

# Freedom of Expression on the Internet in Hungary

LIS600- Independent Study

Gabor Por – <http://pgabor.com>

12/19/2007

## Introduction

Hungary aspires to become a modern democracy with all its characteristics, including freedom of expression. The mechanism and practices to ensure its protection had to be developed from an almost blank slate after 1989, when the Communist system imploded. The advent of large scale Internet usage is even more recent and as a new channel of communication in a new political system, it deserves special attention. The purpose of this paper is to provide an overview of how freedom of expression on the internet is protected and restricted in Hungary.

I prefer to use the term "freedom of expression," because it is more inclusive than freedom of speech or freedom of the press. The latter relates to the publication of expressions, while the former is limited to verbal expressions. The term "freedom of expression" includes all forms of expression (e.g. visual, written, verbal, kinesthetic...) and is not limited whether, where, and by whom it is published. This last aspect is particularly important, considering that on the internet technically anybody can "publish" anything, even if it is not considered traditional publishing in the press.

By "freedom of expression" I will refer to the classic definition, the liberty to express oneself, including one's opinion and ideas. It is recognized as a human right that needs protection, particularly in a country like Hungary where it does not have a long-

rooted tradition. This paper will also cover why, in what case, and how it is restricted on the internet.

Technically, two kinds of restriction can exist, depending on whether the restriction happens before the something was expressed or after: a priori and posteriori. Methods for the former would include filtering, blocking or zoning, which are not practiced in Hungary. Methods for the posteriori restriction are practiced and they can happen at any of the four levels of government, industry, organization, and individual. Related issues that will be addressed are anonymity and privacy. Providing options for anonymous expression increases freedoms, but the results may infringe on others' privacy or break the law.

*A technical note:* For most Hungarian sources I summarized and translated the content. As such I did not use quotation marks. All quotes in quotation marks are provided in English by the Hungarian sites themselves or are from English sources.

### **Historical background of freedom of expression**

In order to appreciate the freedom Hungarians now enjoy it is worthwhile to revisit recent history. In the communist era of Hungarian history (1949-1989) all means of production belonged to the "people." This included printing presses, and any machinery that allowed copying of printed materials. In this context, "people" was an euphemism for total government control. The regime categorized every cultural product and producer as Tolerated, Banned, or Supported categories.<sup>1</sup> The system was known as the infamous TTT, because the three labels started with the letter T in Hungarian: "Turt, Tiltott, Tamogatott."

The writers that were "tolerated" found themselves not receiving any support from the government, but also not too much resistance when they tried to publish a book, poem or essay. Renegade publishers somehow managed to publish their works, including some renown literature that was published during this era.

The "supported" category in the 1950's and 60's included only those authors who explicitly praised the political system. Their words were printed, no matter how low quality they were. By the 70's and particularly the 80's the system eased and some criticism was allowed to get printed. But it had to be "constructive" criticism, meaning it could not be too harsh, and had to be seen coming from inside of the Communist Party line. Those young thinkers who saw the system's faults were often coopted to join the Party and focus their creative energies to make the Party and the system better.

On the other hand those who rejected the communist ideology/system/Party often found themselves in the banned category. In the late 70's they started to self-"publish" their works illegally. As they did not have proper equipment the actual printed products were of varying quality. They often were on low quality paper, the ink was running the pages were mixed up and so on. These home-made journals and books are known as "samizdat",

The point was to share ideas that nowhere else could be read or heard. These products reached a limited circle of people, as most items were printed in no more than a few hundred copies at most. The police was after both the authors the printers and the machine themselves. The machines were always confiscated, the authors were sometimes beaten other times taken into custody for a few days. (By the 1980's the system was not a

rigorous as in previous decades when people were imprisoned for longer periods for similar offenses.)

The spread of information was harder to control with the advent of fax and photocopying machines. George Soros' Open Society Institute played a major role in the latter. The related foundation donated thousands of Xerox machines to libraries and schools. These made copying any material faster, cheaper and therefore less controllable. For example, when I started college in Hungary in 1986 the school had one copy machine. Student use was supervised; we could copy only in the presence of an officer, who examined what we copied. Next year the officer was still there, but did not examine our originals. We were still supposed to log our names, the title of what we copied and the number of pages in a book. By my third year, the officer was gone. The register log was still there, but nobody examined its content. This example shows on a small scale how freedom of press/information crept into the country in the late 1980's. According to an Eastern Europe saying, "the fax machine brought down the Berlin Wall." I can attest to that.

