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Enclosed written contribution is submitted by Hungarian Helsinki Committee

OSCE/ODIHR ELECTION OBSERVATION MISSIONS' RECOMMENDATIONS REMAIN DISREGARDED IN HUNGARY

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Hungarian civil society organisations working on election-related issues; 20k, Hungarian Civil Liberties Union, Hungarian Helsinki Committee, Mérték Media Monitor, Political Capital, and Unhack Democracy wish to draw the attention of the Organisation for Security and Cooperation in Europe (OSCE) to the many respects Hungarian elections not only fall short of the requirements for democratic elections despite clear recommendations by OSCE/ODIHR election observation missions but are manipulated in which the electoral system is rigged with a range of sophisticated tools.

In the past 10 years, three OSCE/ODIHR missions observed national elections in Hungary, the last one in 2022 with a full-scale mission. These missions concluded 92 recommendations in their final reports. While the election campaign was “characterized by a pervasive overlap between the ruling coalition and the government” according to the 2022 OSCE/ODIHR IEOM, and Hungary has passed at least five laws¹ amending fundamental elements of the Electoral Procedure Act² since the national elections in 2022, more than 90% of the recommendations are still not implemented. The state of the rule of law in Hungary is alarming taking into account this and the situation of other OSCE commitments in the country (e.g. shrinking civic space and media freedom, weak or no independent institutions in the area of human rights and the rule of law).

OSCE/ODIHR recommendations

Out of a total of close to 100 recommendations made by three different OSCE/ODIHR election observation missions over the past ten years, less than ten, and none of the priority recommendations, have been implemented.³ In 2022, the full-scale⁴ OSCE/ODIHR election observation mission reported threats to democratic elections in Hungary such as “the absence of a level playing field”, “the misuse of state resources”, and “the blurring of the line between state and party”.⁵ In 2024, the presenters of this statement observed that these threats remained and even new ones occurred.⁶

¹ Act XXII of 2022, Act XXIII of 2022, Act XXIV of 2023, Act LXXXVIII of 2023, Act XCV of 2023.

² Act XXXVI of 2013 on election procedure.

³ The few implemented recommendations: other recommendations no. 16, 34, 36 of OSCE Office of Democratic Institutions and Human Rights, Hungary: Parliamentary Elections, 6 April 2014, OSCE/ODIHR Limited Election Observation Mission, Final Report, Warsaw, 11 July 2014 ([2014 ODIHR LEOM Final report](#)), other recommendations no. 11, 23, 26 of [2018 ODIHR LEOM Final report](#), other recommendation no. 16 of [2022 ODIHR EOM Final report](#).

⁴ This was the first time since 2013 when a full-scale OSCE election observation mission was sent to an EU member state.

⁵ 2022 ODIHR EOM Final Report.

⁶ 20K, Hungarian Civil Liberties Union, Hungarian Helsinki Committee, Mérték Media Monitor, Political Capital, Unhack Democracy, Hungarian Citizen Election Report, European Parliament and Local Elections, Hungary, June 2024, <https://helsinki.hu/en/wp-content/uploads/sites/2/2024/06/2024-Hungarian-Citizen-Election-Report.pdf>.



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Citizen observation

On 9 June 2024, members of the European Parliament, mayors of municipalities, local and national minority self-government representatives were elected in Hungary. Citizen observation of the electoral process is still not permitted despite consistent OSCE/ODIHR recommendations⁷ and OSCE commitments.⁸ Therefore, the six organisations contributing to this statement observed the elections by analysing publicly available information, laws and election-related decisions, reports by voters, and by conducting a survey among polling station commission members. At the moment, there is no CSO operating in Hungary dedicated specifically to election observation (including election standards, implementation of OSCE commitments and requirements) due to lack of capacity (e.g. proper funding, capacity-building).

Campaign

In 2024, Hungary again saw campaigning at the national level characterised by the overwhelming visibility of the ruling parties and the involvement of public resources and third parties in the campaign. Campaign financing remains opaque. The intertwining of the state and the governing parties gave the ruling parties a particularly strong financial advantage, which significantly distorted the balanced information of voters and tilted the playing field.

