

Hungary

by Balázs Áron Kovács

Capital: Budapest
Population: 9.9 million
GNI/capita, PPP: US\$20,710

Source: The data above are drawn from the World Bank's *World Development Indicators 2014*.

Nations in Transit Ratings and Averaged Scores

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Electoral Process	1.25	1.25	1.75	1.75	1.75	1.75	1.75	2.25	2.25	2.25
Civil Society	1.25	1.25	1.50	1.50	1.75	1.75	2.00	2.00	2.25	2.25
Independent Media	2.50	2.50	2.50	2.50	2.50	2.75	3.25	3.50	3.50	3.50
National Democratic Governance	2.00	2.00	2.25	2.25	2.50	2.50	3.00	3.50	3.50	3.75
Local Democratic Governance	2.25	2.25	2.25	2.25	2.50	2.50	2.50	2.50	2.75	2.75
Judicial Framework and Independence	1.75	1.75	1.75	1.75	1.75	2.00	2.25	2.75	2.50	2.50
Corruption	2.75	3.00	3.00	3.00	3.25	3.50	3.50	3.50	3.50	3.75
Democracy Score	1.96	2.00	2.14	2.14	2.29	2.39	2.61	2.86	2.89	2.96

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

EXECUTIVE SUMMARY

The elections of April 2010 brought a conservative government headed by Prime Minister Viktor Orbán to power. It controls a two-thirds supermajority in the unicameral National Assembly, consisting of a formal coalition between the Young Democrats' Alliance–Hungarian Civic Union (Fidesz) and its subordinate partner, the Christian Democratic People's Party (KDNP). The landslide electoral victory of Fidesz-KDNP came after the previous government, led by the Hungarian Socialist Party (MSZP), lost credibility due to a variety of failures. Voters' broad loss of faith in the political establishment brought two new opposition parties into the parliament that year—the green-liberal Politics Can Be Different (LMP) and the radical nationalist Movement for a Better Hungary (Jobbik).¹

Issues dating to Hungary's negotiated transition to democracy in 1989–90, including the role of the secret services under communism and the privatization of state assets and services, remained unresolved when Fidesz took power in 2010. Necessary reforms of the national budget, the health care system, and public education had never been carried out properly. Citizens' continuing reliance on public entities instead of the private and nongovernmental sectors pushed the state beyond its capacity. Government after government balked at tackling these problems and exacerbated them through inaction or superficial remedies. The present government identified many of the areas that needed reform, but its initiatives have proven inadequate and had the effect of undermining democratic checks and balances. Meanwhile, antiliberal, nationalistic, and religiously divisive rhetoric has raised tensions in an already polarized political environment.

A new constitution, or Fundamental Law, entered into force on 1 January 2012, but by the end of 2013, it had already been amended five times. The increased range of laws that require a supermajority to pass in this new constitutional framework will likely damage the effectiveness of future governments that do not hold supermajorities. The overall quality of legislation has been low, as it has often been drafted hastily to suit the immediate interests of the government. Should an opposition party come to power in the future, it will also be constrained by Fidesz's appointments of officials to nominally independent institutions, in many cases for nine-year terms. This is most worrisome in the judiciary, and particularly at the Constitutional Court. The court had served as a check on the government, but by 2013, its jurisdiction had been reduced and its composition altered through appointments by the Fidesz supermajority.

Even as the government has increased its influence over other public institutions, power within the government has been concentrated in the hands of the prime minister. Critics have alleged a pattern in which Orbán, the leader of Fidesz since

1993, appoints not just party loyalists but personal friends and confidantes to key positions in nonpartisan state entities.²

Fidesz's electoral triumph gave it a historic opportunity to rescue the country from its dire economic situation and initiate crucial reforms in public services such as health and education. However, the government has been accused of squandering this opportunity by engaging in erratic economic policies, exerting political control over state institutions, pursuing an ideologically driven cultural transformation, undermining labor protections, and redrawing the electoral map with the apparent aim of entrenching itself in power for the foreseeable future. At the end of 2013, it appeared that Fidesz-KDNP would easily win the 2014 elections. The country's economic woes and a general sense of pessimism about the future have driven record numbers of Hungarians to emigrate, especially to Western Europe.³

National Democratic Governance. The new constitution—adopted by the ruling Fidesz-KDNP coalition in 2012—was amended twice in 2013. The Fourth Amendment, which reintroduced provisions that had been struck down by the Constitutional Court in 2012, further eroded the system of checks and balances and created an atmosphere of legal uncertainty. While a Fifth Amendment was adopted in September in response to international criticism of the changes, it did not fully address the complaints. In 2013, the ruling coalition effectively completed its takeover of independent state institutions by naming additional judges to the Constitutional Court and appointing former economy minister György Matolcsy as the president of the National Bank. *Hungary's national democratic governance rating worsens from 3.50 to 3.75.*

Electoral Process. The adoption of the 2011 electoral legislation and a 2012 election procedures law, which was amended in 2013, triggered severe criticism from the opposition. Its concerns included the apparent gerrymandering of the new constituencies, disproportionate allocation of votes to the dominant party, and problems regarding out-of-country voting and minority representation. By-elections were held in a number of municipalities in 2013; two of these had to be repeated due to allegations of fraud. Pending the implementation of the new electoral laws during parliamentary elections in 2014, *Hungary's electoral process rating remains unchanged at 2.25.*

Civil Society. In the absence of significant private philanthropy and owing to underdeveloped fund-raising practices, civil society in Hungary still largely depends on government funds, which are often handed out in a partisan manner. The parliament voted down a Jobbik proposal to register civil groups that receive more than HUF 1 million (\$4,400) from foreign sources as “agent organizations.” Major demonstrations are still permeated by partisan politics, but a number of symbolic grassroots civic protests took place during 2013. *Hungary's civil society rating remains unchanged at 2.25.*