Internet use in Hungary was so minimal before the communist system ended in 1989 that its effect (and possible control of) was negligible.

### **Internet usage**

When examining freedom of expression on the internet in Hungary it is important to know how widely it is used. The first internet backbone in Hungary was built in 1993<sup>2</sup>. Its usage spread relatively slowly in the following years. In the late 1990's it sped up, but by now it plateaued. According to the latest statistics in October 2007, 3.49 million

Hungarians used the internet,<sup>3</sup> out of a population of roughly 10 million people. This figure includes the 1.1 million households with broadband internet connection.<sup>4</sup> The 35% penetration rate is about half of the 70% of the US, the country with the highest percentage in the world.<sup>5</sup> Over one third of the population, however, is a significant enough proportion to make restrictions on freedom of expression a worthy subject of investigation.

## **Legislation**

The first, highest level of restriction comes from the government in the form of legislation. No virtual picture of the status of the issue at hand can be painted without depicting the legislative framework. Hungary's Constitution was enacted in 1949, as Act XX of 1949, shortly after the multiparty system was replaced by the one party system of the communists. As the communist party was under heavy Soviet influence the constitution became a localized copy of the Soviet Union's. In 1989, this constitution was modified "to facilitate a peaceful political transition to a constitutional state, establish a multi-party system, parliamentary democracy and a social market economy."<sup>6</sup> The 1989 changes of Constitution were intended to be temporary, until a new one could be written from the ground up. The effort to redraft the Constitution, however, has gone slowly and the date for publishing a new constitution is still not scheduled.

Article 59, 60, and 61 are related to freedom of speech and privacy,

- 59: "Everyone has the right to the good standing of his reputation, the privacy of his home and the protection of secrecy in private affairs and personal data."

- 60: "Everyone has the right to freedom of thought, freedom of conscience and freedom of religion."
- 61: "Everyone has the right to freely express his opinion, and furthermore to access and distribute information of public interest."

Here is the short list of laws that relate to our topic.

- Act IV of 1978 on the Criminal Code, where section 177 and 178 deals with violation of privacy and section 300 with "Criminal Conduct for Breaching Computer Systems and Computer Data."<sup>7</sup>
- Act LXIII of 1992 on the Protection of Personal Data and Public Access to Data of Public Interest with the purpose "to guarantee the right of everyone to exercise control over his or her personal data and to have access to data of public interest."<sup>8</sup>
- Act LXVI of 1992 on the Name and Address Records of Citizens, to legislate the condition of databases with citizens' names and addresses.<sup>9</sup>
- Act LXV of 1995 on State Secret and Service Secret, to define what constitutes state secrets and how to protect them.<sup>10</sup>
- Act LXVI of 1995 on Public Records, Public Archives, and the Protection of Private Archives, to protect and assure appropriate access of archives.<sup>11</sup>
- Act XLVII of 1997 on the Handling of Medical and Other Related Data.<sup>12</sup>
- Act XC of 2005 on the Freedom of Information by Electronic Means.

This last Act is the most pertinent for our purposes its objective is to "to provide access electronically to the range of public information specified in this Act to anyone without identification and data request procedures continuously and free of charge."<sup>13</sup>

Finally, a potential change may occur next year in the legislation around hate speech. In October, the House accepted a change in the law governing civil rights. Accordingly if a person who issues derogatory remarks in public based on somebody else's race, ethnicity, religion/worldview, sexual orientation or gender can be sued in civil court.<sup>14</sup> This law applies to the internet as well, because the reference to "in public" includes materials published there. The law has not become effective yet; it is pending on the approval by the Constitutional Court.

### **Governmental organization**

There are several agencies, besides the police, involved in making sure that the law is enforced. This is just a brief introduction to the major ones.

Along with the new Constitution in 1989, the Constitutional Court was established to serve "as the main body for the protection of the Constitution, its tasks being the review of the constitutionality of statutes, and the protection of constitutional order and fundamental rights guaranteed by the Constitution." (Constitutional Court, 2007) The role of this court is the equivalent of the US Supreme Court. They process dozens of cases a year and issue decisions about their constitutionality.

