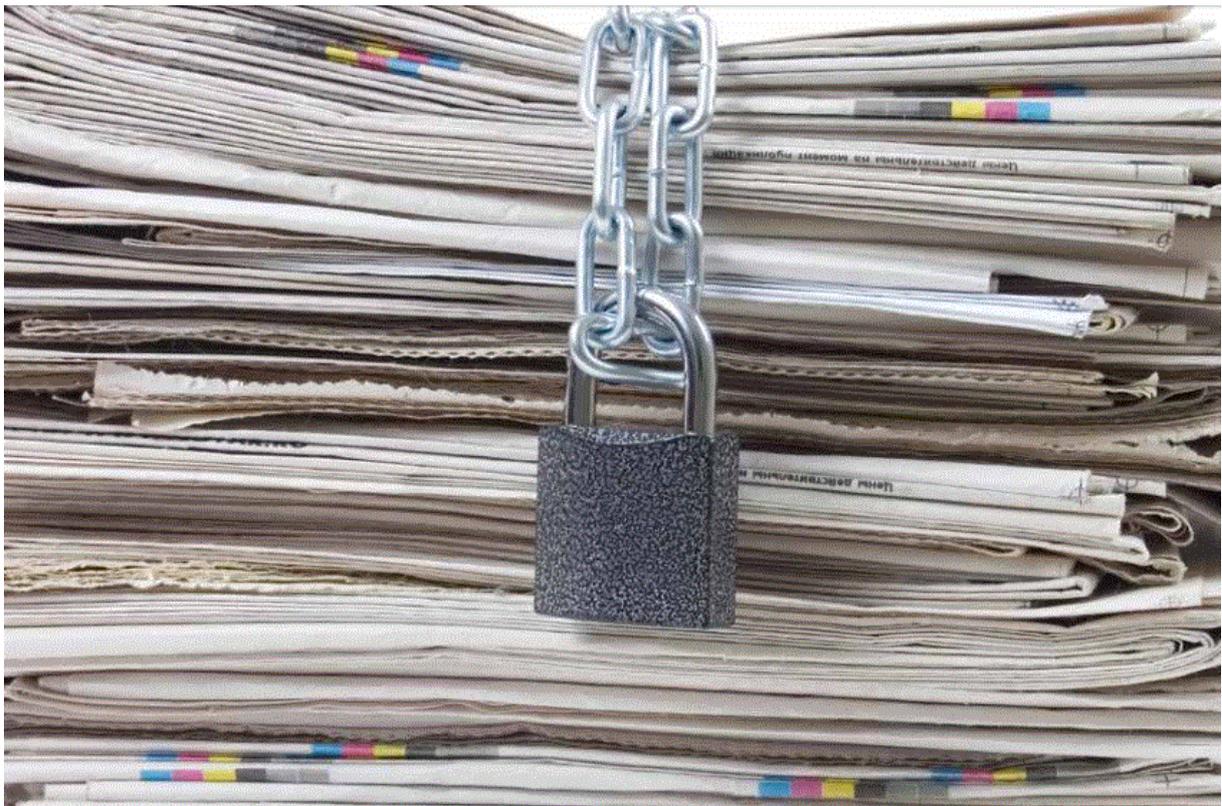


POLICYSOLUTIONS



# **POLITICAL DISCRIMINATION IN HUNGARY**



**CASE STUDIES FROM  
THE HUNGARIAN JUSTICE SYSTEM, LOCAL  
GOVERNMENT, MEDIA, AGRICULTURE, EDUCATION  
AND CIVIL SECTOR**

**Policy Solutions**

**1000 Brussels, 10 Square Ambiorix**

**[www.policysolutions.eu](http://www.policysolutions.eu)**

**[info@policysolutions.eu](mailto:info@policysolutions.eu)**

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## **Executive Summary**

**In this paper, we analyse political discrimination against those Hungarians who have been opponents of the government's politics in the last few years. Although political and other types of discrimination are severely prohibited by Hungarian laws, and while freedom of expression is a right laid down in the constitution, it is not uncommon for the government to retaliate against those with opposing views, and the impaired democratic institutions cannot always protect citizens from these retaliations. The case studies of our analysis illustrate the tools the Hungarian government uses against its own citizens, taking advantage of the fact that democratic functioning and the rule of law are often just pretences, as the government could eliminate "in time" many of the checks and balances that are supposed to protect its subjects.**

**The ten cases examined in this study show that various forms of political discrimination – from employment dismissal to economic undermining – are present in both the public and private spheres. Though there is a good chance that most instances of political discrimination do not make it into the news, we still managed to bring case studies from virtually all of the main "points of contact" between the government and citizen. The judiciary, the media, education, local government, agriculture and the third sector are all areas where today it is inadvisable to oppose the government. Retaliation sometimes occurs not due to the government's will but as a result of overzealous lower-level state or local officials' desire to conform. Still, the government itself leads the way by utilizing the state to undermine its real or supposed political opponents.**

**Of course, pockets of freedom of varying sizes continue to exist in Hungary, and we cannot speak of a dictatorship. The courts and the Equal Treatment Authority often come down against the government. This shows, on the one hand, that the state has indeed politically discriminated against individuals and organizations,**

and, on the other, that some parts of the judiciary have maintained their relative independence.

From the research presented here, containing investigative reports, judicial decisions and case studies, a Hungarian Potemkin democracy is sketched out, whereby political discrimination is possible in a way that the state exerts influence not based on but despite legal regulations. Nonetheless, we certainly cannot proclaim the complete undercutting of dissidents – instead, we can identify a gradual restriction of their options. The Hungarian system is not best defined as exercising total control over opinion, but there is, in fact, government demand for such an outcome.

Visibly, this regime, which sees political enemies behind all criticism, has had and will have many innocent victims. The state has ruined (often apolitical) people who were simply doing their jobs. Nonetheless, they found themselves in the crosshairs of the government. The destroyed lives of these people – their lost work, their bankrupted businesses and in some cases even their death – are perhaps the best illustrations of why the protection of human rights and the prevention of political discrimination are so important in every instance.

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## **I. Introduction**

The state of democracy and the rule of law in Hungary have been the topics of many books, essays and articles. These analyses show how a post-communist liberal democracy set foot on the path to becoming an illiberal democracy. The new laws and measures adopted since 2010 have been thoroughly examined by political analysts. These changes include, among others, the new Hungarian basic law, the new media law, new employment laws, the impairment of the authority of independent institutions, tailor-made legislation, the evisceration of the political opposition and the propaganda campaigns against migrants, the European Union (EU) and independent civil society organizations.

These laws and measures were initially met with strong criticism, but later a new scandal cleared them off the daily news cycle, and their real effects on the lives of Hungarian citizens did not receive sufficient attention. However, an analysis of a changing Hungarian democracy is not solely important in terms of how this regime differs from the Western European rule of law and modern European values. It is also important with regards to the practical implications of this atypical mode of governance within the EU.

In this paper, we analyse one aspect of illiberal democracy through case studies and interviews: we focus on the political discrimination faced in recent years by those Hungarians who have been opponents of the government's politics. State discrimination against an individual because of his or her political opinion can take many forms: dismissal from the workplace, the withdrawal of state subsidies from non-governmental organizations (NGOs), targeted inspections by the tax authorities, disqualification from state tenders, destruction of the results of years of hard work, exclusion from public media or becoming the target of a national smear campaign. We can find examples of all of these in the following analysis.

Political and other types of discrimination are severely prohibited by Hungarian laws, and freedom of expression is a right laid down in the constitution. It is not

**uncommon, however, for the government to retaliate against those with opposing views, and the impaired democratic institutions cannot always protect citizens from such retaliation. Our case studies illustrate the tools the Hungarian government uses against its own citizens, taking advantage of the fact that democratic functioning and the rule of law are often just pretences, as the government could eliminate “in time” many of the checks and balances that are supposed to protect its subjects.**

**Ultimately, we hope that, with this study, we can help experts, analysts, politicians and the general public to gain a better understanding of the anomalies that characterize the everyday life of an illiberal system through concrete examples.**

## II. The Prohibition of Political Discrimination in Hungary

One of the most important enlightenment ideals was equality before the law. This held that, irrespective of descent, **all people are entitled to equal rights in the eyes of the law.** Legal equality and the related prohibition against discrimination have, therefore, been extended to a widening range of social groups over the last 200 years. The previously enslaved, the poor, women and religious minorities have all acquired equal treatment (at least, according to the law). Later, democratic states moved to ban discrimination based on skin colour, native language, national or ethnic ties, sexual orientation and disabilities. Similarly, **several international treaties and several national constitutions forbid discrimination, unfair treatment or termination of employment based on political convictions.**

**Forbidding political discrimination is among the most important factors of political pluralism.** If individuals or groups can be systematically discriminated against based on their political views, then **the reigning ideology becomes unquestionable.** Sooner or later, the country in question becomes an autocracy.

**In Hungary, political discrimination** (i.e., prejudicial treatment on the part of the state on a political basis, including, among other actions, dismissal from the workplace due to political opinion) **has only been illegal since the democratic transition in 1990.** Previously, due to the logic of the one-party system, it was unquestionable that party members and adherents of communism enjoyed primacy over those of differing political dispositions.

Since 1990, however, Hungary has gradually adjusted its legal system to international and European anti-discrimination standards, and it began to enforce international obligations to which it had agreed previously. Consequently, the articles of the **United Nations (UN) Universal Declaration of Human Rights (UDHR)**, which state that “[a]ll human beings are born free and equal in dignity and rights” and “[e]veryone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, **political or other opinion**, national or social origin, property, birth

or other status[...]"<sup>1</sup>, are also in force in Hungary. The UDHR also emphasizes that economic, social, political and **human rights are not conditional on any sort of “good behaviour” but are inalienable**, and everyone, irrespective of their political opinions, is entitled to them. The UN General Assembly’s **International Covenant on Civil and Political Rights** also highlights that “[e]ach State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, **political or other opinion**, national or social origin, property, birth or other status.”<sup>2</sup>

The UN’s **International Labour Organization (ILO)**, of which Hungary has been a member since 1922, was created to protect the basic labour and social rights of employees. It similarly forbids political discrimination against workers. According to the ILO’s Discrimination (Employment and Occupation) Convention (No. 111), “the term ‘discrimination’ includes: (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, **political opinion**, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.”<sup>3</sup>

In addition to these international organizations, Hungary is a member of several European bodies that have thought it important to include the prohibition of discrimination based on political opinion in various documents. The Council of Europe’s **European Convention on**

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<sup>1</sup> Universal Declaration of Human Rights: <http://www.un.org/en/universal-declaration-human-rights/> (Hungary joined the UN on 14 December, 1955)

<sup>2</sup> International Covenant on Civil and Political Rights: <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (The Hungarian Parliament ratified the covenant in 17 January, 1974)

<sup>3</sup> Convention concerning Discrimination in Respect of Employment and Occupation: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C111](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C111) (Hungary joined the International Labour Organization in 1922)

**Human Rights**<sup>4</sup> and the **EU Charter of Fundamental Rights**<sup>5</sup> likewise ban discrimination based on political opinion.