Independent Media. The information landscape remains dominated by pro-Fidesz media enterprises that have been built up over the past decade and bolstered by the Fidesz government since 2010. A number of legal changes adversely affected freedom of speech in 2013, including the prohibition of hate speech in the Fourth Amendment and provisions in the civil code that provide increased protection against criticism to public figures. On a positive note, after a two-year-long dispute, opposition station Klubrádió was granted its frequency again in March. The Media Council issued its first fine under the 2010 Media Law in May, punishing the conservative *Magyar Hírlap* for publishing an article that referred to Roma as “animals.” *Hungary’s rating for independent media remains unchanged at 3.50.*

Local Democratic Governance. Local administrations have enjoyed a high level of political independence in Hungary since 1989. A trend of centralization began in 2010, including the reallocation of responsibilities, the nationalization of local assets, and the centralization of public education. In 2013, in a move that received harsh criticism from stakeholders, the parliament nationalized the schoolbook market and limited elementary school teachers’ choice to two books per subject and class. *Hungary’s local democratic governance rating remains unchanged at 2.50.*

Judicial Framework and Independence. The problematic judicial framework created in recent years remains in place. Fidesz politicians have on occasion made statements that could be interpreted as pressure on the judiciary, but there is no evidence that the day-to-day functioning of the judiciary has been affected. The Fifth Amendment annulled the power of the National Judicial Office’s president to reassign cases, and a new law adopted in March realigned the retirement age of judges with the general retirement age of 65. While the conditions for government meddling in judicial affairs are still present, the courts have shown integrity. *Hungary’s judicial framework and independence rating remains unchanged at 2.50.*

Corruption. A process of state capture by private economic interests continued in 2013. The government and the legislature used their power to improve the positions of friends and clients in the economy and to corrupt public procurement. In the first half of 2013, the government reregulated the tobacco market in a process fraught with controversies, and in June, results of a tender on the redistribution of agricultural lands came to light, showing that commercial interests linked to Fidesz won the bulk of the lands. According to critics, the government also used its leverage to influence the sale of a major commercial television channel. The freedom of information law was amended in April, eroding transparency and accountability in public decision-making. *Hungary’s corruption rating worsens from 3.50 to 3.75.*

Outlook for 2013. National elections will be held in the spring and municipal elections in the fall. The main question is whether governing parties obtain a qualified majority again. According to polls at the end of 2013, Fidesz-KDNP was expected to win by a wide margin. However, if surveys closer to the elections

suggest that the governing parties are not likely to obtain another supermajority, they may amend the constitution to reduce the scope of laws that require a two-thirds vote. The results of local elections are harder to predict, but it is likely that right-wing parties will retain their popularity. Should Fidesz-KDNP win again, it will continue its policies and attempt to further consolidate its rule over Hungary.

MAIN REPORT

National Democratic Governance

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2.00	2.00	2.25	2.25	2.50	2.50	3.00	3.50	3.50	3.75

Hungary is a parliamentary republic in which the prime minister, elected by a majority of the unicameral National Assembly (Országgyűlés), holds executive power. The prime minister is responsible to the parliament and can be removed, along with the cabinet, only through a “constructive no-confidence” process, which requires a new prime minister to be endorsed in the same vote. As a consequence, the executive outweighs the legislature under normal circumstances.

The parliament is the main legislative organ and has the exclusive power to pass laws. However, lesser forms of legislation may be promulgated by the government and ministers, so long as they conform to the laws and the constitution. The parliament elects the president of the republic for up to two five-year terms. In the first round of the election, a supermajority is required; if it cannot be reached, the next round is decided by a simple majority. The president of the republic plays a mostly symbolic role but has some control over the nomination and appointment of public officials and may refer legislation to the parliament or to the Constitutional Court before signing it into law. President János Áder is a longtime member of the Young Democrats’ Alliance–Hungarian Civic Union (Fidesz), the senior partner in the ruling coalition. Although certainly more active in scrutinizing legislation than his predecessor, who failed to return a single law, Áder has not provided an effective check on the parliament and the executive since his election in May 2012.⁴ The most controversial piece of legislation the president decided to sign without further review in 2013 was the Fourth Amendment to the constitution, enacted by the parliament in March (see Judicial Framework and Independence section).⁵

Since the April 2010 elections, the conservative coalition of Fidesz and its subordinate partner, the Christian Democratic People’s Party (KDNP), has held more than two-thirds of the seats in the parliament. The parliamentary opposition is composed of three ideologically divided parties: the center-left Hungarian Socialist Party (MSZP), the green Politics Can Be Different (LMP), and the radical nationalist Movement for a Better Hungary (Jobbik) on the extreme right. In October 2011, former prime minister Ferenc Gyurcsány and his followers left the MSZP and later formed a new party, Democratic Coalition (DK), but their attempt to form a recognized faction of 10 lawmakers in the National Assembly was repeatedly blocked under rules set by the majority. In 2013, LMP also split, and departing members formed the new party Dialogue for Hungary (PM). They serve as independents in the parliament and formed a coalition with former prime minister Gordon Bajnai’s Together 2014 (Együtt 2014) movement outside it. After

a period of uncertainty, the remaining members of LMP were allowed to retain the party's parliamentary faction.

