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Europe & ex-USSR - Hungary

Cosmetic changes only

Hungary's media law is unacceptable despite amendments

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Reporters Without Borders takes note of the amendments to Hungary's [controversial media law](#) that the parliament adopted yesterday. However, despite positive movement on some of the worst aspects of the legislation, the core of the problem remains, since the composition and attributions of the all-powerful Media Council remain unchanged.

European governments should make it clear to their Hungarian partner that this vote does not in any way absolve it of its responsibility to make every effort to ensure the legislation conforms to international law.

On the evening of 7 March, Hungarian parliamentarians adopted the amendments put forward by the government. Presented as a simple "clarification" of the law passed at the end of December, the cosmetic changes reflect for the most part the [demands of European commissioner Neelie Kroes](#). The favourable report given by the Commission following the vote seems to us to be premature as the law remains both open to criticism and severely criticized.

If the dubious notion of "balanced reporting" no longer applies to blogs, it does still concern other audiovisual media as well as Internet linear content providers. The law also no longer applies to foreign media "unless they are broadcasting to the Hungarian people and are based abroad with the aim of circumventing Hungarian law". It is still anyone's guess how this would be established.

The range of "offences" punished by the law has been restricted slightly and centred on the concept of incitement of hatred or discrimination. On the other hand journalists must still respect "public morality" and "human dignity" - notions that have yet to be defined by the Media Council - or face astronomical fines.

Finally, the Hungarian media will no longer have to get accreditation from the authorities before they start broadcasting. They will have to do so within 60 days of kicking off their operations, however, or face a fine of 3,700 euros. The amount of form filling required to obtain the accreditation is still considerable, and includes providing the estimated number of subscribers and a description of programming aimed at ethnic minorities.

Above all the Media Council, created in December 2010, emerges unscathed from the amendments. Yet this body, with its utterly disproportionate attributions, is at the heart of the controversy.

Appointed directly by the government, the Council's five members all belong to the ruling Fidesz party. Despite concerns over its impartiality, the body has a right under the law to demand from media organizations any number of confidential documents - and if they are not handed over they face a fine of 100,000 euros.

The amendments made to the media law yesterday provide not a single extra guarantee that journalists' sources will be protected, and sanctions against media that break the law can still go as far as a ban.

Reporters Without Borders therefore appeals once more to Hungarian lawmakers to look again at

this legislation more closely, and in particular that they quite simply annul the section referring to the Media Council. The Hungarian parliament and government must urgently adopt the recommendations by the Council of Europe and the Organisation for Security and Co-operation in Europe on this matter.

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