Furthermore, political discrimination is also stringently prohibited by effective Hungarian laws. The 2011 **Fundamental Law (Constitution) of Hungary**,<sup>6</sup> drafted by Fidesz, in **Article IX** states that “[e]veryone shall have the right to **freedom of speech**.” In accordance with international treaties, **Article XV** declares that Hungary shall guarantee fundamental rights to everyone without discrimination and in particular “without discrimination on the grounds of race, colour, sex, disability, language, religion, **political or other opinion**, national or social origin, property, birth or any other status.” What’s more, the Fundamental Law includes a lengthy discussion of all the crimes that the Hungarian Socialist Workers’ Party, and other “criminal organizations” established in the spirit of communist ideology, committed during communism. Among these, political discrimination received a distinguished position. According to **Article U**, **communist leaders bear temporally unlimited responsibility for “discriminating against people on the grounds of origin, world view or political belief.”**

Political discrimination and the restriction of freedom of speech often appear indirectly, for example, through the “public persecution” or exclusion from publicity and the media of individuals due to their political opinions. The Fundamental Law’s **Article IX** is also clear in this regard: “Hungary shall recognize and protect the freedom and diversity of the press, and shall ensure the conditions for free dissemination of information necessary for the formation of democratic public opinion.” According to **Article VI**, “[e]veryone shall have the right to have his or her private and family life, home, communications and good reputation respected.”

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<sup>4</sup> European Convention on Human Rights: [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf) (The Hungarian Parliament ratified the convention on 15 October, 1992)

<sup>5</sup> Charter of Fundamental Rights of the European Union: [http://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](http://www.europarl.europa.eu/charter/pdf/text_en.pdf) (The Hungarian Parliament ratified the charter as an integrated part of the Treaty of Lisbon on 20 December, 2007)

<sup>6</sup> The Fundamental Law of Hungary: <http://www.kormany.hu/download/e/02/00000/The%20New%20Fundamental%20Law%20of%20Hungary.pdf>

Beyond the Fundamental Law, this right should, in theory, also be guaranteed by **Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities**. In order to combat discrimination, the **Equal Treatment Authority** was established in 2003. This is a national body that investigates discrimination complaints and ensures equal treatment in public life. As such, **Hungarian law, at least theoretically, precludes the possibility of political discrimination**, i.e., that anyone should be treated unfairly, dismissed or shamed by the government, local governments or state companies due to their actual or perceived political opinions.

However, in the following chapters we will **show through case studies how political discrimination has still occurred in Hungary in recent years, at both the national and local levels of government**, against citizens who were not supporters of the governing parties.

### III. Political Discrimination in the Justice System

Since 2010, the Orbán government has made several attempts to transform the Hungarian justice system. First, it violated basic legal rationality by eliminating earlier judicial decisions through a so-called nullity law and with retroactive legislation. Then, by passing an Act of Parliament on the legal status and remuneration of judges (Act CLXII of 2011) and the organization and management of courts (Act CLXI of 2011), Fidesz was able to place the wife of one of its top politicians at the helm of the **National Office for the Judiciary, which has significant influence over the judicial system. By forcibly retiring judges over the age of 62**, the ruling party created an opportunity to fill key judicial positions with party loyalists. The dissolution of the National Council for the Judiciary and the creation of the National Office for the Judiciary resulted in a notable concentration of power in the hands of this new oversight body's leader; her powers included the ability to determine the number of judges, unrestricted transfer of cases, and appointment and dismissal of judges.<sup>7</sup> **Upon the application of considerable domestic and European pressure, however, this attempt to influence the judiciary failed partially, and the government had to backtrack on certain issues.** The judiciary was, ultimately, more successful in protecting itself vis-à-vis other institutions when it came to executive interference.

Nonetheless, the attempt to transform and influence the judicial system meant that there were several victims due to the personnel decisions involved. In the most famous case, with **tailor-made legislation, Fidesz removed András Baka, the former president of the Hungarian Supreme Court, from his position in 2011.**<sup>8</sup> András Baka was **dismissed three and a half years before his term was scheduled to expire because he criticized the above-mentioned laws affecting the courts.**

**Our first case study describes what happened to him.**

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<sup>7</sup> More on the rule of law and Hungary in English: <http://blogs.ft.com/beyond-brics/2014/02/05/guest-post-hungarys-attacks-on-the-rule-of-law-and-why-they-matter-for-business/>

<sup>8</sup> More on the removal of András Baka in English: <http://www.reuters.com/article/echr-hungary-idUSL6N0OD3VE20140527>

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## Case Study #1:

### **András Baka, Former President of the Supreme Court of Hungary**

**"We congratulate András Baka and welcome his election" – this is how Fidesz Member of Parliament (MP) Róbert Répássy, vice-president of the Parliament's Committee on Constitution and Justice, in opposition at the time, greeted the freshly elected president of the Supreme Court of Hungary in June 2009. At the same time, the politician noted that had the Hungarian Socialist Party (MSZP, in power at the time) supported András Baka earlier, the Supreme Court would not have been left without a leader for years. Two years later, in 2011, Répássy, a state secretary by that time, also voted for the act that removed Baka from his post – three and a half years before the expiration of his mandate.**

Between May 2008 and June 2009, Parliament took three votes to appoint the president of the Supreme Court because he did not receive the requisite number of votes for election in the first two ballots. Baka was nominated by the President of the Republic at the time, László Sólyom. Since Sólyom attributed great importance to the separation of powers, he declined to consult parliamentary factions about Baka's appointment as the head of the Hungarian justice system. The political parties, used to backroom deals – including the MSZP and Fidesz with the highest number of delegates – were wary of Baka and eventually approved his nomination on the third vote only to avoid a looming scandal.

The circumstances of the chief justice's election are worth remembering as they offer a good illustration of politicians' distrust of Baka from the very start, and this carries great weight in Hungary. His professional credentials were impeccable and he was not beholden to any political interests. In contrast to his predecessor, who tried to develop a close relationship with party leaders, Baka kept politics at arm's length.

After earning a university degree in 1978, Baka worked for years at the Hungarian Academy of Sciences as a researcher. After 1990, he managed the College of Public Administration and was a visiting professor at a number of foreign universities. Over a period of 17 years, he sat on the bench of the Strasbourg-based European Court of Human Rights (ECtHR). Following the 1990 regime change, he was an MP for the then ruling conservative Hungarian Democratic Forum for a short period, although he resigned after his 1991 appointment to the ECtHR.

Based on his programme presented following his election as president of the Supreme Court of Hungary, he planned to reform the court system and accelerate the administration of justice. He hoped to strengthen the independence and the transparent operation of the courts, though this would have required the support of the legislature. In theory, there was a window of opportunity when, in the 2010 elections, Fidesz won sufficient seats to amend without opposition support the act on the judiciary requiring a supermajority. However, the proposals then submitted by Fidesz were highly controversial: they were criticized by professional organizations of judges as well as the chief justice, claiming that the amendments would curtail the independence of the judiciary.

In 2011, Fidesz adopted legislation that repealed a number of rulings handed down by the courts in connection to the 2006 street riots. The ruling party called for a reduction of sentences received by demonstrators. Baka interpreted this move as one branch of the government interfering with the work of another branch, with retroactive effect. Moreover, the governing party insisted on lowering the retirement age for judges from 70 to 62. The chief justice noted on that occasion that the new rule would lead to the loss of many experienced judges, that the adjudication of cases would slow down and that the extra costs would be borne by the citizens. Fidesz also tightened the penal code: it wished to lengthen pretrial detention and also hoped to authorize the questioning of suspects in the absence of a defence lawyer. At the same time, the competence of prosecutors would have been increased, granting the prosecutor's office the right to assign courts to hear specific cases. The chief justice described these measures as unconstitutional and turned to the Constitutional Court, which eventually ruled in his favour. Finally, Baka also criticized the legislative package meant to reorganize the judicial body. This eventually contributed to his removal as of 1 January, 2012.

Speaking on the condition of anonymity, in the fall of 2011, a number of high-ranking government officials admitted to one of the largest online news portals, HVG.hu, that Baka was replaced because he was too vociferous in his criticism. The Fidesz leadership was most annoyed when the chief justice signed a protest letter addressed to the EU. Following his removal, to explain why he turned to the media, Baka told HVG.hu: "I do not have the power or legal competence to influence developments. I had but one option, and I took it: I shared my professional concerns and proposed solutions for public consideration".

The removed chief justice sought legal remedy at the ECtHR in Strasbourg. ECtHR ruled in his favour in the first and second instances alike, stating that the Hungarian state violated his rights. According to the ECtHR, Baka's freedom of expression had been violated. The court argued that the Hungarian chief justice had the legal obligation to pass judgment on legislative bills affecting the judiciary. In the opinion of the Strasbourg body, the claim that Baka's "voicing an opinion exceeds strictly professional criteria" lacked any foundation in reality. Officially, Baka could not continue as the president of the Supreme Court (renamed the Curia in 2012) because, as a prerequisite for filling the position, the new law stipulates a specific number of years of court experience. In other words, while back in 2009 Fidesz accepted the 17 years Baka had spent at the ECtHR as sufficient court experience, it rejected this experience in 2011. In June 2016, in a final ruling, the Strasbourg court ordered Hungary to pay a fine of EUR 70,000 in compensation to Baka, and an additional EUR 30,000 to cover the costs and expenses incurred by the former chief justice.

"The legislature tried to create a formal basis for replacements in the post of the chief justice, although its disingenuousness is apparent for all to see", is how Baka commented on his own replacement at the end of 2011 in an interview for the state news agency. In the meantime, the former chief justice found work at the Curia and since then, with the sole exception of the new chief justice, Hungarian justices are unauthorized to give interviews or make statements.

