

# HUNGARY

## OVERVIEW OF RECENT RESTRICTIONS TO CIVIC FREEDOMS



Hungarian Prime Minister Viktor Orban speaks to media after casting his ballots during the general parliamentary elections on April 3, 2022 (Photo by Janos Kummer/Getty Images)



## INTRODUCTION

The result of the April 2022 general elections in Hungary, which saw Viktor Orbán and his Fidesz party [secure](#) a fourth term in a landslide victory, is of great concern given the consistent decline in civic freedoms under Orbán's government.

The government has [repeatedly](#) attacked the freedoms of association and expression and LGBTQI+ rights. Under Fidesz's rule, media freedom and pluralism have suffered, with the political capture of key media regulatory bodies resulting in diminishing space for independent media to operate. As a result of this political capture, the Organization for Security and Co-operation in Europe (OSCE) mission monitoring election processes [found](#) that the elections were [not fair](#) as there was 'biased and unbalanced news coverage' in favour of the ruling party during the campaign. A further grave concern is the documented use of Pegasus spyware in surveillance of investigative journalists.

Attacks on LGBTQI+ rights have continued unabated, with the government passing several laws that restrict and target rights. These include the [outlawing](#) of legal gender recognition for transgender people; the [passing](#) of two constitutional amendments that reinforce institutionalised homophobia and transphobia; and a ban on LGBTQI+ media, advertising and educational materials. Although the government's referendum on its 'anti-LGBTQI+ propaganda' law, held at the same time as the elections, did not succeed due to voting thresholds not being reached, LGBTQI+ organisations are already being censored.

Additionally, civil society organisations (CSOS) have faced funding restrictions from the government, with public vilification increasingly being documented ahead of the elections.

## POLITICAL CAPTURE OF MEDIA REGULATORY BODIES AND PUBLIC MEDIA

There are [serious concerns](#) regarding the ruling party's ongoing political influence over Hungary's media regulatory bodies. The independence of the National Media and Communications Authority (NHHH) and its Media Council, the supreme watchdog of Hungarian media that makes decisions on the frequency of tenders and fines and supervises the operation of the state news agency, has significantly diminished, with the Council composed primarily of Fidesz party members.

In [a move](#) that further cemented political control, in mid-October 2021 (coming into effect on 31 October 2021), Mónika Karas, president of the NHHH and Media Council, [resigned](#) from her position. Karas was appointed in 2013 for a nine-year term. Under Karas's leadership, the regulatory bodies contributed to [systematic declines](#) in media freedom and the silencing of critical voices. Karas's early resignation opened the door for Fidesz to decide on a [new president](#) for the next nine years, ahead of the elections, thereby consolidating its power over a strategically important body.

## ABOUT THE CIVICUS MONITOR

The [CIVICUS Monitor](#), an online platform that tracks threats to civil society in countries across the globe, rates civic space – the space for civil society – in Hungary as **"Obstructed"**.

The data provides the basis for civic space ratings, which are based on up-to-date information and indicators on the state of freedom of association, peaceful assembly and expression. Countries can be rated as:

CLOSED

REPRESSED

OBSTRUCTED

NARROWED

OPEN



The government's control over the NHHH and Media Council has been used to diminish the space for independent media. For example, the independent and critical radio station Klubrádió [lost its licence](#), forcing it off the airwaves, in February 2021. In September 2020, the Media Council [announced](#) it would not extend Klubrádió's licence because it had, on two occasions, failed to submit documents on time and therefore 'repeatedly infringed' the rules. Klubrádió accused the Council of discrimination, pointing out that other radio stations responsible for similar minor administrative violations had not been forced off the air. However, after a court appeal against the Council's decision [failed](#), the station was removed from the air. It continues to operate online, where it has access to a much smaller listenership.

Meanwhile, as a result of ongoing political interference, the public media sector [is now](#) a de facto voice of the government. Ahead of the elections, an [interim report](#) from the OSCE Office for Democratic Institutions and Human Rights Election Observation Mission noted that concerns had been raised about 'systemic political bias' and a virtual absence of opposition politicians in the programmes of the public broadcaster MTVA. Additionally, its preliminary analysis of the election process [noted](#) that there was 'biased and unbalanced news coverage' benefiting the ruling party. For example, public TV M1 [failed to](#) provide 'balanced coverage' and had a 'clear bias' in favour of the government and Fidesz, which received 50 and five per cent respectively of political news coverage during primetime news, mostly in a positive light. Meanwhile the opposition received only 43 per cent and was often covered in a negative light.

A similar trend was observed for private television channels TV2 and Hir TV, and also took place during pre-election coverage. For example, TV M1 gave the opposition leader Péter Márki-Zay just five minutes of early morning airtime, which was followed by long clips from a speech given by Orbán.

