

## Response of the Hungarian Helsinki Committee to FRANET Service Request no. 39 – Political participation and equality in elections

22 November 2024

### 1. *Inclusiveness of the 2024 elections*

- *Please provide an overview, both in terms of voting and in terms of the right to stand for election, of the inclusiveness of the European Parliament and local elections held in your country in 2024. How easy or difficult was it to exercise the active and passive right to vote at the elections held on 9 June 2024?*

Hungary held the European Parliament elections and elections of mayors, local governments, and minority self-governments on 9 June 2024, on the same day, for the first time.

At the European Parliament elections, Hungarian citizens residing inland or abroad, and EU citizens registered and residing in Hungary have active and passive voting right. Hungarian citizens living in another Member State maintaining also a Hungarian address had to decide whether to elect the Hungarian or the other Member State's MEPs. At the elections of mayors and local governments, Hungarian citizens with a residence in Hungary, EU citizens registered and residing in Hungary, third country nationals holding long-term residence permits, and refugees recognised by Hungary had the right to vote. At the elections of minority self-governments, members of the official national minorities elected their local, regional, and national self-governments.<sup>1</sup>

In general, legally adult age (mostly age of 18) is the basic condition for the right to vote. Hungarian and EU citizens have active and passive right to vote at EP and local elections. Third country nationals holding permanent residence permits and refugees have only active voting rights at local elections.

People serving a sentence of imprisonment or subjected to compulsory psychiatric treatment, both based on legal and binding criminal judgment, have no right to stand as candidates.<sup>2</sup> Those whom a criminal court excluded from participating in public affairs do not have the right to vote during their imprisonment and for an additional one to ten years following their release, depending on their individual sentencing.<sup>3</sup> Those with limited mental capacity who were disenfranchised by a court also do not have the right to vote.<sup>4</sup> The exclusion of convicted persons is of concern for not counting the time served, and because of the practice of criminal courts which too often uses the maximum ten years of exclusion. The exclusion of persons with limited mental capacity is too broad and does not differentiate according to the scale of the mental capacity.<sup>5</sup>

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<sup>1</sup> Article XXIII(6) of the Fundamental Law of Hungary.

<sup>2</sup> Section 1 Subsection (4) of Act L of 2010 on the elections of local government representatives and mayors.

<sup>3</sup> Article XXIII(6) of the Fundamental Law of Hungary, and Sections 61-62 of the Criminal Code.

<sup>4</sup> Article XXIII(6) of the Fundamental Law of Hungary.

<sup>5</sup> 20K - Hungarian Civil Liberties Union - Hungarian Helsinki Committee - Mérték Media Monitor - Political Capital - Unhack Democracy, *Hungarian Citizen Election Report, European Parliament and Local Elections*, June 2024, p10, <https://helsinki.hu/en/wp-content/uploads/sites/2/2024/06/2024-Hungarian-Citizen-Election-Report.pdf>

At the European Parliament elections, registered parties could nominate lists of candidates, and voters casted their votes for the party lists. Mayoral and local government representative candidates may be nominated by nominating organisations (parties or non-partizan associations) or run as independent candidates, people may vote for persons. The Budapest Capital and regional government representatives are elected through candidate-lists nominated by nominating organisations, the ballots contain organisations' names.

The right to stand as a candidate and to nominate a candidate or list was hindered by amendments to the electoral laws less than 6 months before the elections without leaving sufficient time to prepare and adjust.<sup>6</sup> The Parliament adopted an amendment to the rules of the election of the local government of Budapest in December 2023.<sup>7</sup> Over the previous 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 candidate-lists.<sup>8</sup> The Act on the Protection of National Sovereignty entered into force on 23 December 2023.<sup>9</sup> This law (besides causing severe chilling effect among civil society organisations and independent media outlets due to the establishment of a state body with unchecked investigative powers) introduced the obligation for non-partizan nominating organisations to register and follow strict rules on funding their election campaigns, while also introducing to the Hungarian Criminal Code possible prison sentence for using funding from abroad (overtly or "in disguise to circumvent the prohibition") for political campaign purposes.