## IV. Political Discrimination in the Media

Fidesz's first international scandal after 2010 was caused by the passing of a **law on media and mass communications**. The fact that the media law resulted in extremely pointed criticism even from the pro-Fidesz press is a perfect testimony to its character. In addition to the opposition parties, many European governments and international organizations also offered scathing critiques of the act. The new media regulation **excluded the opposition from the practical process of media oversight by allowing the prime minister to appoint the head of the National Media and Infocommunications Authority (NMHH) for nine years**. Furthermore, only members delegated by the governing parties were elected to the Media Council. Additionally, the newsrooms of public media were centralized; both the procurement and editing of news is currently directed in a single facility. The **NMHH's fining powers** were the target of heated opposition as well, because these could effectively endanger the operation of media outlets.

Though due the criticisms, **Fidesz softened its stance**, it was **still able to find a tool with which to severely curtail the plurality of the press**. Since 2010, businessmen loyal to the governing party systematically **purchased a significant portion of the independent media** – often using taxpayers' money – while **crucial state advertising revenue was withheld from some news bodies**. In other words, the state decided which media companies would receive loans and where it would spend its advertising budget (based on political rather than professional criteria).<sup>9</sup> Political discrimination in the media (for example, political pressure placed on the most popular news website, Origo<sup>10</sup>), the politically motivated replacement of management at regional newspapers (which are the primary news sources in

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<sup>9</sup> More on Fidesz and the media in English: <http://www.reuters.com/article/us-hungary-media-insight-idUSBREA1108C20140219>

<sup>10</sup> See more about the Origo story here: <http://gawker.com/editor-of-hungarian-news-site-fired-after-critical-gove-1587023242>

rural Hungary<sup>11</sup>) and the undermining and dismissal of journalists too critical of the government<sup>12</sup> will be discussed in the chapter reviewing the Hungarian private sector.

Political discrimination in its most direct form was, however, experienced **by the employees of public media. Hundreds of employees in** public television, public radio and the Hungarian News Agency (MTI) have been fired since 2010, while the budget for these institutions has almost doubled. These are now used as channels for government communications campaigns. To ensure the political homogeneity of public media, not only were dozens of former colleagues sacked but, according to certain sources, informal blacklists were created (though public media officials have denied their existence). The lists are alleged to contain the names of politicians, experts and celebrities who must not be allowed a platform on public television or radio.<sup>13</sup>

Among those dismissed from the state-funded television channels, radio stations and wire service were several well-known journalists whose contracts were clearly terminated not due to their professional credentials but their political beliefs. **As evidenced by the two case studies below**, dismissal for political reasons could also result from lesser “sins”. **In one instance**, one of the state news agency’s employees was fired **because he posed a real question to the prime minister**.<sup>14</sup> In another, **a labour union leader was dismissed for protesting and participating in a hunger strike**<sup>15</sup> when the state television station was caught falsifying the news.<sup>16</sup>

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<sup>11</sup> See more about the state of the regional media in Hungary here:

<http://hungarianfreepress.com/2017/01/03/fidesz-dominance-of-hungarys-rural-media-depicted-on-a-map/> and an example of political interference here (in Hungarian): [http://www.nyugat.hu/tartalom/cikk/fidesz\\_vas\\_nepe\\_sajat\\_emberek\\_bebetonozas](http://www.nyugat.hu/tartalom/cikk/fidesz_vas_nepe_sajat_emberek_bebetonozas)

<sup>12</sup> Another example of political interference in the media: <http://budapestbeacon.com/media-issues/journalists-leaving-vs-hu-like-origo-hu-2014/33966>

<sup>13</sup> About the blacklist in the public media (in Hungarian): <http://mno.hu/media/mtva-s-tiltolistan-kovacs-patricia-1331721>

<sup>14</sup> More about the story of János Kárpáti in English: [http://bbj.hu/politics/former-mti-reporter-government-influences-public-media\\_115488](http://bbj.hu/politics/former-mti-reporter-government-influences-public-media_115488)

<sup>15</sup> More about the hunger strike in English:

[http://www.slate.com/articles/news\\_and\\_politics/moment/2014/10/viktor\\_orban\\_s\\_authoritarian\\_rule\\_the\\_hungarian\\_prime\\_minister\\_is\\_destroying.html](http://www.slate.com/articles/news_and_politics/moment/2014/10/viktor_orban_s_authoritarian_rule_the_hungarian_prime_minister_is_destroying.html)

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## **Case Study #2:**

### **János Kárpáti, Former Correspondent Based in Brussels, Hungarian News Agency (MTI)**

**His continued employment would have placed a disproportionate burden on his employer – this was the reason given to János Kárpáti when he was fired from the state-owned news service, MTI. The Brussels-based correspondent, who speaks four languages (English, German, French and Czech), worked for MTI for 34 years, including a posting as the organization's Washington correspondent, without any complaints concerning his performance throughout this time. However, something happened on 19 May, 2015, that later turned his life completely upside down.**

In 2015, the European Parliament held yet another debate on the political situation in Hungary. Many representatives strongly condemned that the prime minister of an EU member state, Viktor Orbán, had raised the possibility of reinstating the death penalty, and also protested against the fact that a questionnaire on immigration mailed to citizens by the Hungarian government, as part of its so-called "national consultation" campaign, contained xenophobic statements.

At a press conference held by the Hungarian premier, Mr Kárpáti asked Mr Orbán how he saw the position of his party within the European People's Party after facing heavy criticism even from representatives of his own political group. Never again did MTI allow Kárpáti access to the prime minister.

Kárpáti remembers the events as follows: "No one has ever come out and said that my questions were the last straw. However, I had the impression that Orbán wasn't offended in any way. He responded at length and, among other things, said the following: one cannot

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<sup>16</sup> More about the story of Aranka Szávuly in English: <http://www.politics.hu/2011/12/12/mtv-officials-go-on-hunger-strike-over-airbrushing-case/>

expect European People's Party representatives to have the same views on the death penalty or the question of immigration, and simultaneously he acknowledged having been taken to task on these issues. Yet there were clear signs, and I had the feeling that my bosses took note of this press conference in Strasbourg."

Preparing for the next EU summit in June, the news agency radically reorganized the work schedule of its two Brussels correspondents. Kárpáti's boss told him not to make preparations; he would not be sent to press conferences anymore. In the past, such assignments were always performed by two journalists. Since speed is one of the fundamental objectives of MTI, one of the reporters would transcribe what was said to ensure that the text reached Hungarian news media as quickly as possible, while the other was there to ask questions. This time, Kárpáti was informed that his presence would not be needed because the state-owned television news channel, M1, would be there to provide live coverage of the events.

Ahead of the next EU summit, Kárpáti approached his boss to say that he would like to cover the event this time, but his request was rejected. "That's when I asked: am I being denied access to Orbán. He said it was not that. I asked again: so, how should I take this decision. He responded: with discipline". The journalist had reason to harbour suspicions as he had heard that MTI was already looking for his successor. Therefore, in August, he returned to the issue and explicitly asked whether he should prepare to relocate to Budapest. At that time, his boss still "expressed the hope" that Kárpáti would not be recalled, although he made a comment that was hard to misunderstand: the management's opinion of Kárpáti had changed due to the events that had taken place three months earlier. As the correspondent remembers, his boss said: "we ask questions with the utmost care".

A few weeks later, he discovered that he would be recalled, and on 2 September, 2015, his correspondent's license was withdrawn. Simultaneously, MTI recalled two of Kárpáti's co-workers and replaced these experienced journalists with two rookies. "We packed up our household in Brussels and moved out of our rented apartment. For a time, I thought I would not be sacked and, if not as a foreign correspondent, I could continue to work for MTI in Hungary as a journalist. They even signed a new contract with my wife in the fall", Kárpáti said.

However, on 17 December, 2015, he was told that he and his wife would be dismissed as part of a mass lay-off and their admission cards were cancelled with immediate effect. "As for the mass lay-off – at the time only the two of us were let go from the news office", Kárpáti noted.

To appreciate the circumstances of their firing, one must understand the prevailing conditions in Hungarian public media at the time. After winning a two-thirds parliamentary majority in 2010, Fidesz embarked on a radical restructuring of the media market. They adopted a new and more stringent media act, and consolidated state-run television stations, the news agency, radio stations and their respective websites. Then, in several waves, they dismissed several hundred employees from public media organizations. Simultaneously to the firing of the Kárpátis, another 130 people were expelled from public media – although Kárpáti and his wife were the only ones let go from the news agency, which had already been decimated earlier.

Following the December announcement, a tug of war lasting several months began. Kárpáti notes that, while the agency kept referring to downsizing, it offered them an alternative legal solution, i.e., termination by mutual consent, which was rejected by the couple. The story concluded in February when, after 34 years, Kárpáti found himself without a job. "I contacted a lawyer, and he said that since I didn't have conclusive evidence, I would have a hard time to prove before the court that my firing had been politically motivated", is how Kárpáti explains why he declined to file charges.

"I love my job and after so many years I had no intention to leave the profession", he said. In the summer of 2016, he was hired by Klubrádió, one of the few opposition radio stations still in operation. There he substitutes, works as a news editor and hosts programmes from time to time, although, due to its limited finances, the radio station cannot offer him a full-time position. "I won't give up the hope that one day the Hungarian media will see better days again. With few exceptions, what we have today is government propaganda sunk to the level of crass tabloid journalism." Kárpáti implies that the media empire of Fidesz, under development since 2010, has already reached a point that businessmen loyal to the party own commercial television and radio stations, online news services and tabloid papers that routinely slander opposition politicians and journalists and spread lies based on fake reporting.

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### **Case Study #3:**

## **Aranka Szávuly, Former Vice-President of the Independent Trade Union of Television and Filmmakers**

**"I couldn't look at myself in the mirror today if at the time I hadn't stood up for what I believe in", Aranka Szávuly says when asked why she began protesting, inevitably leading to the loss of her job. The inexorable march of events was signalled by the media restructuring following the 2010 change in government, i.e., the operations and HR policies of the government-run media.**

This holds true even if the story started before the Fidesz era: The Independent Trade Union of Television and Filmmakers was established in 2010, initially led by Ernő Ruttner, with Balázs Nagy Navarro and Szávuly acting as vice-presidents. The organization was created to inject new momentum and radicalism into the representation of public media employees. As told by Szávuly, the crisis within the existing system was demonstrated by the fact that an increasing number of independent candidates participated in the worker's council elections, i.e., a growing number of employees were dissatisfied with the operation of the entrenched union organizations.

