

HUNGARY

CIVICUS MONITOR WATCHLIST

OVERVIEW OF RECENT RESTRICTIONS
TO CIVIC FREEDOMS





INTRODUCTION

A rapid decline in civic space has been noted in Hungary, with the rights to freedoms of association and expression under threat. In May 2022, Prime Minister Viktor Orbán [announced](#) yet another state of emergency, citing Russia's war on Ukraine as a "constant threat to Hungary". The new state of emergency gives the government power to rule by decree, thus [raising concerns](#) for fundamental rights. The government implemented similar measures during the COVID-19 pandemic via the Authorisation Act which granted excessively [wide powers](#) to the government to rule by decree. In April 2022 Viktor Orbán and the Fidesz party secured its fourth term in a landslide victory during the general elections. Shortly after the election outcome, the European Commission for the first time [triggered](#) its rule of law conditionality mechanism which could see Hungary lose EU funds.

These recent developments are concerning given the ongoing decline in civic freedoms taking place under the Orbán government, which has repeatedly threatened freedoms of association and expression and LGBTQI+ rights. Under Orbán and the Fidesz government'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 Organisation for [Security](#) and Cooperation 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 elections. Moreover, the documented use of Pegasus spyware to surveil investigative journalists is of grave concern.

Threats to LGBTQI+ rights have continued unabated, with the government passing several laws that restrict and target these rights. Additionally, civil society has faced funding restrictions from the government, with public vilification increasingly being documented ahead of the general elections.

POLITICAL CAPTURE OF MEDIA REGULATORY BODIES AND PUBLIC MEDIA

There are [serious concerns](#) regarding the 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 which makes decisions on 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](#) which further cemented political control, in mid-October 2021 (coming into effect from 31st October 2021), Mónika Karas, president of the NHHH and its Media Council [resigned](#) from her position. Karas was appointed in 2013 for a nine-year term. Under Karas's leadership, the regulatory bodies have contributed to [systematic declines](#) in media freedom and the silencing of critical voices. Karas's early resignation opened the door for the ruling party to decide on a [new president](#) for the next nine years which consolidated its power over a strategically important body.

The government's control over the NHHH and its Media Council has been used to diminish the space for independent media. For example, in April 2022 the Media Council [blocked](#) the frequency licence renewal of the independent station Tilos Rádió, which began operating in the 1990s as the first non-profit independent radio station in Hungary. The council stated that the station has violated legal requirements on four occasions. Press groups state that the decision is harmful to media pluralism in the country. The station's licence is to expire in September 2022, after which it will be forced off the airwaves. Earlier, independent and critical Hungarian radio station Klubrádió [lost its licence](#), forcing it off the airwaves in February 2021.

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



Meanwhile, as a result of ongoing political interference, the public media sector [is now](#) a de facto voice of the government. Ahead of the general elections, an [interim report](#) from the OSCE Office for Democratic Institutions and Human Rights (ODIHR) Election Observation Mission noted that concerns have been raised about the “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, who received 50 and 5 per cent respectively in political news coverage during prime time news, mostly in a positive light. Meanwhile the opposition received only 43 percent and was often covered in a negative light. A similar trend was observed for private television stations TV2 and Hir TV. A similar trend took place during the pre-election coverage, with public TV M1 [giving](#) the opposition candidate, 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” while the government-captured Media Council has failed to tackle complaints over such coverage where Ukrainians are being labelled as separatists in the news. These concerns were also raised by opposition parties who [staged](#) a protest outside the MTVA headquarters for its spreading of [propaganda](#) in support of Russia’s war against Ukraine.

