

# THE IMPORTANCE OF APPEARANCES:

HOW SUSPECTS AND ACCUSED PERSONS ARE PRESENTED IN THE COURTROOM, IN PUBLIC AND IN THE MEDIA



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## 1. Summary of laws / legal guidelines / legal frameworks

The provisions related to the presentation of the accused persons in the courtroom are set out in the Act XC of 2017 on the Code of Criminal Procedure (hereafter: CPP) and the Act V of 2013 on the Civil Code. The CPP states that every person has the right to be informed about trials by the media. Audio and video recordings of the trial are subject to the permission of the presiding judge<sup>1</sup>. Moreover, sound or video recordings of persons present at the hearing – with the exception of the members of the court, the keeper of the minutes, the prosecutor and the defence counsel – are subject to the consent of the person concerned.<sup>2</sup>

In principle, the presiding judge always grants permission, however, in specific cases laid down by law<sup>3</sup>, (s)he may refuse to grant it. E.g. in cases where the presence of the press and/or the disclosure of information would violate classified data, or would jeopardise the successful conclusion of the proceedings, or may be a threat to the life or integrity of the accused.

In the interviews conducted by the Hungarian Helsinki Committee in 2018, both, judges and attorneys emphasised that, the judge informs the press about the rules and conditions of the recordings at the beginning of the trial. Moreover, the judge asks the accused in particular whether (s)he agrees to be recorded or photographed. If the person concerned does not give his/her consent, the press is not allowed to take pictures where or recording in a way that the accused can be identifiable. In practice, opinions differ on what to be considered “unrecognisable”. Staff members of the press often uses images where only the back or hands in handcuffs of the accused appear in the pictures or they blur the faces and distort the voices.

Those techniques meet the legal requirements in theory; however, identifiability depends on the circumstances. In a village where everyone knows one another, the accused could be easily identified by his/her outfit, hair or movements. Certain judges find<sup>4</sup> that in case where the accused person refused to give consent, the press should be prohibited to take any pictures of the accused.

The legal conditions of publishing media content and operating media service providers are established in the media laws from 2010. Act CIV of 2010 on Freedom of the Press and on the Basic Rules Relating to Media Content (Smtv.) includes all fundamental regulations on media content and provisions for the legal status of journalists. Act CLXXXV of 2010 on Media Services and on the Mass Media (Mttv.) fundamentally includes the regulation of the formation of the media system’s structure. This legal framework was comprehensively criticised by several international

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<sup>1</sup> CPP Section 108, paragraph 1.

<sup>2</sup> CPP Section 108, paragraph 2.

<sup>3</sup> CPP Section 109.

<sup>4</sup> HHC interview with a practicing judge, 3 March 2019.

organisations.<sup>5</sup> The last critical evaluation of the laws was published by the Venice Commission<sup>6</sup> whose opinion covered also enforcement issues.

Not only broadcast and on-demand (audiovisual and radio) media services are the subjects of the media laws, but the print and online press products, too. By defining the scope of the law this way, the supervisory competence of the Hungarian regulatory body, the Media Council, was also extended to print and online press products. From this follows that the sanctions regulated in the media act are applicable against the online services, too, even if they do not contain any audiovisual content.

The supervision of the media law regulation of printed and online media by the media authority was not, in general, considered to be unconstitutional by the Constitutional Court. The Constitutional Court 'did not categorically exclude the possibility of a regulation which is content based or might induce state action in the case of printed press media either' and it stated that 'a retrospective, systematic and ex officio control and the possibility of sanctioning means, without doubt, a restriction on the freedom of the press but the mere possibility – along with an efficient and substantive judiciary control as a guarantee – cannot be considered unconstitutional'.<sup>7</sup> As a consequence of the Constitutional Court's relevant decision, the requirement to respect the constitutional order, the prohibition to present vulnerable groups in an injurious light and the ban on incitement to hatred and disassociation remained media law restrictions that can be applied to all types of media products and services.

Extending the scope of media regulation to printed and online media products does not, of course, create an undifferentiated regulation. The law continues to impose the heaviest regulatory burden on linear media services, namely, radio and television content services.

According to the media laws linear media services engaged in the pursuit of information activities are required to ensure that the newscast and news programmes they provide are diverse, factual, timely, objective and balanced concerning programmes on local and national events of interest to the public as well as on European events and public debates which are of interest to the people of Hungary and to members of the Hungarian nation. The balance of the information must be ensured, depending on the nature of the particular programmes, within the given programmes or in the series of programmes shown regularly. The implementation of balanced service is a special procedure according to which the media service provider and the complainant confer with each other and as a

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<sup>5</sup> A summary of the critics see Mertek Media Monitor, Forced Maneuver: Proposals and Expectations toward the Amendment of the Media Act (2012) <http://mertek.eu/en/article/forced-maneuver-proposals-and-expectations-toward-the-amendment-of-the-media-act>.

The most comprehensive analysis is the expert opinion of the European Council, which essentially recommends a revision of the media laws across the board. See: Eve SALOMON / Joan BARATA, Expertise by Council of Europe. Experts on Hungarian Media Legislation: Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules on Media Content and Act CLXXXV of 2010 on Media Services and Mass Media (2012) available at

[http://www.mediajogfigyelo.hu/uploads/files/0\\_Council\\_of\\_Europe\\_Hungary\\_Media\\_Acts\\_Analysis\\_-\\_Final\\_14-05-2012.pdf](http://www.mediajogfigyelo.hu/uploads/files/0_Council_of_Europe_Hungary_Media_Acts_Analysis_-_Final_14-05-2012.pdf). Further see Karol JAKUBOWICZ, Analysis and assesment of a package of Hungarian

legislation and draft legislation on media and telecommunications, Commissioned by the Office of the OSCE Representative on Freedom of Media, Warsaw, 2010, available at

<http://www.osce.org/fom/71218?download=true>

<sup>6</sup> European Commission for Democracy Through Law (2015): Opinion on Media Legislation (Act CLXXXV on Media Services and on the Mass Media, Act CIV on the Freedom of the Press, and the Legislation on Taxation of Advertisement Revenues of Mass Media) of Hungary, Strasburg.

<sup>7</sup> Constitutional Court Resolution No. 165/2011. (XII. 20.) AB

result the authority obliges the service provider to publish specific information or the point of view of the complainant.

Among the rules concerning media content, regulations relating to service providers with the so-called significant powers of influence must be highlighted as good examples of establishing differentiated regulation and taking economic reality into consideration.<sup>8</sup> Having an annual fifteen per cent average viewer rating qualifies a media service provider as one with significant powers of influence provided that at least one of its media services reaches an annual three per cent viewer rating; in the domestic media market only national commercial television and radio broadcasters are the most likely media to meet this criterion. The imposition of content obligations based on viewer ratings is, without doubt, a more proportionate and effective regulatory solution compared to obligations based on the area of transmission required by the previous law. The law stipulates three obligations concerning media service providers with significant powers of influence: they are required to broadcast news programmes, broadcast a specified proportion of cinematographic works in their original language with Hungarian subtitles and providing subtitles or sign language interpretation with the gradually increasing proportion of programmes.

As mentioned above, the scope of the Hungarian media law and the supervisory power of the Media Council cover the online media services, too. The controlling and the sanctioning power are divided between the body of the Media Council and the Office of the NMHH.<sup>9</sup> The act assigns some infringement with smaller severity to the Office, in other cases the Media Council is entitled to proceed against the provider. If the Office decides at first instance, the client has the right to appeal at the Media Council against the decision.

The sanctioning system is complex and differentiated based on the type of the media outlet and the gravity of the breach of law. The possible sanctions applicable by the Media Council are<sup>10</sup>:

- establishing the infringement and issuing a warning, ordering the infringer to discontinue the unlawful conduct and refrain from any further infringement in the future, in cases when the infringement is considered insignificant and no re-occurrence;
- excluding the infringer from participating in the tender procedures for supporting the media providers' activity and the producing of programmes for a fixed period of time;
- imposing a fine on the infringer subject to limits depending on the kind of media outlet; that means in case of the online press products an amount up to 25 million forints (78.000 euros);
- ordering the provider to publish a notice or the resolution on its website, in a press product or in a designated program in the manner and for the period of time specified in the resolution;
- suspending the exercise of the right to provide broadcast media services for a specific period of time;
- remove the broadcaster from the register of cable and satellite broadcasters, and may terminate the public contract concluded for the right to terrestrial broadcaster in case of

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<sup>8</sup> Mttv. Section 38

<sup>9</sup> Act CLXXXV of 2010 on Media Services and on the Mass Media (Mttv.) Sections 184.

