shortcomings listed by Hungary's Constitutional Court, my Office will conduct a legal analysis and prepare recommendations so that Hungarian lawmakers can take them into account while reforming the laws.
- There is a chance for real improvement if the Constitutional Court demands are met. For example: Print media will be taken out of the scope of the law and court approval will be needed to force journalists to disclose sources.
- As I did in my earlier statements, I call upon the Hungarian government to go beyond the minimum requirements as expressed by the Constitutional Court and bring its media legislation in line with European standards and OSCE commitments.
- My Office will continue to assist Hungary in this endeavour. In conclusion, I would like to use this opportunity and send a clear message to the governments and to the parliaments of EU member states to do their utmost not to create and adopt laws that could curb media freedom. Governments and parliaments have the power to create an environment in which media can perform their unique role free of pressure and threats. Without this, no democracy can flourish. Thank you.