

Freedom on the Net 2022 - Hungary

PARTLY FREE

69

/ 100

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LAST YEAR'S SCORE & STATUS

70 / 100 Free

Scores are based on a scale of 0 (least free) to 100 (most free). See the [research methodology](#) and [report acknowledgements](#).

Overview

Internet freedom in Hungary continues to decline. Hungary enjoys high levels of overall connectivity and relatively affordable internet access. While there are few overt restrictions on content in Hungary, the government continues to consolidate its control over the telecommunications and media landscape. During the coverage period, the political opposition experienced significant cyberattacks during their primary elections. Additionally, Parliament extended a “state of danger,” akin to a state of emergency that was originally enacted in response to the COVID-19 pandemic, in response to the Russian invasion of Ukraine. The government also blocked state-owned Russian websites in response to a European Council regulation following the invasion. Additionally, the government admitted to purchasing spyware technology, which was allegedly used to target journalists and lawyers.

After taking power in 2010 elections, Prime Minister Viktor Orbán’s Alliance of Young Democrats–Hungarian Civic Union (Fidesz) party pushed through constitutional and legal changes that have allowed it to consolidate control over the country’s independent institutions. More recently, the Fidesz-led government has moved to institute policies that hamper the operations of opposition groups, journalists, universities, and nongovernmental organizations (NGOs) whose perspectives it finds unfavorable.

Key Developments, June 1, 2021 - May 31, 2022

- The cost of fixed broadband and mobile broadband internet access in terms of Gross National Income (GNI) per capita continued to decline according to some measurement sources (see A2).
- In January 2022, 4iG, a company whose owners have ties to Orbán, purchased mobile and internet service provider DIGI’s operations in Hungary. Then, in August 2022, after the coverage period it further consolidated its position in the market, purchasing Vodafone’s operation in the country (see A4).
- In March 2022, amid Russia’s invasion of Ukraine, Hungary complied with a European Union (EU) order, which compelled member states to block websites of Russian state-owned media outlets in an effort to prevent war propaganda (see B1).
- During the opposition primaries held in the autumn of 2021, the election servers and media outlets covering the results of the election were targeted by distributed denial of service (DDoS) attacks (see B8 and C8).
- In May 2022, the government again extended the state of danger, which includes harsh penalties for scaremongering and allows the government to pass decrees, in response to the Russian invasion of Ukraine (see C1 and C3).
- In July 2021, an investigation revealed that Hungarians had been targeted with spyware sold by NSO Group, an Israeli company. Forensic analyses confirmed that the spyware had been

A Obstacles to Access

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections? 6 / 6

Hungary's internet penetration rate has steadily increased in recent years. The European Union's (EU) Digital Economy and Society Index (DESI) found that 89 percent of Hungarian households had access to the internet in 2021.¹

Seventy-four percent of users with fixed broadband subscriptions enjoyed speeds of at least 100 Megabits per second (Mbps) in 2021.² The government also introduced the National Digitalisation Strategy in 2021, which aims to provide at least 1 gigabit per second (Gbps)-capable network to 95 percent of households by 2030.³ According to Ookla's SpeedTest, as of May 2022, the median mobile broadband download speed was 42.1 Mbps, while the median fixed broadband download speed was 101.6 Mbps.⁴

Third-generation (3G) technology is nearly ubiquitous.⁵ Fourth-generation (4G) technology reached 99 percent of households in 2021, according to the DESI, but mobile broadband take-up in Hungary is the lowest in the EU at 79.5 subscriptions per 100 people.⁶ According to the International Telecommunications Union (ITU), the fixed broadband penetration rate is 33.8 percent.⁷ As of March 2021, major providers were offering fifth-generation (5G) services in Budapest and several other cities, while more extensive 5G networks remained in development.⁸

Public Wi-Fi hotspots are widely available throughout Budapest and other major cities in Hungary.⁹

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons? 3 / 3

Score Change: The score improved from 2 to 3 because the cost of internet access has become cheaper in terms of gross national income (GNI) per capita, according to the ITU.

The cost of internet access is not prohibitive. According to the ITU, the monthly cost of 5 Gigabytes (GB) of fixed broadband internet connection was 1.4 percent of gross national income (GNI) per capita in 2020, while the monthly cost of a 2 GB mobile data plan was 0.8 percent of GNI per capita.¹⁰ In 2021, Hungary's GNI per capita was \$17,740 per the World Bank.¹¹

Levels of access differ based on geographic and socioeconomic conditions; lower access rates exist in rural areas and among low-income families. A digital divide based on ethnicity has also been observed: Romany people have historically had less access to the internet.¹² The shift to distance learning that accompanied the outbreak of the COVID-19 pandemic in Hungary resulted in the exclusion of many Roma schoolchildren.¹³

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity? 6 / 6

The government does not restrict commercial information and communications technology (ICT) infrastructure,¹⁴ and backbone networks are owned by private companies rather than the state.¹⁵ Legally, however, the internet and other telecommunications services can be restricted or suspended in the event of an attack on Hungary, for preemptive defense, or during a national emergency.¹⁶

The Budapest Internet Exchange (BIX), which distributes Hungarian internet traffic among domestic internet service providers (ISPs), is overseen by the nonprofit Council of Hungarian Internet Service Providers (ISZT)¹⁷ without any government interference.¹⁸

