



HUNGARY

	2012	2013
INTERNET FREEDOM STATUS	FREE	FREE
Obstacles to Access (0-25)	5	5
Limits on Content (0-35)	6	8
Violations of User Rights (0-40)	8	10
Total (0-100)	19	23

POPULATION: 9.9 million
INTERNET PENETRATION 2012: 72 percent
SOCIAL MEDIA/ICT APPS BLOCKED: No
POLITICAL/SOCIAL CONTENT BLOCKED: No
BLOGGERS/ICT USERS ARRESTED: No
PRESS FREEDOM 2013 STATUS: Partly Free

* 0=most free, 100=least free

KEY DEVELOPMENTS: MAY 2012 – APRIL 2013

- Revisions to the criminal code, passed on June 25, 2012 and scheduled to take effect in July 2013, could allow the government to block websites if host providers fail to respond to takedown notices (see **LIMITS ON CONTENT**).
- The Supreme Court fined two blog owners for defamation based on readers' comments, even though the comments were deleted (see **VIOLATIONS OF USER RIGHTS**).
- The fourth modification of the constitution annulled previous decisions of the Constitutional Court, causing uncertainty as to how previous legal protections, particularly regarding free speech, will be interpreted (see **VIOLATIONS OF USER RIGHTS**).

INTRODUCTION

When Hungary transitioned from a one-party state to a parliamentary democracy in 1989–1990, very few people were using the internet in the country. In the following years, dial-up connections spread and the number of users expanded, particularly in the 2000s when the price of internet started to decrease while the availability of broadband connections increased. Today, a majority of the population is online. Information and communication technologies (ICTs) are being used not only for social activities and newsgathering, but also increasingly for political activism.

In the 2010 parliamentary elections, the conservative Hungarian Civic Union (Fidesz) and its ally, the Christian Democratic People's Party (KDNP), won a 53 percent majority,¹ granting them more than two-thirds of the seats in parliament and enabling them to draft and accept a series of laws without meaningful political or public consultation.² The new laws regulating the media, including online media outlets and news portals, are of particular concern.³ A new regulatory authority, the National Media and Infocommunications Authority (NMHH) and its decision-making body, the Media Council, were also established to oversee the mass communications industry, with the power to penalize or suspend outlets that violate stipulations of the media regulations. In April 2011, the national assembly adopted a new constitution, the Fundamental Law of Hungary, which includes a provision concerning the supervision of the mass communications industry and the media as a whole. The parliament also created the National Agency for Data Protection, whose independence has been called into question due to the political appointment process of the agency's leadership.

Immediately after the 2010 media laws were passed, Hungary came under fierce criticism from the international community, as the laws were deemed incompatible with the values of the European Union. Despite the modifications to the media laws in May 2012 based on the ruling of the Hungarian Constitutional Court in December 2011, members of the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe have argued that the laws remain unsatisfactory, and that unclear provisions and the significant power given to the NMHH continue to threaten media freedom.⁴ In particular, high fines can be imposed on all types of media outlets by the one-party Media Council based on an obscure content provision. In January 2013, the Council of Europe welcomed the results of the dialogue with the Hungarian government about media regulation,⁵ while domestic nongovernmental organizations (NGOs) expressed their continued concerns to the Secretary General of the Council of Europe.⁶

¹ Toplist, Parliamentary Election of 2010, April 25, 2010, National Election Office, <http://bit.ly/1bhDO9u>.

² For more details about the overhaul of the legislature, see "Democracy and Human Rights at Stake in Hungary. The Viktor Orbán Government's drive for centralisation of power," Norwegian Helsinki Committee, 2013, <http://bit.ly/WrcX3T>, and in general, what has been happening in Hungary since the 2010 parliamentary elections see Kim Lane Scheppele's Testimony at the Helsinki Commission Hearing on Hungary, March 19, 2013, <http://bit.ly/Y1Cu8c>.

³ Act CIV of 2010 on the freedom of the press and the fundamental rules on media content, <http://bit.ly/1hbKJBW>; Act CLXXXV of 2010 on media services and on the mass media, <http://bit.ly/197GmZJ>.

⁴ "Revised Hungarian media legislation continues to severely limit media pluralism, says OSCE media freedom representative," Organization for Security and Cooperation in Europe, May 25, 2012, <http://www.osce.org/fom/90823>.

⁵ "Secretary General welcomes changes to Hungarian laws on media and judiciary," Council of Europe, January 29, 2013, <http://bit.ly/WuGSZY>.

⁶ "Letter of Hungarian NGOs on Media Legislation to Mr. Thorbjørn Jagland, Secretary General, Council of Europe," Standards Media Monitor, February 4, 2013, <http://bit.ly/197GoRm>.

OBSTACLES TO ACCESS

According to the International Telecommunication Union (ITU), internet penetration in Hungary stood at 72 percent in 2012, up from 53 percent in 2007,⁷ while the National Media and Infocommunications Authority of Hungary (NMHH) reported in late 2012 that there were over two million broadband internet subscriptions in a country of ten million inhabitants.⁸ NRC, a company specializing in internet market research in Hungary, puts the internet penetration at 63 percent in 2012.⁹ In 2011, 50 percent of households had an internet subscription, the overwhelming majority using a broadband connection.¹⁰ Dial-up internet service is not widely used. The ITU and NMHH also recorded a mobile phone penetration rate of 117 percent and 2.94 million mobile internet subscriptions,¹¹ while over 78 percent of residential areas had 3G coverage by mid-2012.¹² In 2012, only 26 percent of the population had never used the internet, a decrease from 52 percent in 2006.¹³ A 2011 Eurobarometer survey found that the main reasons why Hungarian households do not have internet subscriptions were that the monthly subscription was too expensive, the cost of buying a computer and modem was too high, or that no one in the household had an interest in using the internet.¹⁴

There are geographical, socioeconomic, and ethnic differences in Hungary's internet penetration levels, with lower access rates found in rural areas¹⁵ and among the Roma community, the country's largest ethnic minority.¹⁶ An industrial expert noted that internet use is largely determined by age and education, resulting in a higher concentration of internet users in cities, since most young people leave rural areas to attend universities or get jobs in urban centers. He added that in 2012, among users between 15–24 years of age, the internet penetration was over 90 percent; similar rates were found among users having a degree.¹⁷

⁷ International Telecommunication Union (ITU), "Percentage of individuals using the Internet, fixed (wired) Internet subscriptions, fixed (wired)-broadband subscriptions," 2007 & 2012, accessed July 25, 2013, <http://bit.ly/6bZQ1>.

⁸ "Flash report on wireline service," National Media and Infocommunications Authority (NMHH), October 2012, http://nmhh.hu/dokumentum/154927/vezetekes_gyj_2012_okt_eng.pdf.

⁹ "Internet penetrációs adatok" [Internet penetration data], 2012/II, http://nrc.hu/kutatas/internet_penetracio.