Additionally, the Hungarian Civil Liberties union [points out](#) that MTVA's coverage of Russia's war on Ukraine has failed to meet 'factuality and objectivity' standards while the Media Council has not tackled complaints over such coverage, including where Ukrainians have been labelled as separatists in news programmes. These concerns were also raised by opposition parties, which [staged](#) a protest outside MTVA's headquarters, accusing it of spreading [propaganda](#) in support of Russia's war against Ukraine.

Concerns over MTVA's reporting were previously noted in an investigation in November 2020, which [revealed](#) how its editors were instructed on how to cover opposition parties and were told to push an anti-migrant narrative. During a leaked audio recording, Balázs Bende, senior MTVA editor, told reporters that 'I'm sure no one will be surprised to hear that it is not the opposition's list that enjoys the support of this institution. If anyone is not prepared to work under these conditions, he is free to file his resignation immediately'. As well as migrant issues, reporters were instructed to take a critical stance on LGBTQI+ issues and climate change.

## OBSTRUCTING INDEPENDENT MEDIA

Independent media are frequently denied access to information, and this practice has [worsened](#) during the COVID-19 pandemic, with outlets facing significant challenges in obtaining relevant and credible information. During the pandemic, press conferences have either been lacking or put online in a non-interactive way. This, combined with one-sided government communication and incomplete information, has led to a significant lack of information on the pandemic and the government's performance in managing its impacts. In one [documented](#) case, staff from the Magyar Hang and Direkt36 newspapers were [denied access](#) to a news conference with Orbán in June 2021, even though the journalists had registered for the event on time. This was the first in-person press conference with Orbán since 2020 due to pandemic restrictions.

Additionally, journalists [report](#) being denied access to interview health experts and being barred from hospitals. Only state media, which is under the control of Fidesz and its allies, have been permitted into hospitals and COVID-19 wards to report. In March 2021, 28 media outlets made an unprecedented appeal to



Orbán, requesting that the rules be changed to allow media outlets access to hospitals. Orbán rejected this appeal, saying it would lead to the spread of ‘fake news’. Independent newspaper Telex and the Hungarian Civil Liberties Union launched a legal action to challenge the decision. While the Metropolitan Court of First Instance sided with the government, the Supreme Court considered an appeal and ruled that the power to ban access by media outlets lies with individual hospital directors.

In a [concerning move](#) for press freedom, on 29 January 2022, shortly after the Supreme Court’s ruling, the government passed a decree which bypassed it, stating that only the Operational Tribunal, the state-controlled centre in charge of managing the pandemic, could decide on press and media accreditation for journalists to access hospitals.

## **SURVEILLANCE OF INDEPENDENT JOURNALISTS**

In July 2021, the French CSO Forbidden Stories published its [investigation](#) into Israeli surveillance company NSO’s hacking spyware Pegasus. It [revealed that](#) Hungary was among the countries that have used the spyware to place investigative journalists under surveillance. Forensic analysis found Pegasus spyware on multiple devices. It was [deployed](#) against Hungary’s last remaining independent media owners and multiple investigative journalists.

[According to](#) the Hungarian Civil Liberties Union, surveillance for national security purposes is not subject to appropriate rules and guidelines. Under Hungarian laws, the covert surveillance of citizens is legal if the secret service sees no other means to obtain the information needed to achieve its aims. There is no legislation ensuring that those practising certain professions, such as journalists, are only subjected to surveillance under strict conditions.

In November 2021, the chair of parliament’s Committee on Defence and Law Enforcement, Lajos Kósa, [admitted](#) to journalists that the Interior Ministry had bought and [used](#) Pegasus software, but claimed it had only been used for ‘legal’ purposes. The content of the Committee’s meeting on the Pegasus case has been [classified](#) until 2050. Media freedom defenders have [called on](#) the European Commission to immediately investigate the Hungarian government’s use of Pegasus spyware against journalists.

## **ONGOING THREATS TO CIVIL SOCIETY**

CSOs have faced ongoing attempts to restrict their funding. Following a European Court of Justice ruling that Hungary’s foreign funding law, which required non-profit organisations receiving at least €22,000 (approx. US\$24,000) of funding from abroad to disclose their donors, was unlawful, parliament repealed it in May 2021. However, at the same time, the parliament [adopted](#) a new law that threatens the work of CSOs. The new law requires the State Audit Office to report annually on the financial status of CSOs with a budget of over €55,000 (approx. US\$60,300) and enables the Office to selectively audit them. The law also discriminates against specific types of CSOs, as religious, sport and national minority organisations are exempt. Additionally, it fails to specify what the audits should cover, making it unclear what exactly the State Audit Office is supposed to look for. Audits may impose an unnecessary administrative burden on human rights defenders critical of the government and could be misused to make their work as difficult as possible.



