



Submission of the Hungarian Helsinki Committee to the UN Special Rapporteur on Freedom of Opinion and Expression

Budapest, 15 January 2025

This submission has been prepared by the Hungarian Helsinki Committee (HHC) in response to the call for input of the Special Rapporteur, to inform their thematic report on “Freedom of Expression and Elections in the Digital Age” to be presented to the Human Rights Council in June 2025.

Founded in 1989, the HHC is a human rights watchdog based in Budapest, Hungary. As a leading Hungarian human rights organisation with a globally recognised reputation, the HHC works for a democratic society based on human dignity, where everyone is free to enjoy their human rights. The HHC focuses on defending the rule of law and a strong civil society in a shrinking democratic space; the right to seek asylum and access to protection; the right to be free from torture and inhuman treatment and the right to fairness in criminal justice system in Hungary. The HHC contributes to monitoring Hungary’s compliance with relevant UN, EU, Council of Europe, and OSCE human rights standards and cooperates with international human rights fora and mechanism.

Hungary held on 9 June 2024 elections of members of the European Parliament, local elections (mayors and representatives of the local governments), and minority self-government elections. This submission covers the topics of the call for input of the Special Rapporteur in the context of the submitter HHC’s field of work with respect to these elections.

I. Campaign communication

The Electoral Procedure Act¹ allows political parties and candidates to communicate with the electorate mostly freely during the election campaign period. Campaigning on social media and online advertisements are not regulated in the context of elections, although the general campaign rules are applicable: e.g. campaign spending limits (only at the general elections) and the ban on third-party campaigning should be applicable to online activities too. However, in practice, spending limits are often violated and spending is checked only months after the general elections, and the ban on third-party campaigning is also regularly circumvented by parties and candidates even in the course of traditional (offline) campaign activities.

¹ Act XXXVI of 2013 on Electoral Procedures.

1. Blurring of state and party functions

The government and its proxies actively campaigned for the governing parties, proving right again the OSCE ODIHR EOM's final report's² conclusions regarding the 2022 general elections that the campaign was characterised by the "blurring of state and party functions". The competition for the electorate's vote and the voters' access to information on candidates, parties and their promises was therefore disrupted because of unequal resources and visibility of opposition parties and candidates compared to governing parties. Besides undermining the fairness of elections, this further deteriorated the democratic public discourse and made it more difficult and resourceful for voters to make an informed decision in the polling booths.

2. Online advertisements, discreditation campaigns

Online advertisement transparency has been strengthened by the EU Digital Service Act. For example, ad categories, persons financing the ad, persons on behalf the ad was published, money spent on given ad are public. This development made it possible to monitor the online campaign spending well.

A consortium of three Hungarian civil society organisations³ researched data on online campaign ads in terms of spending, advertisers and content. They found enormous amounts spent and absolute disregard of the campaign period's start date and of the ban on third-party campaigning. Pro-government advertisers (the governing party Fidesz, the government-affiliated Civil Solidarity Forum – CÖF, and the government-affiliated nonprofit influencer company Megafon) spent HUF 2.1 billion (EUR 5.3 million) on Facebook and Google ads from 1 January until 15 June 2024 (the campaign period started on 20 April 2024), which is four times higher than the spending of all the opposition parties and their proxies combined. HUF 1 billion (EUR 2.5 million) was spent on content containing some degree of hostile political narrative, 98% of which was paid by Fidesz, its proxies and pro-government media.⁴ The newly rising TISZA party used almost exclusively organic reach in social media, and spent HUF 6 million (EUR 15,200 EUR) on online advertisement only in the last week of the campaign period.⁵

Smear campaigns with a strong racist tone⁶ against candidates with a non-European background and against opposition leaders were published by the pro-government media and influencers of Megafon. Péter Magyar, leader of the TISZA party who gained significant supporter base, was the main target of the pro-government media's and influencers' discreditation campaigns.

Mérték Media Monitor⁷ analysed 100 videos published between February and June 2024 by Megafon. The general methodology of Megafon is to frame current events according to the Fidesz/government

² OSCE Office of Democratic Institutions and Human Rights, Hungary: *Parliamentary Elections, 3 April 2022, ODIHR Election Observation Mission, Final Report*, Warsaw, 29 July 2022, <https://www.osce.org/files/f/documents/2/6/523568.pdf>.

