European Council

The current state of freedom of press in Hungary and Poland

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The power of the Internet

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Introduction

Freedom of press has long been recognised as one of the key elements of a fully functioning democratic country. Journalists have an important role in maintaining the Trias Politica of controlling the state. As stated by article 11 of the European Union's Charter on Fundamental Rights, "Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers." A very similar notion is put forth by the Universal Declaration of Human Rights in Article 19 with only minor changes in wording. The EU charter also adds that "The freedom and pluralism of the media shall be respected."
In past years the Hungarian and Polish governments have acted in a way that calls into question whether their respective countries still enjoy freedom of press.

Definition of Key Terms

Press pluralism:
Press pluralism means a plurality of voices, of analyses, of expressed opinions and issues.

Trias Politica:
In other words the separation of powers, a principle widely used since the Enlightenment, its purpose is to prevent one branch of government, for example, from having too much power and becoming autocratic rather than democratic.

PiS:
Poland's governing right-wing national-conservative Law and Justice party with minister Andzrej Duda, who is also the President of the country since 2015.

Fidesz:
Hungary's governing right-wing populist and national-conservative political party with President (also President of Hungary) Viktor Orbán. Fidesz was formed in 1988 as the 'Alliance of Young Democrats' and won their first election in 1998. They served one year and lost the next election in 2002, but were reelected in 2010 and managed to maintain their position ever since.

MRFF:
Short for Media Freedom Rapid Response, is a project of the European Centre for Press and Media Freedom NGO, a Europe-wide mechanism, which tracks and reacts to press and media freedom violations in EU Member States and Candidate Countries.

PKN Orlen:
A Polish state oil refiner and petrol retailer.

General Overview

The decline in freedom of independent press started in Hungary in 2010, when the current governing party, Fidesz, was elected. Similar changes can be seen in the country of Poland, but less prominently. Poland's Law and Justice (PiS) government started cherry picking some elements of press manipulation employed by Hungary that could be used within the system of their country only after witnessing the success of the Orbán-government in this area.

This only demonstrates the necessity of effective countermeasures before any more countries could follow in the footsteps of Hungary and Poland. Recognising this, the International Press Institute and 18 other groups have called upon the European Union to take decisive action. This, naturally, is made difficult by the fact that the European Council is a consensus-based organ with the aforementioned two countries being notorious for utilising their veto rights.

After research on the topic, the Media Freedom Rapid Response has published a report identifying a pattern of how illiberal governments might be able to undermine independent media following Hungary's lead. They have divided the method into four parts and given it the name 'The Hungary model.'

This model, developed by the Fidesz party, led by Prime Minister Viktor Orbán has already partly been used in Poland. The PiS party, however, could not adopt it fully, since after the collapse of Communism less key industries stayed in oligarchs' hands.

The four key elements of media capture and control according to the report of the MRFF:

1. **Dividing the journalistic community:**
   Today, our world is highly divided. Extremist ideas are common, which is what this element is built upon. During this step, the government divides the journalistic community along a political spectrum. Following this, they deem the liberal media unpatriotic and claim they are spreading fake news - a term often used by another well-known populist politician. By this method, the governing party encourages their followers to see the opposition and all liberal media as the enemy and as having no credibility. After this demonisation of a whole branch, public suspicion is established, which can be used in justifying actions against independent media.
   In Hungary, Fidesz fabricated ridiculous conspiracy theories about George Soros, an elderly liberal philanthropist, while in Poland patriotism and historic anxieties about foreign influence were abused.

2. **Control of public service media:**
   This starts by increased control over overseeing bodies and gradually changing the

structure of management structures, thus weakening editorial independence. After this has happened, the government is able to replace critical voices with their own supporters.

Public service media is under the pressure of the ruling party in many countries, but the extreme extent of this sets Hungary and Poland apart. In these countries, public service media have effectively become outlets of government propaganda only, which is especially dangerous in communities where very few stations are available.

3. **State capture and financial pressure:**

   This part of the process relies heavily on wealthy government allies. After the capture of state bodies and entities, the government can put great financial and administrative pressure on the media, with the help of their loyalists installed into leadership positions. If the governing party is able to control the country's system of media regulation, they can eliminate critical voices; for example by not renewing broadcast licenses, as it has happened to Hungary's Klubrádió, or by using administrative fines and taxes. The government also helps allies get ownership of infrastructure such as printing presses, further amplifying pressure.

   In effect, this means that media conveying ideas that align with government ideology are heavily rewarded while critical media's functioning is made so difficult they can often only exist online. In some cases, even private advertisers are pressured into quitting their business with independent media.