<sup>10</sup> Act CLXXXV of 2010 on Media Services and on the Mass Media Sections 186-187.

repeated grave infringement. The media service stricken from the register may not be made accessible for the public once it was deleted.

Publishers of print and online press products may be subject to the imposing of fines and the publishing an announcement on the infringement. The other sanctions are applicable only to the linear and on-demand media services.

The law defines when the infringement must be seen as repeated. The infringement is repeated when the infringer committed the unlawful conduct on the same legal basis repeatedly within three hundred and sixty-five days, not including insignificant offenses.<sup>11</sup>

The law defines some principles to be considered by the application of sanctions: The Media Council and the Office should act in line with the principles of equal treatment, gradience and proportionality; the legal consequence must be in line with the gravity and rate of re-occurrence of the infringement.

According to the Hungarian media law, the executive officer of the media outlet as well as the intermediaries hold responsibility for the violations, too. The executive officer can be sanctioned in case of a repeated infringement, namely by imposing a fine up to 2 million forints (6200 euros).

Further, the Media Council is entitled to order the intermediary service providers to suspend or terminate the distribution of online press products.<sup>12</sup> The definition of 'intermediary service providers' is in line with the rules of the E-Commerce Directive from 2000.<sup>13</sup> These provide mere conduit and network access, caching, hosing, and – based on the Hungarian act for the harmonisation of the E-Commerce Directive – search engines. All kinds of intermediaries can be obliged to suspend the distribution of the online press product, but only in cases when the publisher fails to fulfil the terms of the final and executable resolution of the Media Council. There is no resolution in the online database of the authority about the application of these rules.

The Media Council and the Office are also equipped with broad competences for ascertaining the relevant facts of the case.<sup>14</sup> For example, it is entitled to inspect, examine and make duplicates and extracts of any and all medium containing data, document and written instrument – even if containing business secrets – related to the media outlets. The authority may order not only the clients and the other parties of the procedure but any third person to make a statement and to supply data and information. No one has to reveal information about the communications between the client and his legal representative, and information that would expose the identity of any person from whom the journalists received information relating to the media content.

## 2. Summary of journalistic guidelines

As a pure self-regulatory solution, the Forum of Editors in Chief, the Hungarian Publishers Association, and the Association of Hungarian Content Providers operates Korrektor.hu, a self-regulatory complaint handling system. The participating organisations published a common ethical codex that is

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<sup>11</sup> In the cases of the infringement the rules regarding the European and Hungarian works, the infringement is repeated when it was committed repeatedly within three years.

<sup>12</sup> Act CLXXXV of 2010 on Media Services and on the Mass Media Sections 188.

<sup>13</sup> Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market.

<sup>14</sup> Act CLXXXV of 2010 on Media Services and on the Mass Media Sections 155.

obligatory for the members of the organisations. However, the power of self-regulation on journalism is weak.<sup>15</sup>

The media law has established a specific co-regulation system as an alternative to official control. Excepting television and radio media services, the law made it possible for the operators of the media market to implement the regulations concerning media content within the framework of self-regulatory bodies with an exclusive legal power.<sup>16</sup> According to the law the Media Council shall have the authority to conclude an administrative agreement with the self-regulatory bodies. Based on the agreement, the self-regulatory body performs specific tasks related to the scope of official authority, media administration and media policy. The official scope of the self-regulatory bodies extends to the assessment of complaints concerning the activities of the service providers, the settlement of debates between media enterprises and the supervision of the operation of the service providers. The procedure on the part of the self-regulatory body has priority over the administrative procedure of the Media Council. The law emphasises that the self-regulatory body does not have administrative authority.

Since the summer 2011 four organizations have been part of the established co-regulation system such as the Hungarian Publisher's Association, the Association of Hungarian Content Providers, the Association of Hungarian Electronic Broadcasters and the Advertising Self Regulatory Board.<sup>17</sup>

Part of the administrative agreement is a professional code of conduct devised by the self-regulatory body. The adoption of the code requires the approval of the Media Council. It would have been the most significant result of the co-regulation system if the codes had elaborated on legal facts in a more detail making them easier to interpret during the course of editorial work. In essence, media law views and facts have been adopted by the codes without modification and with some minor supplements.

Procedure rules and rules about the sanctions are not regulated in the media laws, the self-regulatory bodies are entitled to regulate them. This is worrying because in practice the codes regard the rights of the complainant according to the law; they even restrict those who were excluded from the establishment and the implementation of the codes. The complainant is obliged to contact the media service provider within a specified period of time and confer with them. After an unsuccessful attempt at conferring with the service provider, a written petition must be submitted paying attention to strict content conditions and paying the fee of the procedure; this the law itself does not imply. The most significant advantage of co-regulation for the providers is the absence of fees within its framework. The most substantial fee that can be imposed according to the codes is exclusion from the co-regulation system for a specific period of time. Further sanctions serve to ascertain, stop and publicise norm violation and to provide moral reparation. On the other hand the codes do not include any provisions for the implementation of decisions made within the framework of the co-regulation system.

According to the law the Media Council is obliged to review all the decisions of the self-regulatory body. The authority also acts as a forum for legal remedies: if any of the parties requests the revision of the decision, the Media Council is obliged to review such decision, within thirty days. If the Media Council finds that the decision of the self-regulatory body does not comply with the administrative agreement concluded with the self-regulatory body, in particular the provisions of the Code of Conduct, or it violates the provisions of the relevant legislation or if the self-regulatory body is unable

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<sup>15</sup> T. Tófalvy 'Média a törvényen túl? Önszabályozás a magyar írott médiában: előzmények, kontextus, lehetőségek' Médiakutató Nr. 4 (2013)

<sup>16</sup> Mttv. Sections 190-202/A

<sup>17</sup> See summarised: [mediajogfigyelo.hu/index.php?do=a&id=1575](http://mediajogfigyelo.hu/index.php?do=a&id=1575).

to enforce its decision, the Media Council establishes a procedure concerning the subject of the petition. This opens up the possibility for a judicial review as well. On the other hand, because of the ambiguous content of media law facts and the possibility of their wide range of interpretation the Media Council has a rather wide scope of revisionary authority. Furthermore, the Media Council has the authority to oversee all activities performed by the self-regulatory body under the administrative agreement, to supervise procedures and decisions extensively and as a last resort, terminate the administrative agreement.

The co-regulation system established in the media law is not in line with certain important European expectations regarding co-regulation systems.<sup>18</sup> One of the most significant concerns relating to the independence from financing is that the Media Council – not in accordance with the principles and aspects established and considered in the media law, on the other hand, publishing it in the administrative agreement – provided the co-regulatory bodies with financial support. Independence from market operators is threatened by the fact that experts acting in the course of complaints procedures are exclusively delegated by the enterprises concerned and in the majority of the cases they have a permanent legal relationship with the particular establishment. Although this does not endanger the impartiality of the particular procedures since there are appropriate rules for the avoidance of conflicts of interests concerning the acting committees, it is clearly dominated by the views and interests of the service providers.

There have been only a few complaints procedures so far, probably partly due to the procedural difficulties and/or by the low level of awareness of the co-regulation system. The co-regulation system undoubtedly places a less severe restriction on the freedom of the press than the control of the authorities. In its present form, however, it ignores all voluntary initiatives and it is not more than an alternative sanctioning system, which service providers apply to themselves. Joining the co-regulation system is, in itself, a difficult compromise on the part of the editorial offices. By joining the co-regulation system, they accept and conform to the strict rules concerning media content so as not be forced to expect substantial fees stipulated by the law. This is how co-regulation becomes effectively a form of self-censorship. Furthermore, not every service in question participates in co-regulation and the current low number of complaints does not guarantee that they will not increase.