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers? 5 / 6

The ICT market in Hungary lacks significant competition and 4iG, a company with ties to the government, further consolidated the market during and after the coverage period. However, there are no onerous legal, regulatory, or economic barriers to entry for potential competitors. Three ISPs —Magyar Telekom, DIGI, and Vodafone (formerly UPC)—controlled over 80 percent of the total fixed broadband market, as of August 2021.¹⁹ There were four major mobile service providers: market leader Magyar Telekom, Yettel (formerly Telenor), Vodafone,²⁰ and DIGI.²¹ In January 2022, the Romanian-owned DIGI sold 100 percent of the shares of its Hungarian operation to 4iG, which is

linked to Prime Minister Orbán through its owners.²² The deal was deemed of national importance by a government decree.²³ In August 2022, 4iG purchased 51 percent of Vodafone's fixed-line and mobile business in Hungary for a reported 715 billion forints (\$2.2 billion) which made 4iG the country's second largest telecommunications operator, and the Hungarian state acquired a 49 percent minority share.²⁴

A tax on mobile phone calls and text messages was introduced in 2012 at a maximum rate of 700 forints (\$2) per month per individual subscriber.²⁵ All mobile service providers have since raised their prices.²⁶ Previously, in 2010, the government levied two special taxes on the telecommunications industry, both of which triggered infringement proceedings in the EU in 2012. The government subsequently withdrew the taxes and both proceedings were withdrawn.²⁷

There are no specific laws or regulations governing the provision of Wi-Fi hotspots or other public internet connections in Hungary.

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail 2 / to operate in a free, fair, and independent manner? 4

The National Media and Communications Authority (NMHH) and the Media Council, established under media laws passed in 2010, are responsible for overseeing and regulating the telecommunications and mass communications industries. The head of the NMHH is appointed by the president, based on the recommendation of the prime minister, for a nonrenewable nine-year term—longer than two full terms of parliamentarians.²⁸ The head of the NMHH also chairs the Media Council, Hungary's media regulator (see B6). At the end of 2019, five new members were elected to the Media Council, all supported only by votes of members of the ruling coalition. In October 2021, Monika Karas, the Head of the Media Council, stepped down prematurely to become the vice president of the State Audit Office. Critics see her change of position as a means to ensure that Fidesz was able to select her successor prior to the 2022 general elections.²⁹

A 2019 report from a joint international press freedom mission to Hungary Council of Europe questioned the impartiality and transparency of the NMHH and especially of the Media Council.³⁰

With the adoption of the Fundamental Law of Hungary, which entered into force in 2012, the government prematurely ended the six-year term of the data protection and freedom of information commissioner, replacing him and his office with the National Authority for Data Protection and Freedom of Information. The head of the new authority is appointed by the president based on the recommendation of the prime minister for a nine-year term and can be dismissed by the president if the prime minister recommends it,³¹ calling into question the independence of the agency. In 2014, the Court of Justice of the European Union (CJEU) ruled that Hungary failed to fulfill its obligations under EU law when it ended the data protection commissioner's term.³²

B Limits on Content

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet 4 / content, particularly material that is protected by international human rights standards? 6

Score Change: The score declined from 5 to 4 to reflect the government's implementation of a European Union regulation ordering member states to block the websites of Russia Today and Sputnik, as well as their local subsidiaries.

The government rarely blocks websites, however, during the coverage period it blocked the websites of Russian state-owned media outlets in response to an EU regulation. The government does not place any restrictions on access to social media or communications applications. Unauthorized online gambling is illegal,³³ and ISPs block a few hundred unauthorized gambling websites at the request of the National Tax and Customs Administration.³⁴ However, unauthorized gambling websites frequently change their URLs to circumvent blocking.³⁵

In early March 2022, following the Russian government's brutal invasion of Ukraine, the European Union (EU) Council issued Regulation 2022/350, ordering member states to "urgently suspend the broadcasting activities of" Russian-state owned websites, including RT, RT France, RT Germany, RT Spanish, RT UK, and Sputnik, and block their websites because they "engaged in continuous and concerted propaganda actions targeted at civil society."³⁶ Soon after, the NMHH confirmed that it would comply with the order, and blocked access to the websites.³⁷ In June 2022, after the coverage period, the European Union adopted a new package of sanctions, which also included directives to block Rossiya RTR/RTR Planeta, Rossiya 24/Russia 24 and TV Centre International.³⁸

The authorities sometimes block content under a criminal code article banning public denial of the Holocaust, but since many of websites guilty of this offense are hosted outside of Hungary, enforcement of these decisions is often inconsistent.³⁹

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content, particularly material that is protected by international human rights standards? 2 / 4

The government and its allies sometimes employ court orders to pressure publishers and content hosts to delete content.

In March 2022, major online media platforms including Facebook, TikTok,⁴⁰ Twitter,⁴¹ and YouTube⁴² restricted access to Russia Today and Sputnik across the EU in response to an order from the European Union (see B1).

Some public figures have sent legal requests to hosting providers to compel them to delete online content. In February 2022, an article by online news outlet Alfahir was removed after Béla Merkely, the current chancellor of Semmelweis University, made a request to the hosting provider.⁴³

In January 2020, a court ordered Forbes.hu to remove the names of the owners of the Hell Energy company from its list of the 50 richest Hungarians.⁴⁴ The owners persuaded a court that the online news outlet had unlawfully processed the owners' personal data in violation of the European General Data Protection Regulation (GDPR). The Forbes.hu chief editor called the decision an "extreme interpretation" of the GDPR that could make business journalism "completely impossible." In August 2020, the National Authority for Data Protection and Freedom of Information fined the site a cumulative €6,000 (\$6,800) for two violations of the GDPR concerning personal data. One case was also initiated by Hell Energy owners, the other was launched by a wealthy real estate developer.⁴⁵

In October 2020, the political weekly Magyar Narancs faced similar legal procedures after a Budapest court issued a gag order for an investigative piece about Hell Energy.⁴⁶ Magyar Narancs eventually published a curtailed version of the article.⁴⁷ The use of the GDPR to force content removal is an emerging issue in Hungary.