The country's new constitution entered into force on 1 January 2012. It was widely criticized domestically and internationally, partly because it was drafted in a noninclusive process that reflected the values and interests of the ruling coalition and partly because it represented a step back on issues such as marriage equality, freedom of religion and reproductive rights.⁶ Since 2010, the government has used its supermajority to amend the constitution—both old and new—to serve its short-term political and legislative needs. Such frequent changes to the fundamental law, along with lower-level legislation that directly serves the interests of the governing parties' clients,⁷ create an atmosphere of legal uncertainty and damage the rule of law.

The most important constitutional change in 2013 was the Fourth Amendment, which reintroduced provisions that had been struck down by the Constitutional Court on procedural grounds in December 2012. The 22-article amendment contained a number of questionable restrictions on topics including the definition of the family, the recognition of religious organizations, freedom of speech, the scope of the Constitutional Court's power to review constitutional amendments, the financial autonomy of universities, and the criminalization of homelessness.⁸ In September, the parliament passed a Fifth Amendment to the constitution, introducing minor changes to some of the Fourth Amendment provisions that were most sharply criticized by the Council of Europe's Venice Commission and others.

The current government has systematically undermined the system of checks and balances not only through legislation, the adoption of a new constitution, and frequent constitutional amendments but also by filling key positions in independent state institutions with partisan or personal loyalists. One of the last major institutions not headed by an ally of the prime minister at the beginning of 2013 was the Hungarian National Bank (MNB). However, after the term of the incumbent MNB president expired, the Fidesz economy minister, György Matolcsy, was named as his successor in March. The parliament also appointed two justices to the Constitutional Court, increasing the number of justices nominated by the governing coalition to 8 in the 15-member court.

Though it does not seem to have cowed opposition members, the parliamentary majority has imposed fines on lawmakers who express opinions in an unconventional manner in the chamber, such as with gestures, placards, or performances. For example, in November, two female members of parliament (MPs) were fined for painting bruises on their faces to protest against a coalition member who was expelled from Fidesz but was allowed to retain his seat despite high-profile domestic violence allegations against him.⁹

National politics during 2013 revolved around preparations for the 2014 elections. At the end of the year, the opposition parties remained in disarray, and Fidesz-KDNP appeared to have the most popular support.¹⁰ Voter apathy toward electoral politics has been a long-term trend in the country, although participation on election day tends to be relatively high. While the number of undecided voters had decreased by the end of the year, it remained at around 40 percent.¹¹ Jobbik's

popularity has decreased among youth, but it remains the second most popular party in the 18–29 and 30–39 age brackets.¹²

Electoral Process

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
1.25	1.25	1.75	1.75	1.75	1.75	1.75	2.25	2.25	2.25

Since 1990, Hungarian elections have consistently been assessed as free and fair. Members of parliament have been elected for four-year terms in a two-round mixed electoral system. Parties had to reach a 5 percent threshold to gain seats through regional and national party lists.

In the last general elections in 2010, the severely discredited MSZP was soundly defeated by Fidesz-KDNP, which now holds 67.4 percent of the seats in the parliament. MSZP has 12.5 percent, Jobbik 11.2 percent, and LMP 1.8 percent. As of the end of 2013, there were 27 independent members, mostly due to the secession of Gyurcsány and his allies from the MSZP, some Jobbik MPs quitting the party faction, and the split in the LMP.¹³

While the previous electoral system ensured free and fair balloting, it was very complex, and the parliament—with 386 members, of whom 176 were elected in individual constituencies—was consistently deemed too large for the population of the country. A new electoral law passed by the ruling coalition at the end of 2011 retains the mixed proportional-majoritarian nature of the previous system but will reduce the parliament to 199 members and increase the share of single-member districts, with 106 individually elected members and 93 party-list seats. The law sparked strong resistance from the opposition for its apparent gerrymandering of the new constituencies, a shorter period for collecting the signatures required for candidacy, and changes in the allocation of excess and lost votes that favor the dominant party. Critics allege that the new law will solidify Fidesz's grip on power for the foreseeable future.¹⁴

The 2011 law also granted the vote for the first time to ethnic Hungarians in neighboring countries who have accepted Hungary's offer of citizenship. The election procedures law—which had been adopted in 2012 but needed redrafting after several of its provisions, including on voter registration, were ruled unconstitutional in January 2013—set out the specific rules on voting. After the law was adopted in April, human rights groups voiced concerns that it discriminates against out-of-country voters with residence in Hungary. While newly registered citizens without residence are allowed vote via mail, the few hundred thousand Hungarians working abroad have to vote in person at the country's consulates.¹⁵ The staffing of the National Electoral Commission with people loyal to the incumbent government has also been a problem for the past decade and remained a concern in 2013.¹⁶

The political representation of women and minorities continues to be unsatisfactory. The proportion of female MPs in the parliament stood at 9 percent

—the lowest in the European Union (EU) by far—at the end of 2013, and no improvement was expected after the 2014 elections.¹⁷ Out of 106 individual candidates, Fidesz nominated only 6 and MSZP only 8 women on their respective party lists.¹⁸ Macho attitudes and sexist remarks were common in 2013 during discussions of gender-related matters in the parliament.¹⁹

Ethnic minorities in Hungary may set up local and national self-government bodies. In the case of the Roma, the most populous minority with between 500,000 and 800,000 people, the dominant party in the minority council is Lungo Drom.²⁰ The party is headed by Flórián Farkas, who is also a Fidesz MP. According to the new electoral rules, which reshaped how minority representatives are elected, minority self-government bodies may run a separate list. This list is compiled by the party which has the most representatives in each minority council.²¹ However, Romany civic organizations protested against the changes, pointing out that if minority voters choose to register for the minority list, they cannot vote for national party lists.²² In 2013, a newly founded Romany party decided not to run on the minority list, but analysts expressed doubt that it would win seats on its own.²³

