



CS2. Country case studies on critical junctures in the media transformation process in Four Domains of Potential ROs (2000–2020)

The aim of the second case study is to provide analysis of risks and opportunities concerning the diachronic changes in four domains defined by the project in the 21st century.

Excerpt:



An option for reference of this particular report:

Urbán, Á.; Polyák, G.; and Szávai, P. (2022). HUNGARY. Critical junctures in the media transformation process. In: Country case studies on critical junctures in the media transformation process in Four Domains of Potential ROs (2000–2020). *Approaching deliberative communication: Studies on monitoring capability and on critical junctures of media development in 14 EU countries*, CS2, D-2.1, pp. 279–324. Mediadelcom.
<https://www.mediadelcom.eu/publications/d21-case-study-2/hun/>



HUNGARY

Critical junctures in the media transformation process

Ágnes Urbán, Gábor Polyák and Petra Szávai – Mertek Media Monitor

Executive Summary

In the research period between 2000 and 2020 several critical junctures can be determined that have universally designated the development of media not just in Hungary, but in other participating countries as well. There are some country-specific developments, too. The advent of online media thanks to the broadband Internet technologies from 2000, joining to the European Union in 2004, the rise of social media from the second half of the first decade, the world economic crises from 2008, the constitutional majority victory of Fidesz in 2010, the migration crisis, the so-called “Orbán-Simicska war” in 2015 and the coronavirus pandemic in 2020. Some of these junctures created risk and opportunities in all domains of the media system, the legal environment, the media market and the situation of journalism, the media usage habits and the field of media literacy. The Hungarian media situation is particularly complex. If we look at the variables defined in the theoretical background of the Mediadelcom project, which aims to capture the guarantees that ensure the conditions for deliberative communication, we can see that there are few areas in this respect where we cannot identify serious risks.

1. Introduction

1.1. About Hungary

Hungary has a population of 9.7 million¹²⁷ with a steady declining trend since the 1980s and an ageing society. According to the last census in 2011, around 84% of the population declared themselves as being Hungarian, the country recognises 13 ethnic minorities, the biggest ones are the Romani and German minorities.¹²⁸

In Hungary the GDP per capita was 18772 USD in 2021¹²⁹, which is 40% lower than the OECD best performers.¹³⁰ The employment rate was 73.1% and the unemployment rate was 4.1% in 2021 (among the 15-64 years old population). The performance of the Hungarian economy has been growing steadily since 2013, with one of the highest growth rates in the EU in 2018 and 2019. As a result of the restrictive measures taken to control the coronavirus epidemic, the Hungarian economy's activity also declined significantly in 2020, but the macroeconomic indicators have recovered to pre-pandemic levels in 2021.

¹²⁷ Hungarian Central Statistical Office (KSH) data 2022
https://www.ksh.hu/docs/hun/xftp/idoszaki/mosz/mosz_2021.pdf

¹²⁸ Hungarian Central Statistical Office (KSH) data 2011 https://www.ksh.hu/nepszamlalas/tablak_nemzetiseg

¹²⁹ World Bank (2021), GDP per capita
<https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?end=2021&locations=HU&start=1991&view=chart>

¹³⁰ OECD (2022), Hungary Economic Snapshot <https://www.oecd.org/economy/hungary-economic-snapshot/>

Hungary has been a constitutional parliamentary democracy since 1990. The Hungarian Parliament is made up of one chamber, the National Assembly is elected by parliamentary elections every four years – it has the legislative powers and can amend the constitution by a 2/3 majority. Since 2014, the electoral system has been single-rounded, favouring the big parties and biased towards the winner. Since 2010, the conservative, right-wing Fidesz party led by Viktor Orbán has been in government, and in coalition with the Christian Democratic People's Party they have a constitutional majority in the Hungarian parliament. In September 2022, after 12 years of this supermajority government in power, the European Parliament voted in favour of the report presented by rapporteur Gwendoline Delbos-Corfield about the situation of rule of law, democracy and human rights in Hungary, and declared that the country is no longer a democracy, but a hybrid regime of electoral autocracy.¹³¹

1.2. The Hungarian media system

The characteristics of the Hungarian media system can be described as the so-called polarised pluralist model, based on the concept of Hallin and Mancini (Hallin & Mancini, 2004). High political parallelism, low degree of journalistic professionalisation, underdeveloped media market with low print numbers and high level of state (government) intervention are basic features. The development history of the Hungarian media system cannot be separated from the political regime changes of the past. Since the regime change, various governments have sought to expropriate public media and influence the private media market by helping their business circles to expand their media ownership interests. This has led to an underdeveloped media market and a lack of autonomy for journalists, thus hampering the professionalism of journalism. According to Bajomi-Lázár (2016, 2017), the high degree of political parallelism has led to the emergence of "two schools" of journalism in Hungary, one that strives for a neutral, consultative role, and the other that is politically engaged.

After the regime change in 1989-90, the state of democracy in Hungary began to improve, the privatisation of the media has begun with many foreign investors involved, but the first Media Act was adopted just in 1996. The former state media was transformed into public service media, commercial media outlets were established. The consolidation of the new democratic institutions and the market economy took another decade, according to international indexes the state of the Hungarian democracy and the situation of press freedom was following a positive trend (Bajomi-Lázár, 2015e). The advance of digital technologies as a global trend, has brought new challenges to the Hungarian media market as well – global actors, such as Google and Facebook (launched 2008 in Hungarian) became dominant on the Hungarian advertisement market. After the outbreak of the economic crisis in 2008, the advertisement revenues have fallen dramatically on the market of traditional media¹³², but there was a significant growth in online media¹³³ (Mertek Media Monitor, 2021f). Due to the economic decline foreign investors started to sell their media portfolios. In parallel (and to some extent as a consequence) with these technological and economic changes, a political turning point also occurred in Hungary: the elections of 2010 brought the Fidesz-KDNP government's two-thirds constitutional majority, which persists to this day. A new constitution, a new electoral law and new media laws (with the establishment of a new media authority) were adopted within a short time, and the legislative framework has been changing ever since. 10 years later, severe effects of the new system are clearly visible: the biased and opaque operation of the public service media, the politically

¹³¹ Source: <https://www.europarl.europa.eu/news/en/press-room/20220909IPR40137/meps-hungary-can-no-longer-be-considered-a-full-democracy>

¹³² Between 2008 and 2012: 46% decline in print media, 38% decline in television, no data about radio. (Mertek Media Monitor, 2021f, p. 8)

¹³³ Between 2008 and 2012: 67% increase in online media (Mertek Media Monitor, 2021f, p. 8)

influenced decision-making in the media authority's practices, the total transformation of the media market structure and ownership networks (Mertek Media Monitor, 2021f). One can say, that before 2010 the Hungarian media system was mainly determined by global trends, while since 2010 it has been characterised by political influence rather than market-based considerations. The Hungarian media system has undergone a drastic transformation over the past decade, as demonstrated also by the fact that Hungary has continuously slipped down the annual press freedom rankings of international organisations. The country's rank in the Reporters Without Borders *Press Freedom Index* was the highest in 2006, with Hungary being the 10th freest country among the countries under review. The lowpoint so far was reached in 2021 with the 92nd place, when Bulgaria was the only EU country with poorer press freedom than Hungary. According to the latest report, the country has improved its position with the 85th place.¹³⁴ In the Freedom House's *Freedom in the World Index*, Hungary was classified as partly free in 2019 and has not improved since then. Concerning the *Freedom on the Net Index*, Hungary has slipped into the partly free category in 2022.¹³⁵

1.3. Most important technological, economic, political and social changes in Hungary between 2000-2020

1.3.1. Most important technological changes

In Hungary, the first media laws came into force only in 1996, and a year later the national commercial television channels were launched. In 2000, the rise of broadband Internet technologies marked the beginning of the boom of household Internet access. The first social networking sites appeared in 2002, but they started to develop explosively with the launch of Facebook in 2008. Around the same time, mobile communication technologies also started to gain ground. Digital switchover of terrestrial television was finished in 2013, while digital radio is still not available in Hungary. In the second half of the decade, mobile internet subscriptions and the use of smartphones made a breakthrough among a wide spectrum of society. This, in parallel with the advent of the social networking sites, has significantly transformed journalistic practices (section 3.8) and news media use habits (section 4.3).

1.3.2. Most important economic changes

Among the most significant economic changes affecting Hungary, joining to the EU in 2004 must be highlighted, which also created the possibility of free trade of media products and services. The economic crisis of 2008, in addition to its spill-over effects on other areas, also hit the media market hard, with a drastic drop in advertising revenues in the industry (section 3.2). In 2015 a serious conflict broke out between prime minister Viktor Orbán and his close friend, Lajos Simicska, who was the biggest media oligarch at that time in Hungary. It brought significant changes to the media market, Simicska's media outlets were restructured and closed down in the few years until the 2018 elections, redrawing the domestic media ownership structure (section 3.1). The Covid pandemic in 2020 also brought a dramatic drop in media market revenues, but after a brief setback the market recovered.

1.3.3. Most important social changes

In some groups of the middle and lower classes of society, the habits and beliefs of the communist era continue to live on in a rather stable way. These include a high degree of rejection of the state and state institutions, a willingness to circumvent state and community rules, and a parallel longing for a paternalistic, caring system of institutions that do not require self-activity

¹³⁴ Source of data: <https://rsf.org/en>

¹³⁵ Source of data: <https://freedomhouse.org>

and self-care. At the end of the first decade of the 2000s, the values and mentality of Hungarian society were more closed than in the Western European countries. Certain groups of society did not attach much importance to civil and political liberties, the social mentality was less tolerant, and people had difficulties in accepting differences. Another Hungarian characteristic is the increasing intolerance and prejudice. After the millennium, the social climate has also become extremely hostile to hate-mongering and incitement (Valuch, 2015). The attitude towards politics remained fundamentally negative after the regime change, still characterised by atomisation and disinterest in public affairs. One of the weaknesses of Hungarian society is the very low degree of solidarity, and with it a high degree of distrust of others and the feeling that individuals can only rely on themselves. Measures of the political behaviour and activity of different groups in society show that the overall level of activity has remained relatively low from the change of regime to the present day. This was reflected in the turnout rates at elections, where 50-60% of eligible voters usually exercised their right to vote (Valuch, 2015). According to the *Standard Eurobarometer 96 (2020-21)* report¹³⁶, the Hungarians are mostly concerned about economic and livelihood issues, but the situation of health care was identified as an important problem. Half of the people are satisfied with the functioning of democracy and the rule of law in Hungary, but there is a significant gap between the left (24%) and right (80%) thinking camps. There is also a less strong, but significant divide in attitudes towards the European Union: 58% of left-wingers and 45% of right-wingers have a positive view of the EU, which together is higher than the EU average.

1.3.4. Most important political changes

The first 20 years of free elections were characterised by a "let's see what the others can do" attitude, with governments of the left and right following each other. After the first term of the democratic republic, the right-wing Hungarian Democratic Forum (MDF), Christian Democratic Party (KDNP) and Independent Smallholders Party (FKGP) government coalition was succeeded by a 4-year term of the coalition of the Hungarian Socialist Party (MSZP) and Alliance of Free Democrats (SZDSZ) in 1994. The 1998 elections gave Viktor Orbán's party, the Fidesz - Hungarian Civic Alliance its first victory for one term in coalition with the FKGP and MDF. Between 2002 and 2010 Socialist Party governments were again in power (in coalition with SZDSZ between 2002 and 2008). The scandal that erupted after the "Ószöd speech" and the accompanying series of anti-government protests, as well as the economic crisis from 2008 have led to significant loss of support for the MSZP government, in 2010 Fidesz came to power and in coalition with the Christian Democratic Party formed a two-thirds majority in the Parliament. This coalition has been able to stay in power in the 2014, 2018 and 2022 elections.¹³⁷

1.3.5. Most important changes in the media policies

The first media laws were adopted in 1996, but the EU legal framework and major technological changes made the need for a new law very urgent by the end of the 2000s. The introduction of the legislation which was drafted for 2008, failed, and the new media laws were presented with the constitutional majority of the second Orbán government in 2010. Two important laws on the media were passed by the Parliament in 2010: The Act CIV of 2010 on the Freedom of the Press and on the Basic Rules for Media Content (Press Act, Smtv.) – it contains all the basic rules on media content and provisions on the status of journalists, and Act CLXXXV of 2010 on Media Services and Mass Media (Media Act, Mttv.), which contains rules on the structure of the media system. At the same time, a new media authority was also established. 2013 brought the adoption of the new Civil Code, one year later an advertising tax was adopted and the National Com-

¹³⁶ Source of data: <https://europa.eu/eurobarometer/surveys/detail/2553>

¹³⁷ Based on the data of the National Election Office (NVI) <https://www.valasztas.hu/web/national-election-office/parliamentary-elections>

munications Agency was created. In 2015 the public service media was transformed and a stricter freedom of information law was introduced. In 2018 a pro-government media conglomerate, the Central European Press and Media Foundation was established, classified as national strategic importance and bypassing market concentration rules. The pandemic in 2020 brought the strengthening of the Criminal Code with the adoption of the "fake news" law. In 2021 the so called anti-LGBTQ law (Child Protection Act) introduced a stricter content control in the media.

1.4. Assessment of monitoring capabilities

There are a decent number of sources available for studying deliberative communication in Hungary. Data and research are fragmented, there are limited, but not unprecedented longitudinal monitorings. For the study of the four domains, we have information for almost every variable - some of it from quantitative, some from qualitative approaches. The most coherent area of study is media law research, which has excellent experts and a high level of specialization in its various subfields. The most fragmented topics are journalism and media literacy, which have a wide range of studies based on qualitative, small sample study traditions but little specific quantitative data. To analyse the variables of media usage domain there are sufficient quantitative data even in a longitudinal perspective from the beginning of the 2010s. Accountability is by far the most under-researched area, which is due to the topic's neglect also in its practical application.

The most important risks for media research lie primarily in the structural changes affecting the university-academic sector: institutions are currently vulnerable mainly in the area of financial autonomy, but it is still uncertain what impact the changes will have on their professional autonomy (case study 1, sections 1.2 and 1.3.1). Another serious risk is that there is no journalism education at the university level in Hungary. Professional training courses organised by the different professional actors are trying to counterbalance this problem, but they cannot replace tertiary education (case study 1, section 1.3.1).

The government's education and R&D policy is moving towards greater support for the natural sciences, with less and less funding for both teaching and research activities in the humanities and social sciences, including communication and media studies. As opportunities, international research projects, measurements and indices should be mentioned, as well as national organisations, mainly NGOs, which have taken on the role of monitoring the situation of the media in Hungary. These NGOs are able to conduct project-based research on different media issues with the help of foreign funding.

2. Risks and Opportunities of Legal and Ethical Regulation Domain

2.1. Development and agency of change

The two conceptual variables that define the legal domain, freedom of expression and freedom of information, are recognised as fundamental rights in the constitutions of all EU Member States, including Hungary, in accordance with the Charter of Fundamental Rights and European Convention on Human Rights treaties.

The period covered by the Mediadelcom project, can be divided into two parts in terms of legislation: before and after 2010. The Hungarian Constitution, which was effective between 1989 and 2010, was replaced by the Fidesz-KDNP's constitutional majority parliament. Since the

adoption of the *Fundamental Law of Hungary*¹³⁸ it has been amended several times, in 2022, the 10th amendment extended the government's powers to declare a state of emergency¹³⁹, a legal order that allows decisions with serious implications also for the media to be taken. In 2010, Act I of 1996 on Radio and Television Broadcasting was repealed and replaced by *Act CLXXXV of 2010 on Media Services and Mass Media* (Mttv., Media Act), and Act II of 1986 on the Press was repealed, replacing it by *Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules of Media Content* (Smtv., Press Act). In the following year, Act LXIII of 1992 on the Protection of Personal Data and the Publicity of Data of Public Interest and Act XC of 2005 on Freedom of Information by Electronic Means were replaced by *Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information* (Infotv., Privacy Act). When analysing the variables of the legal regulation connected to media, we also look at several other areas of Hungarian law that affect the issues we are examining. For example, in 2012 a new Criminal Code¹⁴⁰ entered into force, and in 2013 a new Civil Code¹⁴¹ as well.

The 2010 media laws woke wide national and international criticism among political and civil organisations, such as the European Commission, the European Parliament, the OSCE Representative on Freedom of the Media or the Commissioner for Human Rights of the Council of Europe. (Commissioner for Human Rights, 2011; Directorate General Human Rights and Rule of Law, 2012; Jakubowicz, 2010) Before the adoption of the laws there was no social consultation, neither opposition parties, professional bodies nor NGOs were consulted about the draft legislation. With the new press and media laws and the extended supervision and sanctioning powers of the media authority, media regulation in Hungary now covers all platforms: television, radio, print media and the internet. While the Press Act imposes certain content obligations on all platforms, the Media Act keeps regulation differentiated in specific areas, thus the legislator continues to place the greatest regulatory burden on linear media services.

The Hungarian media authority, the *National Media and Infocommunications Authority* (NMHH), was also created in 2010, merging its two predecessors, the National Radio and Television Authority (ORTT) and the National Infocommunications Authority (NHH). So, it is a convergent authority that acts as the regulator of telecommunications and media markets as well. In the field of media regulation, the NMHH is represented by the *Media Council*, which has independent powers and is the successor to the ORTT. Operation of the authority is constantly under fire from the professional as well as the academic field, mainly because of its dependence on the government parties and the resulting problematic procedures. According to the Media Pluralism Monitor 2022 Hungary is rated as medium risk on the independence of the media authority (Bátorfy et al., 2022). Several analyses and studies have been published on the issues around the authority over the last 10 years (Dezséri, 2011; Directorate General Human Rights and Rule of Law, 2012; Lampé, 2011; Majtényi, 2011; Mertek Media Monitor, 2015a, 2016a, 2017, 2018a, 2021c; Nagy, 2010, 2011, 2016a, 2016b; Polyák & Nagy, 2015; Polyák & Rozgonyi, 2015; Polyák & Urbán, 2016; Vincze, 2012a, 2012b; WAN IFRA, 2013). According to a number of national and international experts and investigators, the regulatory environment and decision-making practices of the Media Council raise serious concerns. Although the Media Act provides formal safeguards for independence, the election of the Media Council's members and chairman clearly gives the possibility of political influence. The Media Council has been a politically homogeneous

¹³⁸ See the text: <https://www.parlament.hu/documents/125505/138409/Fundamental+law/73811993-c377-428d-9808-ee03d6fb8178>

¹³⁹The amendment of Article 53 (1): "**In the event of an armed conflict, war or humanitarian disaster in a neighbouring country, or in the event of a natural disaster or industrial accident endangering life and property, or in order to mitigate its consequences, the Government shall declare a state of danger, and may introduce extraordinary measures laid down in a Cardinal Act.**"

¹⁴⁰ Act C of 2012 on the Criminal Code

¹⁴¹ Act V of 2013 on the Civil Code

media authority since 2010. The Media Council's chairman and members are appointed for nine years, the current members of the Council will remain in office until 2028.

