**Study Group - The Democracy Crisis in Europe and the US: A Comparative Perspective**

**“Illiberal Governance” and the Attack on Media Freedom**

**Hungary**

Hungary passed a package of media laws in 2010 that were widely criticized as undermining freedom of the press and freedom of speech. Together, the laws restructured the regulatory system for the media, bringing the broadcast, print and online media sectors together under a central regulatory agency, the National Media and Infocommunications Authority (NMHH). The 2010 Media Law also established a Media Council tasked with regulating media content; its powers include imposing fines or suspending media outlets for violations including failing to register with the government or “unbalanced reporting”. A Press and Media Act also passed in 2010 prohibits media content that violates “constitutional order”, or aiming at “exclusion of peoples, nations” or “offending religious or political beliefs”, all of which a June 2015 Venice Commission opinion criticized for being overly vague terms that could be used to prohibit advocacy for constitutional amendments, or relating to infringement of minority rights in Hungary.[[1]](#footnote-1) Both NMHH and the Media Council are technically autonomous bodies, yet they share a leader appointed by the president and their members are elected by a two-thirds majority of Parliament. Currently, all members of the regulatory bodies are Fidesz nominees, casting their political independence into question.[[2]](#footnote-2) Taken together, the 2010 media laws had the effect of centralizing government control over the media landscape. They have been criticized by rights groups, opposition parties, and international organizations for failing to comply with international legal standards for freedom of expression.[[3]](#footnote-3)

With the backdrop of the new regulatory system, in practice restrictions on media independence and pluralism in Hungary under the Fidesz government have primarily taken place through political and economic pressure. Journalists have reported to organizations including the Committee to Protect Journalists and Freedom House that they operate in a “climate of self-censorship”, fearful of being targeted by defamation lawsuits or losing their jobs if they report critical stories.[[4]](#footnote-4)

Hungary has directly censored media coverage of the refugee crisis. In August 2015, a leaked memo revealed that the Media Authority instructed Hungary’s State TV not to broadcast images of children in news segments about migrants and refugees, a move that was criticized as an effort to limit public sympathy towards refugees.[[5]](#footnote-5) The Committee to Protect Journalists reported that seven international journalists were beaten by Hungarian riot police while covering the arrival of refugees at the Hungarian-Serbian border in September 2015.[[6]](#footnote-6)

New regulations and state funding practices have put financial pressure on independent news outlets. A 2014 report by the Mérték Media Monitor, a Hungarian NGO focusing on media freedom, found that government intervention into the media market in Hungary has strengthen pro-government media outlets and caused independent outlets to lose ground.[[7]](#footnote-7) Under the 2010 Media Act, funding and content production for all public media were centralized under the Media Service Support and Asset Management Fund (MTVA). According to Freedom House, public media have received significant increases in state funding since 2011, and state advertising money is primarily directed towards pro-government media outlets. Many state-dependent advertisers and private companies reluctant to support media critical of the government have also directed their advertising towards pro-Fidesz outlets.[[8]](#footnote-8) A 2014 report by the World Association of Newspapers and News Publishers concluded that the state’s biased advertising spending constituted “soft censorship” which influenced editorial policies.[[9]](#footnote-9) Combined with a provision in the 2010 media law prohibiting broadcasters from running advertisements during their newscasts, the uneven allocation of advertising has pushed less-well-resourced local and regional broadcasters increasingly to broadcast news services and packages made available for free from the state-funded MTI news agency.

Financial pressure has also caused independent media outlets to shut down. In October 2016, the publisher of Hungary’s largest daily newspaper *Népszabadság*, an independent publication that tended to support the left-leaning political opposition, announced it was suspending the newspaper’s publication due to financial problems from declining circulation. Fidesz supported the publisher’s claim that the paper’s closure was “a rational economic decision”; however, journalists from the newspaper and members of the opposition in Hungary described the closure as a “coup” resulting from political pressure aimed at suppressing media critical of the government.[[10]](#footnote-10) These allegations were proven to be true when *Nepszabadsag* was purchased in March 2017 by progovernment business magnate Lőrinc Mészáros.