In April 2019, Hungary's Supreme Court decided that the online news outlet 444.hu violated the privacy rights of István Tiborcz, Prime Minister Orbán's son-in-law, when it published a video interview with him without his explicit consent, ultimately ordering the outlet to remove the video.⁴⁸

In 2021, Facebook restricted access to 91 items for violations of local law, 26 items for violating EU laws concerning personal data protection, 3 items based on requests made by the Hungarian Competition Office and 1 item in response to a Consumer Policy report submitted by the National Food Chain Safety Office.⁴⁹ During the same period, Twitter did not receive any content removal requests from the government.⁵⁰ Meanwhile, in 2021, Hungarian Authorities sent Google 26 content removal requests concerning 49 items. Google removed 17 of these items.⁵¹

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process? 3 / 4

For the most part, restrictions on the internet are proportional, but vague language in Hungary's legal framework leaves some online news outlets at risk of unjustified content removal.

Media laws from 2010 stipulate that media content—both online and offline—may not offend, discriminate, or "incite hatred against persons, nations, communities, national, ethnic, linguistic, and other minorities or any majority as well as any church or religious group."⁵² Further, by law, media content must respect the constitutional order and human rights, and must not violate public morals.⁵³ However, the legal framework does not define the meaning of "any majority" or "public morals." If an online news outlet allegedly disobeys the law, the Media Council may oblige it to "discontinue its unlawful conduct," publish a notice of a resolution on its front page, pay a fine of up to 25 million Hungarian forints (\$77,200), or any combination of the three.⁵⁴ If a website repeatedly violates the law, ISPs can be ordered to suspend the site's domain, and as a last resort, the NMHH can delete the website from its administrative registry, making it illegal for the website to publish.⁵⁵ Any such action can be appealed in court.⁵⁶

Under the criminal code in effect since 2013, websites can be blocked for hosting unlawful content, such as defamation, Holocaust denial, or child abuse.⁵⁷ Hosts are required to make content inaccessible, either temporarily or permanently, upon receiving a court order stating that the hosted content is illegal.⁵⁸ The law stipulates that if the illegal content is hosted on a server located outside the country, a Hungarian court can request that the minister of justice block or remove the content.⁵⁹ The prosecutor, the ISP, and the content provider can appeal the court order within eight days of the decision. The NMHH is the authority designated to manage the list of websites to be blocked based on court orders.⁶⁰ The list, known as the Central Electronic Database of Decrees on Inaccessibility (KEHTA), went into effect in 2014, with the primary aim of fighting child pornography.

In 2020, to comply with regulations of the new Audiovisual Media Services Directive of the EU, the NMHH was given powers to oversee video content shared on platforms like YouTube and Facebook. Platforms are liable for moderating content—for example, disabling harmful content for children—and can be fined up to 100 million forints (\$310,000) for failing to comply.[61](#)

Though the law generally protects against intermediary liability for content posted by third parties, in some cases courts have held individuals responsible for third-party comments on their websites. In two high-profile cases, Hungarian courts have held online news outlets liable for defamatory third-party content. The European Court of Human Rights (ECtHR) has overruled the Hungarian courts in both instances. Additionally, in 2016, László Toroczka, the far-right mayor of Ásotthalom, was held liable by a court for “disseminating” a defamatory comment posted by another user on his Facebook page, which stated that a journalist “should be hanged.” The court found that, by allowing comments on his page, Toroczka had accepted responsibility for any unlawful content posted by others.[62](#)

According to national legislation, which is based on the EU E-Commerce Directive, ISPs and other intermediaries are not legally responsible for content so long as they serve as “mere conduits.”[63](#) Intermediaries are also not obliged to verify the content they transmit, store, or make available, nor do they need to search for unlawful activity (see C6).[64](#) However, Hungarian courts have tended to argue that this liability regime only applies to e-commerce and is not applicable to content that violates personality rights. Hosts are not liable for hosted content but must restrict access to content deemed illegal by a court.

However, both print and online media outlets bear editorial responsibility if their aim is to distribute content to the public for “information, entertainment, or training purposes.”[65](#) The law fails to clarify what editorial responsibility entails and whether it would imply legal liability for online publications. A member of the Media Council said in 2011 that the provision could apply to a blog if it generates revenue and is registered as a media content provider with the NMHH.[66](#)

The EU Directive on Copyright was implemented in Hungary in June 2021⁶⁷ and holds “online content sharing service providers” liable for copyright violations that take place on their platforms.[68](#)

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship? 3 / 4

Among ordinary users, self-censorship is not common. In a 2017 survey, journalists told the Mérték Media Monitor that self-censorship in journalism is common, particularly in progovernment outlets.[69](#) A 2019 Oxford University survey of journalists throughout Central and Eastern Europe, including Hungary, found that 13.8 percent of respondents “had stopped themselves writing a story because they feared repercussions.”[70](#)