### 3. Description of media landscape in the country

The post-2010 period of the Hungarian media system became the subject of extensive domestic and international attention on account of the media laws adopted in autumn 2010, even though the government elected that spring had tried to transform the media system already before enacting the controversial media laws. The new governing parties took the first media policy measures even before the election, in April 2010: the Infocenter.hu Zrt., a corporation with close ties to Fidesz through its owners and through the ideological outlook of its media outlets, acquired the IKO Média Holding Zrt., thereby also becoming owner of a 31 per cent stake in M-RTL Zrt., which operates RTL Klub. In the end, the transaction fell through for financial reasons. Nevertheless, market expansion continues to remain a major instrument used to further the current governing parties' media policy objectives.

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<sup>18</sup> See especially: European Commission *European governance - A white paper* COM (2001) 428 final (2001/C 287/01).



The financial crisis from 2008 was an important factor of the success of the Fidesz media policy. It significantly weakened all segments of the media market, and motivated Western investors to leave the Central Eastern European markets. At the moment of the change of government in 2010, there were several media outlets on sale, but there was no market resource to re-establish the media market on economic ground. The role of the Western investors by establishing the Central European media systems and renewing the journalism was always controversial, and they did not care about political ties of the new owners of their former outlets when they left these markets (Štětka, 2012).

However, the new media laws of 2010<sup>19</sup> have been substantial means of the present media policy (Polyák 2014). Nevertheless, the adoption of these laws has directed the attention of Europe and the world at large to the ongoing alteration of media freedom and constitutional democracy in Hungary. From the European Union and the OSCE to the United Nations and the European Council, all organisations concerned with fundamental rights have voiced severe criticism over the regulation, and their objections have been seconded by journalist fora and other NGOs.<sup>20</sup>

Fidesz's media empire had been assiduously built over the years by Lajos Simicska. In 2015, however, a spectacular conflict erupted between these two protagonists, and this was the signal for launching the efforts at dismantling the Simicska media empire. The underlying process was a massive restructuring of Fidesz's internal power relations. Up until 2014, media policy decisions and media policy developments manifested a peculiar intertwining of politics and business, which was reflective of the way in which political and economic life generally worked in Hungary: political power rested with Viktor Orbán, while economic power was concentrated in the hands of Lajos Simicska. Nevertheless, these two centres of power could not be fully independent of each another, nor could they coexist without major friction. The need to exercise economic power more effectively, and the assertion of economic interests—whereby Orbán and Simicska's economic interests mostly coincided—made it increasingly necessary for Simicska to become involved in the political exercise of power as well.

Currently, there is a market expansion of the pro-Fidesz interests at every level of the value chain, be it through a politically biased distribution of radio frequencies or the manipulative allocation of state advertisements—as seen before 2014 as well. The same financial, legal and informational resources that previously served Simicska's media empire now serve new players.

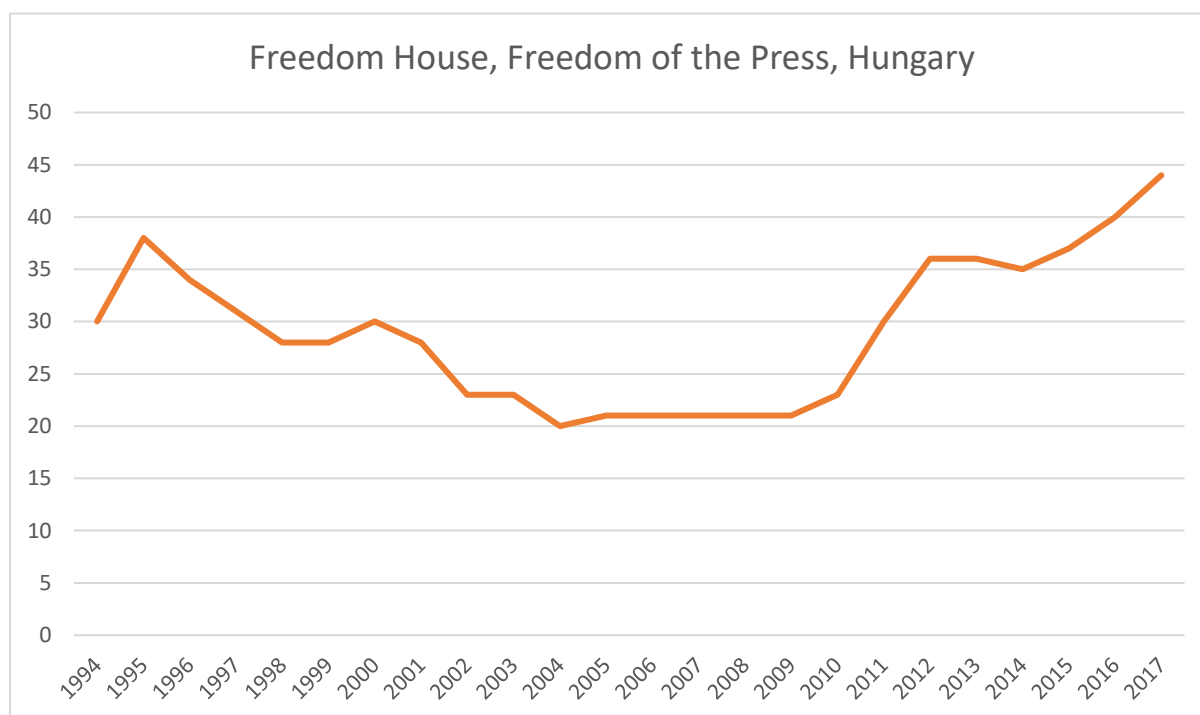
The sudden shutting down of the left-wing quality daily *Népszabadság* in 2016 marked the beginning of a new type of political interference and was resulted by an interplay between the media authority, market manipulation and the expansion of oligarchs. The decisions of the media authority in connection with the relevant acquisitions had paved the way for a situation in which the media portfolio of the publisher of *Népszabadság* became valuable for the political intentions. The daily itself was weakened by the manipulation of the advertising market and namely by the preferential distribution of state advertisements. *Népszabadság* was bought by a Fidesz-oligarch and closed down, leading to the disappearance of an important journalist team that had been able to reveal abuses of the power. With this step, the threat against the players of the media system is clear and constant.

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<sup>19</sup> Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules on Media Content; Act CLXXXV of 2010 on Media Services and Mass Media.

<sup>20</sup> The most comprehensive analysis is the expert opinion of the European Council, which essentially recommends a revision of the media laws across the board (see Salomon & Barata 2012).

Figure 1  
Freedom of the Press Index, Hungary



Source: Freedom House 2017

Press freedom indices offer confirmations of the re-transformation process (see Figure 1). Freedom House’s Freedom of the Press Index is based on an experimental analysis of the legal, economic and political environment of the media system.<sup>21</sup> According to Press Freedom Index,<sup>22</sup> the Hungarian situation has dramatically worsened since 2010, after a relatively long consolidated period. The turning point seems to be the passing of the new media laws. These were significant factors to get Hungary among the ‘partly free’ states.

### 3.1. The end of a right-wing media empire

The aftermath of the election was an extraordinarily eventful period in the media market. The very next day its owner shut down the leading political daily Magyar Nemzet, the only conservative newspaper that was critical of the government, and also suspended the operations of his critical rightwing news radio, Lánchíd. These media outlets were owned by Lajos Simicska, who until 2014 had been in charge of handling Fidesz’s business affairs, and who was until that time effectively the sole player in the business of controlling Fidesz’s interests in the construction and media industries. His media empire included a national newspaper and a weekly, the only freely distributed political

<sup>21</sup> Countries scoring 0 to 30 are regarded as having “free” media; 31 to 60, “partly free” media; and 61 to 100, “not free” media.

<sup>22</sup> Similar tendencies are apparent in the index of the Reporters without Borders. In 2009, Hungary was the 23<sup>rd</sup> with 5.5 points in the ranking of this organisations, in 2014 Hungary had 26.73 point and stood at the 64<sup>th</sup> position.

daily, a nationally broadcasting right-wing talk radio, as well as the largest outdoor advertising company. Until 2014, all elements of the Simicska empire had been uncritically loyal to Fidesz and the Orbán government.

