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Situation in Hungary following the adoption of Assembly Resolution 1941 (2013)

Committee Opinion¹

Committee on Culture, Science, Education and Media

Rapporteur: Mr Gvozden Srećko FLEGO, Croatia, Socialist Group

A. Conclusions of the committee

1. The Committee on Culture, Science, Education and Media welcomes the fact that the Parliamentary Assembly is pursuing a thorough follow-up to [Resolution 1941 \(2013\)](#), based on the report by the Committee on Political Affairs and Democracy.
2. In [Resolution 2035 \(2015\)](#) on the protection of the safety of journalists and of media freedom in Europe, the Assembly urged the Hungarian Parliament “to pursue further reforms of its legislation in order to improve the independence of the media regulatory authorities, the State news agency and the public service broadcasters, to increase transparency and pluralism in the private media, as well as to combat racist expressions against ethnic minorities” and invited the European Commission for Democracy through Law (Venice Commission) to “identify the provisions which pose a danger to the right to freedom of expression and information through the media in the Hungarian Act CLXXXV of 2010 on Media Services and Mass Media, the Hungarian Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules of Media Content and the Hungarian tax laws on progressive tax on advertising revenue for media”.
3. The Commissioner for Human Rights visited Hungary from 1 to 4 July 2014 and produced, on 16 December 2014, a report which looks in particular at media freedom and the fight against intolerance and discrimination in Hungary. The European Commission against Racism and Intolerance (ECRI) adopted its report on Hungary on 19 March 2015. On 19 June 2015, the Venice Commission adopted its Opinion on the media legislation of Hungary (Opinion No. 798/2015).
4. Welcoming the general findings of the report by the Committee on Political Affairs and Democracy on the situation in Hungary following the adoption of Assembly [Resolution 1941 \(2013\)](#), the Committee on Culture, Science, Education and Media proposes to align the draft resolution contained in that report with [Resolution 2035 \(2015\)](#) as well as with the work of the Council of Europe Commissioner for Human Rights, the European Commission against Racism and Intolerance (ECRI), the Venice Commission and the European Court of Human Rights.

B. Proposed amendments to the draft resolution:

Amendment A (to the draft resolution)

In paragraph 2.1, first sentence, delete the phrase “and there are no restrictions on Hungarian citizens following their chosen faith”.

1. Reference to committee: Bureau decision, Reference 3989 of 30 September 2013. Reporting committee: Committee on Political Affairs and Democracy. See [Doc. 13806](#). Opinion approved by the committee on 23 June 2015.



Amendment B (to the draft resolution)

After paragraph 2.1, add the following paragraph:

“referring to the report on Hungary published on 16 December 2014 by the Commissioner for Human Rights, the Assembly notes with concern that the report found widespread presence of racist and extremist organisations and movements in Hungary and extremism in the country’s political arena. These findings are also reflected by the report on Hungary adopted by the European Commission against Racism and Intolerance (ECRI) on 19 March 2015. Therefore, the Assembly urges Hungary to implement the recommendations by the Commissioner for Human Rights and ECRI;”

Amendment C (to the draft resolution)

In paragraph 2.5, delete the second and third sentences and add the following sentences at the end:

“For its part, in its [Resolution 2035 \(2015\)](#), the Assembly urged the Hungarian Parliament to pursue further reforms of its legislation in order to improve the independence of the media regulatory authorities, the State news agency and the public service broadcasters, to increase transparency and pluralism in the private media, as well as to combat racist expressions against ethnic minorities. In accordance with Opinion 798/2015 of the Venice Commission on the Hungarian media legislation, the Assembly calls on Hungary to implement those recommendations.

Amendment D (to the draft resolution)

In paragraph 3, delete the last sentence and add the following sentence:

“The Assembly remains seized of the media situation in Hungary in the framework of its future reports on attacks against journalists and media freedom in Europe as well as on new methods of political influence over independent journalism. The situation of racism and intolerance also requires special attention.”

C. Explanatory memorandum by Mr Flego, rapporteur for opinion

1. Introduction

1. When the party Fidesz – Hungarian Civic Alliance gained an absolute majority in the parliamentary elections in Hungary in April 2010, the new parliament passed, *inter alia*, Act CLXXXV on Media Services and Mass Media, Act CIV on the Freedom of the Press and the Fundamental Rules on Media Content as well as the Fourth Amendment to the Hungarian Constitution affecting the media access for political parties. Those legislative changes generated wide international criticism.
2. The Commissioner for Human Rights issued on 25 February 2011 a critical Opinion on Hungary’s media legislation in light of Council of Europe standards on freedom of the media (CommDH(2011)10). In its Opinion No. 720/2013, the Venice Commission disapproved the constitutional amendments related to the media sphere (CDL-AD(2013)012).
3. Against the background of such criticism, the Hungarian Parliament revised some of its media legislation. However, as can be seen from the latest report of the Commissioner for Human Rights (CommDH(2014)21 of 16 December 2014) as well as Opinion No. 798/2015 of the Venice Commission, the situation concerning media freedom in Hungary still gives rise to concern.
4. In addition, the latest report of the Commissioner for Human Rights notes persistent problems regarding access of Roma children to education as well as widespread presence of racism and extremism in Hungary. These findings are also reflected by the report on Hungary adopted by ECRI on 19 March 2015. Those subjects also fall within the remit of this committee and therefore need to be addressed.

2. Specific explanations of the amendments

Amendment A

The statement that “there are no restrictions on Hungarian citizens following their chosen faith” is not in line with the recent judgment of the European Court of Human Rights (*Magyar Keresztény Mennonita Egyház and others v. Hungary*, Applications Nos. 70945/11, 23611/12, 26998/12, 41150/12, 41155/12, 41463/12, 41553/12, 54977/12 and 56581/12) and the findings of the actual situation in Hungary by the Commissioner for Human Rights. Therefore, this phrase should be deleted.

Amendment B

The latest reports on Hungary by the Commissioner for Human Rights and ECRI are very explicit on the existence of racist and extremist organisations and movements in Hungary. Given that the fight against racism and intolerance is a priority for the Council of Europe, the Assembly must urge Hungary to implement the recommendations by the Commissioner for Human Rights and ECRI.

Amendment C

For its part, the Assembly not only invited the Venice Commission, but also urged the Hungarian Parliament to pursue further reforms of its legislation. By omitting this part, the Assembly could give the wrong impression that it has given up its latter position. In addition, Opinion No. 798/2015 of the Venice Commission is already available and its findings should be echoed by the Assembly.

Amendment D

Given the serious concerns expressed recently by the Commissioner for Human Rights, ECRI and the Venice Commission, the Assembly cannot declare that an examination of these matters by the Assembly should now be concluded. Two reports by the Committee on Culture, Science, Education and Media, on attacks against journalists and media freedom in Europe and on new methods of political influence over independent journalism, which are currently being prepared, will provide a means for the Assembly to remain seized of the media situation in Hungary. In addition, the situation of racism and intolerance in Hungary also requires special attention by the Assembly, which even had to withdraw the right to speak of a former Hungarian member of the Assembly as a consequence of unacceptable declarations made by that person during an Assembly session. The decision to build up a wall at the border between Hungary and Serbia to stop the flow of illegal migrants, which has now been announced, is a further worrying signal.