During the COVID-19 pandemic, the parliament amended the criminal code to extend the legal definition of scaremongering (see C2).[71](#) The amendments punish those who utter or disseminate false information that “undermines the effort to protect the country in a state of emergency” with up to five years’ imprisonment.[72](#) The HCLU found that healthcare workers and other professionals involved in the fight against COVID-19 had become less likely to speak publicly for fear of retaliation, including under the aforementioned amendments.[73](#)

In June 2021, Parliament enacted a law that prevents media outlets, among other institutions, from displaying content that “propagates or portrays divergence from self-identity corresponding to sex at birth, sex change, or homosexuality” to children under 18. According to the Venice Commission, the newly introduced amendments to the law include vague terminology that is “open to abuse in individual cases” and “has a detrimental effect on freedom of expression.”[74](#)

In addition, online media outlets are pressured to only publish politically “safe” content and avoid covering controversial topics such as corruption, for fear of losing government advertisement placements (see B6).[75](#)

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest? 2 / 4

The ongoing consolidation of online media outlets in the hands of progovernment owners has led to significant manipulation of the online information landscape to benefit the ruling party. According to a December 2019 Mérték Media Monitor study, progovernment media outlets account for roughly 41.3 percent of the online media market and 79.3 percent of the overall media market.[76](#) In November 2018, the owners of almost all government-friendly private media outlets, including many online news outlets, donated their holdings to a newly created Hungarian nonprofit entity called the Central European Press and Media Foundation (KESMA). The establishment of KESMA was exempted from regulatory scrutiny because the government determined that its formation was “of national strategic importance in the public interest.”[77](#)

Observers have noted the increasing number of independent online outlets that have been acquired by progovernment entities in recent years; these acquisitions are often followed by shifts toward a more government-friendly editorial voice.⁷⁸ In March 2020, a progovernment businessperson acquired 50 percent of the advertising business of Index.hu, the country's preeminent online news outlet.⁷⁹ In July 2020, Index.hu's chief editor was abruptly fired, prompting the majority of the website's staff to quit in protest.⁸⁰ Subsequently, the outlet began to take a progovernment line, while its former staff launched a new portal, Telex.hu. Index.hu has since lost 28 percent of its readership, and another 35 percent of previous readers visit the site less frequently, according to a 2020 report from the Friedrich-Ebert-Stiftung Foundation.⁸¹ In January 2022, Balázs Gabay, former editor at Index.hu, posted on social media to detail the reasons for his resignation from the company, claiming that several articles published anonymously on the site obviously favored the government and discredited the opposition. ⁸²

In addition to favorable coverage from privately owned online media, the government enjoys editorial control over several state-run media outlets that publish online. State-owned news agency Magyar Távirati Iroda (MTI) offers its news free of charge, making it difficult for other actors to compete. Many online media outlets that have been impacted by the economic crisis lack staff to produce original reporting and tend to republish MTI wire stories. For example, in December 2020, journalists reported that high-profile governmental officials, presumably from the prime minister's office, make decisions about the publication of articles concerning "sensitive" issues at MTI.⁸³

In March 2022, Direkt36 reported on the inner workings of MTI based on leaked emails. Direkt36 reports established that Bertalan Havasi, the prime minister's chief of press, ordered the publication of an article with the exact title and lead he had suggested.⁸⁴ An anonymous source explained that MTI often receives these requests from Havasi, which they always fulfill. According to Direkt36's reporting, MTI employees are forbidden from changing the title and lead of press statements issued by ministries. The leaked emails contain information about strict censorship and repeated breach of professional standards inside MTI.⁸⁵ MTI failed to report altogether on the inaugural opposition primaries in 2021.⁸⁶

In November 2020, an audio recording of an MTI briefing on the 2019 European Parliament elections was leaked to Szabad Európa, the Hungarian office of Radio Free Europe/Radio Liberty. In the recording, Balázs Bende, one of MTI's senior editors, told reporters that the "institution" would not support the opposition parties, and instructed those surprised by his statement to resign. He made similar comments about those who did not want to produce political reporting that favored the government.⁸⁷

In a 2019 Mérték Media Monitor survey, 40 percent of interviewed journalists agreed with the statement that politicians have the ability to influence their work, and 71 percent said they were concerned about the impact of outside interference on the credibility of the Hungarian press.⁸⁸

Government-sponsored disinformation continued to mar Hungary's online information environment. Historically, progovernment content manipulation intensified before elections. Ahead of the April 2022 election, the government promoted the false narrative that Péter Márki-Zay, the opposition candidate for prime minister, had stated he would deploy troops in Ukraine.⁸⁹

In January 2018, 444.hu reported on a sophisticated network of unpaid users coordinated by the ruling Fidesz party that share progovernment content on Facebook.⁹⁰ Commenters were given directives, sometimes several a day, to post particular content within a specified timeline. Those providing the order then confirm that the content was posted. Researchers at Oxford University also found evidence that progovernment bots, or automated accounts, were spreading friendly narratives, attacking the political opposition, and engaging in other forms of information manipulation on Facebook.⁹¹

Far-right blogs and news websites are known to circulate pro-Russia propaganda.⁹² Some spam Facebook with fake news.⁹³ According to a 2017 study by the think tank Political Capital, pro-Russia news and content is disseminated "directly from [Hungarian] government-organized media."⁹⁴ Following Russia's invasion of Ukraine in February 2022, Hungarian progovernment media outlets and pundits continued to disseminate Russian disinformation,⁹⁵ and amplified their content on social media.⁹⁶

During the 2022 election campaign, Facebook pages were set up to smear opposition candidates in specific districts. These pages spent significant resources targeting their posts, and most of the administrators' contact information proved insufficient for those trying to reach the individuals responsible for the pages.⁹⁷

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users' ability to 1 / publish content online?

