



**CPJ Submission to the United Nations Universal Periodic Review of
Hungary
39th Session of the UPR
Human Rights Council
October 2021**

Committee to Protect Journalists

UN HRC: Universal Periodic Review (Third Cycle): Stakeholder Submission: 2021

330 7th Avenue, 11th Floor

New York, NY 10001

Tel 212-465-1004

Fax 212-465-9568

General: info@cpj.org

Advocacy Director: cradsch@cpj.org

Global Advocacy Manager: kpaterson@cpj.org

Europe and Central Asia Program Coordinator: gsaid@cpj.org

Brief description of CPJ:

1. The Committee to Protect Journalists is an independent, nonprofit organization that promotes press freedom worldwide. We defend the right of journalists to report the news without fear of reprisal.
2. CPJ is made up of about 40 experts around the world, with headquarters in New York City. When press freedom violations occur, CPJ mobilizes a network of correspondents who report and take action on behalf of those targeted.
3. CPJ reports on violations in repressive countries, conflict zones, and established democracies alike. A board of prominent journalists from around the world helps guide CPJ's activities.
4. CPJ's work is based on its research, which provides a global snapshot of obstructions to a free press worldwide. CPJ's research staff document hundreds of attacks on the press each year.

Summary

5. This submission was prepared for the Universal Periodic Review (UPR) of Hungary in March 2021. In it, CPJ assesses the press freedom framework and the situation on the ground in the country.
6. CPJ acknowledges Hungary's stated commitment to ensuring freedom of the press, as shown in the country's decision to accept all 18 recommendations concerning media, press freedom, freedom of speech, freedom of expression, and the fight against hate speech made by several countries in the previous UPR cycle.
7. However, CPJ remains concerned that the Hungarian government has continued to pursue a strategy to limit critical journalism by deliberately distorting the media market in favor of pro-government outlets, reducing the pluralism of the press by engineering the forcible closure or effective government takeover of once-independent media, delegitimizing and smearing critical journalists, and favoring pro-government media with state funding and advertising. The government used its emergency powers to introduce new amendments to the country's criminal code that threaten journalists with prison sentences for their coverage of the COVID-19 pandemic, and it used the pandemic as a pretext to further restrict journalists' access to official information. State authorities have continued to harass independent media using legal methods, threatening journalists with civil (e.g., privacy, data protection) suits and criminal defamation lawsuits. Public broadcasters financed by taxpayers have turned into government propaganda, with biased news coverage that serves the government's political agenda, while opposition politicians and viewpoints are either absent or – where there are legal requirements, such as during election campaigns – presented in a negative light.

8. In this document, CPJ draws on the Hungarian government's actions since 2017 that restrict independent media and limit critical coverage and the capacity of journalists to exercise scrutiny over government activities.
9. In the final section, CPJ makes a number of recommendations to the government to address the press freedom concerns raised in this submission.

Legal Framework

10. Hungary, as a member of the European Union, has passed national legislation that guarantees press freedom which are in line with ratified international treaties and EU laws. Among them are:
 11. Article IX (2) of the Fundamental Law stipulates that: "Hungary shall recognize and protect the freedom and diversity of the press and shall ensure the conditions for the free dissemination of information necessary for the formation of democratic public opinion."
 12. Sectoral legislation (Act CLXXXV of 2010 on Media Services and on the Mass Media, and Act CIV of 2010 on the Freedom of the Press) protect media freedom and pluralism. The Freedom of the Press Act stipulates that freedom of the press embodies independence from the state and from any and all organizations and interest groups.
 13. Act CXII of 2011 on the Right to Informational Self-determination and on Freedom of Information recognizes the right to access public information.
 14. Act CLXXXV of 2010 on Media Services and on the Mass Media establishes the National Media and Info-communications Authority (the Media Authority), whose decision-making body is the Media Council. It lays down the objectives of the authority, stipulating that it is "an autonomous regulatory agency subordinated solely to the law" (Section 109) and that the Media Council is "an independent body of the Authority reporting to Parliament subject only to Hungarian law" (Section 123).

Main submission:

15. The following submission is drawn from research conducted by the Committee to Protect Journalists. All CPJ publications on Hungary can be found at [this link](#).
16. Hungary accepted all 18 [recommendations](#) concerning media, press freedom, freedom of speech, access to public information, and the fight against hate speech made by other member states during its second UPR in 2016.
17. CPJ would like to raise ongoing and grave concerns pertaining to the following accepted [recommendations](#) from the 2nd UPR Cycle of 2016 (25th session): paragraph 128.37

(United Kingdom of Great Britain and Northern Ireland), paragraph 128.155 (Sweden), paragraph 128.157 (Czech Republic), paragraph 128.158 (France), paragraph 128.159 (Japan), paragraph 128.160 (Netherlands), and paragraph 128.99 (Austria).