¹⁰ Special Eurobarometer 362, "E-communications household survey" (Eurobarometer, July 2011): 49-65, <http://bit.ly/nMMUpu>.

¹¹ "Flash report on mobile internet," NMHH, October 2012, <http://bit.ly/1azZkFJ>; Hungary's population was 9,958,000 in early 2012. See, "Population, vital statistics," Hungarian Central Statistical Office (KSH), <http://bit.ly/1bj3WEr>.

¹² "Flash report on mobile internet," NMHH, June 2012, <http://bit.ly/1azZkFJ>.

¹³ "Individuals who have never used the internet. Percentage of individuals aged 16 to 74," Eurostat, accessed December 27, 2012, <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&plugin=1&language=en&pcode=tin00093>.

¹⁴ Special Eurobarometer 362, "E-communications household survey" (Eurobarometer, July 2011): 56.

¹⁵ Anna Galács, Ithaka Kht, eds., "A digitális jövő térképe. A magyar társadalom és az internet. Jelentés a World Internet projekt 2007. évi magyarországi kutatásának eredményeiről" [The map of the digital future. The Hungarian society and the internet. Report on the results of the 2007 World Internet Project's Hungarian research], (Budapest: 2007): 20.

¹⁶ Statistically speaking, someone who is younger, studying, working or has a degree, and living in the capital or in a city is more likely to use internet than the elderly, unemployed or pensioner, with lower educational background, living in a village. See, World Internet Project (WIP), Report on the Hungarian Research for the World Internet Project 2007 (Budapest: Ithaka, 2008): 26, http://worldinternetproject.com/files/Published/oldis/Hungary_Report_2007.pdf; "Internet-riport 2011/Q3" [Internet-report 2011/Q3], Nrc.hu, 2011, <http://nrc.hu/index.php?name=OE-eLibrary&file=download&keret=N&showheader=N&id=215>.

¹⁷ Imre Kurucz, "Hogyan tovább, internetpenetráció?" [What's next internet penetration?], In: *Marketingkutató* [Marketing Researcher] Nr. 3, Winter 2012, p. 24.

The National Core Curriculum for 2013 drastically decreased the number of IT classes in primary and high schools,¹⁸ possibly maintaining and further increasing the digital divide between social groups, as children coming from poor families may not have access to computers and other digital devices in their homes. Most internet users access the internet from home, work, and school, while access at internet cafes and “telecottages” (local community centers) is less common.¹⁹ The use of gadgets like smartphones, tablets, netbooks, and e-books to access the internet is increasing.²⁰ In 2012, approximately 28 percent of phones used in Hungary were smartphones.²¹ Additionally, an increasing number of widely-used software and websites are available in Hungarian, and there are several Hungarian blog-hosting sites. By mid-2013, there were more than 634,000 registered “.hu” domains²² recorded at some 150 companies.²³

The government does not restrict bandwidth, routers, or switches,²⁴ and backbone connections are owned by telecommunications companies.²⁵ Legally, however, internet and other telecommunications services can be paused or limited in instances of unexpected attacks, for preemptive defense, or in states of emergency or national crisis.²⁶ The Budapest Internet eXchange (BIX) is a network system that maintains the Hungarian internet traffic between domestic internet service providers (ISPs), and is overseen by the Council of Hungarian Internet Service Providers (ISZT)²⁷ without any governmental interference.²⁸

Nine ISPs share 88 percent of the total fixed broadband market,²⁹ and there are three mobile phone service providers, all privately owned by foreign companies.³⁰ The existence of only three mobile phone service providers (in addition to the resellers that use the networks of the three major mobile phone service providers) has created a relatively stagnant market in terms of mobile internet network expansion. In January 2012, a consortium of state-owned companies won a mobile

¹⁸ “Digitális analfabétákat képeznek az iskolák,” [Schools educate digitally illiterates], Miklós Hargitai, Nol.hu, October 22, 2012, http://nol.hu/belfold/20121022-digitalis_analfabetakat_kepeznek.

¹⁹ World Internet Project, “Map of the Digital Future: Hungarian Society and the Internet,” 2007, <http://bit.ly/18eRcu0>.

²⁰ “Már minden harmadik netezőnek van okostelefonja,” [Every third netizen has a smartphone], Nrc.hu, February 2012, http://nrc.hu/hirek?page=details&oldal=1&news_id=625&parentID=644.

²¹ “Christmas presents getting smarter – Smartphones are all the rage,” Enet.hu, November 27, 2012, <http://www.enet.hu/en/news/christmas-presents-getting-smarter-smartphones-are-all-the-rage/>.

²² “The number of domains under the .hu public domains,” Council of Hungarian Internet Providers, May 1, 2013, <http://www.nic.hu/English/statisztika/>.

²³ “List of registrars,” Official .hu domain registry, accessed April 27, 2013, <http://www.domain.hu/domain/English/>.

²⁴ Zoltán Kalmár, Council of Hungarian Internet Service Providers, email communication, January 24, 2012.

²⁵ “Magyarország internetes infrastruktúrája” [Hungary’s internet infrastructure], Rentit.hu, January 29, 2010, <http://www.rentit.hu/hu-HU/Cikk/erdekesssegek/magyarorszag-internetes-infrastrukturaja.rentit>.

²⁶ Act CXIII of 2011 on home defense, Military of Hungary, and the implementable measures under special legal order, Art. 68, par. 5.

²⁷ “BIX Charter,” Budapest Internet Exchange (BIX), April 21, 2009, <http://bix.hu/?lang=en&page=charter>.

²⁸ Zoltán Kalmár, Council of Hungarian Internet Service Providers, email communication, January 24, 2012.

²⁹ Major internet service providers are: T-Home with a 34.7 percent market share, UPC 21.8 percent, and DIGI 13.6 percent. In 2012 UPC acquired RubiCom, bringing the number of major service providers from ten to nine. See “Flash report on wireline service,” National Media and Infocommunications Authority (NMHH), October 2012, http://nmhh.hu/dokumentum/154927/vezetekes_gyj_2012_okt_eng.pdf.