In 2017 it also emerged that Simicska held a right (an option) to acquire Hungary's largest critical online newspaper, Index.hu. He did eventually exercise this option, but in order to ensure that the newspaper's independence would not be jeopardised or easy to acquire, Simicska transferred the ownership rights to a foundation. The chairman of the foundation's board is Index.hu's former attorney, who is perceived as fiercely loyal to the newspaper and its mission to remain independent.

After the parliamentary election of 2014 an intense conflict erupted between Simicska and Prime Minister Viktor Orbán, which probably owed in part to Simicska's powers having grown beyond what the prime minister felt comfortable with, and in another part to Orbán's increasingly Russian-friendly and populist policies. At that point, some elements of the Simicska empire went out of business or were transferred to new owners, but the remaining media – primarily the news channel Hír TV, the daily Magyar Nemzet and Lánchíd Rádió – became key players in the segment of public discourse that is critical of the government. Increasingly, these media turned towards supporting Jobbik, which pivoted during this period from a position at the far-right end of the political spectrum towards mainstream conservative views, trying to reposition itself as a centrist party. The outcome of the 2018 election was a massive defeat for Simicska, which led to a liquidation of the remnants of his media empire and other business holdings. In July 2018, Simicska sold off all his enterprises, and in several steps these were transferred to business interests with close ties to the Fidesz government. Those segments of Simicska's former media empire that survived and continued to operate immediately switched back from critical coverage towards fawning and loyal support for the government. Talking on Hír TV, Máté Kocsis the leader of the Fidesz parliamentary fraction summed this up as "the returning to the roots" of the station what provides the feeling of "satisfaction".

### 3.2. A new eco system of the political media

However, in the period between 2014 and 2018 Fidesz was working on building a new media empire that is loyal to Fidesz. Yet these efforts were palpably designed in such a way as to ensure that control over key media outlets is distributed among a variety of players, to avoid the emergence of another economic and political power centre that had characterised the Simicska empire. This post-2014 period was marked by the rise of several key players. Andrew Vajna became the owner of several vital media outlets, including the second largest private television channel in Hungary (TV2), a national private radio network (Rádió 1) and a few county newspapers. Indirectly, the new nationally broadcasting private radio station launched in 2018 is also part of his business interests. Gábor Liskay, a former top manager in the Simicska empire who turned against Simicska when the latter took on Orbán, was given the opportunity to launch a new national political daily (Magyar Idők), which became the new flagship newspaper for the government after its loss of access to Magyar Nemzet. Liskay's business interests also include a government-friendly talk radio (Karc-FM). After the break between Simicska and Orbán, Liskay became the chief executive of Lőrinc Mészáros's media company, and then emerged as the chief manager and executor of the vast transformations just now which resulted in the near total consolidation of the entire Fidesz media system into a single entity. Heinrich Pecina took control of the newspapers that were previously owned by Axel-Springer and Ringier. It had been Pecina who, acting in his capacity as the owner, unexpectedly shut down Népszabadság in October 2016, the largest political daily newspaper at the time. Népszabadság had also been one of the major critical news sources in Hungary up to that point. A few weeks later, Pecina sold his media holdings to Lőrinc Mészáros, Orbán's childhood friend, who has amassed a personal fortune over the last few

years that has made him the wealthiest person in Hungary. Piece by piece, Mészáros bought up the entire the regional newspaper market – which is still quite significant in terms of overall circulation –, and he also became the publisher of numerous magazines, in addition to operating the pro-government Echo TV and acquiring a few local radios. Árpád Habony, Orbán’s political communication advisor publishes a freely distributed daily newspaper, Lokál, which replaced the Metropol newspaper that had been published by Simicska. Additionally, Habony’s media company operates the online newspaper 888.hu. Habony also recently appeared as a media investor in Slovenia and Macedonia – where Orbán nurtures close ties with politicians who share his political outlook – and as the owner of political media outlets that cultivate a similar tone as his Hungarian media holdings. Origo.hu, which was previously owned by Magyar Telekom (a subsidiary of Deutsche Telekom), is the largest online newspaper in Hungary along with Index.hu; it was acquired by the son of the president of the Hungarian National Bank, who is incidentally also a strong Orbán ally and had previously served as a key member of Orbán’s cabinet for years. A formerly prestigious business weekly, Figyelő, was taken over by Mária Schmidt, who is responsible for shaping the government’s politics of remembrance, which have emerged as a crucial dimension of Fidesz’s politics and ideological outlook. Other investors with close ties to Fidesz have also appeared in the market for tabloid and online newspapers, as well as other segments of the media market.

This new political media ecosystem was based on the same instruments that had been previously deployed to create and consolidate the Simicska empire: the unlimited use of state advertising and other sources of state funding (e.g. generous credits by state-owned banks); radio frequencies that were generously awarded by the media authority; information that was only shared with media that are loyal to the government; and efforts aimed at discrediting critical media and journalists.

This fragmented ownership structure did not impede the smooth dissemination of government messages by the Fidesz-linked media outlets, nor for that matter their campaigns to discredit the governing party’s opponents. The owners and newsrooms continuously consulted with one another, often publishing exactly the same content, which were sometimes given to them by the political figures who requested the given content in a final form ready for publication.

### 3.3. Media consolidation beyond the law

In the aftermath of his third two-thirds victory, Viktor Orbán rightly felt that he no longer needed to be concerned about another Simicska, that is a power centre within Fidesz that could limit his own unrivalled influence within the party and the government. Under these conditions, the previously secondary considerations of operating these media economically and efficiently moved into the foreground, and the time came to send the new media owners a clear message: the media that had been entrusted to them were not their own, they had to operate these in line with Fidesz’s interests. In the summer of 2018, news began to circulate about some kind of impending centralisation in the Fidesz-affiliated media empire. Despite the early warnings, what actually happened stunned public opinion: On 28 November all Fidesz-friendly media owners except for Andrew Vajna transferred the ownership rights of their media holdings to a non-profit foundation, the Central European Press and Media Foundation (Közép-Európai Sajtó és Média Alapítványnak, KESMA). On the same day, 13 media companies joined the foundation, all of them without any type of compensation for the owners. Only Andrew Vajna’s TV2 and Rádió 1 network stayed out of this merger. However, after the death of Vajna, the position of his media outlets became uncertain. The new owner of the TV2 Group is József Vida, the president and director general of the Hungarian bank Takarékbank. He had no media market experiences before 2019.

The foundation had been created in August 2018 by a stock corporation that is owned exclusively by the aforementioned Gábor Liskay. The foundation is registered at Liskay's holiday home. The foundation's board is made up of a former and a current Fidesz MP, as well as the CEO of a Fidesz-friendly think-tank. Its mission is to "promote activities that serve value creation and strengthen Hungarian national identity in the print, radio television and online media platforms that make up Hungarian mass communication." The total net revenue of the media companies that became part of the foundation was 55.7 billion forints (ca. 175 million euros) in 2017.

Such an enormous merger is obviously problematic both in terms of competition and media law. As in any other situation involving a merger of such value, the Hungarian competition authority would have been obliged to examine whether the merger substantially reduces competition in the affected market, especially in terms of creating or reinforcing a dominant market position. As was noted above, this fusion of companies significantly increased the level of concentration in numerous segments of the media market, while it created a portfolio in the advertising market that allows advertisers to reach all target groups. At the same time, the Hungarian Media Act also provides that the media authority needs to review how the merger affects the right to diverse information. The previous decisions of the Media Council on this issue manifestly exhibited political bias: the mergers of Fidesz-friendly media were greenlit without fail, while acquisitions aimed at boosting critical media were stopped by the authority. Still, in the case of a market concentration of this magnitude and composition, it would have been a tall order to show that it does not impinge on the right to diverse information.

The government moved however to relieve the competition and media authorities from the burden of having to decide this. A 2003 amendment of the Competition Act – adopted by a Fidesz majority – gives the government the authority to exempt certain mergers from the obligation of a review by the competition authority if they are declared to be of "strategic national importance." On 5 December 2018 the government exercised this prerogative in the context of the new merger in the media market: it issued a decree declaring that the consolidation into a single foundation of the pro-Fidesz media enterprises is of "national strategic importance" and is thus exempt from any otherwise applicable reviews and approvals. At the same time, this is also an acknowledgment that even in the legal framework created by Fidesz the creation of such a vast media empire could not have been implemented in compliance with the existing laws.