**Russia**

In Russia, the attack on media freedom under Vladimir Putin’s leadership has taken a variety of forms, from legal restrictions, to repression of individual journalists, to propaganda designed to undermine the credibility of non-state media.

Putin’s government has strengthened laws regulating the media sector to restrict the operation of independent media. In 2014, the government amended the Federal Law on Mass Media to limit foreign ownership stakes in Russian media outlets to 20% by 2017, effectively nationalizing media outlets and bringing them under closer government control. Under the law, foreign entities and individuals or Russian citizens with dual citizenship are prohibited from founding a media company or running a media outlet.[[11]](#footnote-11)

In addition to targeting media outlets, the government also targets individual activists and journalists for expressing views critical of the government. According to the Committee to Protect Journalists, over two dozen journalists have been killed in Russia in connection with their work since the beginning of Putin’s first term as president in 2000**.** Amnesty International found the government to have used anti-extremism legislation “excessively” in violation of the right to freedom of expression. In one case, a single mother working as a shop assistant was found guilty of “inciting hatred and enmity on the grounds of ethnicity” for criticizing Russia’s military involvement in Ukraine on her social media account; she had to serve 320 hours of unpaid “corrective labour” and had her computer destroyed.[[12]](#footnote-12)

Numerous Russia analysts have examined Putin’s strategies of undermining media freedom. Maria Snegovaya argues that the government uses a strategy of “selective repression” of the media, allowing some independent media outlets—including Dozhd (TV), Ekho Moskvy (radio), Vedomosti (print)—that express views different from the government to exist, while forcing others to shut down.[[13]](#footnote-13) Peter Pomerantsev and Michael Weiss argue that increasing state control over the media allows Putin to further consolidate his power and serves his policy goals through news coverage and rhetoric that justifies his policies. Pomerantsev and Weiss describe Russia’s modern propaganda efforts as the “weaponization” of information, the use of state controlled media to spread disinformation and to craft a specific narrative, such as of Russia as a “besieged fortress”, to internal and external audiences and to disrupt Western narratives critical of Russia’s illiberal policies.[[14]](#footnote-14)

Russia projects its media influence beyond its borders to advance its foreign policy interests, particularly in Europe. In recent years Russia has dramatically increased funding for the state-run RT (formerly Russia Today) international news television channel. RT was originally created to tell “Russia’s side of the story” to international audiences, but today has an explicitly anti-Western and anti-US focus in its news coverage. The channel specializes in promoting conspiracy theories, fake news, and disinformation--for example, that Syrian rebels rather than government forces were behind the 2013 and 2017 chemical weapons attacks on Syrian civilians --to counter Western news media and confuse audiences about the factual reality of events that have geostrategic significance for Russia.[[15]](#footnote-15) According to Latvia’s ambassador to the EU, the Baltic states are particularly vulnerable to Russian disinformation because of their large Russian-speaking populations. She told the Guardian in 2016 that Russian television broadcasts interpret international and domestic issues in such a way that implies there is “something wrong with the [Latvian] political system and the government”, but Latvia’s domestic media is unable to compete against this narrative as “Russian TV channels have much bigger financial resources and entertaining capacity.”[[16]](#footnote-16) According to a 2016 CSIS report, Russia exerts economic influence in media and telecommunications sectors in Central and Eastern European countries to further its political and economic interests in the region, using financial networks in those countries it has maintained from the Soviet era.[[17]](#footnote-17)

Russia’s media influence in Europe may indirectly or directly support far-right parties in the region that have positions favorable to Russia. Conservative, nationalist parties like Fidesz in Hungary or PiS in Poland appeal to their voters using many of the same themes that are emphasized in Russia’s foreign media: Euro-skepticism and national sovereignty, anti-Westernism, and conservative social values. Alina Polyakova of the Institute of Modern Russia notes that the “ideological congruence” between far-right parties in Europe and the Russian government has manifested itself in far-right parties consistently supporting Russia’s interests in the European Parliament, and expressing their public admiration for Putin’s authoritarian nationalism and aggressive foreign policy.[[18]](#footnote-18) There is also evidence of Russia providing direct financial assistance to far-right parties, including a 40 million euros loan to the French National Front in 2014, and alleged Russian financing of the far-right Jobbik party in Hungary and the Freedom Party of Austria.