Hungarian citizen voters abroad still lack a uniform scheme to cast their votes which causes inequality in the access to the right to vote based on their residency situation in Hungary. In the EP elections, absentee voting was possible in any settlement (if requested before the deadline), voters residing abroad having a registered address in Hungary could vote at the Hungarian diplomatic representations (upon request), while voters without a registered residence in Hungary or in another EU Member State could vote by post.<sup>10</sup>

- *Please provide any challenges that may have been faced by (prospective) voters and/or those seeking election. Please describe the main groups in relation to which challenges were identified.*

Marginalised groups of society have been underrepresented in politics among candidates and politicians. There is a continued underrepresentation of women in the political sphere. There is no comprehensive public discussion on quotas or other ways to enhance female participation in political leadership.

Representation of Roma among candidates other than those running in the Roma minority self-government elections have been also negligible despite 210,000 people declaring themselves Roma in

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<sup>6</sup> According to the Venice Commission's guidelines, fundamental elements of the electoral system should not be changed within one year before the elections, [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2002\)023rev2-cor-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2002)023rev2-cor-e).

<sup>7</sup> Section 6 of the Local Elections Act.

<sup>8</sup> Hungarian Helsinki Committee, *Threat Assessment of the 2024 European Parliamentary and Local Elections in Hungary*, Information Note, 2 May 2024, p2, [https://helsinki.hu/en/wp-content/uploads/sites/2/2023/05/HHC\\_threat\\_assessment\\_2024elections.pdf](https://helsinki.hu/en/wp-content/uploads/sites/2/2023/05/HHC_threat_assessment_2024elections.pdf).

<sup>9</sup> Act LXXXVIII of 2023 on the Protection of National Sovereignty, <https://njt.hu/jogszabaly/en/2023-88-00-00>, for a detailed assessment of the Act in English, see Hungarian Helsinki Committee - Amnesty International, *Hungary's Act on the Protection of National Sovereignty in Breach of EU Law*, 8 February 2024, [https://helsinki.hu/en/wpcontent/uploads/sites/2/2024/02/Sovereignty\\_Protection\\_Act\\_breaches\\_EU\\_law\\_2024.pdf](https://helsinki.hu/en/wpcontent/uploads/sites/2/2024/02/Sovereignty_Protection_Act_breaches_EU_law_2024.pdf).

<sup>10</sup> [Hungarian Citizen Election Report](#), p10.

the census of 2022, and 230,000 registered Roma voters. This translates to at least 2-3 percent of the population, while the real proportion of the population of Roma origin is probably much higher.<sup>11</sup>

People with visible disabilities were not present at all among candidates running for elections, while as explained in the first section, many people with intellectual or mental disabilities do not even have the active right to vote.

As the result of an amendment in 2020<sup>12</sup> banning the legal recognition of transgender persons, sex at birth became an unchangeable identification data affecting the person's name, their ID card's number and data. Therefore, transgender politicians without legal gender recognition after the amendment entered into force may only use their name corresponding to their sex at birth. They are allowed to use only a name correlating with their sex at birth to conduct official business, to campaign, and, for these reasons, in practice to become a politician. The state-fuelled hostility and this provision which violates human dignity, entail that, among other obstacles, openly transgender people do not participate in politics as public figures. Even as voters, they may be exposed to humiliating situations as they are enrolled in the voter register by a name corresponding to their birth sex different from their gender identity.<sup>13</sup>

Candidates coming from families with a non-European migrant background faced severe smear campaigns with a strong racist tone at the local elections of 2024.<sup>14</sup> While in general, there are only a small number of politicians with migrant background, they are often forced to face such communication campaigns.