³⁰ The three mobile phone companies are: T-Mobile with a 46 percent market share, Telenor 31 percent, and Vodafone 23 percent. See “Flash report on mobile phone,” NMHH, http://english.nmhh.hu/dokumentum/155178/mobil_hang_jelentes_2012_november_eng.pdf, November 2012.

frequency tender;³¹ however, in September 2012, the Budapest Metropolitan Court annulled the decision by the NMHH to award these frequencies to the state-owned consortium, as well as cancelling the award of additional frequencies to the other three companies in the same auction, thus delaying the spread of 3G networks.³²

In 2012, despite earlier promises, the government decided to keep the special tax that had been levied on the telecommunication industry since 2010 in an effort to meet the nation's budget requirements.³³ The European Commission asked the government to amend these taxes, which it viewed as discriminatory toward foreign companies, and referred the case to the European Court of Justice when Hungary failed to change the taxes. The case is still pending,³⁴ however, the government decided to withdraw the tax regardless.³⁵ In mid-2012, the government introduced a tax on mobile phone calls and text messages (a maximum of \$3 monthly for individual subscribers),³⁶ to counterbalance the withdrawal of the special tax, which also induced an infringement proceeding from the European Commission against Hungary.³⁷ Almost all mobile service providers have since raised their prices.³⁸

The National Media and Infocommunications Authority of Hungary (NMHH) and the Media Council, established under the 2010 media laws, are responsible for overseeing and regulating the mass communications industry. The Media Council is the NMHH's decision-making body related to media outlets, and its responsibilities include allocating television and radio frequencies and penalizing violators of media regulations. The members of the Media Council are nominated and elected by the governing two-thirds parliamentary majority.³⁹ Previously, the president of the NMHH was also the president of the Media Council, and was appointed directly by the prime minister for a nine-year term, indicating the council's lack of independence.⁴⁰ However, after consultations with industry leaders and the Council of Europe in January 2013, the government decided to amend the media regulation so that the president of the Media Council will now be appointed by the president of the republic, based on the proposal of the prime minister, for a non-renewable nine-year term.⁴¹

³¹ "State-run consortium bags biggest frequency block at auction," Bbj.hu, January 31, 2012,

<http://www.bbj.hu/business/update---state-run-consortium-bags-biggest-frequency-block-at-auction-- 62585>.

³² "Hungarian court annuls mobile frequency tender results," September 17, 2012, Edith Balazs, Bloomberg.com,

<http://www.bloomberg.com/news/2012-09-17/hungarian-court-annuls-mobile-frequency-tender-results-1-.html>.

³³ "EU asks Hungary for change in 'discriminatory' special taxes," Aoife White and Edith Balazs, Bloomberg.com, November 21, 2012, <http://www.bloomberg.com/news/2012-11-21/eu-asks-hungary-for-change-in-discriminatory-special-taxes-1-.html>.

³⁴ European Commission vs. Hungary, Case C-462/12, November 23, 2012.

³⁵ "Giró-Szász: okafogyott Brüsszel hozzánk intézett felhívása," [Giró-Szász: Brussels is appealing in vain], Hvg.hu, November 23, 2012, http://hvg.hu/gazdasag/20121123_GiroSzasz_EU.

³⁶ "Hungary phone tax burden may affect Magyar Telekom dividend," Andras Gergely, Bloomberg.com, May 10, 2012, <http://www.bloomberg.com/news/2012-05-10/hungary-tax-may-hit-magyar-telekom-dividend-mattheisen-says-1-.html>.

³⁷ "EU says Hungary's revamped telecom tax is illegal," Reuters.com, January 24, 2013, <http://www.reuters.com/article/2013/01/24/eu-hungary-telecom-idUSL6N0ATA8J20130124>.

³⁸ "Hol és mennyivel drágább a telefonálás a telefonadó miatt?", [Where and how more expensive phone calls are due to the phone tax?], Csaba Balogh, Hvg.hu, July 7, 2012, http://hvg.hu/Tudomany/20120707_telefonado_aremelkedesek.

³⁹ Act CLXXXV of 2010, Art. 124.

⁴⁰ Act CLXXXV of 2010, Art. 111, par. 3.

⁴¹ "Elkészült a médiatörvény módosítása," [The amendment of the media regulation is ready], Imre Bednár, NOL.hu, February 16, 2013, http://nol.hu/belfold/elkeszult_a_mediatorveny_modositasa.

Despite these modifications, some of the decisions of the Media Council have been regarded as politicized. For instance, an analysis by the Standards Media Monitor showed that during the 2011 radio frequency allocation process, preference was given to a few applicants, who received nearly half of the available frequencies.⁴² Organizations such as Human Rights Watch criticized this process and highlighted it as an example of the declines in media freedom.⁴³ In January 2012, the NMHH accepted only one new registration application for a mobile phone frequency tender from a consortium of state-run companies, rejecting all other applicants based on “formal deficiencies,”⁴⁴ although this award was later annulled by the Budapest Metropolitan Court.

With the newly adopted Fundamental Law of Hungary, in operation since January 2012, the governing parties prematurely ended the six-year term of the well-functioning Data Protection Commissioner, replacing the former office with the National Agency for Data Protection. The head of the new agency is appointed by the prime minister for a nine-year term and can be dismissed by the president or prime minister on arbitrary grounds,⁴⁵ calling into question the independence of the agency.

LIMITS ON CONTENT

The government does not currently mandate any type of technical filtering of websites, blogs, or text messages,⁴⁶ though online content is somewhat limited as a result of self-censorship, lack of revenue for independent media outlets online, and the dominance of the state-run media outlet. The government does not place any restrictions on access to Web 2.0 applications: YouTube, Facebook, Twitter, international blog-hosting services, instant messaging, person-to-person communication, and other Web 2.0 applications are freely available. However, while there are currently no mechanisms in place for blocking online content, the revisions to the criminal code, which were passed on June 25, 2012 and are scheduled to take effect on July 1, 2013, include provisions that could force ISPs to block unlawful content.

The revisions to the criminal code stipulate that unlawful content on the internet can be made inaccessible,⁴⁷ or that ISPs can be obliged to block content in order to fight child pornography, crimes against the state, and terror attacks.⁴⁸ For example, if a host provider fails to respond to

⁴² “The Media Council’s tender procedures for broadcasting frequencies,” Standards Media Monitor, <http://www.mertek.eu/en/reports/the-media-councils-tender-procedures-for-broadcasting-frequencies-executive-summary>.

⁴³ “Memorandum to the European Union on Media Freedom in Hungary,” Human Rights Watch, February 16, 2012, <http://www.hrw.org/news/2012/02/16/memorandum-european-union-media-freedom-hungary>.

⁴⁴ “State-run consortium bags biggest frequency block at auction,” Bbj.hu, January 31, 2012, http://www.bbj.hu/business/update---state-run-consortium-bags-biggest-frequency-block-at-auction--_62585.

⁴⁵ Act CXII of 2011 on data protection and freedom of information, Section 40, par. 1, 3; Section 45, par. 4–5, http://www.naih.hu/files/ActCXIIof2011_mod_2012_05_09.pdf.

⁴⁶ The failed Anti-Counterfeiting Trade Agreement (ACTA) would have not imposed any stricter rules related to intellectual property than the operating Hungarian laws, according to the National Board Against Counterfeiting. See, “Kérdések és válaszok a Hamisítás Elleni Kereskedelmi Megállapodásról (ACTA)” [Questions and Answers on the Anti-counterfeiting Trade Agreement (ACTA)], February 3, 2012, <http://bit.ly/14Tt2EX>.

⁴⁷ Act C of 2012 on the Criminal Code, Art. 77.