### 3.4. Narrowing space for the independent media

Apart from the creation of the Fidesz media foundation, the most disconcerting change affected Index.hu, the most important independent online newspaper. Private persons with close ties to the government acquired the company that exercises the founding rights to the foundation that publishes Index.hu as well as the company that has an exclusive right to sell all advertising on the website. The founding rights allow the new owners to amend the statutes based on which the foundation operates, which could ultimately deprive Index.hu of its independence. But even without implementing such changes in the near future, a manipulation in the sales of the newspaper's advertising spaces could massively undermine its successful operation. For the time being, no changes have been observed in the contents published on Index.hu, but its operations have become extremely vulnerable. A transformation of Index.hu or its disappearance from the market would be a devastating blow to what little remains of independent journalism in Hungary.

But there have also been other menacing developments since the April elections in the segment of the Hungarian media that is not affiliated with Fidesz. One of the critical weeklies, Vasárnapi Újság, was shut down by its owner in December 2018; in the future it will be published as a supplement of a

daily newspaper, Népszava. The newspaper is owned by László Puch, who was previously a background financial operator for the opposition Hungarian Socialist Party (MSZP). Puch also controls the last left-wing political daily, Népszava. Puch struck a deal with Viktor Orbán already in 2016 in which he pledged that his media would not cover certain issues in return for state advertising in Népszava. In November 2018 Puch sold another weekly, Szabad Föld, which is popular among rural readers, to the media corporation owned by Lőrinc Mészáros. Szabad Föld was then duly transferred to the foundation that controls the Fidesz media conglomerate.

In 2018 the last critical news channel, ATV, commissioned a new sales house to sell its advertising time – the sales house in question also distributes the advertising time for a significant portion of Fidesz-friendly media and its owner is known for his affiliation with the Fidesz-friendly business circles. What this means is that the funding of one of the last critical media platforms with a substantial audience reach is now also in the hands of a company with close ties to the governing party.

### 3.5. Status of media markets

### 3.6. Print press

The pro-government portfolio is undoubtedly the most influential in the print press market, its reach is very broad even beyond the already mentioned exclusive control of the market for county-level daily newspapers.<sup>23</sup> The Mediaworks publishing company owned by the KESMA and Lőrinc Mészáros publishes dailies and magazines, including the leading pro-government daily Magyar Idők. Árpád KESMA controls the tabloid Lokál, along with the weekly Lokál Extra. Both are free newspapers, which implies a high circulation. Other openly pro-government newspapers are the tabloid Ripost (owned by KESMA) and the once prestigious weekly Figyelő, which was taken over by KESMA. The daily Magyar Hírlap is published by the businessman Gábor Széles, whose pro-government sympathies are a matter of public record, just as those of the owner of the weekly Demokrata, András Bencsik.

The closing of Népszabadság has not resulted in the total elimination from the public realm of newspapers affiliated with the left, specifically with the opposition Hungarian Socialist Party (MSZP). The daily Népszava and two weeklies, Szabad Föld and Vasárnapi Hírek, were taken over in January 2017 by former MSZP treasurer László Puch.<sup>24</sup> As an investigative report revealed, Puch consulted directly with Viktor Orbán about buying Népszava, and as a result of this coordination the newspaper receives state advertising.<sup>25</sup>

A few years ago, international investors had still played a significant role in the Hungarian newspaper market, but by 2017 only a single major foreign player remained, Ringier Axel Springer. This publisher is mainly active in the market for glossy magazines, though it also publishes a daily

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<sup>23</sup> Attila Bátorfy (2018): Kilenc grafikon a kormány média túlsúlyáról – így érvényesül a sokszínű tájékoztatás elve Magyarországon, <https://atlatszo.hu/2017/11/22/kilenc-grafikon-a-kormany-media-tulsulyarol-igy-ervenyesul-a-sokszinu-tajekoztat-as-elve-magyarorszagon/>

<sup>24</sup> Szalay, D. (2017): Így változik a Puch László által felvásárolt Népszava és a Vasárnapi Hírek irányítása [This is how control of Népszava and Vasárnapi Hírek will change after their acquisition by László Puch]. 24.hu, 31 January. <http://24.hu/media/2017/01/31/igy-valtozik-a-puch-laszlo-altal-felvasarolt-nepszava-es-a-vasarnapi-hirek-iranyitasa/>

<sup>25</sup> Rényi, P. D. (2018): Orbán lerendelte magához Hatvanpusztára Puch Lászlót, hogy vegye meg neki a Népszavát [Orbán ordered László Puch to come and see him in Hatvanpuszta and to have Puch buy Népszava for him]. 444.hu, 9 March. <https://444.hu/2018/03/09/orban-lerendelte-magahoz-hatvanpusztara-puch-laszlot-hogy-vegye-meg-neki-a-nepszavat>

tabloid (Blikk). Otherwise Ringier Axel Springer has completely withdrawn from the market for political/public affairs content, however.

A single politically independent Hungarian company remains among the major domestic owners of print media, the Central Media Group. Nevertheless, Central has also no political products in the print market, it is focused on glossy magazines.

Among the weeklies we find some that are openly critical of the government, and these are owned by smaller Hungarian publishing houses. These include Magyar Narancs, Élet és Irodalom and HVG.

Another print weekly that is critical of the government is 168 óra, though its ownership background and funding are hazy.<sup>26</sup>

Another noteworthy weekly is Hetek, which is owned by the Faith Church (Hit Gyülekezete), a smaller evangelical denomination that also operates the television channel ATV.

### 3.7. Radio broadcasting

The most important players in the radio market are the public service radios, which broadcast on four national frequencies. There has been no major change in this area over the past few years.

The most vital development in this area in the last year was the expansion of the Rádió1 network. The rapid growth of this network, which was originally only available in Budapest, continues apace, and it has been joined by over 30 local stations thus far, making it the biggest commercial radio station today.<sup>27</sup> Rádió1 was formerly owned by the government commissioner Andy Vajna, owner of the TV2 group; after his death, the situation of the radio is more or less uncertain.

The only national private radio, Retro Radio started to broadcast in 2018. Now it is also in the ownership of KESMA.

The role of two widely-known Budapest talk radios, Info Rádió and Klubrádió, is still substantial in the news market. There was an ownership change at the rightwing Info Rádió in 2017, and as part of a management buyout the radio's former managing director, Márton Módos, became the new owner. The ownership background and funding of Klubrádió, a station known for its critical coverage of the government, is opaque and lacking in transparency.<sup>28</sup>

Karc FM, a station that broadcasts on a Budapest frequency is a rightwing talk radio. It is owned by KESMA.

### 3.8. Television

The market-leading television channel, RTL Klub, is operated by the Magyar RTL Televízió Inc. Additionally, RTL Group operates several Hungarian-language channels, the majority of which are

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<sup>26</sup> Becker, A. (2016): Fantomtulajdonosok a kormányfüggetlen médiában: kik állhatnak a 168 óra megvásárlása mögött? [Phantom owners in the media that is independent from the government: Who could be behind the acquisition of 168 óra?] atlatszo.hu, 4 November. <https://atlatszo.hu/2016/11/04/fantomtulajdonosok-a-kormanyfuggetlen-mediaban-kik-allhatnak-a-168-ora-megvasarlasa-mogott/>

<sup>27</sup> Official data December 2016 <http://radiosite.hu/hallgatottsagi-adatok-2017-december/#more-5164>

<sup>28</sup> Becker, A. (2016): Fantomtulajdonosok a kormányfüggetlen médiában: kik állhatnak a 168 óra megvásárlása mögött? [Phantom owners in the media that is independent from the government: Who could be behind the acquisition of 168 óra?] atlatszo.hu, 4 November. <https://atlatszo.hu/2016/11/04/fantomtulajdonosok-a-kormanyfuggetlen-mediaban-kik-allhatnak-a-168-ora-megvasarlasa-mogott/>

registered abroad (RTL II, Cool, Film+, RTL+, Sorozat+, RTL Gold, Muzsika TV). RTL also boasts its own sales house called R-time.

