



„The minister and the barkeep are all that’s  
left in the public sphere”

Research on barriers to Hungarian journalism

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# Abstract

The purpose of this research is to explore the daily reality of active measures and malpractices taken by the Hungarian public authorities to obstruct independent journalism. While the research results indicate that many forms of obtrusive measures exist, the methods and tools utilized and to what extent active obstruction happens can differ. The research reveals the systematic obstruction of free, independent press by the state. During our research, the lack of positive measures to reinforce press freedom also emerged. Participants voiced their shared opinion on the measures resulting in the limitation of independent media outlets' reach as well as their duty of reporting becoming close to impossible.

## I. Introduction

During recent years, public opinion and the media have often voiced the view that the Hungarian government actively obstructs the work of certain media outlets and journalists. As reported by the participants, the problem is systemic and mostly concerns media outlets dealing with local and national public affairs. In recent years, journalists and media outlets have often been seeking legal advice from the Hungarian Civil Liberties Union (HCLU) to help with their inability to fulfill work duties. As part of the research forming the base of this report, personal interviews were conducted in order to bring the phenomenon to light, document its various forms, possible causes and the frequency of its recurrence. Our aim was not only to explore the "whys" and the "hows" but also to possibly provide systemic solutions to the problem.

The press can only serve its true purpose if they have access to authentic, well-grounded and up-to-date information while maintaining a critical approach to the members of the ruling elite. This is not only the constitutional right of all media personnel, but also their obligation that serves as justification for their unique legal status. For reporting media outlets, it is essential to have access to adequate amount of impartial information reflecting the opinions of various stakeholders, and to have the ability to approach and acquire accurate information from public authorities and state institutions. Gathering information is a crucial part of any kind of journalistic activity, and the state is expected to guarantee this obligation: in several decisions, the Hungarian Constitutional Court has pointed out that the state is to guarantee media freedom with specific respect to its role as an important instrument to the Hungarian public's right to information, reinforcing the freedom of speech and opinion. Media provides a tool for free speech as well as fulfilling/and also fulfills the essential role of providing

necessary information to shape public opinion.<sup>1</sup> As the Basic Law states: "Hungary shall recognise and protect the freedom and diversity of the press, and shall ensure the conditions for free dissemination of information necessary for the formation of democratic public opinion." Therefore, the government is expected not only to refrain from causing difficulties to journalism but also to pro-actively help and encourage the work of journalists with positive measures reinforcing the freedom of media and providing sufficient information that public opinion can be based upon.

However, the daily experience of practicing journalists and the results of this research show the contrary. State institutions are making it impossible for the representatives of independent media outlets to serve their duties by giving no or insubstantial answers to any questions concerning current public affairs.

In this text, media outlets whose activities are not influenced to any extent by the public authorities are referred to as independent. Editorial decisions are made independently based on professional considerations, and outlets are serving their watchdog role by actively participating in public discourse.

Note that this research is not focusing on the practice of Freedom of Information requests set forth by Act CXVII. of 2011 on Informational Self-determination and Freedom of Information (Privacy Act for short), but on the media's right to access and disseminate authentic public information and in relation to that, the relationship between the press and public authorities..

## II. Research methodology

Between September 2018 and October 2019 with a set list of questions, in-depth interviews were conducted with representatives of 19 independent media outlets as well as with Hajnalka Joó, who comprehensively investigated the status of media freedom in Hungary<sup>1</sup>. Our priority was to find media outlets who deal with, analyze, report and comment on public affairs on a daily basis, and whose activity is entirely - editorially and financially - independent from public authorities.

The following media outlets participated: [atlatszo.hu](http://atlatszo.hu), [atv.hu](http://atv.hu), [Azonnali](http://Azonnali.com), [direkt36.hu](http://direkt36.hu), [hvg.hu](http://hvg.hu), [index.hu](http://index.hu), [infovilag.hu](http://infovilag.hu), [ittlakunk.hu](http://ittlakunk.hu), Klubrádió, Magyar Hang, Magyar Narancs, [nepszava.hu](http://nepszava.hu) [nyugat.hu](http://nyugat.hu), [pecsistop.hu](http://pecsistop.hu), [szabadpecs.hu](http://szabadpecs.hu), [ugytudjuk.hu](http://ugytudjuk.hu), [24.hu](http://24.hu), [168ora.hu](http://168ora.hu), [444.hu](http://444.hu) and the author of the abovementioned analysis, Hajnalka Joó. Only media outlets whose operation had been constant for a

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<sup>1</sup> 37/1992. (VI.10.) AB Decision, ABH 1992, 227, 229.

year at the time of the interviews were considered. Representatives of these outlets were contacted with the help of work relationships as well as through recommendations by other journalists.

Participants share a critical approach to the centralized government. None of the participating media outlets are members of the Central European Press and Media Foundation (CEPMF), whose openly acknowledged purpose is to support the activity of the ruling government<sup>2</sup>. Research subjects included three independent online news portals (with the largest overall reach), the only independent public daily, the biggest public talk radio station, three weekly newspapers and most of the non-government financed regional online portals.

During the interviews, which took one hour in average, we asked the following questions, also giving space to spontaneous questions and any remarks or comments in connection with the topic:

1. How does the state's refusal to communicate and the hindering of journalistic work by means of power affect the media?
2. Since when has this issue existed? Is there any perceptible dividing line (year or period) in this regard?
3. What kinds of questions you ask remain unanswered?
4. Can you list some examples or cases?
5. How do you respond and manage the issue? Are there any explicit guidelines or rules in the office regarding the case?
6. Has there been any situation when you wrote about something, and got retaliated against? If the answer is yes, what form did the retaliation take?
7. Any other information that the interviewee would like to add regarding the topic.