⁴⁸ “Abandoning safe harbours: Hungarian online freedoms at risk,” European Digital Rights, November 21, 2012, <http://www.edri.org/edrigram/number10.22/hungarian-online-freedoms-abandon>.

take-down notices regarding illegal content, ISPs would then be required to block users' access to the site. The new code also includes plans for a non-transparent blacklist handled by the NMHH, under which ISPs could be obligated to temporarily block content even before a court ruling.⁴⁹ As the blacklist would not be public and the process by which websites are placed on the list is not transparent, there are concerns that it might trigger self-censorship among bloggers.

Anyone can launch a blog or a website to freely express his or her opinion. Nevertheless, the 2010 media laws contain several general content regulation provisions concerning online media outlets, particularly if these outlets provide services for a profit. For example, the media regulation states that print and online media outlets bear editorial responsibility if their aim is to distribute content to the public for “information, entertainment or training purposes,” but that editorial responsibility “does not necessarily imply legal liability in relation to printed press materials.”⁵⁰ The law fails to clarify what editorial responsibility entails and whether it would imply legal liability for online publications. A member of the Media Council claimed that this provision could apply to a blog if the blog were produced for a living.⁵¹

Intermediaries are not legally responsible for transmitted content if they did not initiate or select the receiver of the transmission, or select or modify the transmitted information.⁵² Intermediaries are also not obliged to verify the content they transmit, store, or make available, nor do they need to search for unlawful activity.⁵³

The 2010 media laws stipulate that media content—both online and offline—may not offend, discriminate or “incite hatred against persons, nations, communities, national, ethnic, linguistic and other minorities or any majority as well as any church or religious groups.”⁵⁴ Further, the law states that constitutional order and human rights must be respected, and public morals cannot be violated.⁵⁵ However, the law does not define the meaning of “any majority” or “public morals.” If a media outlet does not comply with the law, the Media Council may oblige it to “discontinue its unlawful conduct,” publish a notice of the resolution on its front page, and/or pay a fine of up to HUF 25 million (approximately \$111,000).⁵⁶ If a site repeatedly violates the stipulations of the media regulation, ISPs can be obliged to suspend the site's given domain, and as a last resort, the media authority can delete the site from the administrative registry.⁵⁷ Any such action can be appealed in court, although the overhaul of the judiciary calls into question the independence of the court system.

⁴⁹ “Internetcenzúrává alakulhat a pedofilok elleni harc,” [Fight against pedophiles can turn into internet censorship], Áron Kovács, Hvg.hu, October 27, 2012, http://hvg.hu/itthon/20121027_internetcenzura_tartalmak_letiltasa.

⁵⁰ Act CIV of 2010, Art. 1, par. 6.

⁵¹ “Tanácsnokok és bloggerek” [Members and bloggers], Mediatanacs.blog.hu, January 11, 2011, http://mediatanacs.blog.hu/2011/01/11/tanacsnokok_es_bloggerek.

⁵² Act CVIII of 2001 on Electronic Commerce, Art. 8, par. 1.

⁵³ Act CVIII of 2001, Art. 7, par. 3.

⁵⁴ Act CIV of 2010, Art. 17.

⁵⁵ Act CIV of 2010, Art. 16, and 4, par. 3.

⁵⁶ Act CLXXXV of 2010, Art. 186, par. 1, 187, par. 3. bf.

⁵⁷ Act CLXXXV of 2010, Art. 187, par. 3. e, 189, par. 4.

Critics of the 2010 media laws contend that the Media Council operates with unclear provisions and imposes high fines and sanctions on media outlets,⁵⁸ which might give rise to uncertainty and fear, lead to self-censorship, and have a chilling effect on journalism as a whole. Nonetheless, as of April 2013, no online media outlet had been penalized for violating the new stipulations introduced by the 2010 media laws, and in December 2011, the Constitutional Court struck down several provisions applicable to print and online outlets.⁵⁹ In May 2012, the parliament modified the media regulation in order to comply with the ruling of the Constitutional Court,⁶⁰ but left the above listed provisions valid in the case of printed press outlets and online media outlets. OSCE Representative on Freedom of the Media Dunja Mijatovic warned that the amendments “only add to the existing concerns over the curbing of critical or differing views in the country.”⁶¹

Cases of copyright infringement are usually considered under civil law and can result in the “destruction of the device or material.”⁶² However, copyright infringement cases that cause financial injury can be punishable by imprisonment under both the current and the new criminal codes.⁶³

A series of interviews conducted with journalists in 2012 provide a picture of the extent of self-censorship in Hungary, which is due to political and economic pressure on both traditional and online media outlets. According to most of the interviewees, the media laws had not made any difference when it came to self-censorship; instead, as one respondent noted, “the two-third majority push of executive power, the unprecedented leverage of that power, and the rise of the Fidesz party” have had a greater effect on self-censorship. Another journalist added that “party finance is entangled with media financing. Political and economic influence is exerted through public and private advertising.” A respondent explained that “there was always some other interest at play, political or from the side of business and advertising—or both simultaneously, because these two often go hand in hand.”⁶⁴ A journalist on hunger strike with colleagues against the alleged manipulation of news items in the public service media⁶⁵ held that “if your boss is telling you to falsify reports, it is your professional consciousness that decides whether you will fulfill these orders or not.”⁶⁶

⁵⁸ “Hungarian media laws Q&A,” Article 19, August 2011, <http://www.article19.org/data/files/medialibrary/2714/11-09-01-REPORT-hungary.pdf>.

⁵⁹ Judit Bayer, “Hungarian Constitutional Court repeals parts of Media Constitution and Media Law,” Media Laws, December 29, 2011, <http://www.medialaws.eu/hungarian-constitutional-court-repeals-parts-of-media-constitution-and-media-law/>. See also “Ruling No. 165/2011. (XII. 20.) AB of the Constitutional Court—Summary,” Mertek, <http://bit.ly/15BXMg1>.

⁶⁰ “New laws curb media freedom,” Human Rights Watch, May 29, 2012, <http://bit.ly/MC3Oji>.

⁶¹ “Revised Hungarian media legislation continues to severely limit media pluralism, says OSCE media freedom representative,” Organization for Security and Cooperation in Europe, May 25, 2012, <http://www.osce.org/fom/90823>.

⁶² Act LXXVI of 1999 on Copyright, Art. 94, http://www.oapi.wipo.net/wipolex/en/text.jsp?file_id=127828#P530_98754.

⁶³ Act IV of 1978 on the Criminal Code, Art. 329/A, <http://www.wipo.int/wipolex/en/details.jsp?id=2199> and Act C of 2012, Art. 359.

⁶⁴ “The Reins on Freedom: Self-Censorship in the Hungarian Press,” Attila Mong, <http://www.mertek.eu/en/reports/self-censorship-in-the-hungarian-press>. The article was originally published in Hungarian in *Élet és Irodalom*, LVI, Nr. 15, April 20, 2012.

⁶⁵ “How the news get edited on Hungarian state television,” Thecontrarianhungarian.wordpress.com (blog), December 14, 2011, <http://thecontrarianhungarian.wordpress.com/2011/12/14/how-the-news-gets-edited-on-hungarian-state-television/>.