The most obvious evidence of political bias in the last years was the authority's practice of allocating radio frequencies (Nagy, 2016a, 2016b; MerteK Media Monitor, 2021c). The tendering system is too complex and overly formalised, which results in many tenders being excluded on formal grounds, often leading to lawsuits. Tendering procedures are not sufficiently transparent, so there is no way to comprehensively and meaningfully evaluate the authority's decisions (MerteK Media Monitor, 2015a). In the past decade the Media Council's decisions in the frequency tenders have transformed the whole radio market with the vast majority of independent radio stations disappearing. Inadequate cross-ownership rules in media laws allow the possibility to the Media Council of biased decisions. The regulator has authorised all acquisitions and mergers involving pro-government players, while it has stopped the mergers involving independent actors. The practice of the Media Council serves almost exclusively the expansion of those close to the ruling party, which has resulted in a distorted and unbalanced media market (MerteK Media Monitor, 2021c).

The *Constitutional Court* has a decisive role in issues of freedom of expression, freedom of information and freedom of the press¹⁴², which is mainly due to the fact that the constitution adopted after the regime change was laconic on these topics, and a detailed media law was not passed until 1996. The most important precedents in the case law of the Constitutional Court date back to these years. The first decision on the freedom of the media was taken in 1992 in which the Constitutional Court established the framework and objectives in line with European constitutional traditions.¹⁴³ The practice of the Constitutional Court concerns several fundamental aspects of media regulation, such as the development of a pluralistic media system, the independence of media supervisory bodies, the relevance of public service broadcasting and a stricter regulation of media content (Polyák & Nagy, 2015). However, after the 2010 parliamentary elections also the powers of the Constitutional Court were significantly reorganised in the 2011 constitutional revision and in the new Act CLI of 2011 on the Constitutional Court. Point (5) of the final provisions of the new Fundamental Law states that "*Constitutional Court rulings given prior to the entry into force of the Fundamental Law are hereby repealed. This provision is without prejudice to the legal effect produced by those rulings.*" In its case law after 2012, the Constitutional Court may cite or refer to the arguments and legal principles developed in the repealed Constitutional Court decisions, indicating them as references. While before 2012, anyone could request an a posteriori constitutional review of a given piece of legislation, after 2012 only the government, a quarter of the MPs, the Commissioner for Fundamental Rights, the President of the Curia and the Prosecutor General can initiate such a procedure (Schiffer, 2018). A law amendment voted in 2019 allowed members of the Constitutional Court to sit on the Supreme Court (Kúria) without being nominated. In October 2020, Zsolt András Varga, a constitutional judge was elected President of the Supreme Court. The case has caused a huge public outcry, with many seeing this level of blurring the boundaries of the different branches of power as another attack against judicial independence.

The Hungarian justice system has been criticised by international institutions over the past decade. The *Venice Commission* of the Council of Europe regularly deals with the Hungarian legal

¹⁴² Some of the most important decisions concerning media regulation: Constitutional Court Resolution No. 37/1992. (VI. 10.) AB; Constitutional Court Resolution No. 47/1994. (X. 21.) AB; Constitutional Court Resolution No. 61/1995. (X. 6.) AB; Constitutional Court Resolution No. 22/1999. (VI. 30.) AB; Constitutional Court Resolution No. 766/B/2002. AB; Constitutional Court Resolution No. 1006/B/2001. AB; Constitutional Court Resolution No. 1/2005. (II. 4.) AB; Constitutional Court Resolution No. 46/2007. (VI. 27.) AB; Constitutional Court Resolution No. 37/2008. (V. 8.) AB; Constitutional Court Resolution No. 165/2011. (XII. 20.) – according to Polyák & Nagy, 2015.

¹⁴³ Constitutional Court Resolution No. 30/1992. (V. 26.) AB

system – since 2011, it has issued more than 20 opinions¹⁴⁴ on Hungarian regulatory issues, including the 2015 changes to the Media Act and the introduction of an advertising tax (European Commission for Democracy Through Law, 2015). Institutions of the European Union also criticize the Hungarian justice system in different procedures.

- The European Parliament launched the Article 7(1) TEU procedure¹⁴⁵ against the Hungarian government in 2018 for breaching EU rules and values, such as the independence of judiciary, freedom of expression and information, academic freedom and minority rights.¹⁴⁶ Apart from a few hearings before the European Council, no progress has been made so far, but sanctions may result in the suspension of the voting rights of the country.
- The European Commission has already launched infringement proceedings against Hungary in several cases, for example because of regulations targeting refugees, NGOs or the Central European University. Many aspects of these laws were later found by the European Court of Justice to be incompatible with EU law.
- The Commission's Rule of Law Reports (2020, 2021, 2022) specify major problems with democratic values and standards in Hungary, among others the independence of the media council, the government's influence over the media market and obstacles to journalists' access to information.
- The Commission launched the conditionality mechanism against Hungary in April 2022 – if the Commission finds that EU funds are not being used for their intended purpose, it can take financial measures. In the areas of public procurement, spending of European budgets, audits, monitoring, clearance of accounts, transparency, fraud prevention and corruption, Hungary seems to be most problematic, but the Commission also found the detection of irregularities inadequate. Hungary has not joined the *European Public Prosecutor's Office*.

From a legal point of view, the government has found a decisive instrument in recent years, which, even with their two-thirds majority, makes legislation without consultation even more effective. In March 2020, in response to the COVID-19 pandemic, the government declared a "state of emergency" and the parliament passed the widely condemned Authorisation Act¹⁴⁷. The special legal order allows the government to govern by decree and was extended several times in 2020 and 2021. Before the deadline of the declared state of emergency due to the coronavirus would have expired on 31 May 2022, the newly formed Orbán government (authorised by the 10th amendment of the Constitution) declared a state of emergency due to the war in Ukraine on 24 May.

2.2. Freedom of expression

In Hungary *freedom of expression* is a constitutional right, which together with freedom of the press are recently recognised in the (1) and (2) paragraphs of Article IX of the Fundamental Law

¹⁴⁴ Access: <https://www.venice.coe.int/webforms/documents/default.aspx?country=17&year=all>

¹⁴⁵ European Parliament resolution of 12 September 2018 on a proposal calling on the Council to determine, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded (2017/2131(INL))
https://www.europarl.europa.eu/doceo/document/TA-8-2018-0340_EN.html

¹⁴⁶ „(...) the concerns of Parliament relate to the following issues: the functioning of the constitutional and electoral system; the independence of the judiciary and of other institutions and the rights of judges; corruption and conflicts of interest; privacy and data protection; freedom of expression; academic freedom; freedom of religion; freedom of association; the right to equal treatment; the rights of persons belonging to minorities, including Roma and Jews, and protection against hateful statements against such minorities; the fundamental rights of migrants, asylum seekers and refugees; economic and social rights.”

¹⁴⁷ Act XII of 2020 on the containment of coronavirus

of Hungary.¹⁴⁸ Between 1989 and 2011 the same paragraphs of Article 61 of the Hungarian Constitution guaranteed these fundamental rights. In line with ECtHR rulings, Hungarian Constitutional Court Resolution No. 37/1992 (VI. 10.) AB states: *"Freedom of expression is exercised in a specific way in the context of freedom of the press. Freedom of the press must be guaranteed by the state in the light of the fact that the 'press' is a privileged instrument for obtaining the information necessary to make an opinion, to express and form an opinion (...) The press is not only an instrument of free expression, but also of information, i.e. it plays a fundamental role in informing the public, which is a prerequisite for forming an opinion."* The Press Act (Article 7, paragraph 1) also provides guarantees *"(...) protection against any pressure from the owner or the sponsor aimed to influence the media content (editorial independence and journalistic freedom of expression)."*

Explicit **restrictions upon freedom of expression** are found in the (4) and (5) paragraph of Article IX of the Fundamental Law.¹⁴⁹ They prohibit the violation of dignity of others, the Hungarian nation and any national, ethnic, racial and religious community. In conflict with other fundamental rights, such as the right to integrity and reputation¹⁵⁰ the Fundamental Law also contains restrictions to freedom of expression. Relevant sections of the Civil¹⁵¹ and Criminal¹⁵² Codes, the Press Act¹⁵³ and Media Act¹⁵⁴ and several Constitutional Court decisions¹⁵⁵ are also related to the restrictions of this fundamental right, which regulate issues, such as hate speech, the protection of public morals, the protection of personal rights and disinformation. The generic term "hate speech" covers several offences regulated in the Criminal Code, such as the "crime of incitement against the community¹⁵⁶", "public denial of the crimes of the national socialist and communist regimes¹⁵⁷", "insulting a national symbol¹⁵⁸", "the crimes of using authoritarian symbols¹⁵⁹". Also, the Civil Code has a paragraph about hate speech¹⁶⁰, which entitles a member of a community to enforce his/her personality rights in case of a false and malicious statement was made in public for being part of the community. These crimes can be committed not only through the media, but they also constitute a restriction on the freedom of the press, so the

¹⁴⁸ (1) *Everyone shall have the right to freedom of expression.*

(2) *Hungary shall recognise and protect the freedom and diversity of the press, and shall ensure the conditions for the free dissemination of information necessary for the formation of democratic public opinion.*

¹⁴⁹ (4) *The right to freedom of expression may not be exercised with the aim of violating the human dignity of others.*

(5) *The right to freedom of expression may not be exercised with the aim of violating the dignity of the Hungarian nation or of any national, ethnic, racial or religious community. Persons belonging to such communities shall be entitled to enforce their claims in court against the expression of an opinion which violates their community, invoking the violation of their human dignity, as provided for by an Act.*

¹⁵⁰ Article II and VI of the Fundamental Law

¹⁵¹ Act V of 2013 on the Civil Code, Section 2:42, 2:43, 2:44, 2:45, 2:54

¹⁵² Act C of 2012 on the Criminal Code - Article 331, 332, 333, 334, 335, 336, 337, 338

¹⁵³ Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules of Media Content – Article 4, 17, 19

¹⁵⁴ Article 14 Act CLXXXV of 2010 on Media Services and Mass Communication – Article 14,

¹⁵⁵ Such as: Constitutional Court Resolution No. 30/1992. (V. 26.) AB, Constitutional Court Resolution No. 36/1994. (VI. 24.) AB, Constitutional Court Resolution No. 20/1997. (III.19.) AB, Constitutional Court Resolution No. 12/1999. (V. 21.) AB, Constitutional Court Resolution No. 18/2004. (V. 25.) AB, Constitutional Court Resolution No. 95/2008. (VII. 3.) AB, Constitutional Court Resolution No. 96/2008. (VII. 3.) AB; Constitutional Court Resolution No. 1006/B/2001. AB, Constitutional Court Resolution No. 165/2011. (XII.20.) AB

¹⁵⁶ Article 332 of the Criminal Code

¹⁵⁷ Article 333 of the Criminal Code

¹⁵⁸ Article 334 of the Criminal Code

¹⁵⁹ Article 335 of the Criminal Code

¹⁶⁰ Section 2:54, paragraph (5) of the Civil Code

Press Act¹⁶¹ and the Media Act¹⁶² contain provisions against hate speech. Media contents are not allowed to incite hatred against communities, and also prohibited to exclude these communities (Article 17 of the Press Act), before broadcasted contents viewers or listeners have to be warned if the content is disturbing, violent or may hurt someone's convictions (Article 14 of the Media Act). The protection of public morals can also be a reason for restrictions on freedom of expression, and according to the Constitutional Court, the protection of children is also based on this principle.¹⁶³ Article 4 (3) of the Press Act says: *"The exercise of freedom of the press shall not constitute a criminal offence or an incitement to commit a criminal offence, shall not be contrary to public morality and shall not infringe the personal rights of others."* The protection of children is regulated in principle in the Article 19 of the Press Act, the general rules for all types of platforms are explained in the (1), (2), (3) and (4) paragraphs. More detailed rules are applied for linear and on-demand media services through the provisions of age classification in the Articles 9, 10 and 11 of the Media Act.

One priority area where freedom of expression is restricted is the constitutional right to integrity and reputation¹⁶⁴ - **defamation** is still punishable in Hungary. Media regulation does not protect individual rights, because it defines public interest limits on press freedom, and media regulation can only be concerned if the media content in question threatens the subsidiary fundamental right of human dignity, the institutional aspect of human rights. Personal rights are a matter for civil and criminal law. The protection of integrity and reputation is safeguarded by the Civil Code¹⁶⁵, the violation of this right is subject to the Criminal Code.¹⁶⁶ The crime of defamation (Article 226) is committed by *"[a]ny person who engages in the written or oral publication of anything that is injurious to the good name or reputation of another person, or uses an expression directly referring to such a fact [...]"* The penalty can be imprisonment up to one year, and up to two years if the defamation was committed with malicious motive, before large public or causing a significant injury of interest. The crime of slander/libel (Article 227) applies to someone who, in addition to the provisions laid down in the legislation on defamation, uses an expression or commits any other act of harming the other's reputation in connection with his or her professional duties, public position or activities in the public interest, and is punishable by imprisonment for up to one year.

The protection of the reputation and honour of public figures is weaker than in general (Section 2:44 of the Civil Code¹⁶⁷), because the discussion of public affairs is to some extent a more important consideration than the protection of the personality rights of the criticised individual. However, the exact criteria for defining a public figure are not clear and the widening of the scope of this category is a worldwide trend. For both public figures and those exercising public power and performing public duties, it is possible to determine what scope of their activities and data are public. It is the public role and not the public figure that is important, so that be-

¹⁶¹ Article 17 (1), (2) of the Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules of Media Content

¹⁶² Article 14 Act CLXXXV of 2010 on Media Services and Mass Communication

¹⁶³ Constitutional Court Resolution No. 165/2011. (XII.20.) AB

¹⁶⁴ Article II and VI of the Fundamental Law

¹⁶⁵ Act V of 2013 on the Civil Code, Section 2:45 - *"(1) The integrity of a person is considered violated when a false and malicious oral statement is uttered publicly to damage that person's reputation, and to make people have a bad opinion of such person. (2) Defamation means when something bad about someone that is not true, or a true fact with an untrue implication is published or disseminated in an abusive attack on that person's good name."*

¹⁶⁶ Article 226 and 227 of the Criminal Code

¹⁶⁷ *"Exercising the fundamental rights relating to the free debate of public affairs may diminish the protection of the personality rights of politically exposed persons for overriding public interest, to the extent necessary and proportionate, without prejudice to human dignity."*

yond their public role their privacy rights are usually preserved in their entirety - but not in all cases (Koltay, 2019b).

The Constitutional Court's case law suggests that subjective expressions of opinion and unintentional misrepresentations of fact against public figures do not constitute a criminal offence (Polyák, 2017), but in practice lower courts are less experienced in applying ECtHR principles (Bayer et al., 2021, p. 69). A comparative study on SLAPP cases in the Member States of the European Union found that seven Member States, including Hungary, have a particularly high number of SLAPP cases, that can be considered common practice (Bayer et al., 2021, p. 43). According to the report, in Hungary journalists, bloggers, activists and academics or researchers are most typically targeted by strategic lawsuits (Bayer et al., 2021, p. 69).

According to a recent research of the Hungarian Civil Liberties Union (HCLU, TASZ), political actors and public institutions are used to initiate legal proceedings against press products. According to the journalists and newsrooms consulted, and in many cases also on the basis of final judgments, these were predominantly unjustified actions. Often, the purpose of such lawsuits is to induce a kind of self-censorship on the editorial offices and to tie up human and financial resources – the potential success of the lawsuit is therefore a secondary consideration (Hungarian Civil Liberties Union, 2021, p. 37).

In the case of false allegations in the press, the institution of a press rectification is available in the Hungarian legal system. Currently, the basis of the press rectification is contained in Section 12 of the Press Act, while the framework for its enforcement is set out in Sections 495-501 of Act CXXX of 2016 on the Code of Civil Procedure. While the former legal source sets a 5-8 days deadline for rectification, the latter gives the offended party 30 days to file a request for press rectification. Thus, a correction may be published 35 days after the article in question. In the event that the press product does not publish the correction, an action may be brought before the competent regional court, which in the case of most nationwide portals is the Metropolitan Court of Budapest (Timár, 2019). For years, the *Átlátszó* news portal has been following the development of the press-rectification lawsuits at the Metropolitan Court. In their analysis, they show in how many cases the independent and pro-government media lost relative to the number of lawsuits filed. Between 2017 and 2021, 260 lawsuits were filed against independent media, of which 40 ended with conviction (15%), and 700 lawsuits against pro-government media with 382 convictions (55%).¹⁶⁸

In recent years, there have been a number of highly publicised defamation cases in which, in the view of some, decisions have been taken that restrict and threaten the freedom of the press. Júlia Halász, a journalist for 444, was covering a public Fidesz campaign rally in 2017, when she was first banned from filming, then later had her phone taken away and was not allowed to go back to get the camera tripod she had left in the venue. According to the journalist, a Fidesz politician also dragged her by the arm. The politician later sued the journalist for defamation, who also filed a criminal complaint for physical assault. According to the editor-in-chief of the newspaper, the investigating authority's handling of the assault case was problematic because it closed the case unsuccessfully without investigating it properly, while the journalist was convicted for defamation also by the second level court, which did not consider certain evidence, such as the testimony and video footage in support of the journalist's claim.¹⁶⁹ A prominent case was also the series of lawsuits against the government-critical news site, *Magyar Hang*, in which the staff of the Directorate General for Social Affairs and Child Protection initiated defamation,

¹⁶⁸ Közel 400 pert vesztett 5 év alatt a Fidesz-barát média, ebből 103-at az Origo bukott [Nearly 400 lawsuits lost by pro-Fidesz media in 5 years, of which Origo lost 103] <https://atlatszo.hu/kozugy/2022/02/23/kozel-400-pert-vesztett-5-ev-alatt-a-fidesz-barat-media-ebbol-103-at-az-origo-bukott/>

¹⁶⁹ Source: <https://media1.hu/2021/05/13/masodfokon-is-a-fideszes-politikus-nyert-a-halasz-julia-a-444-hu-ujsgiroja-elleni-ragalalmazasi-perben-a-rangatasi-ugyben/>

press rectification and personality lawsuits on a total of nine occasions, after the news portal published a series of investigative articles on the organisation's suspicious corruption affairs. After lengthy proceedings, the cases were all closed by 2022, and the story ended well: the news portal won all the court cases, and in the meantime all the executives involved in the exposed corruption case were dismissed.¹⁷⁰

Hungary also restricts freedom of expression in relation to the *dissemination of fake news or scaremongering*.¹⁷¹ According to the Section 337 of the Criminal Code, in case of committing the crime of scaremongering (at the scene of public emergency before wide public) the person can be punished by imprisonment for up to three years. The Hungarian Parliament adopted the Coronavirus Protection Act¹⁷² on 30th March 2020, which also amended the Criminal Code's rulings on scaremongering. The original paragraph (1) was modified by adding that the scaremongering can only be committed in connection with the public danger, but also a new paragraph was added to the law, which introduced a new criminal offence, the impediment of the defence during a special legal order. The new legislation criminalises not only false statements that disturb public order, but also those that are capable of hindering the effectiveness of the defence (e.g. against a virus). It also strengthens criminal penalties, as the offence is punishable by from one up to five years' imprisonment.