During the in-depth interviews we received many examples from editorial offices, since they mostly keep a record for years of the questions for which they have not received any reaction or just meaningless answers from different public bodies. The cases in which the HCLU provided legal aid and/or representation to journalists hindered in their work in some form by public bodies or municipalities are also part of the research.

We only provide the interviewees' names in this text when their identification is important in the specific case.

### III. Systemic issue

The interviewees have unanimously reported that although the problem has always existed, the neglect of non-governmental and critical media can be clearly connected to the Orbán governments after 2010. The National Communications Office was created in 2014, with the task of harmonizing the communicational and PR tasks of the government.<sup>2</sup> After the 2018 elections, the Office was transferred to the Cabinet Office of the Prime Minister. At the same time the complete centralization of governmental communication was established. The Office decides in every important media issue.

*"You can see that the centralization is complete. It is already useless to write to healthcare or educational institutions."*

*"The system is completely closed. We cannot expect any answer when we ask about governing. The system has closed."*

*"In many districts, we can only ask questions through the public notary. It is usual that they wait for the 15 days specified in the law and only answer afterwards, when the questions are not relevant anymore."*

Although the interviewees reported a gradually worsening situation, the breaking points of the obstruction, depending on their own situation and individual stories, have affected the different editorial offices differently.

atlatszo.hu named the attack against the 2014 Norwegian Civil Fund<sup>3</sup> and the anti-Soros campaign a year later<sup>4</sup> as turning points. According to index.hu the significant changes which affected them started with the "Simicska-Orbán war"<sup>5</sup>. infovilág.hu, szabadpecs.hu and pecsistop.hu link the phenomenon of being blacklisted by the municipalities and

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<sup>2</sup><https://nkoh.kormany.hu/>

<sup>3</sup> <https://blog.atlatszo.hu/2014/07/itt-az-atlatszo-kehi-episztola-adnak-kapunk/>

<sup>4</sup> <https://adatujsgiras.atlatszo.hu/2018/11/12/az-orok-soros-antikrisztus-es-bolsevik-puccsista-es-hitler-tanitvany-idovonalra-tettuk-a-konteokat/?fbclid=IwAR2PnXnBpo1kfSHh8J0UDEMDDDeSGWn81vQ7xUkqCVIfaJneS-ICnlymxhHI>

<sup>5</sup> [https://index.hu/belfold/2014/09/26/ki\\_kivel\\_utkozik\\_az\\_orban-simicska-haboruban/](https://index.hu/belfold/2014/09/26/ki_kivel_utkozik_az_orban-simicska-haboruban/)

municipality-related companies to the exploration of local public affairs (in Győr and Pécs, respectively) and the publication of their critical writings on the municipality.<sup>6</sup> This means that on the one hand they do not get answers from the municipal bodies and on the other hand they receive fewer and fewer invitations for press events and press conferences organised by the municipalities, or they are not even invited. Furthermore, pecsistop.hu also mentioned their fact-finding and writings in connection with the municipal attack against the Power of Humanity Foundation<sup>7</sup> as a turning point in their relationship with the municipality.

According to szabadpecs.hu, in their case the municipality was hostile to them already at an early stage of their operation because they reported on the significant lack in the city budget. They also made the (that time) mayor admit it. Even the former mayor himself admitted informally to the journal that he had not given any statements to them after this due to political instructions. Moreover, it became usual at the townhall in Pécs that at press conferences questions could only be asked on pre-announced topics. According to szabadpecs.hu, the abovementioned steps taken against pecsistop.hu were developed based on the steps taken against them.

According to direkt36.hu, there were still some cases before 2014 when politicians answered their questions, but this is almost completely past now. 168ora.hu mentioned the "quota census" as an important event, which – in their view - ***"...has confirmed to the government that its power is stable enough and there is no need to provide information to independent newspapers."***

The interviewees of Magyar Hang and 444.hu said that the real turning point came after the elections of 2018, this was the point when the situation became unbearable for them.

There were two interviewees who offered different views as opposed to the foregoing. The journalist of Azonnali does not see a clear trend and connection between the government terms and their relationship to the press, while the editor of atv.hu does not think that our claim about obstructing the press is well-established. However, they do not dispute the basic statement that public bodies hinder the work of the press, moreover, they supported the statement with several examples.

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<sup>6</sup><https://infovilag.hu/cimzett-a-gyori-polgarmester-lassa-a-nyilvanossag/>

<sup>7</sup> [https://pecsistop.hu/regio/pecsen\\_is\\_terjeszkedik\\_soros\\_gyorgy\\_alapitvanya/491218](https://pecsistop.hu/regio/pecsen_is_terjeszkedik_soros_gyorgy_alapitvanya/491218)

Most of the interviewees stated that the period preceding the elections always brings some change in the relationship of public bodies with the press. Public bodies and people exercising public authority are more open and constructive with the journalists in these periods, and there is more information leaked about public affairs. However, this cooperative attitude ends quickly after the elections.

***"At the time of the elections, the situation changes a bit, as even politicians have an interest in being visible. But since the latest elections (2018) the situation has been completely surreal."***

It is also a fact relating to the elections that there has not been any debate between prime ministerial candidates for 12 years. One month before the 2018 elections, Bertalan Havasi, the that-time spokesman said that *"The times for debates are over, now it is time for voters to decide."*<sup>8</sup> However, Prime Minister Viktor Orbán is not only unwilling to debate, but he does not even give interviews to any media and journals which are not loyal to him<sup>9</sup>. He only appears on Kossuth Radio regularly, where he informs and presents the governmental messages without substantive debate.