4. **Media ownership capture:**

   At this point, complete capture of independent media happens, once again involving billionaire allies of the perpetrating government. In Hungary, wealthy supporters of Fidesz bought the financially weakened media outlets, after which workers critical of the government left their jobs. The fate of these outlets can either be closure or becoming government mouthpieces. Other media owners "donated" their holdings to the pro-government media conglomerate KESMA.

   Some Hungarian examples of this phenomenon are Origo, which was sold by Deutsch Telekom, as was TV2 by its former German owner, and Népszabadság, famous for being the best Hungarian newspaper to clean windows with, was shattered in 2016. All of this took place before the 2018 elections, which Fidesz won.

   In Poland, this process seems more subtle, although businessmen close to the Law and Justice party have approached several independent media titles. Since the first efforts were proven ineffective, Poland opted for nationalization of private media via a state-controlled company. The first decisive victory on Poland's government's part came when PKN Orlen succeeded in buying Polska Press, a formerly German-owned publisher.

Today, Fidesz and PiS own most of the regional newspapers of their respective countries. Even though, looking at recent events and the strategy detailed above, we can clearly see how these governments undermine free press and act against democracy, this design gives the ruling party plausible deniability. These actions are carried out indirectly, so it may seem that these media outlets are led by individuals independent from the government and therefore are legal in the

strict sense of the word. Unsurprisingly, media coverage on the issue is poor in these countries and regulations are even altered, when needed, to allow for further capture of independent media.

Major Parties Involved

Poland

For decades, Polish journalists have served as the finest advocates for their country. However, since 2015, the direction has been consistently downward. In 2015, Poland was ranked 18th in the international rating of press freedom by "Reporters Without Borders", but has since dropped to 62nd position, moving 44 places in just 5 years. Although changes in the media landscape are unfolding more subtly in Poland than in Hungary, constraints on journalists' work in the nation, for example, are becoming more evident. In 2015, PiS (Polish: Prawo i Sprawiedliwość), a right-wing national-conservative political party in Poland came to power. Since then, 3 major steps have been made in order to silence journalists.

The first step was to remove independent journalists from critical positions in the public broadcasting system. There was a mass exodus of editors and journalists from Polish Media and Polish TV, the Polish version of the BBC. Instead, PiS supporters took their place. The second step is to start using criminal defamation laws against journalists. Governors, PiS appointed judges, business owners affiliated to the ruling party, and wealthy individuals are allowed to use Polish law to launch a “Strategic Lawsuit Against Public Participants' (SLAPP)' against any journalist or media outlet that doesn't comply with the PiS. Judges can fine or even imprison journalists. SLAPP's PiS Link initiators have bottomless wallets, but many of the journalists that get attacked don't have the money for these lawsuits. The purpose is to intimidate and demoralize journalists or editors with potential lawsuits. The Association of Polish Journalists has identified 187 different legal attacks launched by PiS and its networks against Polish journalists and editors since 2016. The third step is to force the media to be sold to companies that support PiS. Under pressure from PiS, a network of 24 regional newspapers has been sold to a company that is allied with the ruling party. Now, the regime has set its sights on the most popular independent and balanced TVN24 news network in Poland which was launched with the investment of the French Canal and Group shortly after the end of communism.

Hungary

At the beginning of March 2021 in Hungary it was announced that the Klubrádió station would not have its license renewed by the state. The license expired in mid-February and its non-renewability was released in a matter of weeks. Klubrádió was one of the last independent radio stations in Hungary and has thus been involved in several legal battles against the government. However, with no radio frequency capacity left, the station will only be able to

stream. Prime Minister Viktor Orbán's controversial policies on many subjects have been on the table of the European Commission for many years. The apparent dictatorial drift - behind the Hungarian concepts of "patriotism", "identity", "traditionalism" - shakes the European Union and liberal democratic values. Orbán thus systematically shut down all independent voices in the country. Additionally, according to RSF, members of the government and public organizations in Budapest did not respond to questions from independent media. Reporters Without Borders (RSF) added Hungarian Prime Minister Viktor Orban to its annual list of "enemies of press freedom" which includes 37 heads of state and government who have brutally cracked down on press freedom. This is the first time that a head of government of the European Union has appeared on the list, alongside North Korean leader Kim Jong Un and Syrian President Bashar Al Assad, among others. On July 5th the media watchdog noted that Orban and his party "have taken steps to bring the Hungarian media scene under their control" since coming to power in 2010. The group said that Orban had targeted the media with predatory methods, including political economic fraud, discredit, and self-certification. RSF also notes that the regional press in Hungary has been 100% owned by pro-Orban entrepreneurs since the summer of 2017.

