

Position statement concerning the alert submitted with regard to Hungary to the Council of Europe's Platform for the Protection of Journalism and Safety of Journalists and, in a wider context, for guaranteeing freedom of expression

1. Hungary acknowledges that reporting on the activity of the National Assembly, being its supreme body of popular representation, and ensuring parliamentary publicity, are of primary importance as part of the right to freedom of expression, and in particular, of the right to impart information. The freedom of expression, and in connection with it, the freedom to receive and impart information (including the freedom of the press), and the requirement for the enforcement of these freedoms are primarily supposed to ensure that the public is informed, both directly and through the press, about the decisions of the National Assembly, its various sessions, and its work in general. The Hungarian regulation provides a full guarantee on multiple levels for meeting these requirements.
2. The restriction that, consistently with international practices, press recording is only permitted in designated areas within the buildings of the National Assembly, does not constitute a breach of the requirements. The restriction is principally in place to ensure undisturbed and efficient parliamentary work. The seat of the supreme body of popular representation serves primarily to allow legislative activities and other parliamentary powers and responsibilities to be carried out; additionally, it is the principal venue for the work of MPs. Furthermore, it is a matter concerning security, national security and the dignity of Parliament that recordings should only be made in suitable venues that are also appropriate in terms of security.
3. Accordingly, it is essential to have regulatory provisions in place to set out arrangements for press reporting, including the specification of recording venues. This has been acknowledged by the Hungarian Constitutional Court in its Decision No. 20/2007 (III. 29.) AB.
4. The Hungarian regulation allows recording in designated rooms and corridor sections, while preventing situations that would impair operational efficiency, including those in which MPs would be required to be available to representatives of the press anywhere and virtually at any time, e.g. during consultations in breaks and telephone calls, on arrival or departure, or in extreme cases, during meals or while going to the restroom.
5. It should be pointed out that in the Parliament Building, press staff can move around freely, and except for office spaces, may address MPs on circulation routes or even in the dining hall to request or schedule interviews. Areas are designated specifically for recording purposes.
6. The latest amendment to the arrangements of the National Assembly of Hungary for press reporting, their development in a more detailed and consolidated structure, and the designation of new venues within the Parliament Building and the Offices of the National Assembly where media staff may be present and work, have been justified in part by changes in room use and the relocation of administrative offices, and in part by complaints submitted to the Speaker and the Press Office by fractions and MPs, including those of the opposition and the governing parties, concerning journalists who record outside designated areas and ignore MPs declining interviews, and create situations of indignity by following MPs with cameras rolling at times and in circumstances that are inconvenient.

7. The amended regulation specifically lists venues in which recordings may be made, and the number of such venues has not been reduced compared to the regulation previously in effect.

8. The amended regulation is consistent with the regulations that Parliaments in Western European countries have in place, and which are often more stringent than the Hungarian practice as regards media accreditation and interview venues. Indeed, the press regulations of the European Parliament (EP) itself are based on a similar regulatory logic, and in many respects the Hungarian regulation has been designed by reference to the provisions applied in EP institutions. Accordingly, the EP's regulations also designate areas where representatives of the press are permitted to enter and make recordings, specifically listing venues where recording is strictly forbidden under any circumstances.

9. Likewise, the EP regulations are the source of the provision that an MP may decline or interrupt an interview at any time, and the journalist must respect that decision. It should be noted that similar regulations are in place in several other Member States (in the Netherlands, using a camera in operation to address an MP requires the consent of that MP, and Irish regulations apply even greater stringency by providing that MPs may not be interviewed in the Parliament building unless arranged in advance, and may not be asked when stepping out of doors), and that press reporting is not unrestricted under the applicable CoE regulations either.

10. Long-term access passes to Parliament are valid for sessions just as with the EP, and in the breaks of legislation work journalist access to public events is ensured by means of daily press passes.

That arrangement is based on the rationale that the publicity of the bodies of popular representation, which is one of the key criteria in all democratic States subject to the rule of law, and one of the fundamentals of constitutional democracy, must be distinguished from the publicity of the buildings in which those bodies are housed. The scope of publicity does not include all rooms in the buildings, and obviously excludes periods unrelated to public events and parliamentary work.

11. It should also be pointed out that, contrary to the alert, MPs may hold press briefings in the press room and north lounge of the Parliament Building, the press rooms of the fractions, the hall of the Office Building of the National Assembly, as well as in committee meeting rooms. Apart from the press briefing venues listed in the foregoing, for interview purposes journalists may also use the designated areas in the Dome Hall and the upper landing of the Grand Stairway, as well as MPs' offices subject to arrangements with the MPs.

12. Journalists continue to have every means at their disposal to follow legislation work without any interference, and to report to the public about the work of plenary sessions and committee meetings, and about public events. They may attend these in person, make recordings, use television footage, and access all public information related to the functioning of the Parliament.

Beyond that, however, ensuring parliamentary publicity does not imply that the primary purpose of the Parliament Building would be to provide a meeting venue for representatives of the press and MPs. We are of the position that what needs to be guaranteed is that suitable venues would also be available within the Parliament Building where video interviews may be conducted. However, the contents of the interviews are not affected by the venues in which the recordings are made, and MPs may also be available to the press in a number of other venues. Potential venues for

such interviews may include party offices, the electoral offices of the MPs, public political events, or any other venues.

13. Finally, in the event that any of the above rules is breached, the only legal consequence available, also in keeping with international practice, is the restriction of access, which is a reasonable and legitimate purpose in respect of the above considerations. That said, the suspension of access for offenders does not in itself qualify as a real sanction, because the other journalists of the press product who are not suspended may continue reporting from the Parliament, whereby the freedom to impart information is granted. Suspended journalists have the opportunity to ask politicians for comments in a number of other venues.