One of the interviewees pointed out that the attitudes of politicians towards the press are not necessarily dependent on party preferences: a politician from the same party will behave differently, often more openly, if his or her party happens to be in opposition on the representative body of a given settlement, than the way other politicians of the same party behave in general on a national level. A different experience was shared by the editor-in-chief of a rural site, saying ***"there was no change in the attitude of the governing party members, even after the local opposition took over (referring to the developments<sup>10</sup> in January 2019)."***

Two interviewees also mentioned their impression that the government was a little more open with the foreign press and answered to their questions more willingly. However, in the case of sensitive issues, such as the question of corruption, the foreign press loses their privileged position too and they no longer get answers for these questions. According to the

<sup>8</sup> <https://hirado.hu/belfold/belpolitika/cikk/2018/02/28/a-vitak-ideje-lejart-ez-a-valasztok-dontesenek-az-ideje/>

<sup>9</sup> [https://index.hu/belfold/2018/valasztas/2018/04/06/ez\\_itt\\_az\\_orban\\_viktor-interju\\_helye/](https://index.hu/belfold/2018/valasztas/2018/04/06/ez_itt_az_orban_viktor-interju_helye/)

<sup>10</sup>[https://index.hu/belfold/2019/02/28/elfogyott\\_a\\_fideszes\\_tobbseg\\_az\\_ellenzek\\_atvette\\_az\\_iranyitast\\_szombathelyen/](https://index.hu/belfold/2019/02/28/elfogyott_a_fideszes_tobbseg_az_ellenzek_atvette_az_iranyitast_szombathelyen/)

interviewees, foreign journalist colleagues commented that while government spokesman Zoltán Kovács sat down to talk to them and gave interviews before the 2018 elections, this is no longer possible.

## IV. The various forms of media obstruction

### 1. Ignoring

Obstruction to journalistic work is primarily understood by journalists to refer to being ignored. This means that public authorities, as well as certain public and municipal companies and organizations do not acknowledge the inquiries of the independent press, leave their questions unanswered, or simply provide responses that are useless in content. All our interviewees, without exception, gave accounts regarding the problem of being ignored.

*“The problem is very serious, and it renders our day-to-day work impossible to carry out.”*

*“Practically nothing gets answered. Apart from a few rather innocuous cases, nothing. The minister and the barkeep are all that’s left in the public sphere. And the barkeep doesn’t want to get in trouble because they will get their license taken away.”*

*“There has always been such a problem, but now it is pervasive and severe.”*

*“During my six decades working as a journalist, I had never encountered such a phenomenon at home or abroad...”*

Regarding the extent to which this complete lack of responses has spread, we received varying answers except for one example: the questions put forth by journalists when investigating matters related to Viktor Orbán and his family always go unanswered. *“The Cabinet Office notoriously avoids responding to questions. (...) Specifically, no answers are given when it comes to matters involving Viktor Orbán’s family.”*

We have identified several forms in which this ignoring may manifest itself. The most common of these is when the questioned party does not acknowledge the journalist’s question in any shape or form - in extreme cases, not even notifying the journalist with an automatic-reply email confirming receipt of the message in question.

Two journalists reported instances of a complete lack of response, whereas the majority of respondents stated that they receive some form of reply, but it is extremely insubstantial and meaningless. Reporting the fewest number of complaints, direkt36.hu claims that it is a very rare and extreme case when they receive absolutely no response, suggesting that this is presumably due to the specific situation of the media outlet:

***“In almost every case where they are aware that we have related material, it ends with some sort of response. They operate correctly in terms of communication and adhere to the norms, but in most cases the response is useless. The correctness may also be due to our past with Origo or our grayer, more restrained style, which they reciprocate to some extent but merely formally. Another thing that matters a lot is that since we are not operating as a daily news website, we do not need to send them dozens of questions and thus do not overwhelm them.” – direkt36.hu.***

In light of the above, it is not surprising that, amidst the total and constant rejection, some journalists even consider it "positive" when they receive at least an outright rejection with some form of pretense.

***“At least they were decent enough to reply no.”***

***“And it’s not much of anything, of course, but I even appreciate that if the person who is sitting there and receives a paycheck at least writes a response.”***

“Even if they respond, they do so only selectively,” most respondents say, emphasizing, of course, that they do not usually encounter serious problems when it comes to obtaining information regarding politically less sensitive issues and events of minor importance. Furthermore, within the scope of selective answering, it is also common that the question asked does not receive a reply but rather a press release concerning the matter directly or otherwise, which they send out to their media list.

***“It’s becoming increasingly common that we only get answers from state agencies on day-to-day matters that are likely to be dealt with by many different media outlets; they usually send out a uniform reply to these issues, but if you, yourself, want something in your story or report, i.e. confirmation, refusal, reaction, commentary, it is virtually impossible.”***

When we asked what the reason was for the total lack of responsiveness, two interviewees gave the same answer independently. In their view, the authorities have assessed that the audience of these media outlets does not at all overlap with the current or even potential pro-government voting base, and so it is not worth “addressing them.” One of them also pointed out that in their view, the lack of closed-door meetings nevertheless appears illogical because these events would give them the opportunity to convey relevant information to those concerned and even evoke sympathy with their statements.