⁶⁶ “Hunger strike speaks of downward spiral in Budapest,” Rosie Scammell, January 24, 2012, http://www.huffingtonpost.co.uk/rosie-scammell/hunger-strike-budapest-hungary-downward-spiral_b_1228566.html.

Soon after the 2010 parliamentary elections, state advertising funds were partially or completely withdrawn from some quality newspapers, allegedly for political reasons, while others multiplied their revenues from such state sources.⁶⁷ Additionally, private advertisers tend to advertise where state companies do, meaning that some media outlets (those generally critical of the government) are “bleeding out.”⁶⁸ The same phenomenon can be witnessed in the case of other platforms such as radio stations and outdoor advertisements; companies with close ties to the governing party received a large share of state funding for advertisements in 2012.⁶⁹ However, there is currently no data to determine the level of political influence over advertisements in cases of online media.

Despite the reported self-censorship and lack of financial resources, online media outlets have also become a tool to scrutinize public officials. For instance, starting in January 2012, Hvg.hu, an online news portal whose content is mostly different from the printed business weekly *HVG*, published a series of articles on how the then-president of the republic plagiarized his doctoral dissertation. Although he denied any wrongdoing, Pál Schmitt resigned in April 2012.⁷⁰

Since 2011, the state-owned Hungarian News Agency (MTI) has had a virtual monopoly on the news market, as most of its news items are available to other news outlets free of charge. Consequently, media outlets that have been impacted by the economic crisis tend to republish MTI news items. During its overhaul, MTI became integrated into the system of public service broadcasting, led by the media authority. The media laws oblige MTI to produce news bulletins for public service broadcasters and edit their joint news portal.⁷¹

Although MTI has a major effect on traditional and online content, the online content landscape is relatively diverse. The two main news portals are Origo.hu (with an average of 862,000 daily visitors as of April 2013) and Index.hu (with an average of 685,000 daily visitors as of April 2013).⁷² Most civil society organizations have websites, and an increasing number of them have a presence on Facebook. There are some media outlets, including online portals, for the minority Roma community;⁷³ the LGBT community and religious groups have online sources and forums as well. Nevertheless, many news sources, although independent, often reflect the politically divided nature of Hungarian society, and partisan journalism is widespread.⁷⁴

⁶⁷ Annamária Ferenczi, “Kormányzati intézmények és állami cégek médiaköltései Magyarországon, 2003-2011. Leíró statisztikák és megfigyelések” [Government Advertising Incomes in the Hungarian Media, 2003-2011. Descriptive statistics and observations.], BCE Corruption Research Center, 2012, http://www.crc.uni-corvinus.hu/download/media_ah_2012_riport1_130430.pdf.

⁶⁸ Kim Lane Scheppele, “Hungary’s free media,” March 14, 2012, <http://nyti.ms/zdrDTE>.

⁶⁹ Ildikó D Kovács and Attila Bátorfy, “Az állam a médiapiacra 2012-ben,” [The state on the media market in 2012], Kreatív.hu, December 19, 2012, http://www.kreativ.hu/media/cikk/az_allam_teljesen_ratelepedett_a_mediapiacra.

⁷⁰ Palko Karasz, “Hungarian president resigns amid plagiarism scandal,” NYTimes.com, April 2, 2012, <http://www.nytimes.com/2012/04/03/world/europe/hungarian-president-pal-schmitt-resigns-amid-plagiarism-scandal.html>.

⁷¹ Act CLXXXV of 2010, Art. 101, par. 4.

⁷² “Total daily average for April 2013,” Medián webaudit, accessed May 25, 2013, <http://webaudit.hu/>.

⁷³ Borbala Toth, “Minorities in the Hungarian media. Campaigns, projects and programmes for integration” (Center for Independent Journalism: Budapest, 2011): 19.

⁷⁴ If a media outlet does not have a leaning to a political/ideological side, then it is apolitical, dedicated to human interest stories, crimes, and catastrophes.

Blogs are generally considered an opinion genre and do not typically express independent or balanced news. There are also blogs analyzing governmental policies, the activities of public figures, and corruption.⁷⁵ Trolling is usually moderated where it is possible to comment on articles, typically to prevent negative discussions. It was reported that even politicians participated in online forum discussions using a pseudonym, and parties and ministries operated a monitoring system to be able to participate in discussions related to their work.⁷⁶ A survey conducted in 2011 among those netizens who knew what “commenting” meant indicated that 87 percent of the respondents encountered trolling on websites, but an overwhelming majority of the respondents considered commenting as a form of freedom of expression.⁷⁷

Facebook, which had almost 4.3 million users in Hungary as of April 2013,⁷⁸ has grown increasingly popular as a tool for advocacy, especially after the 2010 parliamentary elections.⁷⁹ Since then many Facebook groups have formed, and several large demonstrations were organized through Facebook and disseminated on other social-networking sites, mobilizing tens of thousands of people both for⁸⁰ and against the government.⁸¹ In 2012, the number of protests organized online for various social and political issues had mushroomed.⁸² Protests are frequently broadcast online using Ustream, and pictures and videos are distributed instantly via Facebook.⁸³ In late 2012, students protesting against the overhaul of the higher education system started to produce their own videos to announce protests and to communicate their demands.⁸⁴ In October 2012, a coalition of civil society organizations formed “Together 2014,” a campaign to defeat the Orbán administration during the next election cycle.⁸⁵ One of these organizations, Milla (One Million for Press Freedom), is a grassroots movement founded on Facebook in response to the 2010 media laws and which has since grown to be one of the largest opposition movements, organizing numerous demonstrations.⁸⁶ The extent of mobile phone use in organizing protests is unknown.

⁷⁵ To name a few: [Atlatszo.hu](http://atlatszo.hu), [K-monitor.hu](http://k-monitor.hu), [Mandiner.hu](http://mandiner.hu), [Szuveren.hu](http://szuveren.hu), [Velemenyvezer.blog.hu](http://velemenyezer.blog.hu), and the sites of Human Civil Liberties Union ([Tasz.hu](http://tasz.hu)) and Eötvös Károly Institute ([Ekint.org](http://ekint.org)).

⁷⁶ László Bodolai, “Olvasói levelezés,” [Readers' correspondence], in *Élet és Irodalom*, LV, Nr. 29, July 22, 2011.

⁷⁷ “Kommentek megítélése. Elemzés” [Judgement of comments. Analysis], MTE, Origo, Ipsos, 2012, p. 3 and 81, http://www.mte.hu/dokumentumok/mte_komment_kutatas.pdf.

⁷⁸ “Facebook Statisztika” [Facebook Statistics], [Socialtimes.hu](http://socialtimes.hu), accessed April 25, 2013, <http://socialtimes.hu/stat/HU>.

⁷⁹ Walter Mayr, “Facebook generation fights Hungarian media law,” [Spiegel.de](http://www.spiegel.de), January 4, 2011, <http://www.spiegel.de/international/europe/0,1518,737455,00.html>.

