[HU] Decision of the Constitutional Court on Television Reporting from the Parliament

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The Constitutional Court examined the corresponding provisions of Act I. of 1996 on Radio and Television Broadcasting (Broadcasting Act) and several other instruments following the appeal of the two national commercial television broadcasters, two satellite news channels and the Hungarian Federation of Journalists.

According to the Broadcasting Act, the plenary sessions of the Parliament, the public Parliamentary committee hearings and, to a certain extent, the meetings of the Parliamentary committees shall be broadcast via a closed circuit network operated by the Office of the Parliament. This programme stream shall be made available to all broadcasters free of charge. While ensuring access to this signal, the Broadcasting Act also makes it possible for the Parliament to restrict filming by television companies inside its building. On the basis of these provisions the Chairperson of the Parliament made a decision in 2003 prohibiting such filming in the building.

In the procedure of the Constitutional Court, the applicants claimed that the decision and the provisions of the Broadcasting Act providing grounds for it, are contrary to the freedom of expression as enshrined in § 61 of the Hungarian Constitution. According to their arguments, the prohibition of filming with their own equipment deprives broadcasters from the possibility to document and to report the work of the Parliament and its members.

In its decision, the Constitutional Court highlighted the importance of freedom of expression as a vital instrument in maintaining the democratic public opinion. The court also referred to its earlier decisions stating that the publicity of the sessions of the elected bodies serves as a guarantee of the democratic nature of their decision-making. However, the court also emphasised the importance of a balanced provision of news as required by the Broadcasting Act.

On this basis, the Constitutional Court found that the challenged provisions of the Broadcasting Act, making it possible to restrict the activity of television staff to certain quarters of the building of the Parliament, constitute a necessary and proportionate limitation of the right to freedom of expression.

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As to the decision of the Chairperson of the Parliament, the Constitutional Court concluded that it lacked competence given that such a decision does not qualify as a legal instrument within the meaning of Act XI of 1987 on Legislation.

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http://isz.mkab.hu/netacgi/ahawkere2009.pl?s1=20/2007&s2=&s3=&s4=&s5=&s6=&s7=&s8=&s9=&s10=&s11=Dr&r=1&SECT5=AHAWKERE&op9=and&op10=and&d=AHAW&op8=and&l=20&u=/netahtml/ahawuj/ahawkere.htm&p=1&op11=and&op7=and&f=G

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