In Hungary, online media outlets in particular face economic and regulatory obstacles to their operation.

The Media Council is the NMHH's decision-making body in matters related to media outlets. Its responsibilities include allocating television and radio frequencies and penalizing violators of media regulations. All online media outlets are required to register with the NMHH within 60 days of starting operations.⁹⁸

Some of the decisions of the Media Council have been regarded as politicized. For instance, the Media Council permitted the newly created, progovernment KESMA (see B5) to skirt a regulation aimed at preventing market concentration.⁹⁹ A 2019 joint report from seven different press freedom watchdogs observed that while the Media Council allowed the formation of KESMA, it simultaneously prevented other independent media outlets from merging.¹⁰⁰

Any online media outlets that publish critical content are far less likely to attract revenue from state advertising or private companies owned by government-friendly oligarchs.¹⁰¹ As the digital advertising market is not yet fully developed, this loss in revenue poses a significant threat to the operations of independent news websites.

On the other hand, the Hungarian government has increasingly channeled advertising revenue to benefit outlets that publish progovernment content. So-called national consultations and other large-scale, government-financed media campaigns are an integral part of the government's communications strategy. In recent years, the government has allocated tens of billions of Forints to finance its communication campaigns.¹⁰² The political nature of government advertising, which gives partisan outlets a financial advantage, has further distorted the online media landscape. According to 2018 data, over a third of all online news outlets in Hungary depend on the government for at least a third of their advertising revenue.¹⁰³

In a 2019 Mérték Media Monitor survey, one-third of interviewed journalists reported experiencing some kind of economic pressure on their organization, including threats of losing advertisers and bribery.¹⁰⁴

In 2016, the NMHH began enforcing EU net neutrality regulations. Two mobile internet providers, Magyar Telekom¹⁰⁵ and Telenor,¹⁰⁶ were found to be in violation of the regulations for giving certain video streaming services preferential treatment. The NMHH ordered the providers to cease the discriminatory practice. The providers appealed, but the decision was upheld in the Telenor case in 2017. In September 2020, the CJEU found that Telenor's "zero tariff" packages—which zero-rated certain apps—were incompatible with EU net neutrality regulations.¹⁰⁷

B7 0-4 pts

Does the online information landscape lack diversity and reliability? 3 / 4

The online media environment remains relatively diverse, though independent news websites face increasing pressure to conform to progovernment narratives. The purchase of online media outlets by progovernment entities has negatively impacted diversity (see B5), and the number of independent and opposition-affiliated news websites continues to decline. According to Dunja Mijatović, the commissioner of human rights for the Council of Europe, "the combined effects of a politically controlled media regulatory authority and distortionary state intervention in the media market have eroded media pluralism and freedom of expression in Hungary."¹⁰⁸

For example, after the 2018 parliamentary elections, both the print and online editions of the 80-year-old *Magyar Nemzet*, one of the leading daily newspapers, were closed due to financial struggles at the paper.¹⁰⁹ In February 2019, the political daily newspaper *Magyar Idők* was rebranded and continued its operations under the name *Magyar Nemzet* with a strong progovernment message.¹¹⁰ Lajos Simicska, a progovernment oligarch, has also bought up and subsequently shuttered several other media properties.

In January 2022, online media outlet 444.hu launched the country's first fact-checking site, lakmusz.hu, in cooperation with Agence France-Presse (AFP).¹¹¹

The government and state authorities have also banned journalists from physically entering hospitals¹¹² and conferences. In May 2022, The Conservative Political Action Conference (CPAC), which brings together conservative activists and elected officials, was held in Budapest, and only Hungarian outlets aligned with the government were granted access to the venue.¹¹³ In February 2022, Prime Minister Orbán issued a decree overturning a court ruling that ruled hospital directors had the right to determine whether journalists were allowed to enter hospitals, not the ministry. The initial case was launched in 2021 by Telex.hu after the Ministry of Human Resources denied journalists access to hospitals.¹¹⁴

Independent online media outlets have given a voice to minorities, including Hungary's Roma,¹¹⁵ LGBT+ people, and religious groups.

B8 0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, 6 / particularly on political and social issues? 6

Score Change: The score improved from 5 to 6 because of online organizing that occurred during opposition party primary elections in the fall of 2021.

In Hungary, social media platforms are freely available and have grown increasingly popular as a tool for advocacy and protest organization. In July 2021, over 1,000 people gathered to protest the Hungarian government's use of Pegasus spyware, allegedly targeting activists and journalists (see C5).[116](#)

In the fall of 2021, six opposition parties held a single open primary to choose their candidates for the parliament, and for prime minister, as a coalition for the 2022 elections. Voters were able to cast their ballot in-person and online. More than 850,000 people voted in at least one of the two rounds of the primaries.[117](#)

In December 2020, the parliament passed a law effectively banning same-sex couples from adopting children. In response, LGBT+ social media users started a hashtag campaign with the slogan "Family is Family," which achieved broad popularity.[118](#)

According to a new law on assembly that came into effect in October 2018, organizers are obliged to notify the police of any demonstration 48 hours before publicly announcing it. Those who fail to notify the police can be charged with a misdemeanor and can be fined. Additionally, inviting participants to a demonstration banned by the police was criminalized.[119](#) In January 2019, a member of Momentum, an opposition political party, was fined 100,000 forints (\$309) for publishing a call for a demonstration on Facebook prior to notifying local police.[120](#) Previously, the police accepted notification through email, but under the 2018 law, organizers must obtain an official account on a multipurpose e-government platform and fill in a dedicated form. In March 2019, one protest organizer received a warning after notifying the police via email instead of the e-government platform.