The new criminal law created a lot of uncertainty in the journalist community when it was introduced. The Constitutional Court soon sought to clarify the interpretation of the law in a resolution.¹⁷³ After the law came into force, proceedings were launched mainly for social media posts, most of which did not result in prosecution. One of the country's most famous viral sceptics, György Gődény, who questioned the usefulness of the restrictive measures on his own high reach website, was also prosecuted – initially sentenced to suspended prison, but then reduced to a fine of 100,000 HUF (250 Euro) in the first instance. The case is still ongoing, with the prosecutor appealing for an aggravation and the defendant for a reversal.

Although the labeling of articles from independent and opposition media outlets as “fake news” had already started among government officials and in pro-government expert circles and media even before the regulation was introduced (the public service media news also had a special topic on them¹⁷⁴), the regulation was not used directly against journalists. However, it made difficult for them to find sources on the pandemic, because many, especially health workers, were feared to disclose information publicly.

The issue of personal rights in the Hungarian legal system is divided in two with regard to the conceptual variables of the Mediadecom project's legal regulation domain: one part of this area of law is related to the fundamental right of freedom of expression, which is regulated by the Press Act in addition to the Fundamental Law and the Civil Code, and the other part is related to freedom of information, which is regulated by the Act on Informational Self-Determination and Freedom of Information¹⁷⁵. Thus, in relation to the media, the first one includes, for example, the rights of public figures to privacy or the questions about public affairs and privacy, the second one includes the rights to the *protection of personal data*.

¹⁷⁰ Source: <https://hang.hu/belfold/a-szocialis-es-gyermekvedelmi-foigazgatosag-es-a-vezetok-pereltek-mi-nyertunk-136373>

¹⁷¹ Act C of 2012 on the Criminal Code – Section 337.

¹⁷² Act XII of 2020 on the Containment of Coronavirus

¹⁷³ Constitutional Court Resolution No. 15/2020. (VII.8.) AB

¹⁷⁴ See for an analysis: Bódi, J., Polyák, G. & Urbán, Á. (2022). Az álhír fogalmának átalakulása a közszolgálati híradóban: A Híradó.hu álhírekkel kapcsolatos tartalmainak elemzése 2010–2020 [The transformation of the concept of fake news in public service news: an analysis of Híradó.hu's news related content 2010-2020]. *Médiakutató*, 23(1), 7-26.

¹⁷⁵ Act CXII of 2011 on the Right to Informational Self-Determination and Freedom of Information

The Act CXII of 2011 on the Right to Informational Self-Determination and Freedom of Information (Privacy Act) covers the entire area of protection of personal data. In 2018, when the General Data Protection Regulation (GDPR) was implemented, this law was kept in force, but significantly amended in order to comply with the GDPR rules.¹⁷⁶ The GDPR places the handling of the conflict between the protection of personal data and freedom of expression in the hands of national legislation. Article 85 says that Member States are empowered to grant exemptions and derogations from the principles and rights of data subjects in order to reconcile conflicting interests (e.g. for journalistic purposes).

According to a report of the Hungarian Civil Liberties Union about the misuse of data protection rules in Hungary, “recent decisions by Hungarian courts and of the National Authority for Data Protection and Freedom of Information undermine the freedom of press and put extreme burden on the daily work of journalists and the press.” The human rights NGO found three types of GDPR-related **SLAPP-strategies** that can block journalists from publishing their piece. 1) *Preliminary injunction prior to initiating a civil lawsuit*. Data subjects typically find out that a report is being made through questions raised by the journalists. They typically ask a civil court to prohibit the processing of their personal data, and if such an injunction is granted, it can prevent not only publication but also the investigative journalistic research itself. 2) *Initiating a civil lawsuit to finalize prior restraint by injunction*. Data subjects have about one month to file a lawsuit if they want the injunction mentioned above to remain in force. Certain procedural tricks, such as filing a lawsuit with missing information, can delay the closure of the case. Applicants do not even have to file a lawsuit if their request is accepted, so they can achieve their goal of delaying the publication for example of a fast-outdated matter without the burden of a court case. 3) *Initiating the investigation of the national data protection authority*. Data subjects lodge a complaint to the national data protection authority against the publisher of the media outlet that produces the report with their personal data. The complainants allege unlawful processing of their personal data, and that their right to be informed about the processing is infringed (Bodrogi, 2021; Hungarian Civil Liberties Union, 2020).

In 2020, court ordered Forbes.hu to remove the names of the owners of Hell Energy (which company owes much of its growth to state support from public funds) from its list of the 50 richest Hungarians. According to the owners, the news portal processed their personal data unlawfully, in violation of the GDPR. The National Authority for Data Protection and Freedom of Information later fined Forbes a total of €6,000 in two cases¹⁷⁷ for breaching GDPR rules on personal data. The case received major international attention, several human rights and journalist organisations have expressed concerns that such an official interpretation of the GDPR will undermine journalistic reporting and is likely to have a serious chilling effect.¹⁷⁸ The same company has another pending case with the independent outlet, Magyar Narancs, which wanted to publish an investigative article about the family’s past criminal activities. Leaving out the disputed data, the portal, forced into self-censorship, then wrote a long article about how they wanted to silence them.¹⁷⁹ In their report, Bayer et al. (2021) valued as an opportunity, that NGOs play a third-party role in lawsuits and bring international human rights arguments in the

¹⁷⁶ Act XXXVIII of 2018 amending Act CXII of 2011 on the Right to Informational Self-Determination and Freedom of Information and other related acts in connection with the data protection reform of the European Union

¹⁷⁷ Source: <https://naih.hu/files/NAIH-2020-838-2-hatarozat.pdf> and <https://naih.hu/files/NAIH-2020-1154-9-hatarozat.pdf>

¹⁷⁸ International Press Institute <https://ipi.media/court-orders-recall-of-forbes-hungary-following-gdpr-complaint/>; Article19 <https://www.article19.org/wp-content/uploads/2022/03/A19-SLAPPs-against-journalists-across-Europe-Regional-Report.pdf>; Freedom House <https://freedomhouse.org/country/hungary/freedom-net/2021>

¹⁷⁹ See the respective article: <https://magyarnarancs.hu/belpol/avalon-sotet-lovagjai-133995>

defence. Such as HCLU in both cases mentioned above, provide pro bono legal assistance to journalists (p. 66).

In 2021, Hungary has fully implemented the **Copyright** in the Digital Single Market (CDSM) Directive (2019/790/EU) in the Act XXXVII of 2021 on Copyright Reform, which has amended the Act LXXVI of 1999 on Copyright. The Act provides the guarantees and the necessary exceptions for the press to exercise the right of freedom of expression.¹⁸⁰ By definition, “*copyright protection shall not extend to facts and daily news items which serve as a basis for press reports*” (Section 1, paragraph 5). According to the regulation “*anyone shall be entitled to quote, true to the original and to the extent justified by the character and purpose of the recipient work, parts of works on the condition of indicating the source and the author specified in the original work*” (Section 34, paragraph 1). Also extracts from public lectures and political speeches may be freely used to a justified extent for information purposes (Section 36, paragraph 1), and articles published or news items broadcasted on current economic or political topics may be freely reproduced in the press (Section 36, paragraph 2).

We are not aware that the journalism profession is under any threat of restrictions due to copyright legislation.

2.3. Freedom of information

Freedom of information in Hungary is recognised by the paragraph (3) of the Article VI in the Fundamental Law¹⁸¹, and the details are set out in the Act CXII of 2011 on the Right to Informational Self-Determination and Freedom of Information (Privacy Act). The Fundamental Law lays down the right to access and disseminate data of public interest in connection with the protection of personal data. The supervision of the application of the right to the protection of personal data and to access to data of public interest is the responsibility of an independent authority (Article VI, paragraph 4), which is the Hungarian National Authority for Data Protection and Freedom of Information¹⁸² (NAIH).

Possible **limits of freedom of information** are defined by conflicts with other constitutional rights, the Section 27 of the Privacy Act specifies the interests for which other laws may restrict the exercise of freedom of information, and also defines the scope of data for which public access may be excluded under certain circumstances. These are the protection of personal data, classified data, business secrets and pre-decision data. Act CLV of 2009 on the Protection of Classified Information details the scope of public interests that can be protected by classification.¹⁸³ The Civil Code¹⁸⁴ regulates the issue of trade secrets.

Paragraph (1) of Section 26 of the Privacy Act sets out as a general requirement for bodies or persons performing state or local government tasks or other public duties defined by law that public interest data in their control shall be made available to anyone upon request. Chapter III of the Act provides detailed rules on access to data of public interest. The media is one of the most important tools for enforcing the fundamental right to information. The Press Act (Article 9) contains provisions for public bodies about their obligation to provide the necessary information and data to the media content providers, but this does not mean, that the press enjoys any privileges as regards the rules on **access to data of public interest**.

¹⁸⁰ Act LXXVI of 1999 on Copyright, § 1 (5), § 34 (1), § 36 (1), (2)

¹⁸¹ “(3) Everyone shall have the right to the protection of his or her personal data, as well as to access and disseminate data of public interest.” Between 1989 and 2011 the paragraph (1) of Article 61 of the Hungarian Constitution guaranteed this fundamental right.

¹⁸² Access: <https://www.naih.hu/about-the-authority>

¹⁸³ Source: <https://net.jogtar.hu/jogszabaly?docid=a0900155.tv>

¹⁸⁴ Act V of 2013 § 2:47 (1)

All public bodies are obliged to make a certain scope of public interest data, which have to be mandatory published as prescribed by law, available to the public (Section 32 of the Privacy Act). In the context of the fight against the coronavirus, the government has introduced further restrictions on freedom of information, extending the deadline for fulfilling public interest requests from 15+15 to 45+45 days.¹⁸⁵ Public bodies regularly decline to provide answers or charge excessive financial compensation for the release of data.

The Press Act contains some additional privileges for journalists. For example, they are exempted from the legal consequences of infringing the law in order to obtain information of public interest (Article 8), if the particular piece of information could not have been obtained by any other manner or the difficulties would have been out of proportion, the infringement did not constitute a serious breach of the law, and the information was not obtained in violation of the Act on the Protection of Classified Information.

The *protection of journalists' sources* (together with documents and other items related to the protected informant) is ensured by the Press Act¹⁸⁶, which only allows the disclosure of sources in criminal proceedings by the order of the court. The court can only order a journalist to reveal the source of information if three conditions are met. Firstly, if the identity of the person providing the information is essential for the investigation of a deliberate criminal offence punishable by imprisonment of up to three years or more. On the other hand, if the evidence expected from it cannot be replaced by any other means. Finally, where the interest in detecting the offence clearly outweighs the interest in protecting the source of the information. According to the Constitutional Court, it is not the person of the informant or the information itself, but the confidential relationship between the informant and the journalist which is the subject to the protection.¹⁸⁷

The Press Act provides the possibility for journalists to refuse to testify, and the procedural legislation¹⁸⁸ has been adapted accordingly. As regards the practical implementation of the source protection regulation, we can still see inconsistent court rulings, and there have been several cases in which the obligation to disclose the source was considered problematic. There were also cases where the court did not even give sufficient reasons for its decision.

One of these cases was the Oszter-case. In 2014, a famous Hungarian actor, Sándor Oszter, was caught by the police for drink-driving. A few days later, a tabloid newspaper reported the incident in detail. The article also reported information that could only have been known by the investigating police officers or the suspect himself. It was suspected that there had been an internal leak and an investigation was launched for malpractice. The journalist was summoned as a witness, but refused to testify on the grounds of source protection. However, the court ruled that the identity of the informant was essential to the investigation of the crime and that this interest overrode the right to source protection, and therefore ordered the journalist to reveal his source.

The case that most violated journalists' right to protect their sources occurred in 2021. A group of international journalists, including staff from the Hungarian investigative news portal Direkt36, revealed that independent journalists were being monitored by the Hungarian authorities using the Pegasus spyware. Hungary was the only EU country involved in the case. Surveillance of journalists or other citizens is allowed only for law enforcement or crime prevention purposes. Despite the international scandal, no one in Hungary took responsibility for

¹⁸⁵ Government Decree 521/2020 (XI. 25.) - on the derogation from certain provisions on requests for data during an emergency

¹⁸⁶ Act CIV of 2010, § 6 SMTV.

¹⁸⁷ Constitutional Court Resolution No. 165/2011. (XII.20) AB

¹⁸⁸ Act CXXX of 2016 on the Code of Civil Procedure, Act I of 2017 on the Code of Administrative Procedure

the case, and in June 2022 the prosecutor's office closed the investigation due to “the absence of a crime”.

Hungary has not yet implemented the EU Whistleblowing Directive into its national legislation, although the **protection of whistleblowers** is already guaranteed through the Act CLXV of 2013 on Complaints and Public Interest Disclosures¹⁸⁹. The Complaints Act is the closest in terms of regulation to the Whistleblowing Directive among the Hungarian laws in force. Articles 13-16 of the Complaints Act deal with the rules for the operation of employer abuse reporting systems, however the Act does not require organisations to operate such a system yet.

CLV of 2009 on the Protection of **Classified Data** regulates classified data. Data must be classified according to the law if its disclosure could harm the public interest. The Privacy Act¹⁹⁰ gives the possibility to protect data connected to a decision-making process, as well. A further restriction on freedom of information may be **trade secrets**, which is regulated by the Civil Code¹⁹¹. Businesses that use public funds or assets are not permitted to use the trade secret exception for any of their activities related to those resources. The law requires that information about how they used public funds be made available to the general public.¹⁹² The law gives an opportunity of legal remedy in case of classified information: The National Authority for Data Protection and Freedom of Information can examine classified documents in the framework of the secrecy supervisory authority procedure¹⁹³ and, if it considers the classification of the data to be unjustified, it may request the classifier to change or remove the classification. But the conditions for the practical implementation of this procedure are not satisfactory. Just as access to information of public interest is in itself problematic for Hungarian journalists, access to classified information is even more so. There are a lot of data request lawsuits, many of which are won by journalists at various levels of court, sometimes only at the Constitutional Court. In the last few years, the government has often classified information or declared cases as a matter of national strategic interest, only to prevent public access or to exclude the case from supervision.

All business companies operating in Hungary, including media companies, must register with the Commercial Court. These registers are available free of charge at the court or electronically. So on the basis of law the **transparency of ownership** should be secured in Hungary – but still it is not. According to *Media Pluralism Monitor 2021* Hungary rates at high risk with 75% in transparency of media ownership, because the implementation of the transparency rules fail to prevent exploiting loopholes in the law. The report says: “*the ultimate or beneficial owners often use proxies and middlemen, or build multi-layered company structures to obscure themselves, journalists still have a chance to investigate ultimate beneficial owners behind companies*” (Bátorfy et. al, 2021, p. 13).

2.4. Accountability

2.4.1. Development and agency of change

Self-regulation does not have a long history in the Hungarian media: since the regime change there have been mostly isolated initiatives of the media market actors to take self-regulation into their own hands. According to Tófalvy (2013) several organisations and market players in

¹⁸⁹ Source: <https://net.jogtar.hu/jogszabaly?docid=a1300165.tv>

¹⁹⁰ Act CXII of 2011 on the Right to Informational Self-Determination and Freedom of Information, Section 27.

¹⁹¹ Act V of 2013 on the Civil Code, Section 2:47

¹⁹² Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information Section 27 (3)

¹⁹³ Act CXII of 2011 on the Right to Informational Self-Determination and Freedom of Information, Sections 62-63.

Hungary have attempted to engage in self-regulation on a narrower scale in the past decades, but the expansion of these initiatives has been hampered by several factors, such as the lack of professional consensus and organisational framework, the over-politicised media system, the over-politicised and outdated legal environment, the fragmentation of the journalistic community, the general lack of resources, the lack of transparency, and readers' lack of interest in quality assurance (Tófalvy, 2013, p. 89). The efforts at self-regulation do not result in a normative system that is acceptable for the journalistic community and the media market as a whole. The competences and the sanctioning tools of the Hungarian regulatory body are strong, one of the reasons for the current uncertainty is that the law in force does not allow independent self-regulatory bodies to decide on certain matters themselves, but only co-regulatory bodies under the contract with the Media Council, with very limited powers. Self-regulation could not become strong enough to counterbalance or limit public intervention in the media sector (Polyák, 2019; Polyák & Uszkiewicz, 2014; Tófalvy, 2013). The strict, wide-ranging legal requirements leave no room for self-regulation by the industry, and the co-regulatory system established by the authority is only enforcing the requirements already laid down in the law.

2.4.2. Existing media accountability instruments and their effectiveness

2.4.2.1. Professional and market accountability

There are several professional **self-regulatory organisations** in Hungary: Advertising Self-Regulatory Board¹⁹⁴, Association of Hungarian Content Providers¹⁹⁵, Hungarian Publishers' Association¹⁹⁶, Association of Hungarian Electronic Broadcasters¹⁹⁷, Association of Chief Editors¹⁹⁸, National Association of Hungarian Journalists¹⁹⁹, Community of Hungarian Journalists²⁰⁰, Hungarian National Media Association²⁰¹, Association of European Journalists Hungarian Section²⁰², Association of Protestant Journalists²⁰³, Hungarian Association of Catholic Journalists²⁰⁴, Hungarian Press Union²⁰⁵. As the length of the list shows, the field of self-regulation is particularly fragmented in Hungary. Most of the organisations can be considered as NGOs with little influence on self-regulatory issues. Although the first four of these organisations also participate in the work of the media authority as **co-regulators**, representing the different industry players in advertising, print, online and audiovisual media.

According to Polyák (2019), the Act CLXXXV of 2010 on Media Services and on the Mass Media established this specific co-regulation system as an alternative to official control, but in its recent form it is not just inefficient but also carries a number of risks, such as the absence of procedural and transparency guarantees, the possibility of strengthening of self-censorship, or the lack of voluntary initiatives. The contracts between the media authority and the co-regulatory organisations only give them the possibility to decide autonomously on certain issues already regulated by law. However, compared to the text of the acts, their codes of ethics do not provide further explanation or guidance on the interpretation of the law.

