International panel

Disputes over media regulation and claims of political control of the media – cases in Hungary, Slovenia and Croatia, differences and similarities

Ljubljana, 29 March 2011

Summary of the discussion
(the programme of the panel is attached to the summary)

The way of adoption of the Hungarian media law (package of media regulation), provisions in the law and the arguments used by the defenders of the regulation demonstrate controversial relations between the politics and the media in Hungary, but challenge also media, political and academic communities and institutions on regional and European level in their ability to reflect the developments, and act.

The Hungarian media community is polarized (on ideological and political basis) and it influences its ability to recognize the threat, arising from the controversial regulation, to self-organise, act and unite in defence of media freedom and independence. Therefore reactions by the media community in Hungary to the media law were partial and delayed. It seems that the relation between media and politics in Hungary has specific patterns, common for transitional, post-socialist societies.

The situation with the Hungarian media law triggered European political debate on the need for stronger regulation of common European standards in the field of media freedom, pluralism and independence. The panel discussion in Ljubljana emphasized that the Council of Europe standards on media freedom, transparency, pluralism and independence, which have been established through various documents of that European institution are very good. The concern is raised about the role of the EU institutions: how much they are able to establish own set of regulation on media freedom, pluralism and independence? Why it is not possible to integrate and apply already existing the Council of Europe standards or establish mechanism of reference to them in the EU regulation. The panel noted the ability of the European Parliament to react with regard to the Hungarian law, requesting changes in the first round with the support of various political groups, represented in the EP. Still, based on previous experience with the European Parliament's requests addressed to the European Commission with regard to the regulation of media pluralism (following the reports on the media situation in Italy for instance), the panel was uncertain about the potential of the latest initiative of the EP. The question was raised about the content of the possible EU directive on media freedom, pluralism and independence: how to provide common understanding and application of the provisions.

The case of the Media Pluralism Monitor, an instrument developed in 2009 by a consortium of research institutions on the request of the European Commission, without being applied, was also mentioned as an argument illustrating lack of political will and ability of the EU institutions to act in the field.

One of the speakers said: "At the end the EU will do nothing as it has been the case in the past."

The Hungarian speakers see potential in self-regulation for the content provisions and also for provisions on editorial independence, but are also aware of the lack of culture of professional self-regulation in the media field in their country and in many other post-socialist countries, EU members and candidates.

The practice of introduction of media regulation without consultations and public debate, request for politically balanced coverage of the media, appointments of media executives loyal to political groups in power, use of labour law for punishment of media professionals who publicly oppose to the controversial media regulation and to new managements in the media appointed on political basis, are features illustrating relations between politics in the media not only in Hungary, but also in Slovenia during the mandate of the previous government (2004-2008). The controversial developments resulted with the media regulation on PSB being subject of national referendum in 2005, and the petition against censorship signed by 571 journalists in Slovenia and distributed to European media and institutions in November 2007.

The speakers from Slovenia emphasized that efforts spent in "battle" with political groups in power for media freedom and independence in that period of four years are lost in comparison with the media communities and industries in other countries which had no such crisis and could use that time for development of operations, capacities, models and ideas to become stronger on media market and more capable in demonstrating their function in democratic societies. The media landscape in Slovenia is ruined (because of political interventions in media ownership structures) and the journalism injured due to that experience.

Although the new government in Slovenia (in power since December 2008) is developing new set of media regulation through various forms of public consultations, the process is still producing conflicts. On one side there is a conflict between political groups in power and those in the opposition, and on the other side an antagonism between media industry's representatives who advocate for de-regulation and journalists' associations and human rights groups who advocate for stronger regulation of rights of journalists and obligations of the media. There is no dialogue on media regulations between two political sides in the parliament (rather, after each election on which the political sides replace each other in power, they introduce change of media regulation), and no between the industry and journalists. The same as in Hungary, there is polarization prevailing instead of dialogue, resulting with blockades, conflicts and demonstration of power, affecting the functioning of the media system and democracy.

It results also with the absence of common and functional self-regulatory mechanisms in the media field, where the industry, the journalists and the public would take part as it is the case in the European countries with tradition in media self-regulation.

The situation in Croatia follows patterns of controversial relations between politics and the media, demonstrated most explicitly through the influence on the public service broadcasting HRT. At the same time there is a long track record of attacks on journalists in Croatia which have been recently collected and published in the "White Book" of investigative journalists' association in Croatia. The Croatian speakers referred also to the controversial role of foreign (European) media corporations in forgetting about the application of professional standards, business culture and protection of labour rights in the media industry in Croatia (which they apply in their own countries, establishing through consistent application of such practices in own countries a tradition of developed media business culture).

The Macedonian speaker from the audience warned on harmful domino-effect, explaining that media regulation, although controversial or harmful, if adopted in an EU member state, is usually copied by the EU candidate countries. Most often the regulation from a new EU member state in the region is transplanted to an EU candidate country in the same region.

The panel ended with the expression of support to the individuals and organizations in Hungary fighting for protection of media freedom and independence.

At the same time it concluded that the organizers shall continue to follow the developments with the Hungarian media law and the initiatives of various European institutions in that field, becoming part of those initiatives aimed at application of best practices and standards in the field of media freedom, transparency, pluralism and independence in Europe, but also globally.

(Summary prepared by Brankica Petković, Peace Institute, Ljubljana.)

Programme

Moderators: Mitja Meršol and Brankica Petković

14.00   Opening **– Oliver Vujović**, SEEMO

14.05-15.15   **Hungarian media law – What is wrong in the law? Is it the media regulation as such that produces controversy or it is a demonstration of power and ambition of political majority to control the media? What we can learn from demonstration of force in imposing the law by political majority? And what from inferiority of media community and European institutions in opposing the law**?

                    Sandor Orban, Executive Director of SEENPM, former Director of Center for
                                Independent Journalism in Budapest
                    Attila Mong, suspended journalist of public radio MR1-Kossuth in Hungary
                    Sandra Bašić Hrvatin, Professor of Media Studies at the Faculty of Humanities in
                                Koper, Slovenia, expert often engaged by EC and CoE
                        for evaluation of the media regulation in the countries of SEE

15.15-15.30   Coffee break

15.30-16.45   **Slovenia and Croatia – How are disputes over media regulation and attempts of political control of the media demonstrated in these two neighbouring countries? Are there similarities or differences from the Hungarian situation that prevail?**

                    Grega Repovž, President of the Association of Journalists in Slovenia, Editor of Mladina
                    Marko Milosavljević, Professor of Journalism at the Faculty of Social Sciences in
                                Ljubljana, Slovenia
                    Vojko Stopar, Director of Media Directorate at the Ministry of Culture in Slovenia
                    Zdenko Duka, President of the Croatian Association of Journalists
                    Gordana Vilović, Professor at the Faculty of Political Science in Zagreb, Croatia

16.45-17.00   Conclusions **– What can be done?**