⁸⁰ “Pro-government rally in Hungary, Jan. 21, 2012,” [Thecontrarianhungarian.wordpress.com](http://thecontrarianhungarian.wordpress.com), January 23, 2012, <http://thecontrarianhungarian.wordpress.com/2012/01/23/pro-government-rally-in-hungary-jan-21-2012/>.

⁸¹ “Hungarians protest against new Fidesz constitution,” BBC, January 3, 2012, <http://bbc.in/tyltNa>.

⁸² “Civil sphere and grassroots protest in Hungary: December, 2011,” [Thecontrarianhungarian.wordpress.com](http://thecontrarianhungarian.wordpress.com) (blog), January 2, 2012, <http://thecontrarianhungarian.wordpress.com/2012/01/02/civil-sphere-and-grassroots-protests-in-hungary-december-2011/>. The group The City is for All regularly organizes protests related to homelessness and other social issues, see <http://avarosmindenkie.blog.hu/tags/english>. A trade union called Solidarity also frequently organizes demonstrations related to labour and social issues.

⁸³ Hajnalka Fülöp, “Így harcolnak a diákok a hálón,” [This is how students fight on the web], [Nol.hu](http://nol.hu), December 27, 2012, http://nol.hu/tud-tech/20121227-igy_harcolnak_a_diakok_a_halon.

⁸⁴ Mariette Le, “Students rally all over Hungary to save tuition-free education,” [Global Voices](http://globalvoicesonline.org), December 13, 2012, <http://globalvoicesonline.org/2012/12/13/students-rally-all-over-hungary-to-save-tuition-free-education/>.

⁸⁵ Agnes Lovasz, “Hungary’s Together 2014 to Struggle to Oust Orban, Eurasia Says,” *Bloomberg*, December 11, 2012, <http://www.bloomberg.com/news/2012-12-11/hungary-s-together-2014-to-struggle-to-oust-orban-eurasia-says.html>.

⁸⁶ Erin Marie Saltman, “‘Together 2014’ movement emerges in Hungary,” [Policy-network.net](http://policy-network.net), November 23, 2012, <http://bit.ly/1bj3o1g>.

VIOLATIONS OF USER RIGHTS

In June 2012, the Supreme Court fined two blog owners who were found guilty of defamation for comments that were posted by users on their websites, even though the comments were subsequently deleted. Additionally, cyberattacks against government websites continued to take place, and there was one case of physical assault against an online journalist covering a rally in October 2012.

The Fundamental Law of Hungary acknowledges the right to freedom of expression and defends “freedom and diversity of the press,”⁸⁷ though there are no laws that specifically protect online modes of expression. In 2012, the European Commission launched several infringement proceedings against Hungary, partly regarding the independence of the National Agency for Data Protection and the judiciary.⁸⁸ The European Commission expressed concerns over Hungary’s decision to lower the mandatory retirement age from 70 years to 62 years for judges and prosecutors, effectively sending 274 judges, including some on the Supreme Court, into early retirement.⁸⁹ In November 2012, the Court of Justice of the European Union ruled that the early retirement of judges, prosecutors, and notaries was discriminatory.⁹⁰ Prior to that, in July 2012, the Hungarian Constitutional Court ruled that the early retirement was unconstitutional.⁹¹ In March 2013, the parliament accepted a law that gradually decreases the retirement age of judges, prosecutors, and pensioners from 70 to 65 in the next 10 years.⁹²

Additionally, there are concerns over the independence of the judiciary, as control over budgetary and management decisions has been handed over to the president of the National Judicial Office. The parliamentary majority amended the constitution for a fourth time in early 2013,⁹³ triggering further criticisms.⁹⁴

Hungarian law does not distinguish between traditional and online media outlets in libel or defamation cases. The criminal code bans defamation, slander, the humiliation of national symbols (the anthem, flag, and coat of arms), the dissemination of totalitarian symbols (the swastika and red pentagram), the denial of the sins of national socialism or communism, and public scare-mongering through the media.⁹⁵ However, in February 2013, the Constitutional Court ruled that the ban on

⁸⁷ The Fundamental Law of Hungary (25 April 2011) Art. VIII., 1–2.

⁸⁸ “European Commission launches accelerated infringement proceedings against Hungary over the independence of its central bank and data protection authorities as well as over measures affecting the judiciary” European Commission, January 17, 2012, http://europa.eu/rapid/press-release_IP-12-24_en.htm.

⁸⁹ “European Commission launches accelerated infringement proceedings against Hungary over the independence of its central bank and data protection authorities as well as over measures affecting the judiciary” European Commission.

⁹⁰ Judgment of the Court (First Chamber), Case C-286/12, November 6, 2012, <http://bit.ly/14TuyXJ>.

⁹¹ “Elkaszálták a bírói nyugdíjszabályt” [The retirement rule for judges was annulled], Index.hu, July 16, 2013, http://index.hu/belfold/2012/07/16/elkaszaltak_a_biroi_nyugdijszabalyt/.

⁹² “Megszavazták a bírák lassú nyugdíjba küldését” [The law on the slow retirement of judges was accepted], Hvg.hu, March 11, 2013, http://hvg.hu/itthon/20130311_Megszavaztak_a_birak_lassu_nyugdijba_kuld.

⁹³ Kim Lane Scheppele, “Constitutional Revenge”, *Nytimes.com*, March 1, 2013, <http://nyti.ms/12hhYly>.

⁹⁴ “Hungary defies critics over change to constitution,” *Bbc.co.uk*, March 11, 2013, <http://bbc.in/10uVZmd>.

⁹⁵ Act IV of 1978, Art. 179, 180, 269/A, 269/B, 269/C, Art. 270, 270/A. Act C of 2012, Art. 226–227, 332–335.

using totalitarian symbols is unconstitutional,⁹⁶ but the parliamentary majority decided to include it again in the penal code in April 2013.

Both the current civil code and the new draft of the civil code, which is scheduled to take effect in 2014, recognize civil rights (including protection against defamation) and ban the insulting of an individual's honor.⁹⁷ The draft civil code introduces the “damnification fee” for the non-pecuniary damages caused by violating civil rights.⁹⁸ Libel cases demonstrate that the courts generally protect freedom of expression, except when there is a conflict with another basic right. Defamation cases have decreased since a 1994 Constitutional Court decision, which asserted that a public figure's tolerance of criticism should be higher than an ordinary citizen's.⁹⁹ Some fear that the amended Fundamental Law and the new civil code—if accepted—will open up a “Pandora's box” of slander and libel cases initiated by anyone, including public figures, who can claim that their dignity has been harmed.