The second largest commercial television channel is TV2, which is operated by the TV2 Media Csoport Ltd and is – after the death of Andy Vajna – owned by József Vida. The TV2 group also boasts a large number of thematic channels that are registered abroad (Super TV2, Fem3, Mozi+, Spíler1 TV, Izaura TV, Zenebutik, Prime, LiChi TV, Kiwi TV, Humor).

Four channels are noteworthy among the news channels: ATV, HírTV, Echo TV and the Hungarian-language news broadcast by Euronews.

The ATV channel is operated by ATV Inc, which is owned by the small evangelical denomination Hit Gyülekezete. ATV is generally regarded as a leftwing outlet that is critical of the government, but – most likely because of its owners – recently it found itself on the same platform with the government on an important issue of principle. In the refugee debate that has come to define Hungarian political life, ATV openly accepted the government’s anti-refugee narrative while the structure of its broadcasts also became increasingly tabloid-like.<sup>29</sup>

The rightwing HírTV is – after Lajos Simicska sold his business interests – operated by the KESMA, which was part of Lajos Simicska’s media empire. Between 2015 and 2018, it was very critical of the government. In 2018, Simicska sold the television broadcaster, and the reporting became government-friendly again.

Euronews’s Hungarian-language broadcasts began in 2013. Its ownership structure is complex, the 25 shareholders include several major European broadcasters. In Hungary it does not play an influential role in shaping public opinion.

### 3.9. Online market

The online market is still one of the most balanced in Hungary today, the major players in this market segment include several independent companies. Major developments only transpired at Index: In April 2017 the owner transferred the ownership rights to a foundation.<sup>30</sup> That was when it emerged that for three years now the erstwhile oligarch Lajos Simicska had held a right of option to the publishing house. Though this had been rumoured previously, no one had been able to actually prove it. Lajos Simicska exercised his option and immediately transferred the ownership rights led by the news site’s attorney.

The political outlook of the other major online newspaper, Origo, had already been pro-government, but in April 2017 Ádám Matolcsy, the son of the president of the Hungarian central bank, became the new owner. At the same time, the entire corporate structure was revamped, and the new publisher is called New Wave Media Group Inc. In addition to Origo, it also comprises other online interests (e.g. the news portal vs.hu, which was awarded over half a billion forints (1550 euros) from foundations affiliated with the Hungarian National Bank in 2016). Since 2018, Origo is also belongs to the KESMA foundation.

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<sup>29</sup> Rényi, P. D. (2018): A baloldal fellegvára volt, most bulvártévét csinálnak belőle a Fidesznek [It used to be a bastion of the left, now they are turning it into a tabloid television for Fidesz].

<https://tldr.444.hu/2018/01/10/a-baloldal-fellegvara-volt-most-bulvartevet-csinalnak-belole-a-fidesznek>

<sup>30</sup> Index (2017): Alapítványi tulajdonba került az Index.hu Zrt [Ownership control of Index.hu Inc. now rests with a foundation]. Index, 30 April.

[http://index.hu/kultur/2017/04/20/index\\_uj\\_tulajdonos\\_magyar\\_fejlodesert\\_alapitvany/](http://index.hu/kultur/2017/04/20/index_uj_tulajdonos_magyar_fejlodesert_alapitvany/)



A key player of the online market for news sites is 24.hu, which is operated by the Central Digitális Média Ltd, in which Magyar RTL Televízió Inc had previously purchased a 30% stake, but after a protracted review the Media Council nixed the deal in early 2017.<sup>31</sup>

Hvg.hu and 444.hu are important independent players in this market, as are the two crowd-funded investigative projects, atlatszo.hu and direkt36.hu. There were no changes in the ownership background and operations of the latter in 2017.

On the pro-government side, 888.hu and ripost.hu are still in operation, and they are visibly engaged in disseminating the government's viewpoint, and – obviously not independently of the latter fact – they feature state advertising.

### 3.10. Public service media

Public service broadcasting has undergone substantial changes since 2010, as well. The institutional background of the public media system was changed significantly with the media laws of 2010<sup>32</sup>, and the result is a highly centralised system. The main player in this complex organisation is the Media Service Support and Asset Management Fund (hereinafter MTVA).<sup>33</sup> The law states that this Fund exercises the ownership rights and responsibilities of public service media assets, and – among other things – it is also in charge of producing or supporting the production of public service broadcasting items.<sup>34</sup> At the head of the Fund is a CEO who can be appointed and recalled by the president of the Media Council without providing reasons for the dismissal, and whose work is not subject to review by any public body.<sup>35</sup> The competences of the supervisory bodies in the public service institutions do not include the control of MTVA. These bodies control only the corporations that provide the public media services. However these providers have no production capacities of their own, so their latitude is limited to ordering shows from the MTVA. As a result, the institutional system of public service media has become a powerfully centralized organizational system.

The law assigned the task of providing public media services to one private limited company, Duna Médiaszolgáltató Részvénytársaság (Duna Media Service Company Limited by Shares). It is the provider of all public service television, radio and online content services, as well as public service news agent's activities.

The company is owned exclusively by the Public Service Foundation and supervised by its Board of Trustees (hereinafter: Board). The Board is the only body within the system of media supervision that has one member delegated by the opposition. Also elected for a term of nine years under the law, half of the members are delegated by the ruling parties, and half by parties of the opposition. They are elected by a two-third majority vote of Parliament.<sup>36</sup> However, even in this body, majority

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<sup>31</sup> Gálik, M. – Polyák, G. (2017): Az RTL-CDM összefonódási kérelem elutasítása [The rejection of the RTL-CDM petition for intertwinement], *Fundamentum* 2017/1-2, <http://fundamentum.hu/sites/default/files/fundamentum-17-1-2-06.pdf>

<sup>32</sup> Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules on Media Content; Act CLXXXV of 2010 on Media Services and Mass Media (hereinafter referred to as Mttv in accordance with the Hungarian abbreviation). The laws are available at [http://mediatanacs.hu/tart/index/662/2010\\_evi\\_CLXXXV\\_torveny\\_Mttv](http://mediatanacs.hu/tart/index/662/2010_evi_CLXXXV_torveny_Mttv) and at [http://mediatanacs.hu/tart/index/663/2010\\_evi\\_CIV\\_torveny\\_Smtv](http://mediatanacs.hu/tart/index/663/2010_evi_CIV_torveny_Smtv). A detailed analysis of the laws see Polyák, Nagy (2015).

<sup>33</sup> Mttv. Sections 136-137/E

<sup>34</sup> Mttv. Sections 100 and 136

<sup>35</sup> Mttv. Section 136

<sup>36</sup> Mttv. Section 86

is guaranteed for the ruling parties, since two more members and the chair are delegated by the Media Council.

The Board is vested with general regulatory powers in connection with the public service media companies, most notably including the appointment of executive directors to the public media service providers. The executive directors and the terms of their future employment contracts are proposed by the president of the Media Council for approval by the Media Council. The provision of the selection process makes no mention of tendering, professional qualifications, or the presentation of a professional concept. In the next step, the Board decides between the candidates by a two-third majority vote in the first round and, in the event of an unsuccessful first round, by a simple majority in a second round. The Board has no competence on the activity of MTVA.

This structure of public media leaves a wide space for the political influence. The realising of the political influence has significant impact on the content itself. For example, in the campaign for the anti-refugee referendum initiated by the government, 91 per cent of public media reports cast refugees in a negative light, thereby boosting the government's viewpoint.<sup>37</sup> Regarding the election campaign in 2018, the Limited Election Observation Mission of the OSCE concluded that "the public broadcaster (...) amplified anti-migration rhetoric". Furthermore, "In its editorial coverage on M1, the public broadcaster showed bias in favour of the ruling coalition and the government, which received 61 per cent of the news coverage. Over 90 per cent of it was positive in tone, while the coverage of the opposition was negative in tone in 82 per cent of the news".<sup>38</sup> Disinformation, however, the spreading of Russian propaganda is also part of the tools of public (state) media. For example, in the afternoon before the Hungarian election a van drove into a crowd of people in Münster, Germany. The Hungarian public television reported on this tragedy as an Islamist terrorist attack all the evening, although the German police ruled the Islamist background out very soon.

#### 4. Ratings / reach of selected media outlets

##### 4.1. Television

We selected RTL Klub evening news program and the Public service evening news program (both from 18:00)

RTL is the most popular channel in Hungary, and RTL News program too.