The new Constitution also initialized the process of creating the office of ombudspersons. In 1993, the corresponding law was born, but the first ombudsperson took their office only in 1995. The three ombudspersons, officially Parliamentary Commissioners, were elected to protect "Data Protection and Freedom of Information," "National and Ethnic Minorities' Rights" and " Civil Rights." The first of the three Commissioner's titles refers to freedom of information but the majority of the current

ombudsperson, Attila Péterfalvi's, activities are in the realm of privacy and data protection. His tasks include "investigation of petitions from citizens, supervision of data controlling, keeping the Data Protection Register, proposing legislation, amendment of laws, supervision of justification of the scope of state and official secrets and promoting the culture and knowledge of fundamental rights."<sup>15</sup>

The National Radio and Television Commission's (Országos Rádió és Televízió Testület, ORTT) role

to the freedom of radio and television broadcasting, the freedom of expressing opinions, the independence, balance and objectivity of providing information, the freedom of obtaining information....<sup>16</sup>  
ORTT practices executive power when it fines radio and television stations if they break guidelines, however these very guidelines are developed by them, based on their interpretation of the law. ORTT is also attempting to position itself to extend its jurisdiction to the internet. So far it has not been entirely successful. It did not fine any websites or brought any decisions related to them. Nevertheless, they see the internet as a broadcast medium and wish to apply similar rules.

### **Case study**

The number of cases where the government tried to intervene one way or another and restrict freedom of expression on the internet is limited. In the late 1990's the National Security Office (Nemzetbiztonsági Hivatal, NBH) asked an ISP to remove a website that mirrored NBH's website, but with significant changes, making the website a mockery of the original. The courts however sided with the ISP and the site owners and did not approve of the restriction. The site stayed online.

In the last few months there was a case that gained much wider publicity. A radical-right wing site, kuruc.info, operating from servers in the US, is openly breaking several Hungarian laws. For example, they publish the names, addresses and phone numbers of people they do not like, including judges, politicians, and Jewish and Gypsy citizens. The explicit intention is to encourage the readers to harm these targets. They also regularly defame and slander people, publish articles promoting the toppling of the government with unconstitutional methods, also known as treason.

On August 23, Hungary's prime minister asked the Ministry of Justice and Law Enforcement (Igazságügyi- és Rendészeti Minisztérium, IRM) to examine what can be done to restrict kuruc.info. The request recognized the complexity of the situation, caused by the fact that the site operates outside the jurisdiction of the country. The head of the ministry acknowledged that technical solutions, such as attempting to block the site from Hungary would not work.<sup>17</sup> In October, he announced that the US declined to share information about the website, which the ministry had requested in order to be able to identify the owners of the site. According to US law sharing personal information of judges (which was the specific reason Hungary asked for the data) does not constitute a crime.<sup>18</sup>

The change in the hate speech law is a direct reaction to this site. What the government will actually be able to do, however, is still undetermined. It is likely, that because of the internet's unregulated, distributed, shifting and anonymous nature, their hands are tied.

## **Self-regulation**

The industry recognized that it is in their best interest to provide content that both satisfies the needs of the customers and users and also prevent intervention from the government. Two competing associations were founded in Hungary to create industry-wide standards and coordinate the process.

The main organization coordinating self-regulation in Hungary is the Hungarian Association of Content Industry (Magyar Tartalomipari Szövetség, MATISZ.) The precursor of this non-profit organization (Hungarian Database-distributors' Association) was established in 1991. MATISZ currently has 160 members. The number may seem low, but considering that it includes all the major and most of the minor corporations, universities and NGOs with strong internet presence in Hungary it is the de facto organization for both representing the industry's interests and providing the framework for self-regulation of the internet. The following selection of their objectives summarizes their goals in this area:

It's basic objectives are to perform professional interest representation and interest protection...; to promote free flow of information; ... the more effective social exploitation of information; ... to harmonize interests of social development and membership on the field of law making, regulation and introduction of new processes related to content industry; to watch over the professional and ethical norms of the IT-sector;...<sup>19</sup>  
MATISZ's main activities are conferences, awards, research, and services to protect copyright. This shows that they live up to their goal of representating the interest of the industry, but in reality they do little to protect freedom of speech. That is simply not their focus.

The other organization, Association of Content Providers in Hungary (Magyarországi Tartalomszolgáltatók Egyesülete, MTE) was founded in 2001 by the two most popular (in terms of number of visitors) Hungarian portal websites, Index and

Origo. Their stated goal to help the development of Hungarian internet market by coordinated, well researched, excerpt position papers and utilizing tools of self-regulation.<sup>20</sup> According to their website they only have 11 members, most of them online branches of printed media outlets, including the largest Hungarian telecommunication company.