18. The concerns are as follows:
19. Under the section of "Media, freedom of expression" of its [2016 National Report](#), Hungary stipulates that the government "was and will remain ready for dialogue in order to address the concerns raised related to the new media regulation," and that the "media regulation came in line with international human rights requirements" and "current rules contain exclusively such limitations on the right to the freedom of expression which are fully recognized by international law." For example, the government cited that the Media Authority is "set up as an independent, autonomous organ" and the Parliament "has no influence on the authority's day-to-day operation." It stated that "members of the press may be obliged to reveal the source of their information only in exceptional cases and by a decision of a court." Under the section of "Women, gender, equality," Hungary said, "media service providers have the obligation to maintain respect for human dignity in the media content they communicate. Through this provision, the Media Council of the National Media and Info-communications Authority takes measures against discriminative content."
20. Since its second UPR in 2016, Hungary has not addressed concerns related to the independence of its media regulation bodies, especially concerning the Media Authority. Its decision-making body is the Media Council, which is not independent as it is composed of five members, all of whom were nominated by the ruling Fidesz party.
21. The 2020 Media Pluralism Monitor, an independent [study](#) by the Centre for Media Pluralism and Media Freedom (CMPF), a European research institute, concluded that the rules on nomination to the Media Council are designed to favor political consensus, and that in practice these rules have allowed the governing party to nominate all five members of the Media Council.
22. A [statement](#) from a joint December 2019 mission of international press freedom organizations including CPJ concluded that the Media Council's decisions on the tendering of radio frequencies have been made on political lines, with the frequencies of independent broadcasters cancelled or not renewed. In other cases, the Council has declined to issue any ruling in response to extension requests, preventing independent outlets from challenging a decision in court and thus undermining basic principles of the rule of law.
23. In March 2021 the media regulator [refused](#) to renew the frequency license of the country's only remaining opposition news radio broadcaster, Klubradio, pushing the station off the air.

24. Hungary has failed to take concrete steps to promote pluralism in media; the government's actions have contributed to the deterioration of media pluralism, which is under "high risk," according to the 2020 Media Pluralism Monitor, an independent [study](#) by the CMPF.
25. A [statement](#) from the December 2019 joint mission of press freedom groups found that nearly 80 percent of the market for political and public affairs news is financed by sources decided by the ruling party.
26. In December 2018, a government decree (229/2018) [exempted](#) the Competition Authority and the Media Authority from scrutinizing the merger of 467 government-friendly media outlets through the creation of the KESMA media conglomerate by declaring it "a merger of strategic national importance." A 2019 ad-hoc [report](#) of the Centre for Media Pluralism and Media Freedom found that "the total exclusion of scrutiny by the Hungarian Media Authority of an important operation such as KESMA [...] represents an additional element of risk" to media pluralism in Hungary.
27. According to the [statement](#) from the December 2019 joint mission of international press freedom organizations, the conglomerate, which owns all regional daily newspapers is "under effective government control," and "the merger led to an overwhelming dominance of the state narrative, especially outside major urban centres, where independent media have effectively disappeared."
28. CPJ's research shows that since Hungary's second UPR in 2016, the government (in power since 2010) orchestrated the forcible closure or the effective take-over of once-independent media, contributing to a further decline of media pluralism.
29. In [October](#) 2016, Hungary's biggest opposition daily newspaper, *Népszabadság*, was shut down soon after it was bought by businessmen close to the [government](#); its journalists blamed the closure on government pressure on the publisher.
30. In April 2018, days after the government's election victory, the owner of opposition daily newspaper and radio station *Magyar Nemzet*, Lánchíd Rádió, [announced](#) the closure of the outlets. A [report](#) by Mérték, an independent Hungarian media organization, said that the reasons behind the closure were "political," for its owner it "no longer made sense to wage his multiyear struggle against the government after the massive re-election victory of the ruling party."
31. In July 2020, the editorial board and around 70 of the roughly 90 editorial staff of journalists at Hungary's biggest private independent online news outlet, *Index*, [resigned](#) after its editor-in-chief was fired amid claims by the journalists of government interference.