The fourth amendment to the Fundamental Law of Hungary, adopted by parliament on March 11, 2013, includes a provision that annuls all decisions of the Constitutional Court made prior to January 1, 2012. This provision calls into question the status of a number of decisions that the Constitutional Court had previously ruled on and which are not specifically outlined in the new Fundamental Law. For example, the court had previously ruled that the right to criticize public officials was protected speech; however, this right is not explicitly stated in the new constitution, which means it is unclear whether or not this right will be protected in the future.¹⁰⁰

Prior to 2008, the criminal code was rarely used in cases of defamation or slander.¹⁰¹ In 2008, the Hungarian Supreme Court found a journalist guilty of libel for describing the famous Hungarian Tokaj wine as “shit” in an article published in both the print and online versions of a daily newspaper. This decision was reversed at the European Court of Human Rights in 2011.¹⁰² Launching criminal investigations for online activities is a recent phenomenon. In November 2012, the police launched an investigation based on comments that appeared on Nepszava.hu¹⁰³ and the news site Hir24.hu¹⁰⁴ that criticized Ferenc Papcsák, a Fidesz member of parliament and mayor of a district in Budapest. The police ordered the release of the personal data connected to these comments, including the users' internet protocol (IP) and e-mail addresses, although in the case of the latter site, commenters log-in via Facebook rather than providing a username or e-mail address.

⁹⁶ “Constitutional Court voids ban on «symbols of tyranny»; red star, swastika to become legal on April 30”, Politics.hu, February 21, 2013, <http://bit.ly/18eRI0o>.

⁹⁷ Act IV of 1959 on the Civil Code, Art. 75–85; Bill Nr. T/7971 on the Civil Code, Art. 2:45.

⁹⁸ Bill Nr. T/7971, Art. 2:52–53.

⁹⁹ Péter Bajomi-Lázár and Krisztina Kertész, “Media Self-Regulation Practices and Decriminalization of Defamation in Hungary,” in *Freedom of Speech in South East Europe: Media Independence and Self-Regulation*, ed. Kashumov, Alexander (Sofia: Media Development Center, 2007): 177-183.

¹⁰⁰ Scheppele 2013.

¹⁰¹ Bajomi-Lázár and Kertész 2007: 179.

¹⁰² See ruling of European Court of Human Rights, Case of Uj vs. Hungary, 2011.

¹⁰³ “Latest Papcsák case may infringe on freedom of the press”, Civilmedia.net, November 13, 2012, <http://bit.ly/16AgLbS>.

¹⁰⁴ “Feljelentették a Népszava és a Hir24 kommentelőit”, [Comments of Nepszava and Hir24 denounced] Gepnarancs.hu, November 10, 2012, <http://gepnarancs.hu/2012/11/feljelentettek-a-nepszava-kommenteloit/>.

In January 2013, a blogger named Tamás Polgár, alias “Tomcat,” was condemned for incitement, and received a prison sentence of one year and two months based on the penal code.¹⁰⁵ The sentence was suspended for five years, and the ruling is not final as the defendant has appealed. In a blog post in 2009, during a period in which six Roma people were killed in a case of serial murders, Polgár called upon readers to beat up Gypsies.¹⁰⁶ This is the first case since the democratic transition in which someone has been prosecuted under the penal code for material they posted online. As is the case with decisions of the Supreme Court, one needs to demonstrate that there was clear and imminent danger, which is hard to prove.¹⁰⁷

Generally, users who wish to comment on a web article need to register with the website by providing an e-mail address and username, or they need to use a Facebook login. The operator of a website may be asked to provide the commenter’s IP address, e-mail address, or other data in case of an investigation.¹⁰⁸ According to some analysts, the 2010 media laws “blurred the responsibility of the media outlet and the commenter.”¹⁰⁹ In an article published on Index.hu in July 2011, however, a member of the Media Council stated that comments are not subject to the media laws.¹¹⁰

The legal implications of comments posted online remains unclear. As the chair of the self-regulatory Association of Hungarian Content Providers (MTE) noted, court decisions are diverse in cases of libel committed in a comment online.¹¹¹ His analysis of case studies concludes that Act CVIII of 2001 on Electronic Commerce—based on which providing a commenting option could be considered as a web-hosting service—is not applied frequently. Nonetheless, a comment that has been posted could technically be brought to court even if it were deleted minutes later, rendering website moderating a less useful method for avoiding legal liability. Requiring prior approval from the website administrator before comments are posted may also prove problematic, as a court might consider it editing, which would exclude the use of the Act on Electronic Commerce. Websites operated from abroad can be brought to court as well. This legal uncertainty may prompt some outlets to disable the commenting feature altogether, as at least one popular website did in 2011.

In June 2012, the Supreme Court condemned the publishers of two blogs for defamation committed in comments posted on their sites based on the right of good reputation as described in the civil code, regardless of the fact that the comments had been deleted. The Supreme Court ruled

¹⁰⁵ Act IV of 1978, Article 269 says: “A person who incites to hatred before the general public against a) the Hungarian nation, b) any national, ethnic, racial group or certain groups of the population, shall be punishable for a felony offense with imprisonment up to three years.”

¹⁰⁶ “Court slaps far-right activist Tomcat with suspended jail term”, Politics.hu, January 11, 2013, <http://bit.ly/17dkzxc>.

¹⁰⁷ Zsolt Zádori, “Büntethető-e Bayer véres szájalása?” [Can they condemn Bayer’s bloody words?], *Helsinkifigyelo.hvg.hu*, January 8, 2013, <http://helsinkifigyelo.hvg.hu/2013/01/08/buntetheto-e-bayer-veres-szajalasa/>.

¹⁰⁸ Act XIX of 1998 on criminal proceedings, Art. 178/A, par. 1.

¹⁰⁹ Anonymous internet expert, email communication, February 7, 2012.

¹¹⁰ “A kommentekre nem vonatkozik a médiatörvény” [The media law does not concern comments], *Index.hu*, July 3, 2011, http://index.hu/belfold/2011/07/03/a_kommentekre_nem_vonatkozik_a_mediatorveny/.

¹¹¹ Péter Nádori, “Kommentek a magyar interneten: a polgári jogi gyakorlat,” [Comments on Hungarian internet: civil code practice], *In Medias res*, I, Nr. 2, 2012, Pp. 319–333.

that the plaintiff was harmed in his right to good reputation, and that the defendants needed to pay for the legal expenses incurred.¹¹²

There are no restrictions on anonymous communication, and encryption software is freely available without government interference. Pretty Good Privacy (PGP), a data encryption program, is often used by investigative journalists.¹¹³ Nevertheless, to sign a contract with the mobile phone company, users must provide personal data upon purchase of a SIM card.¹¹⁴

According to the Electronic Communications Act, electronic communications service providers¹¹⁵ are obligated to “cooperate with organizations authorized to perform intelligence information gathering and covert acquisition of data.”¹¹⁶ Additionally, the act states that “the service provider shall, upon the written request from the National Security Special Service, agree with the National Security Special Service about the conditions of the use of tools and methods for the covert acquisition of information and covert acquisition of data.”¹¹⁷

National security services can “gather information from telecommunications systems and other data storage devices” without a warrant.¹¹⁸ The authorities have allegedly installed black boxes on ISP networks.¹¹⁹ Secret services can access and record communication transmitted via ICTs, though a warrant is required.¹²⁰ There is no data on the extent to which, or how regularly, the authorities monitor ICTs. In June 2012, colleagues of the Eötvös Károly Institute issued a complaint to the Constitutional Court requesting the annulment of the provision that allows the minister overseeing the work of the Counter Terrorism Center to approve the secret surveillance of individuals.¹²¹ They argued that this provision is unconstitutional and that such surveillance should be tied to the approval of a judge rather than a minister.¹²²

In accordance with the EU Directive 2006/24/EC on data retention, ISPs and mobile phone companies in Hungary must retain user data for up to one year, including personal data, location, caller phone numbers, the duration of phone conversations, IP addresses, and user IDs for investigative authorities and security services.¹²³ There is no data on the extent of these activities,

¹¹² Pfv.IV.20.217/2012/5, June 13, 2012.