Their most successful activity was the establishment and regular update of an ethical code, which all members follow and post on their sites. They also monitor whether member sites follow the code. In addition they issued statements and recommendation on hot issues and joined the European network of e-safety (saferinternet.org)

MATISZ and MTE together created an initiative for a kid-friendly internet, a project and forum to dispel the negative stereotype about the internet (baratsagosinternet.hu), and a hotline (website) where anyone can report violation of the code or other concerns. The cumulative report<sup>21</sup> of this hotline summarizes the experiences of the year 2004-06. The main points are,

- About 50% of calls drew attention to out pornographic materials; 20% of which were child pornography.
- Often, by the time the organization checked the site it was inactive.
- 10% of the calls referred to political, historical, religious, or art content thought to be harmful. The organization found that all of these reports were emotionally motivated; results of difference in sensitivities, and the organization, being an NGO without authoritative power could do nothing about them.

- In 2006 calls on spam (unsolicited email) abuse multiplied compared to previous years. The organization could provide assistance and recommendation on filtering software, but any other help was beyond their means.

The report did not include any specific numbers, how many calls were handled. Despite the limited success of the hotline, in general, industry level self-regulation is effective. Because all major website owners belong to one of the two associations and they both follow similar guidelines, government intervention has been avoided and content providers practice their freedom of expression within the legal and ethical framework.

### **Forum moderation**

The most visible and active form on restricting freedom of expression on the internet happens in online forums. The following pages will describe how gatekeeping is practiced in the most popular forums.

In order to do so I have to determine which sites to consider. As the preferred choice for collecting and analyzing statistics of websites for major sites is Webaudit, a service of Median, I will refer to their data. Here are the average daily numbers for the top five sites for the month of October 2007, the last month available.

|                       | <b>Visits</b> | <b>Visitors</b> | <b>Page views</b> |
|-----------------------|---------------|-----------------|-------------------|
| <b>Origo</b>          | 2 907 660     | 1 154 396       | 33 976 696        |
| <b>iWiW</b>           | 2 228 915     | 982 401         | 46 976 292        |
| <b>Startlap</b>       | 2 186 650     | 876 792         | 9 480 048         |
| <b>ab&amp;cTarget</b> | 2 109 109     | 719 987         | 4 644 328         |
| <b>Index</b>          | 1 237 427     | 565 398         | 16 671 047        |

Startlap (<http://www.startlap.hu/>) is a topical directory service without a forum component. ab&cTarget (<http://www.abctarget.hu/>) is an advertising syndication agency, similar to GoogleAds, also without forums. Each of the three other sites contains forums; therefore they are appropriate subjects for this research.

Origo and Index are the two biggest portals in Hungary with lots of services. iWiW is an invitation only, social networking site. (The iWiW acronym stands for "International Who is Who.") The traffic for the forum sections of these sites is not measured for any of these separately from the other sections.

### *Origo*

Origo summarizes on a single page<sup>22</sup> how the forums, including moderation works. It states that most of the moderators are volunteers from the user community, but some of them are paid employees. The page emphasizes that the moderators have to follow strict guidelines in their decisions. The purpose of the moderation is not stifling conversations, but to take out personal attacks, slanders of public figures and obscenities. They list five pieces of advice how to avoid being moderated,

- Do not violate other users' personality rights
- Vehement criticism, but not attacks is acceptable against individuals, but never against groups of people.
- Do not say anything illegal or incite others to break the law
- No commercial activities are allowed, including advertising any activity that generates profit

- Do not use the names of public figures (or similar names intended to mislead) as a username

The level intervention can vary from deleting a messages and topics, suspending a user for a few days through progressively longer periods or banning from the forums altogether.

Origo has five discussion topics devoted to moderation<sup>23</sup>,

| <b>Topic title</b>        | <b>Number of posts</b> | <b>Time period</b>       |
|---------------------------|------------------------|--------------------------|
| Requests to moderators    | 21,136                 | Two years, seven months  |
| Moderators' announcements | 26859                  | Five years, eight months |
| Questions to moderators   | 6010                   | Three years, nine months |
| Criticism of moderators   | 4498                   | Five years, two months   |
| Archiving                 | 1145                   | Two years, nine months   |

In the archiving topic users who opened a certain topic can ask their topic to be archived, therefore removing it from the active list of topics, rendering them read only. The titles of the other topics are self-explanatory.