## 2. Outright rejection

The most extreme form of media obstruction is when the public authority or official interviewed expressly undertakes not to disclose information to the given media outlet or to make any statement to the journalist and justifies this on political grounds. Of the media outlets involved in the research, index.hu encountered this situation the most often. First, when, during a dedication ceremony for a renovated palace, Viktor Orban told Index journalist Tamás Fábrián, “*You can ask your questions, but I don’t make statements to fake-news factories.*”<sup>11</sup> It was with this upbeat that the Prime Minister signaled to politicians and public authorities not to openly engage with Index and other media critical of the government. The following happened a few months later when politicians arriving at the Kötöcsé Picnic, an annual Fidesz event, told the Index reporter in various manners and styles that they would not make comments to him.<sup>12</sup>

***“The Index? Why would I appraise the work of the government to you?”- Philip Rákay, Fidesz Advisor.***

***“You’re from Index? I wish you much success in your work” - István Bajkai, Fidesz Member of Parliament.***

***“Unfortunately, I don’t make statements to you” - Gábor Kubatov, Fidesz Member of Parliament, Fidesz Party Manager and Vice President.***

Index's journalists have been denied access to the football matches of Ferencváros Torna Club, which is led by Gábor Kubatov, and their application for accreditation has been refused

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<sup>11</sup> <https://444.hu/2018/05/27/orban-az-index-egy-fakenews-gyar>

<sup>12</sup> [https://index.hu/video/2018/06/03/kotcse\\_fidesz\\_piknik\\_ner/](https://index.hu/video/2018/06/03/kotcse_fidesz_piknik_ner/)

without justification for more than two years. Azonnali's journalist spoke of the same sort of ban as well.

### 3. Physical restrictions

Another drastic kind of restraint imposed on the media is when public authorities physically inhibit journalists in their efforts to inform themselves on site or to report therefrom with regards to a public matter or event.

#### 3.1 Exclusion from Refugee Camps

In 2015, at the height of the refugee crisis, *abcug.hu* journalist Illés Szurovecz meant to cover the circumstances in the refugee camp in Debrecen. However, the Hungarian Office of Immigration and Nationality denied him access to the camp grounds. Their reasoning was that the journalist's report would have endangered the safety of the asylum seekers living in the camp. With the help of HCLU, Szurovecz turned to the European Court of Human Rights (hereinafter ECHR), and was eventually provided legal remedy.<sup>13</sup> The ECHR declared that journalists have the right to freedom of expression, as well as to gather information, and freedom of the press also includes choosing the means of coverage.<sup>14</sup> In January, 2020, the Hungarian Government turned to the Grand Chamber of the ECHR, debating their decision. In the meantime, journalists were still denied entry to refugee camps.

#### 3.2 Parliamentary Reports

The media's limited presence in the Parliament stretches back to 2004, when a reporter from channel TV2 investigated how well MPs were adhering to the smoking restrictions using a hidden camera. In the end, the outrage of the MPs resulted in the house committee banning all cameras from the Parliament's hallways.<sup>15</sup> With time, the physical space where journalists were legally permitted to make recordings was restricted more and more. In 2016, there was another upsurge in drastic restrictions to reporting, when house committee speaker László Kövér banned six journalists from the Parliament because they were trying to make video interviews outside of the areas permitted by him. The six journalists, represented by HCLU,

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13 <https://tasz.hu/cikkek/nem-zarhatjak-ki-az-ujsgirokat-a-magyar-menekulttaborokbol>

14 Szurovecz versus Hungary, Application number: 15428/16

15 <https://www.origo.hu/itthon/20041112tevesekkel.html>

also turned to the ECHR to appeal against the speaker's ban, but as of yet, no decision has been reached in the matter.<sup>16</sup> In October 2019, public space had gotten even smaller within the Parliament, as National Assembly reporting rules grew stricter.<sup>17</sup> In light of the new regulations, journalists are now only permitted to make voice and video recordings inside the Parliament and the Office of the National Assembly from within a mobile cordon-surrounded "pen", only a few square meters in size. Furthermore, Parliament admission passes now have a stricter admission period, and the schedule and venue of press conferences was also restricted.<sup>18</sup>

According to Hajnalka Joó<sup>19</sup>, these restrictions are especially detrimental for the press, because journalists were completely banned from hallways used by the MPs, whereas before, those were the only areas where journalists could come into contact with politicians. This was a valuable option with politicians who refused phone calls and ignored emails from journalists. In Hajnalka Joó's words: *'it is pointless to be a reporter in the Parliament, as you can only sit around in a room and watch the closed circuit broadcast, which you could just as well watch on TV at home'*.

### 3.3 Escaping The Journalists

Politicians do not just dodge journalists in the Parliament. It is quite common for politicians being questioned face-to- to simply not react to the journalist's question, and instead just look right through them. The most extreme example of this was when an MP tried to evade being questioned by denying that he was a member of Parliament.

***“MPs regularly avoid questions, and this is also true for members of the opposition, it is not unique to the Fidesz party, this is just how they do it. Once, the interviewee told the***

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<sup>16</sup> <https://tasz.hu/kitiltjak-az-ujsagirokat>

<sup>17</sup> <https://www.parlament.hu/documents/10181/509284/2013r09.pdf/91a317a1-8f25-8eef-dcee-762224966742?t=1571236292674>

<sup>18</sup> Order 9/2013 of the Speaker of the National Assembly about entering the buildings housing the Parliament, the Office of the National Assembly and the Parliamentary Office, the code of conduct while being inside, as well as the detailed regulations of the corresponding activities of the Parliamentary Guard.