¹⁹⁴ Access: <http://www.ort.hu/>

¹⁹⁵ Access: <https://mte.hu/>

¹⁹⁶ Access: <http://mle.org.hu/>

¹⁹⁷ Access: <https://www.memeinfo.hu/>

¹⁹⁸ Access: <https://foszerkesztokforuma.wordpress.com/rolunk/>

¹⁹⁹ Access: <https://muosz.hu/>

²⁰⁰ Access: <https://muk-press.hu/>

²⁰¹ Access: <https://www.nemzetimediaszovetseg.hu/>

²⁰² Access: <https://aejhun.hu/>

²⁰³ Access: <http://www.prusz.hu/>

²⁰⁴ Access: <https://www.makusz.hu/szovetsegunk/>

²⁰⁵ Access: <http://sajtoszakszervezet.hu/wp/wordpress/>

The co-regulatory system of the media law has not strengthened but further fragmented the system of self-regulation and, as a system that legitimises state regulation and assumes responsibility for its implementation, has reduced the credibility of self-regulation (Polyák & Uszkiewicz, 2014). Unfortunately, information on how many and in which types of cases these co-regulatory bodies act, are available only on the website of one organisation: the Hungarian Publishers' Association published 5 reports of complaints procedures²⁰⁶ (the last one is dated back to 2018), the Association of Hungarian Content Providers has one report about the cases of 2013²⁰⁷ - neither on other co-regulators' websites nor in the reports of the media authority are no more data available about their activities.

Regarding *codes of ethics*, the picture is colourful: most of the organisations listed above have their own codices. Currently the organisation with the largest number of actors is the Association of Chief-Editors, which was established in 2012 and has also formulated its own ethical guidelines²⁰⁸ for its members. There are various forms of cooperation between the different self-regulatory organisations, the initiative that has so far brought together most of the actors is a self-regulatory complaint-handling system, Korrektor.hu²⁰⁹, run by the Association of Chief Editors, the Hungarian Publishers Association and the Association of Hungarian Content Providers. The participating organisations consider the code of ethics of the Association of Chief-Editors to be applicable to them. However, their self-regulatory power on media market players is also very limited. The last decision published on the website dates from 2016 (Polyák, 2019).

We do not know much about *editorial accountability tools*. In Hungary, there is no tradition of newspaper ombudspersons. There have been only two cases of a domestic newspaper employing an ombudsman: Magyar Hírlap (from March 2005 to August 2006) and Népszabadság (from March 2007 until the end of 2008) (Tófalvy, 2013, p. 88). There are few press organs that have an independent, organisational code of ethics (Tófalvy, 2013); in most cases, the individual editorial offices apply the code of ethics of professional self-regulatory or journalists' organisation. Tools related to editorial transparency are not a common feature of the domestic media - just as journalists say that ethical issues are not addressed mainly due to lack of resources and capacity, this may also be true in this area. Independent media, which have been struggling with a lack of revenue and funding, have in recent years been trying to survive through crowdfunding, and it is common practice for them to ensure transparency in the use of donations to their supporters.²¹⁰

Professional self-reflection, i.e. journalism about the media, is represented by four outlets in Hungary, which provide news and analysis exclusively on the media: Média1²¹¹, Kreatív²¹², Médiapiac²¹³ and Marketing és Média²¹⁴. Media-related news and recommendations can also be found on the websites of individual journalists' or self-regulatory organisations. However, the Hungarian media system as a whole, is constantly at the centre of the public discourse, so a relatively large number of articles, analyses and data on the media also appear in the general press. Some national journalists are very active in the professional discourse, regularly participating in events usually organised by NGOs, or as guests in debates and discussion shows. Pro-government and non-government media often reflect on each other's work, although these are

²⁰⁶ Source: <http://tarsszabalyozas.hu/category/beszamolo/>

²⁰⁷ Source: <https://mte.hu/tarsszabalyozasi-eljarasok-hatarozatok/>

²⁰⁸ Access: https://foszerkesztokforuma.files.wordpress.com/2012/01/c3b6nszabc3a1lyozc3b3-etikai-irc3a1nyelvek_2015.pdf

²⁰⁹ Access: <http://korrektor.hu/>

²¹⁰ See for example: <https://telex.hu/belfold/2021/06/02/itt-a-telex-masodik-atlathatosagi-jelentese>

²¹¹ Access: <https://media1.hu/>

²¹² Access: <https://kreativ.hu/>

²¹³ Access: <https://mediapiac.com/>

²¹⁴ Access: <https://mmonline.hu/>

mainly practices to reinforce existing fault lines rather than to find common ground or reconciliation. Informal attempts to build a broad professional dialogue often fail, as was the case with the biggest, private Facebook group of Hungarian journalists: after heated debates, pro-government journalists have become inactive in the discourse.²¹⁵

2.4.2.2. Public accountability

The **media critical discourse** on ethical regulation is not only taking place in professional circles, but also within NGOs and the academic sphere. In 2014, after a series of debates based on 10 months of social dialogue, the NGOs Mertek Media Monitor and the Center for Independent Journalism put together an alternative concept for media regulation – also as a kind of critique of the new authority's practices – which includes the decentralisation of media authority tasks and the development of a rethought self-regulatory system. The report takes stock of what can be done in the domestic context in the light of existing good practices abroad (Center for Independent Journalism & Mertek Media Monitor, 2014). In the past decades, some important theoretical and policy-oriented publications have been published on media ethics and self-regulation. From the academic field, Sükösd's and Csermely's edited volume (2001) deals with ethical issues in journalism and focuses on the need to develop professional standards, is from the early 2000s. In 2008, the OSCE's Commissioner for Freedom of the Press, Miklós Haraszti, published a guide in Hungarian on the application of the key elements of media self-regulation (Haraszti, 2008). After 2010, Tamás Tófalvy, media researcher, and Gábor Polyák, media lawyer and researcher of our team, have also repeatedly addressed the topic, and paid special attention to the opportunities of self-regulatory practices in Hungary. These initiatives have not yet found a suitable breeding ground (Polyák & Uszkiewicz, 2014; Polyák, 2019; Tófalvy, 2013, 2015, 2016, 2017).

The Department of Communication and Media Studies at the University of Pécs operates the Hungarian partnersite of the *European Journalism Observatory Network*, which has a permanent column on articles about “quality and ethics”. The goal of the network is “to bridge journalism research and practice in Europe, and to foster professionalism and press freedom.”²¹⁶ Despite the regular emergence of calls from almost all actors concerned to deepen professional self-regulation and accountability, the dialogue between academic, civil and professional actors always breaks down. The possible reason for this, both within the academic and journalistic communities, is that there are more pressing problems in the Hungarian media that are tying up resources. The Hungarian journalistic and media research community is – as Bajomi Lázár (2019, p. 53-54) pointed out – at a lower degree on the Maslow pyramid of a healthy media system. We have no information about the ethical aspects of the activities of **non-professional content providers**.

2.4.2.3. Political accountability

The role of the **state regulator** and the co-regulatory system were discussed in the section 2.4.2.1. of this chapter. In Hungary, the **ombudsman** for media affairs is the Commissioner for Fundamental Rights.²¹⁷ At the beginning of 2021, the Equal Treatment Authority, the most important anti-discrimination body in Hungary, was abolished and its powers were transferred to the Commissioner for Fundamental Rights, an institution whose independence was already questioned in the 2010s (Majtényi, 2014), and in 2021 the European Network of National Human Rights Institutions (ENNHRI), also proposed to downgrade the Hungarian Ombudsman

²¹⁵ Source: Interview with Alinda Veisz on domestic media relations and online content production. Published on Partizán YouTube channel https://www.youtube.com/watch?v=yRUSEe_VC8c

²¹⁶ Source: <https://hu.ejo-online.eu/t%C3%A9m%C3%A1k/ethics-quality>

²¹⁷ Access: <https://www.ajbh.hu/>

from grade A to grade B due to the Commissioner's failure to deal effectively with human rights issues related to vulnerable groups such as ethnic minorities, LGBTI, refugees, and migrants. The institution also found constitutional court cases considered to be political in their nature (ENNHRI, 2021).

2.4.2.4. International accountability

Since the beginning of the 2010s, the Hungarian media situation has received attention on an international scale. Among **international journalism organisations**, the International Press Institute is particularly engaged in self-regulation and media ethics. The organisation has also recently approached Mertek Media Monitor to organise the establishment of a Hungarian subsidiary, but the initiative has again failed due to a lack of interest from Hungarian professionals. In 2019, the International Press Institute (IPI), Article 19, the Committee to Protect Journalists (CPJ), the European Centre for Press and Media Freedom (ECPMF), the European Federation of Journalists (EFJ), Free Press Unlimited (FPU) and Reporters Without Borders (RSF) organised a joint mission to map the media situation in Hungary and formulate recommendations to the EU and the Hungarian government (IPI et al., 2019).

In this context, it can also be said that the main concerns of these international organisations dealing with the Hungarian media are much more about fundamental values, such as press freedom or media pluralism, than journalism ethics. There are other **non-journalistic international organisations** active in Hungary that address media-related issues, such as Transparency International²¹⁸, which works on freedom of information, whistleblower protection, promoting social dialogue and supporting investigative journalism. Amnesty International²¹⁹ and the Helsinki Committee²²⁰ also have their own Hungarian sections, and are dealing with the freedom of the press as a pillar of the rule of law. They also provide advocacy for journalists. On the **international political level**, the activities of the EU institutions, the UN, the OSCE and the OECD have relevance for the Hungarian media, but also the embassies of some countries have good relations with, and provide subsidies to Hungarian NGOs.

3. Risks and Opportunities of Journalism Domain

3.1. Development and agency of change

After the regime change, foreign investors entered to the Hungarian media market. Domestic journalism had a significant democratic deficit, and the emergence of foreign investors was seen as a guarantee of sustainability and political independence for the free press. In his research, Galambos (2008) conducted 24 interviews with German and Hungarian publishing executives and editors-in-chief to find out what good practices foreign owners have managed to introduce into Hungarian journalism. To one of the interviewees, their respective investor at the time explained that while they are only minority shareholders, they take a more financial than a professional stance. Galambos concluded that the investors, with primarily profitability in their mind, implemented Western standards mainly in technological and economic matters, and did not "impose" their ethical, content and quality methods on Hungarian journalists, giving the editorials a free hand.

The Hungarian press was seen by the public as one of the most positive actors in the democratic transition. The ownership structure of media companies in Hungary has changed significantly

²¹⁸ Access: <https://transparency.hu/>

²¹⁹ Access: <https://www.amnesty.hu/>

²²⁰ Access: <https://helsinki.hu/en/>

since then. After the economic crisis of 2008, the advertising market declined by almost 20 percent, and the regulatory environment became more unpredictable after the new media laws adopted in 2010. Several foreign investors have sold their interests in Hungary, many of them leaving the entire region. They have typically been replaced by domestic political investors linked to the governing party. After the elections of 2014 and 2018, the expansion of pro-government influence in the media has always gained new impetus. This has essentially transformed not only ownership relations but the entire structure of the Hungarian public sphere.

Since the beginning of Fidesz, Lajos Simicska, a close ally of Orbán, has built Fidesz's media empire: in addition to other lucrative businesses he had major interests in several areas of the media value chain. His media outlets supported the Orbán government until the mid-2010s. After 2014, the beginning of Orbán's third term, internal conflicts arose between the two, and during 2015, an almost "war situation" emerged with political and economic power confronting each other. In response to the government's withdrawal of contracts from his companies, Simicska's previously government-friendly media outlets changed their tune and began to strongly criticise the government. Meanwhile, new pro-government economic actors have gained more and more media interests. After another Fidesz victory in 2018, Simicska "capitulated" and sold his media businesses to pro-government circles.

The **print media market** also started to change in the 2010s, with foreign owners selling all or part of their portfolios. In a few cases, some media outlets were sold to non-government owners (such as the Finnish Sanoma portfolio to Centrál Media, which still operates Hungary's largest independent online news portal, 24.hu), but in most cases – sometimes through indirect transactions – they were taken over by pro-government circles. After 2014, events accelerated in this area as well, with some of the print newspapers (mainly those with a public affairs focus) owned by Ringier and Axel Springer being acquired by an Austrian media company, which in 2016 closed down the largest left-wing daily, Népszabadság overnight, claiming financial reasons. The company, which was then already operating under the name Mediaworks, was then bought by Hungary's fastest-growing oligarch, Lőrinc Mészáros, who entered the Hungarian media market with this acquisition. In the following years, the pro-government entrepreneur took over all the regional newspapers and other media as well, making him the biggest media tycoon of the ruling parties. Currently, the only left-leaning newspaper in the political daily market is Népszava, which has also undergone several ownership changes. Népszava is independent from the government in terms of its content, but our most recent research has shown that there is a grey area of independence in some non-governmental media outlets, because of their financial dependence on the state advertising revenues. Without state sources their operations would probably not be sustainable. There are concerns, that independent editorial principles do not appear to be well served by this dependence (Polyák, Urbán & Szávai, 2022). Several of the tabloid dailies (Bors, Ripost²²¹) are also in the pro-government camp. These newspapers have become excellent tools for discrediting opposition politicians. Although a number of political weeklies (Szabad Föld, Figyelő) have also fallen into pro-government hands, it can be said that critical newspapers (Élet és Irodalom, HVG, Magyar Narancs, Magyar Hang, Jelen) continue to dominate this field.

The Media Council's tendering practices since 2010 led to a radical transformation of the *radio market* as well, reducing competition, increasing market concentration and shrinking both the number and importance of local radio stations. One of the biggest transformations happened in the national commercial radio market, where the Media Council did not open a new tender for the licence of the previously bankrupted national commercial radio station (Neo FM – owner with left-wing party affiliation), but used it to broaden the coverage area of the public service radio stations. This move ended competition in the national commercial radio market. In 2016,

²²¹ Its print version closed in 2022.

the Simicska-owned Class FM also lost its frequency, which was only acquired in 2018 by another pro-government player to operate Retro Radio, the only countrywide commercial radio station left in Hungary. Several franchised radio stations (Rádió1, Karc FM), which are also linked to the government, have also won local frequencies in a row. In 2021 the famous government-critical talk radio, Klubrádió lost its last remaining frequency in Budapest, after the media authority refused to extend its frequency licence, citing six cases of administrative violations during its seven years of operation. The case attracted a strong international response and the European Commission launched an infringement procedure against Hungary. Almost the same happened to Civil Rádió before, in 2019, but that case has not caused such an international public reaction. The changes in the radio market pose an even greater risk, considering that Hungary has not been able to consolidate the digital radio system, and DAB+ was finally switched off in 2020.

The most important event in the *television market* was the takeover of TV2, one of the two big free-to-air commercial channels, by government commissioner Andy Vajna, in 2015. Since Vajna's death in 2019, the broadcaster has remained in the hands of pro-government investors. After the 2014 elections, the other big commercial channel, RTL Klub (owned by the Luxembourg-based RTL Group) was also at the centre of government attacks. The government introduced an advertising tax, the clear aim of which was to financially exploit the market-leading tv channel. Under pressure from the RTL Group and the European Commission, the government later backed down and changed the tax rates, but this did not change the fact that RTL Klub has been strongly critical to the government in its news programmes ever since. With the amendment of the Media Act in 2014, public service media has undergone a significant restructure, with the launch of several new channels and the transformation of the main channel, M1, into a 24-hour news channel.

Despite the fact that several news portals are in pro-government hands, the most balanced picture is still in the online media. Many journalists who have lost their jobs or quit due to changes in the last decade have been absorbed by the *online news portal market*. The two big online news portals that have been around since the beginning of the internet in Hungary, Origo and Index, seem to have fallen victim to the pro-government takeover. Origo became part of the pro-government media empire in 2015 and it became the flagship of the propaganda. In the case of Index 2020 marked a turning point in the ownership structure. The context is very complex, but also a demonstrative story, how the pro-government forces slowly strangled the independent news site and then took over full control. In the summer of 2020, when the owner fired editor-in-chief Szabolcs Dull, almost the entire editorial staff resigned, ending Index's history as an independent newspaper. Most of the editorial staff in case of both news portals left after the takeover, and new, independent media outlets (Direkt36, Telex) were created by the journalists. The newly launched pro-government news portals are not achieving a breakthrough in their readership, independent media enjoying the highest reaches. This is due to the predominance of government media in almost all other segments, citizens, who are seeking diverse perspectives, turn to online media. The independent journalists have found their place in the online sphere, creating smaller and larger newsrooms, which are constantly struggling to survive. However, they are increasingly able to rely on community funding, which maybe does not bring them long-term stability, but does relieve them to some extent from political and economic pressures.

On 28 November 2018, the owners of most pro-government media outlets offered their media companies free of charge to a non-profit company, the Central European Press and Media Foundation (KESMA). In one day, 13 media companies joined the foundation and none of them received anything in return. Although the foundation is non-profit, its position in the media market is troubled by the huge merger behind it. The combined turnover of the media companies that joined the foundation was HUF 55.7 billion in 2017 (Mertek Media Monitor, 2019). The

Foundation has a monopoly position in the market for county-level daily newspapers in all 19 counties; the same is true for the national commercial radio market, where Retro Radio is the sole broadcaster; and in the free tabloid market, where Metropol is the only print publication. At its launch, it held a dominant position in the news television market under the control of Hír TV and Echo TV²²², through Bors and Ripost²²³ also in the tabloid market, and in the online news market as well. Origo.hu is one of the leading online newspapers in Hungary, while 888.hu and Mandiner.hu are also important right-wing online outlets. With its flagship daily, Magyar Nemzet the Foundation is also present in the national political daily market, which boasts only two titles. In total, 476 media brands joined KESMA, significantly increasing the concentration of media ownership in Hungary. An amendment to the Competition Act in 2013²²⁴ gave the government the power to declare this merger one "of national strategic importance", which exempts them from the otherwise mandatory review by the competition authority.

In recent years, it has become apparent that Fidesz's attempts to shape the structure of the public sphere are not limited to its influence over media companies. Figures linked to the government have begun to emerge in all segments of the media ecosystem. In 2018, when the departing colleagues of the direction-changing Magyar Nemzet founded the government-critical weekly Magyar Hang, no printing company in Hungary could be found that would dare to print the paper. The weekly has been printed in Slovakia ever since. From the summer of 2021, the Hungarian Post is no longer involved in the delivery of daily newspapers. The only non-government daily newspaper, Népszava, is almost the only loser of this decision, as Mediaworks, which operates a network of county dailies, has its own distribution channels. The sales house market has also seen the emergence of a pro-government giant, Atmedia, which sells advertising time to both TV2 and public service channels, as well as a number of smaller channels. Competition in this market has also been significantly distorted. The state is biased in its use of advertising agencies close to the government (such as New Land Media), which in turn place advertisements mainly in pro-government media outlets.

In the *Media Pluralism Monitor 2022*, Hungary is rated with high risk (80%) in all media market factors: transparency of media ownership (81%), news media concentration (72%), online platforms concentration and competition enforcement (79%), media viability (75%) and commercial and owner influence over editorial content (95%) (Bátorfy et al., 2022).

