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Contact : info@aepl.eu

« The world will not be destroyed by those who do evil, but by those who watch them without doing anything. » Albert Einstein.

The Hungarian presidency of the European Union

The Hungarian presidency has now ended. Its main characteristics were the adoption of the two following texts : the Hungarian law on the media and the new Hungarian Constitution. Initially, one might incorrectly conclude that these are only internal Hungarian affairs.

The law on the media.

The AEPL drew your attention to the fact that this law reduces freedoms. We suggested that you write to the Hungarian Foreign Minister and/or to the Permanent Representative of Hungary to the European Union to express your concerns on this matter. We cannot judge the impact of your communications to them. However, it is certain that they contributed to making the Hungarian authorities aware of your concerns.

In addition, the European Parliament and the European Commission also reacted to the content of this law which, in particular, compromised the pluralism of the media and put an end to the political and financial independence of the public service media. In fact, over and above the negative image of itself that Hungary created, which had a major effect on the start of the rotating presidency of the Council of Ministers, this country risked facing a legal procedure of infraction for violation, not only of a European audiovisual Directive, but above all, for a contravention of the European Charter of Fundamental Rights.

The law gave the Hungarian government excessive power or control, not only the Hungarian media but also the media in the Hungarian language situated outside Hungarian territory, e.g. in Rumania, where a large Hungarian minority lives. In particular, the conditions for registering on the public register, the size of possible fines (€90,000 and €700,000), as well as the particularly imprecise definitions of such concepts as « public morality », « human dignity » and « balanced information » were called into question.

Furthermore, the so-called « independent » Authority charged with applying the law was in fact made up exclusively of five members or friends of the Fedesc Party, which is the nationalist and populist right-wing party in power. This Authority has the power, in particular, to carry out searches at the media's headquarters.

The European Commissioner, Vivian Redding, in charge of Human Rights and the Charter of Fundamental Rights, questioned the Hungarian Prime Minister, Victor Orban, on the media law. He said that he was prepared to amend the law where it was proved to be incompatible with European legislation. Without going into all the details, the European Commission obtained modifications of the Hungarian law, in particular on its territorial application: i.e. the media situated outside Hungary are no longer subject to this law.

On the other hand, the European Commission did not intervene on the composition of the Authority, arguing that the treaties do not give it competence in this area.

The new Hungarian Constitution.

With its two-thirds majority in the Hungarian parliament, the Fedesc Party was able to have a totally new Constitution adopted. Several points attracted the attention of the AEPL, namely, the protection of embryonic and foetal life and the freedom to believe or not believe.

In the name of a demographic policy, the Prime Minister, Victor Orban, included the concept of « family policy » in the Constitution. Was the intention to reduce the use of contraception and abortion? The Hungarian authorities denied this. In the light of a rapidly-declining birth rate, the government wants to privilege adoption over abortion. However, there is a real danger that in the future the new Constitution will enable the Constitutional Court to go as far as annulling the existing law on abortion. We note in passing that the campaign was partly financed by European Union funds earmarked for the promotion of gender equality and the EU social agenda, and this without the knowledge of the European Commission, and thus the latter could demand the reimbursement of the money in question. In the matter of the freedom to believe or not believe, the initial text referred to « religious freedom ». The final version mentions the « freedom to choose a religion or any other belief and to change it. » It is interesting to note that this definition is almost identical to Article 8 of the Charter of Fundamental Rights, which was no doubt the inspirational source for the authors of the Hungarian Constitution.

Conclusion

The freedom of expression and information by the media is a fundamental pillar of democracy. The situation of the media in countries such as Italy, Bulgaria, Rumania, the Czech Republic and Estonia is worrying. We believe – as does the European Parliament in its resolution of 10th March 2011 – that the European Commission should take the initiative to propose legislation on freedom, pluralism and independent governance of the media. This proposed legislation should for once not be based on the free movement of goods, capital and the internal market but on the simple freedom of men and women to live in a real democracy. To sum up, we have to be constantly vigilant about human rights, democracy, solidarity and the Rule of Law. Therefore, never hesitate to spend a few minutes of your time to act rather than to suffer.

The Administrative Board.