

Mr. Thorbjørn Jagland
Secretary General
Council of Europe

4 February 2013, Budapest

Esteemed Council of Europe,

Dear Secretary General,

Hungarian NGOs for protection of human rights, freedom of speech and freedom of press express their concern about the prospects of the Hungarian media regulation. The agreement between the Council of Europe and the Hungarian government can be considered only as the first step in the process of solving the structural problems in the Hungarian media regulation. In order to achieve media freedom in Hungary further national and international efforts are needed.

The Hungarian media legislation was criticized by many international organizations. A long list of organisations, from the OSCE through the European Commission and the European Parliament to the United Nations, and from the international journalist organizations through the Freedom House to the Norwegian Helsinki Committee, expressed their concerns about the lack of independence of the media authority and public service broadcasting and the too narrow professional scope.

The most accurate criticism and the most elaborated proposals were formulated by the Council of Europe.

Since the adoption of the media laws in 2010, there haven't been any changes reinforcing the media freedom in the provisions on the Media Council and the public service broadcasting or on the frequency tenders. It is still the politically homogeneous media authority, which decides in impenetrable and opaque tendering procedures on entries into the media market. The public service broadcasting continues to be in the hands of an extremely centralized institutional system, which takes the real operational decisions without any public control. The hazard, which is resulted in by this situation, is far from of theoretical nature. The biased tendering practices and the biased information of the public service broadcasting reaching a wide audience distort the media market. This can be only partially offset by the internet and the print media.

According to the resolution of the experts of the Council of Europe "there are aspects of the appointments procedure for the members and Chair of the Media Council which are not transparent and do not go far enough to preserve independence, as required by Council of Europe Recommendations." The expert evaluation states that under the current regulatory and political conditions "the Media Council will be under the control of the current political majority". With regard to this the expert evaluation contains among others the following recommendations: "the procedure for the election of the members of the Media Council and its chairperson should be changed in order to effectively guarantee that they will not be vulnerable to political influence. The objective should be to reinforce independence." Moreover, the president of the Media Council's „appointment procedure should be changed in order to effectively guarantee the application of criteria of professionalism and to safeguard his independence".

With regard to these demands the agreement between the Council of Europe and the Hungarian government didn't dispel any anxiety or concern. The agreement contains such formal guarantees only for the distant future, which cannot obviously solve the structural problems. This agreement

doesn't affect the nomination and appointment of the members of the Media Council, and its impact on the appointment of the president of the Media Council is also rather uncertain. The abolishment of the possibility to re-elect the president means that the current nine-year term of the president will allow changes in the operation of the body being "under the control of the current political majority" in 2019 at the earliest time. Legislating new provisions on additional professional criteria of the appointment of the president will be a remote guarantee only of an autonomous operation of the Media Council in the future. However, these new provisions will not constitute any perceived limit for the political decision-making actors involved in the nomination and appointment process alike for example the appointment of the members of the Constitutional Court, the process of which was also made similarly more difficult but the experienced result is unsatisfactory.

The agreement between the Council of Europe and the Hungarian government concerns a limited area only of the structural problems of the media regulation, and what is more, these changes will not result in substantive changes, which can prevent immediately any further distortions in the public sphere. Moreover, the agreement is not in full accordance with the former recommendations of the Council of Europe.

We ask the Council of Europe to continue to evaluate the Hungarian media regulation on the basis of its own previous analysis and recommendations as well as to take further steps to solve the long-term structural problems of the media system. We also ask you to check whether the Hungarian government amends the media laws in accordance with the agreement it concluded with you and to report about these amendments to the European public. If the promised amendments are not done adequately, the Council of Europe shall put the issue back on its agenda.

We continue to be ready to evaluate professional materials, to brief and inform experts of the Council of Europe.

On behalf of the signatories,

Sincerely yours,

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