The approximately 40,000 active topics are organized into sections and subsections. The 15 main sections are politics, community, family, culture, fun, sport, car races, lifestyle, technology, science, religion, business, travel, games, and sex. The moderation topics mentioned above undividedly cover all of these areas.

The moderators did not respond to my request of providing statistics on moderation, therefore, I examined one month's worth of public announcements. In November 2007 there were 346 messages posted, each of them summarizing one or more actions of moderators. Thirty-eight of them moved a topic from one section of the forum system to another, and 257 of them were messages by one or more offending users, and

the userids or entire topics were deleted. The rest of the cases involved suspension of a user for a few days or their access to open new topics was limited.

### *iWiW*

iWiW does not have a written policy about moderation. Its privacy policy<sup>24</sup> outlines how the site treats personal information, but does not extend to for example what happens when unauthorized information appears about somebody in a forum. Its Terms of Use page<sup>25</sup> lists the reasons for which users' account can be cancelled, including having a username that

- Violates trademarks
- Uses public figures' name without authorization
- Offends others' rights and interests
- Is an obscene word or expression
- Is racist or offends others' religion, nationality, ethnicity, sexual orientation
- Is an open or covert advertisement

The Terms of Use provides little information about expected user behavior, though it explains that by joining users agree to behave respectfully and not to use the service for slander, libel or to violate other users' personal and privacy rights. Finally, the page also outlines that iWiW itself does not pre-screen the content posted by the users; users are solely responsible for them. However, iWiW maintains the right to remove any content or any user as it sees fit, based on the law and the list of criteria above.

A few words about forum moderation is placed in the FAQ.<sup>26</sup> One of the 17, mostly technical categories of the FAQ relates to the forum usage. Only a few of the nine

questions and answers in this category has to do with moderation. Under the first, "who owns a topic" question we find that whoever opened a discussion topic is the owner and s/he has the right to delete any post in the topic and ban any user from it. A subsequent section explains what to do if one finds her/his own post deleted: contact the topic owner. S/he can reinstitute the post. The FAQ also explains that the topic owner can close/freeze a topic, but only the site administrators can delete a whole topic.

iWiW's purportedly has 2,600,000 users.<sup>27</sup> The forum's approximately 56,000 topics are divided into these 19 categories: administration, classifieds, car, health, lifestyle, food and drinks, film and television, local, school, games, relationships, career, culture, sport, technology and science, nature, travel, business, and music. There are also regional topics, specific to a city, county and country.

Unfortunately, the topics cannot be listed by categories, and the internal search engine did not yield any results when I search for the administrative/moderation related topics. The website provides only one method of communication: a generic email address [info@iwiw.hu](mailto:info@iwiw.hu). They did not reply to several messages sent to that address over a period of 5 weeks. The official iWiW's blog<sup>28</sup> had one message since June, so I decided that it was not worthwhile to contact the moderators through that forum. In short, every attempt made to gather further information about the process and result of moderation proved to be unsuccessful.

### *Index*

The forum system hosted by Index was the first and biggest since internet use became wide-spread in Hungary. In recent years it dropped behind its major competitor,

Origo. The forums operate separately from other parts of the portal. For example the news section has paid writers and editors, while the forums have neither. Anyone can register and (after posting at least 30 posts) open a new topic. As a result of these two features there are tens of thousands of topics. Their moderation depends on a team of 90 unpaid volunteers. Users who have been participating in the conversations for a long time can volunteer to become moderators. The team of approximately 90 moderators have the right to accept them and also to withdraw the administrative rights given from any moderator.

Moderators use a custom interface to execute moderating functions, such as removing posts, topics, and users or reinstating them. The forums are divided into a dozen major sections around such topics as culture, economics/business, sports, philosophy/religion, lifestyle, regions, politics... Each section is subdivided into further subsections. The specific topics reside in these subsections. Each section has its own team of moderators. They can moderate discussions only in their own section. Any three moderators can overwrite a single moderator's decision. There are also four to five "supermoderators", who can see the list of moderating actions for the whole forum system.

In my email interview, the chief moderator, Mr. Wagner, could not give me the exact (or even an approximate) number of users for the whole forum, because Index does not track it. Over the years about 850,000 userids were registered, but most users, have multiple userids. Index does not keep track of the number of posts or topics either. Mr. Wagner estimates the posts around 40-50 million.