³ Lakmusz, Mérték Media Monitor, and Political Capital. See all the project products in English here: <https://www.lakmusz.hu/elections-2024/>.

⁴ See the summary report of the project of Lakmusz, Mérték Media Monitor and Political Capital here: https://politicalcapital.hu/pc-admin/source/documents/Uncovering_analyzing_debunking_and_researching_sponsored_disinfo_project_summary_2024.pdf.

⁵ 20K, Hungarian Civil Liberties Union, Hungarian Helsinki Committee, Mérték Media Monitor, Political Capital, Unhack Democracy: *Hungarian Citizen Election Report*, June 2024, <https://helsinki.hu/en/wp-content/uploads/sites/2/2024/06/2024-Hungarian-Citizen-Election-Report.pdf> (hereafter referred to as: *Hungarian Citizen Election Report*), p. 5.

⁶ Judit Presinszky, „A rasszizmus ronda dolog, ugyanakkor nem vagyunk színvakok sem”, írja a Magyar Nemzet három „bevándorló-hátterű” józsefvárosi jelöltről” (“Racism is ugly, but at the same time we are not colour-blind”, writes Magyar Nemzet about three “immigrant-background” candidates in Józsefváros”), Telex, 20 May 2024, <https://telex.hu/zacc/2024/05/20/magyar-nemzet-jozsefvaros-jeloltek-onkormanyzati-valasztas-2024>.

⁷ Website: <https://mertek.eu/en/>.

narrative. Typically, local politicians, journalists, or anyone targeted by a video are presented as agents of enemy already constructed by the government: e.g. as agents of “pro-war globalist forces”, “pro-war Brussels”, Ferenc Gyurcsány (incumbent opposition figure) or agents of George Soros. With the growing popularity of Péter Magyar, from April, 69% of the analysed videos were aimed at discrediting him.⁸

3. Media coverage

Mérték also conducted a narrative analysis of media activities between 13 May and 9 June 2024. Almost exclusively the messages of the governing parties appeared in the analysed five pro-government media outlets (public television, public radio, commercial television, print and online news outlets). The communication was related to narratives built up over the years by the government. The analysed independent media (commercial television, print and online news outlets) differed thematically and in narratives.⁹

The supposedly competent authorities (e.g. National Election Commission, Media Council) remained reluctant to act on infringements by pro-government media and Megafon.

II. Access to information

1. Election-related practical information provision

The National Election Office (NEO) provided information to voters about important upcoming deadlines and practical rules of the elections on its website in an accessible manner, also in multiple languages, and issued regular press releases.¹⁰ The NEO has been sending notification letters to each voter with accessible information on acceptable voter identification documents and the place and date of voting before elections in line with its legal obligation.¹¹ The notification letters contained English language reference to the NEO’s foreign language website, making the process more inclusive for voters not speaking Hungarian. Basic practical information was available for most of the voters.

There were some developments that made it more difficult to understand the election process. On one hand, the composition and election of the Budapest Assembly was fundamentally changed less than six months before Election Day.¹² There were no communication campaigns about this to inform the electorate, many could have been surprised by the extra ballot paper received. On the other hand, the governing parties’ Budapest mayoral candidate withdrew from the election less than two days before Election Day, which was not known by many voters until they saw their ballot papers with her name crossed out (there was no time to reprint the ballots). This caused disputes after elections, because in some districts the name was crossed out by using ballpen which was not visible enough for visually impaired voters.

⁸ Mérték Media Monitor: *Ellenségképek százmilliókért – A Megafon-videók elemzése a választási időszakban (Enemies for hundreds of millions - Analysis of Megafon videos during the election period)*, 3 July 2024, <https://mertek.eu/2024/07/03/ellensegkepek-szazmilliokert-a-megafon-videok-elemzese-a-valasztasi-idoszakban/>.

⁹ Mérték Media Monitor: *Hírek, narratívák, médiumok 2023-2024 (News, narratives and media 2023-2024)*, Mérték Füzetek 37. szám, October 2024, https://mertek.eu/wp-content/uploads/2024/10/Mertek_Fuzetek_37.pdf.