<sup>19</sup> [https://hvg.hu/itthon/20191021\\_Orulhetnek\\_a\\_kepviselok\\_Tenyleg\\_ujsagirokto\\_l\\_elzart\\_terulet\\_lett\\_a\\_parlament](https://hvg.hu/itthon/20191021_Orulhetnek_a_kepviselok_Tenyleg_ujsagirokto_l_elzart_terulet_lett_a_parlament)

*journalist, "but I am not even an MP," outright denying that he was an MP, to which the journalist answered, "yes, you are, in fact you are my MP from Nógrád County!"*

*"If I merely set foot towards a Fidesz party politician, they run like mad."*

*"The option of asking questions orally has disappeared completely."*

#### 4. Press conferences, public press events – 'Only the microphone stands get the invitation.'

The journalists surveyed have all named examples where they were denied entry to press conferences or events open to the press, or were notified of these events belatedly. Every one of them regarded it a well-known fact that, as a journalist for independent media, it is impossible to get in to *Kormányinfó* (government information event), Fidesz's election result anticipation events and community meetings, nor Viktor Orbán's annual state of the nation address. The first *Kormányinfó* event of 2019 was an exceptional one, as it was held by Prime Minister Viktor Orbán, and the press representatives of eight media outlets were denied admission.<sup>20</sup> Upon registering for the event, several of the journalists received a reply stating that they could not be admitted due to lack of free space. However, in the recordings taken by those colleagues in the press who were granted permission to attend it was plain to see that there was in fact plenty of space in the room. After the January incident and the international uproar it provoked, starting from April 2019, journalists were once again allowed into *Kormányinfó* events.<sup>21</sup> Alas, from January 2020, the "old order" was restored: before the usual annual press conference of the prime minister took place, organisers, once again, made arbitrary choices as to which journalists to allow<sup>22</sup> inside: this time, the journalists from six media outlets were denied admission to the *Kormányinfó* event.<sup>23</sup>

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20 <https://media1.hu/2019/01/10/ket-torvenyt-is-megsert-orban-viktor-ha-kizarja-a-sajto-egy-munkatarsait/>

21 <https://magyarhang.org/belfold/2019/04/04/a-magyar-hang-bejutott-a-kormanyinfora/>

22 <https://168ora.hu/itthon/media-sajtotajekoztato-kizaras-ujsgirok-orban-viktor-180098>

23 [https://ataszjelenti.blog.hu/2020/01/10/tegyek\\_nyilvanossa\\_hogyan\\_kell\\_regisztralni\\_orban\\_sajtotajekoztatoira](https://ataszjelenti.blog.hu/2020/01/10/tegyek_nyilvanossa_hogyan_kell_regisztralni_orban_sajtotajekoztatoira)

In relation to press conferences and public events, another systematic issue is that independent media do not get notified of these events, or get notified later, thus are left out of some public issues and lag behind in the news race.

***“The MTI's (Hungarian News Agency) agenda no longer contains the events politicians take part in. The "creative" sending of invitations is also common: after registration, a few minutes before the event or not sending them at all.”***

***“The municipality has three press lists: the first has everyone on it, the second has no independent media members and the third is limited to lackey media only.”***

The portal [pecsistop.hu](http://pecsistop.hu), which regularly covers public issues happening in the city of Pécs, reported many cases where they were only informed of some important local events from news articles of municipality-owned [pecsma.hu](http://pecsma.hu), or from the city council loyalist portal [bama.hu](http://bama.hu) and the Pécs TV channel. Events they would have liked to attend, too, had they gotten invitations in time. In the absence of those, they were only able to cover these events through the lens of other media, which does not compare to being able to ask their own questions straight from the politicians or institution heads involved. With the help of HCLU, [pecsistop.hu](http://pecsistop.hu) initiated successful proceedings against the municipality and the communications companies maintained by it before the Equal Treatment Authority for discrimination based on political affiliation. We discuss the importance of this issue in section V.

The editor of a countryside online portal reported similar circumstances. According to the editor, the municipality in charge holds "fictional press conferences", to which only city council loyalist media are invited.

***“Only the microphone stands get the invitation. These events are not even announced to the public.”***

The editor adds that the local left-wing also created media for themselves, and just like the Fidesz party, they give precedence to their own media. Another journalist also spoke up about occasions where they were denied entry to events due to not having received invitations. When they raised complaints, press event organisers apologetically replied that it was the municipality sending out the invitations, and that they could not influence who received one.

## 5. Violent or threatening action

444.hu and the editor-in-chief of Szombathely-based *ugytudjuk.hu* both reported on violent actions against journalists. 444.hu's journalist, Júlia Halász, was escorted out of a Fidesz community meeting in May 2017 while one of the organisers took her phone and deleted the photos she had taken of the event.<sup>24</sup> The HCLU-represented journalist filed a complaint with the prosecutor general for having her phone taken and photos deleted, for which the investigation was suspended indefinitely due to lack of evidence. At the same time, the Fidesz politician filed a lawsuit for slander against the mistreated journalist which has been going on for almost three years at first instance. The journalist is being represented in the proceedings by HCLU.<sup>25</sup>

In our survey, the journalist of *ugytudjuk.hu* reported on a threatening action: he was surrounded by four security guards at a public event and was escorted to the exit to leave the premises.<sup>26</sup>

## 6. Story theft

A radical form of giving selective responses is when the contacted bodies “forward” the stories to one of the government-related media outlets, which then “steals and writes” the story. The danger of this has been widely discussed, mostly involving Origo as an example.