3.2. Market conditions

3.2.1. Size of market for journalism

The major problem with the public statistics available about the media market is that they contain aggregated data, and do not distinguish between entertainment and serious journalism media, which would be relevant to examine the deliberative role of the press. Some media market data collected by market research firms are often available on a subscription basis, and even more often are not available for research or publication purposes at all, but just for internal use by market players only. The same is true for the data collected by the media authority on media services, as the aggregated data of the *providers registered in each segment* also do not give information about the share of entertainment and serious journalism. According to the data from the authority, in 2021 there were 10301 press products (6681 print and 3620 online), 363 linear audiovisual media services (8 national, 39 regional, 307 local and 9 online), 272 linear radio services (1 national, 37 regional, 110 local, 11 community and 111 online) and 182 on-

²²² Closed in 2019.

²²³ Closed in 2022.

²²⁴ Act CCI of 2013 amending Act LVII of 1996 on the Prohibition of Unfair and Restrictive Market Practices and Certain Provisions of the Act on the Proceedings of the Hungarian Competition Authority.

demand services (162 audiovisual and 21 radio). The number of public service media services was 142 (7 audiovisual, 7 radio, 2 on-demand and 126 online).²²⁵

We also do not have exact data on the *number of journalists* in the society, Róka's analysis for the *Worlds of Journalism Study* is giving an estimate of around 8,000 (Róka, Frost & Hanitzsch, 2017, p. 7).

Advertising revenues fell by around 20% as a result of the 2008 economic crisis, and the total advertising market did not reach its pre-crisis level until the outbreak of the coronavirus, which also bought a further 2.8% decline in 2020. As in other countries as well, the growth of the digital advertising segment is the dominant trend in Hungary. With this parallel a particular problem emerged: a considerable part of the advertising revenues in the digital segment are not generated by content providers but by the large global digital platforms. According to a research conducted by IAB Hungary and PWC, 59% of digital advertising revenues went to global corporations (e.g. Google, Facebook), while only 41% went to local providers.²²⁶ The *Advertising Pie 2020* published by the Hungarian Advertising Association shows that from the 240 billion HUF of total advertising revenues 0,5% was the share of cinema, 4,2% of radio, 8,5% of outdoor advertisement, 15,4% of print press, 26,7% of television and 44,7% of digital media. Global digital players retrieved 26,4% of the total Hungarian advertising revenues.²²⁷

State advertising practices have been a long-standing problem in the Hungarian media market. Even before Fidesz came to power in 2010, the ruling governments favoured the media loyal to them with state advertising. However, the dramatic rise of the numbers in the 2010s reveals the clear political motivation behind the allocation of the expenditures. While in 2011 the state advertising spending amounted to 18.4 billion HUF, in 2018 it went up to 98.8 billion HUF²²⁸ (Bátorfy & Urbán, 2019). In 2020, 86% of state advertising landed in the pro-government media (Mertek Media Monitor, 2021a, p. 43). Allocating public money in this way seriously distorts the media market, with many media outlets receiving so much of their revenue from state advertising that they could not operate profitably without it. In the case of the largest market players, Urbán analyses the data about their total revenues from the publicly available database, showing the dependence of media outlets on public advertising revenues (Mertek Media Monitor, 2015a, 2016a, 2017, 2018a, 2019, 2021a, 2021b). The 2020 data show that most of the media outlets with the highest state advertising shares in their revenues are close to the government, but the leading media outlet on this list is Népszava, the last government-independent political daily on the market. This means that, despite being critical of the government in its content, yet almost 80% of its advertising revenues come from state sources – this implies a high degree of dependence on the state (Mertek Media Monitor, 2021b, p. 45). That way, state advertising expenditure can currently be considered as a form of state aid, which seriously infringes EU competition law, that is why in 2019 Mertek Media Monitor, Klubrádió and former MEP Benedek Jávor lodged a complaint for the European Commission.²²⁹

Apart from state advertising expenditure media has only very limited possibilities of “*state support*”: audiovisual and radio service providers can benefit from the Hungarian *Media Patronage Programme*, which aims to support the production of public service radio and television programmes and the operating and development costs of these services.²³⁰ The law does not

²²⁵ Source: National Media and Infocommunication Authority (NMHH), <https://nmhh.hu>

²²⁶ Source: https://iab.hu/wp-content/uploads/2021/04/IAB_HU_Adex_2020.pdf

²²⁷ Source: https://mrsz.hu/cmsfiles/26/97/MRSZ_2020_media-communication-spending_presentation_ENG.pdf

²²⁸ Calculated with list prices.

²²⁹ More information about the complaint: <https://mertek.eu/en/2019/01/29/state-advertising-spending-in-hungary-an-unlawful-form-of-state-aid/>

²³⁰ For more information in Hungarian see: <https://tamogatas.mtva.hu/rolunk/>

specify the total amount of funding or the percentage of each target area. In 2020, the available budget was HUF 910 million.²³¹ The *National Culture Fund's*, the NKA's mission is to support cultural objectives, but the media is not explicitly mentioned as an objective for funding. In practice, however, both public media and other media actors receive support for the production of content and for their operations. The funds are awarded through public tenders. The NKA's primary source of funding is a 90 percent share of gaming tax of the five-number-lottery operated by Szerencsejáték Zrt. (WAN Ifra, 2013, p. 21).

3.2.2. Concentration of resources for journalism

The prevention of **concentration in the media market** and the limits required on linear media service providers are defined in the Article 68 of the Media Act. A linear media service provider with at least 35% audience share either on the television or radio market, or 40% on both, cannot acquire a new media service. In the same chapter, the Act sets out criteria for media service providers with significant influence, that they must also meet certain public interest requirements. The Media Council acts as an expert authority in the proceedings of the Competition Authority on issues concerning concentration of media ownership. In 2011, it prevented the merger of the (foreign-owned) publishers Axel Springer and Ringier.²³² In 2014, the two companies sold their portfolios to an Austrian company, which was then given the green light to proceed with the merger. The newly created publishing company, Mediaworks became part of Lőrinc Mészáros' business network in 2016, and in 2018 it was eventually transferred without examination by the Competition Authority to the media conglomerate giant, KESMA.

Traditional *concentration indicator* calculations are generally not available for the Hungarian media market. An exception is a book chapter published by Urbán in 2015, where she calculated C4 ratio and Herfindahl-Hirschman Index for the state advertising spendings – she compared the spending of the pre-2010 left-wing government and the post-2010 right-wing government separately for the different media market segments. She found that based on the calculated indicators the concentration of the state advertising expenditures became notably higher after 2010 (Urbán, 2015a). Urbán also analyse the biggest market players' revenues to assess the market share of pro-government and independent/non-government media. She looked more closely at the extent of market concentration in 2018, after the creation of KESMA. According to her calculations, in 2018, the pro-government media empire held 66.2% of financial resources, and when the resources spent on public service media were also included, the figure showed 79.3% (Mertek Media Monitor, 2019, p. 57). This means that news media independent from the government did their job with only 20.7% of the market resources. However, it is interesting to

²³¹ Source:

https://nmhh.hu/dokumentum/220547/nmhh_orszaggyulesi_beszamolo_mediatanacs_tevekenyseg_2020.pdf

²³² About the case see these assessments:

Gálik, M. & Vogl, A. (2011). Az új médiakoncentráció-szabályozás első vizsgálója: az Axel Springer és a Ringier kiadói csoport meghiúsult összeolvadása a magyar piacon [The first test of the new media concentration regulation: the failed merger of Axel Springer and Ringier publishing groups in the Hungarian market]. *Médiakutató*, 12(3). Article 6.

Géczi, K. (2012a). Az Axel-Springer - Ringier fúzió a Médiatanács előtt [The Axel-Springer - Ringier merger in front of the Media Council]. In *Medias Res*, 1(1), 122-133.

Gálik, M. & Vogl, A. (2012). Még egyszer az Axel Springer és a Ringier kiadói csoport meghiúsult összeolvadásáról, illetve az új médiakoncentráció-szabályozásról [Once again on the failed merger of Axel Springer and Ringier publishing groups and the new media concentration rules]. In *Medias Res*, 1(2), 273-287.

Géczi, K. (2012b). ...és még egyszer az Axel Springer – Ringier ügyről: Válasz Gálik Mihálynak és Vogl Artemonnak [...and once again on the Axel Springer - Ringier case: Reply to Mihály Gálik and Artemon Vogl]. In *Medias Res*, 1(2), 288-296.

note, that the share of media with different orientations in reach and media consumption is not aligned with these numbers: although pro-government media dominate in the consumption of the adult population as well, they only make up 60% of the total news consumption (Polyák, Szávai & Urbán, 2019). This shows that, despite the considerable resources spent, the government media do not manage to achieve a similar concentration in consumption, non-government media outlets are using their resources more effectively.

The *local media environment* in Hungary has been little analysed, we have just sporadic knowledge, and it is also much more qualitative than quantified. Even by international standards, the domestic market is small and the economic power of local markets is not significant. The viability of local media markets is much lower than the national market's, there is a much smaller potential audience and therefore, much less advertising revenues. So if it were purely market-based circumstances and there were no political pressure, it would still be very difficult for local media to be financially sustainable in Hungary. But political pressure is also present, especially in those municipalities where the local and national leaderships have the same party allegiance. This situation of local journalism was worsened by the closure of the five regional public service media studios in 2011. The county's daily newspapers, which play an important role in public information, are all part of the pro-government Mediaworks and KESMA, also the newspapers of Fidesz-run municipalities convey the government's narrative. Although there are some government critical (online or print) media outlets in local markets, the 'fear' of advertisers to advertise in these media also poses a challenge.

3.3. Public service media

It is a widely held view that the Hungarian *public service media* were always loyal to whoever was in power. Before 2010, this manifested itself to a greater or lesser extent in a bias towards the government, but in the past decade it has reached extreme levels. One of the first measures of the new government that came to power in 2010 was the restructuring and total takeover of the public service media. With the 2010 Media Act the previously separate public service media providers were merged into the Media Services Support and Asset Management Fund (the Fund, MTVA). Almost all staff, rights and property of the public service broadcasters were transferred to this Fund. According to the law, the Fund exercises the ownership rights of public service media assets and is responsible, among other things, for producing or supporting the production of public service broadcasting programmes. It is headed by a CEO, who is appointed or dismissed by the president of the Media Council without justification and whose work is not subject to any public body's supervision.

In the first half of the 2010s, public service media services were provided by four companies, but they did not have their own production capacity, so their scope for action was limited to ordering programmes from the Fund. These were: the Hungarian Television (Magyar Televízió Zrt), Duna Television (Duna Televízió Zrt), Hungarian Radio (Magyar Rádió Zrt) and Hungarian News Agency (Magyar Távirati Iroda Zrt, MTI). An amendment to the law in 2015 was primarily aimed at transforming the institutional framework for public service media. As a result, the Duna Media Service Provider (Duna Médiaszolgáltató Nonprofit Kft) was established as the legal successor of the former companies, and became the full provider of public television, radio and online content services, as well as public news agency activities. As the Hungarian public service broadcaster, the Duna Media Service Provider is subject to the outside review of several public bodies specified in the media law (Board of Public Service Foundation, Public Service Fiscal Council, Public Service Council), but in reality, all content acquisition and production are carried out by the Fund, the real public service broadcaster has no resources for the actual performance of these functions. The Fund is subject to the review of a single organisation: the Media Council.

Media Council members were delegated by the ruling party, so there is no independent control over the Fund.

The licence fee system, which used to fund the public service media, was abolished in 2002 and it is now largely funded from the central budget. State support for the Fund was 58.7 billion HUF in 2011 (WAN IFRA, 2013, p. 35), for 2022 this amount exceeds 130 billion HUF.²³³ After an amendment of the Public Procurement Act in 2016, the scope of exemptions from the general rules on public procurement has been extended, that way the Fund can acquire programmes without a public procurement procedure. The spending of the Fund is not transparent, it is unclear how much it has spent on certain public service purposes. The Fund disposes taxpayer money without being subject to any meaningful outside control. Since 2016, the European Commission has been investigating a complaint submitted by former MEP Benedek Jávor, Klubrádió and Mertek Media Monitor. EU rules impose strict conditions on the funding of public service media to prevent market distortions of public money. The complaint highlighted that the funding of Hungarian public service media no longer complies with European state aid rules, neither the required transparency nor independent control is being respected.²³⁴

The operation and financing of the national news agency (MTI) also changed in 2011, as it was integrated into the public service media system. MTI's tasks were extended to produce news programmes for the public service media provider(s). Also its fees were abolished and it offers its news services free of charge to all media service providers. This destroyed the news agency market in Hungary: there was no one to compete with the free services, and commercial competitors went out of business one by one, leaving the state-owned provider in a monopoly position in the market.

The biased editorial practice of the Hungarian public service media is well documented for years (Bencsik et. al, 2018; Mertek Media Monitor, 2016-present; OSCE, 2018, 2022; London School of Economics and Political Science, 2021; Timár, 2022). In the context of the Russian-Ukrainian war, the public media have been criticised for continuing to use Russia Today and Sputnik as references and to spread Russian propaganda.²³⁵ After their complaints to the media authority were rejected, the NGOs Hungarian Civil Liberties Union and Political Capital have turned to the European Commission.²³⁶

3.4. Production conditions

Many aspects of the *production conditions* surrounding journalists can be explored through earlier interview- or survey-based studies (Mertek Media Monitor, 2014, 2015a, 2015b, 2016a, 2017, 2018a, 2019, 2021a, 2021e; Róka et al., 2017; Timár, 2016, 2017; Vásárhelyi ed., 1999, 2007). Unfortunately, we do not have data on some of the operational variables outlined in the journalism domain, such as data on the *digital resources* of newsrooms, the proportion of *multi-media reporters*, the proportion of *investigative journalists*, the number of *foreign correspondents*, or the degree of *monitoring of social media*. However, certain issues are recurring components of research assessing journalists' daily work. Almost all of the identified problems can be traced back to increasing news competition and lack of human resources. Journalists report that they have less and less time to collect materials, check facts and write articles – leading to inac-

²³³ Source: <https://njt.hu/jogszabaly/2021-127-00-00>

²³⁴ Source: <https://mertek.eu/en/2020/09/07/ec-complaints/>

²³⁵ See the blogs and reports: Urbán, Á. (2022 March 3). Hungarian government media disseminates Kremlin propaganda. <https://mertek.eu/en/2022/03/03/the-hungarian-government-media-disseminates-kremlin-propaganda/>; Political Capital (2022 May 10). Disinformation in the election campaign – Hungary 2022. https://www.politicalcapital.hu/news.php?article_read=1&article_id=3004

²³⁶ Source: <https://media1.hu/2022/03/29/fejlelenti-az-europai-bizottsagnal-a-magyar-kozmediat-orosz-propaganda-terjesztese-miatt-a-tasz-es-a-political-capital/>

curacies in both factual and grammatical correctness, which reduce quality. According to a 2016 survey, 58% of journalists primarily collect material online and only 42% do fieldwork in addition (Mertek Media Monitor, 2016a). Another pressing problem for journalists is that it is increasingly difficult for them to obtain necessary information (Mertek Media Monitor, 2021e). This is the result of the unfavourable legal environment surrounding data requests based on FOIA, and also the practice of government politicians of almost never talking to representatives of non-friendly media. Since 2019, not only is it forbidden to take pictures or videos in many places in the parliament building, but the free movement areas for journalists have also been reduced, giving politicians the opportunity to completely avoid the press. During the Covid pandemic, journalists' access to information deteriorated further: not only did the legal deadlines for responding to data requests increase, but journalists' work in almost all areas of public life became more difficult – they are not allowed to film in hospitals, the directors of these institutions are not allowed to make statements to the press, one of the few possibilities to question a government representative, the weekly Government Info, also became "closed" for months, and press staff were not allowed to participate.

The culture of interviewing is also underdeveloped in Hungary. According to a 2018 survey, three quarters of journalists had experienced situations in which it was a prerequisite for the interview to share the questions in advance. Even more common is the expectation by interviewees to avoid certain topics or questions: 80% of respondents experienced some form of this, and a quarter of respondents experienced it regularly, at least once a month. Similarly, there is a widespread expectation that interviews should or should not cover certain topics, with 30% of respondents regularly encountering such requests. In terms of being denied to get access to information of public interest or attempts to block access to such information, nearly three quarters (71%) of Hungarian journalists have experienced and 38% of them do so regularly (Mertek Media Monitor, 2018a). Already in her 2008 study, Lampé explored the issue of the common practice of sending back completed articles to interviewees before publication (Lampé, 2008).

The *Worlds of Journalism Study* asked which factors journalists feel most influential on their production. Among the possible sources of influence listed in the survey, "personal values and beliefs" topped the list for Hungarian respondents. The majority of journalists found that their work was significantly influenced by journalistic ethics, access to information (or the lack thereof), time limits, audience feedback, and editorial superiors (Róka et al., 2017).

Although we have no quantified data, *investigative journalism* still has a high prestige in the domestic scene. There are specialised media outlets, but also smaller and larger newsrooms regularly produce investigative pieces that expose serious issues. An important player in Hungarian investigative journalism is the news portal Átlátszó, which pays special attention to corruption cases of the political elite. Another important profile of the outlet is data journalism, with the work of Attila Bátorfy (also researcher at Eötvös Lóránd University) being a pioneer in the field. He is associated with a number of academically demanding works, several of which are media-related analyses of great relevance to this present research. The investigative portal Direkt36 also publishes large-scale articles, for example they are associated with the international collaborative investigative work that led to the huge international scandal in 2021, the Pegasus-case. These portals are mainly supported by community funding, donations and professional tenders (mainly from foreign donors).

Different forms of *collaboration* are increasingly common among independent media outlets. Joint projects, publication and promotion of each other's articles create opportunities to reach a wider audience. A best practice example was the collaborative project Helyközi Járat (Rural Transit) between 2021 and 2022, a partnership of six independent editorial offices to counter-

balance the capital-centric focus and present the most important issues in rural Hungary, which have also national relevance.

Cross-platform solutions also help independent media to reach the widest possible audience. As already mentioned earlier, most independent media outlets are nowadays primarily online, but print newspapers also have an online presence, including a website and a Facebook page. Portals that are exclusively online are very good at benefiting of the internet: building up social media presence (Facebook, Instagram - Twitter has not become widespread in Hungary), launching podcasts or creating video content on their own YouTube channel.

3.5. Agency of journalists

In the absence of systematic statistical data and institutionalised journalism research, we have little and sporadic knowledge about Hungarian journalists, but the few surveys (Róka et al, 2017; Timár, 2016, 2017; Vásárhelyi, 2007) and interviews (Mertek Media Monitor, 2015a, 2016a, 2017a, 2018a, 2019a, 2021a, 2021e), that have been conducted provide a good grasp of their situation in the challenging Hungarian media market, as discussed in chapter 3.1. The constant changes in the media market make journalists extremely vulnerable. Much of the independent media experience constant financial insecurity. With the exception of a few large newsrooms, the smaller outlets, which mostly rely on community funding to sustain themselves, are living from month to month. But those working in the media close to the government also cannot feel safe either. They may not know how long the political will is going to keep their outlets alive, which are in many cases financially unsustainable. After the 2022 elections, there have been major cutbacks in pro-government media, with several of the outlets even shutting down.²³⁷

The prevailing consumer attitude in Hungary is that online content is free. This mentality seems to be changing, with more and more people recognising that independent media need support. According to the 2020 Mertek-Medián news consumption survey, 5% of the adult population supports media products, while among opposition voters this share is 10% (Hann et al., 2021, p. 50).

