Parliamentary Assembly: Request for Monitoring of Hungary - Media Provisions

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The Parliamentary Assembly of the Council of Europe (PACE) adopted its Resolution 1941 (2013), entitled “Request for the opening of a monitoring procedure in respect of Hungary”, on 25 June 2013.

The context of the adoption of the Resolution is very specific and it is set out in the first paragraph. The PACE “takes note of the report on the request for the opening of a monitoring procedure in respect of Hungary, which was prepared following the motion for a resolution on “Serious setbacks in the fields of the rule of law and human rights in Hungary” (Doc. 12490)”. It also “takes note of the opinion of the Bureau of the Assembly which did not support the opening” of such a procedure. It “supports the fact that the ongoing dialogue continues between the European Commission for Democracy through Law (Venice Commission) and the Hungarian Government”.

Beyond the immediate political context of these institutional texts and initiatives, the PACE is “deeply concerned about the erosion of democratic checks and balances as a result of the new constitutional framework in Hungary” (para. 6). It states that the “new framework has excessively concentrated powers, increased discretion and reduced accountability and legal oversight of numerous government institutions and regulatory bodies in Hungary” (para. 6). It refers to “assessments of the constitution and several cardinal laws by the Venice Commission and Council of Europe experts”, which “raise a number of questions with regard to the compatibility of certain provisions with European norms and standards, including with the case law of the European Court of Human Rights” (para. 11).

The PACE calls on the Hungarian authorities to “continue the open and constructive dialogue with the Venice Commission and all other European institutions” (para. 11), and also to address certain aspects of particular legislative acts, i.e., those dealing with freedom of religion and the status of churches; elections of members of the Parliament; the Constitutional Court; the judiciary and the media (para. 12).

The provisions that specifically regard Hungarian media legislation read as follows:

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“12.5.1. abolish registration requirements for print and online media;

12.5.2. separate, functionally and legally, the Media Council from the Media Authority;

12.5.3. ensure that, by law, all decisions of the Media Council or Media Authority can be appealed before a court of law, both on substantial and on procedural grounds”.

The concluding paragraph of the Resolution refers to the “serious and sustained concerns” about the extent to which Hungary is complying with its obligations “in relation to the functioning of democratic institutions, the protection of human rights and respect for the rule of law” (para. 14). Nevertheless, the PACE “decides not to open a monitoring procedure in respect of Hungary but resolves to closely follow the situation in Hungary and to take stock of the progress achieved in the implementation of this resolution” (para. 14).

“Request for the opening of a monitoring procedure in respect of Hungary”, Resolution 1941 (2013), Parliamentary Assembly of the Council of Europe, 25 June 2013

http://assembly.coe.int/ASP/XRef/X2H-DW-XSL.asp?fileid=19933&lang=EN

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