**Turkey**

Since declaring a state of emergency following the attempted coup in July 2016, the Turkish government has used emergency decrees to close hundreds of media outlets and crack down on the press. As a result, independent media in Turkey have been almost wholly silenced. Over 160 media outlets and publishing houses have been shut down and 140 journalists and media workers are currently jailed pending trial.[[19]](#footnote-19) These repressive measures have increasingly given the Turkish government control over public access to information.

The state of emergency that President Erdoğan declared in July and has extended multiple times gives the government the power to rule by decree and the potential to challenge decrees via Turkey’s Constitutional Court. In a report on media freedom, Human Rights Watch observed five dominant trends in the Turkish government’s approach to media restrictions in the wake of the attempted coup[[20]](#footnote-20) First, the government uses the criminal justice system to prosecute journalists for terrorism, insulting public officials, or crimes against the state. Following the failed coup, Turkish officials forced more than 2,500 journalists out of their jobs and prosecuted 98 under trumped-up criminal charges.[[21]](#footnote-21) Second, threats and physical attacks are carried out against journalists and media outlets. Third, the government interferes with editorial independence and puts pressure on media organizations to fire critical journalists. Fourth, the government takes over or closes private media companies. Some outlets have been placed under government trusteeship, which has resulted in dismissals and changes in their editorial lines, making them more friendly toward the government.[[22]](#footnote-22) Finally, government authorities issue fines and restrictions on media distribution.

Authorities have prosecuted a number of journalists on terrorism-related charges using article 7/2 of the Anti-Terrorism law, which has been amended numerous times in recent years reflecting the political climate. According to the Committee to Protect Journalists, Turkey accounts for nearly a third of the total number of journalists jailed around the world.[[23]](#footnote-23) The Turkish government has framed the arrests as necessary security measures in light of the government’s intensifying war with Kurdish militants and the growing number of terrorist attacks in Turkey by extremists of the Islamic State militant group. Human rights groups, on the other hand, point out that the security campaign is being used to target the government’s political opponents and penalize legitimate speech.[[24]](#footnote-24)

The Turkish government has also deployed arbitrary accreditation processes that further undermine media freedom. Changes to the regulations governing journalistic accreditation have brought the process under increased government control, allowing additional room for arbitrary decisions. A discriminatory accreditation system enforced by the Directorate General of Press and Information (BYEGM), a body under the authority of the prime minister’s office, is being used to screen out critical journalists, restricting access to the offices of the president and cabinet ministers. This also applies to foreign journalists, who have increasingly seen their press credentials revoked or denied.[[25]](#footnote-25)

**Poland**

In Poland, efforts to undermine press freedom are less systematic, but have been intensifying. There have been a handful of restrictive media-related developments and mounting attempts by the ruling party to decrease media oversight of government decision-making. However, government attempts to limit the independent operation of media outlets have spurred significant pushback from the political opposition and civil society.