Based on an interview survey (Mertek Media Monitor, 2021e) journalists consider that the social prestige of journalism is very low. They say the main reason for this is the highly polarised nature of public discourse, and that many journalists in the Hungarian media sector are serving political interests. Politicians try everything to label independent journalists and media as partisan, thereby dragging them into this polarising logic. Some of the respondents admitted that they could not escape this discourse – and even ended up being drawn into it. According to the analyses of Átlátszó, the number of press rectification lawsuits lost could be decisive in the question of how the pro-government and independent journalists perceive their own role. Between 2017 and 2021, 260 lawsuits were filed against independent outlets, of which 40 ended with conviction (15%), and 700 lawsuits against pro-government outlets with 382 convictions (55%).²³⁸

Based on the experience gained after reviewing the regulatory and media market distortion trends, it is not surprising to see a steady deterioration in the state of journalism, working conditions of journalists and their self-perception as well.

²³⁷ <https://media1.hu/2022/05/26/elbocsatasok-a-fidesz-kozeli-mediahalozatnal/>

²³⁸ See the latest analyses of Átlátszó: <https://atlatszo.hu/kozugy/2022/02/23/kozel-400-pert-vesztett-5-ev-alatt-a-fidesz-barat-media-ebbol-103-at-az-origo-bukott/>

3.6. Journalists' organisational working conditions

According to the *Worlds of Journalism Study*, the majority of Hungarian journalists had full-time jobs (61%), 26% worked part-time and 10% freelanced. 67% of those employed full or part-time said they had a permanent position, and 33% said their contract was for a fixed term. 26% of the surveyed journalists worked for print newspapers, 9% for magazines, 37% worked for private or public service television and 7% for private or public radio, 22% for online news sites (Róka et al., 2017). On the *earnings opportunities* of journalists, we only have data from 2007. According to the Vásárhelyi survey (ed., 2007), journalists' wages developed above average in the early 2000s. However, there were significant differences by the place of work and by gender: journalists in the capital earned more than in the countryside, and in the over-40 age group men had better positions with better salaries than women. This survey also addressed the issue of career change. In 2007, 36% of journalists reported an intention to *change their job*. Financial reasons were mentioned by 40% and professional reasons by 32% of them. Journalists were moderately satisfied with professional *training opportunities*, with differences by media type: those working in print and online media were more satisfied than those working in electronic media (Vásárhelyi ed., 2007).

In the 2010s, there has been a focus on how much *political and economic pressure* journalists or newsrooms are facing. In a survey from 2016, a large proportion of journalists considered that political and economic pressures have a strong impact on their daily work. 93% of journalist stated that they experience strong (18%) or very strong (75%) political pressure, and 80% felt strong (36%) or very strong (44%) economic pressure as well (Mertek Media Monitor, 2017). Looking at the main factors of pressure on the media over the years, journalists attributed an increasing impact to public advertising decisions, indirect pressure from politicians, decisions by media authorities and indirect influence from advertisers (Mertek Media Monitor, 2015a). The most common forms of pressure are verbal pressure from editors, editors-in-chief or owners (57% experienced this) or indirect verbal abuse (56%). The question on campaigns by other media or journalists to discredit media workers received a surprisingly high number of affirmative responses, with 41% indicating that they had experienced this. More than a third of respondents (37%) had experienced **threats** of workplace or personal consequences, and almost as many (33%) had been the target of organised feedback campaigns. In Hungary, the threat of legal action is widely used to intimidate journalists. Many journalists have experienced threats of legal action, with almost three quarters of respondents (72%). And more than half, 55%, have faced threats to complain to the authorities, while threats to sue for damages have occurred to 59%, and 41% have actually been sued for doing their job (Mertek Media Monitor, 2018a).

Mapping Media Freedom project by the European Centre for Press and Media Freedom operates a reporting platform where journalists can file a complaint or report any grievances or disadvantages they have suffered. For Hungary, we have data since 2014. In terms of the number of complaints received, there were spikes in the mid-2010s, with a significant decline in recent years. It is not yet clear whether journalists have indeed been less offended or whether they have simply adapted to the changed circumstances and avoided problematic situations. Most cases were reported in the topic of "Blocked access to information" (65), "Legal measures" (50) and "Intimidation/ threatening" (45).²³⁹

3.7. Intra-organisational diversity of human resources

The *Worlds of Journalism Study* found that the average age of journalists was 33.17 years, more than half of them were under 30 years old. The proportion of women was 47.5%, which is al-

²³⁹ Project's website and source of data: <https://www.mappingmediafreedom.org>

most exactly the same as the 47% recorded in the Vásárhelyi-survey ten years earlier (Róka et al., 2017). The difference between men and women becomes particularly striking in top management positions: while the male-female ratio for employees is 52-48%, the gap widens to 63-37% for executives (Vásárhelyi ed., 2007). The Media Pluralism Monitor 2022 states that even the public service media does not have a gender equality policy, with only one-third of the department heads being female, and from the eight executives only one being a woman (Bátorfy et al., 2022, p. 26). Regarding place of their origin, 39% of the journalists are from the capital, Budapest, 59% from a large rural city and only 4% from a village (Vásárhelyi ed., 2007). According to the latest survey, journalists are well educated: 53% of journalists have a BA diploma and 20% is qualified on the MA level. 2% have a PhD degree as well. 7% of journalist have begun with some university studies but did not completed it. 68% has a qualification specialized in journalism or communication (Róka et al., 2017, p. 1).

3.8. Journalistic competencies, education and training

Employment as a journalist is not obliged to meet any formal criteria in Hungary. Journalists do not have to have a university degree, nor to attend *professional trainings*. Hungarian universities do not offer BA or MA programs in journalism. There are, however courses in communication and media studies, which also train future journalists alongside other communication professionals. In 2013 there were 16 lower-level schools providing journalism training, hosted by journalists' associations and media outlets. This number has probably decreased in recent years (Weyer et al., 2015a; Mester & Torbó, 2019). According to Gödri's interview research, journalists consider that there are fewer and fewer training opportunities, internships and even fewer independent media outlets with satisfying ethical standards to employ journalists. Career starter journalists are in a much more difficult situation than they used to be earlier (Gödri, 2021).

In interviews conducted as part of the *Newsreel* project, journalists said that the most important basic *skills for a journalist* are: the ability to be curious, open-minded, analytical, self-reflective, well-written, able to organise knowledge and willing to learn continuously. Opinions were divided as to whether theoretical knowledge or practical skills were more important: some emphasised the importance of general knowledge (good reading comprehension, public and cultural awareness) and professional competences (press and media history, media genres, ethics, basic legal and economic knowledge, EU), others stressed the importance of practical journalistic skills such as good investigative and interview techniques and data management. The journalists agreed that a significant part of the new journalistic competences are related to new technologies, such as database management and visual thinking. Some of them believe that the ability to produce cross-media content or to publish and promote articles on social media is essential. They all felt that the complex set of journalistic skills is much more important for journalists in Hungary than for journalists in Western societies, as Hungarian newsrooms work with much smaller budgets and fewer journalists (Bettels-Schwabbauer et al., 2018).

3.9. Professional culture and role perception

In Hungary, several different *perceptions of journalistic roles* co-exist. As Bajomi-Lázár (2016) pointed out, after the regime change a kind of dualism emerged in the Hungarian political journalism. While one part of the press strives for neutrality, another part remains committed in its coverage. This is also what Tófalvy (2015) is discussing when he reviews how the Anglo-Saxon journalistic tradition became the main ideology that defines the profession. According to this view, “journalism and the media, by exercising the informative function and the watchdog role of coordinating social publicity and providing a ‘fourth estate’ for the discussion of public affairs, are one of the main promoters and stabilizers of the democratic social order” (Tófalvy, 2015, p. 169).

In Hungary, journalism is characterised by a combined ideology, with a parallel presence of neutral and committed journalism. Bajomi-Lázár (2016) examines the historical and socio-cultural factors that led to that, as in other Eastern European countries, the development of professional journalism was interrupted due to the lack of the preconditions necessary for the adoption of the neutral journalistic tradition. These include: a weak media market, authoritarian social philosophical concepts, the late onset of the industrial revolution, the party system, social fault lines, the absence of a strong middle class or the prevalence of clientelism. Galambos (2008) investigated why German publishers, who were present in the domestic media market after the regime change, failed to adopt journalistic standards based on Western doctrines. Beyond language barriers, his main conclusion was that the Germans did not want to be seen as “colonialists” and therefore gave free rein to their editorial staff.

Szabó et al. (2016) examined the *role performance* of Hungarian journalists. According to them, the standards of objectivity laid down in journalistic codes of ethics have never been applied in the daily work of media professionals. Journalists also tend to explain biased reporting by the need to “counterbalance” partisan reporting from the “other side”. In the study they selected 4 Hungarian dailies, which have been subjected to content analysis. Journalists were found to have written mainly in the spirit of a disseminator-interventionist role model. Alongside factual news, journalists tend to provide interpretations, opinions and explanations about political actions and events. The line between framing, journalists’ active engagement and communication of subjective elements in the reporting on politics is blurred.

According to the *Media Pluralism Monitor 2021*, the state of the journalistic profession, standards and protection received a medium risk rating of 42%. The report points out that despite the existence of journalistic organisations, they fail to enforce classical ethical standards on journalists, who behave in a partisan and ideologically committed way in this polarised environment (Bátorfy et al., 2021). Even journalists’ organisations are divided into right and left. This polarisation can also be observed in the public’s perception of the role of the press. Regardless of party affiliation, people think that it is necessary for the press to operate freely, and its job is to expose abuses of power (77%). But when it comes to criticising the government, this is not what most of the governing party voters expect, 67% of them finds it annoying that many press products cover the activities of the government in negative light (Hann et al., 2021).

Interviews with journalists for Mertek Media Monitor’s latest *Soft Censorship* report (2021e) show that, on the one hand, press workers perceive that they have a particularly important role to play in controlling power in the current system, which lacks democratic institutions and checks and balances. On the other hand, they are under enormous pressure, and the public expects them to solve problems over which they have no control. They believe that the current structure does not allow them to do their work according to the standards they consider ideal. They perceive the fault line between the two camps as so strong that they long to distinguish themselves from the other. Representatives of non-government media are often unwilling to use the term journalist to describe pro-government media workers, instead referring to them as propagandists or “microphone stands”. They are also frustrated by the fact that in most cases, when a problematic affair is uncovered, there are no consequences. According to one of them, they are currently limited to their role as “chroniclers”. Respondents who work for pro-government media disagreed with the idea that critical media operate independently. As one of them stated, there is no such thing as an independent and neutral press, the media are all politicised and therefore there is no difference between pro-government and critical media organisations.

Worlds of Journalism Study findings say that the most *important values for Hungarian journalists* are related to objectivity, actuality, advisory-guiding roles, and educational responsibilities. Journalists showed a strong commitment to professional ethical standards. The majority agreed

that journalists should always respect professional codes of ethics, regardless of the situation and context. But more than half of them said that ethical decisions can depend on the situation, so sometimes it is acceptable to set aside ethical standards when exceptional circumstances require it (Róka et al., 2017).

Mertek Media Monitor's research has found that self-censorship among journalists is relatively high, with political and economic pressures playing a major role. In 2016, 33% of journalists said that they concealed or distorted political/economic facts to avoid any negative consequences (Timár, 2017).

4. Risks and Opportunities of Media Usage Domain

4.1. Development and agency of change

Digital technologies and social media have significantly transformed media consumption habits. The role of traditional media is declining, especially in the media consumption of the younger generations, as can be seen in the declining numbers of print media, but in recent years the leading source of news, television, appears to have been losing its importance. In comparison, the internet is becoming increasingly important as an information platform, some surveys show that it has already overtaken television (Bognár, 2022). Generational differences in news consumption are significant: only 33% of 18-29 year olds consume television regularly as a source of news, compared to over 70% of people aged over fifty, and only 28% of people aged 60+ use the internet for information regularly, compared to 75% of young people (18-29 years old) (Hann et al., 2021).

In Hungary, media consumption is increasingly characterised by polarisation, with the divided public discourse also reflected in the media repertoire of consumers, but also by the extremely low trust in the media in general, and serious fault lines also in the trust in specific media outlets. In the following chapters, we examine Hungarian consumer habits through the operational variables of access to media, diversity of media provision, relevance of news media and trust in the media.

4.2. Access to media and diversity of media provision

It is likely that the outbreak of the coronavirus played the major role in the significant decline of the traditionally *most popular medium*, television, by 2020, but the internet has seen faster growth than ever in terms of its role in providing the public with political information. According to the regular news consumption surveys conducted by Mertek Media Monitor and Medián Opinion and Market Research, in the 2010s, television was an information medium for more than 70% of the adult population, declining to below 60% by 2020. Internet as news source almost reached the popularity of television (Hann et al., 2021). According to measurements by the Reuters Institute, the internet (together with social media) has been the leading source of news for the Hungarian population for several years now. They also showed a significant drop in the popularity of television after 2020 (Bognár, 2022). Certain demographic factors play a decisive role in the consumption of certain media. Among older and less educated people, television is the most widely used medium, while among the young and highly educated, the internet clearly dominates (Hann et al., 2021).

According to statistics from the media authority, only 4% of households in Hungary had *access to the internet* in 2000.²⁴⁰ Penetration has been steadily lagging behind the EU average, which,

²⁴⁰ Source: <http://ehmmsa.nmhh.hu/informatika-internet/6-01/002.003/#6-01>

despite the expectations that it will catch up in 2021, was again 1% behind the EU average at 92%.²⁴¹ However, individual internet use caught up with the EU average in 2021, with 89% of Hungarians having used the internet in the previous 3 months.²⁴² Based on the data of the Hungarian Central Statistical Office (KSH), 68.7% of the population have access to mobile broadband internet (2021).²⁴³ The proportion of people using mobile phones on the move is increasing significantly year on year. Eurostat's data for 2019 says, 72% of the Hungarian population now use mobile internet.²⁴⁴ According to *Reuters Digital News Report 2022*, more people access online news media from a mobile phone (72%) than from a computer (55%) (Bognár, 2022).

After *Media Pluralism Monitor 2021* assessed low risk (27%) in the universal reach of traditional media and access to internet in Hungary, the 2022 report presented a medium risk value with 40%, due to the fact, that the Hungarian Postal Service cancelled its newspaper delivery service during 2021 (Bátorfy et al., 2022).

Hungary is rated with high risk in all media market plurality factors in the latest *Media Pluralism Monitor 2022*. The chapter 3.1. about the media market transformation also highlighted the significant distortions that have led MPM experts to rate the concentration of news media at 72% high-risk. In the latest Mertek-Medián news consumption survey, the consumption of 54 of the most important media outlets in Hungary was surveyed. Polyák, Urbán and Szávai (2022) have further analysed the data to assess the diversity of the Hungarian population's information. Based on the ideological classification of the 54 outlets, the dominance of pro-government media in the television, radio and print segments is evident, with the online sphere being the only one where pro-government media do not dominate. As already explained in chapter 3.2., the pro-government media (including the public service media) holds about 80% of the financial market resources, but this only gives a 60% dominance in users' consumption (Polyák, Szávai & Urbán, 2019). This does not mean that the news consuming public is not exposed to excessive government influence. A high level of awareness is needed to ensure that citizens consume a diverse news diet. The older age group is still primarily informed by traditional media, and the last non-government free-to-air TV channel, RTL Klub, has a decisive role to play in preventing a significant part of the population from being caught up in a pro-government news bubble. Even so, it can be shown that 12% of the population consumes media outlets that exclusively deliver the government's narrative. They are typically over 60 years old, have completed secondary education and are voters of the governing party (Polyák, Urbán & Szávai, 2022).

No data are available on which socio-demographic groups have **no access** to the news media. The survey by Mertek-Medián shows that 5% of the population do not regularly use any media outlets for gathering public information.

4.3. Relevance of news media

The 2020 Mertek-Medián survey also shows an increase in the level of political interest compared to previous years. 15% of people said they were very interested in politics and 34% were moderately interested. Television is still the most widely used **source of public information**, with 59% of the adult population using it regularly and 21% occasionally, but the number of internet users is now approaching that of TV viewers, 57% uses it regularly and 16% sometimes. At least occasionally, 62% of people use the radio, and 29% and 23% respectively use daily and weekly newspapers for information. According to the survey data, 15% of the voting

²⁴¹ Eurostat – Level of internet access – households (ISOC_CI_IN_H)

²⁴² Eurostat – Internet use by individuals (ISOC_CI_IFP_IU)

²⁴³ Source: https://www.ksh.hu/stadat_files/ikt/hu/ikt0016.html

²⁴⁴ Eurostat - Individuals using mobile devices to access the internet on the move (ISOC_CI_IM_I)

age population are not regularly informed and 2% are not informed at all. The age distribution shows that young people make up the majority of the **news avoiders**, interest in public affairs is increasing with age (Hann et al., 2021).

For many media outlets, we have data on viewership, listening, readership and reach, but these are sporadic, and in many cases not regularly published – for example, television viewing data from Nielsen are only available to subscribing market actors, who occasionally publish this data. However, from surveys carried out by MerteK-Medián or data provided by the *Reuters Digital News Report*, we can even draw trends from 2012 onwards. According to the 2020 data, based on regular, at least weekly consumption, the **most popular media outlet** in Hungary is the government-independent RTL Klub, followed by three pro-government media outlets: the commercial television channel TV2, the one and only national commercial radio station Retro Rádió, and the public service television channels combined. The fifth most popular media is 24.hu, which took the lead among online news portals after the editorial staff of index.hu resigned (Polyák, Urbán & Szávai, 2022). 10% of the adult population **subscribes** to a political daily or weekly newspaper, while 8% subscribe to local newspapers. Subscription-only online media is still rare in Hungary, however hybrid practices – in form of free articles supplemented with paid contents – are on the rise. Voluntary donations for media products are emerging as a new phenomenon, 5% of the voting age population already donate money to the media (Hann et al., 2020). Not much is known about the consumers of **alternative news sources**, but some analyses have already been carried out, mainly looking at the supply side of alternative news sources, such as classic fake-news sites or social media influencers and sites. In 2021, Átlátszó's data visualisation team, Atlo, mapped the pro-government actors on Facebook who are involved in spreading government narratives. The analysis points to a number of interesting facts: the visibility network of the pro-government Facebook pages, their content distribution patterns, or the presence of coordinated advertising campaigns on Facebook.²⁴⁵ Also during 2021 and 2022, Political Capital (2022) conducted a mix-method research to map and analyse the so called “grey-zone” actors on various social media sites (Facebook, Twitter and YouTube), and their dissemination tactics. According to their definition, this grey-zone media is “*trying to hide or mask the connection between political actors and their messages*” (p. 14). They identified seven types of grey-zone media, the most common in Hungary being the “anonymous hyper-partisan” sources – the most popular one has more than 200,000 followers.