***“Typically, instead of responding to the submitted question or topic, they simply forward it to the propaganda press, which publishes the story. An example was the story of the list of people deprived of party-state pensions or pension supplements”.***

*Pecsisztop.hu, for example, inquired at the responsible bodies about the energy-related refurbishment, or rather its delays, of one of the schools. Rather than getting a response, they later realised that the municipality-owned pecsma.hu published a positive article which claimed that “summer vacation for students will be a week longer.”<sup>27</sup>*

<sup>24</sup> <https://444.hu/2017/05/05/lerangattak-a-lepcson-a-444-tudositojat-es-elvettek-a-telefonjat-a-fidesz-konzultacios-foruman>

<sup>25</sup> [https://ataszjelenti.blog.hu/2019/01/25/tasz\\_vs\\_propaganda](https://ataszjelenti.blog.hu/2019/01/25/tasz_vs_propaganda)

<sup>26</sup> <https://ugytudjuk.hu/cikk/maximalis-biztonsagban-voltunk-a-szombathelyi-augusztus-20-i-unnepsegen->

<sup>27</sup> <https://www.pecsma.hu/top/a-tervezettnel-is-gyorsabban-halad-a-jokai-iskola-teljes-felujitasa/>

## 7. Discrediting, stigmatisation

Regarding index.hu, we've already covered the situation when Viktor Orban gave green light to his politician colleagues to refuse to make statements to Index's journalists when he declared "*do not give statements to a fake news factory*". Stigmatisation and discrediting, however, do not involve only Index.

The interviewee of pecsistop.hu informed us that they are regularly being called communists, Jewish or "Soros-soldier". This latter label is used many times for describing the journalists of 444.hu, atlatszo.hu and direkt36.hu, which label has been used by the government propaganda for years to discredit anyone criticising them in any shape or form.

## 8. Intimidating sources

Many have reported on the problem where authorities create an intimidating atmosphere around potential sources, who, fearing retaliation, are afraid to contact journalists. From this perspective, the situation of doctors, teachers and educational institution directors is especially problematic, as they need ministry approval just to give statements. These people are apprehensive of saying anything even anonymously, as they fear for their existence and are afraid of unpredictable retaliation. One interviewee even mentioned a specific example of this. When they were writing a factual story about the activity of a state body, the sources they inquired from as part of the story (the government body's previous employees) told them they are not willing to make statements with their names, as they are afraid they'll not have jobs in the Hungarian financial industry in the future. Some had already moved abroad, yet they were still afraid to give statements.

Hvg.hu's journalist, for example, knows that higher ranking politicians in the government were told that "*if anyone leaks anything to Hajnalka Joó, they are done for.*"

An interviewee stated about the issue: "***A new phenomenon in Hungary is that if someone talks to any of these newspapers, they can expect that either they or their families are going to be harmed. This is real. When you see a national security expert requesting anonymity or a deputy mayor requesting anonymity, it is because of this.***" *The same interviewee also noted that if they try to request information from institutions of higher education, "... the deans will be requesting anonymity."*

## V. People hindering the press – The bodies mostly complained about

### 1. Press departments

Although the creation of press departments at state-run institutions is not the making of the Orban-government, what's more, a portion of the journalists asked even think they might be useful, their current operation is viewed as extremely negative.

*“Press departments are not to help the press but to deter it”.*

*“There is a press department, but I have no idea what they do. Sometimes they don't respond for weeks.”*

The worst rating in the list of press departments goes to the Prime Minister's office and its press secretary, Bertalan Havasi, who is widely known for ignoring journalists and for his empty responses. 444.hu dedicated a whole article to this issue.<sup>28</sup>

### 2. Ministries, other state bodies, companies

Journalists unanimously named the Ministry of Human Capacities and its institutions and organisations as the worst offenders in not responding. The communication of the ministry and institutions responsible for education, healthcare, culture, social areas, sports are completely centralised. According to the interviewees, it is impossible for a doctor, a teacher, a social services employee or even the director of a museum to give a statement to the press without the ministry's approval.

*“Education and healthcare are very centralised, everybody is blocked downwards”.*

One of the interviewees specifically mentioned the communication of universities as very problematic, the reason for which is fear. They described this as *“...the deans will be requesting anonymity.”* The editor-in-chief of a news portal dealing with local news reported

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<sup>28</sup> <https://444.hu/2018/07/18/a-valasztasi-informatikai-rendszer-kesobb-kulcsemberei-ott-voltak-a-fidesz-2010-es-eredmenyvarojan>

in relation to the university of one of the county seats that they never get responses to questions.

According to one interviewee in state companies **“transparency is non-existent, it is even worse than in politics.”** Another interviewee said that state companies do not really communicate, with especially bad experiences from the MVM Group, while the Paks Nuclear Power Plant communicates well with them. Representatives of some media outlets have had positive experiences with the Budapest Transport Centre (BKK), the Budapest Transport Company (BKV) and Hungarian Railways (the MÁV-Group).

One of the interviewees saw a smaller scale, but noticeable decline in communicating with emergency services and disaster management, primarily because it is not possible to contact the spokesperson directly. 444.hu’s representative emphasised regarding the memorable video related to the Ferencváros parking system’s controversies<sup>29</sup> that their worst experience was with the Tax Authority (NAV), referring to when they asked their questions from the Hungarian Tax Authority ten times, all in line with the spokesperson’s request, they never received a response, even after the journalist told the spokesperson that they had already submitted their inquiry ten times. What’s more, the spokesperson’s response to this was that in this case they should send an eleventh e-mail.