In December 2015, Poland’s ultraconservative ruling Law and Justice party (abbreviated PiS) used its new parliamentary majority to pass a law that shifts control of public media from the regulatory body (KRRiT) to the Treasury Ministry. The “national media” law gives the government greater control over the public media, including the hiring and firing of journalists. The KRRiT, which is controlled by nominees of the outgoing Civic Platform (PO) government, has always been highly politicized and has faced ongoing accusations of bias in its dealings with media connected to the PiS. The December legislation led to the immediate resignation of senior public media officials, as a demonstration of their outrage.[[26]](#footnote-26)

Attempts to limit media access to the parliament triggered protests by opposition lawmakers and mass demonstrations in December 2016. This occurred after PiS officials passed the 2017 budget in a separate room with only a few opposition members present. Journalists were barred from entering the proceedings.According to the BBC, it was the first time since the restoration of democracy in 1989 that this kind of vote was held outside the main chamber of parliament.[[27]](#footnote-27) New media regulations, which PiS aims to impose starting in 2017, would mean that only the television recordings made by parliament will be available to journalists. Following large-scale protests, the president has suspended these efforts for the time being.[[28]](#footnote-28)

1. European Commission for Democracy Through Law (Vencie Commission), “CDL-PI(2015)017-e, Preliminary Opinion on Media Legislation (Act CLXXXV on Media Services and on the Mass Media, Act CIV on Freedom of the Press and the Legislation on Taxation of Advertisement Revenues of Mass Media) of Hungary”, 5 June 2015,<http://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2015)017-e>, p. 7-8. [↑](#footnote-ref-1)
2. “Hungary: Freedom of the Press 2016,” *Freedom House,*<https://freedomhouse.org/report/freedom-press/2016/hungary>. [↑](#footnote-ref-2)
3. “Hungarian Media Laws Q&A,” Article 19, August 2011 <https://www.article19.org/data/files/medialibrary/2714/11-09-01-REPORT-hungary.pdf>. [↑](#footnote-ref-3)
4. “Hungarian journalists work in climate of self-censorship, fear,” *Committee to Protect Journalists*, 17 October 2014<https://cpj.org/2014/10/hungarian-journalists-work-in-climate-of-self-cens.php>. [↑](#footnote-ref-4)
5. Daniel Nolan, “Hungarian TV ‘told Not to Broadcast Images of Refugee Children,’” *The Guardian*, September 1, 2015, sec. World news, https://www.theguardian.com/world/2015/sep/01/hungarian-media-told-not-to-broadcast-images-refugee-children-memo. [↑](#footnote-ref-5)
6. “In Hungary, police beat journalists covering refugee crisis at border,” *Committee to Protect Journalists*, 17 September 2015<https://cpj.org/2015/09/in-hungary-police-beat-journalists-covering-refuge.php>. [↑](#footnote-ref-6)
7. Attila Mong, et. al, *Gasping For Air: Soft Censorship in the Hungarian Media in 2014,* Mérték Media Monitor, January 2015,<http://mertek.eu/sites/default/files/reports/gasping_for_air.pdf>, p. 7-8. [↑](#footnote-ref-7)
8. Venice Commission, “CDL-PI(2015)017”, p. 22. [↑](#footnote-ref-8)
9. “Hungary: Freedom of the Press 2016,” *Freedom House,*<https://freedomhouse.org/report/freedom-press/2016/hungary>. [↑](#footnote-ref-9)
10. “Hungary’s Largest Paper Nepszabadsag Shuts, Alleging Pressure,” *BBC News*, October 11, 2016, sec. Europe, http://www.bbc.com/news/world-europe-37596805. [↑](#footnote-ref-10)
11. “Civic Freedom Monitor: Russia,” International Center for Not-for-Profit Law, 23 January 2017 <http://www.icnl.org/research/monitor/russia.html>. [↑](#footnote-ref-11)
12. “2016/2017 Annual Report: Russian Federation,” Amnesty International, <https://www.amnesty.org/en/countries/europe-and-central-asia/russian-federation/report-russian-federation/>. [↑](#footnote-ref-12)
13. Maria Snegovaya, “Stifling the Public Sphere: Media and Civil Society in Russia” (International Forum for Democratic Studies, October 2015), http://www.ned.org/stifling-the-public-sphere-media-and-civil-society-in-egypt-russia-and-vietnam/. [↑](#footnote-ref-13)
14. Peter Pomerantsev and Michael Weiss, “The Menace of Unreality: How the Kremlin Weaponizes Information, Culture and Money” (*The Interpreter*, Institute of Modern Russia, November 2014)