OBSTRUCTING INDEPENDENT MEDIA

Independent media are frequently denied access to information; however, this practice has [worsened](#) during the COVID-19 pandemic, with outlets facing significant challenges to obtaining relevant and credible information. For example, journalists [report](#) being denied access to interview health experts and being barred from hospitals. Only state media, which is under the control of the Fidesz party 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 the Prime Minister, requesting that the rules be changed to allow media outlets access to hospitals. The appeal was rejected by the Prime Minister who said that this would lead to the spread of “fake news”. Following this, independent newspaper *Telex* and the Hungarian Civil Liberties Union (HCLU) launched a legal action to challenge this decision. While the Metropolitan court of first instance sided with the government, the Supreme Court (Curia) considered an appeal and ruled that the power to ban media outlets’ access lies with individual hospital directors. In a [concerning move](#) for press freedom, on 29th January 2022, shortly after this ruling, the government passed a decree which bypassed the Supreme Court ruling, 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 NGO Forbidden Stories published its [investigation](#) into Israeli surveillance company NSO’s hacking spyware, which [revealed that](#) Hungary was amongst the countries which had used the spyware to surveil investigative journalists. Forensic analysis found Pegasus spyware on multiple phone devices and 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 secret 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 practicing certain professions, such as journalists, are only surveilled under strict conditions. In November 2021, the chair of the Parliament’s Committee on Defense and Law Enforcement, Lajos Kósa, [admitted](#) to journalists that the Interior Ministry had bought and [used](#) the software, but claimed that 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

Civil society organisations (CSOs) have faced ongoing attempts to restrict their funding. Following a European Court of Justice (ECJ) ruling that Hungary's NGO foreign funding law, which required non-profit organisations receiving at least €22,000 (approx. US\$ 24,115) of funding from abroad to disclose their donors, was unlawful, the Hungarian Parliament repealed the Lex-NGO law in May 2021. However, at the same time, the Parliament [adopted](#) a new law that threatens the work of NGOs. The new law requires the State Audit Office to report annually on the financial status of NGOs which have a budget that exceeds €55,000 (approx. US\$ 60,288) and who "influence the public", and it enables the Office to selectively audit them. The law also discriminates against specific NGOs, as religious, sporting and national minority organizations 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.

Over a month after the elections, the State Audit office [began](#) investigations into NGOs which are foreign funded and "capable of influencing public life", which CSOs see as an attempt to intimidate them. The Hungarian Civil Liberties Union had already filed a challenge against the law to the Constitutional Court in December 2021.

CSOs have faced public vilification, increasingly ahead of the general elections. For example, on [2nd February 2022](#), *Magyar Nemzet*, a leading pro-government daily online site, published secret recordings of interviews which were aimed at discrediting civil society and independent media. The recordings, published just two months before the general 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 a few years ago were [taken out](#) of context. A few hours after the first clip's publication, the story was widely circulated in pro-government media outlets in Hungary. The Hungarian government also posted the clips on one of its official YouTube channels. This is [not the first time](#) intelligence methods have been used to smear civil society activists critical of the government. Shortly before the previous general elections, an Israeli firm, "Black Cube", partly made up of former Israeli intelligence officers, was tasked to compromise staff members of leading Hungarian NGOs.

Earlier in January 2022, 34 people from civil society [filed](#) a lawsuit against pro-government weekly Figyelő and its publisher for compensation after it represented NGO activists and people working for the public benefit as mercenaries of "foreign, evil powers in 2018".

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 'popularize' 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 [criticized](#) 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, *Fairytales are for Everyone*, was removed by the 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 and that the selection of members of media regulatory bodies, such as the Media Council and the National Media and Communications Authority, are 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 equal access to information for independent media and journalists. Specifically, scrap the decree which prevents journalists from accessing health facilities/and or experts.
- Ensure that future requests for journalists' access to health facilities are approved, and allow the media to report on the COVID-19 pandemic.
- Revoke legislation and amendments that restrict the activities of civil society organizations and limit their funding, and engage in extensive consultation with civil society before policies and laws affecting the sector are discussed and passed.
- Create an enabling environment for civil society and the media to report on issues affecting the population, including concerns over the rights of members of the LGBTQI+ community.
- Repeal all restrictive legislation which threatens and restricts the rights of LGBTQI+ persons.

To the European Commission:

- Immediately investigate the Hungarian government's use of Pegasus spyware against journalists.
- Recognize the urgency in relation to the deterioration of media independence in Hungary and take all available measures to respond.
- Urgently hold the Hungarian government to account for violating the rights of LGBTQI+ persons by continuing its infringement procedure and using all other avenues within its power to ensure accountability.
- Withhold EU funds until improvements are made in relation to civic and democratic freedoms and redirect such funds to supporting civil society.
- Closely monitor the situation with the media and civil society and the compliance of Hungary as a member of the EU with its international commitments and obligations.