Index.hu raised some questions related to a Danube pollution case with the environmental authorities and the National Utilities responsible for the remediation of the specific area (Óbuda Gas Factory), but never got a response either.<sup>30</sup>

According to one interviewee there are no differences between any of the ministries due to the centralised system. One example the journalist mentioned was when he once contacted two ministries with his questions, and one of them replied that **“they know he had also sent the questions to another ministry, and they will reply.”** From this, he deduced that the questions arrive to one place, most likely the Prime Minister’s Cabinet Office.

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<sup>29</sup> <https://www.youtube.com/watch?v=yY6AQnx1V2U> - The part mentioned can be seen from 8:20

<sup>30</sup> [https://index.hu/belfold/2018/10/19/gazgyar\\_talajszennyezés\\_mereg/](https://index.hu/belfold/2018/10/19/gazgyar_talajszennyezés_mereg/)

### 3. Municipalities

Although municipalities have also been centralised, the experiences of journalists varied when it came to their relationship with local municipalities.

***“Municipalities are a lot more approachable in smaller towns, you can talk to them, but that might also be because the leaders are officially independent as well.”***

***“In smaller towns they are still afraid of journalists, and the more connected they are to the government, the more they resist.”***

In bigger cities the prominent features of national politics are much more pronounced—especially in cities with pro-government leadership (such as Debrecen, Szombathely or Pécs, which, at the time of the interviews, all had pro-government leaders). One of the subjects mentioned Debrecen as an example, where the authorities refused to give a statement for an article about the quick development of the city.<sup>31</sup>

One of our subjects believes that the willingness of municipalities to answer any questions is uniformly bad. Another journalist said that ***“By now every municipal leader has embraced the attitude that they do not give interviews to this and that.”***

The online portal, *ittlakunk.hu*, which reports on the events and services in the districts of Budapest, also has mixed experiences. The portal operates in every district and although they have underlined the lack of centralisation, they also mentioned that in some districts personal relationships weigh heavier than party politics.

To see the whole picture, we must mention that the journalists of *hvg.hu* and *444.hu* praised the response practices of the former General Assembly of Budapest, led by István Tarlós. *444.hu* highlighted that they explain the bigger willingness of municipalities to respond with the fact that these have a closer relationship with the citizens than the ministries.

### 4. To whom does the website of the municipality really belong?

Local municipalities often create their own media outlets, usually in the form of a website for the district or the city (for example *pecsma.hu*). The municipalities aim to fulfill their duty to

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31 [https://index.hu/belfold/2018/10/08/debrecen\\_egyetem\\_lakossag\\_fejlesztes/](https://index.hu/belfold/2018/10/08/debrecen_egyetem_lakossag_fejlesztes/)

provide information through these organs, and at the same time they only share certain information, which may be of public interest, with these websites.

Moreover, the municipalities consider these media to be their own property rather than an—even from them—independent media. They usually notify these organs first about important affairs, events in the city, as if these were the “press of the house”. This is mostly problematic because the local public authority maintains this media outlet, which serves its own interests, from public funds. This operation is especially conspicuous and worrisome during the campaign season, as certain segments of the public opinion tend to take the information shared through the municipality press as authentic, objective and independent. This might be explained by the fact that these media outlets are easily accessible (free), well-known, and their ownership evokes a certain trust—even if it is unsubstantiated—in the content consumers. The most characteristic dysfunctionality can be observed in the printed press of the municipalities, which often become some sort of a campaign publication for the political power.

Since other media organs are notified about local affairs later than the “municipality’s own press”, or not at all, they fall behind in the competition, or rather have a disadvantage from the start. Not to mention that this way they can only share information about public affairs through other media outlets, and cannot ask their own questions, take their own pictures and videos. To confront this problem, in May 2019 the webpage *pecsistop.hu* initiated proceedings with the help of the HCLU against the municipality of Pécs and against the communications company upheld by the municipality before the Equal Treatment Authority for discrimination based on political affiliation. The Equal Treatment Authority established that discrimination violating freedom of the press had occurred and pointed out the fact that the municipality cannot prefer any media provider over another when sharing information about public affairs.<sup>32</sup>

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32 <https://www.egyenlobanasmod.hu/hu/jogeset/ebh2432019>

## VI. Consequences and effects - “At one point you just give up a little”

The research interviews show that independent media outlets have an incredibly difficult time performing their basic information providing function, since in Hungary the state—through the injurious behavior of its public authorities—does not guarantee or even obstructs the attainment of information necessary for freedom of opinion and freedom of the press.

We were also interested in how certain media organs reacted to the problem and how this affects their day to day work.

### 1. Request for data of public interest

Almost everyone mentioned that they ask the more important questions through a request for data of public interest based on the Information Act of 2011 because then the state organs are obligated by law to respond. However, this method also has its limits. First of all, data of public interest is a legal definition that does not include everything a journalist would like to ask questions about. Secondly, the deadline to respond to the request is quite long: 15 days with a possible 15-day-long extension, so by the time the question is answered, the affair is usually no longer relevant.

*“When we needed to ask in Csepel where they were planning to set up misting stations in the current summer heat, what was I to do with the answer received three weeks later?”*

*“We switched to requesting data of public interest. It is slow and ineffective.”*

*“Since they do not answer regular questions, we have also submitted more of these requests, but now they tend not to answer those either, sometimes they want us to pay even for the smallest communications, or they extend their time to respond by 15 days and then answer us by sending a link to their website.”*

## 2. Alternative speakers

One of our subjects mentioned that they tend to look for alternative sources of information and viewpoints, and they reach out to experts and political scientists more often. Another journalist mentioned that in the absence of a directly involved speaker, they often turn to the newspaper covering the issue, which however, mixes up the roles, as it is not a journalist's job to be interviewed by a colleague. In this regard, independent television and radio stations are in a special situation, as they really need someone to talk to immediately or on that very day, and cannot wait hours or even days for their interviewees.