32. State advertising allows the government to exert indirect political influence over private media. The 2020 Media Pluralism Monitor [highlights](#) the fact that in 2019, the share of state advertising that went to pro-government outlets in the newspaper market was 75%, in the television market 95%, in the online news market 90%, and in the radio market 90%.
33. The relevant sectoral law (Act CLXXXV of 2010 on Media Services and on the Mass Media) stipulates that public service broadcasters should provide fair, balanced, and impartial representation of political viewpoints in news and informative programs. "This key principle is not implemented in practice," concluded the 2020 Media Pluralism Monitor, an independent [study](#) by the CMPF, which said that, "even the Media Authority in several occasions found that the Public Service Media is gravely biased and uncritically partial towards the government."
34. In March 2020, [leaked](#) internal emails from the public service broadcaster revealed that editorial rules require journalists to request permission before reporting on certain issues important to the government (including migration, EU politics, terrorism, and the church), which according to the European Federation of Journalists lead to [biased](#) reporting.
35. In November 2020, leaked recordings from internal meetings at the public service broadcaster [revealed](#) that reporters had to follow the government's line on certain issues.
36. Independent journalists' access to public information is seriously hindered. According to the 2019 joint mission [statement](#), independent journalists are routinely denied access to public information without explanation and are excluded from official events. Public officials connected to the ruling party largely refuse communication and interviews with independent media.
37. In [October](#) 2019, the speaker of the Hungarian Parliament introduced rules which restrict the freedom of movement and activities of journalists working in both the Parliament building and the offices of Parliament.
38. CPJ's research [shows](#) that Hungary used the COVID-19 pandemic as a pretext to further restrict journalists' access to official information.
39. Research conducted by the Hungarian Civil Liberties Union in 2019 and during the COVID-19 pandemic in 2020 [points](#) to "systemic obstruction of the work of the independent media" by "ignoring press inquiries, limiting physical access of journalists and the discrediting, stigmatisation and intimidation of sources."
40. In March 2020, during the COVID-19 pandemic, Hungary used its emergency powers to introduce new amendments to the country's criminal code that threaten journalists with

prison sentences if they are deemed to be spreading false information about the pandemic. The amendments include prison sentences of up to three years for those convicted of spreading falsehoods about the virus that are "alarming or agitating [to] a large group of people," and would impose prison terms of up to five years for those convicted of spreading a falsehood or "distorted truth" that has negative repercussions for public health, CPJ [reported](#).

41. Independent journalists are subject to campaigns of delegitimization by government politicians and pro-government media outlets, hate speech, and smear campaigns, according to the 2019 joint mission [statement](#). Journalists working for independent media are publicly vilified as opposition political activists, foreign agents, traitors, or even as "Hungary-haters" or "non-Hungarians."
42. In September 2017, a pro-government news website [published](#) a list of journalists accused of serving the interests of the American billionaire of Hungarian origin George Soros, describing them as "foreign propagandists" and "spokespeople" of Soros.
43. In September 2017, a Hungarian government spokesperson verbally [attacked](#) a journalist, insinuating that she was a drug-addict, when she wrote a report on Hungary, labeling her as "propagandist" of George Soros.
44. In April 2018, a pro-government magazine [published](#) a "black list" of critics of the government, including several journalists, labeling them "mercenaries" of Soros
45. In November 2019, two journalists working for independent news website *Index* were [subject](#) to smear campaign in pro-government media and anti-Semitic posters appeared in Budapest attacking them over their reporting.
46. In September 2020, the Hungarian Ministry of Foreign Affairs and Trade [requested](#) Hungarian embassies in the EU to provide information about all recent professional visits, training courses, and research trips undertaken by Hungarian journalists to the respective EU countries, which the European Federation of Journalists [said](#) could undermine the protection of journalists' sources and was of an incriminating nature.
47. State authorities have continued to harass independent media using legal methods, threatening journalists with civil (privacy, data protection) suits and criminal defamation lawsuits, CPJ's research [shows](#).
48. In October 2020, Hungarian police summoned two investigative journalists after they published stories about a businessman close to the prime minister, and questioned them about their sources, CPJ [reported](#).
49. In November 2018, Hungarian state prosecutors used privacy laws to bring criminal charges against an investigative journalist in retaliation for his reporting, CPJ [reported](#).

Recommendations

50. Condemn all attacks, threats, or harassment of journalists both online and offline and ensure that any such incidents investigated in an efficient, independent, and transparent manner.
51. End all efforts to inhibit the work of independent journalists through restrictions of access to information, including accreditations, or access to press events and press conferences, and restrictions on parliamentary access.
52. Stop all legal and administrative intimidation and harassment of the independent press.
53. Take appropriate steps to restore media pluralism in the Hungarian media environment, including steps to guarantee the independence of the media regulator.
54. Cease regulatory practices designed to marginalize independent media or force them from the market, especially in the granting or refusal of frequency licenses.
55. End the abuse of state resources, especially state-controlled advertising, to punish or control independent media outlets.
56. Restore proper governance to the public broadcaster and fully apply international standards to guarantee independence, accountability, and transparency.