After the adoption of a law (dubbed the "Slave Law") in December 2018 allowing employers to extend overtime quotas, large-scale demonstrations—often organized via Facebook—were held in Budapest and other major cities.[121](#)

C Violations of User Rights

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they 4 / enforced by a judiciary that lacks independence? 6

The Fundamental Law of Hungary acknowledges the right to freedom of expression and defends "freedom and diversity of the press,"[122](#) although there are no laws that specifically protect online expression. Additionally, in 2013, the Fundamental Law was amended to specify instances in which freedom of speech could be limited. Article 9.2 states that freedom of speech may not be exercised with the aim of violating the dignity of the Hungarian nation or of any national, ethnic, racial, or religious community. The amendment has been criticized for its overly broad scope and lack of clarity.[123](#) An amendment inserted into the Fundamental Law in 2016 gives the government the power to override acts of the parliament for up to 15 days if a state of emergency is declared following a terrorist attack.[124](#) In June 2018, another amendment was inserted into the Fundamental Law, which declares that freedom of expression cannot violate the private and family lives of others or the integrity of the home.[125](#)

At the start of the COVID-19 pandemic in March 2020, the parliament passed a law extending the executive's power to rule by decree in a "state of danger" (a type of state of emergency) from 15 days to an indefinite period; the government subsequently declared a state of danger that initially lasted three months.[126](#) The extraordinary legal order was introduced again in November 2020 and extended repeatedly, first in February 2021, then in May,[127](#) and then in December.[128](#)

Most recently, in May 2022, the Fundamental Law was amended to enable the declaration of a state of danger in case of an "armed conflict, war or humanitarian disaster in a neighboring country."[129](#) The state of danger was declared the same day, under which the government is able to rule by decree, "suspend the application" of certain laws, and take other extraordinary measures.[130](#)

A 2011 overhaul of the judiciary called into question the independence of the court system. In 2020, the government further consolidated its control over the courts.[131](#)

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities, 2 / particularly those that are protected under international human rights standards? 4

There are several laws that could potentially be misused to penalize legitimate online activities. The Hungarian criminal code bans defamation, slander, humiliation of national symbols (the national anthem, flag, and coat of arms), dissemination of totalitarian symbols (the swastika and the red star), denial of the sins of National Socialism and communism, and public scaremongering through the media.¹³² Article 337 of the criminal code, as amended in March 2020, punishes the spread of “any untrue fact or any misrepresented true fact that is capable of hindering or preventing the efficiency of protection” with up to five years in prison.¹³³ It also punishes information spread “with regard to the public danger that is capable of causing disturbance or unrest in a larger group” with up to three years in prison.

Hungarian law does not distinguish between traditional and online media outlets in libel or defamation cases, and the criminal code stipulates that if slander is committed “before the public at large,” it can be punished by imprisonment of up to one year.¹³⁴ In 2013, the criminal code was modified to include prison sentences for defamatory video or audio content. Anyone creating such a video can be punished with up to one year in prison, while anyone publishing such a recording can be imprisoned for up to two years. If the video is published on a platform with a wide audience or causes significant harm, the sentence can increase to up to three years in prison.¹³⁵ Defamation cases have decreased since a 1994 Constitutional Court decision that asserted that a public figure’s tolerance of criticism should be higher than that of an ordinary citizen.¹³⁶

A new civil code, which took effect in 2014, also protects citizens from defamation and insults to their honor,¹³⁷ and compels those who are found responsible to pay restitution.¹³⁸ The code includes a provision that may limit the free discussion of public affairs in cases where the human dignity of a public figure is violated.¹³⁹

The law known as the “Stop Soros” law, passed in June 2018 and named to reference Jewish philanthropist George Soros and to pander to antisemitic conspiracy theorists, includes vaguely worded provisions penalizing any activity that “facilitates or supports illegal immigration” and assisting individuals who are entering or remaining in Hungary illegally.¹⁴⁰ These penalties presumably apply to online activities. However, there have been no prosecutions under the law to date. In November 2021, the European Court of Justice found that measure breaches EU law,¹⁴¹ but the article in the criminal code remains in effect.

C3 0-6 pts

Are individuals penalized for online activities, particularly those that are protected 4 / under international human rights standards? 6

Users occasionally are arrested, detained, and prosecuted for their online activities, although not systematically. In March 2022, the government ordered law enforcement to use fearmongering laws to investigate every case in which false information about the country’s petrol shortage was disseminated.¹⁴²

In May 2021, officials charged a hacker known as Nerbot with committing a crime against an information system, which could result in a two-year sentence. Nerbot had uploaded a video in September 2020 that showed a bot he made automatically responding to the government’s “National Consultation” surveys, which ask citizens a number of questions that usually contain progovernment propaganda.¹⁴³ The government uses the answers, which can be entered anonymously, to justify its policies. That July, the prosecutor’s office stated they had not yet charged Nerbot, who had not technically hacked the website. That month, the government added reCAPTCHA, which helps websites distinguish human users from bots, to the National Consultation website.¹⁴⁴

In December 2020, police searched the home of four people who frequently deny the existence of the COVID-19 pandemic online. Their electronic devices were confiscated as part of an investigation into online scaremongering.¹⁴⁵