¹⁰ Website: <https://www.valasztas.hu/>.

¹¹ Section 115(1) of the Electoral Procedure Act.

¹² *Hungarian Citizen Election Report*, p. 4.

2. Access to public interest information

The NEO, after previous scandals, undertook the task without clear legal obligation of regularly updating and publishing the number of voters for each type of elections by constituencies.¹³ This free access to data helps to uncover fraudulent activities and it might have a preventive effect.

Besides the practice of the NEO regularly publishing data of the number of voters, the freedom of information (FOI) requests' handling is still not satisfying. In 2023, in compliance with one of the milestones of Hungary's Recovery and Resilience Plan, the FOI request deadlines have been reinstated to 15 days to provide the information that could be extended by 15 days if a justified reason occurs. The costs of FOI requests, where the data provider may claim reimbursement of the cost of providing access to the data, have also been reduced. However, in December 2023, the provision on accessing public interest information was amended,¹⁴ allowing state organs and public fund users to deny access if the requested information is in the possession of a subordinate entity. A second amendment¹⁵ exempted state-owned companies from transparency requirements in cases of foreign investments and relations for ten years. The third amendment¹⁶ empowered the government to classify its resolutions for 20 years.¹⁷ In summary, Hungary has experienced a negative shift in its approach to access to public interest information and transparency before the elections.

3. Participation in law-making

Election-related law-making has been carried out without meaningful consultation with the public and with relevant non-government actors, and even opposition parties.¹⁸

III. State-sponsored intimidation attempts and misinformation

The Sovereignty Protection Office (SPO) set up by the Sovereignty Protection Act¹⁹ and the election-related amendment to the Criminal Code (adopted in December 2023) is capable of having a chilling effect on citizens, civil society organisations, and the media wishing to exercise their fundamental rights (such as freedom of expression, peaceful assembly and association, and right to access to information). This chilling effect leads to a distortion of public discourse and democratic life. In December 2023, the UN Special Rapporteur on Freedom of Expression and the Special Rapporteur on Human Rights Defenders noted as well the imminent negative implications of the adoption of the Sovereignty Protection Act in their joint communication.²⁰

¹³ See: <https://www.valasztas.hu/statisztikak>.

¹⁴ Section 30(2a) of Act CXII of 2011 on the Right to Informational Self-Determination and on the Freedom of Information.

¹⁵ Section 3/A of Act CXXII of 2009 on the Austerity Measures Applicable to Publicly Owned Enterprises.

¹⁶ Section 7/A of Act CXXV of 2018 on Government Administration.

¹⁷ *Contributions of Hungarian CSOs to the European Commission's Rule of Law Report*, January 2024, https://helsinki.hu/en/wp-content/uploads/sites/2/2024/01/HUN_CS0_contribution_EC_RoL_Report_2024.pdf, p. 46.

¹⁸ *Hungarian Citizen Election Report*, p. 12.

¹⁹ [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.

²⁰ See the joint communication of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders, 8 December 2023: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=28661>.

The SPO issued its first *ad hoc* report on 22 May 2024 during the campaign period which echoed the government's typical allegations.²¹ Even though the SPO is claimed to be partially established to tackle disinformation, in reality, it operates as another tool in the disinformation and manipulation toolbox of the governing parties, while it also may intimidate civil society and the media.

IV. Recommendations

- Governments should refrain from limiting fundamental rights of voters and candidates via intimidating legislation or other means.
- Governments should not misuse state resources and governing power in the electoral competition.
- States should introduce legislation and practices which effectively ensure a genuinely level playing field in elections.
- Regulatory bodies should monitor online campaigning and issue recommendations on best practices of lawful online campaigning.
- Media should present differing narratives and views to provide fact-based information opposed to biased reporting and propaganda.
- Civil society organisations should monitor violations of fundamental rights, fairness of elections, and follow-up on recommendations by international mechanisms.

²¹ Available at: <https://szuverenitasvedelmihivatal.hu/dokumentumok/SZH-0162-2024.pdf>.