Several by-elections were held in 2013, and the candidates of Fidesz-KDNP proved remarkably successful. In at least two cases, the election had to be repeated due to allegations of fraud. An investigation was underway at year's end in the case of November by-elections in Fót, where the opposition candidate won, due to numerous complaints of irregularities, including the transportation of voters from outlying districts and violations of electoral silence.²⁴ In the case of September voting in Baja, the election had to be repeated for similar reasons in a district where the Fidesz candidate won with a disproportionately large number of votes.²⁵ Following the October rerun, the online news portal Hvg.hu published a video purportedly showing vote buying in a Romany community. The video, in which Roma residents are promised firewood if they give their votes to Fidesz, turned out to be fake.²⁶ The editor in chief of Hvg.hu and the MSZP's head of communications resigned after it was revealed that the video had been handed to the news outlet by an MSZP politician.²⁷

Political parties are active in the country, especially the newer factions, which seem to be more responsive to grassroots concerns. Beyond periodic protests, demonstrations, and voting every four years, however, there is little citizen participation in political and public life. Trust in institutions and political parties remains low, raising concerns about the legitimacy of the political system. In 2011, Perspective Institute found that nearly 29 percent of respondents would strongly support and 16 percent would somewhat support changing the present democratic regime for an authoritarian one if it came with rapid economic growth.²⁸ The “failure of the past 20 years” has become a rhetorical staple on both the left and the right, though the conclusions each side draws from this assessment are drastically different.

Civil Society

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
1.25	1.25	1.50	1.50	1.75	1.75	2.00	2.00	2.25	2.25

The legal framework is generally hospitable to civil society, accommodating various forms of nongovernmental organizations (NGOs). However, due to the lack of funding and recent legal changes, Hungarian civil society is less able to act as a check on political power. A comprehensive new law regulating the right of association and the functioning of NGOs entered into force in 2012.²⁹ According to the law, NGOs should specify their purpose in their statute, have a listed membership, and be registered by a court. It also requires NGOs to submit annual reports to a court, with failure to do so resulting in possible deregistration. Previously, thousands of organizations remained in the system with no recorded activities. The legality of NGO activities is overseen by the office of prosecution.

Aside from a handful of high-profile watchdog organizations, most NGOs operate on a very small scale with miniscule budgets. In 2013, two well-known human rights NGOs went through leadership crises: half the staff of Amnesty International Hungary quit in July,³⁰ and the director and some key figures of the Hungarian Civil Liberties Union left the organization in the same month.³¹ The engagement of private philanthropy in funding civil initiatives is very limited in Hungary, and the few private sources that do support such activities fail to set and publish clear and transparent guidelines for grant making. Apart from some international donors, such as the EEA-Norway Grants and the Open Society Foundations, NGOs are overly dependent on the government and EU funds. Small individual donations play a minor role in NGO funding; in 2012, about 40 percent of NGO revenues originated from state funding and only 20 percent from private sources.³² Another source of independent income for the sector is the so-called 1 percent tax scheme, under which taxpayers can assign 1 percent of their income tax to an NGO of their choice.

In October 2013, Jobbik proposed to register civil groups that annually receive more than HUF 1 million (\$4,400) from foreign sources as “agent organizations.”³³ The proposal was voted down in the parliament. In December, however, the parliament adopted a new law that required NGOs benefitting from the 1 percent tax scheme to register, empowering the National Tax and Customs Administration (NAV) to administer the process.³⁴

Government funds are distributed through the National Cooperation Fund (NEA). NEA is the successor of the National Civil Fund (NCA), which had been criticized in previous years for its working methods and funding policies. The new entity was established by the Fidesz government in 2011 with a mission to support “civil organizations, national togetherness, and public good.” Its budget and the number of organizations receiving funding shrank to about one-third of the amount under NCA.³⁵

NEA's governing body is a nine-member council consisting of three people appointed by the minister in charge, three by the relevant parliamentary committee, and only three civil society delegates. The chair of the council is appointed by the minister in charge. Funds are primarily distributed by five thematic colleges, but the chair can override the colleges' decisions by withdrawing grants from winners and issuing grants to organizations that the colleges previously turned down. Moreover, 10 percent of the NEA budget is directly distributed by the minister in charge.

The NEA council's current chair is László Csizmadia, a vocal supporter of Prime Minister Viktor Orbán's government. He is the head of the Joint Civil Forum (CÖF), an association with a mission to "strengthen the coherence of the Hungarian nation." Csizmadia claims that CÖF is the "largest civil association of the Carpathian basin," with 400 member organizations.³⁶

CÖF organized several progovernment rallies in the past two years under the name of Békemenet (Peace March). In 2013, for example, tens of thousands of people participated in the 23 October Békemenet, listening to a speech by Prime Minister Orbán. MSZP endorsed a movement with a similar name called Éhségmenet (Hunger March), with the poor marching from Miskolc to Budapest in February to express their discontent and call attention to their plight. The movement later expanded to other towns across the country and was endorsed by both LMP and its splinter faction, PM.