In 2020, two ordinary users were detained for online speech that appeared to be protected under international human rights standards. In May 2020, police detained a man for allegedly violating Article 337 of the criminal code after he criticized the government’s handling of the COVID-19 pandemic on Facebook. In an April 2020 post, the man addressed Prime Minister Orbán as “our dear dictator,” asking him not to relax quarantine measures. He was quickly released by the police, and no charges were brought against him.¹⁴⁶ That same month, opposition-affiliated activist János Csóka-Szűcs was detained by police (who also searched his home) on suspicion of scaremongering after posting in a private Facebook group that the government planned to clear 1,700 hospital beds in the town of Gyula for potential COVID-19 patients. (In fact, 1,200 hospital beds were set aside.)¹⁴⁷ Csóka-Szűcs was not charged.

By May 2020, the national police had opened 87 investigations into alleged scaremongering.¹⁴⁸ While the total number of cases was not known as of May 2020, the few convictions that had been handed down under Article 337 seem to have involved perpetrators who deliberately or recklessly disseminated false information; no users appeared to have been convicted for publishing political opinions or other content protected under international human rights standards.¹⁴⁹

In Hungary, online media outlets frequently face civil proceedings related to the content they produce, and many have in-house counsel to deal with the volume of claims. An editor from 444.hu reported that the online media outlet is sued “basically every day,” declaring nearly every suit is “frivolous.”¹⁵⁰

In June 2021, the second instance court found that a caricature of Jesus published by news outlet Népszava, which ridiculed the National Chief Medical Officer, violated the “personality rights” of the Christian community. Népszava was ordered to pay 400,000 forints (\$1,200) to the plaintiff, a member of Fidesz, and to cover the costs of the court proceedings. In the same case, the first instance court found no violation of personality rights.¹⁵¹

In March 2021, hvg.hu columnist Árpád W. Tóta was found guilty of violating the dignity of the members of the Hungarian nation under the civil code. He was sued over a satirical article that called Hungarian ancestors arriving to Europe “dirty migrants.” The court ordered Tóta to remove the defamatory expressions from his article, publish an apology, and pay 400,000 forints (\$1,200) as damages to the two plaintiffs.¹⁵²

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption? 2 / 4

Some laws restrict online anonymity in Hungary. Generally, users who wish to comment on web articles need to register with the website by providing an email address or their social media credentials. The operator of a website may be asked to provide the authorities with a commenter’s internet protocol (IP) address, email address, and other data in case of an investigation (see B6).¹⁵³ Additionally, users must provide personal data upon purchasing a SIM card in order to sign a contract with a mobile service provider.¹⁵⁴

In 2016, new antiterrorism legislation sought to expand the authorities’ access to encrypted content online. The legislation amends the Online Trade Services and Services Connected to the Information Society Act, and obligates providers of encrypted services, including messaging platforms, to grant authorized intelligence agencies access to the communications of their clients upon request, unless the communication is encrypted end-to-end, making compliance impossible. Providers of encrypted services must store their clients’ messages and metadata for up to one year (see C6).¹⁵⁵ The legislation revealed the authorities’ intent to undermine encryption, though it is unclear how it is enforced.

C5 0-6 pts

Does state surveillance of internet activities infringe on users’ right to privacy? 2 / 6

The lack of judicial oversight of state surveillance of ICTs and the Hungarian government’s use of invasive surveillance technology have raised concerns about the degree to which the right to privacy online is protected. Concerns that the government is abusing state surveillance powers abound.

In July 2021, Amnesty International and Forbidden Stories identified phone numbers linked to Hungarian journalists and lawyers in a leaked dataset. Investigators describe the dataset as a list of people of interest to clients of the company NSO Group, which sells the spyware product Pegasus.¹⁵⁶ According to a forensic investigation, Pegasus infected mobile devices belonging to Szabolcs Panyi and András Szabó, two journalists who work for independent media outlet Direkt36, in 2019.¹⁵⁷ The mobile devices of Brigitta Csikász, an experienced investigative reporter, was also infected with the spyware,¹⁵⁸ while Dávid Dercsényi, a former journalist at hvg.hu, had many of his former phone numbers selected for targeting.¹⁵⁹ Prominent Hungarian lawyers and Zoltán Varga, owner of the media company Centrál Média csoport, also had their phone numbers selected for targeting.¹⁶⁰

Initially, the government declined to confirm it uses Pegasus spyware; but in November 2021 it was acknowledged by officials.¹⁶¹ Oversight of its use by Parliament was limited, as the hearing of the National Security Committee was confidential, and the minutes cannot be disclosed until 2050. The Data Protection Authority investigated “hundreds” of Pegasus related cases but, in January 2022, concluded none of them constituted violations of any laws or regulations.¹⁶²

In March 2020, during the legal declaration of a state of danger (see C1), the government issued a decree allowing the minister for innovation and technology to access and handle “any available data” to address and prevent the spread of the COVID-19 pandemic.¹⁶³ With neither proper safeguards nor any transparency, this regulation allowed for the formation of a vast database that included data

of internet users. In early May 2020, a government decree suspended several provisions of the GDPR for the duration of the extraordinary legal order, while the start date of time limits for certain legal procedures protecting privacy rights were postponed.[164](#)

In November 2018, investigative news website Átlátszó.hu reported that the Hungarian government had contracted a private company to monitor content on various social media platforms.[165](#)

Government representatives, including Szilárd Németh, have attempted to justify potential surveillance of local NGOs by claiming the organizations are “foreign agents” whose primary goal is to undermine the government, frequently referencing George Soros.[166](#)

Prior to the Pegasus revelation, several civil society organizations claimed that the authorities have purchased potentially invasive surveillance technologies. In 2015, files leaked from the Milan-based commercial spyware company Hacking Team revealed that the Hungarian government was a client.[167](#)

C6 0-6 pts

Does monitoring and collection of user data by service providers and other technology 4 / companies infringe on users’ right to privacy? 6

The Electronic Communications Act obliges service providers to collect the data of their users indiscriminately and transfer it to state authorities when requested. The process lacks transparency.