Additionally, in July 2021 the Hungarian government chose to [forfeit](#) €220 million (approx. US\$241 million) it was [set to](#) receive from the European Economic Area and Norway Grants Scheme due to its failure to reach an agreement over who should distribute funds to civil society. Hungarian civil society was set to receive approximately €9.6 million (approx. US\$ 10.5 million) from an independent grant operator. Shortly before this, the Urban Civic Fund (Városi Civil Alap) was [set up](#) by the government to replace the Norway Grants body. However, an investigation revealed that those financed by this programme are organisations directly controlled by Fidesz politicians or linked in some way to the Fidesz elite.

Alongside threats to funding, CSOs have faced public vilification, which [increased](#) ahead of the elections. For example, on [2 February 2022](#), Magyar Nemzet, a leading pro-government daily online site, published secret recordings of interviews aimed at discrediting civil society and independent media. The recordings, published just two months before the elections, sought to give credibility to the government's conspiracy theories on how foreign powers and agents are working against the national interest of Hungary. The interviewees shown in the published clips told the independent press that parts of their conversations from what they thought were job interviews from several years ago were [taken out](#) of context. Within hours of the first clip's publication, the story had been widely circulated by pro-government media outlets. The government also posted the clips on one of its official YouTube channels.

This is [not the first time](#) underhand methods have been used to smear civil society activists critical of the government. Shortly before the 2018 general elections, Israeli firm Black Cube, partly made up of former Israeli intelligence officers, was tasked with compromising staff members of leading Hungarian CSOs.

Earlier in January 2022, 34 people from civil society [filed](#) a lawsuit against pro-government weekly Figyelő and its publisher for compensation after it characterised activists and people working for the public benefit as mercenaries of 'foreign, evil powers'.

## **LGBTQI+ RIGHTS ERODED**

The government has continued to erode LGBTQI+ rights through restrictive legislation. The latest restrictions came when the government [passed](#) an 'anti-LGBTQI+ propaganda' law in June 2021, which prohibits education and advertising that is deemed to 'popularise' or even depict consensual same-sex conduct or the affirming of one's gender to children.

As part of its anti-LGBTQI+ campaign, the government held a [referendum](#) on the 'anti-LGBTQI+ propaganda' law on the same day as the elections, which [failed to](#) garner enough votes to be deemed valid. The questions on the referendum were [criticised](#) as leading and CSOs called on Hungarians to invalidate the referendum. Although the referendum failed to receive enough votes, 90 per cent of votes were in favour of the law, while only a third of the votes were invalid in line with civil society's calls. 16 CSOs who [campaign](#)ed against the anti-LGBTQI referendum have been fined by the National Election Committee.

The consequences of the new anti-LGBTQI+ propaganda law are already [being documented](#), confirming fears that it will lead to increased homophobia. For example, an LGBTQI+ book, Fairytale for Everyone, was removed by a mayor of a small town north of Budapest, while the film The Story of my Mothers, which focuses on the journey of two lesbian couples preparing for adoption, was removed from the programme of the Ars Sacra Christian Art Festival, after several people reported the film to the authorities. Additionally, CSOs that work on human rights and civic education at schools have been denied access unless they promised not to cover any LGBTQI+ questions, even if the students themselves bring up such issues. Added to this, several teachers and school psychologists are facing pressure to stop speaking about LGBTQI+ issues.



## RECOMMENDATIONS

### To the government of Hungary:

- Investigate all threats and smear campaigns targeting journalists and independent media outlets from state and non-state actors and ensure that all perpetrators are held accountable for their actions.
- Guarantee the independence, transparency and accountability of media regulatory bodies, in compliance with international human right law standards.
- Ensure that selection processes and criteria are in place for media regulatory bodies, such as the Media Council and the NHHH, that the selection of members is done in a transparent manner and that these bodies operate independently and are not used to target journalists and media outlets for their objective reporting.
- Ensure the same access to information for independent media and journalists as state media, and scrap the decree that prevents journalists from accessing health facilities and experts.
- Ensure that requests for journalists' access to health facilities are approved and allow the media to report without restriction on the COVID-19 pandemic.
- Ensure that the legal framework which regulates communications surveillance meets Hungary's international human rights obligations and establish an independent and effective oversight mechanism with a mandate to monitor all stages of interception of communications.
- Revoke legislation and amendments that restrict the activities and limit the funding of CSOs and engage in extensive consultation with civil society before policies and laws affecting civil society are discussed and passed.
- Create an enabling environment for civil society and the media to report on issues affecting the public, including concerns over the rights of LGBTQI+ people.
- Repeal all restrictive legislation that threatens and restricts the rights of LGBTQI+ people.

### To the European Commission:

- Immediately investigate the Hungarian government's use of Pegasus spyware against journalists.
- Recognise the deterioration of media independence as an urgent issue and take all available measures to respond.
- Urgently hold the Hungarian government to account for violating the rights of LGBTQI+ people, including by continuing infringement procedures and using all other avenues to ensure accountability.
- Withhold European Union (EU) funds until improvements are made in relation to civic and democratic freedoms and redirect funds to supporting civil society.
- Closely monitor the situation with media and civil society and the compliance of Hungary as an EU member with its international commitments and obligations.