At the same time, the emerging union, earning international fame and recognition, eventually became associated not only with classic labour struggle but also professional causes. Following the inauguration of the new government, Fidesz completely restructured the public media, appointed new managers and integrated the production units of the state-run radio, television and news services into a completely new organization, establishing complete control over them. "When the new bosses came in they talked about establishing a Hungarian BBC. Instead, they instituted a level of manipulation never seen before. Under all governments, some editors and managers loyal to the powers that be tend to toe the government line, but what happened after 2010 crossed all the lines and went beyond simple manipulation – it amounted to nothing less than news forgery", Szávuly remembers. The new system produced two memorable events. In one case, in coverage of Member of the European Parliament (MEP) Daniel Cohn-

Bendit, the Hungarian government's "enemy of the day", news editor Dániel Papp created the impression that the politician abruptly left a media event to escape embarrassing questioning. In fact, the master tape clearly shows that the French/German politician did in fact answer the question and then left the event 30 minutes later. Subsequently, the journalist who committed the falsification was promoted within the state media – first to content producer and later programming director. Another notable event occurred while Papp was editor-in-chief of broadcast news, with the face of the former Supreme Court president, Zoltán Lomnici, being blurred out of a news programme.

For Szávuly and her colleagues, the event represented a real turning point. As the usual forms of protest (letters and complaints) led nowhere, Balázs Nagy Navarro and Szávuly went on hunger strike on 10 December, 2011. "Balázs announced his decision to fast unless the management of the public media changed its mind. I was also surprised by the announcement, but I felt that if he carried through with it, I would have to stand by him", Szávuly recalls. Accordingly, they presented themselves at the public television headquarters building in vests with a one litre bottle of tomato juice and began their fast. They did not give up their struggle for weeks, even after the news director, Gábor Élő, was dismissed under increasing public pressure. The protesters argued that one person should not take all the blame as that would leave all the other culprits off the hook, and a single replacement would not change the operation of public television and radio. Moreover, in their view the real problem was that, under orders from top managers, the public media was betraying the basic principles of ethical journalism day after day.

Their action was not tolerated for long: on 27 December, 2011, public television dismissed the two union leaders by extraordinary termination. According to the involved parties, the state-run media announced the news through the state news agency without notifying them in advance.

They ended their hunger strike on 31 December, 2011, following the establishment of the Clean Hands Movement, a civic organization for the restoration of Hungarian democracy that, according to its proclamation, wished to see nothing "more" than a normal Hungary. "We didn't want those joining us to risk their health", said Szávuly, who fasted for three weeks. The

former editor/reporter working in public media won the labour case that she launched after being fired from her job. Today, this is how she remembers her departure: "I wasn't really prepared and I never thought union leaders could be dumped like that. I was prepared to leave public media one day because what goes on there is light years from ethical journalism and unacceptable under any condition, yet I never thought they could fire me for raising concerns regarding professional issues".

The dismissal stood, however, and Szávuly's career was temporarily derailed: "I was naïve to think that the private sector would compete for us and appreciate our efforts, for after all we stood up for our profession, our ideals and for ethical journalism. However, my past could have been a liability for potential employers. While my case was tried in the labour court, occasionally I worked as a bartender, and recently I've been working as a freelance journalist and, returning to my earlier career, as a real estate assessor", she says.

Szávuly's story could be rounded out with the many details of the sacrifices she made in her private life and the experience of abandonment due to the lack of professional solidarity. However, the above information is sufficient to represent all the sacrifices she made to protest the assault against her profession. When asked whether she has ever had any regrets for embarking on this struggle, her answer was brief: "Never".

## V. Political Discrimination in Higher Education

By comparison with other state-funded institutions, higher education allowed only limited influence to the notion that an organization must be led by pro-government individuals. Nevertheless, **since 2010, many colleges and universities exchanged their rectors for new professors who tended to be comfortable with the Orbán cabinet.** In several instances, the **Ministry of Human Capacities appointed the loser of a university or college senate election to the top seat.**<sup>17</sup> Furthermore, since 2014, **the economic activities of institutions of higher education are monitored by so-called chancellors**, who are independent of the university or college and appointed by the ministry, often on a political basis. As a result, the room to manoeuvre of the institutions' real leaders, the rectors, has decreased in recent years.

A problem surpassing the importance of political appointees at institutions of higher education is **dismissal due to political opinions.** As with other institutions, it is difficult to prove that any individual was discharged due to their beliefs and not because of their professional performance. There are cases, however, where **the courts have determined that someone was fired completely illegally.** This is what happened in the case described below, in which an educator was dismissed **from the National University of Public Service (NKE), after 20 years of employment, in 2012.**<sup>18</sup> The “mistake” of the former lecturer could have been that he often published writings on an online platform supportive of opposition viewpoints and that these pieces criticized the government too acutely.

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<sup>17</sup> See more here about the political appointments of university rectors (in Hungarian): <http://magyarancs.hu/belpol/rektort-valaszt-a-miniszter-84857>

<sup>18</sup> See more here (in Hungarian): <http://nepszava.hu/cikk/568114-politikai-okokbol-kirugott-szociologus>

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## **Case Study #4:**

### **Ferenc Krémer, Former Lecturer at the National University of Public Service (NKE)**

**“The dean called me on Friday at 8 p.m., asking me to visit him the next day in his office for a talk. I asked him what it was about, and he said: the termination of my work contract” – this is how sociologist Ferenc Krémer remembers June 2012, when he was dismissed from NKE without explanation. He left his position after 20 years on the job. With 12 years of experience in teaching, Krémer joined the Police Academy in 1993, integrated into NKE shortly before his dismissal. “They couldn't suffer anyone from the opposition to teach at their so-called national and public university”, he says.**

In short, the associate professor firmly believes he was kicked out for political reasons. All the more so because – as he claims – his professional competence had never been questioned at the institution and, in fact, students have been using his sociology notes since 2003, and he had also earlier been a member of a scientific council for police officers and civil guards. Krémer studies the operation of police forces in democratic countries, including organizational structures and subcultures in, among others, Belgium, the United States, Finland and Portugal. He studied overseas on a fellowship, and described his experiences following his return to Hungary: “With the knowledge acquired abroad, I established the sociology of law enforcement as a new discipline in Hungary. Until that time, police corruption, its subculture, etc., had never been studied in this country. The area suffered from a significant deficit because, prior to the regime change, any research involving the police was absolutely out of the question.”

Following his dismissal, Krémer again faced a situation in which his scientific work ran into obstacles. After he was told by the university that his services were no longer required, he could no longer teach at the institution, i.e., he was prevented from giving lectures throughout

the notice period lasting over six months. Moreover, he was dropped from two EU projects. In one case, an active work contract with NKE was a prerequisite. The other project came to an end under even more absurd circumstances: for years, Krémer participated in an international project focusing on Europe-wide police training methodology. After the development of all the underlying principles, test training was underway in Hungary, but Krémer was prevented from participating in the programme. As he summarizes: "The proscription was so complete that, aside from Hungarian students, I was also banned from teaching Dutch and German police officers."

At the time and since then, he has found himself in a difficult position: in Hungary, anyone doing research among the police must apply for permission issued by the national police headquarters. Krémer claims he has no chance of receiving the green light for continuing his work. He adds that in the United States and United Kingdom such work is not subject to special authorization and, in fact, researchers are encouraged to investigate the police.

In Hungary, Krémer has never received such encouragement; on the contrary, he was without a job for two years following his dismissal. "It became impossible for me to get a job in the academic world." Eventually, he landed a job at a private company. His teaching career has been reduced to giving lectures at the Eötvös Lóránd University. When asked how, after being dismissed for political reasons, he has been admitted to another institution of higher learning, he responds that such an offer depends on the personal courage of a few university presidents. At the same time, he notes that it is impossible to survive on lecturing fees and, following his sacking, receiving a tenured position has never been a possibility.

In his editorial pieces, the associate professor gives a political explanation for his predicament. Starting in the fall of 2010, Krémer published pieces on the editorial pages of the opposition online magazine, Galamus, first writing about the police and later offering general political analyses that were harshly critical of the Orbán regime. Moreover, a few months before his removal, he gave an interview to 168 óra, a left-liberal weekly, where he described the state run by Orbán as a "cosy dictatorship". In the lead of the article, Krémer was introduced as an associate professor at the Faculty of Law Enforcement, NKE. He believes that the breaking point came when he, a lecturer at a recently established state university, described Orbán's

regime as a dictatorship. A few months later he received the ominous call from the dean to see him in his office.

Incidentally, this was not the only conflict he had at the institution, although in earlier cases the rector protected him. In 2011, someone complained that he had expressed political views in class. As he remembers, in connection to the public parading of Hungarian paramilitary organizations (Hungarian Guard and National Protection Force), he once asked his students whether the resurgence of the far right posed a public threat, especially within the police force. In that case, the rector of the school rejected the complaint.

One year later, the conflict erupted again and Krémer had to leave. Before visiting the dean, he consulted a labour lawyer and received his termination papers with poise, knowing that he would seek legal remedy in the courts. Since then, he has won in the first and second instances, the court ruling that he had been dismissed from his job without any legal grounds. He received compensation but, as he says: "We did not ask for my reinstatement because I have no place in this educational system". Right now, he is writing a book. After providing a political analysis of law enforcement policies between 1990 and 2010, he has embarked on a political examination of the Orbán regime's corresponding policies. He describes this as a daunting task because, in some cases, interviews would have to be conducted with several members of the law enforcement community, yet no potential subjects are willing to go on the record. Krémer summarizes the problem in three words: "They are scared."