Slovenia

There is also growing interest in the Slovenian case as journalists face direct public threats from SDS (Slovenian Democratic Party) executive and leader Janez Janša. The Prime Minister recently expressed his support for the discharge of Bojan Veselinović, head of the STA (Slovenian News Agency). This comes as no surprise, as Janša has been insulting journalists that criticize him and his ways. The government's decision to suspend public funding for the STA has drawn criticism. In an open letter last fall, more than two dozen Slovenian editors reported that they had been completely deceived and manipulated by government officials. This is a cause for concern, but it is unlikely that there will be a significant improvement in media freedom in Slovenia anytime soon. In July this year, Janša will take over the position of President of the Council of the EU for six months making it even more difficult to continue to take a positive stance towards independent journalism.

Committee to Protect Journalists

As an organization founded by journalists, the CPJ uses tools of the press to protect those involved in journalism. The safety of journalists is their top priority as they believe that freedom of expression is the foundation of all other human rights. Press freedom violations often occur in a broader context, including discrimination and oppression based on political beliefs, race and many other factors. In accordance with the Universal Declaration of Human Rights, everyone has the right to freedom of opinion and expression, regardless of nationality or

identity. Access to independent information allows everyone to make decisions and be responsible. The CPJ has made many efforts in regards to the situation in Poland and Hungary with the main one being raising awareness and moreover educating the general public.

Timeline of Events

1952-1989	During the communist regime in Poland, the press doctrine of Stalinism dominated and controlled the Polish media
1989	Following the fall of communism, freedom of press is established
1989	Press privatisation began in Hungary
1996	According to international press freedom monitoring organizations, the state of press freedom has begun to improve and Freedom House has classified Hungary as a "free press" country.
2001	Viktor Orbán, the Prime Minister of Hungary, snatches control of electronic media, resulting in protests
2015	Public institutions, state-owned companies as well as PiS loyalists have stopped subscribing or placing advertisements in independent media, cutting off an important source of funding and income to Polish independent media
2020	During the COVID-19 pandemic, the ruling Law and Justice Party (PiS) continues to launch prolonged attacks on independent media outlets in an attempt to suppress criticism and undermine the monitoring agency's press activities.
2021	After a court confirmed a decision by media regulators not to renew its

broadcasting license, Hungary's first independent radio station, Klubrádió, will fall off the airwaves. This raises further concern as it was one of Hungary's last remaining opposition radio stations

Possible Solutions

Crowdfunding

As mentioned above, the last remaining independent media outlets in Poland and Hungary face numerous financial challenges, making it impossible to keep up with the legal battles that the government is engaged in. State-owned companies and businesses loyal to the government have now stopped all types of interaction with independent media. In addition, the government has succeeded in denying the licenses of many radio stations and forcing them to broadcast. All of the aforementioned government actions have had a huge impact on the earnings of independent media workers. Since the Polish and Hungarian governments do not financially support "uncensored" media, crowdfunding would be a solution to the financial problems these companies face, because in both member states, the independent media have supporters who also expressed opposing views of the government. Moreover, thanks to crowdfunding, independent media have a better chance of winning legal battles against state officials who often target journalists due to their lack of social and financial status.

Strengthening already existing NGOs

Although there are quite a few NGOs that are trying to combat the problem with the freedom of press that many Member States face such as Poland and Hungary their efforts, although remarkable, are not 100% efficient. One key practice when strengthening NGOs would be enhancing volunteers as promoters of the development and operational self-sufficiency of the NGOs. Additionally, a performance evaluation as part of the organization's control system could be introduced with the intent of the successful and unsuccessful missions to be kept track of resulting in an accurate percentage of the NGO's efficiency as a whole. In addition, it is also recommended to adopt standards, norms and procedures that include internal management control, self-discipline mechanisms and certification systems. By enhancing already existing NGOs with the intention of transforming them to their best performance, cases can finally get the attention that they need, making it easier for the safety of independent media employees to be guaranteed.

Raising awareness

Freedom of press is an issue that has been concerning many Member States since the start of humanity. Unfortunately, although it is an issue that emerged decades ago, many people are still oblivious to it. In a century that has been characterised as the century of technology, social media can play a huge role when it comes to raising awareness on this issue. Digital campaigns could be organised with the intention to shed light on the multiple challenges that journalists

face in Poland and Hungary. Because of the digital nature of these campaigns, they will be easily broadcasted globally, resulting in sensitizing and educating the general public on this issue.

European Union Involvement

The right to freedom of press In the European Union is a fundamental right that applies to all Member States of the European Union and its citizens, as defined in the Union's Charter of Fundamental Rights. Although these documents are globally recognized, their implementation is highly dependent on the willingness of states to regulate implementation measures. The EU could play a key role when combating the issue of freedom of press in member states including Hungary and Poland by establishing stricter regulations that every member state is obliged to follow. By the EU establishing these stricter regulations freedom of press could be achieved as it will not be 100% in the hands of the government which in some cases may be corrupt resulting in this huge violation of a fundamental human right.

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