Competition for viewing figures: in the first semester of this year, RTL News 164, while the competitor's TV2 "Facts", won only 17 days in 181 days. Additionally, considering the entire population, the supremacy of the RTL Club was tremendous, as the number of days won was two-thirds majority, with exactly 68 percent of the evening news coverage watch list (RTL News for 123 days, while the competing TV2 Facts had been more viewed for 58 days of news).

	Total Individuals	Total share %	Week
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<sup>37</sup> Democracy Reporting International (2016): Erősen elfogult volt a közszolgálati híradó a kvótanépszavazási kampányban [The public television's news program was strongly biased in the campaign on the quota referendum], <http://democracy-reporting.org/?p=2437?lang=en>

<sup>38</sup> OSCE Limited Election Observation Mission (2018): Hungary – Parliamentary Elections, 8 April 2018. Statement of preliminary findings and conclusions, <https://www.osce.org/odihr/elections/hungary/377410?download=true>

RTL News	853.731	21,5	43.
RTL News	764.935	23,5	42.
RTL News	720.962	23,9	41.
RTL News	776.690	23,9	40.

Source: Nielsen Közönségmérés Kft.

There is no public data about Public Service Media. The estimated number is about 100 - 150.000.

#### 4.2. Daily papers

All the daily papers except the local ones and the two most popular weekly.

There is no public information about the government oriented media outlets.

Government oriented papers are not members in MATESZ (Hungarian Dispatching (Distribution) Control Alliance) who collect data from the whole print media market. So we have public data only about some of the papers, which were part of the sampling.

Printed and sold circulation of the papers – 2018. 06.

	Printed circulation	Sold circulation
Blikk	123.189	94.400
Bors	77.068	54.366
Népszava	35.592	19.927
Magyar Idők	no data	no data
Magyar Hírlap	no data	no data
Ripost	no data	no data
Lokál	no data	no data
Nők Lapja	253.744	207.544
Story	218.953	156.668

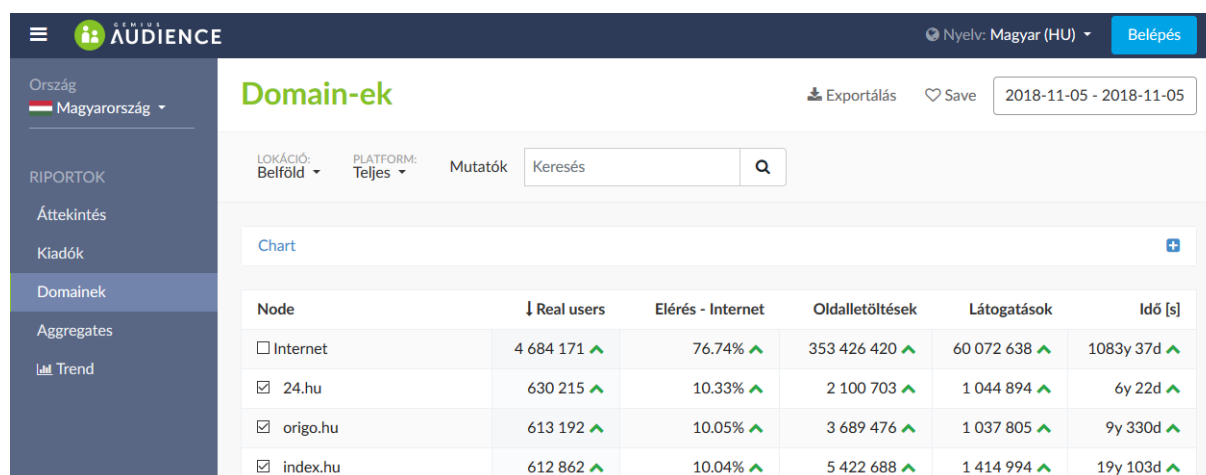
Source: MATESZ

The online version of printed press:

	Real users	Rich %
blikk.hu	468.286	7,7
borsonline.hu	81.561	1,3
nepszava.hu	30.386	0,5
magyarhirlap.hu	7813	0,1
ripost.hu	20,267	0,3

Source: Magyarország, DKT-Gemius (15 years or older domestic audience), 2018-11-05 - 2018-11-05

The three selected portal are the most popular ones.



Forrás: Magyarország, DKT-Gemius (15 years or older domestic audience), 2018-11-05 - 2018-11-05

### 4.3. The collecting method of the sample:

Television news was recorded by the official sites of television (Médiaklikk and RTL Most).

Daily papers were simply purchased from a newspaper stands.

Weekly papers were followed in library and the about the selected articles were made photos.

The online version of printed papers:

- there are screenshots about the whole page
- there are "Word" files about each sampling days where we collected the selected articles

The online portals:

- there are screenshots about the whole page
- there are "Word" files about each sampling days where we collected the selected articles

## 5. Identification of information about key-words to ensure uniformity

- Key-words match used during sampling and coding:
- English: "police", "court", "prosecution", "criminal offense", "investigation", "authorities", "lawyer", "suspicion", "crime", "suspect", "defendant", "accused", "criminal case", "delict", "charged", "arrested".
- In Hungarian: "rendőrség", "bíróság", "ügyészség", "bűncselekmény", "nyomozás", "hatóságok", "jogász", "gyanú", "bűncselekmény", "gyanúsított", "vádlott", "vádlott", "bűnügy", "bűncselekmény", "vádlott", "letartoztatott".

Some of the English keywords were used with the same meaning in Hungarian during sampling and coding. For example: criminal offense, crime, delict; defendant, accused, charged.

During coding there were two different interpretations of "prior arrest" by the two coders.

Coder 1 used in a sense when the suspect was in prior arrest in connection with the given crime.

Coder 2 based in the explanation in brackets in the questionnaire, used as previous arrest of the suspect, in connection with other crime.

## 6. Texts selected

### 6.1. Population

Media stories on suspects and accused in criminal cases published in the main newspapers and aired on television during the sample period.

### 6.2. Basic parameters of the sample

Sampling frame for the present study was defined by four basic parameters – channels, programs types, sampling times and sampling periods.

### 6.3. Sampling frame

News stories about accused people. Random sampling was conducted<sup>39</sup> during the same sample period of 14 days, one day a week for 14 weeks. Sunday and Saturdays were included. Random dates were set by the University of Vienna:

Sampling dates in 2018:

June 5, 13, 21, 29

July 2, 7, 15, 16, 24

September 2, 5, 13, 21, 29

### 6.4. Sampling unit

Suspects or accused in criminal crimes.

### 6.5. Definitions of crime

For the purpose of the project, under “criminal crime” will be understood “law-breaking” according to the Criminal code of the respective country-participant.

### 6.6. Sampling selection was based on:

- Key-words
- Precise reference to real suspects or accused people (stories about theoretical or unknown suspects were not included.
- Stories must have contain more than 50 words.

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<sup>39</sup> Random sampling was not conducted in August due to the summer season and courts’ holidays that would have affected the results of the study.

## 6.7. Sampling 2

After the last sampling day 40 stories were selected – 10 from printed press, 10 from daily print online version, 10 from TV and 10 from Internet.

Selection process with 5 filters: at least one of the following criteria applied:

- 1) Explicit reference to ethnicity/religion/political status/citizenship
- 2) Explicit reference to guilt or innocence/to prior convictions
- 3) Cooperation with the authorities/explicit reference to confession/pleaded guilty or not.
- 4) Visual representation restraining measures, guards, lawyers, not favourable angle, strange facial expression, shoes without shoe laces, the shoes and the ankle cuff, face very closely, presence of police, severe restraining measures, representation of the defendant as aggressive/dangerous/threatening/repulsive/hot-tempered, 'hooligan'.
- 5) Stories that are reported by more than 2-3 media outlets should be selected.

On average 2 criteria were matching to one article. The most often matched criteria were „explicit reference to ethnicity/religion/political status/citizenship” and “stories that are reported by more than 2-3 media outlets should be selected”. The least match was of „cooperation with the authorities/explicit reference to confession/pleaded guilty or not”. It was never matched as only criteria, but together with another one.