Apart from demonstrations that were permeated by partisan politics, several grassroots protests sprung up in 2013. In December 2012 and in early 2013, students demonstrated against the introduction of the so-called student contract, under which undergraduates enjoying state-funded slots in universities would have to agree to stay and work in Hungary for several years after graduation. In March, a Facebook group called The Constitution Is Not a Toy (*Az Alkotmány nem játék*) staged a sit-in at the Fidesz headquarters to demonstrate against the Fourth Amendment to the Fundamental Law.³⁷ The City Is for All (*A város mindenkié*), a volunteer-based grassroots organization, protested several times against the criminalization of homelessness and forced evictions. In some instances, the police responded by launching criminal investigations against the protesters.³⁸

Under a 2011 law on religions, 90 percent of the more than 300 legally operating religious groups lost their status as churches.³⁹ The law—which was ruled unconstitutional in February 2013 and then incorporated in the constitution via the Fourth Amendment—received severe criticism from domestic and international NGOs. The Venice Commission of the Council of Europe stated that it contradicts European standards because the criteria for the recognition of churches are vague and the parliament is not an independent arbiter on questions of religion.⁴⁰ The Fifth Amendment, adopted in September, tweaked the language on churches but retained the essentially discriminatory regulation.⁴¹ A complaint—submitted by churches stripped of their status—was pending at year's end at the European Court of Human Rights.

Independent Media

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2.50	2.50	2.50	2.50	2.50	2.75	3.25	3.50	3.50	3.50

The Hungarian media scene features a fairly wide range of print, broadcast, and internet outlets. Media ownership is relatively diverse, with a few multinational print houses and local private companies managing varying portfolios. However, the shrinking private advertising market has posed serious problems for smaller and independent media businesses. At the same time, the relative economic success of others is often secured through strong political support and targeted advertising spending by state institutions and state-owned companies.

After two decades in which liberal and pro-Western voices predominated in the media, a dynamic conservative media sector has developed in recent years, largely based on the investments of affluent businesspeople who support Fidesz. This media empire today consists mainly of 15 intertwined companies controlled by four individuals.⁴² Despite the 30 percent drop in overall advertising revenues in the past three years, the group has managed to earn significant profits since Fidesz came to power.⁴³

The two terrestrial commercial television stations, TV2 and RTL Klub, remain the principal source of news for most Hungarians, along with a growing number of cable channels.⁴⁴ Yet the amount of public affairs content on these channels has seriously diminished in recent years.⁴⁵ News blocs are not only short and offer mostly tabloid-style material, but they often simply enumerate different party positions, seldom providing deeper analysis or broader perspectives. In May 2013, the government proposed an advertising tax that would appropriate most of the profits of the two major players. After the bill was postponed, some alleged that Fidesz had circulated the idea of the tax to influence the sale of TV2 and deter potential foreign buyers.⁴⁶ The channel was finally sold to its chief executive and financial director in December, amid speculation about the new owners' links to the conservative media empire.⁴⁷

Partisan interests, particularly incumbent governments, have had a strong influence over public-service broadcasting since 1990. However, under the current administration, this progovernment bias has been replaced with a more overt transmission of government views.⁴⁸ The public television and radio stations and the state-owned news agency were merged in 2011 to improve efficiency, but the new umbrella institution, the Media Service Support and Asset Management Fund (MTVA), has failed to ensure transparency and features a proliferation of senior management positions and obscure areas of responsibility.⁴⁹ Meanwhile, content is regularly affected by censorship and factual distortions to suit the government's interests.⁵⁰

The country's broadsheet newspapers have long been characterized by open bias, with two major outlets on each side of the deep political divide. As a consequence, not only has their circulation been radically shrinking, but they are also losing significance in shaping the public debate. There are a few popular yet

apolitical tabloids, and two major free newspapers enhance the preponderance of progovernment voices in the media. Both papers, *Metropol* and *Helyi Téma*, are closely linked to Fidesz.⁵¹ Online news portals and blogs have created a vibrant environment for political debate and analysis, and a number of blogs practice investigative journalism.⁵² The online sphere is not free of partisan bias,⁵³ however, and the internet also provides room for extreme right-wing content that promotes nationalism, xenophobia, and anti-Semitism.

A number of legal changes adversely affected freedom of speech in 2013. In February, the parliament passed a new civil code that provided increased protection against criticism to public figures. The ombudsman sent the law to the Constitutional Court, arguing that the provisions curbed free expression.⁵⁴ In March, domestic and international observers criticized the Fourth Amendment, citing its prohibition of hate speech—and especially the ban on violating the “dignity of the Hungarian nation”—and restrictions on political advertising during elections as particularly problematic.⁵⁵ The latter were amended and rectified to some extent by the Fifth Amendment in September. In the aftermath of the Baja electoral fraud in October, the government promptly amended the criminal code, rendering the production and publication of forged video and audio recordings punishable by prison terms. The Organization for Security and Cooperation in Europe (OSCE) representative on freedom of the media criticized the new law as unnecessarily restrictive, especially given that defamation was already a criminal offense in Hungary.⁵⁶

After a two-year legal dispute, opposition station Klubrádió was granted its frequency again in March 2013, when a Budapest court ruled that the Media Council’s decision to invalidate the station’s tender had been unlawful.⁵⁷ The station can use the frequency for seven years. In December, the NMHH decided to effectively nationalize one of the two remaining nationwide commercial radio frequencies, which had been held by Neo FM, a station owned by MSZP-linked businesspeople. The other frequency was held by Fidesz-affiliated tycoon Zsolt Nyerges.⁵⁸ This is not the first time political influence shapes decisions on frequency distribution. In 2009, in the midst of a major scandal with international ramifications, Fidesz and then-governing MSZP distributed the two national frequencies between their business associates.⁵⁹ This deal was annulled by the December decision.