    http://www.interpretermag.com/wp-content/uploads/2014/11/The\_Menace\_of\_Unreality\_Final.pdf [↑](#footnote-ref-14)
15. Pomerantsev and Weiss, p. 14-15. [↑](#footnote-ref-15)
16. Daniel Boffey and Jennifer Rankin, “EU escalates its campaign against Russian propaganda,” *The Guardian*, January 32, 2017 <https://www.theguardian.com/world/2017/jan/23/eu-escalates-campaign-russian-propaganda>. [↑](#footnote-ref-16)
17. Heather A. Conley, James Mina, Ruslan Stefanov, and Martin Vladimirov, “The Kremlin Playbook: Understanding Russian Influence in Central and Eastern Europe,” Center for Strategic and International Studies (Landham: Rowman & Littlefield, 2016) p. 10-11. [↑](#footnote-ref-17)
18. Alina Polyakova, “Putinism and the European Far Right,” Institute of Modern Russia, January 19, 2016, <https://imrussia.org/en/analysis/world/2500-putinism-and-the-european-far-right>. [↑](#footnote-ref-18)
19. Human Rights Watch, “Turkey: President Bids for One-Man Rule,” January 18, 2017, <https://www.hrw.org/news/2017/01/18/turkey-president-bids-one-man-rule>. [↑](#footnote-ref-19)
20. Human Rights Watch, “Report: Silencing Turkey’s Media - The Government’s Deepening Assault on Critical Journalism,” December 15, 2016, <https://www.hrw.org/report/2016/12/15/silencing-turkeys-media/governments-deepening-assault-critical-journalism>. [↑](#footnote-ref-20)
21. Jane Martinson, “Index on Censorship: journalists now under 'unprecedented' attack,” *The Guardian*, November 28, 2016, <https://www.theguardian.com/media/2016/nov/28/index-censorship-journalists-under-unprecedented-attack-russia-turkey-ukraine>. [↑](#footnote-ref-21)
22. Freedom House, Turkey, Freedom of the Press 2016, <https://freedomhouse.org/report/freedom-press/2016/turkey>. [↑](#footnote-ref-22)
23. Committee to Protect Journalists, “Turkey's crackdown propels number of journalists in jail worldwide to record high,” December 13, 2016, <https://www.cpj.org/reports/2016/12/journalists-jailed-record-high-turkey-crackdown.php>. [↑](#footnote-ref-23)
24. Stephanie Kirchner and Kareem Fahim, “Arrest of German journalist in Turkey strains relations between Erdogan and Merkel,” *The Washington Post*, February 28, 2017, <https://www.washingtonpost.com/world/middle_east/arrest-of-german-journalist-in-turkey-strains-relations-between-erdogan-and-merkel-/2017/02/28/eee421c8-fdd4-11e6-9b78-824ccab94435_story.html?utm_term=.a03372503226>. [↑](#footnote-ref-24)
25. Freedom House, Turkey, Freedom of the Press 2016, <https://freedomhouse.org/report/freedom-press/2016/turkey>. [↑](#footnote-ref-25)
26. Freedom House, Poland, Freedom of the Press 2016, <https://freedomhouse.org/report/freedom-press/2016/poland>. [↑](#footnote-ref-26)
27. BBC, “Polish protesters block parliament over press freedom,” December 17, 2016, <http://www.bbc.com/news/world-europe-38347674>. [↑](#footnote-ref-27)
28. Associated Press, “Poland scraps proposed media restrictions in wake of street protests,” *The Guardian*, December 19, 2016, <https://www.theguardian.com/world/2016/dec/20/poland-scraps-proposed-media-restrictions-in-wake-of-street-protests>. [↑](#footnote-ref-28)