4.4. Trust in media

According to the *Reuters Digital News Report 2022*, **trust in news** in Hungary is extremely low, just 27%, and even trust in the news sources used by the users themselves is only 47%. The news sources considered the most credible are not close to the government, such as HVG, RTL Klub, 24.hu or Telex. The scandal surrounding Index has caused the news portal's credibility to fall by 17% in two years. Among the media outlets on the list, consumers have the least trust in the tabloid Blikk, the pro-government TV2 and the public service TV channels (Bognár, 2022).

The MerteK-Medián survey shows that consumers' political orientation plays a decisive role in the level of trust in certain media. The list of the media considered credible by pro-government and opposition voters is almost a mirror image of each other: while pro-government voters trust the public media channel M1 and Kossuth Radio the most, opposition voters trust these two media the least (Hann et al., 2021; Polyák, Urbán & Szávai, 2022).

²⁴⁵ See the analysis of Atlo: <https://atlo.team/ner-metaverzum/>

5. Risks and Opportunities of Media Related Competencies Domain

5.1. Development and agency of change

Media related education started in Hungary in 1995, when the subject Culture of Moving Image and Media Education was included in the National Core Curriculum for primary and secondary schools, positioned within the Arts and with a focus on film. In the 2000s, the subject became increasingly important, with more and more aspects being added to its content. Since 2005, the subject has also been available as an optional subject for school-leaving exams (Neag & Koltay, 2019). In the 2010s, after Fidesz came to power, they started radical changes in the education system. This was mainly manifested in centralisation: a central government body became the employer of all teachers, and the selection and provision of textbooks was centralised. The new core curriculum in 2012 was an important milestone in this transformation. Rózsa Hoffman, then State Secretary for Education, described the National Core Curriculum *"as return to the old traditions and baseline standards of cultural literacy"* (Neag, 2016, p. 120). In the 2012 core curricula, the subject appeared both as a separate, optional subject and as a cross-curricular topic. During the preparation of the 2020 core curriculum, there were rumours that the Culture of Moving Image and Media Education subject would be abolished in its entirety and media literacy would remain as a cross-curricular competence area²⁴⁶, but perhaps due to objections from professionals, it was included in the final version.

In the teacher training system in Hungary, specialised knowledge of media literacy education can be acquired in the university programmes of Cinematography and Media Literacy (BA), Cinematography and Media Literacy Teacher (MA), Media, Cinematography and Communication Teacher. These are the qualifications for teaching the subject of Culture of Moving Image and Media Education introduced in primary and secondary schools. According to the Ombudsman's report, the low number of hours, integrative presence and the low number of qualified teachers in schools, media literacy education is often not fully and effectively implemented in the education system (Commissioner for Fundamental Rights, 2016).

In order to fully understand – not only the media education's, but the whole school system's situation, it is essential to take a look at the current education crisis in Hungary. Teachers' protests started at the beginning of 2022 to draw the government's attention to a number of pressing problems: low wages, intense workloads, high administrative burdens, the ageing of the profession and labour shortages make teachers' working conditions increasingly difficult. The government responded to the protest with a decree that made it almost impossible for teachers to strike. The spring protests turned into widespread civil disobedience actions in the autumn school year, several teachers were dismissed because of the walkout. A nationwide wave of protests has emerged, with students, parents and teachers from all levels of the education system joining in to express their dissatisfaction with the government's education policies.²⁴⁷

5.2. Overview of media related competencies in policy documents

Directions for the development of media literacy are set out on the one hand in the National Curriculum, which provides the framework for formal education, and on the other hand the Media Act contains provisions for the public media and the media authority to promote media literacy (see more in section 5.3).

²⁴⁶ Source: https://eduline.hu/kozoktatasi/20200114_mozgokepultura_es_mediaismeret_uj_NAT

²⁴⁷ See the summary from Euronews: <https://www.euronews.com/2022/10/06/thousands-march-on-hungarys-parliament-as-teachers-crisis-continues>

The *Digital Success Programme*²⁴⁸ was launched by the state in 2016, as a development programme for the digital ecosystem as a whole. Part of this is Hungary's *Digital Education Strategy*, which sets out the goals and tools for every levels of the education system: public education, vocational education and training, higher education and adult learning.²⁴⁹ Another key area of the programme is effective child protection, which *Hungary's Digital Strategy for Child Protection* aims to achieve. One of the three pillars outlined in the latter document is also the development of media literacy.²⁵⁰ These documents sketch a picture of an education system in which children and teachers are connected in a digital network, where digitally skilled teachers teach with digital tools and methods (see more in section 5.3).

5.3. Information about the media literacy programs in formal and non-formal education

Media education - both at primary and secondary level - became a separate subject in 1997. Schools have implemented cinematographic culture and media studies in their local curricula. However, the subject has not been able to spread widely. The 2012 framework curricula have brought changes to the content of education and the development of media literacy in several respects. Media literacy education, which replaced the self-contained but much less extensive media education, was introduced as a compulsory educational objective in the curricula of primary and secondary schools in Hungary. The main aim of media literacy education in primary school is to help students distinguish between what they see on television and what is real, and to help them recognise the role of the media in society, in leisure and in personal learning. As a result of this development, upper secondary school pupils should be able to search the internet effectively, be aware of the appropriate use of video games and the dangers of social networking sites and media content. In addition, they should be able to avoid verbal abuse on social networking sites, avoid inappropriate media content in their private sphere and develop a critical sense of the credibility of media content. For secondary school pupils, the aim is to be able to make informed choices between learning, educational and entertainment media, to recognise media attention-grabbing tools and to have appropriate communication strategies to avoid inappropriate content. It is clear, that at the level of regulators, the definition of media literacy in fact refers to the media environment, which is considered dangerous, for which the basic school objective is the development of critical literacy. Educators' definitions of media literacy and school guidelines make it clear that the school world cannot cope with the presence of media as a source of pleasure and everyday experience in the lives of teenagers (Rajnai, 2021a; 2021b).

The National Media and Infocommunications Authority plays a significant role in promoting media literacy in Hungary. The Hungarian Media Act explicitly defines the responsibility of the media authority in promoting media literacy and coordinating the work of other state actors in this field. The Media Council has established a media education centre called *Bűvösvölgy* (Magic Valley). The centre opened in 2013 and aims to develop children's media literacy through creative activities. The media authority and *Bűvösvölgy* also publish media literacy textbooks and teaching materials.

The *Digital Success Programme's* media literacy projects address many different target groups. In 2019, it was decided to develop a national digital competence framework based on the EU digital competence framework, *DigComp*. This will be a single system for defining, developing,

²⁴⁸ English language website: <https://digitalisjoletprogram.hu/en>

²⁴⁹ Digital Success Programme. (2016). Digital Education Strategy of Hungary. <https://digitalisjoletprogram.hu/files/0a/6b/0a6bfd72ccbf12c909b329149ae2537.pdf>

²⁵⁰ Digital Success Programme. (2016). *Digital Child Protection Strategy of Hungary*. <https://digitalisjoletprogram.hu/files/c2/61/c2610c5560ef56425860d4d7bdd68b3d.pdf>

measuring and certifying digital competences of citizens.²⁵¹ The *Digital Success Programme Network* provides more than 1,400 locations across the country, where people can access the help of more than 2,000 trained DSP mentors to develop their digital skills.²⁵² The program's *Digital Strategy for Child Protection* has delivered several other important programmes. Since 2018, DSP mentors have delivered more than 700 training sessions for parents, improving the media literacy and media education skills of more than 8,000 parents.²⁵³ The programme has also delivered a free e-learning package for parents, made up of five training modules.²⁵⁴ And for teachers, the *Digital Illusions* program is available, which provide lesson plans for 12 media-related topics, developed in 3-4 lessons/topic.²⁵⁵ In the *Peer Mentoring Programme* (NETMENTOR) ninth-grade students are trained to teach and mentor their peers in their school or institutions about safe internet use. ²⁵⁶According to Krisztina Nagy (expert interview, 2022. October 25), the professional programmes, training materials and information packages developed within the *Digital Strategy for Child Protection* have been created with high professional standards, NGOs and academics with expertise in the field have also participated in the development.

National and international NGOs have a major role to play in developing good practices in the field of media literacy, such as the Televele Media Education Association, the Idea Foundation, the Visual World Foundation, *Safer Internet Program* by the International Child Rescue Service, the UNICEF's *Alarm Clock Children's Rights* school program. The media industry is also increasingly involved in developing media literacy. The Media Union Foundation was set up by market players, each year they organise their campaign around an important social issue. Edison Platform brings together initiatives on media literacy in Hungary, connecting decision-makers, civil society and business stakeholders with their target groups.

5.4. Actors and agents of media related competencies: risks and opportunities

The previous section reviewed the main actors in the formal and non-formal education and the programmes they provide in the field of media literacy. Two good studies, which focused specifically on the role and activities of media literacy stakeholders, were published in 2016. In its report to the Council of Europe, the European Audiovisual Observatory (2016) has collected and analysed the most important non-formal media literacy projects in the EU countries. The Hungarian chapter deals with the key media literacy actors in Hungary (see the figure from the report below), identifies the 20 most significant media literacy projects in the 2010s, and examines five "case-study" projects in more detail.

²⁵¹ Source: <https://digitalisjoletprogram.hu/en/content/digkomp>

²⁵² Source: <https://digitalisjoletprogram.hu/en/content/digital-success-programme-network>

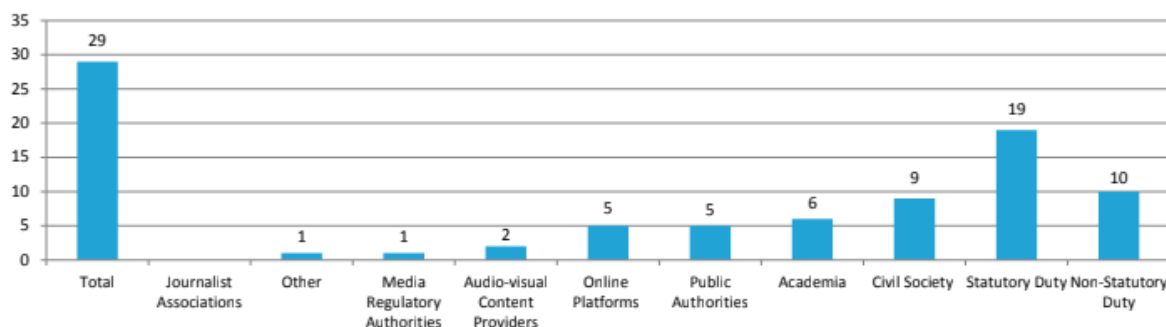
²⁵³ Source: <https://digitalisgyermekvedelem.hu/dmsz>

²⁵⁴ Access: <https://digitalisgyermekvedelem.hu/gyerekkelonline>

²⁵⁵ Access: <https://digitalisgyermekvedelem.hu/toolbox>

²⁵⁶ Source: <https://digitalisgyermekvedelem.hu/netmentor>

Figure 115: Main media literacy stakeholders in Hungary, sectors represented and statutory responsibility



Source: European Audiovisual Observatory, 2016.

The Hungarian ombudsman also published an interview-based report on the experiences of Hungarian actors, and outlined the most important steps to be taken in terms of media literacy policies. He identified the following main problems: In the formal education, media literacy education is linked to multiple fields of education, it is not a stand-alone subject, so it is mostly taught by teachers without a specialised degree. There is a lack of qualified teachers with the necessary skills, adequate textbooks and the required development methodologies (Commissioner for Fundamental Rights, 2016). In the years since then, some of these problems have been addressed, but mainly not within the framework of formal education. A number of good teaching materials have been produced by NGOs and actors in the industry, but they still do not compensate the shortcomings in the education system.

According to Nagy (2018) the biggest challenge and the key to successful long-term media literacy development is the coordination of the many different areas involved and the engagement of all stakeholders. In the expert reports on the state of media literacy in recent years, the lack of a coherent policy is mostly attributed to the fragmented role of the state, the lack of definition of the tasks of the actors involved and the lack of coordination between them.

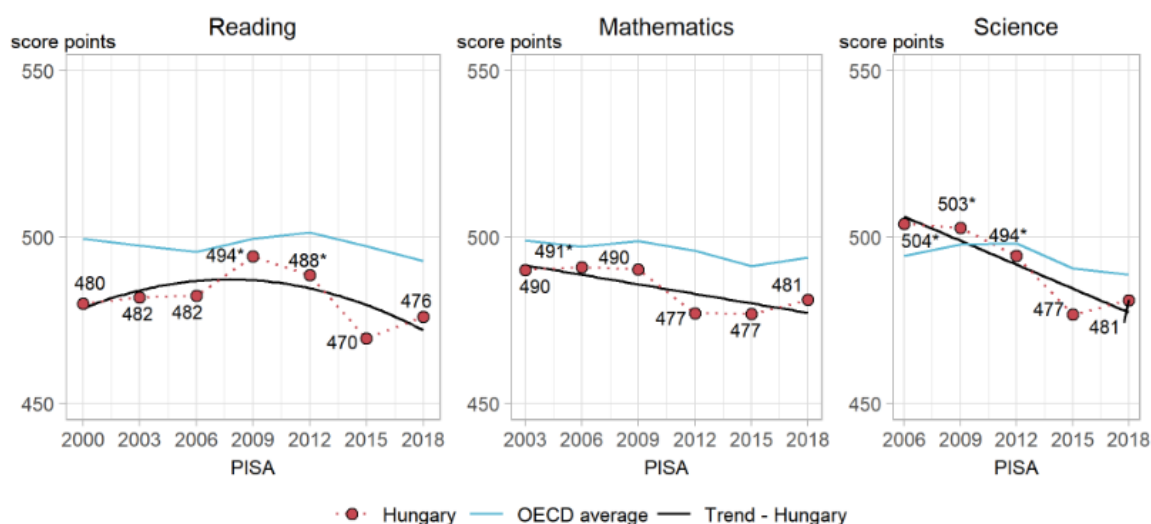
5.5. Assessment of media related competencies among citizens

To map this domain, we have to rely almost exclusively on international data, because although media literacy is a hot topic also in Hungary, there are still no comprehensive domestic studies. The data and research are sporadic, often only looking at a single sociodemographic group and in most cases using non-representative methods.

The adult population scores in the OECD PIAAC survey are around average. Hungary has an average numeracy score of 272, which is 10 points higher than the OECD average. Literacy is 264, similar to the OECD average of 266. In problem solving efficiency Hungary is close to the OECD average: 28,5% of adults are at the highest level of the scale, on level 2 and 3. (OECD average is 29,7%.)²⁵⁷

For students, PISA results are below the OECD average and results after 2010 follow a negative trend in all three categories.

²⁵⁷ Source: <https://www.oecd.org/skills/piaac/>



Source: OECD

According to the *OSIS Media Literacy Index*, which is calculated from results of different other indexes and metrics, such as the Freedom of the Press, Press Freedom Index, PISA scores, the UN E-participation Index, the degrees of trust in others and the share of population with university degree, Hungary ranked in the third cluster with 42 points in 2021.²⁵⁸

An important direction for research on media literacy in Hungary is to assess teachers' own competences in this area and to examine their attitudes and teaching practices in terms of media literacy and digital competences. Within the framework of the *Digital Success Programme*, a recent, comprehensive teacher survey was carried out, the results of which were published by Lannert and Hartai (2021). The survey found that more than half of public schools nationwide do not provide media education. A quarter of the schools have media as an integrated subject, a tenth as a separate subject and another tenth teaching it in other subjects. Among the main findings of the survey, the authors noted that a large proportion of Hungarian teachers view media literacy as a critical skill, and are concerned about the excesses of young people's media consumption. The results show that half of the teachers are forced to work in an outdated technical environment, mainly using frontal methods. According to the authors, teachers who are qualified as media teachers are outstanding, their methods, which could be transferred to other subjects as well, would be a good example for a paradigm shift in education.

After this, it is not surprising, that based on focus group discussions with kids, Rajnai (2021b) concluded that the media is not a resource in the school world, but a bogeyman. Several teenagers expressed guilt about their own media use or moralised about the excessive or inappropriate media use of others. The resulting self-reflexive attitude towards media is an attempt to respond to the conflict between school and media rather than to the important and real problems of media use. For example, participants in the focus groups talked much more about wasting time or misspelled comments than, for example, about issues of data security. Looking at the results of the 2012 EMEDUS survey on the question what media education is actually delivering in the classroom, we see that Hungary performs well in moral issues of media (such as protection of students from the negative influence of the media; dissuading students from bad habits of media consumption), but underperforms in teaching critical and practical skills (such as the critical evaluation of the media; development of media production skills) (EMEDUS, 2012).

²⁵⁸ Source: <https://osis.bg/?p=3750&lang=en>

6. Conclusion

Reviewing and evaluating Hungary on the basis of the variables identified by the theoretical background of the Mediadelcom project as conditions for deliberative communication, it can be said that in Hungary, in many aspects, we are no longer talking about mere risks, but about the opposite of deliberation in action – a polarised society, driven by fears and emotions, in which there is still a willingness to debate, but not under the auspices of rationality or the search for common ground. Fault lines in news consumption, journalism and politics – these define the quality of the public discourse, in which one must today search for voices that represent the values of deliberative communication, but are increasingly hard to find in the confusing noise.

The causes are rooted in systemic problems: firstly, the legislative power has initiated major changes in media and education policies (section 5.1) and legislation (section 2.1), the executive power is acting to ensure its own and its economic elite's positions of power and business (section 3.1), and the judicial power, which has lost most of its autonomy (section 2.1), is playing its part. With the system of checks and balances broken, it is not surprising that the media, defined by many as the fourth branch of power, cannot function properly.

The most important risks in the legal field date back to the introduction of the media laws in 2010, with the creation of the new media authority (section 2.1), whose independence was not safeguarded by institutional guarantees even then, and in the time passed it has been proven in several cases that makes decisions on political grounds, can be circumvented or simply does not act on certain issues. In other areas of the judiciary, there are also serious shortcomings in autonomy, which also affect judicial matters involving the press. The regulation of public media is extremely problematic, after all, an institution that is maintained by hundreds of billions HUF of taxpayers' money can operate almost completely opaquely (section 3.3). "In Hungary freedom of speech exists" – is often said in response to criticisms. The legal environment, the wording of the legislation, one might say, does actually ensure that the media can function. But if we look at how this regulation manifests itself in the practical operation of the media market, on the level of journalists' everyday experiences, this is not what we see.

Investigative articles are being stopped and journalists are being sued on privacy grounds. Cases involving public funds are classified, public interest requests are denied, and journalists are expelled from certain areas of parliament (section 2.2, 2.3). The government declares a media merger of national strategic importance and exempts it from the Competition Authority's investigation, which leads to a massive concentration in the media market (section 3.1). The loyal media are rewarded with public advertising money and everyone else is excluded from funding or support (section 3.2).