## VI. Political Discrimination in Local Governments

**Of the cases handled by the Equal Treatment Authority, the number of those in which local governments and companies owned by them discriminate against citizens on a political basis or due to their opinions has tended to be high.<sup>19</sup> Cases at the local level, however, often fail to catch the eye of the national media, and residents of small communities are frequently afraid to go against their bosses or mayors. As a result, a significant majority of cases have no consequences.**

However, below we will **introduce a case where, extraordinarily, an audio recording proves that a citizen was dismissed from his job at one of the city's companies because he campaigned for an opposition candidate rather than the Fidesz politician leading the city.<sup>20</sup> It should be noted that this occurred in connection with a low-level position at a (theoretically) apolitical city management company. Nonetheless, the case can also be viewed as a **positive example**, because it shows that **there are still some partially independent institutions in Hungary that dare to go against the will of the governing party** and award damages to employees dismissed on a political basis.<sup>21</sup>**

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### Case Study #5:

#### **Tibor Záveczki, Former Supervisor at Miskolci Városgazda Kft.**

**Tibor Záveczki works as a pizza delivery man in Miskolc. Previously, he worked as a supervisor at a public enterprise, Miskolci Városgazda Kft. (Miskolc City Maintenance Ltd.), owned by the municipality of Miskolc, yet in 2014 he was fired for political reasons. Prior to this, his superiors had been satisfied with his**

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<sup>19</sup> See more on the web page of the Equal Treatment Authority: <http://www.egyenlobanasmod.hu/eng>

<sup>20</sup> See more about the case of Záveczki in English: <http://www.politics.hu/2014/11/0/opposition-party-claims-member-sacked-from-city-owned-firm-for-standing-in-local-election/>

<sup>21</sup> A similar case is summarised here (in Hungarian): <http://nol.hu/belfold/kirugtak-a-borsodi-ferfit-csak-mert-baloldali-1618389>

**performance and, in fact, his work contract was extended at the end of 2013. Yet one year later, on 31 October, 2014, he was let go because there was not enough work for him to do, according to the official explanation. However, Záveczki has a voice recording to prove that he lost his job because he was actively engaged in politics in an opposition alliance outside of work.**

" – Have I made the mistake of publicly announcing my support for the opposition?  
– Naturally this was part of it, at least that much is clear. You're not stupid, I'm sure you understand that."

When he was fired, this exchange took place between Záveczki and a department head at the municipal company. Conclusive evidence notwithstanding, the municipal company continues to insist that Záveczki was let go because his work performance was substandard and the company did not have enough work for him in the fall season.

Since 2010, Miskolc, Hungary's largest city in the north-east, has had a Fidesz mayor, and Hungary's governing party also enjoys a majority in the local assembly. Záveczki has been engaged in public affairs all his life: six years ago he ran in the local election as a candidate of the Politics Can be Different (LMP) and in October 2014 he contested a seat in the local council with the support of three opposition parties (the MSZP, the Democratic Coalition [DK] and Together) and an NGO called Patriots of Miskolc. He has not been successful in these attempts: in the last election he contested, on 12 October, 2014, he finished in second place with 30% of the votes and was eventually defeated by his Fidesz opponent. "I had a fixed-term contract that expired two and a half weeks after the elections. With a few colleagues, I went to the company office to take care of paperwork. There, the head of the city maintenance department told me there would be no extension. When he made a comment about my political role in a conversation with one of my colleagues I took out my phone and switched on the 'recording' function", Záveczki said, explaining how the conversation was recorded. This is when he posed the question of the above quotation, i.e., whether the termination of his work contract had anything to do with his political activism, which was answered with a clear "yes". Furthermore, while unrecorded, Záveczki and a witness allege that the department

head clearly stated: as an opposition politician, Záveczki's presence within a municipal company in a Fidesz-led city was unwelcome.

Záveczki joined Miskolci Városgazda Kft. in early 2013. Having been unemployed, he was referred to the company by the local employment centre. As a public employee, he supervised public works employees clearing ditches and cutting grass. "I earned HUF 50,000 (EUR 160) a month, barely enough to pay my bills, but I was happy to have a job", he said. Miskolc is the centre of the northern region with the highest level of unemployment, so for many people public works is the only way by which to earn an income.

As the company managers were satisfied with Záveczki's performance, he was first offered a permanent position and later his contract was extended. He therefore does not understand why they later claimed to be dissatisfied with his job performance. "After they sent me packing, I went to the local office of the Democratic Coalition to discuss my case with the party's local leader. We decided together that I would turn to the media, for it was patently clear: I was discriminated against because of my political views and engagement. I believed that by going public I could prevent others receiving the treatment I had experienced", is how he explained his decision.

In the voice recording, the department head is also heard saying that the list of those whose contracts would not be extended was decided following the local elections, in the last week of October. While the department head did not reveal specifically who decided to dismiss Záveczki from his position, he made it absolutely clear that the move had been politically motivated. "Obviously, everyone knew it would also depend on the outcome of the election. You'd have to be stupid not to understand, and there is no need for explanation", is how the department head referred to the fact that the 12 October election was again won by Fidesz. Yet the position filled by Záveczki was not confidential in nature. As we have seen, he was not recommended by any party or political faction in the city council; instead, he was referred by the employment office.

"I have no idea why my sacking became so urgent. I was definitely on good terms with the Fidesz politician in whose district I worked. I'm convinced that my case had to be decided in

the higher echelons of the local Fidesz leadership. They intended to send a warning and set a precedent: you should think twice before criticizing the city leadership and Fidesz policies, otherwise you will share Záveczki fate", is how Záveczki interprets the situation.

Záveczki first contacted 444.hu, an online news portal critical of the government, who then covered the case in detail and published the recordings made at the city management company. Subsequently, major television companies also reported on the case and Záveczki's story received national publicity. In most cases, the media acted responsibly, also asking the other side to comment. However, in all such cases, officials claimed that the company had been dissatisfied with Záveczki's job performance and he had received warnings. "Their claims are totally absurd: on one occasion, I did indeed apply for vacation at the wrong place. It is odd they would bring this case up again when they themselves had never attributed much importance to it and extended my work contract through October 2014 shortly after the incident".

Eventually, Záveczki may have come to regret turning to the public. Later he found a job at a telecommunications company, but he was let go before the end of his probation period. Since in Hungary anyone can be let go without cause during the probation period, he was not given an official explanation as to why his contract was not extended. Nevertheless, his colleagues admitted in private that the company knew about his case, they saw the city management company's statement about him on television and they worried about the telecommunication company's "reputation". Nothing demonstrates the current state of affairs in Hungary better than the following incident: in the course of a job interview he was told that the company was afraid to hire him because of his political activism.

Now Záveczki has documents to prove that he was subjected to discrimination: the Hungarian Equal Treatment Authority ruled in his favour and fined the city company HUF 500,000 (EUR 1600). However, Miskolci Városgazda Kft. keeps fighting: it challenged the Equal Treatment Authority's ruling in court and the case is still pending. Záveczki also went to the court demanding compensation. He said that he had but one objective: he wants to clear his name. "If I am awarded compensation, I will donate it to a charity organization", Záveczki stated.

## VII. Political Discrimination in Agriculture and Rural Development

In 2012, the **Orbán government announced a major land tender**, during which it called for applications for the right to cultivate some 60,000 hectares of public lands. The land lease **contracts were for rather extensive periods, namely 20 years**. The right to apply was limited to family enterprises, primary agricultural producers, individual entrepreneurs and farming organizations whose place of residence or headquarters was within a 20-kilometre radius of the parcel for which they were applying. But the tenders resulted in an enormous scandal. The opposition argued that **the best and largest parcels of land were awarded to big businessmen with ties to Fidesz** and, in some cases, with **ties directly to Prime Minister Orbán**, while the rest of the lands comprised such tiny parcels that their lease would be very unlikely to provide subsistence for individual family farms. The way the land tenders were conducted appalled even the government's own state secretary in the Ministry of Rural Development, József Ángyán (whose previous political prominence has been owed to his well-known attachment to the idea of small and medium-sized farms and opposition to large landholdings). **The state secretary went on to publicly criticize the government – a move unheard of in Fidesz – and tendered his resignation.**

**After 2012, land lease contracts have been awarded to individuals associated with Fidesz in a significant number of cases.** Sometimes, the old tenants have been deprived of their rental properties for political reasons. **The best known of these is the Kishantos affair,<sup>22</sup> whereby the affected parties simultaneously faced Fidesz politicians' political revenge and conflict with the economic interests of government-associated entrepreneurs.** The conflict started in the spring of 2013 when the National Land Fund decided that the 452-hectare state land overseen by the Kishantos Rural Development Centre Public Utility Non-profit Ltd. – on which the organization operated an internationally acknowledged ecological farm – should be rented to a number of pro-Fidesz businessmen from November 2013.

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<sup>22</sup> See more about the Kishantos case in English: <http://hungarianspectrum.org/2014/04/26/the-end-of-an-internationally-known-organic-demonstration-farm-and-school/>

**In addition to communications tools, the state also utilized communication tactics to discredit those who criticized their agricultural policy. The pro-government press and state secretary responsible for state lands at the Ministry of Rural Development launched campaigns of character assassination against Fidesz's own former state secretary Ángyán,<sup>23</sup> the owners of the Kishantos farms and LMP politicians protesting governmental abuses in agriculture.**

**The following case studies describe these tactics.**

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### **Case Study #6:**

#### **József Ángyán, Former State Secretary, Ministry of Rural Development**

**One of the Orbán cabinet's most respected public officials with unquestionable authority among his peers, the former parliamentary state secretary (i.e., deputy minister) at the Ministry of Rural Development, József Ángyán, resigned five years ago, in January 2012. He made this decision upon realizing that the government had abandoned a development strategy based on family farming, sustainable food production and local economic development – a strategy that, during the 2010 election campaign, Ángyán had been asked by the prime minister to develop, promote and legitimate. After his resignation, Ángyán did not have to wait long to face Fidesz's vengeance: the government quickly closed the unique Environmental and Land Management Institute which he had created and developed over the course of 24 years, and also destroyed an internationally acclaimed 452-hectare organic farm that had been created by Ángyán and his colleagues.**

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<sup>23</sup> See more about the smear campaign against Ángyán here in English: <http://hungarianspectrum.org/2012/05/03/freedom-houses-verdict-on-the-freedom-of-the-press-and-the-case-of-the-hungarian-news-agency/>

"I wasn't the one who changed. What changed was the policy I undertook to implement, in which I believed and continue to believe to this day", Ángyán, now professor emeritus at Szent István University (SZIE), stated. "I have been thinking about Hungarian agriculture in terms of the same rural strategy from the start. However, after the government took power, these ideas came into conflict with the interests of big capital, and the government abdicated its responsibilities and joined forces with the agricultural oligarchs. I did not wish to be part of this, and left politics instead", Ángyán stated. While still working as state secretary, Ángyán came to realize that a very tight, well-defined circle of business interests was taking hold of national assets and plundering the public coffers with the active support of the legislature and state apparatus. Of course, those holding the reins of power also had a vested interest in the vast redistribution of assets and rewarded themselves handsomely in the process.