In the course of digitalising the Hungarian birth registry system, many people have been facing the strange situation that their last names which they have been living with in their whole life are changed by the civil registration authority to the historical name of their ancestors (e.g. the family name was miswritten generations ago and during the digitalisation the living family members' names are changed back to the historically correct version). This have caused many inconveniences to the people concerned. The authorities tried to avoid hindrance in the exercise of the right to vote, for example the electoral roll was updated, the offices where ID cards are issued were kept open on Election Day, the clerks' offices were also available to give information on recent forced name changes. Still, a recent name change could cause difficulties in exercising the voting right since the voter might face the change of their name in the polling station and were supposed to go the government office to get a new ID, and again go back to the polling station to cast a vote.<sup>15</sup>

There were complaints on difficulties of visually impaired voters where the governing parties' Budapest-mayoral candidate's name was crossed out only with thin ballpoint pen line, following the candidate's decision to quit the competition the day before Election Day. In line with the current legislation, therefore, the local election offices had to cross out her name on the already printed

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<sup>11</sup> [Hungarian Citizen Election Report](#), p10-11.

<sup>12</sup> Section 33 of Act XXX of 2020 amending the Act I of 2010 on the civil registration procedure.

<sup>13</sup> [Hungarian Citizen Election Report](#), p11.

<sup>14</sup> 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>.

<sup>15</sup> See e.g. a study about the problem, Éva Őri-Csizsár: *Az elektronikus anyakönyvi rendszer bevezetésének hatásai az anyakönyvi ügyintézésre. Rögzítési és adatjavítási eljárások és következményeik az anyakönyvi eljárásban, különös tekintettel a család- és utónevekre* ("The impact of the introduction of the electronic civil register system on civil registration procedures. Recording and data correction procedures and their consequences for civil registration procedure, with particular reference to surnames and given names"), Opuscula Iuvenum Excellentissima, NKE, Budapest, 2020/2. The problem of the name changes seems to be resolved by the amendment of the Act I of 2010 on civil registration procedure entering into force on 24 May 2024. Still there could have been voters on Election Day whose names were changed before that date without their knowledge.

ballots. The election offices used different methods for this, and some of the solutions were hard to see by voters with partial vision. According to the president of the National Election Office, the issue occurred in two districts of Budapest.<sup>16</sup> A central guidance could eliminate these kinds of errors at the next elections.

The Act on the Protection of National Sovereignty (mentioned already in the first section) consists of two distinct elements: the setting up of the new Sovereignty Protection Office (SPO) as of 1 February 2024, and an amendment to the Hungarian Criminal Code prescribing a prison sentence for using funding from abroad (overtly or “in disguise to circumvent the prohibition”) for political campaign purposes. 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. The report resonated the government’s communication.<sup>17</sup><sup>18</sup> The Act and the SPO were heavily criticised in Hungary and internationally. Early October, the European Commission has decided to refer Hungary to the Court of Justice of the EU considering the Act to be in breach of EU law.<sup>19</sup>

- *Intersectional cases (e.g. discrimination of Roma women, discrimination of older people with disabilities etc.) are of particular interest which exclude voters from the inclusivity.*

Intersectional disadvantages are always more severe and more difficult to overcome. We are not aware of any outstanding issues from this year’s elections.

- *Please provide at least one example of developments in connection with the inclusivity of the elections which were introduced or ongoing in 2024.*

The HHC appreciates the practice of the National Election Office sending letters with information about the elections to each voter. The English language reference to the foreign language websites of the National Election Office in the letters made the process more inclusive for voters who do not speak Hungarian.

## **2. Violence and intimidation during 2024 elections**

- *Please summarise the patterns of acts/incidents of violence and intimidation that could be discerned in elections that took place in Hungary in 2024. This should include both online and offline incidents which affected, or had the potential to affect by coercion or intimidation the 2024 election campaigns, the willingness to participate, the outcome of the elections (for example connected to voters, candidates, parties, activists, election bodies and their staff, delegates).*

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<sup>16</sup> HVG, Az NVI elnöke a szavazólapbotrányról: Méltánytalannak tartaná, ha lenne felelősségre vonás amiatt, amit Vitézy kifogásolt (“President of the NEO on the ballot paper scandal: it would be unfair if there were liability procedures for what Vitézy complained about”), 1 July 2024, [https://hvg.hu/itthon/20240701\\_NVI-szavazolapok-szentkiralyi-alexandra-vitezy-david](https://hvg.hu/itthon/20240701_NVI-szavazolapok-szentkiralyi-alexandra-vitezy-david).