Distortions in the media market are also reflected in consumption, with voices independent of government increasingly being driven out of traditional media platforms and pushed towards digital platforms (section 3.1, 4.1). Consumers need to be increasingly conscious in order to access reliable, credible information or to be exposed to narratives that differ from the government narrative. Hungarians' trust in established institutions significantly declines, there are only a few countries where trust in the media is as low as in Hungary (section 4.5). Partisan consumption splits citizens' reality - what is truth for one is falsehood for another.

Digitalisation and the resulting richness of content opens the door to disinformation and fake news, and requires a high level of awareness to be properly informed. The current public education system neglects media studies at all educational levels (section 5.3). The centralised school system, slow technological development, insufficient financial and professional recognition for teachers (section 5.1) all make it difficult to adequately prepare children for the challenges of the digital world.

References

- Bajomi-Lázár, P. (2015e). *Media landscape: Hungary*. Media Landscapes. Expert Analysis of the State of Media. <https://medialandscapes.org/>
- Bajomi-Lázár, P. (2016). Semlegesség és elkötelezettség között. Politikai újságírás Magyarországon [Between neutrality and engagement: Political journalism in Hungary]. *Politikatudományi Szemle*, 25(2), 59-83.
- Bajomi-Lázár, P. (2017). Between neutrality and engagement: Political journalism in Hungary. *Central European Journal of Communication*, 10(1), 48-63.
- Bajomi-Lázár, P. (2019). A patrónusi-kliensi médiarendszer és az újságírói szükségletek Maslow-piramisa [The patron-client media system and Maslow's pyramid of journalistic needs]. *Médiakutató*, 20(1), 41-58.
- Bátorfy, A., Bleyer-Simon, K., Szabó, K. & Galambosi, E. (2022). *Monitoring media pluralism in the digital era. Application of the media pluralism monitor in the European Union, Albania, Montenegro, the Republic of North Macedonia, Serbia and Turkey in the year 2021. Country report Hungary*. Centre for Media Pluralism and Media Freedom & Rober Schuman Centre.
- Bátorfy, A. & Szabó, K. (2021). Monitoring media pluralism in the digital era. Application of the Media Pluralism Monitor in the European Union, Albania, Montenegro, The Republic of North Macedonia, Serbia & Turkey in the year 2020. Country report Hungary. Centre for Media Pluralism and Media Freedom & Rober Schuman Centre.
- Bátorfy, A. & Urbán, Á. (2019). Állami reklámköltés 2006-2018 [State advertising expenditure 2006-2018]. MértékBlog. <https://mertek.atlatszo.hu/>
- Bayer, J., Bárd, P., Vosyliute, L. & Luk, N. C. (2021). Strategic Lawsuits Against Public Participation (SLAPP) in the European Union: A comparative study. Academic Network on European Citizenship Rights, European Commission.
- Bencsik, M., Bódi, J., Katus, E., Szávai, P. & Timár, J. (2018). A számok nem hazudnak. Közéleti témák médiareprezentációi. Médiafigyelések és tartomelemzések [The numbers don't lie. Media coverage of public issues. Media monitoring and content analyses]. (Mertek Booklets, Vol. 16.) Mertek Media Monitor.
- Bettels-Schwabbauer, T., Leih, N., Polyák, G., Torbó, A., Martinho, A. P., Crespo, M., Radu, R. & FJSC team. (2018). *Newsreel. New skills for the next generation of journalists*. Erich Bros Institute and University of Pécs and ISCTE University Institute of Lisbon and University of Bucharest.
- Bodrogi, B. (2021). The legal background of SLAPP cases in Hungary. In Bayer, J., Bárd, P., Vosyliute, L. & Luk, N. C. *Strategic Lawsuits Against Public Participation (SLAPP) in the European Union: A comparative study*. Academic Network on European Citizenship Rights, European Commission. 211-220.
- Bognár, É. (2022). Hungary. In Newman, Nic et al. (Eds.), *Reuters Institute Digital News Report 2022* (pp. 84–85). Reuters Institute for the Study of Journalism.
- Center for Independent Journalism & Mertek Media Monitor. (2014). *Publicness revisited – a dialogue for a future media regulatory framework*.
- Commissioner for Fundamental Rights. (2016). *Az alapvető jogok biztosának jelentése az AJB-479/2016. számú ügyben* [Report of the Commissioner for Fundamental Rights in case AJB-479/2016].
- Commissioner for Human Rights. (2011). *Opinion of the Commissioner for Human Rights. Hungary's Media Legislation in light of Council of Europe standards on freedom of the media*. Council of Europe.
- Dezséri, K. (2011). A magyar médiatörvény a médiáról szóló európai vitákban: Egy negatív szimbólum kialakulásának folyamatáról [The Hungarian media law in European debates on the media: the process of creating a negative symbol]. *Médiakutató*, 12(3), Article 5.

- Directorate General Human Rights and Rule of Law. (2012). *Expertise by Council of Europe experts on Hungarian media legislation: Act CIV. Of 2010 on the freedom of the press and the fundamental rules on media content and Act CLXXXV. Of 2010 on media services and mass media*. Council of Europe.
- EMEDUS (2012). *Report on formal media education in Europe. Country profile Hungary*. EAVI.
- European Audiovisual Observatory. (2016). *Mapping of media literacy practices and actions in EU-28*.
- European Commission. (2020). *2020 rule of law report. Country chapter on the rule of law situation in Hungary*. SWD(2020) 316 final.
- European Commission. (2021). *2021 rule of law report. Country chapter on the rule of law situation in Hungary*. SWD(2021) 714 final.
- European Commission. (2022). *2022 rule of law report. Country chapter on the rule of law situation in Hungary*. SWD(2022) 517 final.
- European Commission for Democracy Through Law. (2015). *Opinion on Media Legislation (Act CLXXXV on Media Services and on the Mass Media, Act CIV on the Freedom of the Press, and the Legislation on Taxation of Advertisement Revenues of Mass Media) of Hungary*. (CDL-AD(2015)015). Venice Commission and Council of Europe.
- European Network of National Human Rights Institutions. (2021). *Hungary. Commissioner of Fundamental Rights*.
- Galambos, M. (2008). A német kiadók és a magyarországi újságírás [German publishers and journalism in Hungary]. *Médiakutató*, 9(4), 23-37.
- Gödri, R. (2021). Pályakezdő újságírók helyzete Magyarországon [The situation of career starter journalists in Hungary]. *Médiakutató*, 22(3-4), 97-106.
- Hallin, D.C. & Mancini, P. (2004) *Comparing Media Systems: Three Models of Media and Politics*. Cambridge University Press.
- Hann, E., Megyeri, K., Polyák, G. & Urbán, Á. (2020). *An infected media system. The sources of political information in Hungary, 2020*. Mertek Media Monitor.
- Haraszi, M. (2008). *Média-önszabályozási útmutató. Kérdések és válaszok* [Media self-regulatory guide. Questions and answers]. OSCE.
- Hungarian Civil Liberties Union (2020a). *GDPR weaponized - Summary of cases and strategies where data protection is used to undermine freedom of the press in Hungary*.
- International Press Institute, Article 19, Committee to Protect Journalists, European Centre for Press and Media Freedom, European Federation of Journalists, Free Press Unlimited & Reporters Without Borders. (2019). *Conclusions of the joint international press freedom mission to Hungary*.
- Jakubowicz, K. (2010). *Analysis and assessment of a package of Hungarian legislation and draft legislation on media and telecommunications*. Office of the OSCE Representative on Freedom of the Media.
- Koltay, A. (Ed.). (2019b). *Magyar és európai médiajog* [Hungarian and European media law]. Wolters Kluwer.
- Lampé, Á. (2008). Visszaküldő szolgálat. A cikkek megjelenés előtti átírhatóságáról - újságírói korlátozás vagy a tények ellenőrzése [The Return Service. About pre-publication transcription of articles - journalistic restrictions or fact-checking?]. *Médiakutató*, 9(4), 39-49.
- Lampé, Á. (2011). Médiaszabályozás pro és kontra. Simon Éva, Széky János, Hanák András, Polyák Gábor, Koltay András, Nyakas Levente és Lapsánszky András a 2010-es médiatörvény-csomagról [Media regulation pro and contra. Éva Simon, János Széky, András Hanák, Gábor Polyák, András Koltay, Levente Nyakas and András Lapsánszky on the 2010 media law package]. *Médiakutató*, 12(4), 7-36.
- Lannert, J., & Hartai, L. (2021). Médiaműveltség az iskolában [Media literacy at school]. *Iskolakultúra*, 31(7-8), 3-27.

- London School of Economics and Political Science. (2021). *Moving beyond polarising populist propaganda: the case of Hungary*.
- Majtényi, L. (2011). Az új médiaszabályozás alapvető hibái [The basic problems with the new media regulation]. *Médiakutató*, 12(1), Article 1.
- Majtényi, L. (2014). A független ombudsman-intézményeket helyre kell állítani, az alapvető jogok biztosától pedig továbbra is elvárható a jogállami jogvédelem [The independent ombudsman institutions must be restored, and the Commissioner for Fundamental Rights expected to continue to uphold the rule of law]. *MTA Law Working Papers*, 2014(47).
- Mertek Media Monitor. (2014). Press freedom index 2013.
- Mertek Media Monitor. (2015a). *Gasping for air. Soft censorship in the Hungarian media in 2014*. Mertek Booklets, Vol. 2.
- Mertek Media Monitor. (2015b). *The state of press freedom in 2014*. Mérték Booklets, Vol. 5.
- Mertek Media Monitor. (2016a). *The methods are old, the cronies are new. Soft censorship in the Hungarian media in 2015*. Mertek Booklets, Vol. 9.
- Mertek Media Monitor. (2016-present). Szűrőpróba [Spot-check]. <https://mertek.eu/tag/szuroproma/>
- Mertek Media Monitor. (2017). *Soft censorship in Hungary 2016. When propaganda rules public discourse*. Mertek Booklets, Vol. 12.
- Mertek Media Monitor. (2018a). *An illiberal model of media markets. Soft censorship 2017*. Mertek Booklets, Vol. 15.
- Mertek Media Monitor. (2019). *Centralised media system. Soft censorship 2018*. Mertek Booklets, Vol. 18.
- Mertek Media Monitor. (2021a). *Four shades of censorship. State intervention in the Central Eastern European media markets*. Mertek Booklets, Vol. 19.
- Mertek Media Monitor. (2021b). *Four shades of censorship. Media market trends and distortions in the Czech Republic, Hungary, Romania and Slovakia*. Mertek Booklets, Vol. 20.
- Mertek Media Monitor. (2021c). *Four shades of censorship. Legal guarantees and practical shortcomings of the independence of the media authorities in the Czech Republic, Hungary, Romania and Slovakia*. Mertek Booklets, Vol. 21.
- Mertek Media Monitor. (2021e). *Four shades of censorship. Freedom and social role of journalists in the Czech Republic, Hungary, Romania and Slovakia*. Mertek Booklets, Vol. 23.
- Mertek Media Monitor. (2021f). *Media landscape after a long storm. The Hungarian media politics since 2010*. Mertek Booklets, Vol. 25.
- Mester, T. & Torbó, A. (2019). Hungary: Getting lost in the accreditation system. In Nowak, E. (ed.). *Accreditation and Assessment of Journalism Education in Europe*. Nomos. 83-98.
- Nagy, K. (2010). Médiáhozhatóság és függetlenség 1 [Media authority and independence 1]. *Infokommunikáció és jog*, 7(41), 192-195.
- Nagy, K. (2011). Médiáhozhatóság és függetlenség 2 [Media authority and independence 2]. *Infokommunikáció és jog*, 8(42), 8-12.
- Nagy, K. (2016a). Frekvenciafosztogatás. Rendezetlenség, diszkrimináció és politikai megfontolások a frekvencia-pályáztatásban – 2016 [Frequency harvesting. Disorder, discrimination and political considerations in the tendering process for frequencies – 2016]. (Mertek Booklets, Vol. 6.) Mertek Media Monitor.
- Nagy, K. (2016b). Frekvenciaosztogatás. A Médiatanács frekvenciapályáztatási gyakorlata 2010-2015 [Frequency distribution. The Media Council's frequency tendering practice 2010-2015]. *Médiakutató*, 17(3-4), 125-136.

- Nagy, K. (2018). Műveltség - Média - Szabályozás: a médiaműveltség médiapolitikai jelentősége és szabályozási keretei [Literacy - Media - Regulation: the importance of media literacy in media policy and its regulatory framework]. Gondolat.
- Neag, A. (2016). Media literacy in the Hungarian educational policy arena (1995-2012). PhD dissertation, Corvinus University of Budapest.
- Neag, A. & Koltay, T. (2019). Media literacy in Hungary. In Hobbs, R. & Mihailidis, P. (Eds.), *The International Encyclopedia of Media Literacy*. Wiley.
- OSCE Office for Democratic Institutions and Human Rights. (2018). Hungary. Parliamentary elections. ODIHIR Limited Election Observation Mission Final Report.
- OSCE Office for Democratic Institutions and Human Rights. (2022). Hungary. Parliamentary elections and referendum. ODIHIR Election Observation Mission Final Report.
- Political Capital. (2022). Agents of influence. Hidden malign domestic and foreign "grey zone" media influence in Hungary.
- Polyák, G. (2017). Hungary. In Cappello, M. (ed.). *Journalism and media privilege*. IRIS Special (pp.60-67). European Audiovisual Observatory.
- Polyák, G. (2019). Hungary. In Cappello, M. (Ed.), *Self- and co-regulation in the new AVMSD*, IRIS Special (pp. 59-65). European Audiovisual Observatory.
- Polyák, G. & Nagy, K. (2015). Hungarian media law. *Mertek Media Monitor*.
- Polyák, G. & Rozgonyi, K. (2015). Monitoring media regulators' independence: Evidence-based indicators, Hungarian experience. *International Journal of Digital Television*, 6(3), 257-273.
- Polyák, G., Szávai, P. & Urbán, Á. (2019). A politikai tájékozódás mintázatai [Patterns of political information]. *Médiakutató*, 20(2), 63-80.
- Polyák, G. & Urbán, Á. (2016). Az elhalkítás eszközei [Instruments of silencing]. *Médiakutató*, 17(3-4), 109-123.
- Polyák, G., Urbán, Á. & Szávai, P. (2022). Information patterns and news bubbles in Hungary. *Media and Communication*, 10(3).
- Polyák, G. & Uszkiewicz, E. (Eds.).(2014). *Foglyul ejtett média. Médiapolitikai írások* [Media in captivity. Media policy writings]. Gondolat.
- Rajnai, R. (2021a). A médiaoktatás gyakorlata a 21. századi Magyarországon [The practice of media education in 21st century Hungary]. *Új Pedagógiai Szemle*, 71(7-8), 12-29.
- Rajnai, R. (2021b). *Terek, szerepek, határok. Tizenévesek médiahasználata és a médiaműveltség fejlesztése a késő modernitásban* [Spaces, roles, boundaries. Teenagers' media use and media literacy development in late modernity]. PhD dissertation. University of Pécs.
- Róka, J., Frost, L. & Hanitzsch, T. (2017). *Journalists in Hungary. Country report*. Worlds of Journalism Study.
- Schiffer, A. (2018). A véleménynyilvánítás alkotmánybírói esetjoga a megváltozott jogi környezetben [Constitutional case law on freedom of expression in a changed legal environment]. *Alkotmánybírói Szemle*, 9(1), 34-48.
- Sükösd, M. & Csermely, Á. (Eds.).(2001). *A hír értékei. Etika és professzionalizmus a mai magyar médiában* [The values of news. Ethics and professionalism in the Hungarian media today]. Média Hungária Könyvek.
- Szabó, G., Kormos, N. & Zagyi, V. (2016). Journalistic role performance - the Hungarian case. *Srodkowoeuropejskije Studia Polityczne*, 4(2), 53-72.
- Timár, B. (2019). *Tényleges szankció-e a sajtó-helyreigazítás?* JTiblog.
- Timár, J. (2016). *Az újságírók sajtószabadság-képe 2015-ben Magyarországon* [Journalists' perception of press freedom in Hungary in 2015]. (Mertek Booklets, Vol. 7.) Mertek Media Monitor.

- Timár, J. (2017). *Az újságírók sajtószabadság-képe 2016-ban Magyarországon* [Journalists' perception of press freedom in Hungary in 2016]. (Mertek Booklets, Vol. 13.) Mertek Media Monitor.
- Timár, J. (2022). *Election campaign 2022. Analysis of the news shows of the three most-watched television channels*. Mertek Booklets, Volume 27. Mertek Media Monitor.
- Tófalvy, T. (2013). Média a törvényen túl [Media beyond the law]? *Médiakutató*, 14(4), 85-95.
- Tófalvy, T. (2015). "A személyes és a nyilvános titokzatos keveréke": szakmai határok és az újságírás ideológiája ["A mysterious mix of the personal and the public": professional boundaries and the ideology of journalism]. *In Medias Res*, 4(1), 160-172.
- Tófalvy, T. (2016). „A nyomtatott sajtó már nem pálya”: Újságírói professzionalizáció és szakmai önkép a magyar online média kialakulásának időszakában (1995-1999) ["The print press is no longer a career": journalistic professionalisation and professional self-image in the period of the emergence of Hungarian online media (1995-1999)]. *Médiakutató*, 17(3-4), 55-66.
- Tófalvy, T. (2017). *A digitális jó és rossz születése: technológia, kultúra és az újságírás 21. századi átalakulása* [The birth of digital good and evil: the transformation of technology, culture and journalism in the 21st century]. L'Harmattan.
- Urbán, Á. (2015a). Distortions in the Hungarian media market. The impact of state advertising on competition in the media. In Herrero, M. & Wildman, S. (Eds.), *The business of media: change and challenges*. Formalpress.
- Valuch, T. (2015). *A jelenkori magyar társadalom* [Contemporary Hungarian society]. Osiris.
- Vásárhelyi, M. (Ed.). (1999). *Újságírók, sajtómunkások, napszámosok* [Journalists, press workers, day labourers]. Új Mandátum.
- Vásárhelyi, M. (Ed.). (2007). *Foglalkozása: újságíró* [Profession: journalist]. MÚOSZ.
- Vincze, I. (2012a). A közmédia lopakodó átalakítása [The stealth transformation of public media]. *Médiakutató*, 13(2), 67-72.
- Vincze, I. (2012b). A médiatörvények módosításai. Táncjáték három felvonásban [Amendments to the media laws. Dance play in three acts]. *Médiakutató*, 13(4), 61-70.
- WAN IFRA. (2013). *Capturing them softly. Soft censorship and state capture in Hungarian media*.
- Weyer, B., Bozóki, D., Bán, B. & Zöldi, B. (2015a). Felmérés a magyarországi médiaképzésekről [A study on media studies in Hungary]. *Médiakutató*, 16(1), 11-21.