"Had I not resigned, they would have eased me out of my position – this is absolutely clear. Already in the late fall of 2011 the minister of rural development, Sándor Fazekas, told me, "I won't be able to hold onto to you for much longer", a hint that I had become a liability with my obstruction of a land policy aimed at transferring state-owned land into private hands. Of course, having decided to leave on my own terms was a great relief", Ángyán concluded.

What such "obstructive forces" could expect had been demonstrated by the prime minister himself at a season-opening off-site parliamentary faction meeting in early February 2013 in Gyula. At this parliamentary group meeting of the governing party, Fidesz, Ángyán took the floor and declared that, instead of strengthening family farms and helping young farmers to acquire land, the proposed Land Market Regulation and the government's feudal land-leasing system of granting fiefdoms served the interests of speculators and large farm businesses, betraying the rural development strategy. At that point, Orbán rose to respond and, using rough language in an angry tone and clearly referring to Ángyán, while also addressing other potential renegades, declared: "Those conducting themselves with honour and suffering injuries on the battlefield will be helped out. However, we are going to fire on those who refuse to play by these rules". In Ángyán's interpretation, the prime minister sent the message – and made clear to everyone present – that if you get in on the scam and get in trouble, you will not have an easy life. "This is the modus operandi of the Mafia. Loyalty is rewarded, while leaving the fold is not an option", the former state secretary said.

According to Ángyán, if you remain loyal not to the party but to your own principles, personal revenge is sure to follow. "First, they tried character assassination. The state news agency published a rather primitive discrediting weblog about me, but the attempt backfired and turned into a scandal when the statement was published on the MTI website before it appeared on the blog it cited". Afterwards, based on information coming from Fidesz's inner circle, Orbán said: okay, let's leave professor Ángyán alone and look at the people around him. They knew that's where they could really hurt him. Ángyán's university institute was closed, destroying 24 years of high quality and dedicated work, the rather popular environmental management bachelor programme he established with his colleagues was struck from the act on higher education, and the Kishantos Rural Development Centre's ecological model farm established with Ángyán's help was destroyed (see the next case study).

"I try to tell the truth wherever I still have the opportunity", Ángyán says. He did not file charges, and he is not inclined to turn to the courts. "I have but one life and I wouldn't like to waste it on this. Instead, I catalogue all land auction data, developing a national register on the new owners of state-owned landholdings, and present the anatomy of the system based on feudal fiefdoms, highlighting the salient features of grand larceny."

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## **Case Study #7:**

### **Éva Ács, Director of the Kishantos Rural Development Centre**

**Along with Ferenc Bolye, who passed away in October 2016, Éva Ács has been the figurehead of the Kishantos Rural Development Centre and Community College, destroyed at the will of the government. She states: "what happened to the centre and its staff that fell under the political juggernaut is beyond comprehension. However, the last few years represent but a finale, as the centre's position had already been destabilized during the first Orbán cabinet."**

Ács's political lynching did not begin recently: as early as the summer of 2001, at the time of the privatization of state-owned farms, the first Orbán cabinet was already making attempts

to wipe the Kishantos Rural Development Centre off the map. At that time, the centre's land lease agreement was cancelled even though, in 1998, the organization received the land from the state specifically for the purpose of establishing an ecological model farm. When the state (through its privatization agency) tried to cancel the agreement, Ács and her organization indicated their concern to the competent state secretary who then convened a meeting of all involved parties. "After a lengthy litigation, we managed to prevent the execution of termination with immediate effect, although we had come to realize that all governments protect certain private interests", Ács concluded. In her view, current administrative practices, switched into higher gear in 2010: using all levers of power at its disposal, the government denies the community of citizens' access to public property and instead transfers it to a group that treats the entire country as its private preserve.

"In all cases, the basic questions are who has come to covet a specific asset, what are his purposes and where does he get the nerve to claim it as his own", Ács maintains, suggesting that, in this case, "having the nerve" essentially means having the right political backing. In every region, one or two people enjoy some kind of informal power that allows them to get away with anything. In the Kishantos region, these people above the law are a former state secretary who enjoys the confidence of the prime minister to this day, and the director of the Baracska penitentiary farm and the institution's communist party secretary before the regime change. In the final analysis, a series of government measures have created a situation whereby public assets are turned into private holdings worth billions.

"In this area, land and natural resources offer the only opportunity for survival. There is nothing else here. The area does not attract capital, unless it is used to take away the land. We teach that an area's resources should serve the livelihood of local families", Ács claims. "There is no explanation as to why a Saudi investor under an international arrest warrant should acquire the nearby Seregélyes castle and the surrounding area. What does this have to do with the interests of local people? We stand in the path of these developments." Ács and her team are calling attention to the fact that, parallel to the restructuring of local land ownership and use, highly intensive farming with minimal live labour investment and maximum use of fertilizers and pesticides is rising at an alarming rate. In the past, the hedges along the fields were left uncultivated, the last remaining haven for nature, while today these areas, that

were once overgrown with brushwood and shrubs, are ploughed because the profit produced per hectare trumps all. They try to convince locals, Ács claims, that this is the future, and Kishantos with its 452 hectares that never saw an ounce of chemicals over its 20-year existence is an embarrassing and obvious challenge to such arguments. This may be one of the reasons why the ecological model farm had to be destroyed.

Ács's colleague and managing director of the Kishantos Rural Development, Ferenc Bolye, died with the unbearable thought that years of community-building effort and accumulated knowledge could go up in smoke in a few days if political interests so desired. "Our existence has been undermined, and not only ours; 16 jobs were eliminated when the new land users' tractors showed up and senselessly ploughed under our crops; it was clear that the only objective was vengeance and intimidation, because the new land users could have harvested the crops instead of destroying them. They have never paid for the value of cultivation, although under the Civil Code we could stay on the property until our claim has been satisfied. With all the infringements, many cases are in litigation", is how Ács summarizes her encounter with the state under Fidesz's control. A Ministry of Justice explanation, given in connection to a case already before the Constitutional Court, offers a good example of the current state of the "rule of law" in Hungary: according to the ministry, the Constitutional Court cannot repeal an otherwise unconstitutional legislation that has led to the dispossession of Ács and the residents of Kishantos, because the state has entered into tens of thousands of contracts based on the same legislation – as if that, in itself, could in any way determine the constitutionality of an act or government decree.

Should anyone question whether destroying Kishantos was “simply” an economic decision or also a political attack, an interview with the minister of rural development, Fazekas, dispels all doubts. In this interview, Fazekas, referring to the fact that Éva Ács had been a board member of a minor green political organisation, Élőlánc Magyarországért, says that “Kishantos is not an organic farm but the centre of a political party. The essence is that it is the economic manifestation of a [political] organisation (...)”.<sup>24</sup> Ultimately, the minister openly declared that Kishantos organic farming centre had to be destroyed for political reasons.

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<sup>24</sup> Source of the interview: <http://privatbankar.hu/agrar/ahol-fold-van-ott-vitak-is-lesznek-interju-fazekas-sandorral-266585>

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## **Case Study #8:**

### **Benedek Róbert Sallai, Member of Parliament (MP)**

**If one ignores the bare facts, the case appears to be a form of acute paranoia. A current MP from the Green Party LMP, Benedek Róbert Sallai, found that he came under the close scrutiny of the authorities any time he became directly engaged in politics. The politician, with a background in the private sector, has been the subject of several character assassination attempts; while he stands to be vindicated by the courts, his reputation has suffered permanent damage.**

Although the tactic of a strategic lawsuit against public participation (SLAPP) has yet to become common currency in Hungarian, Sallai has already become intimately familiar with the concept, first encountering the tactic in advance of the 2010 elections. The government in power at the time began to curtail the competence of environmental protection agencies around 2005. In cooperation with the “Nimfea” Environment and Nature Conservation Association, Sallai tried to combat this harmful trend, only to be hit with a SLAPP: the state filed a host of unfounded charges against them, and while they may have been ultimately vindicated, fending off all those legal challenges exhausted all their resources. This is how Sallai remembers the beginnings of his troubles.

Activists began organizing a new green party, LMP, in 2007, and this became a fully-fledged party in 2009, at which point Sallai became an active member of the party. When the party won several seats in Parliament the following year, the Government Control Office (KEHI) immediately showed up at Sallai's organization and, having never demonstrated any interest in their activities in the past, began auditing all grant applications going back to 2007. "As soon as I left politics in 2012, official probes petered out and gained new momentum when I won a parliamentary seat in 2014", the opposition representative said.

However, the state did not stop there: since, as a policy expert, Sallai became one of the most ardent critics of state-owned land auctions steeped in corruption, the Ministry of Agriculture embarked on a noisy character assassination campaign against him. He was accused of building a large estate and being an LMP oligarch, one of the biggest beneficiaries of the land-based subsidy system. "I may have won case after case in court, but in a media case not even compensation is paid and media organizations losing in court didn't even bother to acknowledge that they had lied about me", the opposition politician complained. Recently, the Metropolitan Court of Budapest announced its ruling in a lawsuit between Sallai on one side and, on the other, Örs Márton Bitay, state secretary for state-owned land, and two pro-government publications: Pesti Srácok and Magyar Idők. In the first instance, the court found Bitay to be at fault and ordered him to pay a grievance fee, and also ordered the news organizations to publish corrections. (Since then, a final ruling of similar content has been passed.) "In most cases, my rebuttal is printed at the start of the litigation, but Pesti Srácok and Magyar Idők stuck to their false statements", the politicians said, adding that character assassination and harassment by the authorities come with being an opposition politician.

"I started to farm in 2005 and, in the first 10 years, my operation was not audited once. Since my election to Parliament in 2014, I have been visited twice by different authorities. I have also come to experience the reality behind a local Fidesz potentate's favourite expression, who regularly threatens his rivals with sending in NAV [the Hungarian tax authority] and MVH [the Agricultural and Rural Development Agency managing and supervising agricultural subsidies]."

"For the past 15 years, I have been active in nature conservation and later became involved in landscape management and agricultural production. Right now, I am 43 years old and in two years, when I return my parliamentary mandate, I will have much less elbow room than before. While I may win all the important cases in court, they will leave a stain. For instance, if I call attention to the harmful effects of using wet firewood, I get an immediate response on Facebook saying '...and you are an oligarch, so shut up and just keep enriching your estate'", Sallai says. "All the muck thrown at me by the government will continue to stick to me long after anyone remembers I was once a politician".