<sup>17</sup> <https://szuverenitasvedelmihivatal.hu/dokumentumok/SZH-0162-2024.pdf>.

<sup>18</sup> See [HHC Threat Assessment of the 2024 European Parliamentary and Local Elections in Hungary](#), p9-10, and [Hungarian Citizen Election Report](#), p4-5.

<sup>19</sup> European Commission press release of 3 October 2024, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_24\\_4865](https://ec.europa.eu/commission/presscorner/detail/en/ip_24_4865).

Smear campaigns against opposition politicians, especially against those with a non-European migrant background (for more details see the second section), and against opposition leaders created an intimidating environment for opposition candidates and nominating organisations. Péter Magyar, leader of the TISZA party who appeared suddenly earlier this year and gained significant supporter base was the main target of the pro-government media's discreditation campaigns.

The Act on the Protection of National Sovereignty and the operation of the Sovereignty Protection Office may have an intimidating impact and chilling effect on nominating organisations, candidates, and any civil society organisation or media working on issues of public life. (For more details see the second section.)

The main campaign message and the accompanying poster campaign of the governing parties about the war in Ukraine created an intimidating environment in the country. The governing parties told the electorate that only they wanted and were able to bring peace while others supported war. The billboards shouted with full-size capitals "war".<sup>20</sup>

For more details on vote buying and other coercive measure to influence the electorate see the findings of the Hungarian Civil Liberties Union and the Unhack Democracy in the Hungarian Citizen Election Report.<sup>21</sup>

- *Please provide at least one example of good practice introduced or ongoing in 2024 in relation to prevention or handling coercive or intimidating incidents.*

The HHC is not aware of any new initiative to prevent or sanction coercive or intimidating cases. Some of the supposedly independent authorities are reluctant to act in cases of violations by governing parties (e.g. National Election Commission, Media Council).<sup>22</sup>

- *How many police reports have been filed in 2024 in connection with coercive or intimidating incidents related to the elections in 2024?*

The HHC does not have information on this data.

- *How many criminal proceedings have been initiated in 2024 in connection with coercive or intimidating incidents related to the elections in 2024?*

The HHC does not have information on this data.

### **3. Attempts at online and offline disinformation and manipulation of voters during 2024 elections**

- *What is the overall picture regarding attempts at manipulation of voters, including through the spread of disinformation or of otherwise im-pacting the results of elections occurring in elections held in 2024?*

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<sup>20</sup> See one of the most prominent example: Herczeg Márk, *Totális háborús pszichózis a Mexikói úton* ("Total war psychosis on the Mexican street"), 444, 20 May 2024, <https://444.hu/2024/05/20/totalis-haborus-pszichozis-a-mexikoi-uton>.

<sup>21</sup> Section on Election Day and Annex of the [Hungarian Citizen Election Report](#).

<sup>22</sup> Section on Legal remedies of the [Hungarian Citizen Election Report](#).

For information on this topic see the work of the Mérték Media Monitor and the Political Capital Institute.<sup>23</sup>

- *Please attach specific illustrative examples of online and offline, foreign and inland disinformation and manipulation, interference attempts in connection with the elections in 2024.*

For information on this topic see the work of the Mérték Media Monitor and the Political Capital Institute.<sup>24</sup>

- *Please provide at least one promising example introduced or ongoing in 2024 which is connected to the prevention or handling of disinformation and manipulation incidents.*

The HHC is not aware of any new initiatives to prevent or sanction aggressive or intimidating cases. Some of the supposedly independent authorities are reluctant to act in cases of violations by governing parties (e.g. National Election Commission, Media Council).<sup>25</sup> Even though the Sovereignty Protection Office 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, media, and opposition parties as explained in more details in the second section.

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<sup>23</sup> See Section on Election Campaign and Media Analyses of the [Hungarian Citizen Election Report](#), and the websites of the organisations: <https://mertek.eu/en/>, [https://politicalcapital.hu/index\\_gb.php](https://politicalcapital.hu/index_gb.php).

<sup>24</sup> Ibid.

<sup>25</sup> Section on Legal remedies of the [Hungarian Citizen Election Report](#).