Lacking specific numbers, Mr. Wagner summarized the moderating practices for me. The largest subsection, in terms of number of topics, is "Polidili", the free-for-all subsection of the section devoted to political discussion, with over 60,000 topics, ranging from a few posts to over 300,000. This is the most heavily moderated subsection, because participants often break the rules in the heat of the debate. The two other oft moderated areas are the sexuality section and the fanclubs subsection of the sports section. Occasional moderation is required in the lifestyle section. The rest of the forums did not require any action for months at a time.

Mr. Wagner estimated that 300-400 people participate in Polidili. Most of them, however operate many userids. Dozens of them are banned every day, but they just create new userids and come back to defend their truth, share their point of view, but mostly to fight each other.

The rules of engagement are spelled out in the Modus Moderandi.<sup>29</sup> Its first two parts define the forums and the users. The third, similar to iWiW, spells out what kinds of usernames are not allowed. The fourth section maintains Index's right to delete any post. The fifth section, taking up two third of the user guide, details the principles and practices of the moderation. The user guide also covers the reasons why moderators combine or delete topics and delete or anonymize useraccounts. Without translating it entirely, let me focus on what kind of posts they delete:

- Illegal posts, breaking any current Hungarian law
- Posts containing In Real Life (IRL) data, such as name, address, workplace, position
- Obscene, aggressive, threatening posts

- Posts about moderation and moderators posted outside the topics designated to discuss moderation
- Posts with distasteful pictures, pictures that can be used for intimidation and inciting hate, and posts with links to webpages with this kind of content
- Posts with personal attack on other users
- Destructive posts, that cause harm technically (with Java, JavaScript, oversized images, broken HTML code, extra long text...), with their content (intentionally offtopic), with flooding (posting the same post several times), copying in previously deleted posts or topics

A significant difference between Index and the other sites is the amount of information available about moderation process itself and the channels of communication. There is a forum for problems with the forum engine itself. (This is something that iWiW lacks.) Furthermore, each section has a dedicated area for users to ask about the moderators' past actions and point to posts, topics or users they think requires moderation. The moderators also maintain a topic, where they announce who (and why) got suspended or banned, along with the information who was allowed to return. For the aforementioned Polidili section there have been 17,000 such announcements<sup>30</sup> in three and a half years; 419 of them from the month of November 2007; 281 of those were banning nicks from the forum for shorter periods or for good. However 114 announcements overwrote previous decisions and let userids back in the system. The remaining 24 messages were about combining topics or moving them to another section of the forum system.

The final element of the mix of the moderators' communication channels is the statements area. Each of the 29 messages in this topic (started June 2005) explain in detail a rule that is not included in the Modus Moderandi yet, but the moderators reached consensus about and deemed important to share with the user community. A few examples may shed light what kind of issues required further explication:

- Hungary's presidents are "untouchable"
- IRL (In Real Life) data cannot be copied from the gallery section of Index into the forums, because they have different codes of conduct
- All capitals are not allowed in topic titles, because according to netiquette it is the equivalent of shouting
- Questioning the Hungarian nationality of other users is not allowed. The principle of self-determination is recognized and whoever thinks of her/himself as Hungarian has to be considered one
- No political discussion is allowed during "campaign silence." (Hungarian law bans any political campaign 24 hours before and on the day of general elections)

Barzilai-Nahon identified 10 main reasons for forum gatekeeping<sup>31</sup>: Infringement on Communal Culture, Not Relevant, Commercial Information, Guarding the boundaries, Vulgarity, Unlawful activities, Outing, Slander, Racism, Sedition for violence. Userids and messages get removed or suspended in Hungarian sites for these reasons as well. Due to lack of hard data the proportion amongst them cannot be established. The popularity of the forum examined shows that the boundaries have been established and protected. The

members' autonomy and freedom of expression is curtailed by the process of communal self-regulation in order to maintain balance between the individual's and the community's interests.

## Conclusions

Both internet use and democracy are still in their infancy in Hungary. This study showed how legislation, industry self-regulation, and forum moderation protects and restricts freedom of expression. In order to continue doing so, all three need to be further developed. If freedom of expression is to remain a protected human right, libel laws need to be changed. Internet users have to find the means and forms representing their rights and negotiate with the industry and legislators for them. Forum moderation already works, but the rules need to be fine-tuned in order to establish community culture. Despite these potential improvements freedom of expression is alive and well in Hungarian internet.