## 3. Leaking

In each political regime, informal relationships have always been important for journalists; gathering information is assisted by other sources, even anonymous ones.

Most journalists surveyed consider leaking an existent, albeit uncharacteristic, feature of gathering information; thereby valuable material can be obtained. However, getting specific documents is not very frequent, informal, personal contacts are more important, as well as trust, which is essential for the informers. Specifically, what they want to be sure of is that a journalist would never disclose anything about the information source.

*'Only the old personal contacts matter,'* as one interviewee said. As to the leaking itself, our interviewee is cautious, as recent examples show that the intention of the seemingly leaked information was rather to mislead them and not to help.

On the other hand, the editor of one news portal holds a different view: there is no "letting out" due to the extremely disciplined operation of the government; personal contacts are completely "dead" and the situation in which departmental managers acted as sources of information is inconceivable now. According to our interviewee, these persons are not employed in the former posts any more, on the other hand the system has been simply shut down and everyone is afraid. This was also confirmed by another interviewee of ours: ***"Internal control has become extremely stringent at state bodies, therefore the number of those who provide information has decreased significantly."***

*“Many channels got closed up. The turning point was the last election [note from the authors: the 2018 parliamentary election]. You could access background talks and get some pieces of information before, there was still something there, but these channels have been completely blocked since April. Fear is also involved here, but another part to the story is that all those who criticised the system have quit.”*

#### 4. Ethical dilemmas

All journalists spoke about the basic ethical rule: ‘calling on every participant of the case in any article is inevitable’, As those involved do not answer in most cases, this fact is indicated in the article. Another frequent occurrence, particularly in more crucial cases, is that the person to be consulted turns up and says something after the article has been published.

*“What is most difficult is many topics are not even addressed, since journalists assess in advance that they will not get a response and you simply cannot use wording strong enough without getting these answers. Thus, what remains is intimidation.”*

Besides, an increasing number of articles have started appearing where the main subject is that the authorities fail to respond to questions of public interest. For a long time, the site *nyugat.hu* published articles on a monthly basis summarising the subjects that were left without reaction. The site *infovilag.hu* published an open letter regarding their unilateral “correspondence” with the municipal government of Győr.<sup>33</sup> A similar method was used by *Azonnali*, they showed the meaningless answers in a humorous, ironic form.

However, disregard of the journalists may lead to serious ethical dilemmas, and it does. Almost all interviewees confirmed that the time open for giving a response has become which is not good but an inevitable result of the problem. While previously longer time was allotted to answers, today we see examples of articles published almost immediately after the questions are sent and then should a response be received later, the article is updated. Speaking about the short time available for responding, journalists also said that one of the reasons for this phenomenon, in addition to loosening ethics, includes the (not unjustified) fear that their subject will land at the pro-government media, of course in a different “presentation”.

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<sup>33</sup><https://infovilag.hu/cimzett-a-gyori-polgarmester-lassa-a-nyilvanossag/>

## 5. Legal procedures

In May 2018, Hajnalka Joó, journalist of hvg.hu, wrote in her article cited above that the work of journalists who inform the public is regulated by law, however, there is a lack of legal instruments against persons practicing public authority and thwarting the work of journalists, as the law does not provide for any related sanction.

Ms. Joó's assertions are somewhat modulated by certain important international and domestic decisions that have been passed since with regard to the relationship between public authority and the press.

In the case of Illés Szurovecz represented by HCLU in a case for refusal of entry to refugee camps, the ECHR declared that journalists have the right to freedom of expression, as well as to gather information, and freedom of the press also includes choosing the means of coverage.

The Equal Treatment Authority held the same opinion in the *pecsistop.hu* case also represented by HCLU, while they established discrimination based on political affiliation against the municipality and its communications company: "the state is to guarantee freedom of the press with specific respect to its role as an important instrument for gathering information necessary for freedom of expression, for freedom of speech and for forming an opinion. (...) Media provides a tool for free speech as well as fulfills the essential role of providing necessary information to shape public discourse." The authority prohibited the Municipality of Pécs from exhibiting unlawful conduct in the future and obligated it to publish this order for a 30 day period. Considering the election results the authority set aside the penalty (otherwise, it would range from HUF 50,000 to HUF 6,000,000).

HCLU also turned to the ECHR in the case of the six journalists banned from the Parliament, referring to the fact that the ban violates freedom of the press and their right to a fair procedure, as the journalists could not even appeal against the decision of the speaker of the House in a domestic court. In this case, the procedure is in progress before the ECHR.

After the 2019 regulations were passed constricting the work of journalists in the Parliament even further, *Azonnali* filed a lawsuit against speaker of the House László Kövér and the Office of the National Assembly. In their complaint *Azonnali* contested rejection of their

recording permit. The complaint was dismissed by the court with the following reason: decisions of the press office cannot be considered administrative resolutions, therefore they cannot be contested in the administrative court. Presently, the procedure is in the appeal stage.<sup>34</sup>

The cases outlined above show that there are ways to take action against state restrictions imposed on the press. However, judicial remedies and guidance on law enforcement in individual cases do not resolve the system-level issue, or at least solve it partially.

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<sup>34</sup>[https://azonnali.hu/cikk/20191211\\_azonnali-vs-kover-visszautasitottak-a-keresetunket-fellebbezunk](https://azonnali.hu/cikk/20191211_azonnali-vs-kover-visszautasitottak-a-keresetunket-fellebbezunk)