As in 2022 and previous elections, the line between state, government, and governing parties was completely blurred. Striking examples were the emails sent by the Government Information Centre on 10 May 2024 and again on 6 June 2024 (30 and three days before Election Day) to email addresses provided by residents when registering for the COVID-19 vaccination. In these letters, the government body continued the messaging already started by the governing parties and their candidates running for the elections in the previous days, explaining the government's position on the planned NATO action in connection with the war in Ukraine. Considering that nearly 6.5 million people have been vaccinated in Hungary against the COVID-19 virus, the two emails must have reached millions of voters.

Media and campaign finance

The governing parties' messaging was very prominent, almost exclusive in the pro-government media. On social media, pro-government advertisers outspent the total of opposition parties combined by a huge margin, spending an outstanding amount even by European standards. From the beginning of 2024 until 15 June, *Fidesz* and two government-organised nongovernmental organisations ([GO]NGOs), *Megafon* and Civil Solidarity Forum (*CÖF*), spent HUF 2.1 billion (EUR 5.3 million) on Facebook and Google ads. This amount is about four times as much as the HUF 544 million (EUR 1.4 million) spent by all the opposition parties and their associated media combined. From 1 January until 15 June, HUF 4.4 billion (EUR 11.3 million) was spent on political advertisements on Facebook and Google, which consists of parties', their proxies, and media financed advertisements. Out of this, almost 1 billion HUF was spent on content containing some degree of hostile narrative. *Fidesz* and its proxies (including pro-government media) were responsible for promoting 98% of hostile narratives. The level of spending on political advertising by the pro-government camp was extremely high even by European standards. From the beginning of the 2024 until Election Day, *Fidesz's* campaign videos

⁷ Other recommendation no. 28 of 2014 ODIHR LEOM Final Report, priority recommendation no. 7 of 2018 ODIHR LEOM Final Report, priority recommendation no. 7 of 2022 ODIHR EOM Final Report.

⁸ Paragraph 8 of the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, 1990.

took the top three places in the ranking of advertised political videos on YouTube across the entire European Union at a time when election campaigns were taking place in all 27 member states.⁹

Lawmaking

In some cases, recent legal developments did not only fall short on implementing OSCE/ODIHR recommendations but they were contrary to them.¹⁰ For example, the Parliament adopted an amendment to the rules of the elections of the local government of Budapest in December 2023.¹¹ Over the past ten years, the majority of the Budapest City Assembly was composed of mayors of the capital city's districts. According to the new rules, members of the Budapest Assembly are to be elected directly from party lists. The amendment was not adopted in sufficient time¹² (only six months before Election Day) to allow the political parties (and other nominating organisations) to prepare for elections according to the significant changes.

Election-related lawmaking has been still missing meaningful consultation with the public and with relevant civil society organisations.¹³

Civil and political rights

The Sovereignty Protection Office (SPO) set up by the Protection of National Sovereignty Act¹⁴ and the election-related amendment to the Criminal Code may have had a chilling effect on citizens, civil society organisations, and the media wishing to exercise their fundamental rights. This could lead to a distortion of democratic public life and discourse. The amendment was neither adopted in sufficient time before the elections (only six months before Election Day).¹⁵ The chilling effect the SPO exerts on the exercise of a wide range of fundamental rights (such as freedom of expression, peaceful assembly and association, and right to access to information) leads to a distortion of public discourse and democratic life. The SPO issued its first *ad hoc* report on 22 May 2024, in the second half of the campaign period.¹⁶ In March 2024, the Venice Commission concluded in its opinion on the Act that the sections pertaining to the SPO shall be repealed and that rules pertaining to election financing, including the amendment to the Criminal Code are to be significantly amended.¹⁷

⁹ Analyses of political advertisements on social media by *Political Capital*, *Lakmusz* and *Mérték Media Monitor*, https://politicalcapital.hu/hirek.php?article_read=1&article_id=3398.

¹⁰ 2022 ODIHR EOM Final report, priority recommendation no. 1.