## VIII. Political Discrimination in Civil Society

**Political attacks against NGOs became intense after 2014**, when government officials accused of crime a handful of NGOs that coordinated the programmes of the so-called **Norway Grants**. **Police and tax authority investigations were initiated** in these cases, and the tax numbers of the organisations concerned were suspended. At the same time, the homes of the organizations' leaders were searched and a smear campaign was launched against them by **pro-government and state media**.

As a result of a **government screening conducted at the personal instruction of Prime Minister Orbán**, it was revealed that three of the five investigated NGOs had not committed any misdeeds, one was found to have engaged in a formal irregularity and one was not even functioning. **The investigations, which lasted for over a year, were ended due to the absence of criminal acts**.

The work of these NGOs and their leaders often became completely impossible due to harassment by the authorities for their views, even in instances where it was revealed that the investigations were without basis. **The lives of such NGOs are further complicated by the fact that the government completely reshaped their previous system of funding, and one of the leaders of a “Governmental Non-Governmental Organization” (GNGO) responsible for government communications oversees public funds intended for NGOs**. Consequently, civil society organizations increasingly rely on foreign funds, because Hungarian resources are blocked from them.

**In this light, it is particularly worrying that attacks against NGOs restarted in 2017**, with politicians from the governing party and associated news outlets starting to threaten Hungarian civil society organizations with the prospect of groups **receiving funding from abroad being subject to different rules, as per precedent in Russia**. Primarily, it was anti-corruption and human rights organizations that received funding from George Soros's

Open Society Foundations that found themselves in the crosshairs.<sup>25</sup> The government's precise intentions and measures in this regard will be revealed in the spring of 2017.

However, these affairs clearly show **how NGOs can be targeted and ruined using instruments of the state** in Hungary. We present our last two case studies depicting two of the affected organizations. **One foundation was able to resume its operations, while the other is on the verge of dissolution.**

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### **Case Study #9:**

#### **Veronika Móra, Director of the Hungarian Environmental Partnership Foundation**

**Probes conducted by the government and various state agencies against organizations distributing Norway Grants monies financing Hungarian projects went on for two years. They were aimed especially against the Environmental Partnership Foundation, which coordinates the distribution of funds to NGOs working on various social and environmental programmes. While the campaign, amounting to a witch-hunt, came to an end last December, it has had grave consequences for civil society organizations in Hungary, according to Veronika Móra, the organization's director.**

The government claimed that the Environmental Partnership Foundation, led by Móra, had provided funds for party political activities, especially for the LMP. While it is true that some of the many organizations receiving funds from the Norway Grants through the Environmental Partnership Foundation have been very critical of the government, none of them had party affiliations. The foundation, as proven by a subsequent independent investigation, provided funds in full accordance with the relevant rules, and did not examine or take into consideration whether an organization was critical of the government. There were other indications that the

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<sup>25</sup> More on the planned attacks against Hungarian NGOs in English: <https://www.bloomberg.com/news/articles/2017-01-10/trump-s-win-prompts-hungarian-call-for-crackdown-on-soros-groups>

underlying motivation of the government was political in nature: in contradiction to a number of government statements, in 2016, it turned out that Prime Minister Orbán had personally ordered the investigation of the Environmental Partnership Foundation.<sup>26</sup>

Although the probes conducted by the Government Control Office (KEHI), the tax authority and the police essentially failed to produce any tangible results, they managed to permanently poison the life of Móra and undermine the day-to-day operation of the organizations involved. "For the most part, the procedures have led to temporary legal sanctions. One of the most severe of these was the suspension of the organization's tax number for, if enforced for an extended period, it could have resulted in the definitive cancellation of the tax number which, in turn, would have spelled the end of our operation by preventing us from making financial transactions. Other forms of interference may be described simply as a form of administrative harassment and attempts at damaging our reputation", Móra pointed out. "In the criminal probe citing misappropriation and fraud, the investigators failed to find purchase on the foundation, and the court established that the search of the foundation's premises had been illegal. In the absence of criminal charges, the case was closed", the foundation's director summarizes the affair.

As the director remembers, "my nerves were frazzled and I grew some white hair" for the cause. Her public reputation and mental state further suffered when the police publicly escorted her home to seize her laptop, and she found pictures of herself taken in that context on the front pages. "While personally I was not subjected to a character assassination, not all the involved parties were that fortunate", she says, adding that a youthful misstep, completely unrelated to the current affair, by the head of K-Monitor, an anti-corruption civic organization receiving funds from the Norway Grants, was seized upon by the pro-government media.

Between the summer of 2015 and January 2016, the Metropolitan Chief Prosecution Office and the tax authority concluded audits, ordered by KEHI, of seven civic organizations receiving Norwegian funds. They concluded that the organizations operated within the law, their

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<sup>26</sup> See more here in English: <http://budapestbeacon.com/featured-articles/orban-personally-ordered-kehi-to-investigate-ngos-in-2014/40423>

finances were in order and their activities were in compliance with all material aspects of effective Hungarian legislation.

Móra emphasized: “Besides proving our innocence, the fact that the Environmental Partnership Foundation survived this ordeal – not quickly but suffering relatively little damage – is due to the Norwegian government's continued confidence in us. From the very start of the procedure, they stood by us, as did several ambassadors and foreign government officials, and it was equally important that we had sufficient funds for proper legal representation, making it easier to deal with the all the psychological pressure. Other teams involved in the distribution of the funds also remained essentially intact because the Norwegians continued to stand by all of us. Without that, the outcome would have been different. In real life, the battle between David and Goliath rarely ends in the former's victory. However, the government attack on us has had quite grave consequences for civil society organizations in general. Several went through a very difficult period, some even ceased to exist. After the police raid and government attacks on the Environmental Partnership Foundation, many organizations receiving funding from Norway Grants experienced increased difficulties in finding partners and sponsors for their activities.

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### **Case Study #10:**

#### **Éva Varga, Director of the Earth Day Foundation**

**"They have completely destroyed us", says the head of the Earth Day Foundation (FNA) Éva Varga, the only remaining employee of the civic organization. As things stand today, Varga receives her last salary in February 2017, for by that time the foundation's funds will have dried up. In other words, she will become unemployed one year before reaching retirement age. Just five years ago, the small organization employing two people had been contemplating hiring a young staff member to carry on the baton. However, since government agencies launched a full-scale attack, all hope of continuing the mission has evaporated. Their “sin” was twofold: they received money from the Environmental Partnership**

**Foundation, and the president of their board was Zsuzsanna Foltányi, who ran as an LMP candidate during the 2010 parliamentary elections.**

The story has a long history. The organization was established in 1990, with the founders joining the project at the urging of Denis Hayes, the mastermind behind the Earth Day movement. The organization set the goal of celebrating Earth Day in Hungary. This objective has been realized and, in fact, the concept is now part of the official school curriculum.

As part of its operation, the foundation published a number of books and organized many programmes, all in an effort to shape public awareness. The organization expanded steadily and, to coincide with its 20<sup>th</sup> anniversary, it developed a complex programme that received a grant from the Norway Grants financed by the Norwegian government for the improvement of civil society.

Receiving HUF 17,000,000 (EUR 55,000), the organization published books, develop a board game and ran a campaign, “*Read and Act!*” At that time, the FNA was also subsidized by other donors, offering the possibility of hiring a younger staff member who could take over the organization following the retirement of its founders. "However, we had so much work, we never got around looking for a successor", Varga remembers.

Fidesz’s election victory in 2014 was followed by an all-out assault on organizations sponsored by the Norway Grants. In the summer of 2014, Varga and other organizations received a letter from KEHI ordering all the involved parties to submit, within four days, all contracts, documents and invoices going back to 2008. KEHI wished to review all documents related to grants received from the Norway Grants in great haste. As told by Varga, the collection and arrangement of all that material would have required an enormous effort in itself. It was only the two of them working at FNA and, to keep expenses down, they did not even have an office and relied on others to copy and scan documents.

"While we didn't believe KEHI had the right to conduct these probes, we decided to cooperate to get it over with as soon as possible", Varga says. However, over the next two months, KEHI requested supplementary material four times on similarly short notice. Of course, the probe

did not come as a surprise considering that an employee of the Environmental Partnership Foundation and FNA board president, Foltányi, was the target of the government's assault. Even though KEHI has completed its probe, its findings have never been communicated to the foundation. Foltányi was a candidate for the LMP during the 2010 national elections, but she did not win a seat and had no role whatsoever in the party after the election. She has also been a fierce critic of the government's energy policy, especially concerning the planned new Paks nuclear power plant. When the government attack on the Environmental Partnership Foundation began, her home was searched by the police but no evidence of any misdeeds was found.

However, their ordeal did not end there: in January 2015, the Metropolitan Public Prosecution Office started to investigate the "legitimacy of FNA's operation". Prosecutors demanded documents going back three years and eventually they established that FNA's website did not feature the organization's annual reports. A few weeks later, the tax agency showed up and auditors also reviewed three years' worth of documents. Moreover, when asking for the papers, they also warned Varga that if she failed to appear at the office at the appointed time, they would send in the police and order her to pay for the operation. Varga recounts with a smile that, while their annual budget amounted to HUF 3,000,000 (EUR 9700) at the time, their case was assigned to the Significant Taxpayers Department of the tax authority, which is responsible for dealing with the biggest companies in Hungary. In December 2015, another set of prosecutors appeared on the scene: in this case, the Pest County unit went over the territory already covered by their colleagues from Budapest.

"Delivering piles of letters from the tax authority and the prosecutor's office, the mailman must have wondered about all my criminal activities", Varga says. In her account, the subsequent probes at least managed to reveal that, at minimum, two government agencies had neglected their duties regarding the FNA in the preceding years. The National Judicial Office forgot to upload the FNA's reports to its website (one of the findings of the Pest County probe) and the Metropolitan Court of Budapest failed to draw up the founding documents on time. Of course, these institutions are still in place, while the FNA is on the brink of extinction.

“We have lost all our sponsors, all the doors were closed after these probes and while, in the past, 75% of our applications won grants, recently we have been on a losing streak. We no longer receive government funds and the companies that had once sponsored us disappeared. In November 2015, we had to let my colleague go, although he didn't have much before retirement either, and I will have a salary until February 2017 thanks to a grant awarded in the summer of 2016”, Varga says. However, to the question of whether this means that she's ready to give up, Varga responds in the negative. “We haven't worked for decades for this cause and for raising public awareness to let them destroy all we have built”. She will carry on, she maintains: perhaps, there is a future.