---

<sup>1</sup> Lorincz, J. (1993). Role of censorship and secret publications in the 1980s in Hungary. (A cenzura és a titkos kiadványok szerepe a nyolcvanas évek Magyarországon). *Könyvtari Figyelo*, 39(4), 581-585. Retrieved December 1, 2007, from LISA: Library and Information Science Abstracts database.

<sup>2</sup> (2001). Internet in a Transition Economy. International Telecommunication Union. Retrieved December 1, 2007, from <http://www.itu.int/ITU-D/ict/cs/hungary/material/hungary.zip>

<sup>3</sup> Ibid.

<sup>4</sup> (2007). National Telecommunications Authority. Retrieved December 1, 2007, from <http://www.nhh.hu/?id=hir&cid=3251>

<sup>5</sup> (2007). Top 20 Countries with the Highest Number of Internet Users. Retrieved December 1, 2007, from <http://www.internetworldstats.com/top20.htm>

<sup>6</sup> Constitutional Court. (1989). *On the Constitutional Court*. Retrieved December 1, 2007, from <http://www.mkab.hu/en/enpage1.htm>

<sup>7</sup> (1978). *Act IV of 1978 on the Criminal Code*. Retrieved December 1, 2007, from [http://abiweb.obh.hu/dpc/index.php?menu=gyoker/relevant/national/1978\\_IV](http://abiweb.obh.hu/dpc/index.php?menu=gyoker/relevant/national/1978_IV)

<sup>8</sup> (1992). *Act LXIII of 1992 on the Protection of Personal Data and Public Access to Data of Public Interest*. Retrieved December 1, 2007, from [http://abiweb.obh.hu/dpc/index.php?menu=gyoker/relevant/national/1992\\_LXIII](http://abiweb.obh.hu/dpc/index.php?menu=gyoker/relevant/national/1992_LXIII)

<sup>9</sup> (1992). *Act LXVI of 1992 on the Name and Address Records of Citizens*. Retrieved December 1, 2007, from [http://abiweb.obh.hu/dpc/index.php?menu=gyoker/relevant/national/1992\\_LXVI](http://abiweb.obh.hu/dpc/index.php?menu=gyoker/relevant/national/1992_LXVI)

<sup>10</sup> (1995). *Act LXV of 1995 on State Secret and Service Secret*. Retrieved December 1, 2007, from [http://abiweb.obh.hu/dpc/index.php?menu=gyoker/relevant/national/1995\\_LXV](http://abiweb.obh.hu/dpc/index.php?menu=gyoker/relevant/national/1995_LXV)