Mobile service providers and ISPs in Hungary must retain user data for up to one year and provide that data to the authorities upon request.[168](#) There is no publicly available information on how often providers hand over user data, despite the fact that the government has a legal obligation to provide the European Commission with statistics on user data requests made by investigating authorities.[169](#) By law, “electronic service providers” are also obligated to cooperate with intelligence agencies.[170](#) Additionally, the Electronic Communications Act states that service providers must agree with the National Security Special Service upon written request “about the conditions of the use of tools and methods for the covert acquisition of information and covert acquisition of data.”[171](#)

In 2016, the Hungarian Civil Liberties Union (HCLU) launched litigation against two major mobile service providers in an attempt to force the Constitutional Court to annul data retention requirements.[172](#) This litigation remains ongoing.

National Security Services can currently gather metadata “from telecommunications systems and other data storage devices” without a warrant.[173](#) Security agents can access and record the content of communications transmitted via ICTs, though a warrant is required to do so.[174](#) Privacy experts say the authorities have installed black boxes allowing them direct access to ISPs’ networks.[175](#) There is no data on the extent to which, or how regularly, the authorities monitor ICTs.

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state 4 / authorities or any other actor in relation to their online activities? 5

Critics of the government who speak out online brave coordinated, targeted harassment from government officials and progovernment actors, including government-friendly media outlets and anonymous trolls.[176](#) Far-right actors are also known to wage smear campaigns against perceived enemies.[177](#)

In March 2021, Dunja Mijatović reported that Hungarian human rights defenders and investigative journalists face “sustained smear campaigns.”[178](#) For example, in April 2021, a state television channel launched a smear campaign against Austrian journalist Franziska Tschinderle, a journalist for the outlet profil online, after she questioned Fidesz representatives at the European Parliament. Péter Szijjártó, Hungary’s foreign minister, subsequently took to Facebook to accuse Tschinderle of spreading “fake news.”[179](#)

András Dezső, a journalist covering national security and criminal issues, revealed in October 2021 that officers of the Constitution Protection Office, who alleged they had damaging private information about him, in 2016 for his coverage of the United States’ decision to ban Hungarian officials, attempted to blackmail him, but he refused to cooperate.[180](#)

In August 2020, political activists painted satirical slogans on the asphalt of the parking lot in front of the Ministry of Foreign Affairs, after the foreign minister was accused of accepting an expensive yacht trip from a wealthy businessman. Police officers searched a 444.hu journalist who was taking pictures of the slogans.[181](#)

Hate speech—including against LGBT+ people, Roma, and migrants and refugees—is commonplace on the Hungarian internet.

Bloggers and ordinary ICT users are not generally subject to physical violence by state authorities or any other actors. There were no reported incidents of retributive physical violence during the coverage period. In 2017, a 444.hu reporter was allegedly intimidated and assaulted by a government official during a public forum.¹⁸² While the police found no evidence of illegal activity, they declined to distribute the video that served as the journalist's evidence, and later found her guilty in a defamation suit filed by the official.¹⁸³

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users 1 / subject to widespread hacking and other forms of cyberattack? 3

Score Change: The score declined from a 3 to a 1 to reflect distributed denial of service (DDoS) attacks during the opposition primaries, concurrent cyberattacks against news outlets, and attacks later in the coverage period that targeted government websites.

During the coverage period, the Hungarian opposition and members of civil society faced significant cyberattacks during primary elections.

In October 2021, servers of the opposition primaries (see B8) were repeatedly impacted by DDoS attacks, which prevented voters abroad from casting their votes and forced the organizers to extend the deadline for voting by 48 hours.¹⁸⁴ The voting systems for the second round of the primaries were once again affected by a DDoS attack. In the same month, news outlets reporting on the results of the primaries, including MÉRCE, 24.hu, and 444, were also targeted by a coordinated DDoS attack.¹⁸⁵

In March 2022, ahead of the parliamentary elections, a number of news websites owned by Mediaworks, a government-friendly media group, were hacked and defaced with messages in support of the opposition. In the messages posted on the websites, the attackers alleged they represented the hacking group Anonymous.¹⁸⁶

Beginning in the second half of 2021, the Ministry of Foreign Affairs and Trade was allegedly under repeated cyberattacks by hackers linked to Russian intelligence services, including the Federal Security Service (FSB) and the Main Intelligence Directorate (GRU). The attacks, which gave hackers access to diplomatic communications, persisted into 2022.¹⁸⁷

In 2015, Anonymous Operation Hungary, the collective's Hungarian branch, started a "war" on the government and Fidesz.¹⁸⁸ In March 2020, the state-operated information site for information on the COVID-19 pandemic was a subject to a distributed denial-of-service (DDoS) attack.¹⁸⁹ In January 2021, a cyberattack disrupted several government websites.¹⁹⁰

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