## IX. Political Discrimination by Non-Governmental Actors

**Political discrimination**, due to the logic of the exercise of power, **is most prevalent at state institutions**, that is to say, in the space in which the government has direct influence. It is a feature of the current Hungarian political landscape, however, that **discrimination based on political opinion extends beyond state institution borders and appears in the private sector as well**. This atmosphere of fear thus pervades and affects more than just the public sector. We can identify several instances in fields external to the state apparatus' sphere of influence where taking stances different to or critical of the government's positions have led to **retaliation, discrimination or self-censorship in the third sector and among market actors**. We will review the most glaring examples of these below.

Discrimination in the private sector has been **most visible in the media**. The politically motivated replacement of editors and journalists has been a recurring motif in the transformation of media ownership in recent years. A notable example of this is the **2014 dismissal of the editor of Origo, the most popular Hungarian news website, due to political pressure**.<sup>27</sup> Gergő Sáling, the editor-in-chief of the website then owned by the Magyar Telekom Group, **published several articles that were embarrassing for prominent politicians from the governing party**, among them the minister in charge of the prime minister's office, János Lázár. Origo covered Lázár's EUR 6500 travel bill and expressed solidarity with several opposition news outlets that were banned from the governing party's press conference during the elections. **Origo's newsroom had been under considerable political pressure for some time**. Fidesz politicians attempted to influence editors through the leaders of Magyar Telekom. In the end, **the editor-in-chief was fired**. Following Sáling's dismissal, several other journalists left Origo. The outlet was later sold by its German owners **to a businessman associated with the governing party**.

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<sup>27</sup> See more here in English: <http://www.economist.com/news/europe/21604214-freedom-expression-under-threat-lazar-affair>

**The new proprietor has now transformed the website into a completely pro-government portal.**

Similar political cleansing took place in 2016 at MediaWorks, a publisher bought by Opimus Press. This company has ties to Lőrinc Mészáros, one of the prime minister's confidants. Just before the purchase, MediaWorks had acquired eight regional newspapers. **Five top leaders were immediately dismissed from the publisher, and eight papers in the portfolio of the recently bought Pannon Lapok Group saw the instalment of new editors-in-chief right after the current owners took control.**<sup>28</sup> **The official reason offered was structural alterations.** Similar leadership changes took place at a national paper bought by the government-associated publisher, as well as at *Világgazdaság* ("World Economy"), a prestigious daily newspaper focused on economic reporting, and *Nemzeti Sport* ("National Sport"), **where new right-wing personnel appeared.** Supporting the claim of political motivation is the fact that around the time of these changes the independent and neutral tone of these publications clearly shifted towards a generally pro-government attitude.

In addition to the beheading and "political recalibration" of these media outlets, **the intimidation of journalists** also forms part of the system. This is illustrated by a case at VS.hu, another news website. VS.hu was already affiliated with the government through the cousin of György Matolcsy, the current governor of the Hungarian National Bank and a former minister for national economy. The website's content, however, did not reflect a strong commitment to the government. In 2015, however, one of its journalists, Ákos Keller-Alánt, was fired from the website when he asked an **uncomfortable question regarding a Fidesz politician implicated in a counterfeit money scandal from Antal Rogán**, who was then the head of Fidesz's parliamentary group and is today the Minister of the Prime Minister's Cabinet Office.<sup>29</sup> **VS.hu, through mutual agreement, terminated the contract of the journalist the next day.** The website's leadership supported this course of action by citing the journalist's behaviour. While Keller-Alánt's style was indeed combative and he did

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<sup>28</sup> See here: <http://www.politics.hu/2016/12/08/editors-of-regional-papers-owned-by-orban-confidante-in-mass-firing/>

<sup>29</sup> See more on this case here (in Hungarian): <https://atlatszo.hu/2015/02/17/megvalik-a-vs-hu-a-rogan-szavaba-vago-ujsagirotol/>

interrupt the politician several times, this could still be deemed acceptable journalistic agility. Consequently, his dismissal cannot be interpreted as anything other than **retaliation for embarrassing a leading politician from the governing party** and an effort to intimidate the website's other journalists.

Outlets that cannot be brought under direct political influence are generally **undermined by the government through pressuring market actors**. Such a campaign was initiated against the companies of Lajos Simicska, a one-time ally of the prime minister prior to a falling out. The television channel **HírTV**, which is considered one of Simicska's main assets and which has been **recently pronouncedly critical of the government, was removed from the basic cable packages of one of the largest cable providers, UPC, and a number of its smaller competitors in February 2017**.<sup>30</sup> In this way, suddenly and through administrative means, **the number of the channel's viewers was greatly reduced**. This also decreased the opinion shaping ability of the station, as well as its viewership-based advertising revenue.

In addition to similar outcomes in the public sector, the press and the corporate world, voicing and standing by a political opinion can also cause conflict in the **Hungarian non-governmental sector**. **Gergely Bálint**, a certified social worker, **was dismissed from the Hungarian Charity Service of the Order of Malta in 2012 because he supported LMP, an opposition party, and participated in a flash mob as a member of that organization**.<sup>31</sup> The protest demanded the resignation of Pál Schmitt, a Fidesz politician turned president of the republic. The NGO fired the social worker the day after the demonstration and stated that such political activism is not appropriate for a "place with Catholic sentiments". It is thus clear that the organization itself did not dispute that the employee was dismissed due to his political views.

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<sup>30</sup> See here (in Hungarian): <http://24.hu/belfold/2017/02/06/nincs-tobbe-hir-tv-a-upc-analog-csomagjaban/>

<sup>31</sup> See here (in Hungarian): <http://24.hu/belfold/2012/03/29/a-schmitt-jelentes-elso-aldozata/>

**An emblematic example of forced self-censorship is a case at the Antall József Knowledge Centre.**<sup>32</sup> The think tank bears the name of the first Hungarian prime minister after the democratic transition. The head of this state-sponsored foundation, **Péter Antall**, in a private Facebook message threatened employees with dismissal if they were to “like” on Facebook an anti-Olympics referendum initiative started by an opposition movement. The referendum would be aimed at Hungary’s 2024 bid to host the Olympics, an effort supported by the government. The affair was widely publicized, but it reached its climax when one of the foundation’s lawyers, **Boglárka Szert**, was fired abruptly after she openly voiced support for one of her colleagues who was publicly humiliated for expressing support for the anti-Olympics movement online despite Antall’s injunction. **In addition to raising the issue of self-censorship, the case is notable for demonstrating that a fundamentally unimportant and barely interpretable act of political expression – as well as its defence – can draw disproportionate punishment in the current system.**

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<sup>32</sup> See more about this case here: <http://budapestbeacon.com/news-in-brief/antall-jozsef-center-employees-warned-criticizing-olympics-on-facebook-could-cost-them-their-jobs/43913>

## **X. Conclusion**

The cases examined in this study show that various forms of political discrimination – from employment dismissal to economic undermining – are present in both the public and private spheres. All of this occurs while international treaties and legislation forbidding discrimination in EU member states apply, in theory, to Hungary.

On paper, the Fundamental Law (Constitution) of Hungary guarantees all the right to freedom of speech and political expression that characterize a Western democracy. What's more, the document specifically highlights that one of the greatest crimes of communist leaders – imprescriptible, in the words of that constitution – was differentiating people based on their politics.

But in Hungary, as in all illiberal systems, the devil is in the detail. While the constitution maintains a ban on political discrimination, in practice, cases of state institutions discriminating against people who are critical of the government are regularly revealed.

Though it is likely that most instances of political discrimination do not make it into the news, we can still here present case studies from virtually all of the main “points of contact” between the government and the citizen. The judiciary, the media, education, local government, agriculture and the third sector are all areas in which today it is inadvisable to oppose the government. Retaliation sometimes occurs not due to the government's will but as a result of overzealous lower-level state or local officials' desire to conform.

Still, the government itself leads the way by utilizing the state to undermine its real or supposed political opponents. The most glaring example of this is the government's behaviour in the Norway Grants case, which ruined the leaders and employees of organizations focused on the public good just so the government could use funds received from Norway for its own ends and conduct financial

warfare against those who do not share its views. Similar efforts appeared in agriculture, where politically-based land redistribution and political revenge against a former Fidesz state secretary jeopardized and eventually destroyed the country's foremost bio farm.

Though the media is subject to political battles everywhere, governmental pressure on the press is palpable in Hungary. This can primarily – but not exclusively – be felt in public media, where labour union leaders have been removed for their professional views and reporters have been fired for posing slightly uncomfortable questions to the prime minister. This governmental pressure extends to media products in private ownership as well. As a result, notable Hungarian and foreign companies have fired journalists who have asked government officials inconvenient questions.

Of course, pockets of freedom of varying sizes continue to exist in Hungary, and we cannot speak of a dictatorship. The courts and the Equal Treatment Authority often come down against the government. This shows, on the one hand, that the state has indeed politically discriminated against individuals and organizations, and, on the other, that some parts of the judiciary have maintained their relative independence. Notwithstanding this, there was a case where the ECtHR in Strasbourg had to decide that the state removed András Baka, the former president of the Hungarian Supreme Court, from his office for political reasons.

From the research presented here, investigative reports, judicial decisions and case studies, a Hungarian Potemkin democracy is sketched out, whereby political discrimination is possible in several fields over which the state exerts influence not based on but despite legal regulations. Nonetheless, we certainly cannot proclaim the complete undercutting of dissidents – instead we can identify a gradual restriction of their options.

The Hungarian system is not best defined as exercising total control over opinion, but there is, in fact, government demand for such an outcome. Visibly, this regime,

**which sees political enemies behind all criticism, has had and will have many innocent victims. The state has ruined (often apolitical) people who simply were doing their jobs. Nonetheless, they found themselves in the crosshairs of the government. The destroyed lives of these people – their lost work, their bankrupted businesses and sometimes their deaths – are perhaps the best illustrations for why the protection of human rights and the prevention of political discrimination are so important in every instance.**



**Policy Solutions**

Political Research and Consultancy

Brussels, 1000, Square Ambiorix 10  
+32 2 899 9008

[info@policysolutions.eu](mailto:info@policysolutions.eu)  
[www.policysolutions.eu](http://www.policysolutions.eu)

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