**Number of times when selection criteria were used by media channels (N)**

Selection criteria	TV	Daily print online version	Daily print	Internet portal	Total
1)	5	7	5	7	24
2)	2	3	3	7	15
3)	2	0	0	0	2
4)	4	4	3	3	14
5)	2	12	4	5	23
Total	15	26	15	22	78

Out of these, 20 most typical stories (5 from printed press, 5 from daily print online version, 5 from TV and 5 from Internet) was selected by the University of Vienna.

## 7. Findings

The method of sampling provides an opportunity to get an accurate picture of the publication practice of the Hungarian press.

Based on the sampling it can be said that the mainstream Hungarian press publish 50 crime related articles on an average day. The highest appearance of crime related articles are on the internet portals, the lowest in the weeklies.

**Number of cases in different media channels (data from the whole sample)**

	N	%
internet portals	294	42
daily press online version	212	31
daily press	120	17
TV	59	9
weekly	8	1
<b>Total</b>	<b>693</b>	<b>100</b>

Greatest part of the sample (75%) is about local cases, and only 25% is international ones. There are more international related articles on the internet.

**Ratio of local and international articles in different media channels**

	local	international
daily press	86%	14%
daily press online version	74%	26%
internet	71%	29%
TV	78%	22%
weekly	100%	0%
<b>Total</b>	<b>75%</b>	<b>25%</b>

In all media channels there are more articles on an average weekday than on an average weekend day.

**Number of cases on different days of the week by media channel (N)**

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
daily press	20	20	16	18	22	24	0
daily press online version	39	24	14	31	58	31	15
internet	45	55	38	64	52	27	13
TV	10	11	11	13	7	5	2

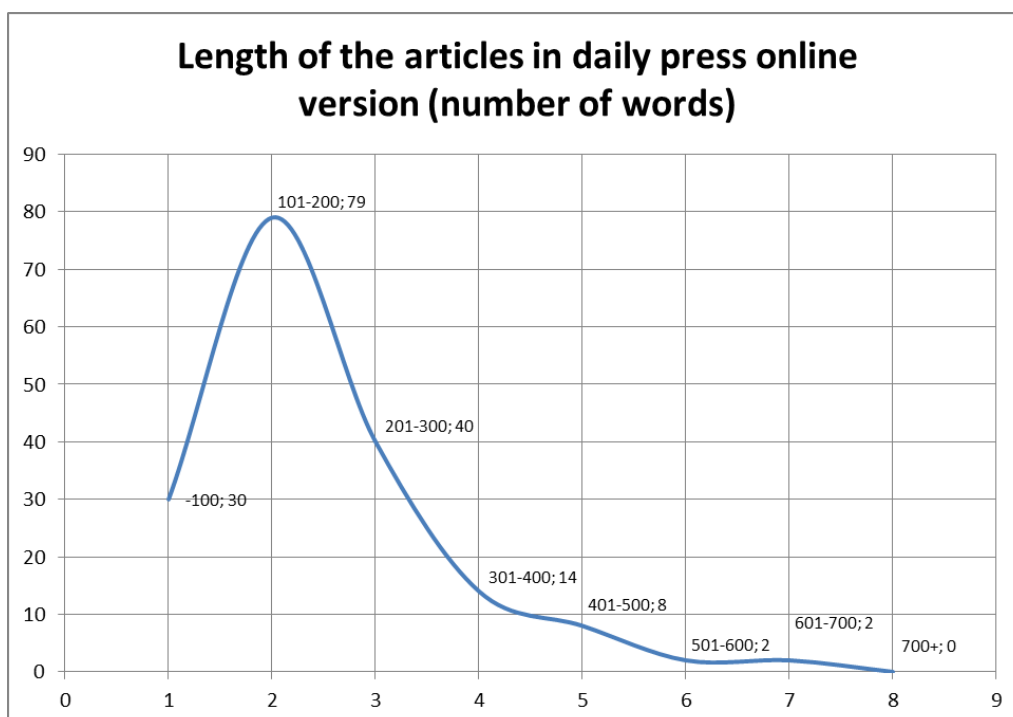
**Number of cases on weekdays and weekends by media channel (mean)**

	weekdays	weekends
daily press	19,2	12
daily press online version	33,2	23
internet	50,8	20
TV	10,4	3,5

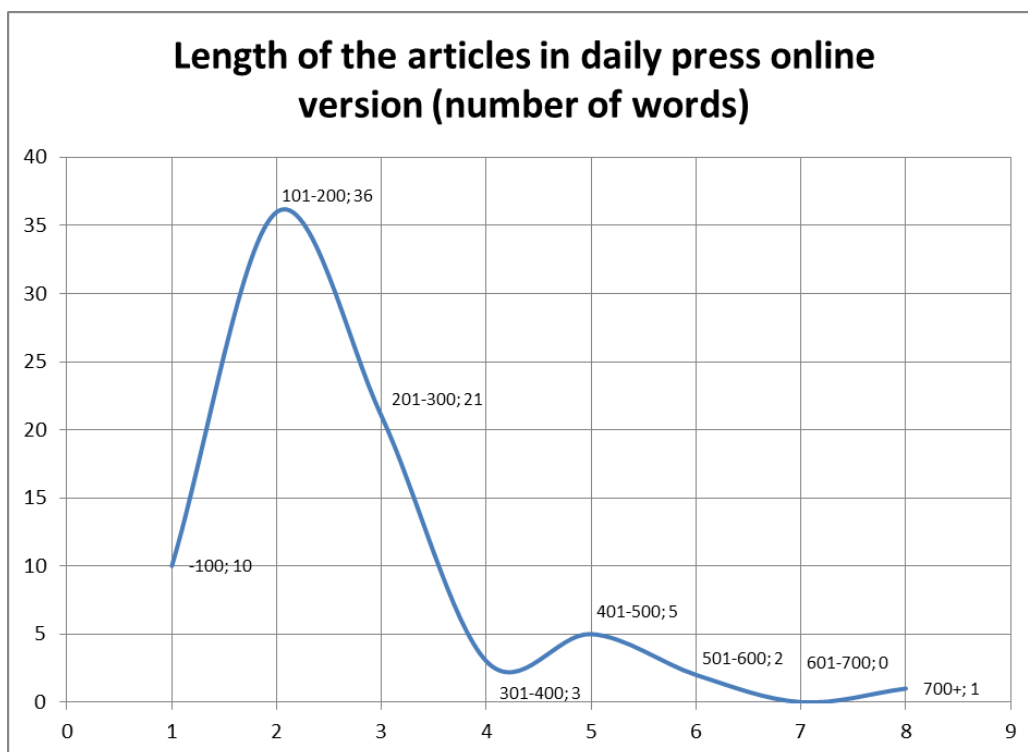
**Ratio of cases on different days (%)**

Monday	16%
Tuesday	16%
Wednesday	12%
Thursday	18%
Friday	21%
Saturday	13%
Sunday	4%
<b>Total</b>	<b>100%</b>

Articles published on the Internet are typically short. The average length is about 200 words. Only one third of the articles were longer than 200 words (the longest was 741 words). 85% of them were shorter than 300 words. The length in daily press online versions is a little bit longer (207 words). The 73% of the articles is 101-300 word long. The average article length is 196 words regarding internet portal. The 85% of the articles is 50-300 words long in this case.







### 7.1. Experiences gained during sampling: subjective impressions

Generally in Hungary, we did not meet much with articles that would detail the facts of a crime and would detail the procedure, detail the statements and opinions of the participants in the procedure.

The term “presumption of innocence” neither its synonymies has never appeared in the articles. Speaking about the offender the articles usually follow the formal legal definitions (suspect, accused), but most of them present them as guilty.

Most of the articles were reports of ongoing proceedings and there were just a few which reported about the court decision whether the accused is guilty or innocent. Though only those cases were selected to the sample which have not yet come to an end with a final judgment. During the sampling we met all types of criminal reports, and we had the impression that in Hungary it is rather rare to follow a case from the beginning to the end. This type of clickbait is true not only for the online press, but also for the print, and for television.

Most of the articles on non-Hungarian crimes were linked to migration. Two main types of these could be distinguished. The one where an ordinary crime is committed, emphasizing that the offender is non-native person, the other one where the type of the crime is in the public discourse connected to the dangers of migration. The latter was favorably used by a press close to the government.