¹¹ Section 6 of the Act L of 2010 on the Election of Local Government Representatives and mayors.

¹² Contrary to priority recommendation no. 1 of 2022 ODIHR EOM Final Report, and paragraph 2.b. of the Code of Good Practice in Electoral Matters of the Venice Commission.

¹³ For more details see: *Amnesty International Hungary*, *Eötvös Károly Institute*, *Hungarian Civil Liberties Union*, *Hungarian Helsinki Committee*, *K-Monitor*, *Mertek Media Monitor*, *Ökotárs – Hungarian Environmental Partnership Foundation*, *Political Capital*, *Transparency International Hungary*, Contribution of Hungarian CSOs to the European Commission's Rule of Law Report, January 2024, pp. 69-72, https://helsinki.hu/en/wp-content/uploads/sites/2/2024/01/HUN_CS0_contribution_EC_RoL_Report_2024.pdf.

¹⁴ [Act LXXXVIII of 2023 on the Protection of National Sovereignty](#), for a detailed assessment of the Act in English, see *Hungarian Helsinki Committee and Amnesty International*, Hungary's Act on the Protection of National Sovereignty in Breach of EU Law, 8 February 2024, https://helsinki.hu/en/wp-content/uploads/sites/2/2024/02/Sovereignty_Protection_Act_breaches_EU_law_2024.pdf.

¹⁵ Despite paragraph 2.b. of the Code of Good Practice in Electoral Matters of the Venice Commission.

¹⁶ <https://szuverenitasvedelmihivatal.hu/dokumentumok/SZH-0162-2024.pdf>.

¹⁷ Hungary – Opinion on Act LXXXVIII of 2023 on the Protection of National Sovereignty, adopted by the Venice Commission at its 138th Plenary Session (Venice, 15-16 March 2024), CDL-AD(2024)001-e.

Equal suffrage, right to vote

Equal conditions for the exercise of the right to vote by voters residing abroad remain unensured: voters with a registered residence in Hungary can only vote at Hungarian diplomatic representations abroad, while those without a residence can vote by post.

Despite the clear recommendations of the 2022 ODIHR EOM Final report¹⁸ and the *Alajos Kiss v. Hungary* judgement of the European Court of Human Rights,¹⁹ persons with intellectual disabilities placed under guardianship remain deprived of their right to vote. No legal amendments have been made to comply with the *Bakirdzi and EC v. Hungary* judgement²⁰ of the Court either in order to ensure the equal voting opportunities of national minority voters.

RECOMMENDATIONS

We call the OSCE and OSCE Participating States to:

1. Continue observing elections in Hungary, and deploy full-scale election observation missions until the OSCE/ODIHR recommendations are implemented.
2. Continue the evaluation of OSCE/ODIHR recommendations on a frequent basis, and to closely monitor developments in line with OSCE commitments in Hungary.
3. Enhance the capacity of Hungarian CSOs on putting forward and following up on recommendations every three to six months.
4. Urge Hungary to introduce the possibility of citizen observation of all stages of the electoral process.
5. Urge Hungary to fully implement the OSCE/ODIHR election observation missions' recommendations, especially the priority recommendations, and to bring its legislation in line with OSCE commitments, international standards, and good practices.
6. Urge Hungary to implement judgments delivered by the ECtHR with regard to the electoral laws of Hungary without delay.
7. Call on Hungary to refrain from limiting the freedom of expression, peaceful assembly and association, and the right to access to information via intimidating legislation or other means.
8. Call on Hungary to introduce legislation which grants equal opportunity to participate for the voters, notably for voters abroad, national minority voters, persons with intellectual disabilities.
9. Call on Hungary to introduce legislation and practice which effectively ensures a genuinely level playing field.
10. Urge the Government of Hungary to show self-restraint and put an end to the misuse of state resources and governing power in the electoral competition.

¹⁸ 2022 ODIHR EOM Final report, other recommendation no. 17.

¹⁹ *Alajos Kiss v. Hungary*, app. no. 38832/06.

²⁰ *Bakirdzi and EC v Hungary*, app. nos. 49636/14 and 65678/14.