The Media Council issued its first fine against a newspaper in 2013, punishing the conservative *Magyar Hírlap* in May for an article in which journalist and Fidesz founding member Zsolt Bayer referred to Roma as “animals” and called for an immediate “solution” to Romany crime.⁶⁰ In an unusual decision in November, the National Bank, which in October absorbed the previously independent Hungarian Financial Supervisory Authority (PSZÁF), fined the business daily *Napi Gazdaság* and its Napi.hu online edition for an article on MOL, a Hungarian oil and gas company. The bank issued the fine for “unfair manipulation of the market.”⁶¹

Self-censorship remains a problem in Hungarian media. According to a 2012 survey by Mérték, a media-analysis think tank, 80 percent of the public, 77 percent of journalists, and 96 percent of media owners and managers believe there are a number of taboo issues in the Hungarian public sphere.⁶² Yet many of

the respondents said the much-criticized 2010 Media Law had not greatly affected this situation. One, summarizing the views of others, explained that journalists exercising self-censorship “had always been confined to narrower limits than those assigned by laws and regulations.”⁶³

Under the 2010 law, the National Media and Electronic Communications Authority (NMHH) oversees all media, public and private, including broadcast, print, and online outlets. It grants licenses and frequencies, monitors content, and investigates and adjudicates public complaints. Its major regulatory body is the Media Council, which consists of five people nominated by a two-thirds parliamentary majority for nine-year terms. Amendments were made to the Media Law in March, including changes to content requirements and the appointment procedure of the Media Council,⁶⁴ and a new chair, Mónika Karas, was appointed in September to succeed Annamária Szalai, who died in April.

Local Democratic Governance

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2.25	2.25	2.25	2.25	2.50	2.50	2.50	2.50	2.75	2.75

Local self-governance has been a central element of Hungarian democracy since the fall of communism in 1989. The high level of decentralization is reflected in the large number of independent local councils in relation to the country’s population. Almost half of the approximately 3,200 municipalities are small villages with fewer than 1,000 residents, and only around 300 of them have the status of a town. Each municipality votes for its own mayor and council. However, their political autonomy is limited in practice by heavy financial dependence on the central government, as lack of industry and consistently high rates of unemployment keep local tax revenues at a low level.

Based on the new constitution in effect since 1 January 2012, fundamental reforms have been rearranging local governance. A key guarantee of the old charter was the declaration that the state would respect local councils’ autonomy and property. However, under the new constitution, local governments are subordinate to the national government’s policy, and all local assets are considered part of Hungary’s national property, not owned but merely controlled by the municipalities to perform certain tasks allotted by the state. Responsibility for such tasks has been shifting radically in the past three years. Between 1990 and 2010, the government supervised the operation of local self-governments in cooperation with the Ministry of Interior. Under the new constitution, the metropolitan and county government offices have increased competences in supervising the activities of local governments.

Local elections are organized every four years, in the same year as the quadrennial national elections. Fidesz’s overwhelming ascendancy in local governments exceeds even its parliamentary supermajority. The governing party controls all but one of Hungary’s 23 main cities and all 19 county-level assemblies. It also holds the mayoral post in Budapest and enjoys a strong majority on the city council. Budapest

comprises 23 autonomous districts, each with an independently elected mayor and assembly. Fidesz has governed all but two of the districts since the 2010 elections.

Jobbik or politicians affiliated with the party have captured a number of mayoral positions and municipal councils in the past few years, especially in the economically struggling northern and eastern parts of the country. In December 2013, László Toroczkai, the leader of a far-right youth movement and a county council member with Jobbik, was elected mayor of the village of Ásotthalom. Toroczkai received 71 percent of the votes cast, though the participation rate was 37 percent.⁶⁵

The government has centralized public education, taking it over from local governments in the past two years. The previous system was often criticized for producing inconsistency, segregation, and dire inequalities between wealthier and financially less privileged regions of the country. The government claims that the recent reform effort aims to eliminate these long-standing imbalances and create a fairer and more predictable system in which both children and teachers can enjoy greater security. As part of the reforms, all teachers and other educational employees were transferred in 2013 to the payroll of a new centralized entity called the Klebelsberg Institution Maintenance Center (KLIK). The center itself has 2,300 employees who, through 198 school-district principals, are responsible for 3,000 schools, 1.2 million students, and 120,000 teachers. KLIK is also in charge of all teaching materials, supplies, and professional training coordination.

In 2013, the parliament increased elementary- and high-school teachers' salaries and nationalized the schoolbook market.⁶⁶ Elementary schools from grade one through eight will receive school textbooks for free, and KLIK will supervise their selection from the two textbooks available per subject and class. The elimination of teachers' choice and the nationalization of the market received harsh criticism from stakeholders including book publishers, students, teachers, and unions. Two Fidesz MPs—Zoltán Pokorni, chairman of the education committee, and János Bencsik, former state secretary for climate change—voted against the legislation.⁶⁷

At least some of the opposition to these reforms stems from the concern that they are part of a broader Fidesz effort to push the country's culture in a conservative nationalist direction. Such fears are fueled not just by centrally designed curriculums,⁶⁸ but also by the government's patronage of ideologically aligned artists⁶⁹ and its sponsorship of historical research.⁷⁰

Judicial Framework and Independence

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
1.75	1.75	1.75	1.75	1.75	2.00	2.25	2.75	2.50	2.50

Citizens are equal before the law, and the judiciary serves as the primary guardian of constitutional rights. The judiciary is currently organized in a four-tier system of local courts, county courts, high appeals courts, and the Supreme Court (Kúria). Local and county courts have jurisdiction over their territorial districts, with county courts also serving as appellate courts for minor local cases. The high appeals courts

have regional jurisdiction, with seats in Budapest and four other cities. The Supreme Court serves as a final appeals court and ensures the uniform application of laws, developing a limited form of case law.