- 
- <sup>11</sup> (1995). *Act LXVI of 1995 on Public Records, Public Archives, and the Protection of Private Archives*. Retrieved December 1, 2007, from [http://abiweb.obh.hu/dpc/index.php?menu=gyoker/relevant/national/1995\\_LXVI](http://abiweb.obh.hu/dpc/index.php?menu=gyoker/relevant/national/1995_LXVI)
- <sup>12</sup> (1997). *Act XLVII of 1997 on the Handling of Medical and Other Related Data*. Retrieved December 1, 2007, from [http://abiweb.obh.hu/dpc/index.php?menu=gyoker/relevant/national/1997\\_XLVII](http://abiweb.obh.hu/dpc/index.php?menu=gyoker/relevant/national/1997_XLVII)
- <sup>13</sup> (2005). *Act XC of 2005 on the Freedom of Information by Electronic Means*. Retrieved December 1, 2007, from [http://abiweb.obh.hu/dpc/index.php?menu=gyoker/relevant/national/2005\\_XC](http://abiweb.obh.hu/dpc/index.php?menu=gyoker/relevant/national/2005_XC)
- <sup>14</sup> Szombat. (2007). *Hate speech law change passed (Elfogadták a gyűlöletbeszéddel kapcsolatos törvénymódosítást)*. Retrieved December 1, 2007, from [http://www.szombat.org/ujhirek/1029\\_elfogadtakagyulöletbeszeddelkapcsolatosorvenymodositasokat.htm](http://www.szombat.org/ujhirek/1029_elfogadtakagyulöletbeszeddelkapcsolatosorvenymodositasokat.htm)
- <sup>15</sup> Hungarian Parliamentary Commissioner for Data Protection and Freedom of Information. (n.d.). *Main tasks of the Data Protection Commissioner*. Retrieved December 1, 2007, from <http://abiweb.obh.hu/dpc/index.php?menu=gyoker/about/maintasks>
- <sup>16</sup> (2007). *National Radio and Television Commission. (Országos Rádió és Televízió Testület)*. Retrieved December 1, 2007, from <http://www.ortt.hu/english.php>
- <sup>17</sup> HVG. (2007) *Takacs considers restricting kuruc.info a delicate issue. (Kényesnek tartja Takács a kuruc.info korlátozását)*. Retrieved December 1, 2007, from <http://www.origo.hu/itthon/20070905-megvizsgaltak-a-kurucinfo-korlatozasat.html>
- <sup>18</sup> HVG. (2007) *Police did not make decision yet in kuruc.info case. (A rendőrség még nem döntött a kuruc.info ügyében)*. Retrieved December 1, 2007, from [http://hvg.hu/Tudomany/20071107\\_kuruc\\_info\\_rendorseg\\_szerver.aspx](http://hvg.hu/Tudomany/20071107_kuruc_info_rendorseg_szerver.aspx)
- <sup>19</sup> Matisz. (2007). *About Matisz*. Retrieved December 1, 2007, from <http://www.matisz.hu/?id=257>
- <sup>20</sup> MTE. (2007). *History and goals (Története és céljai)*. Retrieved December 1, 2007, from [http://www.mte.hu/mss01/alpha?do=4&st=4&pg=37&m85\\_doc=237&m83\\_act=1](http://www.mte.hu/mss01/alpha?do=4&st=4&pg=37&m85_doc=237&m83_act=1)
- <sup>21</sup> (2007). *Final, Public Report on the Activities of the Hotline.hu SIAP2003HL10 /28953 Project (Hotline.hu SIAP2003HL10 /28953 Projekt Végső Nyilvános Tevékenység-beszámolója.)* Retrieved December 1, 2007, from [http://old.matisz.hu/esafe/downloads/hotline\\_vegso\\_tevékenység-beszámoló.pdf](http://old.matisz.hu/esafe/downloads/hotline_vegso_tevékenység-beszámoló.pdf)
- <sup>22</sup> Origo. (2007). *Moderation principles for origo's forum. (Az origo fórum működési alapelvei)*. Retrieved December 1, 2007, from <http://forum.origo.hu/moderalas.jsp>
- <sup>23</sup> Origo. (2007). *Moderation Topics (Moderálás témakörök)*. Retrieved December 1, 2007, from <http://forum.origo.hu/topiklista.jsp?id=33976>
- <sup>24</sup> iWiW. (2007). *iWiW Privacy Policy (Adatkezelési szabályzat)*. Retrieved December 1, 2007, from <http://www.iwiw.hu/pages/misc/privacy.jsp>
- <sup>25</sup> iWiW. (2007). *iWiW Terms of Use (Felhasználási feltételek)*. Retrieved December 1, 2007, from <http://www.iwiw.hu/pages/misc/tos.jsp>
- <sup>26</sup> iWiW. (2007). *iWiW FAQ*. Retrieved December 1, 2007, from <http://www.iwiw.hu/pages/misc/faqint.jsp>
- <sup>27</sup> Wikipedia. (2007). *List of social networking websites*. Retrieved December 1, 2007, from [http://en.wikipedia.org/wiki/List\\_of\\_social\\_networking\\_websites](http://en.wikipedia.org/wiki/List_of_social_networking_websites)
- <sup>28</sup> iWiW. (2007) *iWiW Blog (iWiW gépház)*. Retrieved December 1, 2007, from <http://iwiwgh.blogter.hu/>
- <sup>29</sup> Index. (2007). *User Guide (Modus Moderandi)*. Retrieved December 1, 2007, from <http://forum.index.hu/Custom/showModMod>
- <sup>30</sup> Index. (2007). *Index Announcements (Közlemények – Pol)*. Retrieved December 1, 2007, from <http://forum.index.hu/Article/showArticle?t=9111353>
- <sup>31</sup> Barzilai-Nahon Karine. (2006). *Gatekeepers, Virtual Communities and their Gated: Multidimensional Tensions in Cyberspace*. *International Journal of Communications, Law and Policy*, Issue 11, Autumn.