¹¹³ Borbala Toth, “Mapping Digital Media: Hungary,” Open Society Foundations, February 2012, p. 50, <http://www.opensocietyfoundations.org/reports/mapping-digital-media-hungary>.

¹¹⁴ Act C of 2003 on Electronic Communications, Art. 129, <http://www.ictregulationtoolkit.org/en/Publication.2347.html>.

¹¹⁵ Electronic service providers provide electronic communications service, which means a “service normally provided against remuneration, which consists wholly or mainly in the conveyance, and if applicable routing of signals on electronic communications networks, but exclude services providing or exercising editorial control over the content transmitted using electronic communications network; it does not include information society services, defined under separate legislation, which do not consist primarily in the conveyance of signals on electronic communications networks,” Act C of 2003, Art. 188, par. 13.

¹¹⁶ Act C of 2003, Art. 92, par. 1.

¹¹⁷ Act C of 2003, Art. 92, par. 2.

¹¹⁸ Act CXXV of 1995 on the National Security Services, Art. 54, <http://bit.ly/1bhE9cm>.

¹¹⁹ “Hungary – Privacy Profile,” Privacy International, January 22, 2011, <https://www.privacyinternational.org/reports/hungary>.

¹²⁰ Act CXXV of 1995, Art. 56.

¹²¹ Act CXXV of 1995, Art. 58, par. 2. states that in some instances – basically including the tasks of the Counter Terrorism Center – the minister for justice can grant the warrant.

¹²² László Majtényi et al, “Mit keres a Terrorelhárítási Központ a paplan alatt?”, [What is the Counter Terrorism Center is doing under the duvet?], in: *Élet és Irodalom*, LVI, Nr. 26, June 29, 2012.

¹²³ Act C of 2003, Art. 159/A; “Hungary – Privacy Profile,” Privacy International, January 22, 2011.

even though there is a legal obligation to provide the European Commission with statistics of the queries for data made by the investigating authorities.¹²⁴ Cybercafes, on the other hand, are not required to collect user information, and anyone can access the internet at a cybercafe without registration.

Bloggers, ordinary ICT users, websites, or users' property are not generally subject to extralegal intimidation or physical violence by state authorities or any other actors. However, in September 2011, photographers of the online news portals Index.hu and Origo.hu were banned from parliament because they had allegedly taken pictures of the prime minister's notes.¹²⁵ In a separate incident in December 2011, journalists from Index.hu were banned from parliament for being disrespectful after they posted a video of two reporters singing and dancing in the building.¹²⁶ The journalists were permitted to enter parliament again roughly one month later. In January 2012, a photographer from Vagy.hu was not admitted to the public ball of Debrecen city because the organizers claimed that the local news site was not registered with the NMHH.¹²⁷ These types of incidents impede the ability of journalists to cover the news, compromising the Hungarian news and information landscape. In October 2012, there was one physical attack against a journalist of Index.hu, whose nose was broken by an extreme-right protester at an anti-government rally.¹²⁸

In response to Hungary's 2010 media laws, the international hacker group Anonymous posted a video on YouTube threatening the Hungarian government with a cyberattack in August 2011.¹²⁹ Since then, the group rewrote the new Hungarian constitution on the website of the Constitutional Court,¹³⁰ and several government sites, including that of the National Board Against Counterfeiting and the personal website of the Minister of State for Education, were disrupted via distributed denial-of-service (DDoS) attacks in early 2012.¹³¹ Additionally, the website of Közgép, a construction company that frequently wins public procurements, was attacked on September 5, 2012.¹³² Three days later, several Hungarian members of Anonymous were arrested,¹³³ although the accused were discharged to prepare for the defense. In January 2013, the websites of Prime Minister Viktor Orbán (Miniszterelnok.hu, Orbanviktor.hu) were also hacked by Anonymous.¹³⁴

¹²⁴ Act C of 2003, Art. 159/A, par. 7.

¹²⁵ "Photographers banned from Hungarian Parliament," *Thecontrarianhungarian.wordpress.com* (blog), September 20, 2011, <http://thecontrarianhungarian.wordpress.com/2011/09/20/photographers-banned-from-hungarian-parliament/>.

¹²⁶ "Hungary's leading online news portal banned from parliament," *Politics.hu*, December 22, 2011, <http://bit.ly/sWPWb4>.

¹²⁷ Zsolt Kácsor, "Debrecen nem kért a TV2 és az RTL kameráiból" [Debrecen did not want the cameras of TV2 and RTL Klub], *Nol.hu*, January 16, 2012, http://nol.hu/lap/mo/20120116-csak_a_helyi_teve_tudosithatott_a_rekordkiserletrol.

¹²⁸ "Halál rátok, zsidók!" ["Death on you, Jews!"], *Index.hu* video, 23 October 2012, <http://bit.ly/X95KpO>.

¹²⁹ "The Anonymous message to Hungarian government," YouTube, accessed January 30, 2012, <http://www.youtube.com/watch?v=SStDZ5De1Og>.

¹³⁰ "Anonymous geek-topia: Hackers change Hungarian constitution," *Rt.com*, March 5, 2012, <http://rt.com/news/anonymous-hungary-court-constitution-881/>.

¹³¹ Máté Nyusztay, "'A rendszert támadjuk' – Magyarország is az Anonymous célkeresztjében" ['We attack the system' – Hungary is among the targets of Anonymous], *Nol.hu*, February 15, 2012, http://nol.hu/belfold/a_rendszert_tamadjuk_-_magyarorszag_is_az_anonymus_celkeresztjeben.

¹³² "Közgép 'oligarchy' hit by hackers," *Budapesttimes.hu*, September 5, 2012, <http://www.budapesttimes.hu/2012/09/05/kozgep-oligarchy-hit-by-hackers/>.

¹³³ "Elfogták a magyar Anonymous tagjait" [Hungarian members of Anonymous were captured], *Index.hu*, September 8, 2012, http://index.hu/belfold/2012/09/08/elfogtak_a_magyar_anonymus_tagjait/.

¹³⁴ "Feltörték Orbán honlapját" [Orbán's site got hacked], *Index.hu*, January 23, 2013, http://index.hu/tech/2013/01/23/feltortek_orban_honlapjat/.