The Constitutional Court has shaped the legal framework of Hungary since 1990. Its members are elected by the parliament from among the country's legal scholars, though critics have raised questions about the credentials and right-wing political ties of the judges appointed under the Fidesz government. In 2011, the parliamentary majority increased the court's membership from 11 to 15 justices, and by the end of 2013, a total of 8 justices had been appointed by the ruling coalition.⁷¹

Since 2010, the government has narrowed the scope of the Constitutional Court's jurisdiction. With extremely limited exceptions, the current rules exclude the possibility of a constitutional review regarding financial and tax measures. The new constitution abolished the right of citizens to initiate an abstract constitutional review, or *actio popularis*, but introduced a new competence by which the court can review the constitutionality of judicial decisions. The Constitutional Court has been relatively restrained in its use of this new power to protect individual rights.⁷²

In 2012, the court struck down several controversial laws adopted by the government, such as a law on the retirement of judges, legislation criminalizing homelessness, and provisions narrowing the definition of a family. This trend continued in January 2013, when the justices found the new electoral legislation, which included a provision on voter registration, to be unconstitutional.⁷³

In response, the parliamentary majority integrated some of the rejected laws into the constitution by adopting the Fourth Amendment in March. The amendment, among other changes, defined marriage as a union between a man and a woman, restored the previously annulled law on religions, restricted political advertising, and rendered decrees criminalizing homelessness constitutional. The modified text also stated that "Constitutional Court rulings given prior to the entry into force of the Fundamental Law are hereby repealed."⁷⁴ However, this did not stop the court from referring to its previous case law.⁷⁵ After the court rejected the ombudsman's appeal to annul the amendment, Prime Minister Orbán declared after a meeting with Chief Justice Péter Paczolay that "the time of constitutional debate is over."⁷⁶

Nevertheless, the Fourth Amendment received heavy criticism from both domestic and international organizations, including the EU and the Council of Europe.⁷⁷ In its opinion on the changes, the Council of Europe's Venice Commission argued that the "instrumental use" of the constitution posed a problem and concluded that the amendment amounted to a threat to constitutional justice.⁷⁸ To quell international criticism, the government decided to adopt an additional amendment in September. The Fifth Amendment rectified some of the problematic changes to the constitution but left its substance intact. The changes included lifting the ban on political advertisement in commercial media during electoral campaigns (however, outlets would have to broadcast advertisements for free); eliminating the provisions on raising taxes in case Hungary is fined by international courts; and recognizing all denominations as churches—without reinstating the status of the

more than 200 churches previously stripped of it, however.⁷⁹

Since 2011, the governing body of the judiciary has been the National Judicial Office. While the previous arrangement was duly criticized for its lack of transparency and for placing too much power in the hands of the presidents of the county courts, the new system exposes the judiciary to government influence. The head of the office is elected by a supermajority in the parliament, and the first incumbent is Tünde Handó, the former president of the Labor Court and the wife of József Szájer, a longtime friend of the prime minister and a Fidesz member of the European Parliament.

The Fifth Amendment annulled the power of the National Judicial Office president to reassign cases. Earlier, Handó had used her discretionary authority to reassign cases outside their regular jurisdiction in a number of instances.⁸⁰ Among the most high-profile examples was that of Miklós Hagyó, a former MSZP politician accused of corruption, whose case was transferred from Budapest to Kecskemét in 2012. In April, Hagyó won a ruling at the European Court of Human Rights, where he had argued that the length and conditions of his 2010–11 pretrial detention breached the European Convention on Human Rights and Fundamental Freedoms.⁸¹ The corruption case against him was waiting to be reassigned at year's end.

Leading government officials tried to influence the judiciary in a few prominent cases during 2013, without success. Despite political pressure, the judiciary appeared to retain a degree of autonomy, with judges generally able to carry out their functions independently and without interference. In March, Orbán sharply criticized the courts for ruling in favor of energy companies in a dispute with the government.⁸² Later in the year, the leader of Fidesz's parliamentary group, Antal Rogán, expressed strong opinions in a high-profile criminal case. The Association of Hungarian Judges warned politicians to refrain from commenting on ongoing cases, as they might "create the impression of influencing the judiciary."⁸³ Following a December Supreme Court ruling in which the court found controversial foreign-currency mortgages to be legal, a number of politicians from Fidesz and Jobbik expressed their discontent with the justice system.⁸⁴

In a highly contentious piece of legislation that took effect along with the new constitution in January 2012, the government lowered the mandatory retirement age for judges from 70 to 62. In November 2012, the Court of Justice of the European Union ruled that the forced retirement violated EU principles.⁸⁵ A new law adopted by the parliament in March 2013 realigned the retirement age of judges with the general retirement age of 65. The law, however, did not provide for the right of the previously ousted judges to be reinstated in their original posts.

Under the new constitution, a single Office of the Commissioner for Fundamental Rights was created to replace the previous ombudsmen's offices. The commissioner is elected by a supermajority in the parliament for a nine-year term and has two deputies, one for "future generations" and one for the rights of national and ethnic minorities.⁸⁶ The portfolio of the former ombudsman for data protection and freedom of information was moved to the National Authority for Data Protection and Freedom of Information.⁸⁷ In September 2013, the parliament

elected László Székely as the new commissioner for fundamental rights.⁸⁸

Corruption

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2.75	3.00	3.00	3.00	3.25	3.50	3.50	3.50	3.50	3.75

Corruption has long permeated both the political sphere and private transactions and is often accepted as a fact of life.⁸⁹ The widespread practice of bribing doctors in the public health system created an awkward legal situation in 2013, when a new amendment to the penal code rendered it a crime, despite a provision in the 2012 labor code that permitted hospitals to pass bylaws allowing such payments.⁹⁰ Studies published over several years have shown that businesses are exposed to corruption when dealing with other companies and in their interactions with the public sector. According to a survey released in 2011, the majority of chief executives believe that good personal connections play a significant role in public procurement procedures, and while 30 percent of the respondents said they would not necessarily refuse a corrupt deal, only a small fraction would be ready to report it to the police.⁹¹

Political parties also pose a major corruption risk in Hungary. The badly designed party and campaign financing regulations almost encourage parties to seek funds from opaque sources.⁹² While the reform of party financing has been a slogan in political campaigns for many years, no government has enacted significant changes. The parliament passed a new law on party financing in June 2013, but according to Transparency International and the think tank Political Capital, it actually raises the risk of corruption.⁹³ Separately, a new freedom of information law adopted in April reduced the scope of access to information on government decisions.⁹⁴

Public procurement in particular has been a problematic area for the entire democratic period, due in part to the legacy of the communist state's role as the predominant redistributor of resources. Over HUF 1.3 trillion (\$5.7 billion) is spent annually through public procurement procedures.⁹⁵ The lack of an appropriate database presents an obstacle to the transparency of public spending,⁹⁶ and the funds have gone disproportionately to businessmen linked to the prime minister and Fidesz in the period since 2012.⁹⁷ Using its supermajority, the Fidesz-KDNP coalition has appointed allies to lead state agencies with anticorruption roles for very long terms—typically nine years. For example, the current head of the State Audit Office, László Domokos, was a Fidesz MP at the time of his 2010 appointment for a term of 12 years.

Although corruption was a systemic problem well before the 2010 electoral victory of Fidesz-KDNP, the coalition has facilitated graft and patronage on a new scale, using its legislative power to interfere with even minor segments of the economy and benefit its private-sector clients.

The redistribution of agricultural lands has been a contentious issue since 2012.

Fidesz, in keeping with its ideology, professed to favor local smallholders and family farms. However, after a new law on agriculture was passed in June 2013 and the results of the tenders came to light, it became clear that the winners were far from small-scale farmers who applied for lands in their villages. Instead, commercial interests linked to Fidesz, often with no connection to the regions in question, won the bulk of the lands distributed during the year. Former state secretary and Fidesz lawmaker József Ángyán opposed this process and was ultimately compelled to quit the Fidesz faction, becoming an independent MP. According to a report he released in September 2013, half of the 918 interests that submitted tenders won less than 10 hectares, while 67 interests won over 100 hectares and 14 over 300 hectares.⁹⁸ For example, Lőrinc Mészáros, the mayor of Orbán's hometown, and his family won nearly a quarter of all the lands distributed in Fejér County.⁹⁹ The family of Orbán's son-in-law also received sizeable properties, as did companies linked to Lajos Simicska, Orbán's childhood friend, who is considered the most powerful business magnate in Hungary.¹⁰⁰

In the first half of 2013, the government also reregulated the tobacco market. The sale of tobacco products previously was relatively free, and licenses were held by a range of outlets, including kiosks operated by family businesses, gas stations, and supermarkets. The new regulations stripped all businesses of their licenses and handed out a much smaller number of new licenses, reducing the number of sales points from 38,000 to about 5,400.¹⁰¹ The new rules stipulated that tobacco could only be sold in specialized tobacco shops. The licensing process was fraught with controversies, forcing the overwhelming majority of former license holders out of business and ultimately rewarding associates of leading figures in the ruling party, as was disclosed by a Fidesz council member in the Szekszárd municipality, Ákos Hadházy.¹⁰² Like Ángyán, Hadházy had to leave the party. The restrictive amendment to the freedom of information law that passed in April came in the midst of this scandal. Given that Hungarians spend a large proportion of their household income on tobacco and alcohol, the tobacco licenses in themselves were a major boon for those who received them,¹⁰³ and the government increased the guaranteed profit margin to 10 percent.¹⁰⁴ Nevertheless, the new kiosks (National Tobacco Shops) proved much less lucrative than expected: legal tobacco sales plunged by approximately 40 percent after they opened.¹⁰⁵

In May, the prime minister proposed the introduction of a new advertising tax targeting major electronic media providers. The estimated amount to be levied by the tax if introduced, HUF 6 billion (\$26 million), roughly equals the annual profit of the sector. It would make RTL, the main commercial terrestrial-broadcast television channel, barely profitable, while TV2, the second-biggest channel, would be a loss-making enterprise, having already struggled financially. Industry observers linked the tax proposal to the expected sale of TV2 by its existing owner, Germany's ProSiebenSat1 group, alleging that the measure was designed to deter prospective investors and influence the transaction in favor of Zsolt Nyerges, a businessman closely affiliated with the prime minister and the owner of the country's only remaining nationwide commercial radio station.¹⁰⁶ At the end of the year, TV2

chief executive Zsolt Simon announced that he and the channel's financial director, Yvonne Dederick, had purchased the outlet. He offered no immediate details on the price or the source of their financing.¹⁰⁷ The advertising tax proposal was postponed until 2014.

At the beginning of November, a former employee of NAV reported to the prosecutor's office that the agency turns a blind eye to value-added tax fraud committed by some of Hungary's major corporations. He estimated that the fraud cost the state about HUF 1 trillion (\$4 billion) annually.¹⁰⁸ The whistleblower, András Horváth, cited documents he claimed to have collected while working at NAV.¹⁰⁹ In mid-December the police searched his house, acting on criminal charges raised by NAV.¹¹⁰ The case underscored the insufficient protection for anticorruption whistleblowers in Hungary.¹¹¹

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¹ The name is a pun in Hungarian on various uses of the word *jobb* (right), meaning at once “the better one,” “the one which is more correct,” and “the more conservative one.” Movement for a Better Hungary is the official English translation.

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